

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

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

*Wednesday, May 26, 2010.*

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

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

#### *Distinguished Guests.*

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

The President handed the gavel to Mr. Hart for the purpose of an introduction. Mr. Hart then introduced, in the rear of the Chamber, the third grade class from Pope John Paul Academy in Dorchester. His daughter, Emily, was among the group. The students were on a field trip visiting the State House and learning about the different aspects of state government. They were accompanied by teachers Kathryn McGrath, Eileen Crane, Kaitlyn Leahy and Lynn McAteer.

The President handed the gavel to Ms. Spilka for the purpose of an introduction. Ms. Spilka then introduced the family of John Costanza, who tragically lost his life on March 18, 1979 while in the line of duty fighting a structure fire on Concord Street in Framingham. He lost his life one day before he was to be promoted to assume the duties of Captain. Earlier today, the Senate adopted resolutions that would posthumously promote John F. Costanza from the rank of Lieutenant to Captain of the Framingham Fire Department.

#### **PAPERS FROM THE HOUSE.**

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

Petition (accompanied by bill, House, No. 4695) Geraldo Alicea and Richard T. Moore (with the approval of the town council) for legislation to authorize the town of Southbridge to issue bonds for school improvement projects;

Petition (accompanied by bill, House, No. 4696) of Steven Stat Smith (with the approval of the mayor, board of aldermen and common council) that the city of Everett be authorized to establish a revolving fund for linkage fees;

Petition (accompanied by bill, House, No. 4697) of Steven Stat Smith (with the approval of the mayor, board of aldermen and common council) that the city of Everett be authorized to establish a department of inspectional services;

**Severally to the committee on Municipalities and Regional Government.**

A Bill relative to noncompetition agreements (House, No. 4607),-- **was referred, in concurrence, to the committee on the Judiciary.**

#### *Resolutions.*

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

Resolutions (filed by Ms. Spilka) "honoring John Costanza, who bravely gave his life in the line of duty serving as a dedicated member of the Framingham Fire Department."

## PAPERS FROM THE HOUSE.

An engrossed Bill authorizing the town of Chelmsford to convey certain conservation land and grant certain easements (see Senate, No. 2287, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at ten minutes past ten o'clock A.M., as follows, to wit (*yeas 30 - nays 0*) [**Yeas and Nays No. 247**]:

Yeas:- 30  
INSERT ROLL CALL [247]  
Nays:- 0

The yeas and nays having been completed at nineteen minutes past ten o'clock A.M., the bill was passed to be enacted, two thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Matter Taken out of the Orders of the Day.

The House Bill relative to debt restructuring (House, No. 4617, amended),-- was considered, the main question being on ordering the bill to a third reading.

The pending motion, previously moved by Mr. Montigny, to lay the matter on the table,— was considered; and it was negatived.

Pending the main question on ordering the bill to a third reading, and pending the questions on adoption of the amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets, and the recommended amendment by the committee on Ways and Means, Mr. Montigny moved that bill be amended in section 1 by inserting after subsection (c), the following new subsection:-

“(d) The net budgetary savings of the sale of said refunding bonds pursuant to this section shall be deposited in the Commonwealth Stabilization Fund established pursuant to chapter 29, section 2H of the General Laws.”

On further motion of the same Senator, the further consideration thereof was postponed until the next session.

PAPERS FROM THE HOUSE.

The House Bill relative to municipal relief (House, No. 4631),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2436), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Murphy of Burlington, L'Italien of Andover and Hargraves of Groton had been appointed the committee on the part of the House.

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

The bill was returned to the House endorsed accordingly.

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

Petition (accompanied by bill, House, No. 4710) David B. Sullivan relative to establishing a sick leave bank for Elise Lachance, an employee of the Department of Correction;

Petition (accompanied by bill, House, No. 4711) of David B. Sullivan relative to establishing a sick leave bank for Carol Roberts, an employee of the Department of Transitional Assistance;

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

Orders of the Day.

The House Bill making appropriations for the fiscal year 2011 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. 4601),-- was read a second time.

Pending the question on ordering the bill to a third reading, the President made a ruling on the following amendments 7, 8, 12, 20, 21, 22, 31, 36, 37, 38, 41, 45, 49, 56, 60, 89, 152, 164, 208, 330, 360 and 361 as follows:

The Massachusetts Constitution says: “All money bills shall originate in the house of representatives....”

The parliamentary precedents of the Senate require the President to observe with meticulous care the constitutional prerogatives of the House of Representatives.

Without waiting for a point of order to be raised, she must see that the Senate does not originate a “money bill” in violation of the Constitution. A pending Senate amendment that would convert into a “money bill” a bill that was not a “money bill” when the House passed it is out of order.

The pending amendments before the Senate, if adopted, would thus convert the bill into a “money bill”. Therefore, the amendments are not in order.

Mr. Tisei doubted the ruling of the Chair; and this motion was seconded by Mr. Tarr.

After debate, the question on whether the ruling of the Chair would stand was determined by a call of the yeas and nays, at one minute past eleven o'clock A.M., on motion of Mr. Tisei, as follows, to wit (*yeas 30 — nays 5*) [**Yeas and Nays No. 248**]:

Insert Roll Call “248”

The yeas and nays having been completed at five minutes past eleven o'clock A.M., the ruling of the Chair stood and the amendments were severally laid aside.

Messrs. Richard T. Moore and Tarr moved that the bill be amended by inserting the text of Senate document numbered 2454, relative to moral obligation bonds.

After remarks and pending the question on adoption of the amendment at three minutes before twelve o'clock noon, Mr. Hedlund doubted the presence of a quorum; and, a count of the Senate determined that a quorum was not present.

Subsequently, at two minutes before twelve o'clock noon, the President declared that a quorum was present.

After further debate, the amendment was adopted.

Ms. Tucker moved that the bill be amended by inserting after section 154 the following section:-

“SECTION 154A. Notwithstanding chapter 564 of the acts of 1956, the town of Tewksbury may sell, transfer and convey the property known as the “Police Station” at 935 Main street in said town with a deed restriction that any new owner of the property shall grant to the Tewksbury Housing Authority an easement to pass and repass by vehicular traffic, and create and reserve 20 parking spaces at the rear of the parcel for the benefit of the residents of the Tewksbury Housing Authority’s Carnation drive housing site. The Tewksbury Housing Authority shall construct and maintain an adequate vegetative buffer between the parking area and the property to be conveyed. The commonwealth, acting by and through the division of capital asset management and maintenance, shall release its reversionary interest reserved in the deed to the town of Tewksbury dated October 3, 1961 and recorded in the Middlesex north district registry of deeds in book 1553 at page 320; provided, however, that in consideration of said release by the commonwealth, the town of Tewksbury shall split the proceeds from the sale of the Police Station property equally with the commonwealth. The commonwealth and the town of Tewksbury shall take all actions they deem necessary or advisable to carry out the conveyance and release as set forth in sections 1 and 2, including, without limitation, the execution and recording of any and all documents relative thereto.”

After remarks, the amendment was adopted.

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

“SECTION XX. Section 1. There shall be a special commission to incentivize the Commonwealth’s college scholarship system. The commission shall consist of: the Speaker of the House of Representatives, or his designee; the President of the Senate, or her designee; the Minority Leader of the House of Representatives, or his designee; the Minority Leader of the Senate, or his designee; the Chairpersons of the Joint Committee on Higher Education, or their designee; a representative of the association of independent colleges and universities in Massachusetts; a representative of the Massachusetts educational financing authority; and 8 persons appointed by the Governor, 1 of whom shall be the Secretary of Education, or his designee, 1 of whom shall be a representative from the University of Massachusetts, 1 of whom shall be a representative from the State College System, 1 of whom shall be a representative State Community College, 1 of whom shall be a representative from the Massachusetts Bankers Association, and 1 of whom shall be a representative from Families United in Educational Leadership.

Section 2. The special commission shall make an investigation and study of the scholarship programs that provide financial assistance to Massachusetts students enrolled in or pursuing a program of higher education at any approved public or independent college, university, school of nursing, or any other approved institution furnishing a program of higher education, and shall focus on students with little or no family history of college attendance. Said study shall examine methods that have been used in the Commonwealth and other states to better prepare these students for college. The study shall include but not be limited to: the examination of voluntary college savings programs focused on the needs of said families; the possible use of federally matched independent development accounts; the impact of committing scholarship funds to students prior to the twelfth grade; and the need for a pilot program for ninth thru twelfth grade students in up to 5 public school districts, to encourage family engagement and student academic achievement through the use of scholarships in conjunction with family savings for college; potential additional funding sources for a college savings matching program with priority placed on financial matches that have no additional cost to the Commonwealth.

Section 3. The commission shall hold at least 3 public meetings and file a report of the results of its study including any legislative or regulatory recommendations with the clerks of the Senate and House of Representatives who shall forward the same to the Joint Committee on Higher Education and the Senate and House Committees on Ways and Means not later than December 31, 2010.”

The amendment was adopted.

Ms. Fargo and Messrs. Petrucci and Joyce moved that the bill be amended by inserting after Section 46 the following Section:-

“SECTION 46A. Said chapter 111 is hereby further amended by inserting after section 121A the following section:-

Section 121B. Notwithstanding any general or special law to the contrary, the department, in consultation with the board of registration in medicine, shall promulgate regulations authorizing a physician, physician assistant, nurse practitioner or certified nurse midwife who is authorized under chapter 94C to prescribe and dispense prescription drugs and who diagnoses infection due to Chlamydia trachomatis in an individual patient, to prescribe and dispense such prescription drugs to the patient’s sexual partners for the presumptive treatment of Chlamydia infection without an examination of the patient’s sexual partners. The department shall develop standardized educational brochures for those providers to distribute in conjunction with a prescription to a non-examined patient which shall include, but not be limited to, relevant allergy and educational information concerning the medication, the proper use of the medication and the contagious nature of the infection if left untreated.”

The amendment was adopted.

Ms. Fargo and Messrs. Timilty and Hart, Ms. Menard and Mr. McGee moved that the bill be amended by inserting, after section

158, the following new section:-

“SECTION \_\_\_\_ . Chapter 111 of the General Laws is hereby amended by inserting after section 5A the following section:-  
Section 5A ½. There is hereby established and set up on the books of the commonwealth a separate trust fund to be known as the Emergency Stockpile Trust Fund for the purpose of effectively facilitating emergency management and pandemic preparedness in accordance with section 5A. The fund shall consist of monies collected from cities, counties and other entities pursuant to this section and any income derived from the investing of amounts credited to the fund. The department shall accept funds provided by municipalities, counties, healthcare facilities and other entities for the purpose of participating in federal contracts under 42 U.S.C. §247d-6b and made available to states under 42 U.S.C. §247d-3a. All monies deposited into the trust fund shall be expended on behalf of the contributing municipalities, counties or healthcare facilities for the purchase of health care products and supplies needed for the purposes set forth in the commonwealth’s comprehensive emergency management plan and made available under contracts accessible to the commonwealth under 42 U.S.C. §247d-3a. All monies deposited into the fund shall be expended exclusively for the purposes set forth in this section.”

After remarks, the amendment was rejected.

Ms. Fargo, Mr. Brewer, Ms. Candaras and Messrs. DiDomenico and Joyce moved that the bill be amended by inserting, after section 158, the following new section:-

“SECTION \_\_\_\_ . Chapter 15A of the General Laws is hereby amended by inserting after section 19 the following section:-  
Section 19½. Every surviving child of a parent who died as result of injuries sustained during active and full-time military service as a member of the armed forces of the United States or national guard, occurring after 1989, while outside the United States in an armed conflict or hostility, or while deployed in direct support of military activity in a zone of armed conflict or hostility, shall upon admittance to a degree program of undergraduate studies at a public institution of higher learning listed in the first paragraph of section 5 of chapter 15A, excluding community colleges, be entitled to a full waiver for charges due for tuition, mandatory fees, and room and board during the period of attendance, subject to any restrictions set forth in this section. Such waiver for room and board under this section shall only be allowed for any period that the child is enrolled as a full-time student at a qualifying public institution.

No child shall be entitled to receive a waiver under this section, if he has been awarded a degree previously from any public or private, college, university or institution of higher learning, or during his attendance at a qualifying public institution after receiving a waiver, he fails to maintain satisfactory academic progress, or if the parent so deceased did not reside in the commonwealth at the time of entry or continuance into active and full-time military service.

A child that has received a waiver from a qualifying public institution under this section shall not be entitled to a waiver of charges due for more than one undergraduate degree program at the institution where the child is enrolled or at another qualifying public institution, unless the waiver for such additional degree program has been approved previously by the board of higher education. Notwithstanding, the approval by the board shall be not be necessary for a child who transfers to a different degree program for undergraduate studies at the institution where the child is currently enrolled or transfers to another degree program for undergraduate studies at another qualifying public institution, provided the child is no longer enrolled in the previously undertaken degree program.

Consistent with the provisions of this section, the board of higher education may establish general guidelines and regulations for the application and administration of waiver benefits at qualifying public institutions of higher learning.

The term ‘child’ as used in this section, shall be without qualification or limitation as to the person’s age.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-two minutes past twelve o’clock noon, on motion of Mr. Brewer, as follows, to wit (yeas 39 — nays 0) [Yeas and Nays No. 249]:

Insert Roll Call “249”

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

Ms. Fargo moved that the bill be amended by inserting, after section 158, the following new section:-

“SECTION \_\_\_\_ . Chapter 10 of the General Laws is hereby amended by inserting after section 35NN the following section:-  
Section 35OO. There shall be established and set up on the books of the commonwealth a separate fund as a trust to be known as the Student Awareness of Fire Education Programs Trust Fund, hereinafter referred to as the “ fund”. The fund shall be credited with monies from all sources for student awareness of fire education programs, known as S.A.F.E., from the pro-rata share of funds collected from insurance companies under subsection (a) of section 195 of chapter 175 for costs to be paid for the student awareness of education programs under clause (3) of subsection (b) of said section as assessed by the commissioner of insurance, grants or appropriations for fire education related programs that are received by the commonwealth from the federal government, state grants or appropriations, and any other amounts to be explicitly credited to the fund from any source, to include public or private donations, grants, repayments and other receipts.

The state treasurer shall receive and deposit, in accordance with state law, all monies credited to the fund in financial institutions as to provide the highest interest rate consistent with the safety of the monies so deposited and to allow the immediate withdrawal of such monies without penalty. All accrued investment income shall be credited to the trust fund.

Amounts credited to the fund shall be made available, without appropriation, to the state fire marshal to provide grant funding to town, city and district fire departments to, conduct fire and life safety education programs for students in grades, kindergarten through grade 12, inclusive, which shall include information about the fire risk caused by smoking, and to conduct other local community oriented programs related to fire and life safety education.

Expenditure of fund monies shall be at the discretion of the state fire marshal who shall be authorized to administer the monies only for the purposes this section; provided that, no greater than 10 per cent of the amounts credited to the fund in a fiscal year,

inclusive of any costs to be recovered for such period under section 5D of chapter 29, may be expended during such fiscal year for the administration of the fund; and provided further, that no less than 1.25 million dollars shall be expended from assessments collected from insurance companies under subsection (a) of section 195 of chapter 175 for costs to be paid for the student awareness of education programs under clause (3) of subsection (b) of said section. No expenditure or obligation for expenditure from the fund shall be made to cause the trust fund to become deficient at any time during a fiscal year. All monies deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the general fund and shall be available for expenditure in a subsequent year.

Annually on the first Monday in October, the fire marshal shall submit to the secretary of administration and finance and to the chairmen of the house and senate committees on ways and means, a complete report for the period of the prior fiscal year of the financial condition of the fund with a list of the receipts, income and expenditures from the fund including, (i) a list of towns, cities and fire districts receiving grant monies and the specific grant amount so received; (ii) a list of the insurance companies assessed by the commissioner of insurance under subsection (a) of section 195 of chapter 175 for cost to be paid for the student awareness of education programs under clause (3) of subsection (b) of said section and the amount assessed for estimated and actual costs; (iii) a summary of the balance of the fund and remaining unpaid expenditures at the end of the fiscal year; (iv) a summary of the aggregate number of fire related deaths and aggregate number of serious injuries resulting from fire, for each town, city and fire district, and (v) a summary of the aggregate number of fire related deaths by age and aggregate number of non-fatal serious injuries by age resulting from fire, in the commonwealth.

Notwithstanding any other general or special law to the contrary, the commissioner of insurance shall for each fiscal year, assess an amount of no less than 1.25 million dollars as the estimated costs to be apportioned among all insurance companies under subsection (a) of section 195 of chapter 175, which amount shall be the basis for the minimal actual apportioned costs, to be paid by insurance companies for the student awareness of education programs under clause (3) of subsection (b) of said section, for local fire and life safety education programs for students in grades, kindergarten through grade 12, inclusive, and for other local community oriented programs related to fire and life safety education, and all amounts so assessed shall be credited to the fund pursuant to this section. The treasurer shall be authorized to make repayments from the fund to an insurance company so assessed, based on assessment adjustments for variations between the estimated and actual costs resulting in an overpayment by said company as determined by the commissioner of insurance pursuant to said subsection (a).

This section shall take effect as of July 1, 2010.”

The amendment was rejected.

Ms. Fargo and Mr. DiDomenico moved that the bill be amended by inserting, after section 158, the following new section:-

“SECTION \_\_\_\_\_. Chapter 15A of the General Laws is hereby amended by inserting after section 15F, the following section:-  
Section 15G. A resident of the commonwealth who is currently receiving unemployment assistance benefits from the division of unemployment assistance pursuant to chapter 151A, shall be eligible to enroll in continuing education courses at public community colleges at no cost; provided, that each course for which enrollment is sought, has been previously approved by the division of unemployment assistance as being related to the individual’s field of potential employment and provided further, space is available in such course at the time of enrollment; notwithstanding, a community college may limit such availability in a course to not less than 2 qualifying individuals.

An individual shall be ineligible to enroll in a course at no cost pursuant to this section, if at the time of course registration, the individual, is employed for more than 25 hours per week, or receives unemployment assistance as a participant in an approved work-sharing plan pursuant to section 29D of chapter 151A, or has not received unemployment assistance for a benefit period of more than 20 consecutive days, or has previously enrolled in 2 courses pursuant to this section, during such individual’s current unemployment assistance benefit period. No course credit shall be given by a community college for such course enrollment.”

The amendment was rejected.

Ms. Fargo moved that the bill be amended by inserting, after section 158, the following new section:-

“SECTION \_\_\_\_\_. Chapter 7 of the General Laws is hereby amended by striking out section 4Q, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 4Q. (a) A state agency or state authority which administers a grant program shall publish on the commonwealth’s official internet website, in a format that is retrievable and printable all forms necessary for an application, including a grant program reference. Such required publication shall be made no less than 7 days prior to the grant program application due date.

An award under a grant program shall not occur, unless the state agency or state authority administering the grant program first certifies to the comptroller, in a format prescribed by him, that such internet website publication has been made as required by the foregoing paragraph.

(b) A state agency or state authority administering a grant program that makes an award from such program to a recipient, shall publish on the commonwealth’s official internet website within 10 days of the award and for a continuous period of 60 days, the following information: the name and general description of the grant program, state agency or authority administering the grant program, name and address of the recipient, date of award, and award amount.

(c) Notwithstanding any provision in this section to the contrary, the secretary of administration and finance shall be authorized, (i) during a period of emergency affecting the safety, health or welfare of the public, to excuse or shorten the period of publication required under subsection (a), for any grant program related to such emergency, provided written or electronic notice is made by the secretary to the comptroller; and, (ii) to excuse the publication of any award information required under subsection (b) in matters relating to public safety and security or for other reasonable cause. No publication shall be made under subsections (b) if such disclosure would violate federal law or regulation, or other state law.

(d) The comptroller shall be authorized to issue regulations, not inconsistent with this section, providing requirements and

guidelines relating to the publication of grant programs by a state agency or state authority that administers such program, as required under subsections (a) and (b).”

The amendment was rejected.

Ms. Chandler and Mr. Joyce moved that the bill be amended by inserting after section 154, the following section:-

“SECTION 154A. The executive office of health and human services shall study the Senior Care Options plans available to residents of the commonwealth who are eligible for both Medicare and MassHealth. The study shall examine the impact of Senior Care Options plans on MassHealth spending, the impact of Senior Care Options plans on members’ health outcomes, whether and to what extent there are barriers to enrollment in Senior Care Options plans for MassHealth members who are otherwise eligible, whether and to what extent such barriers to enrollment should be alleviated through modifications to the network or the plans and whether and to what extent increased marketing or other initiatives should be undertaken to increase enrollment in these plans. The executive office shall submit its final report and its recommendations, if any, together with drafts of legislation necessary to carry those recommendations into effect by filing the same with the joint committee of health care finance and policy and the house and senate committees on ways and means not later than December 31, 2010.”

After remarks, the amendment was adopted.

Ms. Chandler and Mr. Brewer moved that the bill be amended by inserting after section \_\_\_, the following new section-

“SECTION \_\_\_: Section 44 of chapter 75 of the General Laws is hereby amended in line 2 by striking out the word “shall” and inserting in place thereof the following word: “may” ”.

After remarks, the amendment was adopted.

Mr. Richard T. Moore moved that the bill be amended by inserting the text of Senate document numbered 2455, relative to sunset review commission.

The amendment was rejected.

Mr. Knapik moved that the bill be amended by inserting the text of Senate document numbered 2456, relative to effective municipal oversight.

Pending the question on adoption of the amendment, Ms. Tucker arose to a point of order which, being stated, was that the amendment was in violation of the Constitutional requirement of local approval.

The President stated that Article 89 of the Massachusetts Constitution requires that all legislative acts that relate to a single city or town either are (1) accompanied by approval from the city or town; or (2) are taken up after a bill is filed by the governor.

It would be unconstitutional for the Senate to adopt any amendments that relate to a single city or town without first having the local approval or having a bill that the governor filed with a 2/3rds vote of each branch.

While Article 89 does not restrict the legislature from adopting laws that relate to state, regional or general matters, the following amendments: 24, 700, 703 and 708 relate only to 1 city or town and therefore are not in order.

Accordingly, the President ruled that the point of order was well taken; and the amendments were severally laid aside.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross 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 state treasurer shall furnish by electronic means a check stub or pay slip to every person who receives compensation from the Commonwealth and whose compensation is provided to them by direct deposit, unless such person does not have an electronic mail address provided by and maintained by the Commonwealth. The treasurer shall continue to provide paper checks stubs and pay slips to all such persons who receive a paper check from the Commonwealth and to those who do not have an electronic mail address provided by and maintained by the Commonwealth. Any person who does not wish to receive their check stub or pay slip electronically may request to continue to receive a paper copy of their check stub or pay slip so long as they provide written notice to the treasurer.”

The amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund, Ross, Montigny and Joyce moved that the bill be amended by inserting, after section \_\_\_, the following new section:-

“SECTION \_\_\_. Chapter 29 of the General Laws is hereby amended by inserting after section 30 the following section:

Section 30A. Notwithstanding section 50 of chapter 3, or any other general or special law to the contrary, a state agency or state authority shall not use state funds to pay for an executive or legislative agent, as defined in section 39 of chapter 3, unless the executive or legislative agent is a fulltime employee of the state agency or state authority.”

After remarks, the amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after Section \_\_\_, the following new section:-

“SECTION XX. The General Laws, as appearing in the 2008 Official Edition, are hereby amended by inserting after chapter 29D the following new chapter:

## CHAPTER 29E. LIMITATION ON THE GROWTH OF STATE EXPENDITURES

Section 1. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:

‘Inflation’, the percentage change in the United States Bureau of Labor Statistics Consumer Price Index for Boston-Brockton-Nashua, all items, all urban consumers, not seasonally adjusted, or its successor index.

‘State Expenditures’, funds made available by appropriation by the general court for the ordinary maintenance of the several departments, offices, commissions and institutions of the commonwealth, as set forth for the fiscal year in the general

appropriations act and supplemental appropriations acts as provided for in chapter 29; provided, such funds are financed by state tax revenues.

'State Population Change', the percentage change in state population as determined by annual federal census estimates and such number shall be adjusted every decade to match the federal census.

'State Tax Revenues', the revenues of the Commonwealth from every tax, surtax, receipt, penalty and other monetary exaction, and interest in connection therewith, including but not limited to, taxes and surtaxes on personal income, excises and taxes on retail sales and use, meals, motor vehicle fuels, businesses and corporations, public utilities, alcoholic beverages, tobacco, inheritances, estates, deeds, room occupancy and pari-mutuel wagering; but excluding federal reimbursements, proceeds from bond issues, earnings on investments, tuitions, fees, service charges and other departmental revenues, and revenues directly attributable to the additional taxes levied pursuant to section 88 of chapter 684 of the acts of 1975.

Section 2. Beginning on or after January 1, 2011 the growth rate in state expenditures for every ensuing fiscal year shall equal inflation plus the state population change as so reported 12 months before.

Section 3. Following the execution of the provisions of section 2, should state tax revenues exceed state expenditures, the amount in excess shall be transferred to the temporary holding fund established by the comptroller. Any balance in the temporary holding fund greater than zero at the end of the fiscal year shall be refunded to the taxpayers of the Commonwealth, as prescribed by rules and regulations determined by the commissioner of revenue; provided, the provisions of section 5C of chapter 29 shall not occur until after the provisions of this section are executed.

Section 4. Following the execution of the provisions of section 2, should state expenditures exceed state tax revenues, the amount in excess shall be reduced to match state tax revenues.

Section 5. The Supreme Judicial Court or Superior Court may, upon the petition of not less than twenty-four taxable inhabitants of the commonwealth, enforce the provisions of this chapter. If successful, said taxable inhabitants shall be entitled to recover reasonable attorneys' fees and other costs from the commonwealth incurred in maintaining such suit.

Section 6. The provisions of this law are severable, and if any clause, sentence, paragraph, or section of this chapter or an application thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or section adjudged invalid.

SECTION XX. Chapter 62F of the General Laws, as appearing in the 2008 Official Edition, is hereby repealed."

After debate, The question on adoption of the amendment was determined by a call of the yeas and nays, at twelve minutes past one o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 5 — nays 33) [Yeas and Nays No. 250]:

Insert Roll Call "250"

The yeas and nays having been completed at sixteen minutes past one 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.

Emergency Preamble Adopted.

An engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the Concord Housing Development Corporation for affordable housing and open space purposes (see House, No. 4442), 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 3 to 0.

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

Recess.

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

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2011 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. 4601),— was considered, the main question being on ordering the bill to a third reading.

Messrs. Tisei, Tarr, Knapik, Hedlund, Ross and Montigny 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 Secretary of Administration and Finance shall pursue any and all opportunities for the sponsorship or naming of state assets and facilities for compensation that the Secretary deems appropriate and that is not otherwise prohibited by law. To this end the Secretary shall issue request for proposals not later than September 1, 2010 and as often as the Secretary deems necessary thereafter. Not later than January 1, 2011 the Secretary shall file reports with the House Committees on Ways and Means and the Senate Committee on 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.

Ms. Jehlen, Ms. Spilka and Messrs. Tarr and Eldridge moved that the bill be amended by inserting at the end thereof the following new section:-

"SECTION XX. Any entity receiving funding, grants or contracts under this act must acknowledge that funding in all written and

electronic materials. This provision shall not apply if it would result in any additional cost to the entity or to the Commonwealth.” After remarks, the amendment was adopted.

Mr. Downing, Ms. Menard and Mr. Knapik moved that the bill be amended by inserting, after section 158, the following new section:-

“Section 159. There shall be a commission to study the taxation of direct broadcast satellite service under Chapter 64M. The commission shall consist of 9 persons, including the commissioner of revenue, or his designee who shall serve as chairman; 3 members of the house of representatives, 2 of whom shall be appointed by the speaker of the house and 1 of whom shall be appointed by the minority leader of the house; 3 members of the senate, 2 of whom shall be appointed by the senate president and 1 of whom shall be appointed by the minority leader of the senate; a representative of the American Satellite Broadcasting and Communications Association; a representative of the New England Cable Association. The commission shall examine all aspects of the taxation of satellite broadcast services, but not limited to: any inequitable tax treatment of one means of broadcasting over another, impacts on consumers with limited access to cable or inadequate second language viewing choices, and fiscal impacts. The commission shall file a report of its findings and recommendations, including any drafts of legislation necessary to put its recommendations into effect, with the joint committee on revenue and the house and senate committees on ways and means on or before January 1, 2011.”

The amendment was adopted.

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

“Section XX. There shall be established a special commission to investigate and study the ability of residents of the Allston and Brighton sections of the city of Boston to access the Charles River, impediments to residents of Allston and Brighton in accessing the river and to recommend potential strategies to increase the access to the Charles River by residents of Allston and Brighton. The commission shall consist of 1 member of the Allston community; 1 member of the Brighton community; 1 member of the Boston redevelopment authority; 1 member of the senate, who shall be appointed by the president of the senate; 1 member of the house of representatives, who shall be appointed by the speaker of the house; and 3 members to be appointed by the governor; 1 of whom shall be a representative from the department of conservation and recreation; 1 of whom shall be a representative from the Charles River conservancy; 1 of whom shall be a representative of the emerald necklace conservancy. The study shall include, without limitation, a review and analysis of: the impediments to accessing the river park from Allston and Brighton; an investigation of utilization of the river park by Allston and Brighton residents; possible modifications which would improve access to the river park from the Allston and Brighton neighborhoods; consideration of public safety improvements to pedestrian crossing and sidewalks including, but not limited to, traffic signal improvements; the evaluation of proposed development projects in the Allston and Brighton communities and their impact on river access for Boston residents and potential mitigation measures; and the benefits of access the river park for the isolated Brighton and Allston neighborhoods; and the effect that improved river park access would have upon the Allston and Brighton communities. The commission shall consult the department of environmental protection, the executive office of energy and environmental affairs, the Massachusetts department of transportation and other entities as appropriate. The commission shall submit a report of its findings and recommendations, together with legislation, if any, necessary to implement said recommendations, by filing the same with the clerks of the house of representatives and the senate, the joint committee on environment, natural resources and agriculture and the house and senate committees on ways and means not later than March 1, 2011.”

The amendment was rejected.

Mr. Eldridge, Ms. Jehlen, Ms. Fargo, Ms. Chang-Diaz and Messrs. Hart and Kennedy moved that the bill be amended by inserting after section 158, the following new sections:-

“SECTION X. Section 321 of Chapter 94 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the definition for ‘beverage’, and inserting in place thereof the following definition:—

‘Beverage’, flavored and unflavored water, spring water, vitamin water, and other non-carbonated water beverages, soda water or similar carbonated soft drinks; mineral water, and beer and other malt beverages; but shall not include alcoholic beverages other than beer and malt beverages as defined in chapter 138, dairy products, natural fruit juices or wine.

SECTION X. Section 321 of Chapter 94 of the General Laws, as appearing in the 2006 Official Edition is hereby amended by striking out the words ‘sixteen fluid ounces or more, but less than five gallons’, beginning in line 30, and inserting in place thereof the following the words:- “equal to or greater than four ounces but less than or equal to one hundred and twenty-eight ounces.”

SECTION X. Section 321 of Chapter 94 of the General Laws, as appearing in the 2006 Official Edition is hereby amended by striking the words ‘eight ounces or more but less than five gallons’, in line 35, and inserting in place thereof the following words:- equal to or greater than four ounces but less than or equal to one hundred and twenty-eight ounces.”

SECTION X. Section 323 of Chapter 94 of the General Laws as appearing in the 2006 Official Edition is hereby amended by striking out subsection (h) and adding in place thereof the following:- (h) Any bottler or distributor who is subject to the provisions of paragraphs (c), (d) or (e) shall maintain a separate account to be known as the Deposit Transaction Fund. Said fund shall be kept separate from all other revenues and accounts. Each bottler or distributor shall place in said fund the refund value for all non-reusable beverage containers excluding those beverage containers containing flavored and unflavored water, spring water, vitamin water, and other non-carbonated water beverages it sells subject to the provisions of this chapter. Any bottler or distributor who is subject to the provisions of paragraphs (c), (d) or (e) shall also maintain a separate account to be known as the Water and Wastewater Infrastructure Fund. Said fund shall be kept separate from all other revenues and accounts. Each bottler or distributor shall place in said fund the refund value for all non-reusable beverage containers containing flavored and unflavored water, spring water, vitamin water, and other non-carbonated water beverages.



Except as specified in section three hundred and twenty-three D, amounts in such fund may only be expended to pay refund values paid after December thirty-first, nineteen hundred and eighty-nine for returned non-reusable beverage containers pursuant to paragraphs (c), (d) and (e). Amounts in such fund shall not be used to pay the handling fees required by paragraphs (c), (d) and (e). Each such fund shall be maintained by said bottlers and distributors on behalf of consumers who have purchased refundable non-reusable beverage containers and on behalf of the commonwealth; except as specified in section three hundred and twenty-three C, for no purpose are amounts in such fund to be regarded as income of said bottlers or distributors.

SECTION X. Section 323C of Chapter 94 of the General Laws as appearing in the 2006 Official Edition is hereby amended in line 1 after the word "fund" by adding the following:- and Water and Wastewater Infrastructure Fund.

SECTION X. Section 323D of Chapter 94 of the General Laws as appearing in the 2006 Official Edition is hereby amended by striking the section in its entirety and replacing it with the following new language:- Section 323D. By the tenth day of each month, each bottler or distributor shall turn over to the commissioner of revenue any deposit amounts deemed to be abandoned at the close of the preceding month, pursuant to section three hundred and twenty-three C. Such amounts shall be paid from the Deposit Transaction Fund and Water and Wastewater Infrastructure Fund respectively. Amounts collected from the Water and Wastewater Infrastructure Fund shall be used by entities that maintain and replace water and wastewater infrastructure. Said funds shall be administered and distributed by the Department of Revenue, Division of Local Services. All other Amounts collected by the commissioner of revenue pursuant to this section shall be deposited in the Clean Environment Fund, established pursuant to section three hundred and twenty-three F.

SECTION X: This act shall take effect on December thirty-first, two thousand and eleven."

The amendment was rejected.

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

"SECTION \_\_\_\_ . Chapter 63 of the acts of 2007 is hereby amended by striking out Section 15 and inserting in place thereof the following section:-

Section 9. This act shall be effective for tax years beginning on or after January 1, 2006 and to December 31 2010."

After debate, the amendment was rejected.

Messrs. Montigny and Kennedy moved that the bill be amended by inserting the text of Senate document numbered 2457, relative to public charities.

The amendment was rejected.

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

"SECTION \_\_\_\_ . Chapter 55 of the General Laws appearing in the Official Edition as most recently amended by Chapter 28 of the Acts of 2009 be further amended by the insertion of a new section as follows:

18G An independent expenditure or electioneering communication which is transmitted through paid radio, television or internet advertising shall include a statement disclosing the identity of the individual, corporation, group or association paying for the advertisement. If the independent expenditure or electioneering communication is a radio or television advertisement, the advertisement shall include a statement by the individual paying for the advertisement in which the person acknowledges that he or she paid for the message, and shall identify the person's city or town of residence. If the radio or television advertisement is paid for by a corporation, group or association, the following statement shall be made by the chief executive officer of the corporation or the chairman or principal officer of the group or association: 'I am \_\_\_\_\_ (name) the \_\_\_\_\_ (office held) of \_\_\_\_\_ (name of corporation, group or association) and \_\_\_\_\_ (name of corporation, group or association) approves and paid for this message.' Such statements in television advertisements shall be conveyed by an unobscured, full-screen view of the person making the statement. If an independent expenditure or electioneering communication is transmitted through internet advertising, the statement shall appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement.

Violation of any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than ten thousand dollars, or both."

Pending the question on adoption of the amendment, Mr. Tarr moved that the amendment (Eldridge) be amended by inserting after the words "principal officer of the group or association" the words: "the chief executive or business manager of a labor union".

After remarks, the further amendment (Tarr) was adopted.

The question on adoption of the pending amendment (Eldridge) as amended (Tarr) was determined by a call of the yeas and nays, at twenty-four minutes before three o'clock P.M., on motion of Mr. Eldridge, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 251]:

Insert Roll Call "251"

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

Messrs. Donnelly and DiDomenico moved that the bill be amended by inserting, after section 158, the following new section:-

"SECTION \_\_\_\_ . Section 7 of chapter 150E of the General Laws, as amended by section 100 of chapter 25 of the acts of 2009, is hereby further amended by adding the following subsection:-

(e) If a collective bargaining agreement between the commonwealth and an employee organization provides for the commonwealth to remove employees from employment in a certain manner, the Commonwealth shall exercise any statutory power to remove such employees according to that agreement."

After remarks, the amendment was adopted.

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

section:-

“SECTION \_\_. The General Laws, as appearing in the 2006 Official Edition, are hereby amended by inserting after chapter 117A the following new chapter:--

Chapter 117B  
Restrictions on Public Benefits

Section 1. Definitions. As used in this chapter the following terms shall have the following meanings unless the context clearly requires otherwise:-

‘Emergency Medical Condition,’ the same meaning as provided in section 1396b (v) (3) of Title 42 of the United States Code.

‘Federal Public Benefits,’ the same meaning as provided in section 1611 of Title 8 of the United States Code.

‘State Public Benefits,’ the same meaning as provided in section 1621 of Title 8 of the United States Code.

Section 2. (a) Except as otherwise provided in subsection (3) of this section or where exempted by federal law, on and after January 1, 2011, each agency or political subdivision of the commonwealth shall verify the lawful presence in the United States of every natural person eighteen years of age or older who applies for state public benefits or for federal public benefits which are for the benefit of the applicant. (b) This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin. (c) Verification of lawful presences in the United States shall not be required: For any purpose for which lawful presence in the United States is not required by law, ordinance, or rule; For obtaining health care items and services that are necessary for the treatment of an emergency medical condition of the person involved and are not related to an organ transplant procedure; For short-term, non-cash, in-kind emergency disaster relief; For public health assistance for immunization with respect to diseases and for testing and treatment of symptoms of communicable diseases; For programs, services, or assistance, such as soup kitchens, crisis counseling and intervention, and short-term shelter specified by Federal laws or regulations that: Deliver in-kind services at the community level, including services through public or private nonprofit agencies; Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient’s income or resources; and Are necessary for the protection of life or safety or; For parental care. (d) An agency or a political subdivision shall verify the lawful presence in the United States of each applicant eighteen years of age or older for federal public benefits or state public benefits by requiring the applicant to: (1) Produce: A valid Massachusetts driver license or a Massachusetts identification card, issued pursuant to section 8 of chapter 90 of the General Laws, and 540 Code of Massachusetts Regulation (CMR) 2.06 (3) (b); A United States military card or military dependent’s identification card; or A United States Coast Guard Merchant Mariner card; or A Native American tribal document. (2) If such documentation as required in subparagraph (1) of subsection (d) of this section cannot be lawfully produced, execute a notarized affidavit stating: That he or she is a United States citizen or legal permanent resident; or That he or she is otherwise lawfully present in the United States pursuant to federal law. (e) Notwithstanding the requirements of subparagraph (1) of subsection (d) of this section, the Commissioner of the Department of Revenue may issue emergency rule, to be effective until July 1, 2010, providing for additional forms of identification or a waiver process to ensure that an individual seeking benefits pursuant to this section proves lawful presence in the United States. This subsection and all emergency rules authorized hereunder shall cease to be effective as of July 1, 2010. (f) A person who knowingly makes a false, fictitious, or fraudulent statement or representation in an affidavit executed pursuant to subsection (4) of this section shall pay a fine of not less than \$1,000 and not more than \$5,000, or shall be sentenced to serve not less than 6 months nor more than 1 year in the House of Corrections. Each time that a person receives a public benefit based upon such a statement or representation they make shall constitute a separate violation of this section. (g) (1) For an applicant who has executed an affidavit stating that he or she is an alien lawfully present in the United States, verification of lawful presence for federal public benefits or state or local public benefits shall be made through the Federal Systematic Alien Verification for Entitlement program, referred to in this section as the ‘SAVE program’, operated by the United States Department of Homeland Security. Until such verification of lawful presence is made, the affidavit may be presumed to be proof of lawful presence for purposes of this section. (2) The secretary of each executive office of the commonwealth shall promulgate regulations to ensure that each agency or political subdivision has access to the SAVE program by way of the executive office under which it is organized. Each executive office shall be responsible for the verification through the SAVE program of all its sub agencies. Each executive office shall enter into a memorandum of understanding or any other requirement pursuant to the SAFE program in order to streamline the verification process. Each executive office shall keep account of all applications submitted through its subdivisions and transfer back to its subdivisions any costs on an annual basis. (h) Agencies or political subdivisions of the commonwealth may adopt variations of the requirements of paragraph (b) of subsection (4) of this section to improve efficiency or reduce delay in the verification process or to provide for adjudication of unique individuals circumstances in which the verification procedures in the section would impose unusual hardship on a legal resident of the commonwealth; provided, that the variations shall be no less stringent than the requirements of this section, including provisions to timely execute notarized affidavits. (i) It shall be unlawful for an agency or political subdivision of the commonwealth to provide a federal public benefit or state or local public benefit in violation of this section. Each agency or department that administers a program that provides state or local public benefits shall provide an annual report with respect to its compliance with this section to the auditor and to the House and Senate chairs of the joint committee on state administration and regulatory oversight. (j) Errors and significant delays by the SAVE program shall be reported to the United States Department of Homeland Security which monitors the SAVE program and its verification application errors and significant delays and report yearly on such errors and delays, to ensure that the application of the SAVE program is not wrongfully denying benefits to legal residents of the State.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held by any court to be

unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of the section are declared to be severable.” Pending the question on adoption of the amendment, Mr. Panagiotakos moved that the amendment (Tisei et al) be amended by striking out the text and inserting in place the following text:-

“SECTION 154A. Notwithstanding any general or special law to the contrary and to prevent fraud and misuse of unemployment benefits, the division of unemployment assistance shall:

- maintain interagency agreements with the United States Social Security Administration to verify all claimant’s demographics and the United States Department of Homeland Security Citizenship and Immigration Service to verify a noncitizen claimant’s work authorization;
- determine citizenship during new claim filings;
- require noncitizen claimants to provide their alien registration number; provided, however, that the department of unemployment assistance shall verify that claimant information and alien registration number with the United States Department of Homeland Security Citizenship and Immigration Service;
- require noncitizen claimants who cannot provide an alien registration number during the new claim process to send copies of any official documents they have that authorize them to work in the United States to the unemployment insurance program integrity department;
- issue no payment after the first payment until the claim has been verified by the secondary verification process and the issue is approved for a claim from a monetarily eligible noncitizen that could not be verified by the above processes;
- institute a secondary verification process, using unemployment insurance program integrity department staff to review the documents and transmit pertinent information from the documents for verification with the Department of Homeland Security Citizenship and Immigration Service;
- flag expiration dates of work authorizations or in the unemployment insurance system if such dates exist; and
- report annually to the senate and house committees on ways and means and the executive office for administration and finance the amount of money recovered by the division from those who received benefits fraudulently as well as the numbers of recipients who were issued partial or lifetime disqualifications.

SECTION 154B. Notwithstanding any general or special law to the contrary and to prevent fraud and misuse of public assistance benefits, the department of transitional assistance shall:

- (1) consistent with federal and state law, require all applicants for benefits to provide verification of citizenship or their legal alien status; provided, however, that noncitizens shall be required to provide documentation from the United States Department of Homeland Security Citizenship and Immigration Services for verification purposes; provided further, that if such documentation is not available or is questionable, the department shall use the federal SAVE system to verify their legal alien status and determine whether they are qualified aliens for benefit eligibility purposes;
- (2) implement data matching with the department of revenue, the department of children and families, the division of unemployment assistance and any other relevant agencies to verify financial and categorical eligibility criteria;
- (3) cooperate fully with the food and nutrition service of the United States Department of Agriculture in pursuing and prosecuting vendor fraud;
- (4) refer all credible reports of fraud received from its fraud hotline or any other source to the bureau of special investigations for investigation;
- (5) pursue, to the fullest extent possible, administrative disqualification penalties for instances of Supplemental Nutrition Assistance Program and cash assistance fraud; and
- (6) report annually to the senate and house committees on ways and means and the executive office for administration and finance the amount of money recovered by the division from those who received benefits fraudulently and the number of recipients who were issued partial or lifetime disqualifications.”

SECTION 154C. The state auditor shall conduct a study of the costs to the commonwealth of implementing section 154A, 154B and this section and any new cost savings likely to accrue to the commonwealth as a result of that implementation. The study shall include, but not be limited to, consideration of the impact of similar legislation in Colorado and the 2007 adoption of additional status verification requirements in the commonwealth for Medicaid services, as well as a distributional analysis showing the impact of implementation on taxpayers of varying income levels. A report on the results of study shall be submitted to the house and senate committees on ways and means not later than December 31, 2010.”

After debate, the question on adoption of the further amendment (Panagiotakos) was determined by a call of the yeas and nays, at four o’clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (yeas 32 — nays 6) [Yeas and Nays No. 252]:

Insert Roll Call “252”

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

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

Subsequently, there being no objection, the matter was withdrawn.

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

“SECTION \_\_\_. (A) Section 7B of chapter 64C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following subsection:-

(m) In addition to the excise imposed by subsection (b), an excise shall be imposed on all cigars weighing more than 3 pounds per 1,000 units held in the commonwealth at the rate of 80 per cent of the wholesale price of that product. In addition to the

excise imposed by subsection (b), an excise shall be imposed on all smoking tobacco held in the commonwealth at the rate of 90 per cent of the wholesale price of that product.

(B) Section 7C of said chapter 64C is hereby amended by striking out in line 17, the word 'twenty-five' and inserting in place thereof the following figure:- 45

(C) Subsection (A) shall apply to sales of cigars and smoking tobacco occurring on or after the first day of the calendar quarter that begins at least 30 days after passage.

(D) Subsection (B) shall apply to sales of smokeless tobacco occurring on or after the first day of the calendar month that begins at least 30 days after passage.

(E) Notwithstanding section 28 of chapter 64C of the General Laws, the department of revenue shall reasonably determine on a quarterly basis the increase, if any, in the excise amounts collected under sections 7B and 7C of said chapter 64C, that are attributable to the enactment of subsections (A) and (B), respectively. The commissioner shall annually credit any such increased excise amounts to the Commonwealth Care Trust Fund, established in section 2000 of chapter 29 of the General Laws."

After remarks, the amendment was rejected.

Ms. Fargo moved that the bill be amended by inserting, after section 158, the following new section:-

"SECTION \_\_\_\_\_. Section 1. The first paragraph of paragraph (4) of subsection (A) of section 3 of chapter 90, of the General Laws as appearing in the 2008 Official Edition, and as amended by section 73 of chapter 27 of the acts of 2009, is hereby amended by striking out, the following last sentence:- 'If a violator requests a noncriminal hearing he shall pay a fee of \$25 to the court prior to the commencement of the hearing before the clerk magistrate.'

Section 2. The last paragraph of subparagraph (a) of paragraph (6) of subsection (A) of section 3 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the second sentence, at the end of the paragraph, the following sentence:- 'In addition to the collection of an assessment and any other fees, the registrar shall collect a \$25 non-response surcharge, which required payment shall not be waived in whole or in part by the registrar.'

Section 3. Subparagraph (b) of paragraph (6) of subsection (A) of section 3 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting, in the second sentence, after the words:- 'until such amount has been paid in full,' , the following words:-'and with any required \$25 non-response surcharge,'.

Section 4. Subparagraph (c) of paragraph (6) of subsection (A) of section 3 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting, in the first sentence, after the words:-'magistrate or justice pursuant to this section,' , the following words:- 'and any required \$25 non-response surcharge,'.

Section 5. Section 33 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after paragraph 36, the following paragraph:- '(37) For every check tendered to the registrar for payment of any fee, assessment, surcharge or other amount required, that is returned unpaid or rejected, the registrar shall collect a separate \$25 dishonored check fee.'

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes past four o'clock P.M., on motion of Mr. Hedlund, as follows, to wit (yeas 17 — nays 21) [Yeas and Nays No. 253]:

Insert Roll Call "253"

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

Ms. Creem and Ms. Tucker moved that the bill be amended by inserting after section \_\_\_\_, the following new section:-

"SECTION \_\_\_\_\_. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after the word "than", in line 220, the following words:- a telephone or telegraph corporation subject to tax under section 52A of chapter 63 or. SECTION \_\_\_. Said section 5 of said chapter 59 of the General Laws, as so appearing, is hereby further amended by inserting after the words† 'two A', in line 223, the following words:- , other than a telephone or telegraph corporation,.

SECTION \_\_\_. Clause Sixteenth of said section 5 of said chapter 59 of the General Laws is hereby further amended by striking out paragraph (2), as inserted by SECTION 2 of chapter 173 of the acts of 2008, and inserting in place thereof the following paragraph:-

(2) In the case of (a) a business corporation subject to tax under section 39 of chapter 63 that is not a manufacturing corporation, or (b) a telephone or telegraph corporation subject to tax under section 52A of chapter 63, all property owned by the corporation other than the following:- real estate, poles, underground conduits, wires and pipes, and machinery used in the conduct of the business, which term, as used in this clause, shall not be considered to include stock in trade or any personal property directly used in connection with dry cleaning or laundering processes or in the refrigeration of goods or in the air-conditioning of premises or in any purchasing, selling, accounting or administrative function. Notwithstanding the preceding sentence, a telephone or telegraph corporation shall be subject to property tax assessment on machinery used in the conduct of its business and leased to it by a corporation that is not a telephone or telegraph corporation, and the telephone or telegraph corporation shall include such property on its list to the board of assessors where the property is situated under section 29 of this chapter."

The amendment was rejected.

Mr. Downing, Ms. Spilka, Mr. Brewer, Ms. Creem, Ms. Fargo, Mr. Eldridge, Ms. Chang-Diaz, Mr. Montigny, Ms. Tucker, Ms. Jehlen, and Messrs. DiDomenico and Joyce moved that the bill be amended by inserting after section 25 the following sections:

"SECTION 25(a): Section 1 of chapter 62C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting before the definition of 'Building contractor' the following definitions:-

'Administering agency head', the agency head responsible for administering the applicable state tax credit program. For the brownfields tax credit and the film tax credit the administering agency head is the department of revenue. For the medical device tax credit, the administering agency head is the Massachusetts life sciences center.

‘Authorized tax credit’, a tax credit granted pursuant to a tax credit program.;

By inserting after section 25(a) the following section:-

SECTION 25(b) Section 1 of chapter 62C, of the General Laws, as appearing in the 2008 Official Edition, is hereby further amended by inserting after the definition of ‘Show’ the following definition:-

‘Tax credit program’, one of the following transferrable or refundable credits against the state income tax to stimulate economic development and other policy goals: the brownfields tax credit in section 38Q of chapter 63 and subsection (j) of section 6 of chapter 62; the dairy farmer tax credit in section 38Z of chapter 63 and subsection (o) of section 6 of chapter 62; the FDA user fees credit in section 31M of chapter 63 and subsection (n) of section 6 of chapter 62; the film tax credit in subsection (b) of section 38X of chapter 63 and subsection (l) of section 6 of chapter 62; the historic rehabilitation tax credit in section 38R of chapter 63 and section 6J of chapter 62; the life sciences investment tax credit in section 38U of chapter 63 and subsection (m) of section 6 of chapter 62; the low-income housing tax credit in section 31H of chapter 63 and section 6I of chapter 62; the medical device tax credit in section 31L of chapter 63 and section 6 1/2 of chapter 62; the refundable research credit in subsection (j) of section 38M of chapter 63; and the economic development incentive program in section 6 subsection (g) of chapter 62 and section 38N of chapter 63; and any transferrable or refundable credits under chapter 62 and 63 established after January 1, 2011.”;

By inserting after section 33 the following section:-

SECTION 33(a) Said chapter 62C is hereby further amended by adding the following section:-

Section 88. (a)(1) On or before May 15 each year, 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 only, in this section called the report, which shall be a public record. For purposes of this report, those receiving an authorized tax credit shall include an original grantee or an original contractor of a state award or a political subdivision; provided further that, for purposes of this report, no information will be used pertaining to credits, exemptions, or deductions awarded or claimed prior to January 1, 2011.

(2) The report shall contain the following information:

- (i) the identity of each taxpayer authorized by the administering agency head to receive a tax credit;
- (ii) the amount of total tax credit awards and issued tax credit for each taxpayer in each credit program;
- (iii) the number of jobs created as a result of the tax credit awards; and,
- (iv) the following information relevant to the specific tax credit programs:

(A) for the brownfields tax credit, an analysis of the impact of the brownfields tax credit program on the cleanup and development of contaminated properties;

(B) 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 and size in acreage of dairy farms receiving a dairy farm credit;

(C) 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;

(D) 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;

(E) 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;

(F) 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

(G) 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) On or before February 15 of every year, each taxpayer receiving an authorized tax credit from the administering agency head in the previous calendar year shall submit data reasonably determined by the Secretary of Administration and Finance to be relevant to analyzing the effectiveness of the tax credit program, including the number of jobs created as a result of the tax credit awards.

(2) On or before May 15 of each year, or by another date that the secretary determines to be practicable, the administering agency head shall submit to the commissioner, in a form prescribed by the commissioner, copies of any data and analysis 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. Data on the number of jobs created shall indicate the number of jobs produced by each tax credit program but not disclose confidential, company-specific employment data.; and by inserting after section 158 the following section:-

SECTION 159. Sections 25(a), 25(b), and 33(a) shall take effect on January 1, 2011.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-five minutes before five o’clock P.M., on motion of Ms. Spilka, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 254]:

Insert Roll Call “254”

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

Ms. Fargo moved that the bill be amended by inserting, after section 158, the following new section:-

“SECTION \_\_\_\_\_. 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 debate, the amendment was rejected.

Ms. Fargo moved that the bill be amended by inserting, after Section 158, the following new section:-

“SECTION \_\_\_\_ . 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.”

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after Section \_\_\_\_, the following new section:-

“SECTION \_\_\_\_ . Clause ninth of section 7 of chapter four of the general laws is hereby amended by striking the words ‘Fiscal year’, when used with reference to any of the offices, departments, boards, commissions, institutions or undertakings of the commonwealth, shall mean the year beginning with July first and ending with the following June thirtieth.” And inserting in place thereof the following words: -

‘Fiscal year’, when used with reference to any of the offices, departments, boards, commissions, institutions or undertakings of the commonwealth, shall mean the year beginning with October first and ending with the following September thirtieth.”

The amendment was rejected.

Mr. Downing moved that the bill be amended by in section 27, by striking out section 27 and inserting in place the following section:-

“SECTION 27. Chapter 62C of the General Laws is hereby amended by inserting after section 24 the following section:-  
Section 24A. (a) Members or indirect owners of a pass-through entity shall report items of income, expense or credit derived from the pass-through entity in a manner consistent with the reporting of the pass-through entity, except to the extent that a taxpayer member or indirect owner makes a declaration of inconsistency with its original return.

(b) The commissioner shall establish, by regulation, unified audit procedures. The commissioner may audit, in a unified

proceeding, a pass-through entity one or more of whose members or indirect owners are subject to tax under chapters 62 or 63, provided that nothing in this section shall limit the ability of the commissioner to audit or assess individual members or indirect owners with respect to items derived from a pass-through entity. The commissioner's regulations shall establish the types of pass-through entities subject to unified audit proceedings (which may include, without limitation, partnerships and S corporations). The regulations shall also provide for the designation by the pass-through entity of a tax matters partner who shall have the authority to represent all the members or indirect owners in the unified proceeding, except to the extent that a member or indirect owner opts out of the unified proceeding as provided in (d). The authority of the tax matters partner in a unified proceeding generally shall include, without limitation: (1) receiving tax notices on behalf of participating members or indirect owners with respect to pass-through entity items; (2) entering into settlement agreements with the commissioner pursuant to section 37C on behalf of the participating members or indirect owners with regard to pass-through entity items; (3) filing applications for abatement pursuant to section 37 on behalf of the participating members or indirect owners with respect to pass-through entity items; and (4) filing appeals with the appellate tax board pursuant to section 39 on behalf of participating members or indirect owners in the case of a denial of an abatement by the commissioner, if the underlying abatement application relates to pass-through entity items. So far as practicable, the commissioner's regulations shall be modeled on federal rules.

(c) The statute of limitations for the assessment of tax of a member or indirect owner with respect to a pass-through entity item for an entity's taxable year shall not expire before the latest of: (1) 3 years after the later of the date on which the entity's return for the taxable year was filed, or the last day for filing the entity's return for that year, without extensions, or (2) an assessment period otherwise applicable to the taxpayer member or indirect owner. Subsections (d) and (h) of section 26 shall apply to returns filed by a pass-through entity. In the case of a unified proceeding, the tax matters partner or other person authorized by a pass-through entity may enter into a written agreement with the commissioner pursuant to section 27 to extend the statute of limitations for assessment with respect to items of the pass-through entity, in which case such agreement shall operate to extend the statute of limitation for assessment with respect to all members or indirect owners with respect to such items, including any members or indirect owners who may have opted out of the unified proceeding pursuant to (d).

(d) Members or indirect owners of a pass-through entity may choose not to participate in a unified audit procedure by providing notice to the commissioner in such manner as the commissioner may require. Non-participating members or indirect owners shall retain all rights provided under this chapter with respect to determining and disputing tax related to pass-through entity items, provided however that the statute of limitations for assessment of tax to non-participating members or indirect owners with respect to items derived from a pass-through entity that is subject to a unified proceeding shall not expire before the end of the time period provided in (c)."

The amendment was adopted.

Messrs. Hedlund, Timilty and Tarr moved that the bill be amended by inserting, in Section \_\_, the following new section:

"SECTION \_\_ : Section 126A of Chapter 266 of the General Laws is hereby amended by inserting, at the end thereof, the following:- Provided if the property desecrated is any war or veterans' memorial, monument, or gravestone, the fine under this subsection shall be doubled and said person shall be ordered to perform no less than 500 hours of court approved community service."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at a quarter before five o'clock P.M., on motion of Mr. Brewer, as follows, to wit (yeas 39 — nays 0) [Yeas and Nays No. 255]:

Insert Roll Call "255"

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

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

"SECTION XX. Section 1. Section 88 of said Chapter 221 is further amended by striking the following: "If the presiding justice orders that a statement given to the police be transcribed, all parties shall receive a copy, and payment therefore shall be at the same rate and made by the administrative office of the trial court upon a voucher approved by the presiding justice.

Section 2. Section 86 of chapter 221, as amended by the Chapter 27 of the Acts of 2009, is hereby amended by deleting the following: Transcription costs shall be paid as provided in Section 88.

Section 3. Section 88 of said Chapter 221, as most recently amended by Chapter 27 of the Acts of 2009, is hereby amended by striking out, in line 11, the words 'administrative office of the trial court upon a voucher approved by the presiding justice,' and inserting the words "commonwealth upon a voucher approved by him."

The amendment was rejected.

Mr. Brewer moved that the bill be amended by inserting after section 110 the following section:-

"SECTION 110A. Notwithstanding any special or general law to the contrary, the state treasurer shall report back to the clerks of the senate and the house of representatives, the senate and house committees on ways and means and the senate and house committees on bonding, capital expenditures and state assets, not later than October 31, 2010, on the potential cost savings to municipalities and other efficiencies of a municipal infrastructure bond bank. Such report shall include an analysis of the municipal infrastructure bond banks utilized in other states, and recommendations, if any, for legislative amendments to state finance law in order to permit such a bond bank to be established in the commonwealth."

After remarks, the amendment was adopted.

Messrs. Brewer, Richard T. Moore, Timilty and Michael O. Moore, Ms. Chandler, Ms. Tucker and Ms. Flanagan moved that the bill be amended by inserting, after Section 143, the following new section:-

"SECTION 143A. Chapter 28 of the acts of 2009 is hereby amended by striking out section 106 and inserting in place thereof the following 3 sections:-

“Section 106. Sections 17, 19 and 20 shall take effect on November 1, 2010.

Section 106A. Proposed sections 20 to 24, inclusive, of chapter 30A of the General Laws, as inserted by Section 18, shall take effect on November 1, 2010.

Sections 106B. Proposed sections 18, 19 and 25 of chapter 30A of the General Laws, as inserted by Section 18, shall take effect on July 1, 2010.”

After remarks, the amendment was adopted.

Messrs. McGee, Donnelly, DiDomenico, Tarr, Joyce and Ross moved that the bill be amended by inserting, after section 141, the following new section:-

“Section \_\_\_. Notwithstanding any general or special law to the contrary, any school district below the minimum target aid share of 17.5 percent established by section 3 of chapter 61 of the acts of 2007 shall be brought up to said minimum level.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nine minutes past five o’clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 16 — nays 22) [Yeas and Nays No. 256]:

Insert Roll Call “256”

The yeas and nays having been completed at thirteen minutes past five o’clock P.M., the amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended, in section 2, in item 1100-1100, by inserting at the end thereof the following:- “provided further, that the secretary shall direct all executive offices to reduce by not less than 4% of the amounts appropriated in this act expenditures in the AA and CC object classes for the current fiscal year; provided further, that the secretary shall, in consultation with the comptroller, transfer on or by May 30, 2011 the resulting savings from said executive office items reductions to item 1233-2350; provided further, that said transferred funds shall be disbursed to cities and towns as unrestricted general government aid on or by June 30, 2011 in amounts determined by the secretary of administration, in consultation with the commissioner of revenue and with the advice and consent of the local government advisory committee operating pursuant to section sixty-two of chapter three of the General Laws; provided further, that said funds are to be in addition to the funds provided for in section 3 of this act ; and provided further, that the secretary shall notify the house and senate committees on ways and means fifteen days prior to distribution the amounts of funds to be transferred and the intended distribution of said funds”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes past five o’clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 5 — nays 33) [Yeas and Nays No. 257]:

Insert Roll Call “257”

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

Messrs. Brewer, Downing, Knapik, Rosenberg and Michael O. Moore, Ms. Candaras and Mr. Tarr moved that the bill be amended, in section 2, in item 7000-9401, by inserting at the end thereof the following words:- “provided further, that the board of library commissioners shall provide funds for the continued operation of a single regional library system to serve the different geographic regions of the Commonwealth, and requiring that physical locations be maintained in both eastern and western Massachusetts to serve the residents of said regions.”

After remarks, the amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund, Ross and Petruccelli moved that the bill be amended by inserting, after section \_\_\_, the following new section:-

“SECTION \_\_\_. Notwithstanding any general or special law to the contrary, no municipality, through act of its board of public health or municipal health department, may unreasonably restrict, nor prohibit the operation of a smoking bar, as defined by section 5 of chapter 270, so long as such smoking bar complies with the provisions of this chapter. Such reasonable restrictions and requirements for the licensed operation of a smoking bar, as provided under this chapter shall, shall be permitted.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-two minutes before six o’clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 21 — nays 17) [Yeas and Nays No. 258]:

Insert Roll Call “258”

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

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_\_, the following new section:-

“SECTION XX. Chapter 29 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 5G the following section:

Section 5H. Notwithstanding any general or special law to the contrary, the comptroller shall, on or before July 31st, transfer 50 per cent of the tax revenue amount that exceeds the latest revenue estimate made by the commissioner for the preceding fiscal year, as promulgated by the sixth paragraph of section 5B, to the General Fund; provided, the amount of the transfer shall be distributed to cities and towns in accordance with clause (c) of the second paragraph of section 35 of chapter 10; provided, the distribution shall be reported in a conspicuous manner on the official website of the division of local services.”.

The amendment was rejected.

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

“Section 2 of Chapter 44B of the General Laws is hereby amended by striking the definition of ‘Rehabilitation’ and inserting in place thereof the following:-

‘Rehabilitation’, the remodeling, reconstruction and making of extraordinary repairs to historic resources, open spaces, lands for recreational use and community housing, but not including maintenance, for the purpose of making such historic resources, open



spaces, lands for recreational use and community housing functional for their intended use, including but not limited to improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes. With respect to historic resources, rehabilitation shall have the additional meaning of work to comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68. With respect to land for recreational use, rehabilitation shall include the replacement of playground equipment and other capital improvements to the land or the facilities thereon which make the land or the related facilities more functional for the related recreational use”.

The amendment was rejected.

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

“SECTION XX. Section 3 of chapter 44B of the General Laws is hereby amended in paragraph (e) by striking subsection (2) and inserting in place thereof the following subsection:-

(2) for \$100,000 of the value of each taxable parcel of class three, commercial, and class four, industrial, property as defined in section 2A of said chapter 59.”

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_\_, the following new section:-

“SECTION 1. Clause Forty-first of section 5 of chapter 59 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out subclause (B), beginning in line 865, and inserting in place thereof the following subclause:- (B) that such person’s income does not exceed that required to qualify under section 5 subsection (a) of chapter 62.

SECTION 2. Said clause Forty-first is hereby further amended by striking out the words ‘five hundred dollars’, in line 849, and inserting in place thereof the following figure:- \$1,000.

SECTION 3. Clause Forty-first B of said section 5 is hereby amended by striking out the words ‘five hundred dollars’, in line 1035, and inserting in place thereof the following figure:- ‘\$1,000’.”

The amendment was rejected.

Messrs. Kennedy and Eldridge moved that the bill be amended, in section 2, in item 7000-9501 by striking the figure “6,823,657” and inserting in place thereof the figure “8,107,657”.

The amendment was rejected.

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

“Chapter 32 of the General Laws is hereby amended by inserting after section 22E the following section:-

Section 22F. (a) A system, other than the state employees’ retirement system and the teachers’ retirement system, which conducts an actuarial valuation of the retirement system as of January 1, 2009, or later, may establish a revised retirement system funding schedule, subject to the approval of the actuary, which reduces the unfunded actuarial liability of the system to zero not later than June 30, 2040, as long as: (1) the payment in a year under the revised schedule or a subsequent schedule is not less than the payment in a prior fiscal year under the then current schedule until the system is fully funded; and (2) the increase in the amortization component of the appropriations required by the schedule from year to year does not exceed 4 per cent and so designed that the funding schedule and any updates to it reduce the unfunded actuarial liability of the system to zero on or before June 30, 2040.

(b) If an updated actuarial valuation allows for the development of a revised schedule with reduced payments, the revised schedule shall be adjusted to reduce the unfunded liability of the system to zero by an earlier date to the extent required to ensure that the appropriation required for a particular year under the new schedule shall not be less than the amount identified for that year under the prior schedule established under this section.

(c) If a schedule established under this section would result in an appropriation in the first fiscal year of the schedule that is greater than 8 per cent more than the appropriation in the previous fiscal year, the requirement of clause (2) of subsection (a) may be adjusted with the approval of the public employee retirement administration commission.”

The amendment was rejected.

Mr. Kennedy and Ms. Fargo moved that the bill be amended by adding the following language: -

“Notwithstanding any general or special law to the contrary, the department of elementary and secondary education shall develop a plan for any city or town that has enrolled more than 25 students displaced by an earthquake since January 2010. The report shall include, but not be limited to, the per pupil cost and the per pupil cost of counseling and interpretive services; provided further, that no later than December 31, 2010, the plan shall be submitted to the speaker of the house of representatives, the president of the senate, the house and senate committees on ways and means and the joint committee on education.

After remarks, the amendment was adopted.

Mr. Morrissey moved that the bill be amended, in section 3, by inserting after the first paragraph, the following new paragraph:-

“Any city or town that has a contractual obligation with its employees shall use its Unrestricted General Government Aid to pay said contractual obligation; provided, however, those parties may mutually agree to or negotiate alternative conditions or payments, including but not limited to contract modifications or deferrals, in lieu of the city or town’s contractual obligation.”

After remarks, the amendment was rejected, by a vote of 8 to 9.

Mr. Eldridge moved that the bill be amended, in section 2, in item 7000-9401, by striking the figure “\$8,781,475” and inserting in place thereof the following figure:- “\$12,327,160”.

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_\_, the following new section:-

“SECTION 1. Section 21C of chapter 59 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended in subsection (e) by inserting at the end thereof the following subparagraph:-

The provisions of this subsection shall not apply to persons 70 years of age or older provided that such persons have owned the real estate subject to such tax increase for a period of at least ten years.”

The amendment was rejected.

Ms. Spilka moved that the bill be amended by inserting at the end thereof the following section:-

“SECTION XX. Chapter 29 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following new section:

Section 2YYY. There is hereby established and set up on the books of the Commonwealth a separate fund to be known as the Municipal Assistance Reserve, consisting of any monies appropriated to the fund by the general court and any income derived from investment of monies in the fund. The fund shall be administered by the secretary of administration and finance. Funds may be expended by the secretary in grants to cities and towns to:

- 1) meet the extraordinary increases in the cost of public safety services provided by a municipality, provided that the provision of services has been in response to requests for assistance from mental health facilities, community residential programs, homeless shelters, and rehabilitation facilities and related educational facilities which provide clinical, rehabilitative and supportive services for adults or children; and provided further that preference shall be given to municipalities in which there has been an increase in requests for public safety services during the previous 60 months of at least 25%; and
- 2) meet the extraordinary increases in the cost of public safety services provided by a municipality provided that the provision of services has been in response to requests for assistance from a correctional institution or other facility operated by the department of correction, and provided further that preference shall be given to communities in which such requests for public safety services in fiscal year 2007 was increased by at least 20% over such requests in fiscal year 2006; and
- 3) provide assistance to municipalities in which at least 190 parcels, representing at least 1% of the total number of parcels in that municipality, are exempt from taxation under clause 3 of section 5 of chapter 59 of the General Laws; and
- 4) provide assistance to municipalities to meet the education and service needs of children in the care of the commonwealth who are residing in a community which is not their original community of residence; provided that the assistance shall be for technical assistance and resources for the transportation, assessment, education and continued support of said children in their new communities.

No expenditures from the fund shall be authorized that would cause the fund to be deficient at the end of any fiscal year.”

The amendment was rejected.

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

“SECTION \_\_: The Inspector General, in consultation with the Attorney General shall enter into a contract with a third party for the purposes of auditing all affordable housing projects built through the comprehensive permit process since July 1, 1998 as outlined in Sections 20-23 of Chapter 40B of the Mass. General Laws. The third party shall be hired through a competitive bidding process and meet minimum professional qualifications as determined by the Inspector General’s Office.

All audits performed through this section shall be conducted in accordance with generally accepted auditing standards, and include but not be limited to a review of the submitted cost certification, agreements between the developer and the financing authority, purchase and sales agreements, any and all documentation relating to the real estate appraisal of the relevant property or properties, all reported expenses and revenues, all documentation regarding to the purchase, sale or lease, or all constructed units, and any other matter requested by the Inspector General.

At the request of the third party, the Inspector General’s office may summons the production of all records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material relevant to any matter under audit or investigation, in accordance with Section 9 of Chapter 12A of the MGL.

The findings of every audit, including any evidence of illegal or fraudulent activities, or cases where the actual realized profit of an individual project exceeds 20 percent, shall be presented immediately upon completion to the Inspector General for his review. The Inspector General may take whatever further action he deems is necessary, in accordance with Section 10 of Chapter 12 A of the MGL.

It shall be the responsibility of the Attorney General to recover all monies owed to the host communities. The third party hired to conduct the initial audit may receive a pre-determined percentage of all recovered monies, not to exceed 10 percent, with the balance being returned to the host community.”

After remarks, the amendment was adopted.

Suspension of Senate Rule 38A.

Mr. Panagiotakos 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.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2011 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. 4601),--

was further considered, the main question being on ordering it to a third reading.

Mr. McGee moved that the bill be amended by inserting the text of Senate document numbered 2458, relative to the interstate compact on juveniles.

The amendment was adopted.

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

“Section X. Section 23A of Chapter 217 is hereby amended by inserting after the words ‘Suffolk, 1 assistant register,’ the following Worcester, 2 assistant registers.”

The amendment was rejected.

Mr. Tolman and Ms. Creem moved that the bill be amended in section 2, in item 0321-0001, by striking out the figure “512,657” and inserting in place thereof the following figure:- “534,891.”

The amendment was rejected.

Mr. Downing moved that the bill be amended in section 2, by inserting after item 0340-1101 the following item:

“0340-1102 For costs associated with moving the Berkshire District Attorney’s office..... \$65,740”.

After remarks, the amendment was adopted.

Ms. Tucker, Ms. Candaras, Ms. Chandler and Messrs. Rosenberg and Buoniconti moved that the bill be amended in section 2, in item 0337-0002, by inserting after the words” juvenile court department” the following:- “; provided further, that in fiscal year 2011 the department shall not reduce the amount allocated to the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0500, 0337-0600, 0337-0700, 0337-0800, 0337-0900 of section 2 of chapter 182 of the acts of 2008.”

The amendment was rejected.

Messrs. O’Leary, Downing, McGee, Morrissey and Ms. Spilka and Mr. Tarr moved that the bill be amended, in section 2, in item 0330-0300, by inserting at the end thereof the following:- “; provided that funding be made available to the 16 court approved alternative dispute mediation programs across the Commonwealth that were established as of July 1, 2008.”

The amendment was rejected.

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

“SECTION XX. Notwithstanding section 4 of chapter 185C and sections 1 and 57 of chapter 218 or any general or special law to the contrary, the chief justice for administration and management may temporarily transfer the jurisdiction of a division of the district court department, the Boston municipal court department, the housing court department or the juvenile court department to another division of that department based on economic necessity. Any permanent amendment to the jurisdiction of any division of the district, Boston municipal, housing or juvenile court departments shall require the amendment of the applicable General Laws.”

After debate, the amendment was rejected.

Mr. Timilty, Ms. Menard, Messrs. Montigny and Pacheco moved that the bill be amended in section 2, in item 0321-1500, by inserting at the end thereof the following:- “; provided further that \$500,000 shall be expended for a pilot program to enlist an independent asset verification service to properly determine and establish whether or not an individual seeking to utilize the services provided by the committee is indigent, or whether or not they possess the means to provide their own legal representation; provided further, that \$500,000 shall be expended for costs associated with relocating the Bristol District Attorney’s office to the new district court house in Fall River”.

The amendment was rejected.

Messrs. Timilty, Michael O. Moore, Downing and Kennedy moved that the bill be amended in section 2, in item 0340-2100, by striking the figure \$790,489 and inserting in place thereof following new figure:- “\$1,580,958”.

The amendment was rejected.

Messrs. Timilty, Michael O. Moore, Downing and Kennedy moved that the bill be amended in section 2, in item 0340-8908, by striking the figure “\$1,215,837” and inserting in place thereof the following new figure:- “\$1,254,371.”

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, in item 0340-0100, “provided further than not more than \$250,000 shall be expended for a safe neighborhood initiative in the Grove Hall section of Boston”.

The amendment was rejected.

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 program in the Bowdoin/Geneva area of Dorchester in the city of Boston; provided further, that not more than \$250,000 shall be expended for a safe neighborhood initiative in the Grove Hall are of Boston; provided further, that not more than \$250,000 shall be expended for a grants program for the for the safe neighborhood initiative-jobs for youth program;”.

The amendment was rejected.

Ms. Creem moved that the bill be amended in section 2, in item 0330-3333, by striking out the figure "\$53,000,000" and inserting in place thereof the following figure:- "\$50,000,000".

The amendment was rejected.

Ms. Creem moved that the bill be amended in section 2, in item 0330-3337, by striking out the figure “\$9,300,000” at the end thereof and inserting in place thereof the following figure:- “\$24,433,594”.

The amendment was rejected.

Ms. Chang-Díaz and Mr. Eldridge moved that the bill be amended by adding the following section:-

“SECTION XX. Chapter 277 of the General Laws is hereby amended by inserting after section 70C the following section:-

Section 70D. (a) At the initial court appearance of a person on a complaint charging, shoplifting in violation of section 30A of chapter 266, larceny by check in violation of section 37 of chapter 266, trespass in violation of section 120 of chapter 266, disturbing a school assembly in violation of section 40 of chapter 272 or being a disorderly person or disturbing the peace in violation of section 53 of chapter 272, the court shall determine whether the person has previously been found responsible, convicted, or adjudicated delinquent for the same offense. If the person has not previously been found responsible, convicted, or adjudicated delinquent for the same offense, and the complaint does not charge a violation of any other criminal offense, then the court shall not appoint counsel, or if counsel has already been appointed, the court shall revoke the appointment, and the complaint shall thereafter be treated as a civil infraction as set forth in paragraph (b).

(b) A person complained of for such civil infraction, if found responsible by the court, shall not be sentenced to any term of incarceration, but the court may impose a civil assessment in an amount otherwise authorized as a fine for the applicable offense. An adjudication of responsibility under this section may include an order of restitution.

If the person is found responsible but fails to pay such civil assessment or restitution, the court may revoke the disposition as a civil infraction, reinstate it as a criminal charge, and issue a summons or warrant as necessary to bring the defendant before the court.”

The amendment was rejected.

Ms. Creem, Mr. Eldridge, Ms. Fargo and Ms. Jehlen moved that the bill be amended, in section 2, in item 0321-1600, by adding at the end thereof the following: “and provided further, that notwithstanding the first paragraph of section 9 of chapter 221A of the General Laws, funds shall be expended for the Disability Benefits Project, the Medicare Advocacy Project, and the Battered Women’s Legal Assistance Project”.

After remarks, the amendment was adopted.

Messrs. Tarr and Knapik moved that the bill be amended in section 2, in item 0330-0300, by inserting after the words “January 31, 2011” the following:- “provided further, that notwithstanding any general or special law to the contrary, the chief justice for administration and management shall submit a report to the joint committee on the judiciary and the house and senate committees on ways and means 60 days prior to the temporary closure or temporary relocation of courthouses; and provided further, that said report shall include, but not be limited to, the transfer of personnel, the reallocation of resources, the impact on other courthouses resulting from the temporary closure of said court and other factors that may affect implementation of said temporary closure”.

The amendment was adopted.

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

“SECTION \_\_\_\_\_. Section 58A of chapter 276 of the General Laws, as appearing in the 2008 official edition, is hereby amended by striking out subsection (1) and inserting in place thereof the following subsection:

(1) The commonwealth may move, based on dangerousness, for an order of pretrial detention or release on conditions for a felony offense that has as an element of the offense the use, attempted use or threatened use of physical force against the person of another or any other felony that, by its nature, involves a substantial risk that physical force against the person of another may result, including the crimes of burglary and arson whether or not a person has been placed at risk thereof, or a violation of an order pursuant to section 18, 34B or 34C of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209 A or section 15 or 20 of chapter 209C, or arrested and charged with a misdemeanor or felony involving abuse as defined in section 1 of said chapter 209A or while an order of protection issued under said chapter 209A was in effect against such person, an offense for which a mandatory minimum term of 3 years or more is prescribed in chapter 94C, arrested and charged with a violation of section 13B of chapter 268 or a third or subsequent conviction for a violation of section 24 of chapter 90, or arrested and charged with a violation of paragraph (a), (c) or (m) of section 10 of chapter 269; provided, however, that the commonwealth may not move for an 882 order of detention under this section based on possession of a large capacity feeding device without simultaneous possession of a large capacity weapon; or arrested and charged with a violation of section 10G of said chapter 269.”

The amendment was rejected.

Ms. Creem, Ms. Flanagan and Mr. McGee moved that the bill be amended, in section 2, in item 0321-1510 by striking out the figure “\$117,506,173” and inserting in place thereof the figure “\$145,500,000”.

The amendment was rejected.

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

“SECTION XX. Section 3 of chapter 32, as appearing in the 2008 Official Edition, is hereby amended by inserting after the words “district attorneys”, in line 300, the following words:- ‘; provided, however, that district attorneys elected on or after July 1, 2010 shall be employed in such capacity or as an assistant district attorney for 10 years or more;’.”

After remarks, the amendment was adopted.

Messrs. Morrissey and Buoniconti moved that the bill be amended by adding at the end thereof the following new section:-

“SECTION XX. Section 14 of chapter 123A of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- The district attorney or the attorney general at the request of the district attorney may petition the court for a trial. In any trial held pursuant to this section, either the person named in the petition or the petitioning party may demand in writing that the case be tried to a jury, and upon such demand the case shall be tried to a jury.”

After remarks, the amendment was adopted.

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

“SECTION XX. Section 31 of chapter 94C of the General Laws, as appearing in the 2008 Official Edition is hereby amended by striking out, in line 85, the words ‘Ketamine Hydrochloride’ and inserting in place thereof the following word:- Ketamine.”

After remarks, the amendment was adopted.

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

“SECTION XX. Whoever commits an offense set forth in section thirteen D of chapter two hundred and sixty-five of the Massachusetts General Laws where said offense includes the attempt to disarm a police officer in the performance of his duty, shall be punished by imprisonment in the state prison for not more than ten years, or by a fine of not more than one thousand dollars and imprisonment in a jail or house of correction for not more than two and one-half years.”

The amendment was rejected.

Ms. Creem moved that the bill be amended by inserting the text of Senate document numbered 2459, relative to expanded access to DNA evidence.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 8910-8800, by striking out the figures “84,956,188” and inserting in place thereof the figures “91,198,282”.

The amendment was rejected.

Recess.

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

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill making appropriations for the fiscal year 2011 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. 4601),— was considered, the main question being on ordering the bill to a third reading.

Ms. Creem and Messrs. Tisei, Brewer and Joyce, and Ms. Jehlen moved that the bill be amended in section 2, in item 0339-1001, by striking out, in line 3, the words “, shall have exclusive” and inserting thereof the following words:- “and approval by the chief justice for administration and management, shall have the”;

By inserting after section 64 the following section:-

“SECTION 64A. Section 6 of chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in lines 54 and 55, the words”, further, that the commissioner of probation” and inserting thereof the following words:- “further, that the commissioner of probation, subject to approval by the chief justice for administration and management.”;

By inserting after section 89 the following 2 sections:-

“SECTION 89A. Chapter 276 of the General Laws is hereby amended by striking out section 83, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 83. Subject to appropriation, the commissioner of probation, subject to the approval by the chief justice for administration and management, may appoint, dismiss and assign such probation officers to the several sessions of the trial court as he deems necessary. In a court having 2 or more probation officers, the commissioner, subject to the approval of the chief justice for administration and management, may designate 1 probation officer to serve as chief probation officer and may designate other probation officers to serve as assistant chief probation officers, as he deems necessary for the effective administration of justice; provided, however, that the commissioner may suspend or discipline any such probation officer, who may appeal such suspension or discipline to the chief justice for administration and management or the commissioner may recommend the discharge of a probation officer to the chief justice for administration and management and the chief justice may discharge the probation officer after a hearing. The compensation of probation officers in the trial court shall be paid by the commonwealth according to schedules established in section 99B or in an applicable collective bargaining agreement.

SECTION 89B. Section 98 of said chapter 276, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:- There shall be a commissioner of probation, who shall have executive control and supervision of the probation service. The commissioner shall be appointed by the chief justice for administration and management for a term of 5 years and shall devote his full-time during business hours to the duties of his office.”;

In section 118, by striking out the first sentence, and inserting in place thereof the following sentence:- “Notwithstanding 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 29, 2011, transfer funds from any item of appropriation within the trial court to any other item of appropriation within the trial court.”;

By inserting after section 154 the following section:-

“SECTION 154A. There shall be a special task force to investigate and study the feasibility and advisability of transferring authority over the office of probation, office of community corrections and the parole board including, but not limited to, the power of appointment, assignment, discipline and termination of staff, to either the chief justice for administration and management or the executive office of public safety and security, in an effort to best provide enhanced accountability, oversight, leadership, effectiveness in carrying out essential functions and efficiency of administration. The investigation shall include, but not be limited to, consideration of models from other states, best practices for management in government, performance measures, clarity of reporting lines and responsibilities and opportunities for budget savings through efficiencies, all while protecting the safety of the public. The task force shall consider, in its investigation and study, the reports and recommendations of both the visiting committee on management of the state courts and the court management advisory board. The commission shall consist of 1 person to be appointed by the senate president and 1 person to be appointed by the speaker of the house each of whom shall have expertise in applied criminal justice research, 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 of representatives with an expertise in financial management and

public policy, the attorney general, who shall serve as chair, the secretary of administration and finance, the chief counsel of the committee for public counsel services or his designee, the president of the Massachusetts District Attorneys' Association or his designee, a representative of the Massachusetts Bar Association and 1 person to be appointed by the chief justice of the supreme judicial court who shall be a retired first justice with court management experience. The commission shall report its findings and recommendations to the joint committee on judiciary, the joint committee on public safety and the senate and house committees on ways and means not later than October 1, 2010.”; and

By inserting after section 157 the following section:-

“SECTION 157A. Nothing in section 89B shall apply to the person holding the office of commissioner of probation on the effective date of this act.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-nine minutes before nine o'clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 259]:

Insert Roll Call “259”

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

Messrs. Tarr, Eldridge and Timilty moved that the bill be amended by inserting, after Section X, the following 2 sections:-

“SECTION XX. Section 19C of chapter 149 of the General Laws is hereby amended by striking out the third paragraph, and inserting in place thereof the following:-

Any person who violates any provision of this section, or who knowingly utilizes a false identification document for the purposes of soliciting, securing, or maintaining employment from a public employer, shall be punished by a fine of not more than \$500 nor less than \$200 or by imprisonment in the jail or house of correction for not more than 1 year.

SECTION XXX. Section 24B of chapter 90 of the general laws is hereby amended by inserting, after the third 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 knowingly 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 \$500 dollars or by imprisonment in the house of correction for not more than 1 year.

For acts involving 5 to 10 documents, by a fine of not more than \$1000 dollars or by imprisonment in the state prison for not more than 5 years or in jail or house of correction for not more than 2 1/2 years.

For acts involving more than 10 documents, by a fine of not more than \$10,000 dollars or by imprisonment in the state prison for not more than 15 years or in jail.”

After remarks, the amendment was rejected.

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

“SECTION XX. Section 11 of chapter 211D of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding at the end thereof the following new paragraph:-

Any counsel who is appointed or assigned to represent indigents within the private counsel division shall not be limited by the provisions of section 91 of chapter 32, except that they may only bill up to a maximum of 960 hours in the aggregate, in any calendar year.”

The amendment was adopted.

Mr. Timilty moved that the bill be amended by inserting the text of Senate document numbered 2460, relative to secondary metals.

After remarks, the amendment was adopted.

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

SECTION \_\_. Section 1 of chapter 62C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting before the definition of "Building contractor" the following 2 definitions:-

"Administering agency head", the agency head responsible for administering the applicable state tax credit program. For the brownfields tax credit and the film tax credit the administering agency head is the commissioner. For the medical device tax credit, the administering agency head is the Massachusetts life sciences center.

“Authorized tax credit”, a tax credit granted pursuant to a tax credit program.

SECTION \_\_. Said section 1 of said chapter 62C, as so appearing, is hereby further amended by inserting after the definition of "Promoter" the following definition:-

“Secretary”, the secretary of administration and finance.

SECTION \_\_. Said section 1 of chapter 62C, as so appearing, is hereby further amended by inserting after the definition of "Show" the following definition:-

“Tax credit program”, 1 of the following credits against the state income tax to stimulate economic development and other policy goals: the brownfields tax credit in section 38Q of chapter 63 and subsection (j) of section 6 of chapter 62; the dairy farmer tax credit in section 38Z of chapter 63 and subsection (o) of section 6 of chapter 62; the FDA user fees credit in section 31M of chapter 63 and subsection (n) of section 6 of chapter 62; the film tax credit in subsection (b) of section 38X of chapter 63 and subsection (l) of section 6 of chapter 62; the historic rehabilitation tax credit in section 38R of chapter 63 and section 6J of chapter 62; the life sciences investment tax credit in section 38U of chapter 63 and subsection (m) of section 6 of chapter 62; the low-income housing tax credit in section 31H of chapter 63 and section 6I of chapter 62; the medical device tax credit in section 31L of chapter 63 and section 6 1/2 of chapter 62; the refundable research credit in subsection (j) of section 38M of chapter 63;

and the economic development incentive program in section 6 subsection (g) of chapter 62 and section 38N of chapter 63; and any refundable credits under chapter 62 and 63 established after January 1, 2011.

SECTION \_\_\_. Said chapter 62C is hereby further amended by adding the following section:-

Section 88. (a)(1) Annually on or before May 15, 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, in this section called the report, which shall be a public record.

For purposes of this report no information shall be used pertaining to credits, exemptions or deductions awarded or claimed prior to January 1, 2011.

(2) The report shall contain the following information: (i) the identity of each taxpayer receiving an authorized tax credit and from which tax credit program the credit was received; (ii) the amount of the authorized tax credit awarded and issued for each taxpayer and each project, if applicable; and (iii) the date that the authorized tax credit is awarded and issued for each taxpayer and each project.

SECTION \_\_\_. Sections AA-DD, inclusive, shall take effect on January 1, 2011.

The amendment was rejected.

Mr. Donnelly moved that the bill be amended, in section 2, by inserting after item 1599-4704 the following item:-

“1599-5050 The executive office for administration and finance may expend an amount not to exceed \$300,000 in revenues received from fringe benefit assessments for a single point of contact unit within the executive office to monitor and track federal assistance; provided, that the items monitored may include grants, federal medical assistance percentages reimbursements, other reimbursements, entitlement programs and any economic recovery stimulus funds, should they be received, under section 6B of chapter 29 of the General Laws; provided further, that the unit shall coordinate with the state comptroller, the treasurer and receiver general; provided further, that the unit shall coordinate with agencies to draw down all available funds to support programs and services and to further ensure compliance with the federal Cash Management Improvement Act, that all draws of federal grant funds must be processed through the commonwealth's automated central draw process, under the supervision of the comptroller; 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 office 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 ..... \$300,000”.

The amendment was rejected.

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

“Section X. Chapter 159B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended, after section 6d, by inserting the following two new sections:-

Section 6e. Notwithstanding any general or special law to the contrary, every person engaged in the consensual and voluntary towing of motor vehicles shall obtain a certificate from the Department as provided in this section. No license for operation of such towing service shall be issued until:

Certificates of insurance as prescribed by the Department are on file with the Department;

Each operator of a tow company or unincorporated, independent operator has met the criminal offender record report standards as prescribed by the Department to ensure the public's safety;

Each tow company or operator submits a certificate fee of not less than \$300; and,

Each tow company or operator meets any additional standards for the public's safety as reasonably determined by the Department.

Each vehicle which is used by an operator in pulling or towing a vehicle shall display, in the lower right hand corner of the windshield, a valid sticker furnished by the Department indicating the operator's certificate number. The Department shall review the fee assessed for vehicle stickers annually; provided further that said fee shall not be less than fifty dollars per decal. In addition, each operator engaged in the consensual and voluntary towing of motor vehicles shall display the appropriate tow operator or wrecker registration plate as issued by the Registry of Motor Vehicles. A tow operator, with an existing certificate at the time of enactment, shall be required to comply with these provisions upon renewal of his certificate.

Section 6F. The Department shall have access to and shall obtain all available criminal offender record information from the criminal history systems board of any current or prospective operator of a tow company or unincorporated, independent operator, who may have direct and unmonitored contact with the general public, including any individual who regularly provides voluntary towing to the general public. Access to such information shall be obtained in accordance with sections 167 to 168, inclusive, of chapter 6. The Department shall prohibit the dissemination of such information for any purpose other than to further the protection of the general public.

SECTION X. Section 5 of chapter 90 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting the following after subsection (a)(3):-

‘(3 ½) tow operator or wrecker.’

SECTION X. Section 5 of Chapter 90 of the General Laws, as appearing in the 2006 Official Edition, is hereby further amended by inserting the following subsection:-

‘(i) Notwithstanding any general or special law to the contrary, a repairman's plate and tow operator or wrecker plate shall have the same rights and privileges.’

SECTION X. The Department shall prescribe all regulations for compliance of this act within a year of its enactment. Every person engaged in the consensual and voluntary towing of motor vehicles shall comply with the requirements of this act within one year of promulgation of regulations.”

The amendment was rejected.

Mr. Brewer and Ms. Chandler moved that the bill be amended, in section 2, in item 0511-0270, by striking the figure “500,000” and inserting in place thereof the following figure: “621,750”

After remarks, the amendment was adopted.

Mr. Tolman moved that the bill be amended, in section 2, by inserting after item 7003-0702, the following item:

“7003-0703 For a contract with the Massachusetts Service Alliance to operate the Commonwealth Corps program . . . . .  
..... \$750,000”.

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:-

“SECTION \_\_. Notwithstanding any special or general law to the contrary any body politic of the commonwealth which engages in commercial advertising paid for by the commonwealth to promote their office, a program offered by their office, or any other official action shall publicize on the official website of the commonwealth in a form approved by auditor of the commonwealth the cost of each advertisement, including the cost of the production of the advertisement, and the cost of placement of the advertisement, not later than 7 days after the placement of the advertisement.”

After remarks, the amendment was adopted.

Ms. Chandler moved that the bill be amended in section 2, in item 1410-0012, by adding the following: “provided that not less than \$150,000 shall be expended for Veterans, Inc. in Worcester”.

The amendment was rejected.

Ms. Chandler moved that the bill be amended in section 2, in item 1410-0250, by adding the following: “provided that not less than \$625,000 shall be expended for Veterans, Inc. in Worcester”.

The amendment was rejected.

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

“SECTION \_\_. Chapter 94 of the General Laws is hereby amended by striking out section 295D and inserting in place thereof the following new section:-

“Section 295D. Any advertisement of motor fuel other than those required in section 295C shall display the total price including all taxes.”

After remarks, the amendment was adopted.

Mr. Knapik moved that the bill be amended by adding the following new section:-

“Section X. The Secretary of the Executive Office for Administration and Finance shall develop and promulgate regulations governing state employees’ participation in any state-sponsored rebate, coupon, bonus, or giveaway offer available to the general public. The purpose of the regulations shall be to ensure complete compliance with Chapter 268A of the General Laws and any other general or special law governing the proper and ethical conduct of state employees. The regulations shall prohibit any employee of the agency sponsoring such an offer from participating in the offer.”

The amendment was rejected.

Messrs. Knapik and Joyce moved that the bill be amended by adding the following new section:-

“Section X. The Secretary of the Executive Office for Administration and Finance shall develop and promulgate regulations governing the use of state-owned vehicles by state employees; provided that the regulations shall prohibit the use of state-owned vehicles from the close of business each Friday to the start of business each Monday for all activities not explicitly related to the performance of an employee’s official and authorized duties.”

The amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:-

“SECTION \_\_. The Massachusetts Convention Center Authority shall solicit bids for the operation of any of the assets managed therein for terms not to exceed 30 years. If it is determined that any of the bids are of sufficient value to the commonwealth, the authority may enter into the necessary agreements to permit such an arrangement.”

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2, in item 9700-0000, by inserting after the word “legislature” the following:-  
“; provided, that no funds shall be expended from this item for information technology services unless and until a reliable bill tracking system is in place for the use of the public and the legislature”.

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended, in section 2, in item 1201-0100, by striking out the figure “\$84,676,776” and inserting in place thereof the following figure:- “\$79,281,171”.

After debate, the amendment was rejected.

Ms. Jehlen, Mr. Eldridge, Ms. Chang-Diaz and Ms. Candaras moved that the bill be amended by inserting at the end thereof the following new sections:-

“SECTION XX. Chapter 54 Section 11 of the General Laws is hereby amended by striking the words ‘one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four deputy inspectors’ and replacing it with ‘one warden, one clerk, at least two inspectors and a ballot box inspector’.

SECTION XX. Chapter 54 Section 12 of the General Laws is hereby amended by striking the words ‘one warden, one deputy warden, one clerk, one deputy clerk, two inspectors and two deputy inspectors’ and replacing it with ‘one warden, one clerk, at least two inspectors and a ballot box inspector’.



SECTION XX. Chapter 54 Section 67 of the General Laws as amended by the Acts of 2004, c.334, Section 34 is hereby amended by deleting the section and replacing it with the following: ‘The voting list shall be delivered to the precinct warden. When a ballot is delivered to a voter, his name shall be checked on the voting list at the entrance of the precinct. The officer in charge of the voting list and the ballot box inspector shall not be of the same political party. The ballot box inspector shall insure that each voter casts a ballot into the ballot box before exiting the precinct. No person shall vote if his name is not on the voting list, nor until the inspector shall check his name thereon, unless he presents a certificate from the registrars of the voters as provided by section fifty-one or section fifty-nine of Chapter fifty one, or unless he is voting by provisional ballot under section 76C. Provided, however, that nothing in this section shall preclude the chief election officer of any community from utilizing a so-called check-out table at any polling place(s)’.

SECTION XX. Chapter 54 Section 83 of the General Laws is hereby amended by deleting the entire section.”

After debate, the amendment was rejected.

Ms. Creem, Ms. Spilka, Ms. Chang-Diaz, Mr. O’Leary, Ms. Fargo, Ms. Jehlen and Messrs. Eldridge, Tarr and Joyce moved that the bill be amended by adding the following new sections:

SECTION XX. Chapter 7 of the General Laws is hereby amended by inserting after section 11 the following section:-

Section 14C. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Agency”, a commonwealth authority, board, bureau, commission, department, division, executive office, institution, institution of higher education, the secretary of state, the attorney general, the state treasurer, the state auditor, the administrative office of the trial courts, trial court departments, the supreme judicial court, the appeals court, the governor’s office, lieutenant governor’s office, the governor’s council, the house of representatives and the senate.

“Funding source”, the agency and account from where the expenditure is appropriated.

“Recipient”, a business corporation, partnership, firm, unincorporated association or other legal business entity engaged in economic activity within the commonwealth, and any affiliate thereof, which is, or the members of which are, subject to taxation under chapter 62, 63, 64H or 64I. For the purposes of this section, recipient shall include an original grantee or an original contractor of a state award or a political subdivision. A recipient shall not include an individual recipient of state or federal assistance.

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

“Secretary”, the secretary of administration and finance.

“State award” or “award”, appropriations, expenditures, grants, subgrants, loans, purchase orders, infrastructure assistance and other forms of financial assistance.

(b) The secretary shall develop and operate a searchable website accessible by the public at no cost that includes:

(1) the name and location of a recipient or agency receiving a state award, the funding source of each award, the date of the award, the amount of funds appropriated and a brief description of the purpose of the award;

(2) local aid to cities and towns including amounts paid to individual municipal agencies;

(3) annual revenues, as determined by the secretary which shall include, but shall not be limited to:

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

(ii) agency earnings including, but not limited to, amounts collected by each agency for services performed and licenses and permits issued;

(iii) compensation for the purchase or lease of state-owned property and interest collected from state-issued loans; and

(iv) federal grants;

(4) a link to all state audits and reports relating to the receipt of state awards by an agency or recipient, including an audit or report issued by the inspector general, state auditor, special commission, legislative committee or executive body;

(5) the reports required by section 88 of chapter 62C; and

(6) any other relevant information specified by the secretary.

(c) The searchable website shall allow users to search electronically by field in a single search, aggregate the data, download information yielded by a search and, where possible, contain graphical representations of the data and a hyperlink to the actual grants issued.

(d) The searchable website shall include and retain information for each fiscal year for not less than 10 fiscal years.

(e) The secretary shall update the searchable website as new data becomes available. All agencies shall provide to the secretary all data that is required to be included in the searchable 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.

(f) This section shall not be construed to require the disclosure of: (i) information that is confidential under state or federal law;

(ii) payments received by an individual or entity as interest paid by the issuer of any bonds or other public debt.

(g) The secretary shall not be considered in compliance with this section if the data required for the searchable website is not available in a searchable and aggregate manner or if the public is redirected by the searchable website to other government websites, unless each of those websites complies with the requirements of this section.

SECTION XX The searchable website created pursuant to section 14C of chapter 7 of the General Laws shall be accessible to the public on or before January 1, 2011 and shall contain data for fiscal year 2010; provided, that the requirement for the location of a recipient or agency receiving a state award in clause (1) of subsection (b) of said section 14C of said chapter 7 shall not take effect until July 1, 2011.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at sixteen minutes past

nine o'clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 39 — nays 0) [Yeas and Nays No. 260]:  
Insert Roll Call "260"

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

Messrs. Tarr and Knapik 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 2010, and those planned to be undertaken in Fiscal Year 2011, 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 2009 to 2010 to those projected for 2011.  
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 remarks, the amendment was adopted.

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

Mr. Tarr moved that the bill be amended by inserting, after section X, the following new section:-  
"SECTION XX. Notwithstanding any general or special law to the contrary, no agency of the commonwealth shall expend public funds for advertising or promotions regarding issues or information not necessary to public health or public safety."  
After debate, the amendment was rejected.

Messrs. Donnelly, Brewer, Buoniconti, Kennedy, McGee and Joyce moved that the bill be amended, in Section 2, in item 1410-0630, by striking out the figure "\$899,451" and inserting in place thereof the following figure:- "946,136".  
After remarks, the amendment was adopted.

Messrs. Donnelly, Downing, Kennedy, Richard T. Moore, Joyce and McGee moved that the bill be amended, in Section 2, by striking out item 1410-0250, and inserting in place thereof the following item:-  
"1410-0250 For veterans' homelessness services; provided, that the department shall not reduce the amount allocated to a program or its successor in section 2 of chapter 27 of the acts of 2009; and provided further the Western Massachusetts Bilingual Veterans Outreach Center shall be the successor to the Springfield Bilingual Veterans Outreach Center at the YMCA..... \$2,083,073".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes before ten o'clock P.M., on motion of Mr. Donnelly, as follows, to wit (yeas 39 — nays 0) [Yeas and Nays No. 261]:  
Insert Roll Call "261"

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

#### Recess in Memory of Jaewon Martin

The Senator from Suffolk, Ms. Chang-Diaz, requested that when the Senate recesses today, it recess in memory of Jaewon Martin, a 14 year old, from the Fort Hill section of Roxbury.

Jaewon was shot and killed on Saturday, May 8th, 2010, the day before Mother's Day, at 3:30 in the afternoon, while innocently playing basketball with a friend at a basketball court near the Jamaica Plain and Roxbury border.

Jaewon was a popular honor roll student at the James P. Timilty Middle School in Roxbury and was set to graduate from the 8th grade this spring. Jaewon was passionate about and excelled at mathematics in school, someday dreaming to go to college, major in finance, and own his own small business.

Jaewon was an active member of the John Eliot Church of Roxbury and participated in their annual summer camp. He was passionate about sports, particularly basketball and played football for the Mission Hill Buccaneers. Jaewon was a handsome young man inside and out who had a special love for family that exceeded all. A typical teenager, he loved music, shopping and being with friends and family about whom he cared deeply. Jaewon enjoyed cooking. On most evenings he could be found in the kitchen baking his family and friends brownies and cookies, as well as making his favorite dish: chicken, broccoli and ziti. He was an intelligent, engaging, outgoing, warm and helpful young man who could always be counted on to babysit his younger cousins.

An only child, Jaewon leaves his mother, Verina Nicole Martin, and his father, Stephen Boswell, of Boston. He also leaves behind a host of cousins and his extended family and friends. He will be missed by all.

Accordingly, as a mark of respect to the memory of Jaewon Martin, at one minute before ten o'clock P.M., on motion of Ms. Chang-Diaz, the Senate recessed to meet again tomorrow at ten o'clock A.M.

Thursday, May 27, 2010.  
[being the legislative session of  
Wednesday, May 26, 2010.]

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

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

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

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Joyce for the purpose of an introduction. Mr. Joyce then introduced Robert Sullivan of Canton. Robert was recognized for submitting a winning entry in the Mass Medical Society Alliance Anti-Tobacco Poster Contest. He was accompanied by his father, Dan, grandmother, Gay and family friend, Amy Killeen. The Senate applauded his accomplishments and they withdrew from the Chamber.

Resolutions.

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

Resolutions (filed by Mr. Morrissey) "congratulating Captain James M. Sorrentino on the occasion of his retirement from the United States Navy after 30 years of outstanding and dedicated service to his country".

Resolutions (filed by Mr. Morrissey) "celebrating the three hundred and seventy-fifth anniversary of the First Parish Church of Newbury".

Communication.

The Clerk read the following communication:

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

May 27, 2010  
William Welch, Clerk  
Massachusetts State Senate

State House, Room 334  
Boston, MA 02133  
Dear Mr. Clerk:

I was unable to attend the Senate session on May 26, 2010. Had I been present, I would have voted in favor of Senate Bill, No. 2287 An Act authorizing the town of Chelmsford to convey certain conservation land and easements.

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for May 26, 2010. Thank you in advance for your attention to this important matter.

Sincerely,

Frederick E. Berry  
Majority Leader

On motion of Mr. Hart, the above communication was ordered printed in the Journal of the Senate.  
PAPER FROM THE HOUSE

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the Concord Housing Development Corporation for affordable housing and open space purposes (see House, No. 4442) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eleven o'clock A.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 262]:

Yeas:- 38

INSERT ROLL CALL [262]

Nays:- 0

The yeas and nays having been completed at five minutes past eleven o'clock A.M., the bill was passed to be enacted, two thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill making appropriations for the fiscal year 2011 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. 4601),— was considered, the main question being on ordering the bill to a third reading.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:-

“SECTION \_\_. Section 148B. (a) For the purpose of this chapter and chapter 151, an individual performing any service in the construction trades, except as authorized under this chapter, shall be considered to be an employee under those chapters unless:—

(1) the individual is free from control and direction in connection with the performance of the service, both under his contract for the performance of service and in fact; and

(2) the service is performed outside the usual course of the business of the employer; and,

(3) the individual is customarily engaged in an independently established trade, occupation, profession or business of the same nature as that involved in the service performed.

(b) For the purpose of this chapter and chapter 151, an individual performing any service, except as authorized under this chapter, shall be considered to be an employee under those chapters unless:—

(1) the individual is free from control and direction in connection with the performance of the service, both under his contract for the performance of service and in fact; and

(2) the service is performed outside the usual course of the business of the employer; or,

(3) the individual is customarily engaged in an independently established trade, occupation, profession or business of the same nature as that involved in the service performed.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nine minutes before twelve o'clock noon, on motion of Mr. Tisei, as follows, to wit (yeas 6 — nays 32) [Yeas and Nays No. 263]:

Insert Roll Call “263”

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

Recess.

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

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2011 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. 4601),— was considered, the main question being on ordering the bill to a third reading.

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

Messrs. Berry, Tarr and McGee moved that the bill be amended by inserting the text of Senate document numbered 2461, relative to pension reform.

The amendment was adopted.

Messrs. Donnelly, Downing, Kennedy, McGee and Ms. Candaras, Ms. Spilka, Messrs. Ross and McGee moved that the bill be amended, in section 2, by striking out item 1410-0012 and inserting in place thereof the following item:-

“1410-0012 For services to veterans, including the maintenance and operation of outreach centers; provided further, that the department shall not reduce the amount allocated to a program or its successor in section 2 of chapter 27 of the acts of 2009; provided, however, that funds shall not be expended for the Middleboro Veterans’ Outreach Center; provided further, that an amount equal to the amount of funds expended in fiscal year 2010 for the Middleboro Veterans’ Outreach Center shall be transferred to the Nathan Hale Foundation of Plymouth; provided further, that the centers shall provide counseling to incarcerated veterans and to Vietnam era veterans and their families who may have been exposed to agent orange; and provided further, that these centers shall provide services to veterans who were discharged after September 11, 2001, and their families  
..... \$1,738,686”.

The amendment was adopted.

Messrs. Donnelly, Kennedy and McGee moved that the bill be amended in section 2, in item 1410-0010, by striking out the figure “\$2,133,506” and inserting in place thereof the following figure:- “\$2,159,172”.

The amendment was adopted.

Messrs. Montigny, Tarr and Eldridge moved that the bill be amended by inserting after section 114 the following new section:-  
SECTION 114A. Notwithstanding any general or special law or rule or regulation to the contrary, all branches of government, any agency, department, quasi-state agency or any entity of the Commonwealth required by law to file an annual, semi-annual, quarterly or any financial report shall make said report available online. The annual report shall be conspicuous and accessible online and there shall be an archive of all annual report available online. Any entity that is required by law to receive said report shall be notified by written hard copy format of the availability of said report on line and the means of accessing said report. An agency, department, quasi-state agency or any entity of the Commonwealth shall provide a copy in hard copy format of any annual report upon request. Compliance with this section shall fulfill any filing requirement established by any general or special law.

The amendment was adopted.

Mr. Berry moved that the bill be amended in section 2, in item 0840-0100, by striking out the figure “\$494,181” and inserting in place thereof the figure:- “\$549,090”.

The amendment was adopted.

Mr. Petrucci moved that the bill be amended in section 2, in item 1232-0100, by striking out the following words “claimant owns or formerly owned at least one, but no more than two, dispensing facilities; claimant owns 3, but not more than 5 facilities; claimant owns 6, but not more than 9 facilities; claimant owns more than 9 facilities” and inserting in place thereof the following words:- “claimant owns or formerly owned at least one, but no more than two, dispensing facilities; then payment to claimant who owns 3, but not more than 5 facilities; then payment to claimant who owns 6, but not more than 9 facilities; then payment to claimant who owns more than 9 facilities”.

The amendment was adopted.

Ms. Chandler moved that the bill be amended in section 2, in item 1410-0010, by inserting after “item” the following: “provided further, that not less than the amount expended in fiscal year 2009 shall be expended for the purpose of maintaining and rehabilitating Massachusetts Vietnam Veterans memorials”.

The amendment was adopted.

Mr. O’Leary moved that the bill be amended by inserting at the end thereof a new section:-  
SECTION XX. The General Laws are hereby amended in line 65, Section 4c of Chapter 21A by inserting after the words, “Martha’s Vineyard Commission,” the words: - “1 of whom shall be a representative of the Nantucket Planning and Economic Development Commission.”.

The amendment was adopted.

Mr. Brewer moved that the bill be amended in section 2, in item 2511-0100, by inserting at the end thereof the following words:- “provided further, that funds may be expended for the statewide 4-H program”.

The amendment was adopted.

Mr. Joyce moved that the bill be amended in section 92 by striking out the words “45 days” and inserting in place thereof the following words:- “120 days”; and in section 93 by striking out the words “September 1, 2010,” and inserting in place thereof the following words:- “April 1, 2011.”.

The amendment was adopted.

Mr. Joyce moved that the bill be amended by striking out section 129 in its entirety and replacing it with the following:-  
“SECTION 129.

(a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws, the division of capital asset management and maintenance, using those competitive proposal processes as the division considers necessary or appropriate, in consultation with the department of conservation and recreation, may lease and enter into other

agreements with one or more persons or entities, for terms not to exceed 25 years, for the continued use, operation, maintenance, repair and improvement of the Max Ulin Memorial Rink, 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 town of Milton and any nonprofit organization that desires to bid on the rink located within the town 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 the 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 the rink by the division and to manage, operate and maintain the property. The division, in consultation with the department, shall determine whether a city, town, nonprofit or partnership is prequalified within 15 days of the expiration of the prequalification period. If the town or nonprofit organization is determined to be prequalified, then the town or non-profit organization shall be awarded the lease for the Max Ulin Skating Rink under the terms and conditions set forth in this act; provided, however, that only 1 lease shall be awarded based on preference as described in subsection (d).

(d) (1) Preference shall be given to the town of Milton.

(2) If the town and a nonprofit organization are determined to be prequalified, the town shall be awarded the lease.

(3) If more than 1 nonprofit organization is determined to be prequalified, the department may choose to which nonprofit the lease for the rink shall be awarded.

(4) The town or a nonprofit organization awarded the lease under this act shall pay the sum of \$1.00 as consideration for the 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 town or nonprofit organization.

(e) 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 any general or special law to the contrary, shall provide for the lessees to operate, manage, improve, repair and maintain the property and to undertake initial capital improvements that commissioner determines are necessary due to the structural condition of the property. Leases or other arrangements requiring improvements to be made on the property may include a description of the initially required improvements and performance specifications.

(f) Ice time at the rink shall be allocated to user groups in the following order of priority: general public skating; non-profit youth groups; high school hockey, not for profit schools or colleges; 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 2-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.

(g) The leases and other agreements authorized in this section shall provide that any benefits to the community and the costs of improvements and repairs made to the property provided by the lessees or the recipients of the property 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 the rink shall be payable to the department of conservation and recreation for deposit into the General Fund. The lessees or the recipients of the property 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.

(h) The name of the Max Ulin Memorial rink shall not be altered or changed under any lease or agreement entered into pursuant to this section."

The amendment was adopted.

Messrs. Tarr and Brewer moved that the bill be amended in section 2, in item 2511-0100, by inserting after the words "development and fairs" the following:- " ; provided, that funds may be expended to enhance the buy local effort in western, central, northeastern, and southern Massachusetts".

The amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross 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 governor shall ensure that the secretaries of the various departments and executive offices of the commonwealth promulgate standards requiring all forms for services, licenses, and applications to be as uniform as reasonably possible. Each document shall have a uniform layout and font for the general information needed on each form, including but not limited to: name, date of birth, address, telephone number, and sex. Such documents shall be made available electronically whenever reasonably possible."

The amendment was adopted.

Messrs. Eldridge, Michael O. Moore and Donnelly, Ms. Tucker, Messrs. Pacheco, Hart and McGee and Ms. Creem moved that the bill be amended in section 2, by striking out item 2020-0100; and by striking out item 2210-0100 and inserting in place thereof the following item:-

“2210-0105 For the department of environmental protection which may expend for the administration and implementation of chapter 21I of the General Laws an amount not to exceed \$3,051,198 from the revenue collected from fees, penalties, grants and tuition under said chapter 21I; provided, that not less than \$1,657,449 from this item shall be made available for the operation of the Toxics Use Reduction Institute program at the University of Massachusetts at Lowell; provided further, that the department shall enter into an interagency service agreement with the University of Massachusetts to make such funding available for this purpose; provided further, that not less than \$562,567 from this item shall be made available for toxics use reduction technical assistance and technology in accordance with said chapter 21I; provided further, that the department shall submit a report to the house and senate committees on ways and means not later than February 1, 2011, detailing the status of the department’s progress in meeting the statutory and regulatory deadlines associated with said chapter 21I and detailing the number of full-time equivalent positions assigned to various implementation requirements of said chapter 21I; provided further, that the department shall enter into an interagency service agreement with the executive office of energy and environmental affairs to make such funding available for this purpose; 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 department 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

..... \$3,051,198”;

In said section 2, in item 7100-0200, by striking out, in lines 10 and 11, the words “, for the operation of the toxics use reduction institute at the University of Massachusetts Lowell”; and

In said section 2, in item 7100-0200, by striking out the figure “\$439,172,719” and inserting in place thereof the following figure:- “\$437,515,270”.

The amendment was adopted.

Messrs. Eldridge and O’Leary, Ms. Fargo and Messrs. Kennedy and McGee moved that the bill be amended in section 2, in item 7010-0005, by inserting at the end thereof the following - “provided further, that not less than \$100,000 shall be allocated for the purposes of offering a no-cost method to schools and districts for professional development to build the skills of all staff members, including but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify, and respond to bullying; provided further, that the content of such professional development shall include, but not be limited to developmentally appropriate strategies to prevent bullying incidents; developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; information on the incidence and nature of cyber-bullying; and internet safety issues as they relate to cyber-bullying; and provided further that said no-cost method may also include a “train-the-trainer” model, so-called, with demonstrated success”; and in said item by striking out the figures “\$13,100,000” and inserting in place thereof the figures “\$13,200,000”.

The amendment was adopted.

Messrs. Michael O. Moore, Downing, Baddour and Tarr moved that the bill be amended, in section 2, in item 4000-0300, by adding the following words:- “; provided further, that an advisory committee shall be convened to study the comparative costs and benefits of different care delivery models for the Medicaid program including, but not limited to, all-managed care, a state-contracted chronic disease management program and patient-centered medical homes; provided further, that the advisory committee shall consist of the secretary of administration and finance who shall serve as chair, the secretary of health and human services, the commissioner of health care finance and policy, the director of Medicaid, the executive director of the Commonwealth Health Insurance Connector Authority, the chairs of the house and senate committees on ways and means, the senate and house chairs of the joint committee on health care financing, the senate and house chairs of the joint committee on mental health and substance abuse, 1 member representing the house minority party, 1 member representing the senate minority party, 1 member representing the Massachusetts Association of Health Plans, 1 member of the Massachusetts Medical Society who shall be a practicing primary care physician, 1 member representing the Massachusetts Hospital Association, 1 member representing the Association for Behavioral Healthcare, 1 member who shall be an advocate for individuals with disabilities and 1 member representing a health care consumer group; provided further, that the advisory committee shall compare the current and projected impact of the MCO program, the Primary Care Clinician plan, the disease management program and patient-centered medical homes on the Medicaid budget including, but not limited to, an estimate of the potential increase or decrease in programmatic costs of transitioning from 1 care delivery system to another and the impact of the different delivery systems on the financial risk borne by the commonwealth; provided further, that cost estimates and projections shall adjust for acuity; provided further, that the advisory committee shall compare the current and projected impact of the MCO program, the Primary Care Clinician plan, the disease management program and patient-centered medical homes on quality and continuity of care provided to MassHealth members, access to disease management and care coordination programs, access and quality of care for MassHealth special populations, access to behavioral health services, accountability through the reporting of quality data and the potential to address racial and ethnic disparities; provided further, that in conducting this analysis the organization shall use actual and projected Medicaid and managed care data; provided further that the executive office of health and human services shall make any data requested available in a timely manner; provided further, that for the purpose of conducting this analysis, the executive office of administration and finance, in consultation with the advisory committee and subject to appropriation, shall contract with an independent, outside organization with expertise in fiscal analysis of the Medicaid program and the managed care model within state Medicaid programs by October 2, 2010; provided further, that the advisory committee shall file a report

of its findings with the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on health care financing not later than January 15, 2011”.

The amendment was adopted.

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

“Section X. Chapter 589 of the Acts of 1987, is hereby amended in Section 4A by inserting after the words ‘International Brotherhood of Police Officers, NAGE, SEIU’ the words New England PBA, I.U.P.A., AFL-CIO.”

The amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after Section \_\_\_\_, the following new sections:-

“SECTION \_\_. Section 2 of chapter 92B, as appearing in the 2008 Official Edition, is hereby amended by striking out the fourth and fifth paragraphs and inserting in place thereof the following paragraphs:-

The corporation shall be governed and its corporate powers exercised by the board, which shall consist of 30 members appointed in the following manner: 2 members shall appointed by the governor and serve at the governor’s pleasure; 1 member shall be appointed by the mayor of Boston and serve at the mayor’s pleasure; and, 27 members shall be appointed by the board.

Notwithstanding any special or general law to the contrary, all board members shall serve for 4 years.

Members shall be eligible for reappointment. Any person appointed to fill a vacancy shall serve for the remainder of the term.

Any member may be removed by the board for just cause. All members of the board shall exercise full and equal voting privileges.

SECTION 2. Said Section 2 of chapter 92B, as so appearing, is hereby further amended by striking out, in line 34, the word ‘seven’ and inserting in place thereof the words:- half of the board members serving at any time.

SECTION 3. Said Section 2, as so appearing, is hereby further amended by striking out in the first sentence of the seventh paragraph the first sentence and inserting in place thereof the following sentence:- The board shall elect the chairperson of the board.

SECTION 4. Said Section 2, as so appearing, is hereby amended by striking out, in line 42, the words: ‘once a month’ and inserting in place thereof the words:- six times a year.

SECTION 5. Section 5 of said chapter 92B, as so appearing, is hereby amended by striking out, in lines 9 through 11, the words ‘provided, however, that the disposal of any property shall be subject to the approval of the executive director;’.

SECTION 6. Said Section 5, as so appearing, is hereby further amended by striking out, in line 57, the words ‘shall require the written concurrence of the director;’ and inserting in place thereof the following:- shall require written notice to the director of the Massachusetts office of travel and tourism.

SECTION 7. Section 6(b) of said chapter 92B, as so appearing, is hereby amended, in lines 6 though 9, by striking out the following words “The preparation and development of the plans may be undertaken in consultation with the franklin park zoo advisory committee and the Middlesex fells zoological society and other interested citizens.”

SECTION 8. Section 9 of said chapter 92B, as so appearing, is hereby amended by striking out, in line 4, the words ‘consult with’ and inserting in place thereof the word:- “inform”.

SECTION 9. Section 11 of said chapter 92B, as so appearing, is hereby amended by striking out the first sentence and inserting in place there of the following:-

The zoos shall continue to be known as the Franklin Park Zoo and the Walter D. Stone Memorial Zoo, but the corporation may also offer sponsor “naming rights” to the zoos or exhibits within the zoos and may add sponsor names to the existing names of the zoos or exhibits.

SECTION 10. Notwithstanding any general or special law to the contrary, the current board members of the Commonwealth Zoological Corporation, established in chapter 92B, shall appoint the additional board appointed members needed to increase the board to 27 board appointed members, as provided for under this act. Of the board appointments made under this act, an initial 9 members shall serve for a term of 2 years, 9 members shall serve for 3 years, and 9 for 4 years.

The current board members shall serve until the expiration of their term or December 31, 2011, whichever is later.”

The amendment was adopted.

Ms. Spilka moved that the bill be amended by inserting at the end thereof the following new section:

SECTION XX. Section 8 of chapter 324 of the acts of 1987, as amended by section 6 of chapter 528 of the acts of 1990 and section 302 of chapter 159 of the acts of 2000, is hereby further amended by striking out the word “July” and inserting in place thereof the word “August”.

The amendment was adopted.

Ms. Tucker and Messrs. Eldridge and DiDomenico moved that the bill be amended, in section 2, in item 7004-0101 by striking out the words “reduce the average length of stay in family shelters;” and inserting in place thereof the words:- “more rapidly move families into permanent sustainable housing;”.

The amendment was adopted.

Ms. Chandler and Mr. Pacheco moved that the bill be amended in section 2, in item 7004-0102, by adding after the words “information system;” the following:- “provided further, that organizations which received funds through this item in fiscal year 2010 may receive up to that same funding amount in fiscal year 2011”

The amendment was adopted.

Ms. Tucker moved that the bill be amended, in section 2, in item 7004-0100, by striking the figure “\$5,002,623” and inserting in place thereof:- “\$5,271,968”.

The amendment was adopted.



Ms. Tucker, Ms. Spilka, Ms. Candaras, Ms. Walsh, Messrs. Eldridge, Kennedy and Tarr moved that the bill be amended, in section 2, in item 7004-0099 by adding the following words:- “and provided further, that the department shall, on or before September 1, 2010, promulgate regulations clarifying that a household that otherwise qualifies for any preference or priority for state subsidized housing or rental assistance based on homeless or at-risk status shall retain that preference or priority notwithstanding receipt of rental assistance that is intended to be temporary, including but not limited to any temporary or bridge subsidies provided with state or federal funds.”

The amendment was adopted.

Mr. DiDomenico moved that the bill be amended, in section 2, in item 7003-0702, by inserting the following:- “; provided, that funds may be administered by the department of workforce development for the Just-A-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed, underemployed or displaced workers, or persons receiving benefits from transitional aid to families with dependent children”.

The amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund, Ross and Brewer moved that the bill be amended by inserting, after Section \_\_\_\_, the following new section:-

“SECTION \_\_\_\_. A special commission is hereby established to consider the circumstances under which project labor agreements should be utilized, including consideration of their appropriateness and function and the size, complexity and duration of the public construction projects for which they should be utilized. Said commission shall consist of the secretary of administration and finance or designee thereof, the attorney general or designee thereof, the auditor or designee thereof, the commissioner of capital planning and operations or designee thereof, a representative of the Construction Industries of Massachusetts, a representative of the Massachusetts Building Trades Council, a representative of the Associated Builders and Contractors of Massachusetts, and a representative of the Association of Commercial and Industrial Builders of Massachusetts. Said commission shall report its findings, together with drafts of any legislation it recommends, to the joint committee on commerce and labor not later than July 1, 2011.”

The amendment was adopted.

Ms. Spilka moved that the bill be amended by inserting at the end thereof the following new sections:

SECTION XX. Subsection (g) of section 6 of chapter 62, as amended by section 21 of chapter 166 of the Acts of 2009, is hereby amended by striking out the third sentence of paragraph (1) and inserting in place thereof the following sentences:- If such property is disposed of or ceases to be in qualified use within the meaning of section 31A or ceases to be used exclusively in a certified project before the end of the certified project’s certification period, or if a certified project’s certification is revoked, the recapture provisions of subsection (e) of section 31A shall apply. If such property is disposed of after the certified project’s certification period but before the end of such property’s useful life, the recapture provisions of subsection (e) of section 31A shall apply. The expiration of a certified project’s certification shall not require the application of the recapture provisions of subsection (e) of section 31A.

SECTION XX. Subsection (a) of section 38N of chapter 63, as amended by section 23 of chapter 166 of the Acts of 2009, is hereby amended by striking out the last sentence of third paragraph and inserting in place thereof the following sentences:- If such property is disposed of or ceases to be in qualified use within the meaning of section 31A or ceases to be used exclusively in a certified project before the end of the certified project’s certification period, or if a certified project’s certification is revoked, the recapture provisions of subsection (e) of section 31A shall apply. If such property is disposed of after the certified project’s certification period but before the end of such property’s useful life, the recapture provisions of subsection (e) of section 31A shall apply. The expiration of a certified project’s certification shall not require the application of the recapture provisions of subsection (e) of section 31A.”

The amendment was adopted.

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

“Section XX: Chapter 65 Section 27 of the Massachusetts Session Laws of 2009, is hereby amended after the words, ‘that provides (i) a comprehensive 4-year high school education and (ii) a structured plan of recovery,’ by striking the following:-

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

and inserting in place thereof:-

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

The amendment was adopted.

Ms. Walsh, Ms. Tucker and Messrs. Timilty and Kennedy moved that the bill be amended, in section 2, in item 7061-0012, by inserting in line 9 after the words: “make available to the department of developmental services”, the words: “no less than \$4,000,000”; and in section 2B in line item 5948-0012, crossing out \$2,481,000 and replacing it with \$4,000,000.

The amendment was adopted.

Messrs. O’Leary and Timilty, Ms. Fargo and Ms. Flanagan and Messrs. Eldridge and McGee moved that the bill be amended, in section 2, in item 7070-0065, by inserting at the end thereof the following:- “; provided further, that the Board shall continue to administer all programs funded in this item at an amount no less than that expended in the prior fiscal year”.

The amendment was adopted.

Ms. Chandler and Mr. Michael O. Moore moved that the bill be amended in section 2, in item 7066-0000 by adding at the end thereof the following:- “provided, that funds shall be expended for a program in math, science, engineering and technology for academically accelerated students in their final 2 years of high school pursuant to item 7061-9612 of chapter 182 of the acts of

2008"; in said section 2, in item 7066-0000, by striking out the figure "1,890,529," and inserting in place thereof the following figure:- "\$2,290,529"; and in item 7066-0024 by striking the item in its entirety and inserting in place thereof the following:- "For the school of excellence program at the Worcester Polytechnic Institute; provided, that every effort shall be made to recruit and serve equal numbers of male and female students; and provided further, that sending districts of students attending the Institute shall not be required to expend any funds for the cost of these students while in attendance at the Institute.....\$1,300,000".

The amendment was adopted.

Ms. Chandler moved that the bill be amended, in section 2, in item 7066-0000, by striking out item 7066-0000 and inserting in place thereof the following item:-

"7066-0000 For the operation of the department of higher education; provided, that the department shall recommend savings proposals that permit institutions of public higher education to achieve administrative and program cost reductions, resource re-allocation and program re-assessment and to utilize resources otherwise available to such institutions; and provided further, that in order to meet the estimated costs of employee fringe benefits provided by the commonwealth on account of employees of the Massachusetts State College Building Authority and the University of Massachusetts Building Authority, and in order to meet the estimated cost of heat, light, power and other services, if any, to be furnished by the commonwealth to projects of these authorities, the boards of trustees of the state colleges and the University of Massachusetts shall transfer to the General Fund from the funds received from the operations of the projects such costs, if any, as shall be incurred by the commonwealth for these purposes in the current fiscal year, as determined by the appropriate building authority, verified by the commissioner of higher education and approved by the secretary of administration and finance; provided further, that not more than \$200,000 shall be expended by the department of higher education on a review conducted by an external entity of the capacities and sustainability of the community colleges in the commonwealth in the context of the current fiscal climate and rapidly increasing student enrollments, and the overall role of the colleges in contributing to the economic, social and educational progress of the commonwealth; provided further that said review shall include but not be limited to an analysis of the sufficiency of program and course availability, faculty and administrative staffing including but not limited to the use of adjunct faculty, academic and other student support services, and academic facilities in relation to student demand, the sustainability of the current funding mechanisms and patterns, ability of community colleges to respond to the needs of employers for workforce development, overall course and program affordability at each college; provided further, that the department of higher education shall solicit private grants supporting said review; provided further, that said review shall include a comprehensive report to be completed not later than November 15, 2010 and submitted to the speaker of the house, the senate president, the co-chairs of the joint committee on higher education, the chairs of the house and senate committees on ways and means, the house and senate minority leaders, the secretary of education, the secretary of administration and finance, and the secretary of workforce and economic development.....\$2,090,529".

The amendment was adopted.

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

"SECTION XX. Section 89 of Chapter 71 of the General Laws is hereby amended by inserting at the end of subsection (l) the following sentence:- "Charter schools may not solicit applications for enrollment by offering money or gifts of any monetary value as an incentive for application".

The amendment was adopted.

Mr. Montigny moved that the bill be amended in section 2, in item 3000-1000, by inserting the following:- "provided further, the department shall report no later than September 1, 2010 to the joint committee on education, and the house and senate committees on ways and means, on efficiencies and cost savings realized in the departments accounts in fiscal year 2010 and anticipated cost savings in fiscal year 2011, said report shall include but not be limited to an itemized accounting of services transferred between line items, original cost of said services, all transition costs or expenditures, and total cost savings realized, said report shall include an accounting of federal ARRA funding expended for said services and/or transition costs".

The amendment was adopted.

Mr. Michael O. Moore moved that the bill be amended in section 2, in item 8000-0122, by striking the figure "1,700,000" and inserting in place thereof the following figure "2,100,000"

The amendment was adopted.

Mr. Downing moved that the bill be amended in section 2, by inserting after item 8910-0445 the following item:

"8910-0446 For the Berkshire sheriff's department which may expend an amount not to exceed \$400,000 from revenues collected from Berkshire County public schools; provided, that funds shall be expended for the operation of the Juvenile Resource Center; provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the sheriff's office may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system; and provided further, that expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system.....\$400,000".

The amendment was adopted.

Ms. Candaras and Mr. Buoniconti moved that the bill be amended in section 2, in item 8910-1000, by striking the figure "\$1,844,458" and inserting in place thereof:-"\$2,005,423".

The amendment was adopted.

Mr. Tolman moved that the bill be amended in section 2, in item 8910-0003, by inserting after the words "correctional facilities"

the following words:- “in the commonwealth; provided, that 1 unit shall be located in Hampden county to serve the needs of incarcerated persons in the care of Berkshire, Franklin, Hampden, Hampshire, and Worcester counties; provided further, that 1 unit shall be located in Middlesex County to serve the needs of incarcerated persons in the care of Barnstable, Bristol, Dukes, Essex, Nantucket, Middlesex, Norfolk, Plymouth, and Suffolk counties; provided further, that the services of the units shall be made available to incarcerated persons in the care of the department of correction; provided further, that the Massachusetts sheriffs’ association, in conjunction with the department of correction, shall prepare a report that shall include, but not be limited to: (a) the number of incarcerated persons in facilities located in counties that were provided services in each unit; (b) the number of incarcerated persons in department of correction facilities that were provided services in each unit; (c) the alleviation in caseload at Bridgewater state hospital associated with fewer incarcerated persons in the care of counties being attended to at the hospital; and (d) the estimated and projected cost-savings in fiscal year 2011 to the sheriff departments and the department of correction associated with the regional units; provided further, that the report shall be submitted to the house and senate committees on ways and means not later than March 15, 2011”; and in said item by striking out the figures “1,886,112” and inserting in place thereof the figures “1,886,335”.

The amendment was adopted.

Mr. Timilty moved that the bill be amended in section 143, after the words “Massachusetts Police Association”, by inserting the following:- “; the President of the State Police Association of Massachusetts or his designee”.

The amendment was adopted.

Mr. Timilty moved that the bill be amended in section 2, in item 8100-0000, by inserting at the end thereof the following:- “; provided, that the department shall conduct a pilot program that shall utilize idle reduction technology that reduces fuel consumption and emissions in no less than 100 patrol cruisers for the purposes of evaluating the potential to reduce fuel consumption throughout the fleet; provided further, that the department shall report on the results of said program to the senate committee on ways and means and house committee on ways and means no later than June 30, 2011”.

The amendment was adopted.

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

“Section XX. The secretary of the executive office of public safety and security shall conduct an audit and inventory of the Commonwealth’s public safety vehicles and equipment, including but not limited to those in possession of the department of the state police, sheriff’s offices, department of corrections, Massachusetts Bay Transportation Authority police department, and any law enforcement council incorporated or formed under the authority of any general or special law. Said audit and inventory shall detail the type, age and use of the vehicles and equipment, whether similar vehicles and equipment are owned by multiple departments or underutilized by one department whereby the sharing of underutilized vehicles and equipment may be suitable for realizing cost savings, and any other such information as the secretary deems pertinent; provided further, that the secretary shall report the findings to the clerk of senate and house of representatives, the senate and house chair of the committee on ways and means, and the senate and house chair of the joint committee on public safety and homeland security no later than January 1, 2011.”

The amendment was adopted.

Ms. Chang-Díaz and Ms. Spilka moved that the bill be amended in section 2, in item 8900-0001, by inserting, after the words “all prisoners confined in each prison operated by the department,” the following words:- “; provided further, that funds shall be expended for programs providing support, counseling, and family reunification services to women in prison and women reentering the community from prison”.

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended in section 2, in item 8910-0188, by striking out the word “federal” and inserting in place thereof the following:- “any state or federal”.

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended in section 2, in item 8910-1112, by striking out the figure “\$175,000” and inserting in place thereof the following:-“\$250,000”.

The amendment was adopted.

Messrs. Tarr and Brewer moved that the bill be amended in section 2, in item 8000-0000, by inserting after the words “acts of 2000” the following:- “; provided, that the secretary shall, to the fullest extent consistent with the duties of the office, prioritize the development and implementation of a real-time data sharing system between federal, state, and municipal law enforcement to facilitate in interdepartmental cooperation and assistance”.

The amendment was adopted.

Ms. Flanagan, Ms. Spilka and Messrs. Michael O. Moore, Eldridge, Brewer, Timilty, Pacheco and Ross moved that the bill be amended in section 2, in item 8900-0001, by inserting the following: “; provided further, that the department shall expend not less than \$500,000 for cities and towns hosting facilities;”.

The amendment was adopted.

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

“SECTION XX. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority shall be subject to subsection (e) of section 19 of chapter 6A of the General Laws and sections 12 to 14, inclusive, of chapter 86 of the acts of 2008; provided, further that the board of the Massachusetts Bay Transportation Authority shall execute a delegation of authority with terms of delegation identical to that executed by the board of the Massachusetts Department of Transportation to the highway division of said department in November, 2009; provided further, that the board of the Massachusetts Bay Transportation Authority shall amend its by-laws to require the board’s approval of the development of the capital investment

programs required under subsection (g) of section 5 of chapter 161A of the General Laws, and to require the board's approval of the operating budget of said authority."

The amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross 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 shall be a special commission to investigate and study the expenditure of funds received through the American Reinvestment and Recovery Act. The commission shall specifically investigate the possibility that said funds have been spent on or through non-domestic entities, including, but not limited to, the purchase of raw materials, contracting of labor or any transaction of business with companies located, based or incorporated in a foreign country. The commission shall consist of 11 members, as follows: the chairs of the joint committee on federal stimulus oversight, who shall chair the commission; 1 designee appointed by the governor; the house chair of ways and means, or his designee; the senate chair of ways and means, or his designee; the secretary of administration and finance, or his designee; the attorney general, or his designee; the treasurer of the commonwealth, or his designee; the auditor of the commonwealth, or his designee; the comptroller of the commonwealth, or his designee; the minority leader of the senate, or his designee; the minority leader of the house of representatives, or his designee. The commission shall report its findings and recommendations to the clerk of the senate, the clerk of the house of representatives, the house minority leader and the senate minority leader no later than January 30th, 2011."

The amendment was adopted.

Messrs. Rosenberg and Michael O. Moore, Ms. Spilka and Mr. Brewer moved that the bill be amended by inserting, at the end thereof following new section:-

"SECTION \_\_. Subsection (b) of Section 75 of Chapter 303 of the Acts of 2008 shall not apply in fiscal year 2011."

The amendment was adopted.

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

"SECTION XX. The Registrar of Motor Vehicles is hereby authorized and directed to evaluate the feasibility of utilizing municipally owned buildings and the facilities therein for the provision of those services currently available at branch offices of the Registry of Motor Vehicles.

Such evaluation shall include, but not be limited to, the consideration of the geographic dispersion of such buildings, the potential to increase access and convenience to those served by the registry by deploying services in them, the potential cost savings which may result from relocating services to such buildings from leased or rented facilities, and any benefits which may accrue to municipalities, including rental income from payments otherwise expended on private buildings and facilities.

In conducting such evaluation, the registrar shall solicit information from each city and town as to the availability and potential cost of buildings and facilities, and shall conduct not less than two public hearings to receive testimony on the feasibility of providing services as described herein.

The registrar shall submit a report containing the results of said evaluation, together with any legislative recommendations resulting therefrom, to the clerks of the House and Senate not later than May 31, 2011."

The amendment was adopted.

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

"SECTION \_\_. The Massachusetts Department of Transportation shall conduct a comprehensive analysis of the availability of public parking in downtown Peabody, which shall include recommendations to improve and increase access to public parking. The Department shall provide its report and recommendations to the governor, house and senate committees on ways and means and the joint committee on transportation not later than January 1, 2011."

The amendment was adopted.

Mr. Hart moved that the bill be amended by inserting the text of Senate document numbered 2462, relative to revitalization of the South Boston designated port area.

The amendment was adopted.

Ms. Jehlen, Messrs. McGee and Joyce, Ms. Flanagan, Ms. Fargo, Messrs. Eldridge and DiDomenico, Ms. Chang-Diaz, Mr.

McGee, Ms. Tucker and Mr. Joyce moved that the bill be amended, in section 2, in item 4000-0600, by adding, after the words "kosher food;" the following new language:- "provided further, that funds shall be expended from this item for the pre-admission counseling and assessment program, which shall be implemented on a statewide basis through aging and disability resource consortia;"

The amendment was adopted.

Ms. Candaras and Messrs. Michael O. Moore and McGee moved that the bill be amended, in section 2, in item 3000-3050, by inserting after the words "provided further, that no waiting list for services shall exist;" the following:- " ; provided further, that funds may be used to provide services during a transition period of 6 months for families upon the closure of their case;"

The amendment was adopted.

Ms. Candaras, Mr. Rosenberg, Ms. Jehlen, Messrs. McGee and Eldridge and Ms. Flanagan moved that the bill be amended in section 2, in item 4800-0015 by inserting after the words "recoupment amounts recommended by the state auditor" the following words:- " ; provided further, that by October 1, 2010, the department shall issue draft revised regulations for public comment which shall insure that the department maintains an independent, timely and fair administrative hearings system and shall issue final regulations by December 1, 2010; provided further, that not later than October 1, 2010, the department shall: (a) revise its procedures to ensure that newly requested administrative hearings are scheduled and decided upon on a timely basis; and (b) submit to the joint committee on children, families and persons with disabilities a plan for eliminating its backlog of

administrative hearing requests; provided further, that the plan shall identify the number of fair hearing requests that were pending as of July 1, 2010, and shall set quarterly benchmarks for elimination of the backlog.”

The amendment was adopted.

Ms. Candaras, Ms. Spilka and Mr. Tarr moved that the bill be amended by inserting after section 154 by inserting the following new section:-

“SECTION 154A. The executive office of health and human services shall report to the general court on the implementation of chapter 257 of the acts of 2008. The report shall include: (i) current rates for social service programs under section 22N of chapter 7 of the General Laws (ii) the status of implementation of the prospective rate system established in said chapter 257; (iii) the process for establishing rates for social service programs, including inflation and geographic cost adjustments pursuant to section 2A of chapter 118G; (iv) the extent to which implementation of said chapter 257 has addressed the concerns raised in the executive office of health and human services report dated October 2007, entitled Financial Health of Providers in the Massachusetts Human Service System; and (v) initiatives undertaken to promote efficiency or to reduce or control costs and the results thereof. The executive office shall submit its report to the clerks of the house and senate, the house and senate committees on ways and means, the joint committee on health care financing and the joint committee on children, families and persons with disabilities not later than December 1, 2010.”

The amendment was adopted.

Mr. Donnelly, Ms. Chang-Diaz and Messrs. Kennedy, Michael O. Moore, Eldridge and McGee moved that the bill be amended in section 2, in item 4800-0041, by inserting after the words “community based services” the following words:-“, including intensive in-home support and stabilization services,”.

The amendment was adopted.

Ms. Fargo moved that the bill be amended, in section 2, in item 4000-0300, by inserting after the words “the office of health equity within the executive office of health and human services;” the following words:- “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, that the office may prepare an annual health disparities report card with regional disparities data, evaluate effectiveness of interventions and replicate successful programs across the commonwealth; provided further, that 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 adopted.

Ms. Menard 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.

Mr. McGee moved that the bill be amended by inserting after section 96, the following new section:-

“SECTION \_\_. The Legislature shall commission a study by the Legislative Library Caucus to assess the costs, benefits, and impact of changes in regional library systems in the commonwealth and to provide a recommendation on the role of the library of last recourse with regards to funding, jurisdiction and purpose.”

The amendment was adopted.

Ms. Creem moved that the bill be amended in section 2, in item 4513-1000, by adding at the end thereof the following: “and provided further, that funds may be expended for the Massachusetts birth defects monitoring program”.

The amendment was adopted.

Mr. Richard T. Moore moved that the bill be amended in section 2, in item 4513-1111, by inserting at the end thereof:- “provided, that funds may be expended for the Betsy Lehman Center”.

The amendment was adopted.

Mr. Richard T. Moore and Mr. McGee 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 Division of Health Care Finance and Policy is hereby directed to conduct a review and evaluation of the tobacco use cessation treatment benefits included in policies of insurance for accident or sickness, or agreement for medical or health services available through the Commonwealth Care Health Insurance Program established in Chapter 118H of the General Laws and Group Insurance Commission established in Chapter 32A. The evaluation shall examine the availability of said benefits, the consistency of benefits available to subscribers and the cost effectiveness of said benefits. The division shall submit a final report and recommendations for consistent benefit strategies, with any drafts of legislation necessary to carry out those recommendations into effect by filing the same with the joint committee on health care financing and the house and senate committees on ways and means no later than December 31, 2010.”

The amendment was adopted.

Messrs. Hart, Knapik, Petrucci, Brewer and Ms. Spilka moved that the bill be amended by adding the follow section:-

“SECTION XX: Section 9(b) of chapter 94C of the General Laws is hereby amended in the third paragraph by inserting at the end thereof the following:

This section shall not be construed to prohibit a physician or an optometrist from the in-office dispensing and sale of therapeutic contact lenses as long as the medication contained in such lenses is within the profession’s designated scope of practice.

‘Therapeutic contact lenses’ means contact lenses which contain one or more medications and which deliver such medication to the eye.

Section 66b of Chapter 122 of the General Laws is hereby amended after the third paragraph by inserting the following:

This section shall not be construed to prohibit an optometrist from the in-office dispensing and sale of therapeutic contact lenses as long as the medication contained in such lenses is within the profession's designated scope of practice. "Therapeutic contact lenses" means contact lenses which contain one or more medications and which deliver such medication to the eye."

The amendment was adopted.

Mr. Berry moved that the bill be amended in section 133 by inserting after the word "thereunder" the following words:- "provided further that the Inspector General is authorized and directed to expend funds from the Health Safety Net Trust Fund, established in section 36 of chapter 118G of the General Laws to conduct a study and review of the Massachusetts Medicaid program including but not limited to claims administration. The Inspector General shall report his preliminary findings and recommendations to the Secretary and the House and Senate Ways and Means Committees within 90 days of receipt of necessary claims data from the Secretary and the final report 90 days thereafter".

The amendment was adopted.

Mr. Berry moved that the bill be amended in section 133 by inserting after the word "thereunder" the following words:- "provided further, that the Inspector General is authorized and directed to expend funds from the Health Safety Net Trust Fund, established in section 36 of chapter 118G of the General Laws to conduct a study and analysis of the Federal Medicaid Integrity Program's impact on the Commonwealth's Medicaid providers and make appropriate recommendations within 60 days of the effective date of this act".

The amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after Section \_\_\_\_, the following new section:-

"SECTION XX. There shall be a commission to conduct an investigation and study of the potential costs and benefits that may result from requiring asset testing to determine eligibility for MassHealth. The commission shall consist of 7 members as follows: 3 people to be appointed by the governor, 1 of whom shall be the secretary of health and human services or his designee, who will serve as chair; the senate chair of the joint committee of health care financing; the house chair of the joint committee on health care financing; 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 of representatives. The commission shall submit its report and findings, along with any draft of legislation, to the house and senate committees on ways and means and the joint committee on public service within 90 days of the passage of this act."

The amendment was adopted.

Ms. Jehlen, Ms. Fargo, Ms. Spilka and Messrs. Eldridge, Tarr and McGee moved that the bill be amended, in section 2, in item 4400-1000 by adding the following words:- "; provided further, that not later than December 1, 2010, the department shall submit to the house and senate committees on ways and means, the chairs of the joint committee on housing and the chairs of the joint committee on children, families and persons with disabilities a report setting forth: (a) a proposal for the department to offer not less than once annually, recipients of benefits and services provided by the department with the goal of identifying those households who are at risk of homelessness and referring them to the department of housing and community development or other entities or agencies with homelessness prevention resources; and (b) an estimate of the amount of any additional administrative resources that would be needed for the department to implement the proposal in fiscal year 2012; and provided further, that implementation of the proposal shall be subject to appropriation in fiscal year 2012".

The amendment was adopted.

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

"SECTION XX. The secretary of administration and finance and the secretary of health and human services shall evaluate the feasibility of contracting for recycling durable medical equipment purchased and issued by the commonwealth through its medical assistance programs.

Said evaluation shall include, but not be limited to, a request for qualifications and 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 abuse.

After completion of the evaluation, if the secretary of health and human services, in consultation with the secretary of administration and finance, determines that there is a proposal that would result in substantial cost savings for the commonwealth, the secretary of health and human services may adopt the proposal."

The amendment was adopted.

Ms. Menard moved that the bill be amended in section 2, in item 5011-0100, by adding at the end thereof the following: "provided further, that the department shall take no steps to terminate any acute inpatient services, partial hospitalization program or outpatient medication clinic at the John C. Corrigan Mental Health Center or the partial hospitalization program at the Pocasset Mental Health Center until a study of any reduction or elimination of services shall be completed, and the General Court shall have approved by law any such reductions or closing; provided further, that the Secretary of Administration and Finance shall conduct a study which shall examine the costs, benefits and quality maintaining said programs and shall identify alternative methods of providing the services currently provided by Corrigan Mental Health Center in Greater Fall River, and the Pocasset Mental Health Center in Bourne; provided further, that the Secretary shall report in writing on the findings and recommendations of said study to the House and Senate Committee on Ways and Means and the Joint Committee on Mental Health and Substance Abuse no later than April 15, 2011".

The amendment was adopted.

Messrs. Brewer and Downing moved that the bill be amended, in section 2, in item 4590-0250, by inserting at the end the following words:- “provided further, that funds may be expended for the Massachusetts Model of Community Coalitions”. The amendment was adopted.

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

“The inspector general shall review and comment, within 30 days of enactment of this Act, any award, transfer or procurement by the Executive Office of Health and Human Services of any of the services currently being provided under the Customer Services Contract responsible for ‘The Provision of Key Operations Services to the Mass Health Member and Provider Communities’, to private vendor or to any Department of the Commonwealth as defined by 815 CMR 6.02.”

The amendment was adopted.

Messrs. Eldridge and Rosenberg, Ms. Fargo, Ms. Chang-Diaz and Ms. Jehlen moved that the bill be amended, in section 2, in item 9110-9002 by inserting after the words “secretary of elder affairs;” the following “provided further that funding shall be expended for provider training and outreach for LGBT elders and caregivers;”.

The amendment was adopted.

Messrs. Donnelly, Kennedy and McGee moved that the bill be amended, in section 2, in item 4513-1026, by adding at the end thereof the following:- “provided that the SAVE Team in the department of veterans’ services for suicide prevention and intervention services shall receive an amount that is no less than the amount it received in fiscal year 2010”.

The amendment was adopted.

Messrs. Montigny and Kennedy moved that the bill be amended in section 2, in line item 4513-1111 by inserting after words “hepatitis C prevention and management;”, the following language:- “multiple sclerosis screening, information, education and treatment programs and the Multiple Sclerosis Home Living Navigating Key Services program administered by the Greater New England Chapter of the National Multiple Sclerosis Society;”.

The amendment was adopted.

Messrs. Knapik and Buoniconti and Ms. Candaras moved that the bill be amended, in section 2, in item 4590-0912, by striking out the figure “15,650,079” and inserting in place thereof the following figure:- “16,400,049”.

The amendment was adopted.

Ms. Spilka moved that the bill be amended by inserting at the end thereof the following new section:

“SECTION XX. The secretary of the executive office of health and human services and the secretary of education shall examine the education and service needs of children in the care of the commonwealth who are residing in a community which is not their original community of residence. The secretaries shall report to the legislature on January 15, 2011 with their recommendations of how to provide technical assistance and resources to assist municipalities in evaluating and providing for the needs of said children for transportation, assessment, education and continued support in order to ensure the educational success of said children in their new communities.”

The amendment was adopted.

Ms. Flanagan and Ms. Tucker moved that the bill be amended by striking section 60 in its entirety, and inserting in place thereof: “SECTION 60. Section 23 of chapter 119 of the General Laws, as most recently amended by chapter 176 of the acts of 2008, is hereby amended by striking out subsection (f) and inserting in place thereof the following subsection:-

(f) Notwithstanding anything in section 26 of this chapter to the contrary, the department shall continue its responsibility as provided in this section for any person who has attained the age of 18 and is under 22 years of age and who is (1) completing secondary education or a program leading to an equivalent credential; (2) enrolled in an institution which provides post-secondary or vocational education; (3) participating in a program or activity designed to promote, or to remove barriers to, employment; (4) employed at least 80 hours per month; or (5) incapable of doing any of the activities described in subclauses (1) through (4) due to a medical condition (including a diagnosed mental health condition), which incapability is supported by regularly updated information in the case plan of the child, provided, however, that the department’s continued responsibility for persons who have attained the age of 18 is contingent upon the express written consent of the person.

Notwithstanding any other provision of law, the court shall retain jurisdiction under this chapter for persons in the continued care of the department pursuant to this subsection, including for the purpose of permanency reviews as set forth in section 29B of this chapter.

If a child elects to leave the care of the department when he or she attains the age of 18, then during the 90-day period immediately prior to the date on which a child will attain 18 years of age, whether during that period foster care maintenance payments are being made on the child’s behalf or the child is receiving benefits or services under section 477 of the Social Security Act (42 U.S.C. § 677), the department shall provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the child may elect. The court shall retain jurisdiction until it finds, after a hearing at which the child is present, that a satisfactory transition plan has been provided for the child.

If a child remains under the care of the department upon attaining the age of 18 as provided in this subsection, then during the 90-day period immediately prior to the date on which the child leaves the care of the department, or the child’s 21st birthday, whichever comes first, the department shall provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the child may elect. The court shall retain jurisdiction until it finds, after a hearing at which the child is present, that a satisfactory transition plan has been provided for the child.

If a child remains under the care of the department upon attaining the age of 21 as provided in this subsection, then during the 90-day period immediately prior to the date on which the child leaves the care of the department, or the child's 22nd birthday, whichever comes first, the department shall provide the child with assistance and support in updating the aforementioned transition plan. Said updated transition plan shall be personalized at the direction of the child, and shall include specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and it shall be as detailed as the child may elect. The court shall retain jurisdiction until it finds, after a hearing at which the child is present, that a satisfactory updated transition plan has been provided for the child.

If a person who has attained the age of 18 leaves the care of the department but requests, before reaching the age of 22, that the department re-open the person's case, the department shall make every reasonable attempt to provide a program of support which is acceptable to the person and which permits the department to renew its responsibility. If a person re-enters the care of the department pursuant to this paragraph, then all other provisions of this subsection shall apply.

Nothing in this subsection shall be construed to provide legal custody of a person who has attained the age of 18 to the department or to otherwise abrogate any other rights that a person who has attained the age of 18 may have under law by dint of their age.

Nothing in this subsection shall be construed to permit a court to appoint the department as guardian of a person who has attained the age of 18.

The department shall report annually to the child advocate, chairs of the joint committee on children, families and persons with disabilities and the senate and house committees on ways and means on the numbers of persons it serves and declines to serve under this subsection.

SECTION \_\_\_\_\_. Section 29 of chapter 119 of the General Laws, as most recently amended by chapter 176 of the acts of 2008, is hereby amended by inserting after the words "section 29B" the following words:- "or a person who has attained the age of 18 and is before any court pursuant to subsection (f) of section 23".

SECTION \_\_\_\_\_. This act shall be retroactive to apply to persons who, prior to the effective date of this act, attained the age of 18 and have not yet reached the age of 22."

The amendment was adopted.

As previously stated, the above amendments were considered as one, and were adopted.

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

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

"SECTION XX. Section 49 shall be effective April 1, 2011."

The amendment was rejected.

Ms. Chandler and Mr. Baddour, Ms. Tucker and Ms. Flanagan moved that the bill be amended by inserting, after section \_\_\_\_ the following new section:

"Section \_\_\_\_: Section 108B of Chapter 175 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting at the end of said section the following sentence:- 'No contract for the provision of healthcare services or benefits with a registered dentist may require that such dentist provide dental services to a covered person at a particular fee unless said dental services are services for which the company shall provide payment under the applicable group or individual policy of accident, sickness or health insurance.'

Section 7 of chapter 176B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:- 'No such agreement may require that a dentist provide dental services to subscribers or their covered dependents at a particular fee unless said dental services are services for which the medical services corporation shall provide reimbursement under the applicable service agreement.'

Section 7 of chapter 176E of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:- 'No written agreement between a dental service corporation and a participating dentist may require that the dentist provide dental services to subscribers or their covered dependents at a particular fee unless said dental services are services for which the dental service corporation shall provide reimbursement under the applicable service agreement.'

Section 21 of chapter 176G of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after sub-section (d) the following sub-section:- '(e) No contract between a health maintenance organization and a participating provider who is a registered dentist may require that such dentist provide dental services to a member at a particular fee unless said dental services are services for which the health maintenance organization shall provide reimbursement under the applicable health maintenance contract.'

Section 2 of chapter 176I of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:- 'No preferred provider arrangement with a health care provider who is a registered dentist may require that such dentist provide dental service to a covered person at a particular fee unless said dental services are services for which the organization shall provide reimbursement under the applicable preferred provider arrangement.'

The amendment was rejected.

Mr. McGee moved that the bill be amended, in section 2, in item 0810-0045, by striking line item 0810-0045 and replacing it with the following:

"0810-0045 For the labor law enforcement program pursuant to subsection (b) of section 1A of chapter 23 of the General Laws; provided, that notwithstanding any general or special law to the contrary, a non-management position funded by this item shall be considered a job title in a collective bargaining unit as prescribed by the labor relations commission and shall be subject to



chapter 150E of the General Laws ..... \$3,333,588”.

The amendment was rejected.

Messrs. Donnelly, Morrissey, Eldridge, Timilty, McGee, Ms. Walsh, Ms. Fargo, and Ms. Spilka moved that the bill be amended in section 2, in item 1410-0010, by adding at the end thereof the following:- “provided that \$125,000 shall be obligated for a contract to support a Train Vets to Treat Vets program of behavioral health career development for returning veterans with a Massachusetts institution of higher education exclusively accredited to educate psychologists and under a federal yellow ribbon scholarship program contract in the treatment of veterans with substance abuse and other mental health issues as a result of service”; and in said item, by striking out the figures “\$2,133,506” and inserting in place thereof the figures “\$2,258,506”.

The amendment was rejected.

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

“SECTION \_\_\_\_ . Section 2H of chapter 29 of the General Laws, as appearing in the 2008 Official Edition, in line 26, by inserting after the word “revenues” the following language:- ; provided further, that any transfer and appropriation when the total amount of the fund is less than \$500,000,000 or any transfer and appropriation that would reduce the amount of the fund to less than \$500,000,000, shall require a two-thirds vote of the general court.”

The amendment was rejected.

Ms. Creem moved that the bill be amended by inserting after section \_\_, the following new sections:-

“SECTION \_\_\_\_ . Section 99 of Chapter 112 of the General Laws, is hereby amended by inserting after the first sentence the following:- ‘No person shall practice or offer to practice landscape architecture in the commonwealth, unless such person shall have secured from the board a certificate of registration as a landscape architect.’

SECTION 2. Said section 99, as so appearing, is hereby further amended by inserting at the end thereof the following paragraph:- The following persons and activities are exempted from the provisions of this chapter: Any architect registered under the provisions of chapter 112 and any professional engineer registered under section 45 of chapter 13. Nothing in this chapter shall prevent a vendor of goods, services or materials, including irrigation designers, nurserymen, landscape nurserymen, gardeners, landscape gardeners, and general or landscape contractors, from providing drawings or graphic diagrams necessary for the proper layout of his goods or materials, or prevent a landscape designer from engaging in, for a fee, the design of spaces utilizing plant materials and incidental paving and building materials or arranging for installation of the same. Nothing in this chapter shall be construed in any manner to prohibit any person from making plans, drawings, or specifications for personal use and enjoyment of any property owned by him. Notwithstanding the provisions of this section, any person exempted under this section or any persons engaged in activities exempted under this section shall not use the title ‘landscape architect’ unless such persons comply with the provisions of this chapter.

SECTION 3. Section 101 of Chapter 112 of the General Laws is hereby amended by striking the words ‘that: (a) he is at least twenty-three years of age and of good moral character; (b) he is a citizen of the United States or has legally declared his intention of so becoming; (c)’ and inserting in place thereof the word ‘that’.

SECTION 4. Section 103 of Chapter 112 of the General Laws, is hereby amended by adding after the words ‘shall be paid to the board for the following’ the following words:- ‘, provided that the fee shall not be less than \$120’.”

The amendment was rejected.

Mr. Tisei moved that the bill be amended in section 27, by striking out in paragraph (c) the second sentence and inserting in place thereof the following sentence: “Matters determined in a unified audit proceeding may be disputed by the individual members or indirect owners under sections 37 and 39 of chapter 62C.”

The amendment was rejected.

Mr. Kennedy moved that the bill be amended in section 2, in item 1232-0100 in its entirety and by adding the following:

“1232-0100 For underground storage tank reimbursements to parties that have remediated spills of petroleum products pursuant to Chapter 21J of the General Laws.....\$13,099,454”.

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended in section 2, in item 0640-0010, by striking the item in its entirety.

The amendment was rejected.

Mr. Baddour moved that the bill be amended in section 19 by inserting after the words “state authorities,” the following:- “except an authority accepted by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act, as an wholesale electric customer for power supply and transmission,”.

The amendment was rejected.

Mr. Petruccelli moved that the bill be amended in section 2, in item 2800-0401, by striking out the figure “\$391,195” and inserting in place thereof the following figure:- “\$693,392”.

The amendment was rejected.

Mr. Petruccelli, Ms. Fargo and Mr. Pacheco moved that the bill be amended in section 2, in item 2800-0700, by striking out the figure “\$288,602” and inserting in place thereof the following figure:- “\$410,151”.

The amendment was rejected.

Mr. McGee moved that the bill be amended in section 2, in item 2810-0100 by adding the following at the end thereof: “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.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by striking out sections 17 through 20, inclusive; and by striking out section 155.

The amendment was rejected.

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

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

"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. Eldridge and Ms. Fargo moved that the bill be amended in section 2, in item 2250-2000, by striking out the figure "\$1,464,896" and inserting in place thereof the following figure:- "\$1,572,433".

The amendment was rejected.

Mr. Petrucci moved that the bill be amended in section 2, in item 2000-0100, by striking out the figure "\$5,986,178" and inserting in place thereof the following figure:- "\$6,086,178".

The amendment was rejected.

Mr. Joyce moved that the bill be amended, in section 2, in item 2810-0100, by inserting the following: "; and provided further, that not less than \$100,000 shall be expended for Pine Tree Brook in the town of Milton".

The amendment was rejected.

Mr. Rosenberg moved that the bill be amended in section 2, in item 9110-1900, by adding at the end thereof the following:- "provided further, that funding shall be expended for the Senior FarmShare program for low income seniors in Hampshire, Hampden, and Franklin counties".

The amendment was rejected.

Mr. Eldridge moved that the bill be amended in section 2, in item 2200-0100, by striking out the figure "\$26,446,561" and inserting in place thereof the following figure:- "\$27,945,126".

The amendment was rejected.

Messrs. Morrissey and Eldridge moved that the bill be amended by adding at the end thereof the following new section:-  
"SECTION XX. Section 19 of chapter 25 of the General Laws, as amended by section 11 of chapter 169 of the acts of 2008, is hereby further amended by inserting after the words "NOx Allowance Trading Program;" the following:- provided however that all such amounts generated by municipal lighting plants pursuant to the Forward Capacity Market program administered by ISO New England and all amounts generated by all cap and trade pollution control programs, including, but not limited to, the carbon dioxide allowance trading mechanism established pursuant to the Regional Greenhouse Gas Initiative Memorandum of Understanding and the NOx Allowance Trading Program, shall be returned directly to said municipal lighting plants on each plant's kilowatt sales in relation to total kilowatt sales statewide basis. Such amounts shall be returned within 60 days from receipt and shall be utilized by said municipal lighting plants for energy efficiency related programs to be established and implemented by said plants."

The amendment was rejected.

Mr. Morrissey moved that the bill be amended in section 20 by striking out clause (2) of subsection (f); and by striking out entirely subsections (j) and (k).

The amendment was rejected.

Mr. Morrissey moved that the bill be amended by striking out sections 18, 19, and 20, and inserting in place thereof the following 2 sections:-

"SECTION XX. Said section 1 of said chapter 23J, as so amended, is hereby further amended by inserting after the definition of 'Revenues', as so appearing, the following 2 definitions:-

'State energy resource contracts', contracts executed by the division under section 12.

'State entities', state agencies, state authorities, quasi-public entities, and building authorities

SECTION XX. Said chapter 23J is hereby further amended by adding the following section:-

Section 12. (a) There shall be within the center a division of energy solutions. The executive director of the center shall appoint a division director, who shall be a person of skill and experience in the field of competitive energy procurement, to head the division. The division director shall serve at the pleasure of the executive director who shall fix the division director's compensation and terms of employment. The division director shall devote full time during business hours to the duties of the office. The division director may, subject to the general supervision of the executive director, employ other employees, consultants, agents and advisors, and shall attend meetings of the board.

(b)(1) The division shall promote and advance the commonwealth's public interests by acting as the lead agency, in collaboration with the center, the executive office of energy and environmental affairs, the executive office for administration and finance and the department of energy resources to reduce energy costs for all state entities by: (i) establishing a statewide competitive procurement process for energy resources; (ii) managing a statewide energy monitoring and analysis system to optimize energy usage in state-owned facilities; and (iii) recommending energy efficiency related capital investments.

(2) The division shall manage these duties so as to competitively obtain adequate, reliable, efficient, and cost-effective energy resources.

c) There shall be an advisory committee consisting of 9 individuals with an interest in and knowledge of matters related to energy

procurement. The division shall consult with the advisory committee in matters related to the implementation of this section. The advisory committee shall develop objectives and procurement strategies and recommend financial controls. The advisory committee shall include: the secretary of administration and finance who shall serve as chair; the secretary of energy and environmental affairs; the commissioner of energy resources; the state purchasing agent; and 4 members to be appointed by the secretary of administration and finance, 1 of whom shall be from a participating executive branch agency, 1 of whom shall represent quasi-public entities, 1 of whom shall represent participating state authorities and 1 of whom shall be an expert on competitive energy procurement; and 1 member to be appointed by the secretary of energy and environmental affairs who shall be an expert on energy management services. The members of the advisory committee shall serve without compensation, but each member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties. The advisory committee shall meet at least quarterly and at such other times as the members shall decide. A member may appoint a designee to represent that member at any such meeting. The time and place of each said meeting shall be publically noticed in advance and public comments shall be encouraged and received if offered at each meeting.

(d) State entities shall procure energy resources through state energy resource contracts negotiated by the division and executed subject to this section unless granted a waiver by the division, provided, however, that any state entity purchasing energy from a group purchasing entity qualified under chapter 164, section 137 of the general laws, or any state entity that has a procurement contract in place now or had such a contract in place in the past three years, shall be deemed exempt from the requirements of this section. Notwithstanding this subsection, a state entity served by a municipal lighting plant which does not supply generation service outside its own service territory or does not open its service territory to competition at the retail level shall not procure energy resources from state energy resource contracts.

(e) The division, in consultation with the advisory committee, shall establish procedures and criteria to enable a state entity, in consultation with the division, to evaluate the costs and benefits of any then-current contractual obligations for energy resources applicable to that state entity. Following the termination date of these contracts, the state entity may procure energy through state energy resource contracts under this section or may maintain separate procurement if in the judgment of the state entity separate procurement provides the best value or is in the best interests of the state entity subject to all applicable procurement laws of the commonwealth. A state entity procuring energy resources through a state energy resource contract shall execute all necessary contract documents to complete the procurement.

(f) To increase efficiencies in conducting competitive energy resource procurements for state entities, the division may:

- (1) establish a statewide competitive procurement process of energy resources for such entities;
- (2) manage all eligible and participating state accounts and, at the discretion of the division by consolidating the supply portion of service into a single electricity and natural gas commodity load profile, respectively; and
- (3) enable small accounts, as determined by the division, to participate in aggregated market purchases.

(g) To streamline energy billing for state entities which have executed contracts under this section, the division, in consultation with the department of energy resources, the executive office for administration and finance and participating state entities, may create a centralized billing system to receive all utility bills, audit for errors and provide billing to individual state agencies and accounts. Participating state entities shall provide the division with such billing information, as it may request.

(h) To improve energy usage and management for state entities, the division may:

- (1) utilize an energy management system to monitor and analyze the consumption of energy procured through state energy resource contracts in facilities used by state entities;
- (2) analyze data from the energy management system, energy audits and other sources to identify energy-efficiency investment opportunities;
- (3) identify all existing state-owned energy generation assets and develop a plan to optimize their value; and
- (4) establish equitable means to distribute energy savings to state entities.

(i) To identify appropriate energy-efficiency capital investments in the state facility energy infrastructure, the division, in consultation with the executive office for administration and finance, may develop recommendations that:

- (1) establish economic criteria to be applied in making capital investments in identified energy efficiency opportunities;
- (2) identify capital resources, either through existing bonding authority or other sureties or resources to fund energy-efficiency improvements and distributed-energy generation; and
- (3) utilize energy cost-savings to finance, in whole or in part, such capital improvements.

(j) The division may purchase at retail, energy resources on behalf of a participating state entity at the lowest reasonable cost consistent with this section, subject to compliance with applicable delivery tariffs of the electric distribution companies and any applicable federal tariffs. At a minimum, the lowest reasonable cost requires that the procurement of energy resources is conducted with transparency and openness within and among both buying and supplying organizations utilizing a competitive procurement process whereby all licensed retail suppliers are able to compete in a fair and open environment. Nothing in this section shall change the relevant terms of existing distribution company tariffs with respect to the provision of distribution services to individually metered accounts.

(k) The division may purchase at retail, energy resources on behalf of a participating state entity at the lowest reasonable cost, subject to compliance with applicable delivery tariffs of the natural gas distribution companies and any applicable federal tariffs. The division may do all things necessary, convenient or desirable to provide natural gas supply service under this section, provided, however, the procurement of natural gas supply is conducted with transparency and openness within and among both buying and supplying organizations utilizing a competitive procurement process whereby all market participants are able to compete in a fair and open environment. The division may provide the purchased energy resources to participating state entities and execute transactions to manage the supply portfolio, but shall not make retail sales to other parties. Nothing in this section

shall change the relevant terms of existing distribution company tariffs with respect to the provision of distribution services to individually metered accounts.

(l) The center shall report annually on January 1 to the board, the clerks of the senate and house of representatives, the governor and the participating state entities on the operations of the division. The annual report shall include, but not be limited to, a description of the performance of the procurement program and all contracts executed under this section.

(m) The division shall adopt regulations and procedures to carry out this section.”

The amendment was rejected.

Ms. Creem, Ms. Fargo, Ms. Jehlen moved that the bill be amended by inserting the text of Senate document numbered 2605, relative to improved lighting.

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended in section 2, in item 4800-0038, by adding at the end thereof the following: “provided further that \$125,000 be expended Baby’s Breath Crisis Nursery for protective child care services”; and in said item, by striking out the figure “295, 282, 464” and inserting in place thereof the figure “295,427,464”.

The amendment was rejected.

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

“Section X. Subsection (b) of section 188 of Chapter 149 of the General Laws as appearing in the 2008 Official Edition, is hereby amended by adding the following sentence:- ‘Any employee who has health care coverage via a qualifying health insurance plan from a spouse, parent, veteran’s plan, Medicare, Medicaid or a plan or plans due to a disability or retirement shall not be included in the calculation for the fair share employer contribution.’”

The amendment was rejected.

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

“Section X. Section 2 of Chapter 111N is hereby amended by striking subsections 1(c), 3, 4, 5 and 6.”

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended in section 2, in item 7003-0702, by adding at the end thereof the following: “provided further that \$150,000 be expended for the Centros Las Americas”.

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended, in section 2, in item 7003-0605, by striking out the figure “325,000” and inserting in place there of the figure “900,000”.

The amendment was rejected.

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

“Section X. The second paragraph of section 12 of chapter 150E of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following subparagraph:- If an agency service fee is not negotiated in the collective bargaining agreement the fair share provision shall apply to any employee who chooses not to join the union by paying to the union a percentage equal for negotiations for wages, benefits and working conditions and grievance and arbitration rights. Failure of an employee to pay the fair share provision shall exclude him from any and all relief of the collective bargaining agreement with the exception of the negotiated COLA increases.”

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 not less than \$150,000 be expended on the Urban League of Springfield’s Parent Empowerment Program”.

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 not less than \$75,000 be expended for the “X” Main Street Corporation in Springfield”.

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 Springfield Technical Assistance Program run by the Affiliated Chambers of Commerce of Greater Springfield”.

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 \$50,000 be expended for the Springfield Symphony Orchestra”.

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 that not less than \$250,000 be expended on 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 7003--0702, by inserting at the end thereof the following:-

“provided further that not less than \$100,000 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 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.

Mr. Michael O. Moore moved that the bill be amended, in section 2, by striking out item 7077-0023 and inserting in place thereof the following item:-

“7077-0023 For a contract with the Tufts School of Veterinary Medicine; provided, that funds appropriated in this item shall be expended for supportive veterinary services provided to the commonwealth; provided further, that prior year costs may be paid from this item; and provided further, that funds appropriated in this item shall support bioterrorism prevention research related to diseases that can be transmitted from animals to humans in consultation with Massachusetts emergency authorities; provided further, that not less than \$500,000 shall be expended for a program in collaboration with a community college to educate and train veterinary technicians ..... \$3,000,000”.

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, in item 7004-0099 by inserting after the word “rehabilitation program” the following:- “; provided further, that not less than \$95,000 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 7004-0102 by striking out the figure, “\$37,292,252” and inserting in place thereof the figure, “\$37,643,335”

The amendment was rejected.

Mr. Hart moved that the bill be amended by striking out (g) in outside section 116.

The amendment was rejected.

Mr. Petrucci moved that the bill be amended, in section 2, by inserting after item 7004-0104 the following item:-

“7004-1000 For the purposes of providing advanced funding no later than 30 days after the start of the fiscal year to community based nonprofit organizations and other entities that administer the federal Low Income Home Energy Assistance Program described in item 7004-2033 to allow said organizations and entities to begin start up operations of the federal Low Income Home Energy Assistance Program described in item 7004-2033; provided, that the department and said organizations and entities may expend a portion of these funds for reasonable administrative costs consistent with the current or prior year's state plan submitted by the department of housing and community development in accordance with the federal program; provided further that, that the department and said organizations and entities may, after November 1, expend a portion of these funds to assist low-income elders, working families and other households with the purchase of heating oil, propane and natural gas and electricity and other primary or secondary heating sources; provided further that, said advanced funding be subject to reimbursement by funds described in item 7004-2033.....\$10,000,000.”

The amendment was rejected.

Mr. Petrucci moved that the bill be amended in section 2, in item 7004-3036, by adding at the end thereof the following: “; provided further, that not less than \$141,000 shall be expended for Just-A-Start Corporation to administer a housing stabilization and conflict management program to prevent homelessness”.

The amendment was rejected.

Messrs. Knapik, Tisei, and Tarr moved that the bill be amended by inserting the following new section:-

“Section X: section 1 of Chapter 151 of the General Laws is hereby repealed and replaced with the following:-

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

The amendment was rejected.

Ms. Chang-Diaz, Ms. Jehlen, and Messrs. Michael O. Moore and O’Leary moved that the bill be amended in section 2, in item 7002-0019, by striking out the figure “\$6,249,712” and inserting in place thereof the figure “\$6,692,945”.

The amendment was rejected.

Mr. Knapik moved that the bill be amended by inserting the following new sections:-

“SECTION X. Section 2RR of chapter 29 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word ‘Training’, in line 3, the following word:- Trust.

SECTION X. Said section 2RR of chapter 29, as so appearing, is hereby further amended by striking out, in lines 6 and 7, the words ‘Subject to appropriation, the commissioner, which in this section shall have the meaning assigned by Section 1 of chapter 151A’ and inserting in place thereof the following words:- The commissioner, which in this section shall have the meaning assigned by Section 1 of chapter 151A, shall be the trustee of the Fund and, without further appropriation.

SECTION X. Sections 3A, 20A and 25 of chapter 175 of the acts of 1998 are hereby repealed.”

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended in section 2, in item 7004-0099, by adding at the end thereof the following: "provided that 50,000 shall be expended for the South Worcester Neighborhood Improvement Corporation to provide vital services to the poorest neighborhoods in the City of Worcester".

The amendment was rejected.

Mr. McGee moved that the bill be amended in section 2, in item 7002-0170, by striking out the figures "\$185,070" and inserting in place thereof the figures "\$263,183".

The amendment was rejected.

Mr. McGee moved that the bill be amended in section 2, in item 7002-0200, by striking out the figures "\$1,750,652" and inserting in place thereof the figures "\$1,808,846".

The amendment was rejected.

Mr. McGee moved that the bill be amended in section 2, in item 7002-0900, by striking out the figures "\$1,805,890" and inserting in place thereof the figures "\$1,838,835".

The amendment was rejected.

Mr. McGee moved that the bill be amended in section 2, in item 7002-0500, by striking out the figures "\$19,906,544" and inserting in place thereof the figures "\$20,047,378".

The amendment was rejected.

Mr. McGee moved that the bill be amended in section 2, in item by striking out the figure \$1,805,890 and inserting in place thereof the following figure:\$1,262,890; and by adding the following new line item 7002-0901 and the figure of \$543,000 for the operation of the Joint Labor Management Committee for Municipal Police and Fire.

The amendment was rejected.

Messrs. Tolman and Morrissey moved that the bill be amended in section 2, in item 7004-0101, by inserting the following text at the end thereof:- " ; provided further, that notwithstanding any general or special laws to the contrary, the department may make expenditures from this item to housing authorities for emergency assistance and stabilization services for families who are tenants in state aided public housing paying minimal or no rent, and who are eligible for emergency assistance if homeless, housing authorities shall make application to the department for emergency assistance funds to prevent family homelessness".

The amendment was rejected.

Ms. Chandler, Ms. Spilka and Mr. Michael O. Moore moved that the bill be amended in section 2, in item 7003-0702, by adding at the end thereof the following: "provided that not less than \$125,000 shall be expended for the Center for Women and Enterprise".

The amendment was rejected.

Mr. McGee moved that the bill be amended in section 2, in item 4401-1000, by striking the figure "\$15,979,163" and inserting in place thereof the following figure:- "\$23,000,000".

The amendment was rejected.

Mr. Tolman moved that the bill be amended in section 2, in item 7007-1000, by inserting after the words "administrative services" the following:- " ; provided that not less than \$100,000 shall be expended for the Head of the Charles Regatta"; and by striking the figure "\$4,500,000" and inserting in place thereof the figure: - \$4,600,000".

The amendment was rejected.

Ms. Spilka moved that the bill be amended in section 2, in item 7007-0300, by striking the figure "\$1,821,455" and inserting in place thereof:- "\$1,852,951".

The amendment was rejected.

Mr. Buoniconti moved that the bill be amended by striking out section 94 and inserting in place thereof the following section:- "SECTION 94. Chapter 453 of the acts of 2008 is hereby amended by striking out section 9 and inserting in place thereof the following section:-

Section 9. Section 3 and section 4 shall take effect on September 30, 2011."

The amendment was rejected.

Mr. Eldridge and Ms. Fargo moved that the bill be amended in section 2, in item by inserting after item 7004-9316 the following item:

"7004-9317 - For the individual development account program; provided, that households residing in state-subsidized housing, as defined by the department, shall receive preference for enrollment in the program; provided further, that funds may be awarded to community-based organizations to establish or support local programs; provided further, that funds may be used for administrative costs to operate a program for financial literacy and asset-specific training and as a match for program participant savings for qualified acquisition costs with respect to a qualified principal residence for a qualified first-time homebuyer, as defined by the department; provided further, that the department may determine other qualified match uses consistent with the guidelines established in federal guidelines under 42 U.S.C. 604; and provided further, that funds may be used to secure federal asset building program funds....."\$200,000".

The amendment was rejected.

Mr. Eldridge, Ms. Jehlen and Ms. Fargo moved that the bill be amended in section 2, in item 7004-9316, by striking out the figure "\$1,000,000" and inserting in place thereof the following figure:- "\$2,500,000".

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, line item 7007-0300 by striking "\$1,821,455" and replacing it with "\$1,921,455"; and by adding at the end the following words: "provided further that no less than \$100,000 shall be expended to a statewide public private alliance promoting economic development in the Commonwealth, and that the Massachusetts Office of

Business Development shall contract with this alliance for statewide site finding and related services”.

The amendment was rejected.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 7003-0702, by inserting at the end thereof the following:-  
“provided further, that not less than \$250,000 shall be expended to the New England Farm Workers Council”.

The amendment was rejected.

Mr. Buoniconti moved that the bill be amended in section 2, in item 7003-0701, by inserting at the end thereof the following:-  
“provided further that not less than \$250,000 shall be expended for Springfield Technical Assistance Program to be operated by the Affiliated Chambers of Commerce of Greater Springfield”.

The amendment was rejected.

Mr. McGee moved that the bill be amended in section 2, in item 4401-1000, by inserting after the word “program” the following:  
“provided further, a subsidized employment program shall be developed for adults and youth in the commonwealth; provided further, that a minimum of \$30,000,000 in funds received by Massachusetts from the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs as provided for under section 403(c) of the social security act (42 U.S.C. 603 (c)) as amended will be expended for the subsidized employment for temporary aid to families with dependent children eligible adults and youth; provided further that funds shall be allocated to the commonwealth corporation through an interagency service agreement and managed by local workforce investment boards consistent with current state policy for workforce investment act and youth works funding; provided further, that funds shall be available for expenditure through September 30, 2012;” and in said item by striking the figures “\$23,042,578” and inserting in place there of the figures “\$53,042,578”.

The amendment was rejected.

Mr. Eldridge, Ms. Fargo and Mr. Hart moved that the bill be amended in section 2, by inserting after item 7002-9702 the following item:

“7002-1084 For the Education Rewards Grant Program Fund.....\$500,000”.

The amendment was rejected.

Mr. Morrissey moved that the bill be amended in section 2, in item 7002-0016, by inserting after the words “Massachusetts marketing partnership”, the following:- “provided further, that not less than \$500,000 shall be expended through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2011 for destination marketing organizations that have seen reduced funding from their regional tourism council”.

The amendment was rejected.

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

“SECTION XX: Notwithstanding any special or general law to the contrary, the division of insurance, in consultation with the division of health care finance and policy, shall promulgate regulations on or before October 1, 2010 to establish a uniform methodology for calculating and reporting by carriers for the medical loss ratios of health benefit plans under section 6 of chapter 176J, section 21 of chapter 176O and section 6 of chapter 118G of the General Laws. The uniform methodology for calculating and reporting medical loss ratios shall, at a minimum specify a uniform method for allocating expenditures as medical claims or administrative expenses, including, but not limited to: (i) financial administration expenses; (ii) marketing and sales expenses; (iii) distribution expenses; (iv) claims operations expenses; (v) medical administration expenses, such as disease management, utilization review and medical management activities; (vi) network operation expenses; (vii) charitable expenses; (viii) board, bureau or association fees; (ix) state and federal tax expenses, including assessments; (x) payroll expenses; and (xi) other miscellaneous expenses not included in one of the previous categories. The methodology shall conform with applicable federal statutes and regulations to the maximum extent possible. The division shall, before adopting regulations under this section, consult with: the group insurance commission; the Centers 904 for Medicare and Medicaid Services; the national association of insurance commissioners; the attorney general; representatives from the Massachusetts Association of Health Plans; the Blue Cross and Blue Shield of Massachusetts; the Massachusetts Medical Society, the Massachusetts Hospital Association, the Massachusetts Health Information Management Association; the Massachusetts Health Data Consortium; a representative from a small business association; and a representative from a health care consumer group.

SECTION XX. Chapter 176J is hereby amended by striking out section 6 and inserting in place thereof the following section:

Section 6. (a) Notwithstanding any law to the contrary, the commissioner shall be authorized to approve health insurance policies submitted to the division of insurance for the purpose of being provided to eligible individuals or eligible small businesses. Said health insurance policies shall be subject to the provisions of this chapter and may exclude coverage of mandated benefits and may include networks that differ from those of a health plan’s overall network. The commissioner shall promulgate regulations regarding eligibility criteria. Said eligibility criteria shall require that health insurance policies which exclude mandated benefits shall only be offered to small businesses which did not provide health insurance to its employees as of April first, nineteen hundred and ninety-two. Said eligibility criteria may require an employer contribution of at least fifty percent of the health insurance premium for employees. Said eligibility criteria shall also provide that small businesses shall not have any health insurance policies which exclude mandated benefits for more than a five year period.

(b) Notwithstanding subsection (a), for base rate changes filed under this section, if a carrier elects to limit its aggregate medical loss ratio for all plans offered under this chapter to no less than 88 percent; to limit the amount of any load in the rate for profit and surplus to no more than 1 percent; and whose administrative costs on a per member per month basis do not increase by an amount greater than 150 per cent of the prior calendar year’s percentage increase in the New England consumer price index for medical care services, as identified by the division of health care finance and policy; such plans shall be deemed approved.

Carriers that are part of a holding company system may make a combined election and may report their medical loss ratio on a combined basis. A carrier making such election shall do so, in writing, to the commissioner when the carrier files changes to base

rates or to rating factors under this section. A carrier making such election shall notify all its eligible individuals and eligible small groups in writing at the time of making such election that it has made such election. A carrier making an election under this subsection shall regularly and as requested by the commissioner file with the commissioner documentation reporting that the annual aggregate medical loss ratio for all plans offered under this chapter and the annual aggregate amount of any contribution to profit or surplus derived from all plans offered under this chapter complies with regulations promulgated by the commissioner. If the annual aggregate medical loss ratio for all plans offered under this chapter is less than 88 percent over the applicable 12 month period, the carrier shall refund the excess premium to its eligible individuals and eligible small groups. A carrier must communicate within 30 days to all individuals and small groups that were covered under plans during the relevant 12 month period that such individuals and small groups qualify for a refund to be issued under this paragraph, which may take the form of either a refund on the premium for the applicable 12 month period, or if the individual or groups are still covered by the carrier, a credit on the premium for the subsequent 12 month period. The total of all refunds issued shall equal the amount of a carrier's earned premium that exceeds that amount necessary to achieve a medical loss ratio of 88 percent, calculated using data reported by the carrier as prescribed under regulations promulgated by the commissioner. The commissioner may authorize a waiver or adjustment of this requirement only if it is determined that issuing refunds would result in financial impairment for the carrier. Section XX. Section 6 of Section of 176J, as amended by Section XX, is hereby amended further by striking out the figure 88, each time it appears, and inserting in place thereof the following figure:-90. Section XX shall take effect July 1, 2011."

The amendment was rejected.

Mr. Morrissey moved that the bill be amended, in section 2, in item 7006-0060, by striking out the figure "\$547,222" and inserting in place thereof the following:- "\$677,722".

The amendment was rejected.

Mr. Eldridge, Ms. Tucker, Ms. Spilka, Messrs. Downing and Pacheco, Ms. Fargo and Messrs. Richard T. Moore, O'Leary and Tarr moved that the bill be amended in section X by adding at the end thereof the following section:-

"SECTION\_ . Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer \$2,800,000 from the General Fund to the District Local Technical Assistance Fund, established by section 2XXX of chapter 29 of the General Laws."

The amendment was rejected.

Mr. Knapik moved that the bill be amended by adding the following new section:-

"SECTION X. Notwithstanding any general or special law to the contrary, the Department of Housing and Community Development shall require weekly meetings between each individual or each head-of-household housed in a hotel or motel as part of the emergency shelter program and a qualified social worker employed by the department or by another relevant state department. The purpose of the meeting shall be to assess the well-being and safety of each individual, as well as to evaluate the individual's or family's continued need for emergency shelter in the hotel or motel. The social worker shall ensure that each individual and family is working toward self-sufficiency and has a department-approved plan for leaving the hotel or motel and finding permanent housing."

The amendment was rejected.

Mr. Hedlund moved that the bill be amended in section 23 by striking out the text in its entirety and replacing it with the following:

"SECTION 23: Said chapter 29 is hereby further amended by inserting after section 5F the following section:-

Section 5G. Notwithstanding any general or special law to the contrary, the department of revenue shall report by November 30 to the state comptroller, the executive office for administration and finance and the house and senate committees on ways and means tax revenues estimated to have been collected during the preceding fiscal year from capital gains income; provided, however, that beginning October 31 and quarterly thereafter the department of revenue shall certify to the state comptroller the amount of tax revenues estimated to have been collected during the preceding quarter from capital gains income.

All tax revenues collected from capital gains income shall be expended in the following manner: Twenty-five percent shall be used for the defeasement of all debt incurred by the Commonwealth; and further that twenty-five percent be transferred into the Commonwealth Stabilization Fund established in section 2H; and further that fifty percent be reserved for the funding of capital improvement projects within the Commonwealth."

The amendment was rejected.

Mr. Joyce moved that the bill be amended in section 2, in item 7061-0012 by striking out the figure "\$133,119,160" and inserting in place there of the figure: "\$146,431,076".

The amendment was rejected.

Ms. Menard moved that the bill be amended in section 2, by inserting after item 7010-0033 the following item:

"7027-0016 For matching grants for Jobs for Bay State Graduates, Inc., for 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 law 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; and provided further, that no funds shall be expended for personnel..... \$450,000".



The amendment was rejected.

Messrs. Baddour and Hart and Ms. Walsh moved that the bill be amended in section 2, in item 7010-0033, by striking the words “and the Reading Recovery program;” and striking the figure “\$4,075,489” and inserting in place thereof the figure “\$3,075,489”; and by inserting after the line item 7010-0033, the following new line item:

“7030-1005.. For Reading Recovery, a one to one, 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 said program shall provide ongoing documentation and evaluation of results..... \$1,000,000”.

The amendment was rejected.

Mr. Petrucci moved that the bill be amended in section 2, in item 7061-0012, by striking out the words “for the cost of borrowing audio textbooks by special education students” and inserting in place thereof the following words:- “for the costs of borrowing human speech audio textbooks by special education students in schools identified for improvement, corrective action, or restructuring;”.

The amendment was rejected.

Ms. Chang-Díaz moved that the bill be amended in section 2, in item 7061-9614, by striking out the figure “\$146,140” and inserting in place thereof the figure “\$1,195,840”.

The amendment was rejected.

Mr. McGee moved that the bill be amended in section 2, in item 3000-4050, by striking the words “provided further, that the department may provide early education and care benefits to parents who are under 18 years of age, who are currently enrolled in a job training program, and who would qualify for benefits under chapter 118 of the General Laws but for the deeming of the grandparents’ income;” and inserting in place thereof the following words:- “provided further, that the department shall provide early education and care benefits to parents who are under 18 years of age, who are currently enrolled in an education or job training program, and who would qualify for benefits under chapter 118 of the General Laws but for the deeming of the grandparents’ income and who cannot access contracted slots”.

The amendment was rejected.

Ms. Spilka moved that the bill be amended in section 2, in item 7061-9404, by adding at the end thereof the following: “provided further, that not less than \$370,000 shall be allocated to the Framingham public schools for existing dual- immersion programs in the town of Framingham and to evaluate the program in Framingham and those elsewhere in the Commonwealth, including an evaluation of best practices and all professional development related to these programs;”.

The amendment was rejected.

Mr. McGee moved that the bill be amended in section 2, in item 7061-9604, by striking out the figure “1,367,409” and inserting in place thereof the following figure: “1,519,343”.

The amendment was rejected.

Mr. Buoniconti moved that the bill be amended in section 2, in item 7061-9404, by inserting at the end thereof the following:- “; provided further, that not less than \$100,000 shall be expended for the clean slate program in Springfield to provide classroom and community service supervision for youthful offenders;”.

The amendment was rejected.

Mr. Joyce moved that the bill be amended in section 2, in item 7030-1002, by striking the figure “\$19,273,317” and inserting in place thereof:- “25,972,317”.

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: “provided further, that not less than \$150,000 shall be expended for Northern Educational Services, Inc., in Springfield”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended in section 2, in item 7010-0033, by striking out the words “the Bay State Reading Institute program”; in said item, by striking out the words “provided further, that the Bay State Reading Institute may be administered under contract to Middlesex Community College in programmatic collaboration with Framingham State College and Fitchburg State College”; in said item, by striking out the words “and provided further, that funds appropriated in this item for said Institute may be expended through June 30, 2012”; and in said item, by striking out the figures “\$4,075,489” and inserting in place thereof the figures “3,275,489”; and by inserting after item 7010-0012 the following item: “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 that student's 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 this initiative may be expended through June 30, 2012 ..... \$800,000”.

The amendment was rejected.

Mr. O'Leary moved that the bill be amended in section 2, in item 7061-9404, by striking it in its entirety and inserting in place thereof the following:-

“7061-9404 For grants to cities, towns and regional school districts to provide targeted remediation programs for students in the classes of 2003 to 2015, inclusive, scoring in level 1 or 2 on the Massachusetts Comprehensive Assessment System, or MCAS, exam established by the board of elementary and secondary education pursuant to the provisions of sections 1D and II of chapter 69 of the General Laws; provided, that the department and districts shall ensure that services are available to students with disabilities; provided further, that in awarding remediation funds, preference may be given to schools and districts at risk of or determined to be under-performing in accordance with said sections 1J and 1K of said chapter 69; provided further, that the purpose of this program shall be to improve students' performance on the MCAS exam through replication of services and educational strategies with proven results as determined by the department of elementary and secondary education; provided further, that such programs shall supplement currently funded local, state, and federal programs at the school or district; provided further, that funds shall be expended for a competitive grant program to fund academic support and college transition services to be implemented in fiscal year 2011, and operated by public institutions of higher learning or by public-private partnerships in the commonwealth, for students in the graduating classes of 2003 to 2012, inclusive, who have not yet obtained a competency determination as defined in said section 1D of said chapter 69 as measured by the MCAS assessment instrument authorized by said section II of said chapter 69, but who are working to pass the MCAS tests needed to obtain a competency determination, and earn a high school diploma; provided further, that for the purpose of the programs, appropriated funds may be expended through August 31, 2011, to allow for summer remediation programs; provided further, that funds shall be expended for a competitive grant program to fund Pathways programs targeting eleventh and twelfth graders, instituted by local school districts, public institutions of higher education and qualified public and private educational services organizations and One Stop Career Centers including, but not limited to, school-to-work connecting activities, creating worksite learning experiences for students as an extension of the classroom, outreach programs for students who will need post-twelfth grade remediation to attain the skills necessary to pass the MCAS exam, and counseling programs to educate parents and high school students on post-twelfth grade remediation options; provided further, that funds shall be expended for a competitive grant program, guidelines for which shall be developed by the department of elementary and secondary education, for intensive remediation programs in communities with students in the graduating classes of 2003 to 2015, inclusive, who have not obtained a competency determination or have scored in levels 1 or 2 on the MCAS exams required for high school graduation; provided further, that the department of elementary and secondary education may give preference for such assistance to those districts with a high percentage of high school students scoring in level 1 on the MCAS exams required for high school graduation; provided further, that eligible applicants shall include individual high schools, and those institutions which shall have partnered with a high school or group of high schools; provided further, that no district shall receive a grant from this appropriation until said district submits to the department of elementary and secondary education a comprehensive district plan pursuant to the provisions of said section II of said chapter 69, to improve performance of all student populations including, but not limited to, students with disabilities; provided further, that the department shall issue a report not later than February 2, 2011, and annually thereafter as a condition of continued funding under this account, in collaboration with the department of higher education, describing MCAS support programs for the graduating classes of 2003 to 2015, inclusive, funded by items 7061-9404 and 7027-0019, school to work accounts, institutions of public higher education, and other sources, including federal sources; provided further, that such report shall include, but not be limited to, the number of students eligible to participate in such programs, the number of students participating in such programs, the number of students who have passed the MCAS assessment and obtained a competency determination through these programs but not met local graduation requirements, and the number of students who have passed the MCAS assessment and obtained a competency determination through these programs and met local graduation requirements; provided further, that said report shall be provided to the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on education; provided further, that any grant funds distributed from this item to a city, town or regional school district shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such city, town, or regional school district without further appropriation, notwithstanding any general or special law to the contrary; and provided further, that no costs shall be expended for personnel costs..... \$9,294,804”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended in section 2, in item 7061-0008, by inserting after the words “amount appropriated herein” the following:- “provided further, that the full inflation rate of 6.75% shall be used; provided further, that there shall be no “acceleration” increase, so-called, in local contributions; provided further, that in all relevant respects the five-year Chapter 70

plan shall be continued without alteration, except that the total amount of Chapter 70 aid due to each city, town, and regional school district shall be reduced to the figure herein provided by removing from each recipient the appropriate amount to ensure that each recipient's school budget, counting both state and local contributions, is reduced by the same percentage".

The amendment was rejected.

Mr. Downing moved that the bill be amended, in section 2, in item 7066-0019, by striking out the figure "750,000" and inserting in place thereof the following figure: "1,000,000".

The amendment was rejected

Mr. Hart moved that the bill be amended in section 2, in item 4800-0038, by inserting the following language, "provided further that no less than \$298,000 shall be expended for Alternative Schools for students aged 14-16 inclusive who are placed before the children in need of service petitions (CHINS)".

The amendment was rejected

Messrs. Rosenberg, Hart and Petrucci, Ms. Spilka and Ms. Tucker moved that the bill be amended in section 2, by striking out item 7061-9634, and inserting in place thereof the following item:-

"7061-9634 For 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 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 for a transfer of this item to the Mass Service Alliance, the Commission on volunteerism and service, shall be responsible for administering the grant program and reporting on the impact of grants to the department of elementary and secondary education; and provided further that the Mass Mentoring Partnership, the state's umbrella organization for youth mentoring, shall provide training and technical assistance to grantees.....\$250,000".

The amendment was rejected.

Mr. Kennedy moved that the bill be amended in section 2, in item 7027-1004, in line 16, 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.

Mr. Rosenberg moved that the bill be amended in section 2, in item 7061-0012, by inserting at the end thereof the following:- "provided further, that \$1,000,000 shall be expended to identify, analyze, and certify promising and best practices in public and approved special educational programs that can prevent or ameliorate either neuro-developmental problems or other deficits leading to learning deficiencies and/ or behavior problems that result in high cost Individual Education Plans (IEPs); and, provided further that, funds shall be expended to provide grants for training, dissemination, and applications of research identified promising and best practices"; and in said item, by striking out the figures of "\$133,119,160" and inserting in place thereof the figures "134,119,160".

The amendment was rejected.

Mr. Knapik moved that the bill be amended in section 2, in item 7061-0029, by striking out the figure "\$989,083" and inserting in place thereof the following figure:- "\$1,189,083".

The amendment was rejected.

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

"SECTION \_\_\_\_\_. Notwithstanding any general or special law to the contrary, there shall be a 5 member commission to study and make recommendations regarding the appropriation of public funds directly or indirectly to private higher education institutions. The commission shall review all direct and indirect state funding to private higher education institutions and make recommendations regarding the commonwealth's ability to continue to fund these private entities. The commission shall be comprised of 5 members, 2 of whom shall be appointed by the president of the senate, 2 of whom shall be appointed by the speaker of the house of representatives, and 1 of whom shall be appointed by the governor. The report shall be filed with the house and senate committees on ways and means no later than November 1, 2010."

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended in section 2, in item 8900-0001, by adding at the end thereof the following:"provided further not less than \$80,000 shall be expended for the Dismas House in Worcester"; and in said item, by striking out the figure "\$500,247,571 and inserting in place there of the figure "500,327,571".

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended in section 2, in item 8950-0001, by striking out the figure "\$17,857,722" and inserting in place thereof the figures "\$18,405,026".

The amendment was rejected.

Ms. Candaras moved that the bill be amended in section 2, in item 8100-0111, by inserting at the end thereof the following:- "; and provided further that \$100,000 be expended for a gang violence prevention program administered jointly by the Hampden County Sheriff's Department and Roca, Inc. of Chelsea".

The amendment was rejected.

Ms. Candaras and Mr. Buoniconti moved that the bill be amended in section 2, in item 8910-0102, by striking the figure "\$65,023,431" and inserting in place thereof the following:- "\$68,791,580".

The amendment was rejected.

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

“SECTION X: Section 24 of chapter 90 of the General Laws is hereby amended by inserting after the third paragraph of subparagraph (4) of paragraph (a) of subdivision (1) the following new subparagraph:-

(5) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Police Fire Safety Equipment Fund, the purpose of which shall be to make an annual disbursement to state and local law enforcement for active or passive fire suppression kits for state and municipal police cruisers to aid in the prevention of fires resulting from rear end collisions. The fund shall be administered by the Executive Office of Public Safety and Security. The state treasurer shall be the custodian of the fund and shall receive, deposit and invest all monies transmitted to him under this section in accordance with sections 34, 34A and 38 of chapter 29 in such a manner as to secure the highest rate of return available consistent with the safety of the fund, and shall credit interest and earnings on the trust fund corpus to the trust fund.

There shall be an assessment of \$150 against a person who is convicted, placed on probation or granted a continuance without a finding or who otherwise pleads guilty to or admits to a finding of sufficient facts for operating a motor vehicle while under the influence of intoxicating liquor or under the influence of marihuana, narcotic drugs, depressants or stimulant substances, provided, however, that but \$125 of the amount collected under this assessment shall be deposited monthly by the court with the state treasurer who shall deposit it into the Police Fire Safety Equipment Fund, and the remaining amount of the assessment shall be credited to the General Fund. The assessment shall not be subject to reduction or waiver by the court for any reason.

Allocations from the Police Fire Safety Equipment Fund shall be made to the Executive Office of Public Safety and Security, which shall administer the distribution of said funds to the Massachusetts State Police and police departments in each municipality of the commonwealth on an annual basis. Monies shall be distributed based on the projected number of new police cruisers expected to be purchased by each state or municipal police department, as demonstrated by each agency’s operating budget for that fiscal year.

Fees paid by an individual into the Police Fire Safety Equipment Fund pursuant to this section shall be in addition to, and not in lieu of, any other fee imposed by the court pursuant to this chapter or any other chapter. The administrative office of the trial court shall file a report detailing the amount of funds imposed and collected pursuant to this section to the house and senate committees on ways and means and to the victim and witness assistance board not later than August 15 of each calendar year.”

The amendment was rejected.

Mr. Timilty moved that the bill be amended in section 2, in item 8910-8200, by striking the figure “\$20,810,275” and inserting in place thereof the figure:-

“\$22,852,917”.

The amendment was rejected.

Mr. Timilty moved that the bill be amended in section 2, in item 8900-0001, by striking the figure “\$500,247,571” and inserting in place thereof the figure:-

“\$512,926,029”.

The amendment was rejected.

Mr. Timilty moved that the bill be 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 \$375,000 to the municipality hosting the facility at Cedar Junction;” and by striking the figure “\$500,247,571” and inserting in place thereof the following figure:-“\$500,622,571”.

The amendment was rejected.

Mr. Timilty moved that the bill be amended in section 2, in item 8910-7100, by striking the item in its entirety and inserting in place thereof the following:

“8910-7100 For the Massachusetts Sheriffs Association which may expend for its operation an amount not to exceed \$344,790 in revenue collected from voluntary contributions from all sheriffs; provided, that the sheriffs shall appoint persons to serve as executive director, assistant executive director and research director and other staff positions as necessary for the purpose of coordination and standardization of services and programs, the collection and analysis of data related to incarceration and recidivism and generation of reports, technical assistance and training to ensure standardization in organization, operations, and procedures; provided further, that this staff shall not be subject to section 45 of chapter 30 of the General Laws or chapter 31 of the General Laws and shall serve at the will and pleasure of a majority of sheriffs; provided further, that the executive director of the association shall submit a report that shows the amounts of all grants awarded to each sheriff in fiscal year 2010; and provided further, that the report shall be submitted to the house and senate committees on ways and means not later than February 1, 2011 ..... \$344,790”.

The amendment was rejected.

Mr. Timilty moved that the bill be amended in section 2, by inserting after item 8100-0101 the following item:-

“8100-0515. For the training and related costs of additional state police recruit training troops.....\$4,320,000.”

The amendment was rejected.

Mr. Timilty moved that the bill be amended in section 2, in item 8910-8300, by striking out the figure “\$26,711,207” and inserting in place thereof the following figure:-“\$27,256,334”.

The amendment was rejected.

Mr. Timilty moved that the bill be amended, in section 2, in item 8910-8200, by striking the figure “\$20,810,275” and inserting in place thereof the figure:-

“\$21,311,972”.

The amendment was rejected.

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

“SECTION \_\_. Section 18H of chapter 6A of the General Laws, as amended by section 8 of chapter 223 of the Acts of 2008, is hereby further amended by striking out the first sentence in subsection (d) and inserting in place thereof the following:--

(d) Each communication service provider shall remit the surcharge revenues collected from its subscribers or end users to the state treasurer for deposit in the Enhanced 911 Fund; provided however that the department shall promulgate regulations establishing collection of the surcharge on prepaid wireless services from consumers at the retail point of sale and that the surcharge on prepaid wireless services shall be remitted by the retailer of the prepaid wireless services to the department of revenue; and provided further that the department of revenue shall promulgate regulations for collection, remittance, audits, and enforcement of the collection and remittance of the surcharge on prepaid wireless services consistent with the tax imposed under chapter 64H of the General Laws, and provided further that the department of revenue may retain, from the retail point of sale surcharge funds remitted under this provision during the first 12 months after implementation, an amount not to exceed the lesser of 3% or programming and other administrative costs to implement the retail point of sale surcharge .

SECTION 2. Said chapter 223 is hereby further amended by striking out section 19 and inserting in place thereof the following section:--

Section 19. The regulations required to be adopted under subsections (a) and (d) of section 18H of chapter 6A of the General Laws by the state 911 department and the department of revenue shall take effect on January 1, 2011, and the retailers of prepaid wireless service shall be subject to said section 18H of said chapter 6A, except for subsection (g) of said section 18H of said chapter 6A on and after January 1, 2011. Subsection (g) of said section 18H of said chapter 6A shall take effect on the effective date of this act.”

The amendment was rejected.

Mr. Joyce moved that the bill be amended in section 2, in item 8000-0000, by inserting the following: - “, provided further, that funds shall be expended for the continuation of a youth violence and street crimes unit pursuant to item 8000-0000 of section 2 of chapter 182, of the acts of 2008”.

The amendment was rejected.

Mr. Donnelly moved that the bill be amended in section 2, in item 8700-0001, by striking out the figure “7,779,239” and inserting in place thereof the following figure:- “8,387,431”.

The amendment was rejected.

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

“SECTION XX. Chapter 6 of the General Laws, as so appearing in the 2006 Official Edition, is hereby amended by inserting at the end of section 172B the following new section:—

Section 172B½. Municipalities in the Commonwealth may, by local ordinance, require applicants for licenses in specified occupations to submit a full set of fingerprints for the purpose of conducting a state and national criminal history records check pursuant to Sections 168 and 172 of Chapter 6 of the General Laws and 28 U.S.C. §534. Fingerprint submissions hereunder are authorized to be submitted by the licensing authority to the State Police Identification Unit through the Criminal History Systems Board for a state criminal records check and to the Federal Bureau of Investigation for a national criminal records check. Municipalities may by local ordinance establish the appropriate fee charged to applicants for administering such a fingerprinting system. For purposes pursuant to Section 2LLL of Chapter 29 of the General Laws, \$30 of said fee shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund; and the remainder of said fee may be retained by the licensing authority for costs associated with the administration of the system.”

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. Morrissey moved that the bill be amended in section 2, in item 8000-0040, by striking out the figure “\$5,000,000” and inserting in place thereof the following:- “\$50,000,000”.

The amendment was rejected.

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

“SECTION XX. Section 60 of chapter 147 of the general laws is hereby amended by inserting after the words ‘employed by any licensee’ the following words:- ‘to install or monitor the security systems’.

The amendment was rejected.

Mr. Kennedy and Ms. Fargo moved that the bill be amended in section 2, in item 8000-0125, by striking out the figure “\$3,492,440” and inserting in place thereof the figure “3,833,658”.

The amendment was rejected.

Ms. Chang-Díaz moved that the bill be amended by inserting the following item:-

“8940-0100 For the operation of the department of community supervision; provided, that for the effective implementation of “An Act Reforming Community Supervision of Criminal Defendants and Offenders by Establishing the Department of Community Supervision within the Executive Office of Public Safety and Security,” the secretary of administration and finance may authorize the transfer of funds between this item and items 8900-0001 and 8950-0001 as necessary to achieve the purposes of the act; provided further, that no transfer authorized by this section shall exceed 5 percent of the amount appropriated for this item; and provided further, that the transfer may be made only with the written approval of the heads of the sending and receiving agencies and of the secretary of public safety and security.....\$144,290,207”;

and by striking out items 0339-1001 and 0339-1003.

The amendment was rejected.

Messrs. Brewer and Richard T. Moore moved that the bill be amended by inserting at the end the following section:-

“Section XXX. Chapter 6C of the General Laws is hereby amended by inserting after section 6C the following section:-

Section 56A. (a) The administrator shall, prior to a decision made by the registrar to close or move the location of a branch, site or office which serves the public, he shall notify the city or town in which the branch, site or office is located, no less than 60 days prior to said decision by certified mail return receipt requested.

(b) Said administrator shall also hold a public hearing no less than 60 days after the proposed closing or moving of said branch, site or office. Said hearing shall be held in the city or town in which the branch, site or office is located. The registry of motor vehicles shall notify the city or town no less than 30 days prior to said public hearing by certified mail by return receipt requested and advertise in a local newspaper the time and the location of the scheduled public hearing no less than 4 weeks prior to said public hearing. Notification of said public hearing shall appear no less than 1 time each week for such 4 week time period.”

The amendment was rejected.

Messrs. Brewer and Richard T. Moore moved that the bill be amended by inserting at the end of the following section:-

“Section XXX. Notwithstanding the provisions of any general or special law to the contrary, the Commonwealth of Massachusetts, or any subsidiary thereof, upon the exercising of any contractual “escape clause”, so-called, will hold harmless any indebtedness and/or future financial burdens borne on the Commonwealth’s behalf for the purpose of providing services, from any third party maintained in good standing. The contractual agreement between the Commonwealth and the Lessor for the Southbridge Registry Full Services Office that was in existence prior to July 1, 2009 shall be reinstated until a negotiated agreement is fulfilled.”

The amendment was rejected.

Ms. Spilka moved that the bill be amended by inserting at the end thereof the following new section:

“SECTION X. Notwithstanding any general or special law to the contrary, the Massachusetts department of transportation is hereby directed to conduct a comprehensive sound study along Interstate 90 in the following towns: the town of Framingham, the town of Natick and the town of Hopkinton. Said study shall be conducted by an acoustical engineer. In those residential areas where the decibel level generated by traffic on Interstate 90 exceeds the ambient level by ten or more decibels, the department shall install sound barriers in order to mitigate said noise pollution problems.”

The amendment was rejected.

Mr. Joyce moved that the bill be amended in section 2, in item 1595-6368, by inserting the following: “; Provided further that \$125,000 shall be expended for the design, planning, infrastructure and road improvements, signalization, sidewalks, lighting, safety and aesthetic improvements at the intersection of Foundry Street and Prospect Street, in the Town of Easton”.

The amendment was rejected.

Ms. Chandler moved that the bill be amended in section 2, in item 1595-6368, by adding at the end thereof the following:

“provided further the road known as Paul X. Tivnan Drive, located in the Towns of Boylston and West Boylston, be returned immediately to the authority of the state and the Mass Highway Department for all maintenance”.

The amendment was rejected.

Mr. O’Leary moved that the bill be amended by inserting the text of Senate document numbered 2606, relative to malpractice reform.

The amendment was rejected.

Mr. Baddour moved that the bill be amended by inserting after section 14 the following section:-

“SECTION 14A. Chapter 18 of the General Laws, as appearing in the 2008 official edition, is hereby amended by inserting after section 29 the following section:-

Section 29 (6). The Department of State Police or a city or town police department shall conduct an investigation relative to an allegation of fraudulent or wrongful payment or service received from the Department of Transitional Assistance, whoever violates this chapter shall be punished by imprisonment in a house of correction for not more than 2 ½ years.

Section 29 (7). For the purposes of this section, ‘health care provider’ shall mean a registered nurse, licensed practical nurse, physician or physical assistant who is a licensed health care provider under chapter 112.

A health care provider who, in his professional capacity shall have reasonable cause to believe that a welfare recipient as described in Chapter 18 is fraudulently or wrongfully accepting payment or service from the Department of Transitional Assistance, shall immediately report such act to the bureau of special investigations and local and or state police department by oral communication and by making a written report within seventy-two hours after such oral communication.”

The amendment was rejected.

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

“SECTION 15A. Chapter 18 of the General Laws, as appearing in the 2008 official edition, is hereby amended by inserting after section 29 the following section:-

Section 29 (6). The Department of State Police or a city or town police department shall conduct an investigation relative to an allegation of fraudulent or wrongful payment or service received from the Department of Transitional Assistance, whoever violates this Chapter shall be punished by imprisonment in a house of correction for not more than 2 1/2 years.”

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended in section 2, in item 4000-0600, by adding at the end thereof the

following: “provided further, that funding from this item shall be provided for the purpose of recruitment and retention of home health nurses in accordance with 114.3 CMR 50.00, and that said funds authorized herein shall be restorative to said regulation prior to its amendment made in accordance with MGL c. 29 § 9C and effective December 1, 2008, and shall be in addition to any

amount appropriated in this item for the purpose of providing Title XIX services to patients; and provided further that the funds authorized herein shall be eligible for federal financial participation”; and in said item by striking the figure “\$2,488,616,244” and inserting in place thereof the following figure “2,495,616,244”.

The amendment was rejected.

Ms. Tucker moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “adequate quality;” the following:- “provided further, that the state provide direct medical education reimbursement, calculated equal to Medicaid funding remitted to the program through the hospital partner at FY2008 levels, as an added component to the MassHealth medical visit rate to a Section 330 health center that sponsors and operates a family medicine residency program that trains primary care physicians in underserved populations in Massachusetts;”.

The amendment was rejected.

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

“SECTION XX. Notwithstanding any general or special law to the contrary, but consistent with Sections 255 and 256 of Chapter 149 of the Acts of 2004, the executive office of health and human services shall, within 45 days of the effective date of this act, apply to the federal Centers for Medicare and Medicaid Services for a waiver from the provisions of 42 U.S.C. Sec.

1396b(w)(3)(B) for the nursing facility user fee created by section 25 of chapter 118 of the General Laws, to mitigate the impact of the user fee on nursing facilities that: (1) Are established as not-for-profit entities; (2) have 100 or fewer licensed beds; (3) were established and licensed in Massachusetts prior to the enactment of the Health Insurance for the Aged Act, Pub. L. 89-97, Title I, 79 Stat. 290, and the Medicaid Act, Pub. L. 89-97, Title I, Sec. 121(a), 79 Stat. 343, on July 30, 1965; (4) are located in Berkshire County; and (5) are not participating in the Medicaid program.

The form of such a waiver application shall meet the requirements for automatic approval by the federal Centers for Medicare and Medicaid Services pursuant to 42 U.S.C. Sec. 1396b(w)(3)(E), including (1) that the net impact of the nursing facility user fee with the waiver remains generally redistributive in nature, as provided in 42 C.F.R. Sec. 433.68(e)(1)(ii), and (2) that the amount of the nursing facility user fee with the waiver remains not directly correlated to payments for items or services, and therefore meets the hold harmless requirements provided in 42 C.F.R. Sec. 433.68(f).

In the waiver application, patient days from nursing facilities not described in the first paragraph above that must be exempted from the nursing facility user fee in order for the waiver application to meet the requirements for automatic approval by the Centers for Medicare and Medicaid Services shall be taken from a not-for-profit nursing facility located in Berkshire County.”

The amendment was rejected.

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

“SECTION 15A. Chapter 18 of the General Laws, as appearing in the 2008 official edition, is hereby amended by inserting after section 29 the following section:-

Section 29 (A). Any person receiving assistance as outlined in Chapter 18 that is found in violation or contempt of an order, judgment, hearing decision or agreement as outlined in Chapter 276 shall immediately have their benefits suspended until said person appears in the court of justice.

(B) The office of probation or the clerk of courts in said jurisdiction shall be required to report these violations to the department of transitional assistance within 30 days.”

The amendment was rejected.

Ms. Jehlen moved that the bill be amended in outside section 134, by inserting after the words “in the MassHealth Basic program as of January 1, 2002” the following:- “provided, however, that dentures shall continue to be a covered service”.

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, in item 4512-0200, by adding the following:”; and provided further , that programs shall receive the amount of funding in fiscal year 2011 as received in fiscal year 2010”.

The amendment was rejected.

Ms. Tucker moved that the bill be amended in section 135 by inserting after the word “inclusive” the following words:- “, and provided further, that the commonwealth health insurance connector authority shall require that said health insurance plan offer patient access to the acute care hospital networks with a hospital located within the top six communities that have the highest concentration of the population as defined on page 11 of the Massachusetts New Americans Agenda report, and that have historically served a large proportion of this patient population prior to fiscal year 2010, and that are willing to contract according to the terms and conditions of other independent providers in the health plan network”.

The amendment was rejected.

Ms. Candaras moved that the bill be amended in section 2, in item 4400-1000, by striking the figure “\$53,100,830” and inserting in place thereof: “\$54,055,414”.

The amendment was rejected.

Ms. Candaras, Ms. Spilka and Ms. Walsh moved that the bill be amended in section 2, in item 4403-2000, by inserting after the words “proposed changes” the following:- “, provided further that in fiscal year 2011, no such determination and report shall be filed prior to December 5, 2010”.

The amendment was rejected.

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

The amendment was rejected.

Ms. Candaras moved that the bill be amended in section 2, in item 4125-0100, by striking the figure “\$4,895,345” and inserting in place thereof:- “\$5,334,020”.

The amendment was rejected.

Ms. Candaras moved that the bill be amended in section 2, by inserting after item 1599-4704 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, 2011, 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 2011 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 2011 costs of salary adjustments and any other associated employee costs authorized there under shall not exceed \$28,000,000; 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 2012 shall not exceed the amount appropriated herein.....\$28,000,000”.

The amendment was rejected.

Ms. Candaras moved that the bill be amended in section 2, in item 3000-1000, by striking the figure “\$11,622,212” and inserting in place thereof:- “\$11,889,917”.

The amendment was rejected.

Ms. Candaras, Ms. Spilka and Ms. Walsh moved that the bill be amended in section 2, in item 4408-1000, by inserting after the words “proposed changes” the following:- “, provided further that in fiscal year 2011, no such determination and report shall be filed prior to December 5, 2010”.

The amendment was rejected.

Ms. Candaras moved that the bill be amended in section 2, in item 1107-2501 by striking the figure “\$2,174,159” and inserting in place thereof the following:- “\$2,219,092”.

The amendment was rejected.

Ms. Candaras moved that the bill be amended in section 2, in item 5920-2010, by striking the figure “\$145,583,697” and inserting in place thereof the following:- “\$146,034,516”.

The amendment was rejected.

Ms. Candaras moved that the bill be amended in section 2, in item 4800-0041 by striking the figure “205,419,166” and inserting in place thereof the following:- “\$220,669,000”.

The amendment was rejected.

Ms. Candaras moved that the bill be amended after section 158 by adding the following new section:-

“Section XX. 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 7100-0200 by inserting at the end thereof the following:- “; and provided further that \$500,000 be expended for the operation and programming of a UMass Design Center located at 3-7 Elm Street in Springfield”.

The amendment was rejected.

Ms. Candaras moved that the bill be amended in section 2, in item 4000-0700 by striking the words “provided further, that \$20,000,000 shall be expended from this item, or item 4000-0500, if necessary to achieve maximum federal financial participation, to enhance the ability of hospitals, community health centers and primary care clinicians to serve populations in need more efficiently and effectively; provided further, that the executive office shall maximize federal reimbursements for state expenditures made to these providers;” and inserting in place thereof the following:- “provided further that the comptroller, in consultation with the secretary of health and human services, shall develop a schedule for transferring not less than \$20,000,000 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 2009. 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, 2010, 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 \$30,000,000. Any additional funds shall be deposited in the General Fund. Said fund shall be expended no later than January 1, 2011".

The amendment was rejected.

Mr. Tolman moved that the bill be amended in section 2, in item 4110-2000, by striking out the figure "10,662,215" and inserting in place thereof the figure "10,825,187".

The amendment was rejected.

Ms. Fargo and Ms. Tucker moved that the bill be amended in section 2, in item 4570-1502, by striking out the figure "\$319,052" and inserting in place thereof the following figure:- "\$568,820".

The amendment was rejected.

Ms. Candaras moved that the bill be amended in section 2, by inserting after line item 4800-0038 the following line item:- "4800-0040 For family preservation and reunification; provided, that services shall include family support and stabilization services provided by the department; and provided further, that no funds shall be expended from this item for the compensation of administrative employees and associated administrative costs of the department.....\$44,100,000";

In line item 4800-0038, by deleting the figure "\$295,282,464" and inserting in place thereof:- "\$251,182,464"; and in line item 4800-0015, by inserting after the words "may transfer funds between items 4800-0030," the following:-"4800-0040,".

The amendment was rejected.

Ms. Fargo and Ms. Tucker moved that the bill be amended in section 2, in item 4510-0710, by striking out the figure "\$6,773,156" and inserting in place thereof the following figure:- "\$7,044,728".

The amendment was rejected.

Ms. Fargo and Ms. Tucker moved that the bill be amended in section 2, in item 4590-1506, by striking out the figures "\$1,504,000" and inserting in place thereof the figures "\$2,000,000".

The amendment was rejected.

Ms. Fargo and Ms. Candaras moved that the bill be amended in section 2, in item 4590-0300, by striking out the figure "\$4,501,077" and inserting in place thereof the following figure:- "\$5,251,077".

The amendment was rejected.

Mr. Tolman moved that the bill be amended in section 2, in item 4000-0050 by striking the figure "\$167,708" and replacing it with the"\$183,708".

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, in item 4512-0200, by inserting after the word "services" the following:- "; and court adjudicated indigent clients ; provided further, that not less than \$81,000 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.

Mr. Petrucci 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 \$125,000 shall be expended for Self Esteem Boston's substance abuse direct service prevention programs and provider training programs".

The amendment was rejected.

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

"SECTION XX. There is hereby established a special Commission to examine the financial circumstances of hospitals licensed by the Department of Public Health as chronic and rehabilitation hospitals in the Commonwealth, with particular focus on the

adequacy of rates of payment under the Medicaid program to enable such hospitals to sustain the financial capacity to support the provision of high quality services to publicly aided patients in the long term. Said special commission shall consist of the Speaker of the House 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 at least two separately licensed chronic and rehabilitation hospitals in the Commonwealth and one of which shall be a person with expertise in health economics with an understanding of the finances of 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, 2010. Said final report shall contain the Special Commission's analysis and finding and its recommendations for legislative or administrative and regulatory actions, including with regard to changes in the methodologies used under the Medicaid program to pay for the services of non profit licensed chronic and rehabilitation programs in the Commonwealth."

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, in item 4800-0038 by inserting after the word "programs" the words "; provided further that not less than \$257,000 shall be expended for a contract with the Labouré Center in the South Boston section of Boston for an Integrated Family Service team in Region 6."

The amendment was rejected.

Mr. Petrucci moved that the bill be amended in section 2, in item 4401-1000, by inserting after the words "termination of their benefits" the following words: "; provided further that funds shall be expended for trauma informed ESP service".

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 \$100,000 shall be expended to the H.E.L.P. program so-called, for black males health".

The amendment was rejected.

Ms. Chang-Díaz moved that the bill be amended in section 2, in item 4000-0265, by striking out the figure "\$500,000" and inserting in place thereof the figure "\$850,000".

The amendment was rejected.

Mr. McGee moved that the bill be amended in section 2, in line-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. McGee moved that the bill be amended in section 2, in item 4513-1111, by adding the following: "; provided further, that not less than \$150,000 shall be expended for the Amyotrophic Lateral Sclerosis registry".

The amendment was rejected.

Ms. Chang-Díaz and Mr. Donnelly moved that the bill be amended in section 2, in item 5046-2000, by striking out the figure "\$20,134,424" and inserting in place thereof the figure "\$21,010,908"; and in said item, by inserting at the end thereof the following: "; provided that \$876,484 shall be allocated for homeless community support/emergency psychiatric services".

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.

Mr. McGee moved that the bill be amended in section 2, in item 4512-0200, by adding the following: "provided further, that \$100,000 shall be expended for the prevention of substance abuse in the town of Saugus"; and in said item by striking out the figures "\$74,515,802" and inserting in place thereof the figures "\$74,615,802".

The amendment was rejected.

Mr. McGee moved that the bill be amended in section 2, in item 4800-1400, by adding the following language: "; provided further, that not less than \$10,000 shall be expended for the Melrose Alliance Against Violence".

The amendment was rejected.

Mr. McGee 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 \$10,000 be expended to preserve an Opiate Prevention and Intervention Program for Youth in the City of Melrose".

The amendment was rejected.

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

"SECTION X. Providers selected or certified by the Office of Specialty Services within the department as Autism Specialty Service Providers and who have met the criteria established in the uniform rules and regulations pursuant to Section 2 of Chapter 111G of the General Laws, shall be included in the department's class of Early Intervention Providers. Provided, however, that the population served by said Early Intervention providers shall be limited to children and their families with a diagnosis of Autism Spectrum Disorders as determined by a physician or licensed psychologist. Said Autism Specialty Service providers classified as Early Intervention providers shall be permitted to serve multiple catchment areas with a single core team and be allowed to bill for all covered early intervention services including, but not limited to, services previously contracted by the department under the Autism Specialty Services Providers Program."

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended in section 2, in item 4000-0700, by adding at the end thereof the

following: “provided that the office shall transfer a \$1,000,000 one-time essential community provider trust fund grant to a community health center located in Great Brook Valley neighborhood in Worcester providing health care, especially by primary care, to economically and medically underserved patients in Worcester and Central Massachusetts, that has formed an integrated health services network to provide access to primary and preventive public health services”.

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended in section 2, in item 4513-1026, by striking the figure “3,228,120” and inserting in place thereof the following figure “3,569,444”.

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended in section 2, in line 4100-0600, by adding at the end thereof the following: “provided further that the division, in consultation with the division of insurance, shall conduct a study on the impact of prohibiting co-payments and deductibles for health care services, including the impact on the total cost of coverage for small businesses, specifically the division shall examine to what extent such a prohibition would increase premium, and the impact on utilization of health care services, provided further that the division shall file a report of its findings with the clerks of the senate and house of representatives, the house and senate committees on ways and means, and the joint committee on health care financing no later than October 1, 2010”.

The amendment was rejected.

Ms. Spilka moved that the bill be amended in section 2, in item 7004-0101, by adding at the end thereof the following: “The department shall expend the same amount as appearing in item 4403-2120 of chapter 182 of the acts of 2008 for non-profit organizations that assist in providing food, supplies and services to the indigent and those in danger of becoming homeless”.

The amendment was rejected.

Ms. Spilka moved that the bill be amended in section 2, in item 4800-0038, by adding at the end thereof the following: “; provided further, that not less than \$60,000 shall be expended by the Framingham office of the department of children and families for the MetroWest Campership program operated by the Ashland youth advisory board.”

The amendment was rejected.

Ms. Spilka moved that the bill be amended in section 2, in item 5911-1003, by striking out the figure “\$62,866,194” and inserting in place thereof the following figure: - “\$68,325,443”.

The amendment was rejected.

Ms. Spilka moved that the bill be amended in section 2, by inserting after item 1599-4417 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, 2011, 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 2011 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 2011 costs of salary adjustments and any other associated employee costs authorized there under shall not exceed \$28,000,000; 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 2012 shall not exceed the amount appropriated herein.....\$28,000,000”.

The amendment was rejected.

Ms. Spilka moved that the bill be amended in section 2, in item 4800-0038, by adding at the end thereof the following: “and provided further, that not less than \$104,123 shall be expended on the Teen Parenting Program at Framingham High School;”.

The amendment was rejected.

Ms. Spilka moved that the bill be amended in section 2, in item 4512-0200, by adding at the end thereof the following: “provided that not less than \$145,000 shall be expended in grants for the Framingham Coalition for the Prevention of Drug and Alcohol Abuse”.

The amendment was rejected.

Ms. Spilka 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 \$50,000 shall be expended for teens through programs provided by the Ashland Recreational Department”.

The amendment was rejected.

Mr. Tolman moved that the bill be amended in section 2, in item 5046-0000, by inserting at the end thereof the following:- “; and

provided further, that the department of mental health shall expend funds for the continued operation of the Massachusetts Mental Health Partial Hospitalization Program not less than the amount spent in fiscal year 2010”.

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, in item 4512-0200, by inserting after the word “services” 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.

Ms. Spilka moved that the bill be amended by inserting at the end thereof the following new section:

“Section XX: Any legislative study or regulatory effort to promote administrative simplification in the processing of claims for health care services under health benefit plans by carriers, as defined in section 1 of chapter 176O of the General Laws, shall, before making any recommendations or adopting any regulations, consult with the MHA/MMS/MAHP/EACH Administrative Simplification Collaborative, also known as the Massachusetts Administrative Simplification Collaborative, in conjunction with a representative of the group insurance commission, the attorney general, a representative of the Centers for Medicare and Medicaid Services, a representative from an employer association and a representative from a health care consumer group.”

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, in item 4000-0300 the following:- “Provided that in establishing rates of payment and an efficiency standard for inpatient care for pediatric patients, the Secretary shall only utilize cost or discharge data from providers that maintain licensed pediatric and pediatric intensive care unit beds; provided further that the discharge data shall exclude normal newborn cases and that the payment methodology for pediatric care shall be no more restrictive than that for adult care”.

The amendment was rejected.

Mr. Tolman and Ms. Flanagan moved that the bill be amended in section 2, in item 4512-0200, by inserting after "programs for services" the following:- "and provided, that the bureau of substance abuse services shall operate a parental support group that assists parents of loved ones with a substance use disorder, facilitates local forums to help educate the public on substance use disorders and coordinates with state agencies to disseminate information throughout the commonwealth about substance use disorders, said network shall operate in two or more locations in massachusetts and maintain an active website that provides parents with information about and resources for dealing with opiate addiction";

and by striking the figure “\$74,515,802” and inserting in place thereof the figure: - “\$74,615,802”.

The amendment was rejected.

Mr. McGee moved that the bill be amended in section 2, in item 4003-0122, 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 “\$250,000” and inserting in place thereof the figures “\$400,000”.

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, in item 4512-0200, by inserting after the word “costs” the words “; provided further that not less than \$319,500 shall be expended for a contract with the Gavin Foundation to provide a total immersion program in conjunction with the probation departments of the South Boston division of the district court, Department of Trial Courts, and other district courts”.

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting after section \_\_\_, the following new sections:-

“SECTION \_\_. Section 188 of chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 19, the word ‘equivalent’.

SECTION \_\_. Subsection (c) of section 188 of chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:

(11) For the purpose of the fair share contribution compliance test, an employer may count employees that have qualifying health insurance coverage from a spouse, a parent, a veteran’s plan, Medicare, Medicaid, or a plan or plans due to a disability or retirement towards their qualifying take-up rate as a “contributing employer”, as defined by the Division of Health Care Finance and Policy. The employer is still required to offer group medical insurance and must keep and maintain proof of their employee’s insurance status.”

The amendment was rejected.

Mr. Joyce moved that the bill be amended in section 2, in item 5911-2000, by inserting the following: - “; provided further, that funds shall be expended for services to the developmentally disabled provided by Grow Associates, Inc. pursuant to item 5920-2000 section 2 of chapter 182, of the acts of 2008”.

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, in item 4000-0700, as follows: “; and provided further, that notwithstanding the foregoing, not less than \$500,000 shall be expended to fund an increase in the FY 2011 rate paid by the Executive Office of Health and Human Services, MassHealth Office, to South Boston Community Health Center, and said increase shall be in addition to any rate increase provided for community health centers herein;”; and that “the sum of \$400,000 will be awarded to a federally funded section 330 community health center with at least two community health center sites serving medically underserved areas of Dorchester and South Boston, including at least one public housing project”.

The amendment was rejected.

Mr. Buoniconti moved that the bill be amended in section 2, in item 4100-0060, by striking, after the words “chapter 118G”, the

words “not less than 10 per cent of the total estimated expenses” and inserting in place thereof the words “the lesser of \$2,000,000 or 10 per cent of the total estimated expenses”.

The amendment was rejected.

Mr. Buoniconti moved that the bill be amended in section 2, in item 4800-0038, by inserting at the end thereof the following:- “; provided further, that not less than \$100,000 shall be expended for the Dunbar Community Center in the city of Springfield;”.

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, in item 4512-0200, by inserting after the word ”costs” the words “; provided further that not less than \$250,000 shall be expended to maintain the current levels of substance abuse programs at the South Boston Health Center located in the South Boston section of Boston”.

The amendment was rejected.

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

“SECTION XX: In order to assure timely and comprehensive implementation of the federal Patient Protection and Affordable Care Act, the Office of Medicaid is hereby directed to develop a collaborative effort with other state agencies and pediatric specialty providers to identify MassHealth-eligible children currently or previously subjected to lifetime or annual caps by private payors, and shall utilize available resources through its Third Party Liability Program or other relevant funding mechanisms to maintain or re-enroll such children in private coverage. The Office of Medicaid shall report on the estimated annual cost avoidance savings of this initiative no later than January 1, 2011.”

The amendment was rejected.

Mr. Eldridge, Ms. Tucker and Ms. Fargo moved that the bill be amended in section 2, in item 4120-6000 by striking out the figure: “11,184,482” and inserting in place thereof the following figure: “13,181,382”.

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:- “provided further, that not less than \$150,000 shall be expended for Northern Educational Services, Inc., in Springfield”.

The amendment was rejected.

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

“SECTION XX: Chapter 111 of the General Laws is hereby amended by inserting after section 67C the following section: - Section 67C ½

(1) The department shall prepare written educational publications containing information about the possible complications, proper care and support associated with newborn infants who are born premature at less than 37 weeks gestational age. The written information shall at a minimum include the following:

The unique health issues affecting infants born premature, such as: increased risk of developmental problems; nutritional challenges; infection; chronic lung disease (bronchopulmonary dysplasia); vision and hearing impairment; breathing problems; feeding; maintaining body temperature; jaundice; hyperactivity; infant mortality as well as long-term complications associated with growth and nutrition; respiratory problems; fine motor skills; reading; writing; mathematics and speaking.

B. The proper care needs of premature infants, developmental screenings and monitoring and healthcare services available to premature infants through the Medicaid program and other public or private health programs.

C. Methods, vaccines and other preventative measures to protect premature infants from infectious diseases, including viral respiratory infections.

D. The emotional and financial burdens and other challenges that parents and family members of premature infants experience and information about community resources available to support them.

(2) The publications shall be written in clear language to educate parents of premature infants across a variety of socioeconomic statuses. The department may consult with community organizations that focus on premature infants or pediatric healthcare. The department shall update the publications every two years.

(3) The Department shall distribute these publications to children’s health providers, maternal care providers, hospitals, public health departments and medical organizations and encourage those organizations to provide the publications to parents or guardians of premature infants.

(4) The Department along with MassHealth and in consultation with statewide organizations focused on premature infant healthcare, shall:

A. Examine and improve hospital discharge and follow-up care procedures for premature infants born less than 37 weeks gestational age to ensure standardized and coordinated processes are followed as premature infants leave the hospital from either a Level 1 (well baby nursery), Level 2 (step down or transitional nursery) or Level 3 (neonatal intensive care unit) unit and transition to follow-up care by a healthcare or homecare provider in the community.

B. Encourage hospitals serving infants eligible for medical assistance and child health assistance to report to the state the causes and incidence of all re-hospitalizations; out patient emergency visits of infants born premature at less than 37 weeks gestational age within their first six months of life.

C. Utilize guidance, if available, from the Centers for Medicare and Medicaid Services’ Neonatal Outcomes Improvement Project to implement programs to improve newborn outcomes, reduce newborn health costs and establish ongoing quality improvement for newborns, including hospital discharge and follow-up care.

(5) MassHealth shall submit an annual report to the General Court by November 1 of each year that provides information about:

(1) the programs progress in implementing the provisions of this section;

(2) the incidence and causes of re-hospitalizations of infants born premature at less than 37 weeks gestational age within their first six months of life; and

(3) recommendations to improve newborn outcomes and ensure ongoing health quality improvement, including technological needs to improve surveillance of premature infants as they are discharged from the hospital and transition to a healthcare provider in the community.”

The amendment was rejected.

Mr. Buoniconti moved that the bill be amended in section 2, in item 4800-0038, by inserting at the end thereof the following:- “; and provided further that not less than \$100,000 shall be expended for the South End Community Center in Springfield;”.

The amendment was rejected.

Ms. Candaras moved that the bill be amended in section 2, in item 4000-0050, by striking the figure “167,708” and inserting in place thereof the following:-

“\$183,758”.

The amendment was rejected.

Ms. Chandler, Ms. Chang-Diaz, Mr. Hart, Ms. Jehlen, Mr. Eldridge, Ms. Fargo, Mr. O’Leary, Ms. Spilka, Ms. Flanagan and Mr. Morrissey moved that the bill be amended, in section 2, in item 4000-0600, by striking the figure “\$2,488,616,244” and inserting in place thereof the figure “\$2,544,616,244”; and by striking section 134.

The amendment was rejected.

Mr. Rosenberg moved that the bill be amended in section 2, in item 4513-1130, by inserting at the end thereof the following:- “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”.

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 “\$11,897,969,” 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... \$11,927,969”.

The amendment was rejected.

Ms. Candaras moved that the bill be amended in section 2, in item 4000-1700, by striking the figure “\$82,110,075” and inserting in place thereof:-“\$91,374,514”.

The amendment was rejected.

Mr. Morrissey moved that the bill be amended in section 2, in item 4125-0100, by striking out the figures “\$4,895,345” and inserting in place thereof the figures “\$5,114,682”.

The amendment was rejected.

Mr. Morrissey moved that the bill be amended in section 2, in item 4510-0110, by adding at the end of the first sentence the following:- “Provided further that not less than \$225,000 shall be expended on a statewide program of technical assistance to community health centers to be provided by a state primary care association qualified under Section 330(f)(1) of the United States Public Health Service Act at 42 USC 254c(f)(1)”.

The amendment was rejected.

Ms. Chang-Díaz moved that the bill be amended in section 2, in item 4590-1506, by striking out the figure “\$1,504,000” and inserting in place thereof the figure “\$2,000,000”.

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, in item by inserting after the words“health services;” the following words:- “provided further, that not less than \$175,000 shall be expended for ROCA, Inc. for outreach and youth development for at-risk youth and young adults; provided further, that of said \$175,000, not less than \$75,000 shall be expended for such programs in the Bowdoin/Geneva and the Uphams Corner/North Dorchester sections of Boston;”.

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, in item 4000-1700 by striking out the figure “82,110,075” and inserting in place thereof the following:- “\$91,374,514”.

The amendment was rejected.

Mr. Buoniconti moved that the bill be amended in section 2, in item 4590-1507, by striking the section in its entirety and inserting in place thereof the following:- “For matching grants to the Massachusetts Alliance of Boys and Girls Clubs, the Alliance of Massachusetts YMCA’s and the Cal Ripken Sr. Foundation; provided that the department shall award the full amount of each grant to each organization upon commitment of matching funds from the organization”; and by striking out the figure “\$1,360,000” and inserting in place thereof the following “\$1,510,000”.

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, in item 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 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.

Ms. Candaras moved that the bill be amended by inserting after section 157 the following new section:-

“SECTION XX. The Secretary of Administration and Finance shall identify available funds within monies received by the Commonwealth from the American Recovery and Reinvestment Act (ARRA) that would be eligible to fund a "Caseload Reduction and Staff Retention Pilot Program" in the Springfield Office of the Department of Children and Families. Eligible funds shall be used to acquire speech recognition software, and the necessary training, to provide each social worker with the ability to automatically transcribe reports allowing for better management of caseworker time and enhance the quality and detail of required reports. The "Caseload Reduction and Staff Retention Pilot Program" shall run for a three month period, and the Department of Children and Families shall submit a written report to, the House and Senate Committees on Ways and Means, and the Joint Committee on Children and Families, on the results of the Caseload Reduction and Staff Retention Pilot Program. The report shall include a detailed analysis of the Department's findings regarding the reduction in staff time spent on filing reports as well as the increase in detail and efficiency in the reports produced with the automated transcription of records and reports. The report shall also analyze any impact the software might have on improving caseworker morale and increasing staff retention rates. The Department shall also report on the quantitative amount of time saved through the use of speech recognition/automatic transcription software and any direct benefit in direct care services.”

The amendment was rejected.

Mr. Montigny moved that the bill be amended by inserting the text of Senate document numbered 2607, relative to data mining.

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, in item 4510-0100 the following item:

“4510-0110 For community health center services; provided, that no funds shall be expended in the AA object class; provided further, that not less than \$225,000 shall be expended on a statewide program of technical assistance to community health centers to be provided by a state primary care association qualified under section 330(f)(1) of the United States Public Health Service Act, 42 U.S.C. section 254c(f)(1)..... \$2,500,000”.

The amendment was rejected.

Ms. Candaras moved that the bill be amended in section 2, in item 4000-0500, by striking the figure “\$3,757,055,766” and inserting in place thereof: “\$3,767,055,766”.

The amendment was rejected.

Mr. Montigny moved that the bill be amended in section 2, in item 1410-0012, by adding at the end thereof the following:-  
“provided further, that the amount expended for the Veterans Transition House in New Bedford is not less than the amount expended in the prior fiscal year”.

The amendment was rejected.

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

“SECTION XX: The department of public health, in consultation with the office of medicaid, shall conduct a study of the Medicaid travel reimbursement paid to enrollees living in Berkshire county receiving methadone treatment at the Community Healthcare Inc. community substance abuse centers in Greenfield and the detoxification providence behavioral health hospital in Holyoke. The study shall include but not be limited to: the annual costs associated with state funded transportation reimbursements paid to patients traveling from Berkshire county to Holyoke and Greenfield in order to receive methadone treatments; the annual enrollment figures of Berkshire county patients receiving such treatments in Greenfield and Holyoke since January 1, 2005; the projected enrollment of Berkshire county patients in Greenfield and Holyoke in fiscal year 2011; and the feasibility of establishing a methadone treatment program in the city of Pittsfield or other central Berkshire county location for the purposes of treating Berkshire county residents. The recommendations shall be filed with the joint committee on healthcare finance, the House and Senate committees on ways and means, and with the House and Senate Berkshire delegation members no later than January 15, 2011.”

The amendment was rejected.

Ms. Spilka moved that the bill be amended in section 2, in item 5046-0000, by adding at the end thereof the following:-  
“provided further that \$100,000 shall be expended for the jail diversion program in Framingham”.

The amendment was rejected.

Messrs. Kennedy and Joyce moved that the bill be amended in section 2, in item 5920-3000, by striking out the figure “\$45,004,298” and inserting in place thereof the figure “46,521,184”.

The amendment was rejected.

Mr. Joyce moved that the bill be amended in section 2, in item 4000-0700, by inserting after the words “efficiently and effectively” the following:- “provided further that not less than \$10,000,000 shall be expended to community hospitals to initiate health information technology improvements including but not limited to, e-prescribing, patient portal, continuity of care document, data repository, dose tracker, new hardware and technicians”.

The amendment was rejected.

Mr. Rosenberg moved that the bill be amended in section 2, in item 5911-1003, by striking the figure “62,866,194” and inserting in place thereof “21,866,194”; and by inserting the following new line item:

“5911-1100 For the payroll of the department’s service coordinators and service coordinator supervisors provided, that only employees of bargaining unit eight shall be paid from this item.... \$41,000,000”.

The amendment was rejected.

Mr. Kennedy moved that the bill be amended by adding the following new section: -

“SECTION\_\_ Notwithstanding any law, rule, or regulation to the contrary, any and all specialty infant formulas, for which a physician has issued a written order and which are medically necessary for a MassHealth patient and said specialty formula has been approved by MassHealth, shall be eligible in the WIC program.”

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:-

“SECTION \_\_. Section 118 of chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word ‘individual’ the following words:- ‘, who is a resident of the Commonwealth of Massachusetts.’”

The amendment was rejected.

Mr. McGee moved that the bill be amended in section 2, in item 7000-9506, by striking the figure “\$1,929,238” and inserting in place thereof the figure “\$2,851,000”.

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, in item 4000-0600 by inserting the following language “provided that PACE programs receive 3.5 % restoration of PACE Medicaid capitation to the rate in effect in December of CY 2009”.

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, in item 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.

As stated previously, the above amendments were considered as one and were rejected.

Mr. Montigny moved that the bill be amended, in Section 104(b), by striking the following language in lines 35 to 37:- “7) a certain parcel of land located in town of Dartmouth at 262 State road, containing approximately 0.75 acres, together with any buildings and structures thereon, formerly known as the state police barracks;”

The amendment was rejected.

Mr. Petruccelli, Ms. Fargo, Mr. Eldridge, Ms. Tucker, Mr. Hart and Ms. Creem moved that the bill be amended, in section 2, in item 2810-0100, by striking out the figure “\$41,945,776” and inserting in place thereof the following figure:- “\$44,899,539”

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross 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 department of environmental protection shall not re-open any investigations closed longer than 5 years nor impose liability to those persons protected under chapter 21E under the same actions.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven minutes before one o’clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 14 — nays 24) [Yeas and Nays No. 264]:

Insert Roll Call “264”

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

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

“(iii) in municipalities where regional planning agencies have regulatory authority, a regional planning agency shall define the appropriate scale of offshore renewable energy facilities, and review such facilities as developments of regional impact, and the applicant may seek review of the regional planning agency’s development of regional impact determination, but not its determination of appropriate scale, pursuant to the authority of the energy facilities siting board to issue certificates of environmental impact and public interest pursuant to sections 69K through 69O of chapter 164;”.

After remarks, the amendment was adopted.

Recess.

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

Orders of the Day.

The House Bill making appropriations for the fiscal year 2011 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. 4601),-- was considered, the main question being on ordering the bill to a third reading.

Messrs. Tarr and Knapik moved that the bill be amended by inserting the text of Senate document numbered 2463, relative to fair employment and security.

Pending the question on adoption of the amendment, Messrs. Baddour, Tarr, Tisei, Hedlund, Knapik, Ross, Brewer, Buoniconti, Hart, Pacheco, Richard T. Moore, Michael O. Moore and Timilty move to amend the pending amendment (Tarr-Knapik, 172) by striking out the text and inserting in place the text of Senate document numbered 2464, relative to fair employment and security.

Pending the question on adoption of the further amendment, at two o’clock P.M., Mr. Tisei doubted the presence of a quorum; and, a count of the Senate determined that a quorum was not present.

Subsequently, at three minutes past two o’clock P.M., the President declared that a quorum was present.

After debate, the question on adoption of the further amendment (Baddour, et al) was determined by a call of the yeas and nays, at eight minutes before three o’clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 28 — nays 10) [Yeas and Nays No. 265]:

Insert Roll Call “265”

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



Recess.

There being no objection, at two minutes before three o'clock P.M., the President declared a recess for the purposes of a Memorial Day Ceremony honoring those service members who made the ultimate sacrifice.

Remarks of Senator Steven C. Panagiotakos

The National Mall in Washington D.C. is known as America's Frontyard. It is set off by Constitution Avenue to the north and Independence Avenue to the south but within its acreage are situated the greatest collection of American landmarks in the country. And one of those landmarks is the Vietnam Veterans Memorial.

The groundbreaking occurred on March 26, 1982, the dedication on November 13, 1982. The total cost was \$9 million... all raised through private funds. The design of Maya Ling Lin was chosen after a competitive process of hundreds of submissions. It is a spread out V shape monument of 70 inscribed and 4 un-inscribed black granite panels angled at 125 degrees with each side 246.75 feet.

The panels decrease in height as if flowing into the earth and then equally back out. The east wall points to the Washington monument as if to remember his warning words to Future Americans,

"The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars are treated and appreciated by their nation."

The west wall points to the Lincoln memorial with his Gettysburg Address still echoing through time, "But, in a larger sense," Lincoln said, "we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our power to add or detract."

The names of 58,261 men and women who died in the Vietnam War or remain missing in action are placed on the wall by a process known as photo stencil gritblasting. The names are placed in chronological order according to the date of their death starting with July 8, 1959 with Dale R. Buisand ending with Richard Vande Geer May 15, 1975.

However, the first known casualty was Richard B. Fitzgibbon of North Weymouth, Massachusetts, killed on June 8, 1956. His connection with our efforts in Vietnam were not uncovered until years later. Also, listed is his son, Marine Lance Corporal Richard B. Fitzgibbon III killed on September 7, 1965, one of two pairs of confirmed father-and-son losses.

West Virginia had the highest per capita state casualty. And Beallsville, Ohio had the highest per capita loss with six casualties out of their small population of 475. Thomas Edison High School of Philadelphia alone loss 54 students.

Morenci High School a small mining town in Arizona had nine members of their basketball and football team enlist in the Marines together. The names of six of the nine are on the wall.

In Midvale, Utah, on Fifth, Sixth and Seventh avenues, there were three boys who grew up together as best friends. Their names now appear close by each other on the wall. They were killed within sixteen days of each other.

The youngest name on the wall was for Dan Bullock who was only 15 years old. In fact about half of the names on the wall were men and women under the age of twenty at the time of their death.

There are 36 pairs of brothers and one pair of step brothers whose names appear on the wall... The statistics are to quantify ...the names are to individualize. But the stories...the stories are to personalize and exemplify...to remind us that they are more than just numbers... That they are even "more than just names on a wall".

This observation comes from a song that I've always remembered called, more than a name on a wall.

"More than a name on a wall"

"I saw her from a distance...as she walked up to the wall  
In her hands she held some flowers...as her tears began to fall  
And she took out pen and paper...as to trace her memories  
And she looked up to heaven and the words she said were these  
She said Lord my boy was special... and he meant so much to me  
And Oh I'd love to see him...just one more time you see  
All I have are the memories...and the moments to recall  
So, Lord could you tell him, he's more than a name on a wall."

You know walls are usually there to divide us or to keep danger out, this wall however is there to unite us and to beckon us in.

The shiny black granite provides a reflection of the present but through which for some...you can enter the past.

Stand there with me for a minute in front of this gigantic dark mirror. In its reflection, what else do we see happening around us?

As you look down the wall and to the side, you can see a man in a camouflage jacket and jeans, with an American flag triangularly folded in his right hand, stretched up and leaning on the wall to steady his body as well as his emotions.

His head is bowed as he looks down the panel to find the name... the name of his buddy...the one he left behind...the only one who would know what he experienced and how he felt. And as he touches that name he is taken back to 1967... back to the jungle... back to the stories ... the dreams ... and the fears that they shared...one from the city, the other from the country, so different but so alike...how they took care of each other when they were sick and shared food when they were hungry.

The wall has taken him back so that he can tell his buddy that he has never forgotten him and that he's done all right and that he's sorry that it took forty years to come here...to go back...back to the jungle... back to the horrors and as the tears start streaming down his face he says, "I know you'd understand but I still don't".

Down the wall just a little bit, there's a father with his little son. The Dad is dressed in casual business attire and the boy in jeans and a baseball jersey. It seems like your usual father and son tourist visit. But as they stand before this black monument, they seem to be searching... searching for a specific name...the name of his father...the name of the little boy's grandfather.

Their name except theirs has a Jr. and a Third after it. Their dad and granddad was a West Point educated officer. He was posthumously honored by our country for his gallantry in action and saving the lives of his men. And, then their eyes, almost simultaneously, find their name.

In a personal silence the man's mind and seemingly his body drifts back in time to a picture he has of his dad, donning his dress uniform, holding him close to his shoulder with a great big smile.

He doesn't remember the day, though his mother has told him, his dad left for Vietnam the next day, but he can now, somehow, feel the physical sense of safety and protection and love that comes back to him every time he sees the photo.

The silence is broken up by the little boy's question, "Dad, how old were you when gramps died?" "A little younger than you", the Father replies. The silence returns then the boy says, "You must have been sad, cause I would be sad if you were gone."

The father now is overwhelmed with the memories of the loss of his dad and the thought of not being there for his son. He is trying to hide his tears so his son doesn't see him crying. As he looks away, he says, "Sad, but I always knew he loved me... I hope you will always know that too." For a few more minutes there is no more talk as they are lost in their thoughts then, as if returning, back to the present they leave, closer than they came.

Over four million people visit the wall every year. Some are casual tourists from America and abroad. Some are school groups on an education tour. Some are patriotic citizens coming to pay their respects.

And some..., some come to be healed, some come to remember and some come to say goodbye but the common denominator for them is they come... come to a place and a memorial that many said they wouldn't...because America just wanted to forget.

But we can't forget... nor should we ever forget, the service of Thomas Kelley and his comrades, especially those who made the ultimate sacrifice.

Or the loss and pain of the families of our fallen heroes which lasts a lifetime...just ask Irene Finneral and Steve and Judy Zabrick.

And that is why we must remember and honor and appreciate what was given for us by those who gave their lives and, also, by their families.

When the 50th Anniversary of Pearl Harbor came up in 1991, I saw an article about my best friend's dad in the paper. I couldn't believe what I was reading, I knew this man for years, over the house all the time and never once, not once did anything come up about Pearl Harbor or a Silver Star.

His name is Charlie Petrakos and on the morning of December 7, 1941 while he was headed to the mess hall at Hickam Field, all hell broke loose, Japanese planes like swarms of bees, everywhere, bombing and strafing the area with their deadly firepower with special attention on destroying the aircraft... which they did... out of 394 aircraft, 188 destroyed and 159 damaged.

Charlie quickly ran to one of those planes and manned a machinegun and started firing and with the enemy fire hitting all around him, he kept firing, downing one Japanese plane and fatally damaging another. Only 29 Japanese planes were downed during the entire Pearl Harbor attack.

I went over to the house at 43 Staples Street in Lowell and there was Charlie, as he often was, at the kitchen table lighting his pipe. I said excitedly, "Mr. P, you're a hero!" And I'll never, ever forget his response. He took his pipe out of his mouth, and looked down, and started to clean it.

A few seconds that seemed like an eternity passed as if he were thousands of miles away and fifty years ago and then he looks up to me and says...."No Steve, I'm not a hero. The boys that never made it back, they're the heroes".

In just a few words, Charlie taught me the absolute truth about our Freedom.

That what they lost will forever be freedom's cost. And as long as there is ...a United States of America They ...will be... our ultimate heroes.

Upon returning into session, on motion of Mr. Baddour, the above remarks were ordered printed in the Journal of the Senate.

At a half past four o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2011 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. 4601),-- was considered, the main question being on ordering the bill to a third reading.

The pending amendment (Tarr-Knapik), as amended (Baddour, et al) was then considered; and it was adopted.

Subsequently, Mr. Tisei moved to reconsider the vote by which the Senate had adopted the amendment; and, this motion was rejected.

Ms. Fargo moved that the bill be amended by inserting, after section 158, the following new section:-

"SECTION \_\_\_\_. Chapter 67 of the acts of 2007 is hereby amended by inserting at the end thereof:-

Section 7. Municipalities that have opted into the Group Insurance Commission shall be allowed to reimburse employees and retirees for increases in deductibles and co-pays from premium savings realized by the municipalities that are attributable to participating in the Group Insurance Commission. Such reimbursement shall be limited to the actual additional costs. The decision to reimburse, the administration of such reimbursements, and the total amount of such reimbursements shall be left to the discretion of the Board of Selectmen in towns and the Mayor in cities of the participating municipalities.

Additionally, such municipalities shall be allowed to offer employees the opportunity to participate in a health savings account and may, at the discretion of the municipality, contribute to such savings accounts from savings attributable to changes in the

health insurance deductibles and co-pays.”

The amendment was rejected.

Messrs. Buoniconti and Knapik moved that the bill be amended, in section 2, in item 1201-0100, by inserting after the words “joint committee on elder affairs not later than May 31, 2011;” the following words:- “Provided that funds shall be expended for one-time, non-recurring grants to stampers related to the implementation of section 7B of chapter 64C and section 3A of chapter 64H of the general laws; provided, that said grants shall be awarded to stampers in accordance with regulations and procedures to be developed by the department; provided further, that in awarding these grants, the department shall prioritize those applications from stampers who have already incurred implementation costs and provided further that the department shall report to the house and senate committees on ways and means and the joint committee on revenue no later than September 30, 2010 on said regulations and procedures to be used in determining said grant awards”; in said item by striking the figure “\$84,676,776” and inserting in place thereof the following figure:- “\$85,076,776”; and by inserting at the end thereof the following new section:- “SECTION XX: The department of revenue shall submit a report to the house and senate committees on ways and means and the joint committee on revenue on the planned encrypted digital tax stamp system, to be implemented pursuant to section 7B of chapter 64C and section 3A of chapter 64H of the general laws, within 60 days of the effective date of this act. The report shall include a detailed analysis of the department’s financing plan for the encrypted digital tax stamp system which shall include, but not be limited to, the department’s estimates of the cost of the acquisition and installation of the new equipment and the ongoing costs of maintaining and operating the equipment, including any annual service contract required. The report shall also include the estimated net revenue increase projected to be realized by the commonwealth as a result of the encrypted digital tax stamp system, recommendations, if any, for legislative amendments to state law in order to implement this program and a report by the department in the area of tobacco tax enforcement.”

After remarks, the amendment was adopted.

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

SECTION \_\_. Section 5 of Chapter 268A is hereby amended by striking out the words “or elected official, including a former member of the general court,” and adding the following:- “an elected official, including a former member of the general court, the governor, lieutenant governor, secretary of state, state auditor, attorney general, treasurer, or appointed executive branch commissioners and cabinet level secretaries, who acts as legislative agent, as defined in section 39 of chapter 3, for anyone other than the commonwealth or a state agency before the governmental body with which he has been associated, within two years after he leaves that body, office, or position.”

After debate, the amendment was rejected.

Ms. Chang-Díaz and Mr. DiDomenico moved that the bill be amended in section 2, in item 7000-9501, by striking out the figure “\$6,823,657” and inserting in place thereof the figure “\$7,107,657”.

The amendment was rejected.

Messrs. Tarr and McGee moved that the bill be amended by inserting the text of Senate document numbered 2465, relative to PERAC reform.

Pending the question on adoption of the amendment, Mr. Panagiotakos moved to amend the pending amendment (Tarr) by striking out the text of the amendment and inserting in place thereof the text of Senate document numbered 2525, relative to PERAC reform.

The further amendment was adopted.

The pending amendment (Tarr), as amended (Panagiotakos), was then adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_, the following new section:-

“SECTION \_\_. Notwithstanding sections 26 through 27H of chapter 149, or any general or special law to the contrary, the Davis-Bacon prevailing wage determinations of the United States Department of Labor shall be applied to all public construction projects in the Commonwealth funded in whole or in part by the American Reinvestment and Recovery Act of 2009, provided that such rates shall apply only to those projects which have not commenced at the time of this Act.”

After debate, the amendment was rejected.

Mr. Hedlund moved that the bill be amended by inserting after section \_\_ the following new section:-

“SECTION \_\_: The amount of a grant provided to a municipality under Section 34, of MGL Chapter 90 shall be increased by 25% if that municipality has entered into an inter-municipal agreement regarding the sharing of services for the for maintenance, repair, improvement, and construction of town and county ways and bridges.

Section 2: This section shall take effect on July 1, 2011.”

The amendment was rejected.

Mr. Baddour moved that the bill be amended by inserting after section 88 the following section:-

“SECTION 88A. Chapter 209A of the General Laws is hereby amended by adding the following section:-

Section 10. Anyone who files for the issuance, continuation or modification of a protective order under this chapter shall do so under the pains and penalties of perjury.”

The amendment was adopted.

Mr. Timilty, Ms. Menard and Messrs. Montigny and Pacheco moved that the bill be amended, in section 2, in item 0340-0900, by adding the following new item:-

“0340-0902 For the costs associated with relocating to the new district court house in Fall River  
.....\$75,000”.

The amendment was adopted.

Messrs. Tolman, Hart and Petrucci and Ms. Chang-Diaz moved that the bill be amended, in section 2, in item 7000-9401, by adding the following words:- “; and provided further, that said section 19C of said chapter 78 shall not apply to a municipality with more than 150,000 residents during fiscal year 2011 unless such municipality operates all branch libraries in service as of January 1, 2010”.

The amendment was adopted.

Messrs. Tolman, Hart and Petrucci and Ms. Chang-Diaz moved that the bill be amended, in section 2, in item 7000-9401, by adding the following words:- “; and provided further, that said section 19C of said chapter 78 shall not apply to a municipality with more than 150,000 residents during fiscal year 2011 unless such municipality operates all branch libraries in service as of January 1, 2010”.

The amendment was adopted.

Messrs. Tolman, Hart and Petrucci and Ms. Chang-Diaz moved that the bill be amended, in section 2, in item 7006-0140, by adding the following words:- “; and provided further, that said section 18D of said chapter 58 shall not apply to a municipality with more than 150,000 residents during fiscal year 2011 unless such municipality operates all branch libraries in service as of January 1, 2010”.

After debate, the amendment was adopted.

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

“SECTION XX. Section 76 of Chapter 54 of the General Laws is hereby amended by striking the words ‘if requested, his residence’, and by inserting after the words ‘his name and’ in line 1, the following words:- ‘an identification document, as issued by any federal or state government agency or political subdivision, which shall in all cases include full name and current address except in the case of a Social Security Card, so-called, which shall be considered sufficient identification’.

The amendment was rejected.

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

“SECTION XX. Chapter 29 of the General Laws is hereby amended by adding the following new section after Section 5F: -  
Section 5G: Development and Adoption of Zero-Based Budget Estimates

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

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

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

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

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

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

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

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes past five o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 14 — nays 24) [Yeas and Nays No. 266]:

Insert Roll Call “266”

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

Mr. Baddour moved that the bill be amended by inserting after section 118 the following section:-

“SECTION 118 A. Chapter 90C section 3 subsection (A) paragraph (4) of the General Laws is hereby amended by striking out the first paragraph and inserting in place thereof the following new paragraph:-

(4) A violator may contest responsibility for the infraction by making a signed request for a noncriminal hearing on the back of the citation, and mailing such citation, together with a \$25.00 court filing fee, to the Registrar at the address indicated on the citation within twenty days of the citation. Notwithstanding the provisions of any general or special law to the contrary, the Registrar, in concert with the state comptroller, upon receipt of said \$25.00 court filing fee, shall immediately cause said court filing fee to be transferred to the Trial Court as (retained) revenue.”

The amendment was adopted.

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

“SECTION \_\_\_\_\_. Section 98 of chapter 6 of the General Laws, as amended by section 1 of chapter 10 of the acts of 2009, is hereby amended by inserting at end of paragraph 2 of subsection (b) after the word “borrowing”, the following:- ; provided that the board shall notify the chairs of the Senate and House Ways and Means committee, the chairs of the Senate and House committees on Bonding, Capital Expenditures and State Assets and the clerks of the Senate and House prior to its decision to allow a state entity to enter into a transaction relating to a derivative financial product and shall include the terms of the of the proposed transaction and any supporting documents.”

After remarks, the amendment was adopted.

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

“SECTION XX. Subsection 4 of section 16 of chapter 32 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word ‘hearing.’ in line 116 the following 2 new sentences:- Any hearing assigned pursuant to this section shall, at the election of any party involving a claim hereunder, be subject to a full evidentiary hearing, provided however that such claims may be subject to summary procedure only at the request of any such party, provided further that said summary procedure shall be governed by the standard rules promulgated pursuant to section 9 of chapter 30A without addition or substitution thereto. The division of administrative law appeals may impose a reasonable administrative fee for the initiation of a claim or claims under this section for the purpose of employing magistrates.”

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. Morrissey, as follows, to wit (yeas 20 — nays 18) [Yeas and Nays No. 267]:

Insert Roll Call “267”

The yeas and nays having been completed at a quarter before six o’clock P.M., the amendment was adopted.

Messrs. Montigny, Tisei, Tarr, Knapik, Hedlund, Ross and Berry moved that the bill be amended by inserting at the end thereof the following:-

‘SECTION 154A. No at-will employee of a state authority as defined in section 1 of chapter 29 of the General Laws shall be provided compensation in salary or wages in excess of the salary provided to the governor under section 1 of chapter 6 of the General Laws unless documentation, signed by the secretary of administration and finance, exists justifying such higher compensation.

SECTION 154B. No state authority as defined in section 1 of chapter 29 of the General Laws shall enter into a contract with an employee that provides compensation in salary or wages in excess of the salary provided to the governor under section 1 of chapter 6 of the General Laws unless documentation, signed by the secretary of administration and finance, exists justifying such higher compensation.

SECTION 154C. Each state authority as defined in section 1 of chapter 29 of the General Laws shall submit a compensation reduction report that shall include, but not be limited to, a plan detailing all percentage salary reductions, wage freezes, furloughs and reduction of employees, including attrition, to the house and senate committees on ways and means not later than December 31, 2010.

SECTION 154D. Notwithstanding any special or general law to the contrary the secretary of administration and finance shall review the sick and vacation time buyback program of each state authority as defined in section 1 of chapter 29 and shall make recommendations to align those benefits with benefits commensurate to those available to state employees. The secretary shall provide his findings and recommendations to the board of the applicable state authority not less than 90 after the effective date of this act.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven minutes before six o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 35 — nays 3) [Yeas and Nays No. 268]:

Insert Roll Call “268”

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

Mr. Berry, Ms. Menard, Ms. Spilka, Mr. Joyce, Ms. Fargo, Messrs. Brewer, Donnelly, Downing and Timilty, Ms. Jehlen, Ms. Chang-Diaz, Ms. Tucker and Messrs. Kennedy, Richard T. Moore, Pacheco, McGee and Eldridge moved that the bill be amended by inserting, after section \_\_\_, the following new sections:-

“SECTION \_\_\_\_\_. The third paragraph of section 47C of chapter 175 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles.

SECTION \_\_\_\_\_. The third paragraph of section 8B of chapter 176A of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles.

SECTION \_\_\_\_\_. The third paragraph of section 4C of chapter 176B of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles.

SECTION \_\_\_\_\_. The second paragraph of section 4 of chapter 176G of the General Laws, as so appearing, is hereby amended by striking the last sentence and inserting in place thereof the following sentence:- Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles.”

After remarks, the amendment was adopted.

Mr. Michael O. Moore, Ms. Jehlen, Ms. Candaras and Mr. Tarr moved that the bill be amended by adding the following new section:-

“SECTION X. Chapter 127 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting, after section 48A, the following section:-

Section 48B. The commissioner and the sheriffs for the various counties may institute a schedule of fees and assess said fees to inmates in their custody as follows:-

A daily cost of custodial care fee;

A medical sick call visit fee not related to a condition pre-existing at the time of incarceration;

A dental sick call visit fee;

A pair of prescription eyeglasses fee;

A pharmacy prescription fee.

Notwithstanding the above, the following services shall be exempt from fee assessment: admission health screening, 14 day health assessment, emergency health care, hospitalization or infirmary care, prenatal care, lab and diagnostic care, follow-up visits approved by health services, contagious disease care and chronic disease care.

No inmate shall be denied access to medical or dental care because of an inability to pay any fee.

Twenty-five percent of fees collected shall be used towards providing inmates with a cognitive-behavioral treatment program, included in the Substance Abuse and Mental Health Services Administration’s national registry of evidence-based programs and practices, which develops moral reasoning skills. Such a program shall be proven to reduce future behavioral problems including recidivism incidents, as well as misconduct within prison facilities which pose a risk to prison staff such as disruptive behavior, fights, assaults, and possessing contraband.

Provided further that the sheriff may prescribe a fee to inmates in their custody assigned to house arrest program based on the person’s ability to pay, finances, household income, number of dependents and medical status.

Inmate fees shall be taken only from income earned by inmates employed on a work release program or for work within the prison. Inmates shall pay no more than 10% of their prison earnings for all fees. However, before any custodial care fees can be assessed, inmates must comply with orders for court ordered child support, court ordered victim restitution, victim witness fee, judgments for monies owed to hospitals, doctors and other healthcare professionals, judgment for money damages entered prior to the time of incarceration. If the inmate is not incarcerated within 2 years of their release from custody, this debt shall be forgiven. This section shall not apply to federal inmates, detainees, regional lock-up inmates, or anyone who has not been convicted for the crime for which the inmate is incarcerated.”

After remarks, the amendment was adopted.

Subsequently, Mr. Michael O. Moore moved reconsideration of the adoption of the amendment; and this motion was negated.

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

“SECTION XX. (a) Chapter 544 of the Acts of 1976 is hereby amended by striking out in paragraph 1 the phrase “to the Trustees of the Norwood Hospital to be used as an intermediate care facility for the treatment of alcoholism and related conditions” and inserting the following in its place “to Norwood Hospital for use as a medical care facility” and by striking out paragraphs 3 and 4 in their entirety and inserting in place thereof the following:

Said conveyance shall be used as a medical care facility.

(b) Notwithstanding any general or special law to the contrary, any restriction on use and any reversionary interest held by the commonwealth in the parcel designated as the Walnut Lodge property in paragraph 1 of said chapter 544 which was conveyed to the Trustees of the Norwood Hospital, now Caritas Norwood Hospital, Inc., on June 20, 1978 are hereby released.

(c) In consideration for the releases set forth in subsection (b), upon any disposition of said Walnut Lodge property, or any portion thereof, by Caritas Norwood Hospital, Inc. or any successor, for any use other than as a medical care facility, the sum of fifty percent (50%) of the gross proceeds from the sale, lease or other disposition of said parcel shall be paid to the commonwealth, acting by and through the Commissioner of Capital Asset Management and Maintenance. “Gross proceeds” shall mean all payments paid to Caritas Norwood Hospital, Inc. or any such successors as and when paid, by a transferee who shall not use the property as a medical care facility. Furthermore, upon any change of use by Caritas Norwood Hospital, Inc., or any successor thereto, such that said Walnut Lodge property, or any portion thereof, ceases to be used for a medical care facility (and such change of use is not made through any sale, lease or other disposition as aforesaid), then Caritas Norwood Hospital, Inc. or any successor thereto, shall pay to the Commonwealth, acting by and through the Commissioner of Capital Asset Management and Maintenance, the sum of fifty percent (50%) of the assessed valuation of the land (but not the buildings) included in such change of use, as such assessment valuation appears on the real estate tax assessment listing maintained by the assessors of the Town of Foxborough for the fiscal year in which said change of use occurs. Nothing herein shall restrict the transfer or conveyance of said property, or any portion thereof, for use as a medical care facility.”

The amendment was adopted.

Messrs. Hedlund and Downing moved that the bill be amended by inserting, after Section \_\_\_, the following new sections:-

“SECTION \_\_\_. Subdivision (2) of section 10 of said chapter 32, as most recently amended by section 13 of said chapter 21, is hereby further amended by striking out paragraph (a).

This section shall apply to all members employed as of the enacting date of this act, as well as all members hired prospective to the enacting date of this act.”

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross 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.”

The amendment was rejected.

Messrs. Brewer, Richard T. Moore, Michael O. Moore and Petrucci, Ms. Fargo, Messrs. Eldridge and Tarr and Ms. Creem moved that the bill be amended by inserting, after section 93, the following new section:-

“SECTION 93A. Section 144 of chapter 122 of the Acts of 2006 is hereby amended by striking, after the word ‘Laws,’ the following phrase at the end of the section:- provided, however, that no waiver or exemption shall be granted without the written approval of the secretary of administration and finance.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes past six o’clock P.M., on motion of Mr. Brewer, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 269]:

Insert Roll Call “269”

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

Mr. Timilty, Ms. Creem and Mr. Knapik moved that the bill be amended by inserting at the end thereof the following new section:-

“SECTION XX. Section 100A of Chapter 130 is amended by adding at the end thereof a new section:-

Section 100B – Conservation and management measures concerning the commercial taking of the striped bass including but not limited to the length of the commercial season, the number of permits issued for the commercial season and the total number of striped bass by fish count or poundage allowed to be landed shall take into account the following measures: the prevention of overfishing, the rebuilding of overfished stocks, the impact of these proposed rules and regulations on the economic value of the recreational catch, the impact on the economy of the Commonwealth of Massachusetts and the impact on tax revenues generated for the Commonwealth by the recreational fishery from the sales, meals, hotel/motel, fuel and income taxes. The Director and the Marine Fisheries Advisory Board must take into consideration the economic importance of the recreational striped bass fishery to the Commonwealth and the potential effects of proposed management measures on the tax revenues of the Commonwealth. All such approved rules and regulations shall be accompanied with a fiscal note detailing any said potential or anticipated impacts and said fiscal note shall be forwarded to the House and Senate Committees on Ways and Means, the Joint Committee on Revenue, the Joint Committee on Environment, Natural Resources and Agriculture and the Joint Committee on Tourism, Arts and Cultural Development.”

After debate, the amendment was rejected.

Suspension of Senate Rule 38A.

Mr. Brewer moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 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.

Messrs. Richard T. Moore, Brewer and Donnelly, Ms. Spilka, Messrs. Buoniconti and Timilty and Ms. Candaras move that the bill be amended by inserting, after section \_\_, the following new section:

“SECTION X. Section 100A of Chapter 130 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following new section:-

Section 100B. Conservation and management measures concerning the commercial taking of the striped bass including but not limited to the length of the commercial season, the number of permits issued for the commercial season and the total number of striped bass by fish count or poundage allowed to be landed shall take into account the following measures: the prevention of overfishing, the rebuilding of overfished stocks, the impact of these proposed rules and regulations on the economic value of the recreational catch, the impact on the economy of the Commonwealth of Massachusetts and the impact on tax revenues generated for the Commonwealth by the recreational fishery from the sales, meals, hotel/motel, fuel and income taxes. The Director and the Marine Fisheries Advisory Board must take into consideration the economic importance of the recreational striped bass fishery to the Commonwealth and the potential effects of proposed management measures on the tax revenues of the Commonwealth. All such approved rules and regulations shall be accompanied with a fiscal note detailing any said potential or anticipated impacts and said fiscal note shall be forwarded to the House and Senate Committees on Ways and Means, the Joint Committee on Revenue, the Joint Committee on Environment, Natural Resources and Agriculture, and the Joint Committee on Tourism, Arts, and Cultural Development.”

The amendment was rejected.

Mr. Joyce moved that the bill be amended in section 2, in item 2810-0100, by inserting the following: - “provided further, that funds may be expended for the purposes set out in item 2800-9004 of section 2 of chapter 182 of the acts of 2008”.

The amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_, the following new sections:-

“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 regulatorily 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 \_\_. 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 January 1, 2011.

SECTION \_\_. 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 member shall be the chief justice of the supreme judicial court, or her designee, who shall also serve as chair; one member shall be the chief justice of the appeals court, or his designee; one member shall be the chief justice for administration and management, or his designee; one member shall be the chief judge of the probate and family court, or his designee; one member shall be the chief judge of the land court, or his designee; one member shall be the attorney general of the commonwealth, or her designee; nineteen members shall be appointed by the chief justice of the supreme judicial court, provided that three members shall be district attorneys from diverse dispersed areas of the commonwealth, or their designees; provided further that three members shall be clerk of courts in the commonwealth, or their designees; provided further that two members shall be registers of deeds in the commonwealth, or their designees; provided further that two members shall be registers of probate in the commonwealth, or their designees; provided further that six members 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 members 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 February 1, 2011.”

The amendment was rejected.

Mr. Joyce moved that the bill be amended, in section 2, in item 2810-0100, by inserting the following: “; provided further funds may be expended for the design, planning and repair of Long Pond Dam in the Town of Easton”.

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_, the following new section:-

“SECTION \_\_. Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws, the division of capital asset management and maintenance, using those competitive proposal processes as the division considers necessary or appropriate, in consultation with the department of conservation and recreation, shall lease and enter into other agreements with one or more persons or entities for terms not to exceed 25 years, for the continued use, operation, maintenance, repair and improvement of any ice skating rinks, pools and golf courses owned and operated by the commonwealth.”

Ms. Menard in the Chair, after debate, the amendment was adopted.

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

“SECTION \_\_. (a) Notwithstanding any general or special law to the contrary, the University of Massachusetts School of Law – Dartmouth shall operate without direct appropriation or subsidy from the Commonwealth or university system. The University of Massachusetts School of Law – Dartmouth shall maintain and fund all academic and administrative personnel but nothing in this act shall prevent the law school from accessing supplemental services from the campus and University system in order to reduce duplication of systems and services.

(b) The University of Massachusetts School of Law - Dartmouth shall retain all tuition and fees received by the board of trustees in a revolving trust fund or funds and shall be expended as the board may direct for the operation and support of the law program. Any balance in the trust fund or funds at the close of a fiscal year shall remain available for expenditure in subsequent fiscal years and shall not revert to the General Fund. All such trust funds shall be subject to audit by the state auditor.

(c) The University of Massachusetts School of Law – Dartmouth shall prepare an annual financial report at the conclusion of each fiscal year. Said annual financial report shall be filed with the house and senate committees on ways and means and to the board of higher education on or before December 31.”

The amendment was adopted.

Recess.

There being no objection, at ten minutes past seven o'clock P.M., the Chair (Ms. Menard) declared a recess subject to the call of the Chair; and, at twelve minutes past 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 2011 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. 4601),— was considered, the main question being on ordering the bill to a third reading.

Mr. O'Leary moved that the bill be amended by striking sections 17, 18, 19, and 20 and inserting in place thereof the following new section:

“SECTION 17: (a) Notwithstanding any general or special law to the contrary, the executive office of energy resources, in conjunction with an advisory committee described below, shall conduct a study to examine the feasibility of a central state energy management and procurement office for executive offices, state colleges and universities, and housing authorities. The study shall include, but not be limited to:

An inventory of current and future energy use and current contracting approaches for electricity, gas, and fuel oils by state agencies, housing authorities, state authorities, and state higher education institutions, as well as current approaches by state agencies to demand response, energy efficiency, and reduction of greenhouse gas emissions;

An examination and report on energy pricing in the past and expected in the future, and the reasons why pricing may increase or decrease;

An examination and report on current and future opportunities for energy audits and demand response by state agencies;

An examination and report on the spectrum of potential activities state agencies could undertake to ensure lower energy costs, reduced energy use, expanded energy efficiency, and reduction of green house gases, together with identification risks involved in each potential activity, including capital expenditures affecting energy consumption and opportunities for improvements to state owned energy infrastructure affecting energy use;

An examination and report on the costs and benefits of a central energy management office providing advice, guidance, and technical support to state agencies for monitoring energy use, purchasing, accuracy of billing and use of efficiency programs;

An examination and report on the costs and benefits of a state energy procurement office providing purchasing and billing for state agencies;

An examination and report on the impact of for-profit and non-profit energy buying programs, and identify the advantages or disadvantages;

An examination and report on the costs, benefits and risks in a central state office becoming a market participant in the regional wholesale market and a member of ISO-NE and NEPOOL as a wholesale participant;

An examination of the impacts on the competitive marketplace when energy is procured in large tranches; and

Any other aspects of energy use, cost, management, procurement, demand response or efficiency by state agencies suggested by the Advisory Committee to the department.

The study shall be completed and submitted to the joint committee on telecommunications, utilities and energy, the senate ways and means committee, and the house ways and means committee no later than May 1, 2011.

(b) As an integral part of the study, the commissioner of the department of energy resources shall assemble an advisory committee of individuals with an interest in and knowledge of energy costs, energy management, energy procurement, and energy efficiency consisting of the following individuals, who, except for current state employees, shall not be considered state employees or special state employees for conflict of interest purposes: the commissioner of the department of energy efficiency or his designee, a representative of the Retail Suppliers Association or his designee named by the Association, a representative of the New England Power Generators Association or his designee named by the Association, a representative of the University of Massachusetts or his designee named by the President of the University of Massachusetts, a representative of PowerOptions or his designee named by the President of PowerOptions, a representative of the Massachusetts Municipal Association or his designee named by the Director of the Association, the commissioner of the Massachusetts operational service division or his designee, a representative of the secretary of administration and finance or his designee, a representative of the Massachusetts Bay Transit Authority or his designee named by the MBTA General Manager, a representative of the Massachusetts Port Authority or his designee named by the Director of the Port Authority, and a representative of a housing authority or designee named by the commissioner.

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

The amendment was rejected.

Ms. Spilka and Ms. Tucker moved that the bill be amended by inserting at the end thereof the following new sections:

“SECTION XX. Section 323 of Chapter 94 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out in line 36 the words ‘one cent’ and inserting in place thereof the following: - 3 ¼ cents.

SECTION XX. Subsection (e) of said section 323 of said Chapter 94, as so appearing, is hereby amended by adding at the end thereof the following sentence:- The commissioner shall review the handling fee every 5 years and may make changes based on the consumer price index.”

The amendment was rejected.

Messrs. Tarr, Morrissey and Baddour moved that the bill be amended by inserting the text of Senate document numbered 2595, relative to DOER energy procurement.

The amendment was adopted.

Mr. Tarr moved that the bill be amended by striking sections 17 through 20.

The amendment was rejected.

Messrs. Morrissey and Tarr and Ms. Candaras moved that the bill be amended by adding at the end thereof the following new section:-

“SECTION XX. Notwithstanding any general or special law to the contrary, the department of energy resources shall report on its implementation of chapter 206 of the acts of 2008. The report shall include, but not be limited to, the following topics: the promulgation of regulations under subsection (8) of section 249H1/2 and subsection (8) of section 295G1/2, each as inserted by said chapter 206; the establishment of a commission on incentives to promote advanced biofuels, as called for in section 5 of said chapter 206; progress on efforts to reach an agreement with participating states on establishing a regional low-carbon fuel standard; and the establishment of a commission to promote the use of advanced biofuels by the commonwealth, its agencies, political subdivisions and regional transit authorities. The report shall also include a timetable for regulatory action on each of the topics listed in the preceding sentence which have not been completed. The report shall be submitted to the chairs of the joint committee on telecommunications, utilities and energy, the chairs of the house and senate committees on global warming and climate change, and the chairs of the joint committee on environment, natural resources and agriculture not later than 30 days after the effective date of this act.”

The amendment was adopted.

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

“SECTION \_\_: Chapter 312 of the Acts of 2008 is amended in line item 1100-2500 by adding after the words ‘within Newburyport’ the following language: , and provided further that funds may be expended to make repairs to and rebuild a length of seawall between Rexhame Road and Farragut Road in the town of Marshfield.”

The amendment was rejected.

Messrs. Hedlund, O’Leary, Tarr, and Montigny 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 Division of Marine Fisheries shall promulgate size regulations relative to the possession and sale of oysters produced under the authority of an aquaculture or propagation permit issued by the Division; provided, that said regulations shall take into account market needs and economic opportunities; provided further that, said regulations shall be promulgated not later than December 31, 2010.”

The amendment was adopted.

Messrs. Hart, Buoniconti and Eldridge moved that the bill be amended in section 2, in item 7002-0012, by striking out the figures “\$4,000,000” and inserting in place thereof the figures “\$8,000,000”.

The amendment was rejected.

Mr. Petruccelli, Ms. Creem, Messrs. Morrissey, Michael O. Moore, Hart, Kennedy, Baddour and Buoniconti, Ms. Flanagan and Messrs. Tarr and Pacheco moved that the bill be amended by inserting, after section \_\_, the following new section:-

“SECTION. XX. Chapter 305 of the Acts of 2008 is amended in section 14, subsection 2(1)(c) by adding after the word ‘setting’ the words ‘or a restaurant licensed pursuant to chapter 140 of the General Laws; or’.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seventeen minutes before nine o’clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 18 — nays 19) [Yeas and Nays No. 270]:

Insert Roll Call “270”

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

Messrs. McGee, Michael O. Moore, Donnelly and Morrissey moved that the bill be amended by adding the following new section:

“SECTION \_\_. Section 23 of chapter 21 of the acts of 2009 is hereby amended by adding the following 2 sentences:- The retirement allowance of any retired member which included in the calculation of such allowance amounts paid as clothing allowance upon which contributions were made shall not be reduced, modified or changed because of the inclusion of such clothing allowance payments. Notwithstanding any special or general law to the contrary, any amount paid to an active member for clothing allowance upon which contributions were made and included in any applicable collective bargaining agreement or individual contract for employment in effect on May 1, 2009, shall continue to be included in the definition of ‘regular compensation’ during the term of that collective bargaining agreement or contract; provided, however, that any such amount, benefit or payment received after June 30, 2012 shall not be considered regular compensation.”

After remarks, the amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund, Ross and Joyce moved that the bill be amended by inserting, after section \_\_, the following new section:-

“SECTION \_\_. Subsection (b) of section 5 of chapter 231, as amended by chapter 130 of the acts of 2008, is hereby amended by striking after the words ‘the center’ the word ‘may’ and inserting in place thereof the following word: - ‘shall’.”

After remarks, the amendment was adopted.

Messrs. Knapik and Joyce moved that the bill be amended in section 2, in item 7003-0701, by striking out the figure “\$15,000,000” and inserting in place thereof the following figure:- “\$21,000,000”.

Pending the question on adoption of the amendment, Mr. Panagiotakos moved to amend the pending amendment (Knapik) by

striking out the text and inserting in place the following text:-

By inserting after section 94 the following section:-

“SECTION 94A. Item 7003-0701 of section 2 of chapter 27 of the acts of 2009 is hereby amended by inserting after the words ‘private investment in job training’ the following words:- ‘; provided further, that the unspent balance in this item shall be available in fiscal year 2011 in addition to any amount previously appropriated herein’.”

The further amendment was adopted.

The pending amendment (Knapik), as amended (Panagiotakos) was then considered, and after debate, the question on adoption of the amendment, as amended, was determined by a call of the yeas and nays, at three minutes past nine o’clock P.M., on motion of Mr. Knapik, as follows, to wit (yeas 37 — nays 1) [Yeas and Nays No. 271]:

Insert Roll Call “271”

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

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

“SECTION XX: There shall be in the division of insurance an auto damage appraiser licensing board, hereinafter called the board, consisting of four persons to be appointed by the governor, two of whom shall be affiliated with the auto body repair industry, and two of whom shall be affiliated with insurance companies writing casualty insurance within the commonwealth, and one person to be appointed by the commissioner of insurance who shall not be affiliated with either the auto body industry or the insurance industry and who shall be the chairman of the board. A vacancy on the board shall be filled within 60 days from the date of said vacancy.”

The amendment was adopted.

Ms. Chandler and Messrs. Brewer and Michael O. Moore moved that the bill be amended by striking subsection (i) of section 116; and 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.....\$210,000”.

The amendment was rejected.

Mr. Joyce moved that the bill be amended in section 2, in item 7002-0017, by striking the figure “\$2,067,930” and inserting in place thereof:- “2,182,000”.

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:-

“SECTION \_\_\_\_. Sections 52, 53, 54 and 55 of Chapter 7 of the General Laws are hereby repealed.”;

By inserting after section \_\_\_\_ the following new section:-

“SECTION \_\_\_\_. 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.”; and

By inserting after section \_\_\_\_ the following new sections:-

“Section \_\_\_\_. 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 \_\_\_\_. Section 4 and Section 5 of chapter 296 of the acts of 1993 are hereby repealed.”

Ms. Menard in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nine minutes before ten o’clock P.M., on motion of Mr. Knapik, as follows, to wit (yeas 8 — nays 30) [Yeas and Nays No. 272]:

Insert Roll Call “272”

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

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

“SECTION XX. Subsection 42(b)(1) of chapter 23G of the General Laws is hereby amended by inserting after the words ‘Municipally owned buildings, structures or sites must be a minimum of 50,000 square feet in size, of which at least 50 per cent is used as a cultural facility’ the following language: unless said municipally owned building is 125 years old or more and significant in the history, archeology, architecture or culture of the nation, the commonwealth or said community, in which case it may be of any size and dedicated to any public purpose”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 7007-0951, by striking out the figure \$2,000,000 and inserting in place thereof the figures “\$3,500,000”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended by inserting, after section X, the following 2 sections:-

“SECTION XX. The Massachusetts Development Finance Agency is hereby authorized and directed to expend an amount not to exceed ten million dollars for the purpose of establishing a revolving fund to make interest-free or low interest loans to rehabilitate existing infrastructure in waterfront areas to encourage and assist industrial and commercial development and activities.

SECTION XXX. To meet expenditures necessary in carrying out the provisions of Section 1 of this Act, the State Treasurer shall, upon request of the Governor, issue and sell bonds of the Commonwealth, to an amount specified by the Governor from time to time, not exceeding in the aggregate, the sum of ten million dollars. All bonds issued by the Commonwealth shall be designated on their face, Waterfront Rehabilitation Capital Loan Act of 2010, and shall be issued for such maximum term of years not exceeding twenty years, as the Governor may recommend to the General Court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June 30, 2030. Bonds and interest thereon issued under the authority of this Section shall, notwithstanding any other provisions of this Act, be general obligations of the Commonwealth.”

The amendment was rejected.

Ms. Tucker, Ms. Candaras, Ms. Spilka, Ms. Walsh, Messrs. Eldridge, Kennedy and McGee, Ms. Chang-Diaz, Messrs. Tarr and DiDomenico and Ms. Creem moved that the bill be amended, in section 2, in item 7004-0101, by striking out the words “provided, that eligibility shall be limited to families with income at or below 115 per cent of the federal poverty level;” and inserting in place thereof the words: - “provided, that eligibility shall be limited to families with income at or below 115 per cent of the 2009 or a later-issued higher federal poverty level;”;

By striking out the figure “45” and inserting in place thereof the figure: - “60;”;

By inserting after the words “such proposed changes;” the following new words: -“provided further, that in fiscal year 2011, no such determination and report shall be filed prior to December 5, 2010;”.

The amendment was adopted.

Ms. Chang-Díaz, Ms. Creem, Messrs. Michael O. Moore, Eldridge and Kennedy, Ms. Tucker, Ms. Fargo and Messrs. Montigny and Donnelly moved that the bill be amended, in section 2, in item 7002-0012, by striking out the figure “\$4,000,000” and inserting in place thereof the figure “\$8,000,000”.

During consideration, at thirteen minutes past ten o’clock P.M., Ms. Chang-Díaz doubted the presence of a quorum; and at fourteen minutes past ten o’clock P.M. a quorum was deemed present.

After further debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-four minutes past ten o’clock P.M., on motion of Ms. Chang-Díaz, as follows, to wit (yeas 16 — nays 22) [Yeas and Nays No. 273]: Insert Roll Call “273”

The yeas and nays having been completed at twenty-nine minutes past ten o’clock P.M., the amendment was rejected.

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

SECTION XX. Chapter 25C of the General Laws is hereby amended by inserting after section 6 the following section:

Section 6A. (a) As used in this section, the following words and phrases shall, unless the context clearly requires otherwise, have the following meanings:

“Internet Protocol enabled service” or “IP enabled service”, service, capability, functionality, or application provided using Internet Protocol, or any successor protocol, that enables an end user to send or receive a communication in Internet Protocol format or any successor format, regardless of technology; provided, however, that no service included within the definition of “Voice over Internet Protocol service” shall be included within this definition.

"Voiceover Internet Protocol Service" or "VoIP Service", service that: (i) enables realtime, 2way voice communications that originate from or terminate to the user’s location in Internet Protocol or any successor protocol; (ii) uses a broadband connection from the user's location; and (iii) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

(b) Except as set forth in subsections (c), (d), (e) and (f), and notwithstanding any other general or special law to the contrary, no department, agency, commission or political subdivision of the commonwealth, shall enact, adopt or enforce, either directly or indirectly, any law, rule, regulation, ordinance, standard, order or other provision having the force or effect of law that regulates, or has the effect of regulating, the entry, rates, terms or conditions of VoIP Service or IP enabled service.

(c) Subsection (b) shall not be construed to affect the authority of the attorney general to apply and enforce consumer protection laws of general applicability, including chapter 93A.

(d) Subsection (b) shall not be construed to affect, mandate or prohibit the assessment of nondiscriminatory enhanced 911 fees or telecommunications relay service fees.

(e) Subsection (b) shall not be construed to modify or affect the rights or obligations of any carrier under sections 251 or 252 of Title 47 of the United States Code.

(f) Subsection (b) shall not be construed to affect or modify any obligations for the provision of video service by any party under applicable law.

The amendment was adopted.

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

Ms. Candaras and Mr. Buoniconti moved that the bill be amended in section 115 by striking out section 115 and inserting in place thereof the following:-

“SECTION 115. (a) Notwithstanding any general or special law to the contrary, and upon receiving a written request from the

secretary of administration and finance, the comptroller shall transfer \$33,500,000 from the Commonwealth of Massachusetts Springfield Promise Program Expendable Trust to the General Fund

(b) Notwithstanding said chapter 169 or any other general or special law to the contrary, the balance left in the Springfield Promise Program Expendable Trust after taking this transfer into account shall be used exclusively for the funding of the Springfield Promise Program; provided that the funds remaining in the Springfield Promise Program Expendable Trust shall be deposited into a new expendable trust to be created and administered by the City of Springfield, to be called the City of Springfield Promise Program Expendable Trust, provided further, that funds in the City of Springfield Promise Program Expendable Trust shall not be used for any purpose other than funding of the Springfield Promise Program, including its administrative costs.

(c) Any amount transferred from the Commonwealth of Massachusetts Springfield Promise Program Expendable Trust pursuant to subsection (a) and (b) of this section shall be considered as an amount repaid to reduce any loan balance pursuant to Section 2 of Chapter 468 of the Acts of 2008 and Section 2 of Chapter 169 of the Acts of 2004.”

The amendment was adopted.

Mr. DiDomenico moved that the bill be amended in section 2, in item 7003-0803, by inserting after the word “centers” the following: “provided that not less than \$2,750,000 shall be expended for one-stop centers that were in existence on May 1, 1997, located in the Boston, Hampden county and Metro North service delivery areas and any satellite offices of said centers which opened on or before December 1, 1997”.

The amendment was adopted.

Mr. O’Leary moved that the bill be amended by inserting the text of Senate document numbered 2599, relative to the bureau of special education appeals.

The amendment was adopted.

Mr. O’Leary moved that the bill be amended in section 2, in item 7061-9408, by inserting at the end thereof the following: - “; provided that funds may be expended for a middle school pilot program between school districts and partner organizations with an established record of partnering with middle schools to increase learning time and student performance, provided that preference shall be given to said partner organizations that: have the capacity to serve not less than 25% of a district’s middle school population; make available documentation of \$1 in private sector, local or federal funds for every \$1 in state funds, have conducted at least one independent longitudinal study showing significant gains in student performance in any of the following: MCAS scores, school attendance, student grades, or long-term high school graduation rates, employs student family engagement practices, deliver services to schools as either an Expanded Learning Time (ELT) or After-School partner and have data sharing agreements and MOUs in place with middle schools to ensure the timely and effective sharing of grade progress and other formative or diagnostic measurement of student progress”.

The amendment was adopted.

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

“SECTION X Section 3 of Chapter 71B of the General Laws is hereby amended by adding at the end thereof the following paragraph:

Notwithstanding any general or special law to the contrary, when a placement decision for students with special needs is modified through an assessment by the department of children and families, and results in a student being moved from a program that was of no cost to the district, to a program for which the district would be responsible for a portion of the students’ tuition, the department of children and families shall meet with the school district prior to any pursuant change in the placement of the student. This meeting shall include at least one member of the IEP Team and one representative from the district, and shall determine whether the current placement meets the special needs of the student.”

The amendment was adopted.

Mr. Richard T. Moore moved that the bill be amended in section 2, in item 8000-0000, by adding at the end thereof the following: “; provided further, that the executive office may enter into an agreement with a state college or university to provide for the expansion of a comprehensive law enforcement and emergency response training program for local, state, and federal criminal justice and homeland security professionals, subject to the receipt of federal matching funds”; and by striking out the figure “\$1,880,688” and inserting in place thereof the following figure:- “2,080,688”.

The amendment was adopted.

Mr. Joyce moved that the bill be amended in section 2, in item 7061-9408, by inserting the following: “provided further that funds may be expended for the continuation of a parent engagement program pursuant to item 7061-9408 of section 2 of chapter 182 of the acts of 2008”.

The amendment was adopted.

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

“SECTION XX: Section 47A of Chapter 71 of the General Laws, as appearing in the 2006 Official Edition is hereby amended by inserting at the end thereof the following new sentence:— ‘All coaches shall be required to have a current certification in cardiopulmonary resuscitation from the American Red Cross, American Heart Association or other agency approved by the Department of Public Health. Such requirement shall not apply to physically disabled coaches.’

SECTION 2. This act shall take effect on January 1, 2011.”

The amendment was adopted.

Mr. Downing moved that the bill be amended in section 2, in item 7070-0065, by striking out the figure “87,837,028” and inserting in place thereof the following figure: “89,837,028”.

The amendment was adopted.

Ms. Jehlen, Mr. DiDomenico, Michael O. Moore, and Mr. Timilty moved that the bill be amended in section 2, in item 3000-6000, by adding the following words:- “; provided further, that the department may expend funds from the item on grants for supplemental services for children with IEPs”.

The amendment was adopted.

Mr. Tarr moved that the bill be amended by inserting after section 2, the following new section:-

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

‘Within 30 days of the approval of a new commonwealth charter school in any community, the board shall issue a written confirmation that the school meets all requirements set out in subsections (b), (c), and (f) of this section and in the implementing regulations, and a summary of the reasons therefore.’”

The amendment was adopted.

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

“SECTION XX. Section 89 of Chapter 71 of the general laws is hereby amended by striking section (mm) and replacing it with the following:-

‘(mm) The board shall promulgate regulations for implementation and enforcement of this section. The board shall also develop procedures and guidelines for the waiver of any regulations implementing this section; provided, that no waivers shall be issued except at the written request of the charter applicant or at the written request of the board itself, both of which shall only be for exceptional circumstances. Said waiver must be accompanied by a written explanation of the reasons for the waiver, and may only be issued by a 2/3 vote of the board.’”

The amendment was adopted.

Ms. Creem moved that the bill be amended in section 2, in item 7061-9600, by inserting after the words “from this item for personnel” the following language:- “employed by the department of elementary and secondary education;”.

The amendment was adopted.

Mr. Donnelly moved that the bill be amended in section 2, by striking out item 8324-0000 and inserting in place thereof the following item:-

“8324-0000 For the administration of the department of fire services, including the state fire marshal’s office, the hazardous materials emergency response program, the board of fire prevention regulations established in section 4 of chapter 22D of the General Laws, the expenses of the fire safety commission and the Massachusetts firefighting academy, including the Massachusetts fire training council certification program, municipal and nonmunicipal fire training and expenses of the council; provided, that the fire training program shall use the split days option; provided further, that the amount allocated for programs providing information about the fire risks caused by smoking, the regional dispatch center, critical incident stress intervention programs and fire department training academies listed in item 8324-0000 of section 2 of chapter 182 of the acts of 2008 shall be allocated to each program in fiscal year 2011; provided further, that the amount allocated for critical incident stress management residential services in item 8000-0000 of section 2 of chapter 182 of the acts of 2008 shall be allocated to the program in fiscal year 2011; provided further, that the amount allocated for hazardous material response teams specifically listed item 8324-0000 of chapter 27 of the acts of 2009 shall be allocated to each program in fiscal year 2011; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the administration of the department of fire services, the state fire marshal’s office, critical incident stress programs, the Massachusetts and fire department training academies and the regional dispatch center, shall be assessed upon insurance companies writing fire, homeowners’ multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receipt of notice of such assessment from the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for hazardous materials emergency response shall be assessed upon insurance companies writing commercial multiple peril, nonliability portion, policies on property situated in the commonwealth and commercial auto liability policies as referenced in line 5.1 and line 19.4, respectively, in the most recent annual statement on file with the commissioner of insurance; and provided further, that not more than 10 per cent of the amount designated for the arson prevention program shall be expended for the administrative cost of the program.....\$16,861,169”.

The amendment was adopted.

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

“SECTION 46A. Chapter 111C of the General Laws, as so appearing, is hereby amended by adding the following section:—  
Section 25. When a Class I, II, or V ambulance transports a patient receiving care at the Paramedic level of advanced life support, the ambulance shall be staffed in accordance with regulations promulgated by the department with at least 2 emergency medical technicians, 1 of whom shall be certified at the EMT-paramedic level.”

The amendment was adopted.

Mr. Petrucci moved that the bill be amended by inserting after section 89 the following section:-

“SECTION 89A. Section 10 of chapter 269 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

As used in this paragraph, the following words shall have the following meanings unless the context clearly requires otherwise:

‘Ballistic knife’, a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas, but not including a device which propels an arrow or a bolt by means of a common bow, compound bow, crossbow or underwater speargun.

‘Billy club’, a handheld instrument designed for striking another with concussive force including, but not limited to, a nightstick,

tonfa, spring stick or telescoping metal baton.

'Blackjack', a handheld instrument with a weighted end designed for striking with concussive force.

'Brass knuckles', a set of metal finger rings or guards attached to a transverse piece and worn over the front of the doubled fist for use as a weapon and includes any such device whether made of brass or of some other metal or of another hard composite substance; provided, however, that "Brass knuckles" shall include a knuckle knife or brass knuckles attached to a blade.

'Butterfly knife', a knife having a blade encased in a split handle that manually unfolds with hand or wrist action with the assistance of inertia, gravity or both.

'Dagger', a bladed instrument designed for use as a weapon including, but not limited to, a dirk, stiletto, push knife, boot knife, combat knife or fighting knife.

'Disguised knife', a knife designed so that it is not readily recognizable as a knife, and appears instead to be a non-threatening item such as a lipstick, pen, belt buckle, air gauge or other common item.

'Electrical weapon', a portable device or weapon from which an electrical current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure or kill including, but not limited to, a taser or stun gun.

'Knife', a cutting or stabbing instrument of metal or other resilient substance including, but not limited to, a sword or machete.

'Lead gloves', gloves or other hand covering which are manufactured or modified to contain a weighted element such as lead shot, designed so that the wearer may strike another with enhanced force.

'Nunchaku', 2 sticks of wood, plastic or metal connected at 1 end by a length of rope, chain, wire or leather and capable of striking another with force sufficient to cause injury.

'Switchblade knife', a knife with an automatic spring release device by which the blade is released from the handle and having a blade of over 1½ inches.

'Throwing star', a shuriken or other instrument with 1 or more sharp edges designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape for use as a weapon for throwing.

'Undetectable knife', a knife or other instrument with or without a handguard that is capable of ready use as a stabbing weapon and which is not detectable by a metal detector or magnetometer set at standard calibration.

Whoever, except as provided by law, carries on his person or under his control in a vehicle, a dagger, a knife having a double-edged blade, a ballistic knife, a switchblade knife, a butterfly knife, a disguised knife, an undetectable knife; a blackjack; a billy club, brass knuckles, lead gloves, a nunchaku, a throwing star, an electrical weapon or any other knife having a blade length of greater than 3½ inches that is possessed during the commission of a crime or that is used or intended to be used in an assaultive or otherwise unlawful manner shall be punished by imprisonment in the state prison for not more than 5 years or by imprisonment in a jail or house of correction for not more than 2½ years or by a fine of not more than \$1,000, or both such fine and imprisonment. Whoever, after having been convicted of a felony in a state or federal court, violates this paragraph shall be punished by imprisonment for a mandatory minimum period of not less than 1 year if sentenced to a state prison or not less than a mandatory minimum of 6 months in sentenced to a jail or house of correction. The sentence shall not be suspended and a person so sentenced shall not be eligible for probation or receive a deduction from his sentence for good conduct. The court may also impose a fine of not more than \$1,000 but the fine shall not be imposed in place of the mandatory minimum term of incarceration. Whoever violates this paragraph during the commission of a felony shall, in addition to the penalty for that felony, be punished by imprisonment for not less than a mandatory minimum period of 2½ years but not more than 10 years in the state prison or not less than a mandatory minimum of 2 years but not more than 2½ years in a jail or house of correction. The court may also impose a fine of not more than \$5,000 but the fine shall not be imposed in place of the mandatory minimum term of incarceration. Nothing in this paragraph shall prohibit possession of a device or weapon defined herein by: (i) a federal, state or municipal law enforcement officer or member of a special reaction team in a state prison or designated special operations or tactical team in a county correctional facility, acting in the discharge of their official duties who has completed a training course approved by the secretary of public safety in the use of such a device or weapon; (ii) military personnel who possess such devices or weapons as part of their official duties; or (iii) an authorized supplier of such devices or weapons if possession of the device or weapon is necessary to the supply or sale of the device or weapon within the scope of a legitimate sale or supply enterprise."

The amendment was adopted.

Mr. Timilty moved that the bill be amended in section 2, in item 8100-0000, by striking out the figure "\$231,094,657" and inserting in place thereof the following:- "\$234,763,845".

The amendment was adopted.

Messrs. Morrissey and Michael O. Moore moved that the bill be amended by adding at the end thereof the following 2 new sections:-

"SECTION XX. The eleventh paragraph of section 81 of chapter 146 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the words "pumping equipment" the following:- , vacuum and pneumatic systems, oil and petroleum products, ice making machinery, air conditioning equipment, and piping systems used for the conveyance and storage of liquids and industrial type gases used in processes, including, but not limited to, biopharmaceutical and semi-conductor manufacturing; provided, however, that such work shall not include the work performed by a licensed plumber as determined by the laws and regulations relating to that profession; and provided further, that nothing in this section shall be construed to supercede chapter 142 .

SECTION XX. Section 89 of said chapter 146 is hereby further amended by inserting at the end thereof the following: Whoever prevents or attempts to prevent any inspector from entering on any premises in the discharge of his duty with respect to section eight-one shall be punished by a fine of not less than two hundred and fifty dollars and not more than three thousand dollars, or

by imprisonment for not more than three months, or both such fine and imprisonment.

Any person who permits an unlicensed person to operate engage in pipefitting, as defined in section 81, shall be subject to a fine of not less than 1,000 dollars and not more than 3,000 dollars, or by imprisonment for not more than 3 months, or both such fine and imprisonment.”

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended in section 2, in item 8315-1020, by inserting after the words “elevator inspection backlog;” the following:-

“provided further, that funds shall be expended for hiring additional elevator inspectors or engineers; provided further, that the department shall conduct an analysis to improve efficiency in use of department resources and shall report the findings of said analysis to the house and senate committees on ways and means and the joint committee on public safety no later than 90 days of the enactment of this section”; and in said item, by striking the figure “\$4,000,000” and inserting in place thereof the figure “5,500,000”.

The amendment was adopted.

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

“SECTION XX. Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings: ‘Safe drinking water’ is defined as water meeting or exceeding all primary and secondary standards, and recommended guidelines for drinking water as defined by the Massachusetts Department of Environmental Protection. ‘I-95 Corridor’ as used herein is defined as the area within the Town of Boxford located approximately 1,500 feet from any portion of Interstate Highway 95. Section 2. The Massachusetts Department of Transportation (MassDOT) shall conduct a comprehensive study to determine the cumulative and immediate effects of deicing chemical storage and deicing operations on the groundwater aquifer(s) and bedrock fissures within the I-95 Corridor. Specifically: the study shall determine how and why deicing chemicals applied to Interstate 95 have infiltrated the ground water aquifers and bedrock and what measures need to be taken to prevent it from occurring in the future. The study shall provide recommendations as to: (i) the proximate cause(s) of deicing chemicals, including sodium and chloride, infiltration into the groundwater aquifer(s) and bedrock fissures within the I-95 Corridor; (ii) short-term and long-term remedial action(s) necessary to restore groundwater quality to a Safe Drinking Water standard within the I-95 Corridor; (iii) a plan to modify highway drainage systems so as to prevent storm water run-off and highway drainage from adversely impacting aquifers, bedrock and adjacent wetland resource areas; and (iv) an alternative means to provide a reliable and adequate safe drinking water supply to the residents located within the I-95 Corridor meeting all state and local requirements. Section 3. The Department of Transportation shall conduct said study utilizing an independent consultant. The development of the study scope of work, the selection of the independent consultant, and review of study recommendations, shall all be conducted jointly by DOT and a Committee to be appointed by the Boxford Board of Selectmen and the Boxford Board of Health. Within one year of the passage of this act, the Department of Transportation shall file a report of its activities and the developed recommendations with the governor and the clerks of the House of Representatives and the Senate who shall forward the same to the House and Senate committees on ways and means and other committees as appropriate. To the extent the report provides for disbursement of appropriations or other moneys authorized by the general court, the plan shall be subject to the approval of the secretary of transportation and the secretary of administration and finance”.

The amendment was adopted.

Messrs. Richard T. Moore and Michael O. Moore 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 Massachusetts Technology Collaborative is hereby directed to conduct a review and evaluation of the feasibility and efficacy of managing and treating patients with specified chronic medical conditions using telehealth. The study shall include the cost effectiveness, quality improvements, hospital admission and readmission rates associated with utilizing telehealth in treating chronic medical conditions which require health care services of unusually high frequency, urgency, or duration. Said evaluation may include a demonstration project in consultation with home health agencies and manufacturers of telehealth monitoring devices. The collaborative shall submit a final report and recommendations for use of telehealth technology, with any drafts of legislation necessary to carry out those recommendations into effect by filing the same with the joint committee on health care financing and the house and senate committees on ways and means no later than July 1, 2011.”

The amendment was adopted.

Messrs. Buoniconti and Knapik moved that the bill be amended by inserting at the end thereof the following section:-

“SECTION XX. (a) Notwithstanding any general or special law to the contrary, the undersecretary of the department of housing and community development shall make a report detailing recommended regulations to end the practice of housing homeless residents in hotels or motels throughout the commonwealth and the costs associated with said practice. The report shall include, but not be limited to: the recommended guidelines for usage of temporary housing alternatives which provide cost savings to the commonwealth; a timeline to eliminate the practice of using hotels and motels within 1 year of this report, the cost of school transportation from out-of-district emergency assistance placements; the cost of the usage of hotels and motels versus the cost of using shelters; and the availability of unused shelter space not currently under contract by the department. The report shall be submitted to the clerks of the senate and house of representatives and to the chairs of the house and senate committees on ways and means not later than 60 days after the effective date of this act.

(b) Recipients of shelter benefits provided through the program of emergency assistance pursuant to section 30 of chapter 23B of the general laws, shall be placed in hotels and motels only when other shelter units available to the department are not adequate to meet the needs of a recipient of benefits; provided, that a recipient of shelter benefits may be placed in a hotel or motel when



the number of shelter units for which the department has contracted is insufficient to meet demand or when such placements are to accommodate a disability, allow placement near a home community or enable a child to continue attending school in such community, or otherwise meet the needs of an eligible family that cannot be met through placement in contracted shelter units.

(c) Any family placed in a hotel or motel shall receive assessment and housing search services within 10 business days of placement and regularly thereafter. When the department places any child under the age of 3 years in a hotel or motel, the department must notify the department of children and families within 24 hours of any such hotel or motel placement; provided further, that the department of housing and community development shall ensure that any such family with a child under the age of 3 shall be provided with a crib for such child upon placement at the hotel or motel; provided further, that the department of children and families shall make an inspection of the room and crib provided to ensure the safety of the child; and provided further, that if the hotel or motel in which any such child under the age of 3 years is placed fails to provide such child with a safe and adequate crib, said hotel or motel may be subject to a fine not to exceed \$10,000 per violation.

(d) Prior to contracting with a hotel or motel to provide rooms for families receiving emergency assistance, the department shall notify the local department of health. Within 5 business days of placing a family with a school aged child in a motel, the department shall notify the local school department.”

The amendment was adopted.

Messrs. Buoniconti, Baddour and Knapik moved that the bill be amended by inserting at the end thereof the following section:-  
“SECTION XX. Notwithstanding any general or special law to the contrary, eligible recipients of direct cash assistance shall be prohibited from the use of direct cash assistance funds held on electronic benefit transfer cards for the purchase of alcoholic beverages or tobacco products. An individual or store owner who knowingly accepts electronic benefit transfer cards in violation of this section shall be punished by imprisonment in a house of correction for not more than 2 ½ years or a fine of \$1000 or both such fine and imprisonment.

SECTION XX. Notwithstanding any general or special law to the contrary, whoever embezzles, willfully misapplies, steals or obtains by fraud any funds, assets or property provided by the Department of Transitional Assistance, or whoever receives, conceals or retains such funds, assets or property for his or her own interest, knowing such funds, assets or property have been embezzled, willfully misapplied, stolen, or obtained by fraud shall, if such funds, assets or property are of the value of \$100 or more, be fined not more than \$25,000 or imprisoned not more than five years, or both, or if such funds, assets or property are of a value of less than \$100, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.”

The amendment was adopted.

Ms. Creem, Ms. Spilka, Mr. Michael O. Moore, and Ms. Walsh moved that the bill be amended in section 2, in item 9110-1660, by inserting after the word “services” the following words:- “and naturally occurring retirement communities”.

The amendment was adopted.

Mr. Pacheco and Ms. Jehlen moved that the bill be amended in section 2, in item 1107-2400, by striking out the figure “\$539,231” and inserting in place thereof the following figure “\$544,989”.

The amendment was adopted.

Ms. Flanagan, Ms. Spilka, Messrs Eldridge and McGee and Ms. Jehlen moved that the bill be amended by inserting after section \_\_, the following new sections: -

“SECTION X: Section 9A of chapter 118E of the General Laws is hereby amended by adding the following section: -

(17) Children who are deemed eligible for medical benefits pursuant to clauses (a) to (c), inclusive, of subsection 2 shall continue to be eligible for assistance for a period not to exceed 12 months or until the child’s annual eligibility review determines that the child is no longer eligible for assistance, whichever occurs sooner, if the child would otherwise be determined ineligible due to excess countable income but otherwise remains eligible.”

The amendment was adopted.

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

“Notwithstanding any other general or special law to the contrary, and subject to appropriation and the availability of funds as determined by EOHHS, MassHealth shall include in its medical home demonstration authorized under Section 30 of Chapter 305 of the Acts and Resolves of 2008 all practice sites that have participated in the Commonwealth Fund Safety Net Medical Home Initiative (SNMHI) and that have submitted a qualifying response to EOHHS’ Primary Care Medical Home Initiative Request for Responses. Subject to appropriation and the availability of funds, as determined by EOHHS, EOHHS, may selectively contract with additional practice sites that have not participated in SNMHI.”

The amendment was adopted.

As stated previously, the above amendments were considered as one and were adopted.

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

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

“SECTION \_\_. Paragraph (e) of subsection 2A of section 23 of chapter 32 of the General Laws, is hereby amended by adding the following clause:-

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

The amendment was rejected.

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

“SECTION 1. subsection 2 of section 44D of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: ‘An application for a certificate of eligibility

and update statements shall be a public record as defined in section 7 of chapter 4 except that financial information contained in the application shall not be a public record.’

SECTION 2. Subsection 12 of section 44D of chapter 149 of the General Laws, as appearing in the 2006 Official Edition, is amended by striking out the last sentence and inserting in place thereof the following sentence: ‘An application for a certificate of eligibility and update statements shall be public record as defined in section 7 of chapter 4 except that financial information contained in the application shall not be a public record.’”

The amendment was rejected.

Messrs. Donnelly and Morrissey, Ms. Chang-Diaz and Mr. DiDomenico moved that the bill be amended by inserting, after section 158, the following new section:-

“SECTION \_\_\_\_ . Chapter 32A of the General Laws is amended by inserting the following new section:-

Section 17K. The commission shall establish a plan for retired members of the state retirement system, their spouses and dependents, which shall, subject to the procedures established by the commission, reimburse them for copayments and deductibles exceeding one thousand five hundred dollars that are paid for each insured per year. Pursuant to section 24 of chapter 32A, the commission shall request that the pension reserves investment management board expend amounts from the State Retiree Benefits Trust Fund to pay the costs of this plan.”

The amendment was rejected.

Mr. Joyce moved that the bill be amended in section 2, in item 2810-0100, by inserting the following:- “provided further funds may expended for Blue Hills Parkway Phase II improvements including, road, drainage and pedestrian safety improvements, striping, signage and replacement of sidewalks and wheelchair ramps along Blue Hills Parkway between Brook Road and the intersection of Blue Hill Terrace in the Town of Milton”.

The amendment was rejected.

Ms. Fargo moved that the bill be amended in section 2, in item 7061-0033, by inserting after the words “grants provided in this item shall be” the following words:- “apportioned equally to impacted towns and”; and in said item, by inserting after the words “fiscal year 2011” the following words:- “in an amount not to exceed \$95,000 for”.

The amendment was rejected.

Mr. Tisei moved that the bill be amended by striking out section 37 in its entirety.

The amendment was rejected.

Mr. Joyce moved that the bill be amended in section 2, in item 7027-0019, by inserting the following: - “provided further, that funds shall be expended to fund school to careers partnerships in accordance with item 7027-0016 of section 2 of chapter 61 of the acts of 2007”.

The amendment was rejected.

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

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

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

The amendment was rejected.

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

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

The amendment was rejected.

Mr. Tarr moved 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, neither the Commissioner of the Department of Elementary and Secondary Education nor any designee shall enter into any contract for the development or submission of any application for funding from the federal government of the United States unless the contract is approved by a vote of the Board of Elementary and Secondary Education following written notice to the board of the contents of the contract and a fair opportunity for deliberation on the approval or disapproval of such contract.”

The amendment was rejected.

Messrs. Morrissey and Downing, Ms. Tucker, Ms. Fargo, Ms. Creem and Mr. Montigny moved that the bill be amended, in Section 2, in item 3000-2000, by adding at the end thereof the following new sentence:- “and provided further that voucher management, information and referral and enhanced consumer education shall be provided by the same agency”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended in section 2, in item 7010-0005, by inserting after the words “secondary education” the following words:- “; provided, that no comprehensive assessment test shall be prepared in any history subject unless and until a United States history test is in place”.

The amendment was rejected.

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

“SECTION XX. Subsection 89(i) of chapter 71 of the general laws is hereby amended by inserting after the words “maintaining

certain conditions” the following words:- “provided, that the recommendation of the charter school office within the department of elementary and secondary education shall create a rebuttable presumption for the disposition of the charter application.”

The amendment was rejected.

Ms. Candaras moved that the bill be amended after section 158 by inserting the following new section:-

“SECTION XX. Chapter 23, Section 9H of the General Laws is hereby amended by adding at the end thereof the following: --

As used in this section the following words shall have the following meanings: --

‘Commodity’ means goods, services, materials, merchandise, supplies, equipment, resources, or other articles of commerce, and includes, without limitation, food, water, ice, chemicals, petroleum products, and lumber essential for consumption or use as a direct result of a declared state of emergency.

‘Unconscionable price’ an amount charged which represents a gross disparity between the price of the commodity or rental or lease of a dwelling unit, including a motel or hotel unit or other temporary lodging, or self-storage facility that is the subject of the offer or transaction and the average price at which that commodity or dwelling unit, including a motel or hotel unit or other temporary lodging, or self-storage facility was rented, leased, sold, or offered for rent or sale in the usual course of business during the 30 days immediately before a declaration of a state of emergency, and the increase in the amount charged is not attributable to additional costs incurred in connection with the rental or sale of the commodity or rental or lease of the dwelling unit, including a motel or hotel unit or other temporary lodging, or self-storage facility, or regional, national, or international market trends; or grossly exceeds the average price at which the same or similar commodity, dwelling unit, including a motel or hotel unit or other temporary lodging, or self-storage facility was readily obtainable in the trade area during the 30 days immediately before a declaration of a state of emergency. Such price shall not include a price during that period set as a result of a bona fide manufacturer’s or suppliers limited discount or rebate; provided however that the increase in the amount charged is not with rental or sale of the commodity or rental or lease of the dwelling unit, including a motel or hotel unit or other temporary lodging, or self-storage facility, or as the result of regional, national, or international market trends, or is attributable to additional costs in connection with the disaster, including replacement costs imposed by the vendors source.

Whenever the governor shall determine that an emergency exists in respect to food or fuel or any other common necessity of life, including the providing of shelter, it shall be a violation of this section for a person or his agent or employee to rent or sell or offer to rent or sell a commodity at an unconscionable price within the area for which the state of emergency is declared; or impose unconscionable prices for the rental or lease of a dwelling unit, including a motel or hotel unit or other temporary lodging, or self-storage facility within the area for which the state of emergency is declared. This prohibition remains in effect until the declaration expires or is terminated. Upon a declaration of a state of disaster by the President, in which the disaster area includes all or a portion of the commonwealth it is unlawful and a violation of this article for a person or his agent or employee in this state to: rent or sell or offer to rent or sell a commodity at an unconscionable price within the area for which the state of disaster is declared; or impose unconscionable prices for the rental or lease of a dwelling unit, including a motel or hotel unit or other temporary lodging, or self-storage facility within the area for which the state of disaster is declared. This prohibition remains in effect until ten days after the declaration expires or is terminated. A price increase approved by an appropriate government agency is not a violation of this section. This section does not apply to sales by growers, producers, or processors of raw or processed food products, except for retail sales of those products to the ultimate consumer within the area of the declared state of emergency or disaster.

A violation of this section shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 2½ years or both.”

The amendment was rejected.

Mr. Timilty moved that the bill be amended in section 2, in item 8910-8310, by striking out the figure “\$6,500,000” and inserting in place thereof the following figure:- “\$7,500,000”.

The amendment was rejected.

Messrs. Hart, Morrissey and Kennedy, Ms. Spilka and Mr. DiDomenico moved that the bill be amended in section 2, in item 8000-0040, by striking out the figure “\$5,000,000” and inserting in place thereof the figure “\$10,000,000”.

The amendment was rejected.

Mr. Ross moved that the bill be amended in section 2, in item 8900 – 0001, by adding the following: “provided further, that the department shall expend no less than 192,000 provided for in Chapter 61 of the Acts of 2007 to the municipality hosting the facility at Bay State Correctional Center”.

The amendment was rejected.

Messrs. Tarr and Knapik moved that the bill be amended by inserting, after section X, the following new sections:-

“SECTION XX. Chapter 127 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting, after section 48A, the following section:-

‘Section 48B. The sheriffs for the various counties may institute a schedule of fees and assess said fees to inmates in their custody as follows:- A daily cost of custodial care fee not to exceed \$5; A medical sick call visit fee not related to a condition pre-existing at the time of incarceration not to exceed \$5; A dental sick call visit fee not to exceed \$5; A pair of prescription eyeglasses fee not to exceed \$5; A pharmacy prescription fee not to exceed \$3 per prescription. Any penal facility assessing fees shall establish a procedure for inmates to appeal any such assessment. Notwithstanding the above, the following services shall be exempt from fee assessment: admission health screening, 14 day health assessment, emergency health care, hospitalization or infirmary care, prenatal care, lab and diagnostic care, follow-up visits approved by health services, contagious disease care and chronic disease care. No inmate shall be denied access to medical or dental care because of an inability to pay any fee. Indigent inmates shall have the above fees and costs assessed and debited against the inmate’s money account which, if not paid, shall

remain due and payable as a charge to the inmate after his release from custody. If the inmate is not incarcerated within 2 years of his release from custody, this debt shall be forgiven. This section shall not apply to federal inmates, detainees, regional lock-up inmates, or anyone who has not been convicted for the crime for which the inmate is incarcerated. The commissioner and the sheriffs of the various counties shall promulgate rules and regulations for the implementation of this section'.

SECTION XXX. The sheriffs for the various counties shall prepare a report detailing all revenue generated by and the cost-effectiveness of the inmate assessment program authorized by section 48B of chapter 127 of the general laws; provided, that this report shall be delivered to the Executive Office of Administration and Finance and the House and Senate Committees on Ways and Means not less than 6 months after the passage of this act, and each 12 months thereafter for a period of five years following the passage of this act."

The amendment was rejected.

Messrs. Timilty and Tarr moved that the bill be amended by inserting at the end thereof the following new section:

"SECTION XX. (a) Chapter 41, section 98D of the General Laws is hereby amended by striking the current section and inserting in place thereof the following section:

Each city or town, and the Massachusetts Bay Transportation Authority Transit Police Department, shall issue to every full time police officer employed by it an identification card bearing the officer's photograph and identity. The secretary of public safety shall have the authority to promulgate regulations relative to the issuance of identification cards to police officers. Such card shall be carried on the officer's person, and shall be exhibited upon lawful request for purposes of identification.

(b) Chapter 22C, section 19 of the General Laws is hereby amended by inserting after the first sentence the following sentence:- The secretary of public safety shall have the authority to promulgate regulations relative to the issuance of identification cards to state police officers."

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 2011".

The amendment was rejected.

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

"SECTION \_\_: Paragraph c of Subsection 1 of Section 24 of Chapter 90 of the General Laws is hereby amended by striking out subparagraph 1, as appearing in the 2006 Official Edition, and inserting in place thereof the following subparagraph:-

(c) (1). Where the license or right to operate has been revoked under section twenty-four D or twenty-four E, or revoked under paragraph (b) and such person has not been convicted of a like offense or has not been assigned to an alcohol or controlled substance education, treatment or rehabilitation program because of a like offense by a court of the commonwealth or any other jurisdiction preceding the date of the commission of the offense for which he has been convicted, the registrar shall not restore the license or reinstate the right to operate to such person unless the prosecution of such person has been terminated in favor of the defendant, until one year after the date of conviction; provided, however, that such person may, after the expiration of three months from the date of conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license for employment or educational purposes, which license shall be effective for not more than an identical twelve hour period every day on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt with or brought under control, and the registrar may, in his discretion, issue such license under such terms and conditions as he deems appropriate and necessary; and provided, further, that such person may, after the expiration of six months from the date of conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license on a limited basis on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt with or brought under control and the registrar may, in his discretion, issue such a license under such terms and conditions as he deems appropriate and necessary. A mandatory restriction on a hardship license granted by the registrar under this subparagraph shall be that such person have an ignition interlock device installed on each vehicle owned, each vehicle leased and each vehicle operated by the licensee for the duration of the hardship license.

SECTION 2. Chapter 90 of the General Laws is hereby amended by striking out section 241/2, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

241/2. No person whose license has been suspended in the commonwealth or any other jurisdiction by reason of: an assignment to an alcohol or controlled substance education, treatment or rehabilitation program; or a conviction for violating paragraph (a) of subdivision (1) of section 24, subsection (a) of section 24G, operating a motor vehicle with a percentage by weight of blood alcohol of eight one-hundredths or greater, or while under the influence of intoxicating liquor in violation of subsection (b) of said section 24G, section 24L, section 13 1/2 of chapter 265, subsection (a) of section 8 of chapter 90B, section 8A or 8B of chapter 90B or, in the case of another jurisdiction, for any like offense, shall be issued a new license or right to operate or have his license or right to operate restored unless a certified ignition interlock device has been installed on each vehicle owned, each vehicle leased and each vehicle operated by that person as a precondition to the issuance of a new license or right to operate or the restoration of such person's license or right to operate. A certified ignition interlock device shall be installed on all vehicles owned, leased and operated by the licensee for a period of 6 months if he has not previously been assigned or convicted, and for a period of 2 years if he has previously been so assigned or convicted and person restricted by a certified ignition interlock device shall have such device inspected, maintained and monitored in accordance with such regulations as the registrar shall promulgate. The registrar may, after hearing, revoke for an extended period or for life, the license of whoever removes such device or fails to have it inspected, maintained or monitored on at least 2 occasions during the period of the restricted license or right to operate if the licensee has operated or attempted to operate a vehicle with a blood alcohol level that caused the certified ignition interlock

device to prohibit a vehicle from starting on at least 2 occasions or that recorded a blood alcohol level in excess of .02 on at least 2 occasions. A person aggrieved by a decision of the registrar pursuant to this section may file an appeal in the superior court of the trial court department. If the court determines that the registrar abused his discretion, the court may vacate the suspension or revocation of a license or right to operate or reduce the period of suspension or revocation as ordered by the registrar.

SECTION 3. Section 24(D) of Chapter 90 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the fourth paragraph the following paragraph:-

A mandatory restriction on a hardship license granted by the registrar under this section shall be that such person have an ignition interlock device installed on each vehicle owned, each vehicle leased and each vehicle operated by the licensee for the duration of the hardship license.”

The amendment was rejected.

Messrs. Montigny and Eldridge moved that the bill be amended by inserting at the end thereof the following sections:-

SECTION \_\_\_\_. Section 1 of said chapter 90, as appearing in the 2008 Official edition, is hereby amended by inserting after the definition of “Mobile construction crane” the following 2 definitions:-

“Mobile electronic device”, any hand-held or portable electronic equipment capable of providing data communication between 2 or more persons including, without limitation, a mobile telephone, a text messaging device, a paging device, a personal digital assistant, a laptop computer, electronic equipment that is capable of playing a video game or digital video disk or equipment on which digital photographs are taken or transmitted, or any combination thereof, or equipment that is capable of visually receiving a television broadcast; provided, however, that mobile electronic device shall not include any audio equipment or any equipment installed or affixed, either temporarily or permanently, in a motor vehicle for the purpose of providing navigation or emergency assistance to the operator of such motor vehicle or video entertainment to the passengers in the rear seats of such motor vehicle. “Mobile telephone”, a cellular, analog, wireless, satellite or digital telephone, including a mobile telephone with two-way radio functionality, capable of sending or receiving telephone communications and with which a user initiates, terminates or engages in a call using at least hand.

“SECTION \_\_\_\_. Chapter 90 of the General Laws is hereby amended by inserting after section 12 the following section:-

Section 12A. (a) Notwithstanding the provisions of section 13 to the contrary, no operator of a vehicle or vessel: (1) 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; the executive office of transportation; or (2) open to the public and owned by, or operated under the authority of, any business, including tour vehicles or vessels, enclosed ski lifts or trams and passenger buses or vans regularly used to transport customers shall use a mobile device while operating such vehicle or vessel; provided, however, 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 and such violation 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 which during such operation is not open to the public or not being used for the transportation of the public, including the private charter or rental of a limousine, bus or van or the private charter or 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 \_\_\_\_. Chapter 90 is hereby further amended by inserting after section 13A the following section:-

Section 13B. (a) No operator of a motor vehicle shall use a mobile electronic device or a mobile telephone, unless said telephone is a hands-free mobile telephone. No operator of a motor vehicle shall use a mobile telephone, mobile electronic device or other device capable of accessing the internet to compose, send or read an electronic message while operating such vehicle; provided, however, that this section shall not apply to the operator of a public safety vehicle utilizing a mobile telephone, hands-free mobile telephone or other mobile electronic device in the performance of his official duties. For the purposes of this section, an operator shall not be considered to be operating a motor vehicle if the vehicle is stationary and not located in a part of the roadway intended for travel.

(b) Whoever violates this section shall be punished by a fine of \$100 for a first offense, by a fine of \$250 for a second offense and by a fine of \$500 for a third or subsequent offense. A violation of this section may be considered a moving violation for purposes of the safe driver insurance plan under section 113B of chapter 175.

(c) It shall be an affirmative defense for an operator to produce documentary or other evidence that the use of a mobile telephone or other mobile electronic device that is the basis of the alleged violation was made for emergency purposes including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department or other emergency services agency or entity.

The amendment was rejected.

Mr. Joyce moved that the bill be amended in section 2, in item 1595-6368, by inserting the following:- “provided that funds may be expended for the design, planning, infrastructure and road improvements, signalization, sidewalks, lighting, safety and aesthetic improvements at the intersections of Washington Street at Belmont Street and at Roosevelt Circle in the Town of Easton”.

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross 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 notify all persons whose license to operate a motor vehicle is set to expire by mail, not later than 30 days prior to such expiration.”

The amendment was rejected.

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

“SECTION XX. Section 10 of Chapter 86 of the Acts of 2008 is hereby amended by adding at the end the following additional paragraph:-

“The secretary, in consultation with the secretary of public safety and homeland security, the secretary of administration and finance, and the commissioner of the department of revenue, shall report annually not later than June 30 in each year from 2011 to 2015 on the cost savings, if any, to both the commonwealth and to municipalities, as well as any impacts on public safety, which result from these regulations. Data in such report shall be based on the best available information, and may include estimates if necessary. Such report shall be filed with the senate and house committees on ways and means, the joint committee on transportation, and the joint committee on public safety and homeland security.”

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:-

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

The amendment was rejected.

Messrs. Hart, Tolman and Pacheco moved that the bill be amended by striking out section 6 inserting in place thereof a new section 6:-

“SECTION 6. Subsection (a) of section 5 of chapter 6C of the General Laws, as appearing in section 8 of chapter 25 of the acts of 2009, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Notwithstanding any general or special law to the contrary, the department, including the Massachusetts Bay Transportation Authority, shall enter into agreements under sections 22, 22A and 22B of chapter 7; provided however, the department shall adhere to good business practices to be determined by the department in its procurement of equipment, materials, property and supplies, and shall comport with Sections 52, 53, 54 and 55 of Chapter 7.

SECTION 7. The third sentence of section 15 of said chapter 6C, as so appearing is hereby amended by inserting after the figure “29” the following words:- and the state purchasing agent under sections 22 and 22A of chapter 7.”

The amendment was rejected.

Messrs. Tolman and McGee moved that the bill be amended in section 2, in item 5920-2000, by inserting after "chapter 27 of the acts of 2009;" the following:- "provided that not less than \$250,000 shall be expended for Best Buddies Massachusetts;"

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 \$250,000 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.

Ms. Fargo, Ms. Jehlen, Mr. Richard T. Moore, Ms. Chang-Diaz, Mr. Hart, Ms. Tucker and Messrs. Montigny, McGee and Joyce moved that the bill be amended in section 2, in item 4530-9000, by striking out the figure “\$2,148,327” and inserting in place thereof the following figure:- “\$2,648,327”.

The amendment was rejected.

Mr. Hart moved that the bill be amended in section 2, in item 7003-0701 by adding the following: “; provided further, that the Urban League of Eastern Massachusetts shall receive an appropriation not less than the amount provided to the said organization in Chapter 61 of the Acts 2007 for education, career development and employment services”.

The amendment was rejected.

Ms. Chang-Díaz, Ms. Fargo and Messrs. Michael O. Moore and McGee moved that the bill be amended in section 2, in item 4512-0103, by striking out the figure “\$34,097,810” and inserting in place thereof the figure “\$35,335,527”.

The amendment was rejected.

Mr. McGee moved that the bill be amended in section 2, in item 7000-9101, by adding the following language:- “provided further, that the board shall grant temporary certification to Saugus upon receipt of a preliminary report showing compliance with the requirement of a materials expenditure of 13% of its budget during fiscal year 2011 and showing that the library has and will maintain open hours of at least 59 hours per week; provided further, that the board may revoke certification to Saugus if said minimum standards are not met after temporary certification is granted; provided further that the employment of a permanent library director shall not be required of Saugus until at least July 1, 2011”.

The amendment was rejected.

Messrs. Richard T. Moore, O’Leary, Pacheco, and Knapik moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:-

“SECTION X. Subsection (b) of section 25 of chapter 118G is hereby amended by inserting the following sentence as the last sentence thereto:-

Notwithstanding the preceding or the requirements of this subsection (b), a public nursing facility which is defined as a nursing facility operated by a municipality or by a geriatric authority located in Milford, Nantucket, Taunton, Holyoke or shall be granted an exemption from the requirement of paying the assessment if requested by the public nursing facility; and.”

The amendment was rejected.

Ms. Spilka moved that the bill be amended in section 2, in item 4000-0030, by adding at the end thereof the following:- “; provided further, the executive office of health and human services shall conduct a comprehensive study of trends in human service programs in the MetroWest Region which shall consist of Ashland, Framingham, Holliston, Hopkinton, Natick, Southborough, Sudbury, Wayland and Westborough, and shall examine all services provided by the commonwealth to evaluate which populations have the greatest need for services, to what degree those populations are served by the programs created as well as by other existing services, and shall develop strategies for serving all underserved segments of the population. The study shall also include program density throughout the region and the fiscal impact of these programs on the cities and towns. In addition the executive of health and human services working with the department of public safety shall review program evaluations, certifications and program standards and make recommendations on needed program change. The office and department shall issue a report to the general court of its study by filing same with the clerk of the House of Representatives on or before January 31, 2012”.

The amendment was rejected.

Messrs. Ross, Tisei, Tarr, Knapik and Hedlund moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:-

“SECTION XX. Section 2 of chapter 118G of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting, after the second paragraph contained in the lines 13 to 28, inclusive:-

The division shall make available actual costs of health care services, as supplied by each provider, to the general public in a conspicuous manner on the division’s official website.”

The amendment was rejected.

Mr. Joyce moved that the bill be amended in section 2, in item 9110-1500, by inserting the following: “provided further, that funds may be expended for the purpose of continuing the administration of the geriatrics program, previously funded in line item 9110-1900 of Section 2 of Chapter 182 of the Acts of 2008”.

The amendment was rejected.

Messrs. Joyce and Michael O. Moore moved that the bill be amended by inserting at the end thereof the following new section: - “SECTION\_\_ The Massachusetts general laws are hereby amended by striking Chapter 111, Section 62K and inserting in place thereof the following section:-

Chapter 111: Section 62K. Trustees; corporation; additional powers and duties; grants; devises; gifts; trusts

Section 62K. The trustees shall be a corporation for the purpose of taking and holding, by them and their successors, in the name of the commonwealth, and in accordance with the terms thereof, any grant or devise of land, bequest of personal property or money or other funds, whether income or principal and whether acquired by gift or contribution or otherwise made, or generated by the trustees for the use or benefit of the school, its students, former students or graduates or any association thereof. Consistent with said purpose, the trustees shall have all the powers permitted a non profit corporation under Massachusetts law and an exempt organization described in section 501(c) 3 of the IRS Code, including among others, the power to employ such agencies as they may from time to time determine to be wise and proper for the administration of said funds, and from funds received or the income thereof, to pay such expenses as may be necessary for said administration, or may, with notification to the governor or council, delegate any powers conferred by this section upon any such company or corporation. In the use, management and administration of such funds, the trustees or their agents shall in their discretion so act as most effectively to benefit the school, its students or graduates or any association thereof. No trustee shall be answerable for the default or neglect of any co-trustee, or of any agent employed hereunder, or of any corporation to which power is delegated or transferred as herein authorized.”

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross 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. Tarr and Tisei moved that the bill be amended in section 2, in item 4100-0060, by striking out the words “provided further, for the purposes of supporting the division’s expanded role in developing health care policies that benefit government entities, providers, purchasers, and consumers, the division shall assess surcharge payors as defined in section 34 of chapter 118G, not less than 10 per cent of the total estimated expenses appropriated for the division and the health safety net office, including indirect costs, in fiscal year 2011, less amounts projected to be collected in fiscal year 2011 from: (a) filing fees; (b) fees and charges generated by the division’s publication or dissemination of reports and information; and (c) federal financial participation received as reimbursement for the division’s administrative costs; provided further, that the assessment on surcharge payors shall be calculated in a manner similar to the assessment authorized under section 38 of chapter 118G, and shall be collected in a manner consistent with the provisions of chapter 118G and deposited in the General Fund”, and inserting in place thereof the following words:- “provided further, that funds may be expended for the purposes of a review of efforts by state agencies to decrease administrative complexity and costs on health care entities, including the effectiveness of such efforts to

streamline administrative and regulatory requirements and the impact on lowering health care costs, and such review shall examine efforts by the Division, the Executive Office of Health and Human Services, the Division of Insurance, the Office of the Attorney General, the Group Insurance Commission, the Health Connector, and MassHealth; provided further that the Division shall file a report of its findings with the joint committee on health care financing no later than January 1, 2011, which may hold an oversight hearing on the study's findings”.

The amendment was rejected.

Messrs. Tarr and Knapik and Ms. Tucker moved that the bill be amended by inserting, after section X, the following new section:-

“SECTION XX. Chapter 111 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out section 25I and inserting in place thereof the following section:-

Section 25I. The commissioner 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 purchased 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 or II 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 division of medical assistance, but may decline to accept, restock, and redistribute any medication which, in the pharmacist’s professional judgment, is not fit to be reused. 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 purchaser for any such returned medication. For the purposes of this section, prescription drugs that can only be dispensed to a patient registered with the drug’s manufacturer in accordance with federal Food and Drug Administration requirements may not be accepted or distributed under the provisions of this section.”

The amendment was rejected.

Mr. Tisei moved that the bill be amended by inserting, in section 49, after the words “General Fund” the following:-“provided further, that the division shall be required to pay a penalty payable to the general fund of an amount not to exceed \$1 for failing to file any required reports in a timely fashion”.

The amendment was rejected.

Mr. Tisei moved that the bill be amended in section 2, in item 4100-0060 by inserting the following language:- “provided further that the division, in consultation with the division of insurance, shall conduct a study on the impact of prohibiting co-payments and deductibles for health care services, including the impact on the total cost of coverage for small businesses, specifically the division shall examine to what extent such a prohibition would increase premium, and the impact on utilization of health care services, provided further that the division shall file a report of its findings with the clerks of the senate and house of representatives, the house and senate committees on ways and means, and the joint committee on health care financing no later than October 1, 2010”.

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by striking out section 120 and section 124.

The amendment was rejected.

As previously stated, the above amendments were considered as one, and were rejected.

Mr. Morrissey moved that the bill be amended in section 2, in item 7002-0500, by striking out the figure “\$19,906,544” and inserting in place thereof the following figure:- “\$20,047,378”.

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross 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 amended by section 7 of chapter 27 of the acts of 2009, is hereby amended by striking the figure ‘\$500,000’ and inserting in place thereof the following figure:- \$2,000,000.”

Pending the question on adoption of the amendment, Mr. Berry moved that the pending amendment (Tisei et al) be amended by striking out the text and inserting in place thereof the following:-

“SECTION \_\_\_. Section 53 of chapter 7 of the General Laws, as amended by section 7 of chapter 27 of the acts of 2009, is hereby amended by striking the figure ‘\$500,000’ and inserting in place thereof the following figure:- \$1,000,000.”

After debate, the question on adoption of the further amendment was determined by a call of the yeas and nays, at eleven minutes past eleven o’clock P.M., on motion of Mr. Knapik , as follows, to wit (yeas 16 — nays 22) [Yeas and Nays No. 274]:

Insert Roll Call “274”

The yeas and nays having been completed at sixteen minutes past eleven o’clock P.M., the further amendment was rejected.

The pending amendment (Tisei, et al) was then considered; and it was rejected.

Messrs. Knapik, Tisei, Tarr, Hedlund, and Ross and Ms. Spilka moved that the bill be amended by inserting the following new section:-

“SECTION X: Clause 18 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.”

Pending the question on adoption of the amendment, Mr. Rosenberg moved that pending amendment (Knapik et al) by striking



out the text and inserting in place the following the following text:-

“SECTION 1. Clause Eighteenth of section 7 of chapter 4 of the General Laws, as appearing in the 2008 official edition, is hereby amended, in lines 87 through 92, 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.

SECTION 2. Chapter 136 is hereby amended by striking out section 12, as so appearing, and inserting in place thereof the following new sections:-

Section 12. The public offices shall be closed on all legal holidays.

Section 12A. The municipal offices of any city operating under a Plan D or Plan E charter, by the affirmative vote of a majority of its city council or any other city, by a majority vote at an annual or special town meeting, shall be closed on March seventeenth and June seventeenth or the day following when either of said days occurs on a Sunday.

SECTION 3. Section 13 of chapter 136 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The provisions of sections five to eleven, inclusive, shall, except as provided in section fourteen, apply to all legal holidays, except January first, the third Monday in January, the third Monday in February, the third Monday in April, May twentieth, the second Monday in October after the hour of twelve noon, and November eleventh after one o’clock post meridian, or on the day following when any of said days occur on Sunday.

SECTION 4. Notwithstanding any general or special law to the contrary, the Massachusetts Historical Commission shall set up and maintain a display at an appropriate location such as the State House, Bunker Hill, or the State Archives designed to inform and educate citizens and visitors on the historical importance of the Battle of Bunker Hill and the British evacuation of Boston; provided further, that the Commission shall hold, on or around June seventeenth and March seventeenth of each year, educational seminars or other public events at appropriate locations designed to publicize and educate citizens and visitors on the historical importance of the Battle of Bunker Hill and the British evacuation of Boston on the seventeenth day of March respectively.”; and by adding at the end the following new paragraph:-

“The elimination of clause 18 of section 7 of chapter 4 shall in no way affect the terms of any public employee collective bargaining agreement to which the holidays may be part of the negotiated terms of employment.”

After debate, the question on adoption of the further amendment was determined by a call of the yeas and nays, at twenty-nine minutes past eleven o’clock P.M., on motion of Mr. Knapik , as follows, to wit (yeas 7 — nays 30) [Yeas and Nays No. 275]:  
Insert Roll Call “275”

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

Suspension of Senate Rule 38A½ .

Mr. Panagiotakos moved that Senate Rule 38A½ be suspended to allow the Senate to continue in session beyond the hour of midnight; and, there being no objection, on further motion of the same Senator, the rule was suspended without a recorded yeas and nays vote.

After further debate, the question on adoption of the pending amendment (Knapik et al) was determined by a call of the yeas and nays, at fourteen minutes before twelve o’clock midnight, on motion of Mr. Knapik , as follows, to wit (yeas 25 — nays 12) [Yeas and Nays No. 276]:

Insert Roll Call “276”

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

Ms. Creem, Mr. Joyce, Ms. Flanagan, Messrs. Eldridge, Donnelly, Kennedy, McGee and Downing, Ms. Chandler, Messrs. Joyce and Rosenberg and Ms. Spilka moved that the bill be amended in section 2, in item 7061-0012, by striking out the figure “\$133,119,160” and inserting in place thereof the figure “146,431,076”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at three minutes before twelve o’clock midnight, on motion of Ms. Creem , as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 277]:

Insert Roll Call “277”

The yeas and nays having been completed at one minute past twelve o’clock midnight, the amendment was adopted.

Mr. Petruccelli moved that the bill be amended by striking out section 37 in its entirety.

Pending the question on adoption of the amendment, Mr. Panagiotakos moved that the pending amendment (Petruccelli) be amended by striking out the text and inserting in place the following text:-

“By inserting at the end of section 37 the following:- The provisions of this section shall not go into effect until July 1, 2012.; and, in said section, in line 52 by adding after the word “distributions” the following:- provided, that the total state-sponsored charter school tuition shall not be reduced at a percentage greater than any reduction to chapter 70 aid.”

The further amendment was adopted.

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

Ms. Chang-Díaz, Ms. Fargo, Messrs. DiDomenico and Eldridge, Ms. Creem and Mr. Petruccelli moved that the bill be amended in section 2, by inserting after item 0950-0000 the following new item:-

“0950-0050 For the Commission on Gay, Lesbian, Bisexual and Transgender Youth; provided, that funds shall be used to address issues impacting gay and lesbian youth including, but not limited to, health disparities for GLBT Youth, the support and safety of

gay and lesbian students and related suicide and violence prevention efforts.....\$100,000”.

The amendment was adopted.

Messrs. Brewer, Richard T. Moore, Rosenberg and Downing, Ms. Chandler, Mr. Michael O. Moore, Ms. Fargo, Messrs. Eldridge and O’Leary, Ms. Spilka, Ms. Flanagan, Messrs. Donnelly, Eldridge and Tarr, Ms. Candaras and Messrs. Pacheco and Joyce moved that the bill be amended in section 2, in item 7035-0006, by striking out the figure “40,521,840” and inserting in place thereof the following figure: “44,574,024”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at three minutes past twelve o’clock midnight, on motion of Mr. Brewer, as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 278]:

Insert Roll Call “278”

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

The President in the Chair, Messrs. Knapik, Tisei, and Tarr moved that the bill be amended by inserting the following new section:-

“Notwithstanding any special or general law to the contrary the department of elementary and secondary education shall pursue federal funding under the United States Department of Education’s race to the top fund phase 2 grant process and shall file said application not later than June 1, 2010.”

The amendment was adopted.

Ms. Chandler, Messrs. Donnelly, O’Leary, Michael O. Moore, Brewer and Richard T. Moore, Ms. Chang-Diaz, Ms. Candaras, Mr. McGee, Ms. Flanagan, Mr. DiDomenico, Ms. Creem and Mr. Joyce moved that the bill be amended in section 2, in item 7030-1002 by striking out the figure “19,273,317” and inserting in place thereof the following figure: “25,948,947”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at ten minutes past twelve o’clock midnight, on motion of Ms. Chandler, as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 279]:

Insert Roll Call “279”

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

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_\_, the following new section:-

“SECTION \_\_\_. Chapter 27 of the acts of 2008 is hereby repealed.”

After remarks, the amendment was rejected.

Ms. Spilka, Ms. Creem and Messrs. O’Leary and Michael O. Moore moved that the bill be amended, in section 2, in item 3000-4060, by striking out the figure “\$228,527,427” and inserting in place thereof the following figure: “\$233,527,427”.

The amendment was adopted.

Ms. Chang-Díaz, Ms. Fargo, Ms. Creem, Ms. Spilka and Messrs. Donnelly, Morrissey, Hart, Eldridge, O’Leary, Ross and McGee moved that the bill be amended, in section 2, in item 7010-0012, by striking out the figure “\$17,642,582” and inserting in place thereof the figure “\$18,491,758”.

The amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross 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 department of education shall continue to require a minimum score, as set by the board of the education, on the Massachusetts Comprehensive Assessment System exam as a requirement of graduation under chapter 69.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes past twelve o’clock midnight, on motion of Mr. Tisei, as follows, to wit (yeas 7 — nays 30) [Yeas and Nays No. 280]:

Insert Roll Call “280”

The yeas and nays having been completed at twenty-four minutes past twelve o’clock midnight, the amendment was rejected.

Mr. McGee moved that the bill be amended, in section 2, in item 8100-0111, by striking the figure “\$4,000,000” and inserting in place thereof the following figure:- “\$6,500,000”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes past twelve o’clock midnight, on motion of Mr. McGee, as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 281]:

Insert Roll Call “281”

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

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross 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.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_\_, the following new section:-

“SECTION \_\_\_\_ . 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.”

The amendment was rejected.

Mr. O’Leary, Ms. Fargo and Mr. Richard T. Moore moved that the bill be amended by adding the following new section at the end of the bill - :

“SECTION XXX: Section 1. Chapter 233 of the general laws, as appearing in the 2006 official edition, is hereby amended by inserting, after section 79K, the following new section: -

Section 79L. (A) As used in this section the following terms shall have the following meanings unless the context clearly indicates otherwise:

‘Health Care Provider’, means any of the following health care professionals licensed pursuant to chapter 112: a physician, podiatrist, physical therapist, occupational therapist, dentist, optometrist, nurse, nurse practitioner, chiropractor, psychologist, independent clinical social worker, speech-language pathologist, audiologist, marriage and family therapist and a mental health counselor. The term shall also include any corporation, professional corporation, partnership, limited liability company, limited liability partnership, authority, or other entity comprised of such health care providers.

‘Facility’, a hospital, clinic or nursing home licensed pursuant to chapter 111 or a home health agency. The term shall also include any corporation, professional corporation, partnership, limited liability company, limited liability partnership, authority, or other entity comprised of such facilities.

‘Unanticipated outcome’ means the outcome of a medical treatment or procedure, whether or not resulting from an intentional act, that differs from an intended result of such medical treatment or procedure.

(B) In any claim, complaint or civil action brought by or on behalf of a patient allegedly experiencing an unanticipated outcome of medical care, any and all statements, affirmations, gestures, activities or conduct expressing benevolence, regret, apology, sympathy, commiseration, condolence, compassion, mistake, error, or a general sense of concern which are made by a health care provider, facility or an employee or agent of a health care provider or facility, to the patient, a relative of the patient, or a representative of the patient and which relate to the unanticipated outcome shall be inadmissible as evidence in any judicial or administrative proceeding and shall not constitute an admission of liability or an admission against interest.

SECTION 2. Chapter 231 of the general laws, as so appearing, is hereby amended, after section 60K by adding the following new section:-

Section 60L

Section 1. Except as provided in this section a person shall not commence an action against a provider of health care as defined in paragraph 7 of section 60 B of chapter 231 unless the person has given the health care provider written notice under this section of not less than 182 days notice before the action is commenced.

Section 2. The notice of intent to file a claim required under section 1 shall be mailed to the last known professional business address or residential address of the health care provider who is the subject of the claim.

Section 3. The 182 day notice period in section 1 is shortened to 91 days if all of the following conditions exist:

The claimant has previously filed the 182 day notice required in section 1 against another health care provider involved in the claim.

The 182 day notice period has expired as to the health care providers described in section 1.

The claimant has filed a complaint and commenced an action alleging medical malpractice against one or more of the health care providers described in subsection (a).

The claimant did not identify and could not have reasonably have identified a health care provider to which notice must be sent under section 1 as a potential party to the action before filing the complaint.

Section 4. The notice given to a health care provider under this section shall contain a statement of at least all of the following:

The factual basis for the claim.

The applicable standard of care alleged by the claimant.

The manner in which it is claimed that the applicable standard of care was breached by the health care provider.

The alleged action that should have been taken to achieve compliance with the alleged standard of care.

The manner in which it is alleged the breach of the standard of care was the proximate cause of the injury claimed in the notice.

The names of all health care providers the claimant is notifying under this section in relation to the claim.

Section 5. 56 days after giving notice under this section, the claimant shall allow the health care provider receiving the notice access to all of the medical records related to the claim that are in the claimants control, and shall furnish release for any medical records related to the claim that are not in the claimants control, but of which the claimant has knowledge. This subsection does not restrict a health care provider receiving notice under this section from communicating with other health care providers and acquiring medical records as permitted in section 291f. This subsection does not restrict a patient’s right of access to his or her medical records under any other provision of law.

Within 154 days after receipt of notice under this section, the health care provider against whom the claim is made shall furnish to the claimant or his or her authorized representative a written response that contains a statement of each of the following:

The factual basis for the defense to the claim.

The standard of care that the health care provider claims to be applicable to the action and that the health care provider complied

with that standard.

The manner in which it is claimed by the health care provider that there was compliance with the applicable standard of care. The manner in which the health care provider contends that the alleged negligence of the health care provider was not the proximate cause of the claimant's alleged injury or alleged damage.

Section 6. If the claimant does not receive the written response required under Section 5 within the required 154 day time period, the claimant may commence an action alleging medical malpractice upon the expiration of the 154 day period.

Section 7. If at any time during the applicable notice period under this section a health care provider receiving notice under this section informs the claimant in writing that the health care provider does not intend to settle the claim s within the applicable notice period, the claimant may commence an action alleging medical malpractice against the health care provider, so long as the claim is not barred by the statute of limitations."

The amendment was rejected.

Ms. Candaras, Ms. Tucker, Messrs. Brewer, Timilty and Kennedy, Ms. Jehlen and Ms. Creem moved that the bill be amended in section 2, in item 5920-2000, by striking the figure "\$720,703,042" and inserting in place thereof the following:- "726,770,297". The amendment was rejected.

Ms. Fargo, Ms. Flanagan, Messrs. Timilty and Kennedy, Ms. Spilka and Messrs. O'Leary, Eldridge, McGee, Timilty, Petruccelli and Tarr moved that the bill be amended in section 2, in item 4590-0250, by inserting after the words "school based health center programs" the following words:- "; and provided further, that funds shall be expended for school nurse programs in an amount not less than that expended in fiscal year 2010".

The amendment was adopted.

Ms. Spilka, Ms. Menard, Mr. Eldridge, Ms. Chang-Diaz, Ms. Flanagan, Mr. Timilty, Ms. Tucker, Ms. Jehlen, Messrs. Richard T. Moore and Kennedy, Ms. Fargo, Mr. McGee, Ms. Candaras and Ms. Creem and moved that the bill be amended in section 2, in item 5920-2025 by striking out the figure "\$116,267,971" and inserting in place thereof the following figure:- "\$123,363,888".

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:-

"SECTION X. Section 110 (d) of Chapter 5 of the Acts of 1995 is hereby amended by inserting after the end of the first paragraph the following paragraph: -

"Notwithstanding any law or provision to the contrary, families ineligible for cash assistance may be considered recipients for purposes of eligibility for employment support program funded services, including child care, provided that such services are made available for the purpose of enabling recipients to begin and/or maintain employment, and that a sliding scale is used to administer those benefits in a manner consistent with facilitating economic independence."

SECTION 2. The Secretary of Health and Human Services, the Secretary of Administration and Finance, and the Commissioner of the Department of Transitional Assistance are hereby authorized and directed to develop a methodology for the implementation of Section 1 above, by which employment support program funded services are provided to recipients for the purposes of encouraging them to begin or maintain employment without suffering a disadvantage as compared to remaining unemployed in order to receive any and all available benefits.

SECTION 3. The provisions of Section 1 shall become effective one year following the passage of this Act. The methodology required by Section 2 shall be developed not later than six months following the passage of this Act."

The amendment was rejected.

Ms. Jehlen, Mr. Morrissey, Ms. Tucker, Ms. Fargo, and Messrs. Eldridge, Kennedy, Timilty and McGee moved that the bill be amended in section 2, in item 5920-5000, by striking out the figure: "5,000,000" and inserting in place thereof the following figure: "7,700,000"; and by inserting after words, "in each region", the following:- "that the amount appropriated under this item shall annualize to \$18,664,660 in fiscal year 2012".

The amendment was rejected.

Ms. Chang-Díaz, Ms. Jehlen, Ms. Fargo, and Messrs. Eldridge and McGee moved that the bill be amended in section 135, subsection (b), by striking in line 16, the figure "\$60,000,000" and inserting in place thereof the figure "\$75,000,000"; in said section, by striking in line 22, the figure "\$60,000,000" and inserting in place thereof the figure "\$75,000,000"; and in said section, by striking in line 25, the figure "\$60,000,000" and inserting in place thereof the figure "\$75,000,000".

After debate, the amendment was rejected.

Mr. Eldridge, Ms. Jehlen, Ms. Tucker and Ms. Fargo and Messrs. Kennedy and Timilty moved that the bill be amended in section 2, in item 4120-3000, by striking out the figure: "\$2,630,752" and inserting in place thereof the following figure: "\$4,170,817".

After remarks, the amendment was rejected.

Messrs. Kennedy, Brewer, Knapik, Timilty, Michael O. Moore, Pacheco, Hart, Downing, Eldridge, Morrissey, Richard T. Moore, Buoniconti and Tarr, Ms. Chandler, Ms. Fargo, Ms. Flanagan, Messrs. McGee and Petruccelli, Ms. Spilka, Mr. Baddour, Ms. Candaras and Ms. Tucker moved that the bill be amended in section 2, in item 4000-0640 by adding the following words:- "; and provided further, that effective July 1, 2010 for the fiscal year ending June 30, 2011, the division shall establish nursing facility supplemental Medicaid rates from funding made available pursuant to section 141A"; and by inserting, after section 141, the following new section:-

"Section 141A. Notwithstanding any general or special law to the contrary and contingent upon receipt of at least \$27,200,000 in TANF contingency funds authorized by Title IV, Section 403(b) of the Social Security Act, a sum of \$27,200,000 shall be distributed as supplemental nursing facility Medicaid rates for fiscal year 2011 in item 4000-0640 of section 2 of this act."

The amendment was adopted.

Messrs. Montigny, McGee and Joyce moved that the bill be amended by inserting in item 9110-1455 after the word "65" the following words:- " ; provided further, that not more than \$4,000,000 shall be directed towards wrap-around coverage of out of pocket expenses prior to the donut hole coverage period for members with income levels at or below 188% of the federal poverty level;"

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at nine minutes before one o'clock A.M., on motion of Mr. Montigny, as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 282]:

Insert Roll Call "282"

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

Ms. Menard and Messrs. Downing and Richard T. Moore moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:-

"SECTION XX. The division of healthcare finance and policy shall conduct a study of the fiscal impacts of 114.5 CMR 12.00 on nursing home facilities. The study shall include, but not be limited to: the economic impact and equity of the class structure established in 114.5 CMR 12.03; the economic impact of extending user fee waivers to certain facilities currently not exempted from the user fee under the provisions of 42 USC Sec. 1396b(w)(3)(B); the cost-effectiveness of striking clause (d) of Class IV of section (1) of said regulation; and the feasibility of establishing a new classification system which applies consistent rules to all facilities regardless of geographic location. Said study shall take into account the provisions of 42 USC, Section 1396b (w)(3)(B) as they apply to the user fee. The recommendations and findings shall be filed with the joint committee on health care finance and the House and Senate committees on ways and means by January 15, 2011."

The amendment was adopted.

Messrs. O'Leary, Petrucci, Michael O. Moore and Donnelly, Ms. Jehlen, Mr. Morrissey, Ms. Chang-Diaz, Mr. DiDomenico, Ms. Candaras and Mr. Richard T. Moore moved that the bill be amended in section 2, in item 4000-0600, by inserting at the end thereof the following:- " ; provided further, that not less than \$2,800,000 shall be expended as fiscal year 2011 incentive payments, if funding is available to support this expenditure as prescribed by section 141A of this act, to Nursing Facilities meeting the criteria determined by the MassHealth Nursing Facility Pay for Performance (P4P) Program in 114.2 CMR 6.07 and that have established and participated in a cooperative effort in each qualifying Nursing Facility between representatives of employees and management, that is focused on implementing said criteria and improving the quality of services available to MassHealth members; and provided further that the MassHealth Agency shall adopt regulations and procedures necessary to carry out this section"; and by inserting in section 141A after the words, "this act", the following words:- "and if receipt of funds described in the previous proviso exceeds \$27,200,000, then an amount up to \$2,800,000 shall be distributed as incentive payments to nursing facilities meeting certain pay for performance requirements as described in item 4000-0600 of section 2 of this act".

The amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross 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 two minutes past one o'clock A.M., on motion of Mr. Tarr, as follows, to wit (yeas 5 — nays 32) [Yeas and Nays No. 283]:

Insert Roll Call "283"

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

Messrs. Morrissey, Panagiotakos, Brewer, Rosenberg, Downing, Baddour, Joyce, O'Leary, Tolman, Richard T. Moore and Knapik, Ms. Walsh, Ms. Fargo, Ms. Murray, Ms. Flanagan, Ms. Tucker, Ms. Spilka and Ms. Chang- Diaz, moved that the bill be amended by adding at the end of the bill the following new section:-

"SECTION XX. There shall be established the Distressed Community Provider Trust Fund, which shall be administered by the secretary of the executive office of health and human services.

Notwithstanding any general or special law to the contrary, in fiscal year 2011, the comptroller is hereby directed to transfer not less than \$10,000,000 from the General Fund to the Distressed Community Provider Trust Fund for the purpose of making expenditures as described in this section. The secretary shall authorize expenditures from the fund, without further appropriation, to assist acute care hospitals, including disproportionate share hospitals, that are in extreme financial distress. The secretary shall consider applications from hospitals that meet one or more of the following seven criteria: (i) have an operating margin below the median operating margin of eligible disproportionate share hospitals in hospital fiscal years 2007, 2008 and 2009; or (ii) have a total margin below zero for both hospital fiscal years 2008 and 2009; or (iii) have an operating margin at or below the median of eligible disproportionate share hospitals in hospital fiscal year 2009; or (iv) operate an American College of Surgeons-verified region 3 level 3 trauma center; or (v) operate a hospital licensed by the department of public health as chronic disease hospital providing services solely to children and adolescents; or (vi) operate as both a disproportionate share hospital and a sole

community hospital; or (vii) operate as a disproportionate share hospital with a psychiatric lock down inpatient unit in region 5. The secretary shall structure expenditures under this section to maximize allowable federal reimbursement under Title XIX. Hospitals receiving funds under this section shall not be precluded from also receiving funds through any grants or rates authorized under items 4000-0500 or 4000-0700 in section 2 and expended to enhance the ability of hospitals, community health centers and primary care clinicians to serve populations in need more efficiently and effectively. The secretary shall accept applications to receive funds up to and until January 1, 2011, and shall distribute said funds on or before March 31, 2011. The secretary shall file with the house and senate committees on ways and means a distribution plan for the funds, and the extent to which expenditures qualify for federal financial participation, on or before March 1, 2011. All federal reimbursements received by the commonwealth for expenditures made from the fund shall be deposited into the General Fund.”

After remarks, the amendment was adopted.

Ms. Jehlen, Ms. Creem and Ms. Flanagan moved that the bill be amended in section 2, in item 0321-2100 by striking out the figure “840,000” and inserting in place thereof the figure “902,016”.

The amendment was adopted.

Ms. Fargo moved that the bill be amended by inserting, after section 158, the following new section:-

“SECTION \_\_\_\_ . Section 25 of Chapter 118G is hereby repealed. This section shall take effect on January 1, 2011.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at ten minutes past one o’clock A.M., on motion of Mr. Tisei , as follows, to wit (yeas 5 — nays 32) [Yeas and Nays No. 284]:

Insert Roll Call “284”

The yeas and nays having been completed at fourteen minutes past one o’clock A.M., the amendment was rejected.

Motion to Suspend the Rules.

Mr. Pacheco moved to suspend the rules to offer an amendment; and after debate the question on suspension of the rules was determined by a call of the yeas and nays, at twenty-four minutes past one o’clock A.M., on motion of Mr. Pacheco, as follows, to wit (yeas 3 — nays 34) [Yeas and Nays No. 285]:

Insert Roll Call “285”

The yeas and nays having been completed at twenty-eight minutes past one o’clock A.M., the motion did not prevail.

Mr. Joyce moved that the bill be amended in section 2, in item 7061-0029, by inserting the following:- “provided further that the district of Randolph shall join the ten districts of Boston, Brockton, Fall River, Holyoke, Lawrence, Lowell, Lynn, New Bedford, Springfield, and Worcester, in the cohort known as the Commissioner’s Districts”.

The amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:-

“SECTION \_\_. Chapter 32B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting at the end thereof the following new section:

Section 21. (a) Subsection (b) shall take effect in any city or town upon the approval by the legislative body and their acceptance by the voters of a ballot question as set forth in this section.

(b) Effective July 1, 2011, a governmental unit is authorized to include, as part of the health 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 of health plans offered by the Group Insurance Commission pursuant to Chapter 32A. 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 copayments or other plan design features shall be increased whenever the Group Insurance Commission increases the dollar amount of co-payments and/or deductibles and/or tiered provider network copayments or other plan design features on the health plan 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 either Chapter 150E or Section 19 of Chapter 32B 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 higher co-payments, deductibles or tiered provider network co-payments or other plan design features may be included only after the governmental unit has satisfied any bargaining obligations pursuant to either Chapter 150E or Section 19 of Chapter 32B.

(c) Upon approval by the legislative body, the actions of the body shall be submitted for acceptance to the voters of a city or town at the next regular municipal or state election. The city or town clerk or the state secretary shall place it on the ballot in the form of the following question:

‘Shall this (city or town) accept subsections a and b of section 21 chapter 32B of the General Laws, as approved by its legislative body, a summary of which appears below?’

(Set forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the city solicitor or town counsel, as the case may be.)

If a majority of the voters voting on said question vote in the affirmative, then its provisions shall take effect in the city or town, but not otherwise.

(d) The final date for notifying or filing a petition with the city or town clerk or the state secretary to place such a question on the

ballot shall be 35 days before the city or town election or 60 days before the state election.

(e) If the legislative body does not vote to accept subsections a and b at least 90 days before a regular city or town election or 120 days before a state election, then a question seeking said acceptance may be so placed on the ballot when a petition signed by at least 5 per cent of the registered voters of the city or town requesting such action is filed with the registrar, who shall have 7 days after receipt of such petition to certify its signatures. Upon certification of the signatures, the city or town clerk or the state secretary shall cause the question to be placed on the ballot at the next regular city or town election held more than 35 days after such certification or at the next regular state election held more than 60 days after such certification.

(f) Upon acceptance of subsections a and b, the provisions of this act shall be imposed.”

Pending the question on adoption of the amendment Mr. Panagiotakos moved that the amendment (Tisei et al) be further amended by striking out the entire text and inserting in place thereof the following 5 sections:-

“SECTION 1. Section 2 of chapter 32B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after subsection (f) the following subsection:-

(f½) ‘Health Reimbursement Account’, a federally-recognized tax-exempt health benefit program that allows an employer to reimburse qualified medical expenses paid by employees.

SECTION 2. Subsection (a) of section 19 of said chapter 32B, as so appearing, is hereby amended by striking out the second paragraph.

SECTION 3. Said section 19 of said chapter 32B, as so appearing, is hereby amended by adding the following subsection:-

(j) (1) The secretary of administration and finance shall promulgate regulations requiring the group insurance commission to submit to the secretary the actuarial value of the non-medicare plan provided by the commission which has the largest subscriber enrollment at the start of the fiscal year beginning July 1. This actuarial value shall be the ‘group insurance commission actuarial benchmark’.

The secretary of administration and finance shall promulgate regulations requiring the group insurance commission to submit to the secretary the actuarial value of the medicare extension plan provided by the commission which has the largest subscriber enrollment at the start of the fiscal year beginning July 1. This actuarial value shall be the ‘group insurance commission medicare extension actuarial benchmark’.

(2) Notwithstanding any special or general law to the contrary, after July 1, 2010, a political subdivision which provides health insurance coverage to subscribers under this section may, in order to achieve reductions in health care expenditures, elect to transfer its subscribers to the group insurance commission under subsection (e) without a written agreement between the appropriate public authority and the public employee committee as required under subsection (a).

(3) Notwithstanding any special or general law to the contrary, after July 1, 2010, a political subdivision which provides health insurance coverage to subscribers under this section and has not transferred its subscribers to the commission may, in order to achieve reductions in health care expenditures, elect to reduce the actuarial value of its health care plan or plans without a written agreement between the appropriate public authority and the public employee committee as required under subsection (a); provided however, that the actuarial value of its plan or plans shall be no lesser than the group insurance commission actuarial benchmark or the group insurance commission medicare extension actuarial benchmark, as applicable.

(4) A political subdivision electing to reduce health care expenditures by either transferring subscribers to the group insurance commission under paragraph (2) or by reducing the actuarial value of its health care plans under paragraph (3) shall do so in the following manner: in a county, except Worcester county, by a vote of the county commissioners; in a city having Plan D or a Plan E charter, by majority vote of the city council and approval by the manager; in any other city, by majority vote of the city council and approval by the mayor; in a town, by vote of the board of selectmen; in a regional school district, by vote of the regional district school committee; and in all other districts, by vote of the registered voters of the district at a district meeting. No change implemented under this paragraph shall be subject to an obligation to bargain under chapter 150E.

(5) At least 90 days prior to implementing any changes authorized under paragraph (4), the political authority shall convene a meeting with the public employee committee as provided under subsection (a) to negotiate an agreement to determine how the authority and the committee will share the cost savings which result from the transfer of subscribers to the group insurance commission or the reduction in actuarial value. The parties shall negotiate over how the resulting cost savings shall be shared, which shall include savings for the political subdivision and for subscribers; provided however, that not less than one fourth of the total savings shall be returned to the political subdivision’s general operating budget; provided, further that not less than one fourth of the total savings realized shall be returned to the subscribers in the form of: premium reductions, premium contributions paid by the political subdivision, health reimbursement accounts, wellness programs, health care trust funds for emergency medical care or inpatient hospital care, Medicare Part B reimbursements or other qualified medical expenses, as determined through negotiation. If the appropriate public authority and public employee committee have not reached an agreement within 45 days after their first meeting, any unresolved issues shall be submitted to an arbitrator with expertise in municipal health benefits selected by the parties under the rules of the American Arbitration Association.

The form of arbitration shall be last best offer, issue by issue. The arbitrator shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, production of books, records and other evidence relative to or pertinent to the issues. The cost of arbitration shall be shared equally by the appropriate public authority and the public employee committee. Any person acting as an arbitrator under this section, shall not be required by any administrative, arbitration or non-criminal judicial tribunal to disclose any files, records, documents, notes or other papers or be required to testify with regard to any information obtained while functioning as an arbitrator under this subsection.

The arbitrator shall issue a decision not later than 45 days after the unresolved issues are submitted to the arbitrator. In reaching a decision, the arbitrator shall decide any issues not resolved by the parties, including how the remaining cost savings shall be

shared, which shall include savings for the political subdivision and for subscribers. In reaching a decision, the arbitrator shall consider the political subdivision's ability to pay, existing premium contribution ratios between the appropriate authority and the subscribers, intended use of savings by the political subdivision, any historical negotiations or concessions by retirees on benefits, and the historical negotiations on benefits and salary including total compensation and all other evidence.

The arbitrator's decision, if supported by material and substantive evidence on the whole record shall be, binding upon the parties, unless the decision of the arbitrator is rejected by the legislative branch of the municipality by a two-thirds vote within 30 days. If the political subdivision rejects the decision of the arbitrator, the political subdivision shall not implement any changes authorized under paragraph (4).

SECTION 4. Said chapter 32B is hereby amended by adding the following section:-

Section 21. Notwithstanding any other provisions of this chapter, a political subdivision which transfers its subscribers to the commission or reduces the actuarial value of the health care plans under subsection (j) of section 19, may provide health reimbursement accounts to reimburse subscribers for qualified medical expenses. Qualified medical expenses may include, but shall not be limited to, out-of-pocket costs such as inpatient and outpatient copayments, calendar year deductibles, office visit copayments and prescription drug copayments.

SECTION 5. Notwithstanding any special or general law to the contrary, no change in health benefits made under subsection (j) of section 19 chapter 32B as inserted by section 4 shall go into effect for any group of employees covered by a collective bargaining agreement in effect as of July 1, 2010 by a governmental unit prior to the expiration of such agreement.

SECTION 6. Notwithstanding any special or general law to the contrary, for political subdivisions that have transferred subscribers to the commission under section 19 of chapter 32B, the adoption of the annual appropriation act shall be deemed to establish and to have established a contractual relationship under which the subscribers are entitled to contractual rights and benefits, including the schedule of co-pays and deductibles and total premium cost, and, notwithstanding the provisions of chapter twenty-nine, no amendments or alterations shall be made that will deprive any employee or retiree their rights and benefits thereunder during the fiscal year covered by the annual appropriation act.

After debate, the question on adoption of the further amendment was determined by a call of the yeas and nays, at eight minutes past two o'clock A.M., on motion of Mr. Tisei, as follows, to wit (yeas 20 — nays 17) [Yeas and Nays No. 286]:

Insert Roll Call "286"

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

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

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:

"SECTION \_\_\_\_. Subsection a of section 19 of chapter 32B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking the word "70 per cent" in line 58 and replacing it with the following phrase:- 'a majority'."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eighteen minutes past two o'clock A.M., on motion of Mr. Tisei, as follows, to wit (yeas 9 — nays 28) [Yeas and Nays No. 287]:

Insert Roll Call "287"

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

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:-

"SECTION \_\_\_\_. Subsection a of section 19 of chapter 32B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking the words "Any such contract or contracts with any one or more health insurance carriers shall be in conformity with an agreement reached by an appropriate public authority and a public employee committee. Such election by the appropriate public authority may be renewed in conformity with any successor agreement reached with a public employee committee."

The public employee committee shall be composed of a representative of each collective bargaining unit in the governmental unit and a retiree. The retiree representative shall be a designee of the Retired State, County and Municipal Employees Association. The retiree representative shall have a ten percent vote. The remaining ninety percent vote shall be divided as follows: each collective bargaining unit represented on the public employee committee shall have a weighted vote equal to the proportion which the number of employees eligible for health insurance under this chapter employed in the bargaining unit he represents bears to the total number of employees eligible for health insurance in all bargaining units of the governmental unit. Any agreement with the public authority must be approved by seventy percent of votes cast by the representatives on the public employee committee."

The amendment was rejected.

Mr. Panagiotakos 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 funds may be expended for youth violence prevention initiatives"; and

In said section 2, in said item 0340-0100, by striking out the figure "\$15,188,357" and inserting in place thereof the following figure:- "\$15,288,357";

In said section 2, by striking out item 0339-1003 and inserting in place thereof the following item:-

"0339-1003 For the operation of the office of community corrections, including the costs of personnel; provided, that funds shall be expended for the costs of intensive supervision and community corrections programs; provided further, that the programs shall include, but not be limited to, tracking, community service, educational assistance, drug and alcohol testing and treatment, curfew



enforcement, home confinement, day reporting, means-tested fines, restitution and community incapacitation or restraint; provided further, that the number of placements in the programs shall not exceed a daily average goal of 5,000 intensively-supervised probationers; provided further, that funds from this item shall be expended to cover the costs of the programs that are undertaken and administered by court probation offices and county sheriffs' offices; provided further, that funds shall be expended to such programs in each county in fiscal year 2011; provided further, that the executive director of the office of community corrections shall enter into interagency service agreements and memoranda of understanding with the probation offices and sheriffs' offices for the provision of such programs, including the contracting for detention space for probationers arrested for violating probation and awaiting court action and detention space for probationers who have been ordered by the trial court to be supervised at a higher level of restraint; provided further, that such agreements and memoranda shall be entered into at the direction of the executive director; provided further, that the executive director shall submit a spending and management plan for the programs to the house and senate committees on ways and means not later than January 31, 2011; provided further, that the plan shall include the projected number of probationers to be served by each program and a description of the oversight and services provided to the probationers; and provided further, that funds shall be expended to operate the community corrections facilities that ceased operations on November 1, 2009, at their existing locations for the full fiscal year

.....\$24,005,668”;

In said section 2, in item 0526-0100, by striking out the figure “\$700,000” and inserting in place thereof the following figure:- “\$750,000”;

In said section 2, in item 1108-5200, by striking out the words, “; provided further, that the commonwealth’s share of the group insurance premiums for active employees upon retirement shall be 85 per cent”;

In said section 2, in item 1410-0010, by inserting after “memorials” the following words:- “; provided further, the secretary of veterans’ services shall submit a report to the joint committee on veterans and federal affairs and the house and senate committees on ways and means not later than December 1, 2010, on the effectiveness and efficiency of creating a program of behavioral health career development for returning veterans under a federal yellow ribbon scholarship entitled “Train Vets To Treat Vets” in conjunction with the Massachusetts School of Professional Psychology.”;

In said section 2, in said item 1410-0010, by striking out the figure “\$2,133,506” and inserting in place thereof the following figure:- “\$2,158,506”;

In said section 2, by striking out in item 1599-4704 and inserting in place thereof the following item:-

“1599-4704 For a reserve for certain payments associated with the costs of chapter 61 of the acts of 2009; provided, that any spending from this account shall be used solely for costs associated with the annual operations of the transferred sheriffs’ departments and not for capital projects; provided further, that funds shall be expended for transferred sheriffs’ existing obligations for payments in lieu of taxes; provided further, that the secretary of administration and finance shall file a report with the house and senate committees on ways and means not less than 30 days prior to the transfer of any funds from this reserve to an appropriation of a transferred sheriff; provided further, that this report shall include the requesting department, the amount requested by that department, the amount decided to be transferred to the requesting department and the planned use of the requested funds, specifying the object classes into which the funds will be transferred; and provided further, that any funds transferred under this item shall not be subject to section 29 of chapter 29..... \$10,300,000”;

In said section 2, in item 2000-0100, by adding the following words:- “provided, that the executive office shall engage in a program of collaborative research with academic institutions that apply satellite and other technologies in an innovative manner to an existing methodological model previously used in other fisheries to assess the biomass of groundfish in the region managed by the New England Fishery Management Council; provided further, that the executive office shall execute a memorandum of agreement with any such academic institution not later than 30 days after the effective date of this act; and provided further, that the memorandum shall require the timely production of information for use in the fisheries management process.”;

In said section 2, in said item 2000-0100, by striking out the figure “\$5,986,178” and inserting in place thereof the following figure:- “\$6,136,178”;

In said section 2, in item 4000-0500, by adding the following words:- “; and provided further, that in fiscal year 2011, the executive office shall include chiropractic care as a covered service in the MassHealth essential program”;

In said section 2, by inserting after item 4120-4000 the following item

“4120-4001 For the housing registry for the disabled..... \$80,000”;

In said section 2, in item 4513-1020, by striking out, in line 21, the words “or parent fees”;

In said section 2, in item 4530-9000, by striking out the figure “2,148,327” and inserting in place thereof the following figure:- “2,448,327”;

In said section 2, in item 4800-0015, by striking out the words “, the number of kinship guardianship subsidies that it provided for the calendar quarters ending on March 31, 2011 and June 30, 2011”;

In said section 2, in item 5930-1000, by striking out, in lines 23 to 30, the words “any state intermittent care facility for the mentally retarded for the purpose of closing said state facilities unless actions are consistent with the Community Services Expansion and Facilities Restructuring Plan; provided further, language in this item shall not preclude an individual from exercising his rights to transfer to a community-based residential placement either state or vendor operated; provided further, that the secretary for health and human services shall update the house and senate committees on ways and means annually on the Community Services Expansion and Facilities Restructuring Plan not later than the first Monday in April;” and inserting in place thereof the following words:- “the Glavin Regional Center, the Monson Development Center and the Templeton Development Center, including intensive individual supports, for the purpose of closing those state institutions until a study of such reductions

or closings by the secretary of administration and finance shall be completed and the general court shall have approved by law any such reductions or closings; provided further, that the study shall examine the costs and benefits of maintaining the institutions and shall identify alternative methods of providing the services currently provided by those institutions; provided further, that the study shall identify the number and names of all private non-profit vendors who contract with the department to provide direct care in the community, the amount of state and federal resources paid to those vendors in fiscal years 2008, 2009 and 2010 and the amount of clients served by these private non-profit vendors in each of those fiscal years; provided further, that nothing in this item shall preclude an individual from exercising his rights to transfer to a community-based residential placement either state or vendor operated; provided further, that the secretary shall report its findings in and its recommendations to the house and senate committees on ways and means not later than January 1, 2011; provided further, that the department shall not close the Fernald Development Center until a report is submitted to the house and senate committees on ways and means detailing the prospective costs and benefits of maintaining the facility”;

In said section 2, in item 7002-0014, by striking out the words “office of trade” and inserting in place thereof the following words:- “Massachusetts international trade office”;

In said section 2, in item 7003-0702, by adding the following:- “; provided, that funds may be expended for education, career development and employment service programs operated by the Urban League of Eastern Massachusetts”;

In said section 2, in item 7061-9634, by striking out the figure \$100,000 and inserting in place thereof the following figure:- “\$250,000”;

In said section 2, in item 9110-1455, by striking out the figure “\$31,542,765” and inserting in place thereof the following figure:- “\$35,542,765”;

In said section 2, in item 9110-1660, by striking out the figure”\$1,544,214” and inserting in place thereof the following figure:- “\$1,644,214”;

In section 2B, in item 2000-1701, by striking out the figure “\$4,090,625” and inserting in place thereof the following figure:- “\$4,502,616”;

In said section 2B, in item 4000-1701, by striking out the figure “\$15,014,486” and inserting in place thereof the following figure:- “\$31,152,563”;

In said section 2B, in item 7002-0018, by striking out the figure “\$3,531,964” and inserting in place thereof the following figure:- “\$3,649,696”;

In said section 2B, in item 7002-0171, by striking out the figure “\$17,137,263” and inserting in place thereof the following figure:- “\$17,708,505”;

In said section 2B, in item 7009-1701, by striking out the figure “\$1,778,203” and inserting in place thereof the following figure:- “\$1,837,477”;

and in said section 2B, in item 8000-1701, by striking out the figure “\$11,085,153” and inserting in place thereof the following figure:- “\$11,454,657”;

In section 2D, in item 4120-0608, by striking out the figure “\$120,000” inserting in place thereof the following figure:- “\$250,000”;

In said section 2D, by inserting after item 4120-0760, the following item:-

“4120-0761 For the purposes of a federally funded grant entitled, Centers for Independent Living Recovery Act FY11 Spending and State Independent Living Services, Recovery Act FY11 Spending . . . . . \$1,200,000”;

In section 2E, in item 1595-6370, by striking out the words “Massachusetts Bay Transportation Authority” and inserting in place thereof the following words:- “regional transit authorities organized under chapter 161B of the General Laws or predecessor statutes”;

In section 8A, in section 19½ of chapter 15A of the General Laws, in the first paragraph, by striking out the words “, excluding community colleges,”;

By inserting after section 11 the following section:-

“SECTION 11A. Section 4C of chapter 21A of the General Laws, as so appearing, is hereby amended by striking out, in line 59, the figure “8” and inserting in place thereof the following figure:- 9.”;

By striking out section 22 and inserting in place thereof the following section:-

“SECTION 22. Said chapter 29 is hereby further amended by inserting after section 2AAAA the following section:-  
Section 2BBBB. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Substance Abuse Treatment and Prevention Fund. The fund shall be credited with all sales tax revenues collected from the sale of alcoholic beverages under chapter 64H which are not part of the dedicated sales tax revenue amount described in section 35T or section 35BB of chapter 10. Amounts credited to the fund shall be expended, subject to appropriation, to support substance abuse treatment and prevention services.”

In section 23, by striking out, in line 16, the word “from” and inserting in place thereof the following word:- “to”;

In section 35, by striking out, in line 5, the words “shall mean” and inserting in place thereof the following words:- “shall include, but not be limited to,”;

In section 37, by striking out, in lines 2 and 4, the term “(hh)” and inserting in place thereof the following term:- “(ff)”;

and By inserting after section 47 the following 3 sections:-

“SECTION 47A . Chapter 117A of the General Laws is hereby amended by striking out sections 9 and 10, as appearing in the 2008 Official Edition, and inserting in place thereof the following 2 sections:-

Section 9. The department shall provide for the decent final disposition of all deceased persons who are at the time of death recipients of aid or assistance under this chapter, all deceased persons who, although without means of support at the time of

death, did not apply for such aid or assistance and all unknown persons found dead. The expense thereof may be recovered of their kindred, if any, chargeable by law for their support in the manner provided in this chapter and if the expense of the funeral and final disposition is not paid by the kindred, an amount not exceeding \$1,100 shall be paid by the commonwealth to the funeral establishment; provided however, that the commonwealth shall have the right of reimbursement from whatever resources may exist in the estate of the deceased person.

Section 10. In case of the decease of a poor and indigent person, the commonwealth shall pay toward the expense of the funeral and final disposition of such person a sum not exceeding \$1,100 to the funeral establishment; provided, however, that the commonwealth shall have the right of reimbursement from whatever resources may exist in the estate of the deceased person.

SECTION 47B. Section 2 of chapter 118 of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The department may pay a sum not exceeding \$1,100 toward the funeral and final disposition of a recipient to the funeral establishment provided that there are insufficient resources to pay for the cost of such funeral and final disposition. The commonwealth shall have the right of reimbursement from whatever resources may exist in the estate of the recipient.

SECTION 47C. Chapter 118A of the General Laws is hereby amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. The department shall provide to aged and disabled residents under this chapter a program of social services as set forth in section 2 of chapter 18. In addition to any other benefits authorized by this chapter, the department may provide to such residents grants of assistance in cases of fire, flood or other disaster. The department may pay a sum not exceeding \$1,100 toward the funeral and final disposition of a recipient to a funeral establishment provided that there are insufficient resources to pay for the cost of such funeral and final disposition. The commonwealth shall have the right of reimbursement from whatever resources may exist in the estate of the recipient.”;

By inserting after section 59 the following section:

“SECTION 59A. Section 23 of chapter 119 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out subsection (d) inserting in place thereof the following subsection:—“(d) The department may pay to a funeral establishment a sum not to exceed \$1,100 for the funeral and final disposition of a child in its care provided that there are insufficient resources to pay for the cost of such funeral and final disposition. The commonwealth shall have the right of reimbursement from whatever resources may exist in the estate of the child.” ;

In section 62A, in section 48B, by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) The commissioner and the sheriffs for the various counties may institute and assess fees to inmates in their custody for the following services:

the daily cost of custodial care;

medical sick call visits;

prescription eyeglasses; and

pharmacy prescriptions.”;

In said section 62A, in said section 48B, in subsection (d) by striking out the words “shall use 25 per cent” and inserting in place thereof the following words:- “may use 25 per cent”;

In said section 62A, in said section 48B, by striking out subsection (f) and inserting in place thereof the following subsection:-

(f) The fees assessed under this section shall not have a set due date, but shall instead be collected only as wages are earned through work release programs or work within the prison, jail or house of correction and shall continue to be due and payable after the inmate is released. If the inmate is not re-incarcerated within 2 years after release, the outstanding assessment shall be forgiven.”

In section 81, by striking out subsection (t) and inserting in place thereof the following subsection:-

“(t) for victims and witnesses to be informed by the prosecutor about their notification rights and their right to receive criminal offender record information under section 178A of chapter 6; provided, however, that the criminal history systems board, or in the case of a juvenile defendant the department of youth services, shall give victims and witnesses, using the most recent contact information provided by the victim or witness, reasonable advance notice of when a convicted offender receives a temporary, provisional or final release from custody or is transferred from a secure facility to a less-secure facility, or forthwith when a convicted offender escapes from custody.”;

In section 82, by striking out, in line 10, the words “(z) The” and inserting in place thereof the following:- “provided, however, that the”;

In said section 82, by inserting after the word “a”, in line 18, the following word:- “convicted”;

In section 104, by inserting after the word “land”, in line 48, the following words:- “, located northeasterly off Plymouth Street as shown on Middleborough Assessor’s Map 21, parcels 993, 1111, 1842 and 2651”;

By striking out section 108 and inserting in place thereof the following section:-

“SECTION 108. (a) Notwithstanding any general or special law to the contrary, a state agency that purchases drug testing equipment shall purchase the equipment through the use of the statewide contract maintained by the operational services division if it is the most cost-efficient means of purchase.

(b) Notwithstanding any general or special law to the contrary, a state agency that purchases electronic monitoring devices including, but not limited to, global positioning systems, shall purchase the equipment through the use of the contract maintained by the commissioner of probation if the terms of that contract provide the most cost-efficient means of purchase and does not present any undue risk to public safety and includes the use of a dual monitoring platform to address potential for lapse of coverage due to the absence of cellular service; provided, however, that the operational services division shall conduct a study to

determine the feasibility of creating a statewide contract for the devices.”;

In section 113, by inserting after the word “College”, in line 183, the first time it appears, and in line 191, the second time it appears, the following words:- “Massasoit Community College”;

In section 116 by striking out subsection (g);

In section 128, by striking out, in line 38, the word “January” and inserting in place thereof the following word:- “July”;

By inserting after section 154 the following section:-

“SECTION 154A. (a) Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the department of conservation and recreation and the University of Massachusetts at Lowell, may convey to the city of Lowell, 3 parcels of land, generally shown as parcels 13, 22 and 25 in a plan entitled “Plan of the Road in the City of Lowell, Middlesex County, Bridge Replacement, University Avenue over the Merrimack River” on file with the city engineer of the city of Lowell.

(b) The first parcel to be conveyed, parcel 22, contains approximately or 0.082 acres. The parcel is bounded by the line described as follows: beginning at a point, said point being S60°39’05”W and 82.92 feet from station 13+34.63 of the University Avenue baseline thence, turning and running N53°29’54”E 147.38 feet to a point said point also being N60°39’05” E and 63.32 feet from station 13+52.98 of said baseline thence, turning and running N40°59’40”W 25.26 feet more or less to a point on the shoreline of the Northern Canal said point also being N60°39’05”E and 58.22 feet from station 13+77.71 of said baseline thence, turning and running by the shoreline of the Northern Canal 145 feet more or less to a point said point also being S60°39’05”W and 85.82 feet from station 13+57.74 of said baseline thence, turning and running S36°30’06”E 23.30 feet to the point of beginning.

(c) The second parcel to be conveyed, parcel 25, contains approximately 0.289 acres. The parcel adjoins the southerly location line of the Veterans of Foreign Wars Highway of the 1949 State Highway Layout (Layout No. 3648) and bounded by the line described as follows: beginning at a point, said point being S45°06’49”E and 41.50 feet from station 144+83.52 of said baseline thence, turning and running S45°06’49”E 9.69 feet to a point said point also being S45°06’49”E and 51.19 feet from station 144+83.52 of said baseline thence running N47°45’45”E 15.00 to a point of curvature said point also being S45°06’49”E and 51.95 feet from station 144+68.54 of said baseline thence running by a curve to the right having a radius of 23.10 feet an arc distance of 41.48 feet said point of also being S45°06’49”E and 81.29 feet from station 144+47.47 of said baseline thence turning and running S29°20’55”E 115.95 feet more or less to a point on the shoreline of the Merrimack River said point being S45°06’49”E and 192.88 feet from station 144+78.97 of said baseline and also S60°39’05”W and 50.00 feet from station 17+80.78 of the University Avenue baseline, thence turning and running easterly along the shoreline of said Merrimack River 112 feet more or less to a point said point also being S45°06’49”E and 181.96 feet from station 143+67.96 of the Veterans of Foreign Wars Highway of the 1949 State Highway Layout (Layout No. 3648) baseline and also N60°39’05”E and 53.87 feet from station 18+21.46 of the University Avenue baseline, thence turning and running N45°23’58”W 75.74 to a point on the southerly location line of the Veterans of Foreign Wars Highway of the 1949 State Highway Layout (Layout No. 3648) said point also being 106.23 feet from station 143+68.34 of said baseline and also N60°39’05”E and 32.93 feet from station 18+94.24 of the University Avenue baseline.

(d) The third parcel to be conveyed, parcel 13, contains approximately 0.118 acres. The parcel adjoins the northerly location line of the Veterans of Foreign Wars Highway of the 1949 State Highway Layout (Layout No. 3648) and bounded by the line described as follows: beginning at a point, said point being N45°06’49”W and 55.01 feet from station 144+17.32 of the Veterans of Foreign Wars Highway of the 1949 State Highway Layout (Layout No. 3648) baseline and also S55°41’24”W and 54.10 feet from station 20+40.90 of the University Avenue baseline thence, turning and running by a curve to the left having a radius of 15.00 feet an arc distance of 20.74 feet to a point said point also being N45°06’49”W and 67.20 feet from station 144+02.58 from the Veterans of Foreign Wars Highway of the 1949 State Highway Layout (Layout No. 3648) baseline and also S54°53’31”W and 41.81 feet from station 20+56.22 of the University Avenue baseline thence, turning and running by a curve to the left having a radius of 986.45 feet an arc distance of 188.37 feet to a point said point also being S44°42’06”W and 40.51 feet from station 22+51.86 of said University Avenue baseline thence, turning and running N45°16’43”W 8.55 feet to a point said point also being S44°37’45”W and 40.49 feet from station 22+60.74 of said University Avenue baseline thence, turning and running N45°00’09”W 164.54 feet to a point said point also being S44°37’45”W and 39.44 feet from station 24+25.00 of said University Avenue baseline thence turning and running N44°37’45”E 9.24 feet to a point on the westerly sideline of the University Avenue layout line said point also being S44°37’45”W and 30.20 feet from station 24+25.00 of said University Avenue baseline.

(e) The consideration for the conveyance shall be the full and fair market value of the parcels as determined by the commissioner of capital asset management and maintenance pursuant to 1 or more independent professional appraisals.

(f) Notwithstanding any general or special law to the contrary, the inspector general shall review and approve the appraisal required pursuant to subsection (e). The inspector general shall prepare a report of his review of the methodology utilized for the appraisal and shall file the report with the commissioner of capital asset management and maintenance, the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets. The commissioner of capital asset management and maintenance shall, 30 days before the execution of any conveyance authorized by this section or any subsequent amendment thereto, submit the proposed conveyance or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days after receipt of the proposed conveyance or amendment. The commissioner of capital asset management and maintenance shall submit the proposed conveyance or amendment and the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets at least 15 days before execution of the conveyance.

(g) The city shall be responsible for all costs and expenses including, but not limited to, costs associated with any engineering,

surveys, appraisals and deed preparation related to the conveyance authorized in this subsection (a) as such costs may be determined by the commissioner.”; and

In section 140F, in subsection (a), in paragraph (1), by striking out the words “department of housing and economic development” and inserting in place thereof the following words:- “department of housing and community development”; and in said section 140F, in said subsection (a), by striking out paragraph (2) and inserting in place thereof the following paragraph:- “(2) The local housing authority shall assess financial eligibility by reviewing the applicant’s net household income. In reviewing the applicant’s financial status, the local housing authority shall assess net household income pursuant to regulations and guidelines promulgated by the department of housing and community development.”

The amendment was adopted.

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

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at sixteen minutes before three o’clock A.M., on motion of Mr. Panagiotakos, as follows, to wit (yeas 32 — nays 6) [Yeas and Nays No. 288]:

INSERT ROLL CALL “288”

The yeas and nays having been completed at thirteen minutes before three o’clock A.M., the bill was passed to be engrossed, in concurrence, with the amendments. [For text of Senate amendments, see Senate, No. 2470, 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 Those Who Have Made The Ultimate Sacrifice.

The Senator from Middlesex, Mr. Donnelly, requested that when the Senate adjourns today, it adjourn in memory of all the Massachusetts service men and women who have died in service to their country since September 11, 2001, through their service in Operation Iraqi Freedom and Operation Enduring Freedom.

Accordingly, as a mark of respect to the memory of those who have made the ultimate sacrifice, at eleven minutes before three o’clock A.M., on motion of Mr. Hart, the Senate adjourned to meet again on Tuesday next at eleven o’clock A.M.