

**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 23, 2012.

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

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

#### *Seat Assignments.*

The President announced the assignment of Senator Jennifer L. Flanagan to seat number 5 on the President's left.

#### *Petition.*

Mr. Brewer presented a petition (accompanied by bill, Senate, No. 2271) of Stephen M. Brewer and Richard Bastien (by vote of the town) for legislation to authorize the town of Ashburnham to dispose of certain equipment [Local approval received];

**Referred, under Senate Rule 20, to the committee on Municipalities and Regional Government.  
Sent to the House for concurrence.**

#### *Reports of Committees.*

By Mr. Donnelly, for the committee on State Administration and Regulatory Oversight, on petition, a Bill authorizing the city of Lowell to acquire easements over certain parcels of land (Senate, No. 2233);

**Read and, under Senate Rule 26, referred to the committee on Bonding, Capital Expenditures and State Assets.**

By Ms. Creem, for the committee on the Judiciary, on petition, a Bill establishing a sick leave bank for Brian J. Waldron, an employee of the Trial Court (Senate, No. 2272); and

By Mr. Brownsberger, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Julie Nantais, an employee of the Department of Public Health (Senate, No. 2266);

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

### PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4104) of Stephen L. DiNatale and Jennifer L. Flanagan (with the approval of the mayor and city council) relative to the appointment of special police officers in the city of Fitchburg, notwithstanding the maximum age requirement; and

Petition (accompanied by bill, House, No. 4105) of Stephen L. DiNatale and Jennifer L. Flanagan (with the approval of the mayor and city council) relative to the reinstatement of certain employees of the police department of the city of Fitchburg;

**Severally, to the committee on Public Service.**

#### *Communications.*

The Clerk read the following communications.

COMMONWEALTH OF MASSACHUSETTS  
THE GENERAL COURT  
STATE HOUSE, BOSTON 02133-1053

May 21, 2012

Mr. William F. Welch, Clerk  
Massachusetts State Senate  
State House – Room 335  
Boston, MA 02133

Dear Clerk,

I was unable to be present at the formal session on Thursday, May 17, 2012, due to the fact that I was attending a committee meeting for the National Conference of State Legislatures' Task Force on Military and Veterans' Affairs, as the Senate President's appointee.

Had I been in attendance I would have voted in the following ways on the roll call votes for amendments for S2260, An Act improving the quality of health care and reducing costs through increased transparency, efficiency and innovation:

In the Affirmative on Roll Call No. 184, Senator Hart's Random Patient Transfer amendment, and in the Negative on Roll Call No. 185, Senator Tarr's Preventing Consumer Price Increases amendment; Roll Call No. 186, Senator Tarr's Amendment on Contracting Provisions; Roll Call No. 187, Senator Tarr's amendment on Managed Care for Medicaid; and Roll Call No. 188, Senator Tarr's Amendment on Reducing Health Care Costs.

I would also have voted in the affirmative on the question of enacting S2246, An Act authorizing the town of Essex to sell or lease certain real property at Conomo Point. Finally, I would have voted in the affirmative on the question of engrossing S2260, An Act improving the quality of health care and reducing costs through increased transparency, efficiency and innovation.

Thank you for your time and attention to this matter.

*Sincerely,*  
Kenneth J. Donnelly  
4th Middlesex

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

COMMONWEALTH OF MASSACHUSETTS  
THE GENERAL COURT  
STATE HOUSE, BOSTON 02133-1053

May 21, 2012

Mr. William F. Welch  
Clerk of the Senate  
State House, Room 335  
Boston, MA 02133

Dear Mr. Clerk:

On Tuesday May 15, 2012, I was absent from the Chamber for a portion of formal session. In my absence five roll call votes were taken. Had I been present, I would have voted on the following matters:

Senate 2260 Amendment #163 Mandate Moratorium – Nay  
Senate 2260 Amendment #164 Prescription Drug Mandate – Nay  
Senate 2260 Amendment #165 Noncompliance with Uniform Coding Provisions – Yea  
Senate 2260 Amendment #188 Flexible Benefit Options – Nay  
Senate 2260 Amendment #191 Inspector General Audit of Medicaid – Nay

I would appreciate if this could be printed in the Senate journal. Thank you.

*Respectfully,*  
Jennifer L. Flanagan

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

*Reports of Committees.*

The following reports were laid before the Senate, the time within which the said committees were required to report having expired:—

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 103) of John A. Hart, Jr. for legislation relative to the resale of tickets.

**The rules were suspended, on motion of Ms. Flanagan, and the report was considered forthwith; on motion of Mr. Hart, the bill was recommitted to the Joint Committee on Consumer Protection and Professional Licensure.**

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 104) of John A. Hart, Jr., Michael R. Knapik, Jennifer L. Flanagan, Robert L. Hedlund and other members of the Senate for legislation to protect motor vehicle owners' and small businesses in repairing motor vehicles.

**The rules were suspended, on motion of Mr. Kennedy, and the report was considered forthwith; on motion of the same Senator, the bill was recommitted to the Joint Committee on Consumer Protection and Professional Licensure.**

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 105) of Patricia D. Jehlen, Christine E. Canavan, Gale D. Candaras, Sal N. DiDomenico and other members of the General Court to reduce unwanted communication from creditors to protect the peace and privacy of residents.

**The rules were suspended, on motion of Mr. Montigny, and the report was considered forthwith; on motion of the same Senator, the bill was recommitted to the Joint Committee on Consumer Protection and Professional Licensure.**

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 127) of Michael J. Rodrigues for legislation to register professional employer organizations operating in Massachusetts.

**The rules were suspended, on motion of Ms. Fargo, and the report was considered forthwith; on motion of the same Senator, the bill was recommitted to the Joint Committee on Consumer Protection and Professional Licensure.**

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 1943) of Richard T. Moore and Ryan Fattman for legislation (by vote of the town) to authorize the town of Bellingham to grant an additional license for the sale of alcohol.

**The rules were suspended, on motion of Mr. Richard T. Moore, and the report was considered forthwith; on motion of the same Senator, the bill was recommitted to the Joint Committee on Consumer Protection and Professional Licensure.**

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 2049) of Richard T. Moore and Kevin Kuros for legislation to authorize the town of Bellingham to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises.

**The rules were suspended, on motion of Mr. Richard T. Moore, and the report was considered forthwith; on motion of the same Senator, the bill was recommitted to the Joint Committee on Consumer Protection and Professional Licensure.**

**PAPER FROM THE HOUSE.**

*Order Adopted.*

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

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight shall be granted until Saturday, June 30, 2012, within which to report on current House document numbered 4037.

*Orders of the Day.*

The Orders of the Day were considered as follows:

The House Bill making appropriations for the fiscal year two thousand thirteen for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4101),-- **was read a second time.**

**Pending the main question on ordering the bill to a third reading and pending the question on adoption of the amendment as recommended by the committee on Ways and Means, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 4, the following amendments were considered:-**

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

"SECTION \_\_. Section 6(i) of Chapter 62 of the General Laws, as so appearing in the 2008 Official Edition, is hereby amended by striking in line 198 the figure "\$15,000" and inserting in place thereof the following:-- "\$25,000"; and, by striking in line 201 the figure "\$1,500" and inserting in place thereof the following:-- "\$4,000"; and by striking in line 203 the figure "\$6,000" and inserting in place thereof the following:-- "\$10,000."

Pending the question on adoption of the amendment, the President made a ruling on the following tax amendments 2, 9, 15, 24, 35, 36, 40, 42, 43, 45, 47 (in part), 48, and 56 (in part), 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.

Any Senate amendment that would convert into a "money bill" a bill that was not a "money bill" 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, and were laid aside**

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

After debate, the question "Shall the ruling of the Chair stand?" was determined by a call of the yeas and nays, at twenty-five minutes before eleven o'clock A.M., on motion of Mr. Tarr, as follows, to wit (yeas 33 — nays 4) [Yeas and Nays No. 191]:  
YEAS

Berry, Frederick E. Jehlen, Patricia D.  
Brewer, Stephen M. Joyce, Brian A.  
Brownsberger, William N. Keenan, John F.  
Candaras, Gale D. Kennedy, Thomas P.  
Chandler, Harriette L. Montigny, Mark C.  
Chang-Diaz, Sonia Moore, Michael O.  
Clark, Katherine M. Moore, Richard T.  
Creem, Cynthia Stone Pacheco, Marc R.  
DiDomenico, Sal N. Petruccielli, Anthony  
Donnelly, Kenneth J. Rodrigues, Michael J.  
Donoghue, Eileen M. Rosenberg, Stanley C.  
Downing, Benjamin B. Rush, Michael F.  
Eldridge, James B. Spilka, Karen E.  
Fargo, Susan C. Timilty, James E.  
Finegold, Barry R. Welch, James T.  
Flanagan, Jennifer L. Wolf, Daniel A. — 33.  
Hart, John A., Jr.

NAYS

Hedlund, Robert L. Ross, Richard J.  
Knapik, Michael R. Tarr, Bruce E. — 4.  
ABSENT OR NOT VOTING  
McGee, Thomas M. — 1.

The yeas and nays having been completed at twenty-one minutes before eleven o'clock A.M., the ruling of the Chair stood and the amendment was laid aside.

After remarks, Ms. Chandler and Messrs. Eldridge, Michael O. Moore, Joyce and McGee moved that the bill be amended by inserting the following section:-

"SECTION 77A. Section 20 of chapter 90, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 69, the figure \$30, and inserting in place thereof the following figure:- \$37.50."; and by inserting after section 78 the following section:-

"SECTION 78A. Section 24 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 16 and 761, each time it appears, the figure \$150 and inserting in place thereof the following figure:- \$187.50."

Mr. Rosenberg in the Chair, after remarks, the amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 34A of chapter 164 of General Laws as so appearing, is hereby amended by adding after the word "town", the following words: "or any other public or quasi public agency or entity"; and in section 34A of such chapter 164 as so appearing, is hereby further amended by inserting after the word "municipality" in lines 12, 13, 29, 31, 35, 37, 44, 48, 52, 57 both times it appears 60, 65, and 70 the following:- or any other public or quasi public agency or entity.

After remarks, the amendment was **adopted**.

Ms. Chandler, Mr. Michael O. Moore, Ms. Creem, Ms. Clark, Mr. Wolf, Ms. Spilka and Messrs. Knapik, Eldridge, Rosenberg and Finegold moved that the bill be amended by inserting, after section \_\_, the following new section:-

"SECTION \_\_. Subsection (f) of section 1 of chapter 62 of the General Laws, as appearing in the 2010 Official Edition, is

hereby amended by inserting after the first sentence the following sentence:- “For purposes of clause (1), the making of a financial contribution, gift, bequest, donation or any other financial instrument or pledge in any amount or the donation or loan of any object of any value, or any combination of the foregoing, qualifying for deduction as a charitable contribution under section one hundred seventy (a) of the Code to any corporation, foundation, organization or institution, which is exempt from taxation under the provisions of section five hundred and one (c)(3) of the Code, shall not be used in any manner to determine domicile in the commonwealth or any other jurisdiction.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-seven minutes past eleven o'clock A.M., on motion of Ms. Chandler, as follows to wit (yeas 38 — nays 0) [Yeas and Nays No. 192]:

YEAS

Berry, Frederick E. Joyce, Brian A.  
Brewer, Stephen M. Keenan, John F.  
Brownsberger, William N. Kennedy, Thomas P.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 38.  
NAYS — 0.

The yeas and nays having been completed at a half past eleven o'clock A.M., the amendment was **adopted**.

Mr. Brownsberger moved that the bill be amended by inserting in Section 13 of Chapter 151A of the General Laws in the first paragraph after the words “commissioner may prescribe,” the following:- “provided that employers whose contribution totals less than \$500 per year shall be required to report annually rather than quarterly,”.

After debate, the amendment was *rejected*.

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

“SECTION X. Section 58 of Chapter 176 of the Acts of 2011 is hereby amended by striking out the figure ‘2’ after the words ‘retirement systems,’ and inserting in place thereof the figure ‘3’; and by striking out the figure ‘2’ after the words ‘members of the house of representatives, 1 of whom shall be appointed by the minority leader;’ and inserting in place thereof the figure ‘3’.”

After remarks, the amendment was *rejected*.

Messrs. Hart and Michael O. Moore, Ms. Clark and Mr. McGee moved that the bill be amended by adding the following sections:  
SECTION XX. The eleventh paragraph of section eighty-one of chapter one hundred forty-six of 1 the General Laws, as appearing in the 2006 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 Category M liquids, as defined in ASME B31.3 Process Piping manual, and high pressure systems over 150 psig or hazardous industrial type gases used in processes, biopharama manufacturing or 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 supersede Chapter 142.

SECTION XX. Section eighty-nine of said chapter one hundred forty-six 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 eighty-one, shall be subject to a fine of not less than one thousand dollars and not more than three thousand dollars, or by imprisonment for not more than three months, or both such fine and imprisonment.

After remarks, the amendment was *rejected*.

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

SECTION XX.

Section 1. For the purposes of this act, the following terms shall have the following meanings, unless the context clearly requires otherwise:

“city”, the city of Boston

“commissioner of the department”, the commissioner of conservation and recreation

“department” the department of conservation and recreation

“property”, a portion of a certain parcel of land, referenced in the Suffolk registry of located in the city of Boston, county of Suffolk, and commonwealth of Massachusetts, also as shown on a prepared by Engineering and dated , and being more particularly described as follows:

A strip of land approximately 10’ feet wide running parallel to Columbia Road from Preble Circle to I Street in the south boston section of the city of Boston. Said parcel of land containing approximately square feet. Subject to restrictions and easements of record.

Section 2. Notwithstanding the provisions of sections 40E through 40J of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of the division, in consultation with the commissioner of the department, may convey the property to the city to be under the care, control and custody of the city’s department for certain intended purposes to be more particularly described in section 4 of this act.

The conveyance shall be subject to restrictions and easements of record.

Section 3. The department intends to convey, and the city intends to acquire, by deed with approval as to the form by their respective legal counsels, any and all fee and non- fee interests associated with the property authorized under this act, and the city shall pay no monetary consideration to the commonwealth. The city shall be responsible for survey and other expenses relating to the conveyance of the property.

Section 4. After closing of the authorized conveyance, the city intends to use the property for certain municipal purposes, including but not limited to provide parking to those living and visiting the subject area so as to participate and enjoy the open space and recreation areas adjacent thereto and provided whose construction or use will be subject to all applicable laws and requirements of component jurisdiction.

Section 5. This act shall supersede or revoke any and all rights to the property granted or authorized by any other acts or resolves of the General Court.

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 20 of chapter 6 of the General Laws, as inserted by section 6, by inserting after subsection (h) the following new subsections:-

“(i) The governor shall select an architect of the state house from a list of 3 nominees submitted by the nominating committee pursuant to this section. The governor shall appoint the architect within 30 days after receiving the list of nominees. The architect shall be appointed to serve for a term of 5 years or until a successor is appointed.

The nominating committee shall consist of 7 members, 2 of whom shall be members of the senate appointed by the senate president, 1 of whom shall be a member of the senate appointed by the senate minority leader, 2 of whom shall be members of the house of representatives appointed by the speaker of the house, 1 of whom shall be a member of the house of representatives appointed by the minority leader of the house of representatives, and 1 of whom shall be appointed by the governor. The members of the nominating committee shall serve without compensation.

Before the expiration of the term of the architect or upon a vacancy in the position, the nominating committee shall request and receive 5 nominations for the selection of the architect from the Massachusetts chapter of the American Institute of Architects.

The nominating committee shall review all nominations in consultation with the Massachusetts Historical Commission and select 3 nominees who are residents of the commonwealth and have achieved fellow status within the American Institute of Architects.

With the names of the 3 nominees, the nominating committee shall submit to the governor biographical and professional information about each nominee along with supporting representative material that shows why the nominee is deserving of appointment as the architect of the state house

(j) The architect of the state house shall be an honorary position and the person appointed shall receive no remuneration and shall not be considered a state official or employee for such person’s service. The architect of the state house shall be an advocate for the physical, historic, and aesthetic nature of the state house and seek to raise the consciousness of all people to a greater appreciation of the architecture and architectural history of the state house and other architecturally significant public buildings in the commonwealth.”

The amendment was *rejected*.

Mr. Rodrigues, Ms. Chang-Diaz, Mr. DiDomenico, Ms. Jehlen and Mr. Brownsberger moved that the bill be amended in section 151 by striking out, in line 2176, the figure “6” and inserting in place thereof the following figure:- “12”; and in said section 151, by striking out, in lines 2183 and 2184, the words “and 2 of whom shall be advocates for children, youth and families” and inserting in place thereof the following words:- “2 of whom shall be consumers or parents of consumers of services provided by the executive office of health and human services; 4 of whom shall be representatives of a variety of executive office of health and human services providers who have a working knowledge of the programmatic and operational requirements associated with implementing confidentiality requirements and informed consent policies; and 2 of whom shall have expertise in providing legal

services to children and families seeking state services”.  
After remarks, the amendment was **adopted**.

Mr. Montigny moved that the bill be amended after Section 161, the following new section:-

SECTION \_\_\_\_\_. Chapter 276 of the General Laws is amended by inserting after Section 87A, the following new section 87B:-  
Section 87B. (a) Prior to the disposition, the court shall have the authority to divert defendants charged with a first offense of sections 8 and 53A (a) or (b) of chapter 272 of the General Laws to a first offender prostitution solicitation program. The court shall continue the matter while the defendant fulfills the requirements of the program and retain jurisdiction pending the defendant’s completion of the program.

(b) The court shall determine if the defendant is eligible to participate in the first offender prostitution prevention program established under this section. The defendant shall not be eligible if the court determines that;

(1) the defendant was convicted, admitted sufficient facts to a previous violation of sections 8 or 53A of chapter 272 or a similar offense under the laws of another state.;

(2) the defendant was previously admitted to a first offender prostitution prevention program pursuant to this section;

(3) the defendant has been charged with a violation of sections 8 or 53A of chapter 272 or a similar offense under the laws of another state and is awaiting adjudication of said offense;

(4) the defendant has been charged with, convicted or admitted sufficient facts to a violation of section 50 or 51 of Chapter 265;

(5) the defendant is a registered sex offender pursuant to Chapter 6 of the General Laws or pursuant to the laws of another jurisdiction;

(c) A first offender prostitution solicitation program established under this section must:

(1) provide each participant with information, counseling, and services relating to:

(i) the negative impact of commercial sex and sex trafficking on victims;

(ii) the negative impact of commercial sex and sex trafficking on communities;

(iii) health risk involved in prostitution including the risk of sexually; transmitted diseases, and issues relating to mental health, substance abuse and sexual addiction;

(iv) the legal consequence to the defendant; and

(v) classroom instruction related to the prevention of prostitution and issues organized crimes and the sex industry.

(2) Employ persons or solicit volunteers that may include, but not be limited to:

(i) health care professionals;

(ii) psychologists;

(iii) licensed social worker or counselors;

(iv) former prostitutes;

(v) members of a neighborhood association or community that is adversely affected by the commercial sex trade or trafficking of persons; or

(vi) employees of a nongovernmental organization specializing in advocacy or laws related to sex trafficking or human trafficking or in providing services to victims of those offenses.

(3) Establish and publish local procedures to promote maximum participation of eligible defendants in programs established in the county or municipality in which the defendants reside.

(4) allow any participant to withdraw from the program at any time before a trial on the merits has been initiated;

(4) Certify to the court that the defendant has successfully completed the requirements of the program or has failed to complete or has withdrawn from the program.

(d) Upon successful completion of the program the court shall dismiss the charge against the defendant. Upon dismissal the court may ordered the record of the defendant sealed. A dismissal under this section shall be considered a first offense in a subsequent prosecution in determining eligibility under subsection (b).

(e) The court shall assess a fee of \$750 for participation in the first offender prostitution solicitation program. The court shall not waive the fee but may reduce the fee based on a determination by probation that the defendant cannot pay the entire fee. The fee shall be distributed as follows;

(1) One third of the fee shall be forward to the non-profit organization certified by the commissioner of probation to conduct said program;

(2) One-third to the Human Trafficking Trust Fund established pursuant to section 66A of chapter 10; and

(3) One-third to the police department that was responsible for the arrest of the defendant.

(f) The commissioner of probation in consultation with the Anti-Human Trafficking Task Force shall review each non-profit organization that operates a first offender prostitution solicitation program and certify that the program is operating pursuant to the requirements set forth in subsection c of this section. The commissioner shall notify the administrative office of the trial court of all programs receiving said certification. Only programs certified by the commissioner shall qualify to operate a program under this section. The commissioner, at his discretion, may decertify a program for good cause at any time and the commissioner shall notify the administrative office of the trial court of said decertification.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at seven minutes before twelve o’clock noon, on motion of Mr. Montigny, as follows to wit (yeas 38 — nays 0) [Yeas and Nays No. 193]:

YEAS

Berry, Frederick E. Joyce, Brian A.

Brewer, Stephen M. Keenan, John F.

Brownsberger, William N. Kennedy, Thomas P.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 38.  
NAYS — 0.

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

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

“SECTION XX. Notwithstanding any general or special law to the contrary there is hereby established a special commission for the purpose of conducting an investigation and study of strategies to promote public awareness and increase knowledge of the causes of chronic obstructive pulmonary disease (COPD), the importance of early diagnosis, effective prevention strategies, and disease management. Said special commission shall determine what existing resources are currently being utilized, if there exists a solid scientific base of knowledge concerning COPD through surveillance, epidemiology, and research, and whether there is a need for improving the quality and accessibility of existing community-based COPD services. Said special commission shall consist of the Chairmen of the Joint Committee on Public Health or their designee; the Commissioner of the Department of Public Health or his designee; the Secretary of the Executive Office of Elder Affairs or his designee; a patient representative; a representative of the American Lung Association; a pulmonologist; a respiratory therapist; and a representative of the health insurance industry. Said special commission shall report, in writing the results of said study together with its recommendations, if any, not later than December 31, 2013.”

After remarks, the amendment was *rejected*.

Ms. Clark moved that the bill be amended in section 85, by adding a new section, after section 3 of the proposed Chapter 118I:-

“SECTION 3(a). The department shall implement a provider vaccine brand choice program as part of the commonwealth’s universal immunization program pursuant to section 24I of chapter 111; the vaccines for children program operated by the department under the authority of 42 U.S.C. §1396s; and in any other existing or future immunization program for children or adults administered through the state using local, state or federal funds. The vaccine brand choice program shall allow all healthcare providers participating in the state’s immunization programs to select any vaccine licensed by the federal Food and Drug Administration, including any combination vaccine and dosage form, that is (A) recommended by the National Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, and (B) made available to the Department of Public Health by the National Centers for Disease Control and Prevention. The Department of Public Health shall implement all or part of the provider choice system as soon as it is determined to be feasible, provided, however, that the department shall complete full implementation of the system not later than July 1, 2013.”; and by adding at the end of section 5 of the proposed Chapter 118I, the following new sentence:- “The department of health rules and regulations adopted shall not limit or infringe on the healthcare provider’s rights to brand choice as established in Section 3 of this legislation”.

The amendment was *rejected*.

Mr. Richard T. Moore moved that the bill be amended in Section 6 by adding, in line 28, after the word “commission” the following:- “in consultation with the Massachusetts Historical Commission”; and in line 32, by adding after the words “collection and” the following:- “in consultation with the Massachusetts Historical Commission”; and in line 39 by adding after the word “works” the following:- “in consultation with the Massachusetts Historical Commission”.

After remarks, the amendment was *rejected*.

Mr. Richard T. Moore moved that the bill be amended by inserting the following new section

“SECTION \_\_. Chapter 10 of the General Laws, as appearing in the 2010 official edition is hereby amended by inserting after section 35KK, the following new section:-

Section 35LL. Historic Public Buildings Preservation Trust Fund

There shall be established and set upon the books of the commonwealth a separate fund to be known as the Historic Public Buildings Trust Fund, for a separate, non-lapsing revolving fund known as the State Historic Buildings Trust Fund, hereinafter called the fund. The fund shall be administered by the Massachusetts Historical Commission established pursuant to section 26 of

chapter 9 of the general laws. Said fund shall consist of all revenues received by the commonwealth and credits: (1) under the provisions of section six L of chapter sixty-two; (2) from public and private sources such as gifts, grants, and donations to further historic public building preservation programs; or (3) from the federal government as reimbursements, grants-in-aid or other receipts on account of historic preservation activities.

All revenues credited under this section shall remain in said Historic Public Buildings Preservation Trust Fund and shall be available to be used for repair, renovation, historic preservation and improvements to state historic buildings including, but not limited to the Massachusetts State House on Beacon Street in the city of Boston, the Old State House on State Street in the city of Boston, and such other publicly owned historic structures and property as may be determined by the commission.

The state treasurer shall receive and deposit all revenues transmitted to him under the provisions of this section in such manner that will ensure the highest rate of interest available consistent with the safety of the fund, and in an account from which amounts may be withdrawn at any time without penalty for such withdrawal, all interest shall be deposited into the fund.

SECTION \_\_. Chapter 62 of the general laws, as so appearing, is hereby amended by inserting after section 6L, the following new section:-

Section 6M. Historic Public Buildings Trust Fund, Voluntary Contributions

Every individual who files a separate return and every husband and wife filing a return jointly may voluntarily contribute all or part of any refund to which they are entitled or may voluntarily add an amount onto any amount due to be credited to the Historic Public Buildings Trust Fund. At the beginning of each fiscal year, subject to appropriation, one dollar shall be credited from the General Fund to the Historic Public Buildings Preservation Trust Fund for each dollar contributed by the public in the prior fiscal year under the provisions of this section. The commissioner of the department of revenue shall certify to the state comptroller total revenues contributed to the Historic Public Buildings Preservation Trust Fund by individuals in the prior fiscal year.

A contribution made under this section may be made with respect to any taxable year at the time of filing the return of the tax imposed by this chapter for such taxable year; provided, however, that the commissioner shall prescribe the manner in which such contribution shall be made on the face of the return required by section five of chapter sixty-two C.

The commissioner shall annually report the total amount designated under this section to the state treasurer who shall credit such amount, plus accrued interest, to the Historic Public Buildings Preservation Trust Fund.”

The amendment was *rejected*.

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

“SECTION \_\_. A special commission is hereby established to study the revenue impact on cities and towns of businesses conforming with federal entity classification rules. The commission shall consider the amount of personal property tax revenue lost by individual cities and towns, the amount of revenue gained by the state, and ways to incentivize businesses to become domestic corporations while cities and towns are held harmless. The commission shall consist of 11 members, as follows: the chairs of the joint committee on revenue, who shall chair the commission; the commissioner of revenue, or her designee; 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 auditor, or her designee; the treasurer or his designee; the house minority leader, or his designee; and the senate minority leader, or his designee. Said commission shall report its findings, together with drafts of any legislation it recommends, to the senate and house clerks no later than July 1, 2013.”

After remarks, the amendment was *rejected*.

Messrs. Tarr, Knapik and Hedlund moved that the bill be amended by inserting the following sections:-

SECTION \_\_. Subsection (c) of section 3 of chapter 63B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking said subsection and inserting in place thereof the following:—

(c) For purposes of this chapter, there shall be four required installments for each taxable year, except as otherwise provided by this chapter. The first installment shall be paid on or before the fifteenth day of the third month of the taxable year; the second installment shall be paid on or before the fifteenth day of the sixth month of the taxable year; the third installment shall be paid on or before the fifteenth day of the ninth month of the taxable year; and the fourth installment shall be paid on or before the fifteenth day of the twelfth month of the taxable year. The amount of any installment shall be twenty-five per cent of the required annual payment.

The term “required annual payment” means the lesser of (i) ninety percent of the tax shown on the return for the taxable year or, if no return is filed, ninety percent of the tax for such year, or (ii) one hundred percent of the tax shown on the return of the corporation for the preceding taxable year, or (iii) ninety percent of the tax for the taxable year or, if no return is filed, ninety percent of tax for such year determined by using the income apportionment percentage, if any, applicable for the preceding taxable year in computing its net income subject to tax under chapter sixty-three.

Clause (ii) shall not apply if the preceding taxable year was not a taxable year of twelve months or the corporation did not file a return for such preceding taxable year showing a liability for tax.

Clause (ii) shall not apply in the case of a large corporation, as defined in section sixty-six hundred and fifty-five (g) of the Internal Revenue Code of the United States, as amended on January first, nineteen hundred and eighty-nine and in effect for the taxable year except for purposes of determining the amount of the first required installment for any taxable year; provided, however that any reduction in such first installment by reason of this provision shall be recaptured by increasing the amount of the next required installment by the amount of such reduction.

SECTION \_\_. Section 4A of chapter 63B of the General Laws, as so appearing, is hereby amended by striking the word “sixty-five” in line 4 and inserting in place thereof the following:-- 50

SECTION \_\_. Section 4A of chapter 63B of the General Laws, as so appearing, is hereby amended by striking the word “ten” in line 9 and inserting in place thereof the following:-- 25

SECTION \_\_. Section 4A of chapter 63B of the General Laws, as so appearing, is hereby amended by striking the word “ninety” in line 14 and inserting in place thereof the following:-- 25

SECTION \_\_. Section 4A of chapter 63B of the General Laws, as so appearing, is hereby amended by striking the word “ten” in line 16 and inserting in place thereof the following:-- 25

SECTION \_\_. Section 4B of chapter 63B of the General Laws, as so appearing, is hereby amended by striking the word “thirty” in line 7 and inserting in place thereof the following:-- 25.

SECTION \_\_. Section 4B of chapter 63B of the General Laws, as so appearing, is hereby amended by striking the word “twenty-five” in line 10 and inserting in place thereof the following:-- 25.

SECTION \_\_. Section 4B of chapter 63B of the General Laws, as so appearing, is hereby amended by striking the word “twenty-five” in line 13 and inserting in place thereof the following:-- 25.

SECTION \_\_. Section 4B of chapter 63B of the General Laws, as so appearing, is hereby amended by striking the word “twenty” in line 15 and inserting in place thereof the following:-- 25.

SECTION \_\_. Section 12 of chapter 156C of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking subsection (d) and inserting in place thereof the following:-

(d) No fee shall be issued for the filing of the certificate of organization required by subsection (a). The fee for the filing of the annual report required by subsection (c) shall be \$125. Said fee shall be paid to the state secretary at the time the annual report is filed.

After debate, the amendment was *rejected*.

Mr. Rodrigues moved that the bill be amended in section 2, in item 1233-2401, by striking out the figure “\$325,000” and inserting in place thereof the following figure:- “\$500,000”.

After remarks, the amendment was **adopted**.

Messrs. Hedlund, Richard T. Moore, Ross, Tarr and Knapik moved that the bill be amended by inserting after section 153 the following section:-

“SECTION 153A. The inspector general, in consultation with the attorney general, shall enter into a contract with a third party for the purposes of auditing all affordable housing projects’ cost certifications submitted after January 1, 2004 that were built through the comprehensive permit process as outlined in sections 20 to 23, inclusive, of chapter 40B of the General Laws. The third party shall be hired through a competitive bidding process and be a certified public accountant licensed and in good standing with the commonwealth and meet minimum professional qualifications, as determined by the inspector general. All audits performed through this section shall be conducted under the American Institute of Certified Public Accountants auditing standards; provided, however, in the event of any conflict between the American Institute of Certified Public Accountants auditing standards and housing policy guidance or regulations issued by the department of housing and community development or any subsidizing agency on or after November 30, 2006, such policy guidance or regulation shall control. The audits performed under this section may include, but not be limited to, a review of the submitted cost certification, agreements between the developer and the municipality, site eligibility letters issued by the subsidizing agencies, purchase and sales agreements, any and all documentation relating to the real estate appraisal of the relevant property or properties under the applicable rules that were in place at the time that the cost certification occurred, all reported expenses and revenues, and all documentation relating to the purchase, sale or lease of all constructed units.

At the request of the third party, the inspector general may summons the production of all records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material relevant to any matter under audit or investigation, under section 9 of chapter 12A of the General Laws.

The findings of every audit, including any evidence of illegal or fraudulent activities, or cases where the actual realized profit of an individual project exceeds 20 per cent, shall be presented immediately upon completion to the inspector general, the attorney general and the department of housing and community development for review. The inspector general may take whatever further action is considered necessary, under section 10 of said chapter 12A.

The attorney general may recover monies owed to the host communities. The third party hired to conduct the initial audit may receive a pre-determined percentage of all recovered monies, not to exceed 10 per cent, with the balance being returned to the host community.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty minutes past twelve o’clock noon, on motion of Mr. Tarr, as follows to wit (yeas 38 — nays 0) [Yeas and Nays No. 195]:

YEAS

Berry, Frederick E. Joyce, Brian A.

Brewer, Stephen M. Keenan, John F.

Brownsberger, William N. Kennedy, Thomas P.

Candaras, Gale D. Knapik, Michael R.

Chandler, Harriette L. McGee, Thomas M.

Chang-Diaz, Sonia Montigny, Mark C.

Clark, Katherine M. Moore, Michael O.

Creem, Cynthia Stone Moore, Richard T.

DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 38.  
NAYS — 0.

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

Ms. Creem moved that the bill be amended by inserting, after Section 71, the following section:-

“SECTION 71A. The fourth sentence of subsection (a) of section 5A of chapter 71B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the word ‘not’ and said section is further amended by striking, in lines 26 and 27, the following words: - ‘transportation costs’.”

The amendment was *rejected*.

Mr. Keenan moved that the bill be amended in section 2, in item 7004-0099, by inserting after the word “requirements”, the following words:- “; provided further that not less than \$100,000 shall be expended to the town of Holbrook for a one-time community action grant which will fund an upgrade to town facilities”; and in said item by striking out the figures “\$6,914,734” and inserting in place thereof the figures “\$7,014,734”.

The amendment was *rejected*.

Mr. Joyce and Ms. Fargo moved that the bill be amended in section 2, in item 0321-1600, by striking out the figure “\$11,000,000” and inserting in place thereof the following figure:- “\$11,500,000”

After remarks, the amendment was **adopted**.

Mr. Rodrigues and Ms. Clark and Mr. Knapik moved that the bill be amended in section 2, in item 0330-0300, by inserting the following words:- “provided further, that not less than \$20,000 shall be expended for the “Grandparents Raising Grandchildren Project” to provide legal services to such grandparents in the areas of family law and public benefits and further requiring the chief justice of administration and management to make a report to the Legislature no later than January 2013 of all the above grandparents who requested legal services, were eligible for legal services and were denied because of insufficient resources, including the legal problem for which they sought assistance;”; and by striking out the figures “\$205,790,613” and inserting in place thereof the figures “\$205,810,613”.

The amendment was *rejected*.

Messrs. Rodrigues and Kennedy and Ms. Donoghue moved that the bill be amended in section 2, in item 0322-0100, by striking out the figure “\$11,434,229” and inserting in place thereof the following figure:- “\$11,534,299”.

The amendment was *rejected*.

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

“SECTION \_\_. Section 69 of chapter 138, as so appearing, is hereby amended by inserting, after the first sentence, the following:- “Whoever violates this section shall be punished, for a first offense, by a fine of not less than two hundred and fifty dollars nor more than one thousand dollars, or by imprisonment for not less than one month nor more than six months, or both; for a second or subsequent offense, by a fine of not less than one thousand dollars nor more than two thousand five hundred dollars, or by imprisonment for not less than six months nor more one year, or both.”

After remarks, the amendment was *rejected*.

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

“SECTION \_\_. Chapter 119 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following new section:-

Section 39DD. (a) For the purposes of this section, the term “dependent on the court” shall mean subject to the jurisdiction of the court for the findings, orders, and referrals enumerated in this section but shall not constitute a finding of legal incompetence.

(b) The divisions of the probate and family court department shall hear petitions of persons, who have attained the age of 18 but remain under the age of 21, seeking a determination that, as a result of abuse, neglect, or abandonment that the petitioner suffered as a child, it is in the best interest of the petitioner not to return to the petitioner’s or the petitioner’s parent’s previous country of nationality or country of last habitual residence.

(c) Upon reviewing the petition and any supporting affidavits, the court shall issue findings of fact which (1) declare the petitioner dependent upon the court as defined in this section; (2) determine whether the petitioner suffered as a child from abuse,

neglect or abandonment as those terms are defined in 110 CMR 2.00, chapter 119 or in section 3 of chapter 210 of the General Laws; (3) determine whether reunification with one or both parents is not viable due to the abuse, neglect, or abandonment; and (4) determine whether as a result of the abuse, neglect or abandonment, it is not in the petitioner's best interest to be returned to the petitioner's or the petitioner's parent's previous country of nationality or country of last habitual residence.

The health and safety of the petitioner shall be of paramount, but not exclusive, concern in the above determinations. When considering the health and safety of the petitioner, the court shall consider whether the petitioner's present or past living conditions will adversely affect his physical, mental, moral or emotional health.

(d) The petitioner under this section may also request orders necessary to protect against further abuse, including, but not limited to, filing a complaint for an abuse prevention order as set out in chapter 209A of the General Laws.

(e) The court may refer the petitioner to a probation officer for assistance and such officer shall have the authority to make referrals to an appropriate public or private organization or person for psychiatric, psychological, educational, occupational, medical, dental or social services. The petitioner may not be compelled to participate in the referrals.

(f) The court shall hear the petition and issue the findings of fact under this section before the petitioner attains the age of 21.

(g) Nothing in this section shall be construed to prevent the divisions of the probate and family court department or the juvenile court department from issuing similar findings of fact to those in subsection (c) in any proceedings related to a child."

The amendment was *rejected*.

Ms. Chandler, Ms. Flanagan and Mr. Richard T. Moore moved that the bill be amended in section 2, in item 0340-0400, by striking the figure "9,334,263" and inserting in place thereof the following figure:- "\$9,654,235".

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended in section 2 in item 0340-0198, by striking out the figure "354,303" and inserting in place thereof the following figure "372,018"; in item 0340-0298, by striking out the figure "516,485" and inserting in place thereof the following figure "542,309"; in item 0340-0398, by striking out the figure "504,351" and inserting in place thereof the following figure "529,568"; in item 0340-0498, by striking out the figure "413,499" and inserting in place thereof the following figure "434,173"; in item 0340-0598, by striking out the figure "339,899" and inserting in place thereof the following figure "356,893"; in item 0340-0698, by striking out the figure "294,248" and inserting in place thereof the following figure "308,960"; in item 0340-0798, by striking out the figure "427,306" and inserting in place thereof the following figure "448,671"; in item 0340-0898, by striking out the figure "429,842" and inserting in place thereof the following figure "451,334"; in item 0340-0998, by striking out the figure "326,318" and inserting in place thereof the following figure "342,633"; in item 0340-1098, by striking out the figure "278,735" and inserting in place thereof the following figure "292,671"; and in item 0340-1198, by striking out the figure "215,126" and inserting in place thereof the following figure "225,882".

After remarks, the amendment was *rejected*.

Messrs. Berry, Downing, Michael O. Moore and Knapik moved that the bill be amended in section 2, in item 0840-0100, by striking out the figures "\$475,700" and inserting in place thereof the figures "\$494,923".

The amendment was **adopted**.

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

"SECTION XX. Section 100A of chapter 276 of the General Laws, as so appearing, is hereby amended by inserting after the word "court", in line 69, the following words:- 'a victim wishing to obtain information on a sex offense, as defined in section 178C of chapter 6, committed against them when said victim was a juvenile at the time of the offense committed by an offender who was an adult at such time.'"

After remarks, the amendment was *rejected*.

Mr. Wolf, Ms. Clark and Messrs. Eldridge, Michael O. Moore, Donnelly and McGee moved that the bill be amended in section 2, in item 0810-0045, by striking out the figure "\$3,072,081" and inserting in place thereof the following figure: - "3,333,588".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty minutes before one o'clock P.M., on motion of Mr. Hart, as follows to wit (yeas 38 — nays 0) [Yeas and Nays No. 195]:

YEAS

Berry, Frederick E. Joyce, Brian A.  
Brewer, Stephen M. Keenan, John F.  
Brownsberger, William N. Kennedy, Thomas P.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petrucci, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.

Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E.  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 38.  
NAYS — 0.

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

Mr. Hart moved that the bill be amended in section 2, in item 0321-2205, by striking out the figure "\$1,000,000" and inserting in place thereof the following figure:- "\$1,140,000".  
The amendment was *rejected*.

Mr. DiDomenico, Ms. Candaras and Messrs. Knapik and McGee moved that the bill be amended in section 2, in item 0339-1003, by adding after the word "sheriffs" the following words:- "; and provided further, that the Executive Director of the Office of Community Corrections shall make not less than \$500,000 available for rehabilitative pilot programs that incorporate evidence-based correctional practices".  
The amendment was *rejected*.

Messrs. Eldridge, Michael O. Moore, Joyce and Knapik moved that the bill be amended in section 2, in item 0840-0101, by striking out the figure "\$736,667" and inserting in place thereof the following figure:- "\$800,899".  
The amendment was *rejected*.

Ms. Creem, Messrs. Brownsberger and Joyce, Ms. Jehlen and Mr. Eldridge moved that the bill be amended in section 2, in item 0321-2000, by striking out the figure "\$837,712" and inserting in place thereof the following figure:- "\$852,612".  
After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at thirteen minutes before one o'clock P.M., on motion of Ms. Creem, as follows to wit (yeas 38 — nays 0) [Yeas and Nays No. 196]:

YEAS

Berry, Frederick E. Joyce, Brian A.  
Brewer, Stephen M. Keenan, John F.  
Brownsberger, William N. Kennedy, Thomas P.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E.  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 38.  
NAYS — 0.

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

Ms. Creem, Messrs. Hart, Brownsberger, Petruccelli and Rosenberg, Ms. Clark, Messrs. Donnelly and Eldridge, Ms. Jehlen, Ms. Spilka, Mr. DiDomenico, Ms. Chang-Diaz, Messrs. Finegold, Rodrigues and Rush, Ms. Fargo, Mr. Keenan, Ms. Chandler and Mr. Joyce moved that the bill be amended in section 2, in item 0321-1600, by striking out the figure "\$11,000,000" and inserting in place thereof the following figure:- "\$14,500,000".  
The amendment was *rejected*.

Mr. Keenan moved that the bill be amended by adding at the end the following outside section:-  
"SECTION X. The Quincy district courthouse in the city of Quincy shall be designated and known as the Francis X. Bellotti Courthouse. The division of capital asset management and maintenance shall erect and maintain suitable markers bearing the

designation in compliance with the standards of the division.”  
The amendment was **adopted**.

Ms. Donoghue and Messrs. Rodrigues, McGee, Finegold and Michael O. Moore moved that the bill be amended in section 2, in item 1599-0026, by striking out the figure “3,000,000” and inserting in place thereof the following figure:- “\$4,000,000”; and by striking out the figure “\$7,000,000” and inserting in place thereof the following figure:- “\$8,000,000”.  
After remarks, the amendment was **adopted**.

Ms. Donoghue, Messrs. Eldridge and Rosenberg, Ms. Creem, Ms. Fargo, Messrs. Knapik, Joyce, Hart and DiDomenico, Ms. Chang-Diaz, Mr. Brownsberger, Ms. Clark, Mr. Michael O. Moore, Ms. Chandler and Messrs. Petruccelli, Montigny and Downing moved that the bill be amended in section 2, in item 0640-0300, by striking out the figure “\$6,254,109” and inserting in place thereof the following figure:- “\$8,000,000”.  
After remarks, the amendment was *rejected*.

Ms. Donoghue and Mr. Joyce moved that the bill be amended by inserting after section \_\_, the following new section:-  
“SECTION \_\_. Section 12 of chapter 156C, as so appearing, is hereby amended by striking subsection (d) of paragraph (9) and inserting in place thereof the following:-  
(d) The fee for the filing of the certificate of organization required by subsection (a) shall be five hundred dollars. The fee for the filing of the annual report required by subsection (c) shall be five hundred dollars, notwithstanding subsection (e). Such fees shall be paid to the state secretary at the time the certificate of organization or the annual report is filed.  
(e) The fee for the filing of the annual report required by subsection (c) for a limited liability company with 6 employees or less shall be two hundred and fifty dollars. Such fees shall be paid to the state secretary at the time the annual report is filed.”  
The amendment was *rejected*.

Mr. Timilty moved that the bill be amended by inserting the text of Senate document numbered 2277, relative to secondary metals.  
After remarks, the amendment was *rejected*.

Messrs. Timilty and Michael O. Moore moved that the bill be amended in section 2, in item 0610-0050, by striking out the figure “\$2,060,249” and inserting in place thereof the following figure:- “\$2,173,736”.  
The amendment was *rejected*.

Mr. Timilty moved that the bill be amended by adding at the end thereof the following new section:-  
“Section X. Notwithstanding any general or special law to the contrary, the department of revenue, in conjunction with the executive office of health and human services, shall investigate and report on the feasibility and costs of implementing a sales tax exemption for any medical equipment deemed medically necessary and prescribed by a physician. The department of revenue shall report its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the house of representatives and senate, the joint committee on revenue and the house and senate committees on ways and means not later than December 31, 2012.”  
After remarks, the amendment was *rejected*.

Ms. Donoghue and Mr. Finegold moved that the bill be amended in section 20, by striking out, in line 168, the figure “2” and inserting in place thereof the following figure:- “3”; and in said section 20, by inserting after proposed section 35UU the following section:-  
“Section 35VV. (a) There shall be established and set up on the books of the commonwealth a trust to be known as the Social Innovation Financing Trust Fund for the purpose of funding contracts to improve outcomes and lower costs for contracted government services, hereinafter referred to as ‘pay for success contracts’, subject to the requirements of subsection (b).  
(b) Notwithstanding any general or special law to the contrary, the secretary of administration and finance, may enter into pay for success contracts. Each contract shall include: (1) a requirement that a substantial portion of the payment be conditioned on the achievement of specific outcomes based on defined performance targets; (2) an objective process by which an independent evaluator will determine whether the performance targets have been achieved; (3) a calculation of the amount and timing of payments that would be earned by the service provider during each year of the agreement if performance targets are achieved as determined by the independent evaluator; (4) a sinking fund requirement under which the secretary shall request an appropriation for each fiscal year that the contract is in effect, in an amount equal to the expected payments that the commonwealth would ultimately be obligated to pay in the future based upon service provided during that fiscal year, if performance targets were achieved; and (5) a determination by the secretary that the contract will result in significant performance improvements and budgetary savings across all impacted agencies if the performance targets are achieved.  
(c) The secretary, in his discretion, may provide that payments in future years under any such contracts shall constitute a general obligation of the commonwealth for which the full faith and credit of the commonwealth shall be pledged for the benefit of the providers of the contracted government services, but the total amount of payments under such contracts secured by a pledge of the full faith and credit of the commonwealth shall not exceed, in the aggregate, \$50,000,000.  
(d) The secretary shall be the trustee of the trust, shall administer the trust and shall ensure that all funds appropriated as described in this section are deposited in the trust and shall make payments from the trust in accordance with the terms and

conditions of the contracts, without further appropriation. The secretary shall provide a status report on all contracts not later than February 1 of each year to the house and senate committees on ways and means.”

After remarks, the amendment was **adopted**.

Mr. Michael O. Moore moved that the bill be amended in section 2 by inserting after item 0610-0051 the following item: “0610-0060 For the costs associated with the investigation and enforcement division of the alcoholic beverages control commission’s implementation of the enhanced liquor enforcement programs, known as Safe Campus, Safe Holidays, Safe Prom and Safe Summer; provided, that funds from this appropriation shall not support other operating costs of item 0610-0050..... \$150,000”.

After remarks, the amendment was *rejected*.

Ms. Creem, Messrs. Eldridge and DiDomenico, Ms. Spilka, Ms. Clark, Messrs. Joyce, Michael O. Moore, Finegold and Brownsberger, Ms. Chandler and Mr. McGee moved that the bill be amended in section 2 in item 7000-9406, by striking out the figure “\$2,299,384” and inserting in place thereof the figure “\$2,400,000”.

After remarks, the amendment was **adopted**.

Ms. Donoghue moved that the bill be amended in section 2, in item 1232-0100, by inserting after the word “facilities” the following: - “; provided further that any unexpended funds in this line item at the end of fiscal year 2012 shall not revert and shall be made available for the purposes of this line item until June 30, 2013”.

After remarks, the amendment was **adopted**.

Ms. Chandler moved that the bill be amended in section 2, in item 1599-4442, by adding at the end thereof the following: “in addition to previously executed agreements between the Worcester sheriff and NEPBA Local 550, NEPBA Local 275, NAGE Local RI-225 and UAW Local 442”; and in said item, by striking the figures “\$6,272,376” and inserting in place thereof the following figures: “\$7,046,588”.

The amendment was *rejected*.

Messrs. Joyce and Richard T. Moore and Ms. Chang-Diaz 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 following figure:- “\$9,989,844”.

The amendment was *rejected*.

Recess.

At nine minutes past one o’clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at six minutes past two o’clock P.M., the Senate reassembled, the President in the Chair.

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill designating a certain bridge in the town of Barre as the Purple Heart Bridge (see Senate, No. 1724) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.

Orders of the Day.

The Orders of the Day were further considered as follows:

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

Mr. Donnelly moved that the bill be amended in section 2, in item 1100-1700, by striking out the figure “\$25,547,370” and inserting in place thereof the following figure:- \$28,602,693; in item 1790-0350, by striking out the figure “\$ 1,200,000” and inserting in place thereof the following figure:- \$2,612,820; in item 2000-1700, by striking out the figure “\$8,992,666” and inserting in place thereof the following figure:- \$10,145,502; in item 4000-1700, by striking out the figure “\$ 93,676,495” and inserting in place thereof the following figure:- \$100,301,495; and in item 8000-1700, by striking out the figure “\$ 19,396,655” and inserting in place thereof the following figure:- “\$20,396,655”.

After remarks, the amendment was *rejected*.

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

“SECTION \_\_. Section 2 of Chapter 38, in line item 0511-0000 of the Acts of 1995, is hereby amended by striking out, in lines 19-22, on page 142, the following words:- ‘provided further, that the citizen information service be established by the Massachusetts emergency management agency as the official information service to provide information to citizens during emergency declarations’.”

The amendment was **adopted**.

Mr. Rosenberg moved that the bill be amended in section 2, in item 0511-0270, by striking out the figure “\$400,000” and inserting in place thereof the following:- “\$500,000”.

The amendment was *rejected*.

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

“SECTION \_\_. Section 12 of Chapter 22 of the General Laws is hereby amended by adding at the end thereof the following:- Each commissioner shall be deemed an employee of the Commonwealth, shall work not less than 18.5 hours a week and shall be compensated at the rate of not less than \$5,000 per year.”

The amendment was *rejected*.

Mr. Donnelly moved that the bill be amended in section 2, in item 7004-0099, by adding, in the last sentence, after the words “city of Worcester”, the following new sentence:- “; provided further, that \$200,000 shall be expended to assist the town of Burlington for the renovation and expansion of the Grand View Farm;”.

The amendment was *rejected*.

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

“SECTION XX. The secretary of administration and finance shall conduct a cost-benefit analysis of consolidating the responsibilities and charges of the inspector general, the state auditor and the attorney general. The study shall include, but not be limited to: (i) investigating potential cost savings associated with the consolidation of agency responsibilities with regards to the timely intervention of waste, fraud and abuse by the inspector general, the state auditor, and the attorney general, (ii) investigating the possibility of centralizing the civil and criminal investigation programs and practices between the inspector general’s office and the office of the attorney general, (iii) assessing the impact of a transfer or consolidation of efforts and responsibilities between these state agencies and any others the secretary of administration and finance deems responsible for government inspection, auditing, accountability and oversight, (iv) investigating any potential constitutional issues associated with the consolidation of agency responsibilities. The secretary shall consult with and receive information as needed from the inspector general, the attorney general and the state auditor. A report on the result of the study shall be filed not later than October 1, 2013 with the governor, the clerks of the house of representatives and the senate, and the house and senate committees on ways and means.”

The amendment was *rejected*.

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

“SECTION XX. Section 7 of chapter 4 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, in line 18, after the word ‘charter.’, the following clause:- ‘Third B, “Certified and binding vote”, when used in connection with the local approval of a proposed land use shall include the municipality in which the proposed land use is located and the precinct, of any adjoining municipality, located within 500 feet of the proposed land use.’”.

The amendment was *rejected*.

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

“SECTION XX. Chapter 10 of the General Laws is hereby amended by striking out section 66, as appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

Section 66. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Victims of Drunk Driving Trust Fund. The fund shall consist of monies paid to the courts pursuant to the third paragraph of subparagraph (1) of paragraph (a) of subdivision (1) of section 24 of chapter 90, together with any interest or earnings accrued on such monies through investment or deposit. 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. The state treasurer shall transfer funds from the income and receipts of the fund to the victim and witness assistance board, as established in section 4 of chapter 258B, from time to time, at the request of the board. The board shall administer grants from the fund, without further appropriation, and may award them to community-based programs and public agencies in the commonwealth to provide counseling and support services to victims, witnesses, and their family members of crashes caused by persons driving under the influence of drugs or alcohol. The board may also permit the allocation of funds for the purposes of impaired driving prevention, education, and training services. The board shall develop, in conjunction with the department of public health’s bureau of substance abuse and the Massachusetts chapter of Mothers Against Drunk Driving, written criteria for the awarding of grants and other funding allocations, which shall be evaluated and, if necessary, revised on an annual basis. For the purposes of this section, the words ‘victim,’ ‘witness,’ and ‘family member’ shall have the same meaning as defined in section 1 of said chapter 258B

The board shall file a report detailing the amount of funds collected and expended from the fund along with a copy of the written criteria used to expend the funds to the house and senate committees on ways and means not later than February 28 of each calendar year. An amount not to exceed 5 per cent of the total funds deposited in the fund may be expended by the board for administrative costs directly attributable to the grants and programs funded by the fund, including, but not limited to, the costs of clerical and support personnel. Any unexpended balance of monies in the fund at the end of the fiscal year shall not revert to the General Fund but shall remain available for expenditure from such fund in subsequent fiscal years. No expenditure made from

the fund shall cause the fund to become deficient at any point during a fiscal year.”  
After remarks, the amendment was *rejected*.

Ms. Candaras and Messrs. Knapik and Welch moved that the bill be amended in section 2, in item 1599-4442 by inserting the following:- “; provided further that \$1,451,000 be expended for the purpose of funding contracts between the Hampden Sheriff and the national Correctional Employees Union, between the Hampden Sheriff and the Hampden County Superior Correctional Officers’ Association, and between the Hampden Sheriff and the Non-Uniformed Correction Association” and striking out the figures “\$6,272,376” and inserting in place thereof the figures “\$7,723,376”.  
The amendment was *rejected*.

Ms. Chang-Diaz moved that the bill be amended by inserting after section \_\_, the following new section:-  
“SECTION \_\_. Section 2A of Chapter 312 of the Acts of 2008 is hereby amended, in line item 2840-7014, after the word ‘Walpole,’ by striking out the text ‘provided further, that not less than \$5,659,000 shall be expended for construction of a permanent ice skating rink in Jamaica Plain;’ and inserting in place thereof the following new text:- ‘provided further, that not less than \$5,659,000 shall be expended for construction of a permanent ice skating rink and recreation center in the Jackson Square section of Roxbury and Jamaica Plain and that these funds will be provided to the developer designated by the City of Boston through the selection process initiated in July 2004 and following approval of the project through the City of Boston’s Article 80 process, which approval was granted on June 16, 2011 and documented in the approved Memorandum to the Boston Redevelopment Authority of the same date;”  
The amendment was *rejected*.

Ms. Creem moved that the bill be amended in section 151 by inserting, after the words “confidentiality laws and policies”, the following words:-”and who shall be selected from a list of at least three recommendations from the Chief Counsel for the Committee for Public Counsel Services”.  
The amendment was *rejected*.

Messrs. Tarr, Knapik and Hedlund moved that the bill be amended by inserting after section \_\_, the following new sections:-  
“SECTION \_\_. Section 2I of Chapter 29 of the general laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word ‘consisting’, in line 3, the following words:- of any funds that may be appropriated or transferred for deposit into the fund and.  
SECTION \_\_. The provisions of any general or special law notwithstanding, not less than 25 per cent of any consolidated net surplus arising from Fiscal Year 2013 shall be deposited into the Tax Reduction Fund in section 2I of chapter 29 of the general laws.”  
After debate, the amendment was *rejected*.

Messrs. Donnelly, DiDomenico, Michael O. Moore, Timilty, Keenan and Finegold, Ms. Jehlen, Mr. Pacheco and Ms. Chang-Diaz moved that the bill be amended by inserting, after section \_\_, the following section: -  
“SECTION \_\_\_\_. Section 27H of chapter 149 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking, in lines 1 and 2, the words ‘the cleaning and maintenance of’ and inserting in place thereof the following words:- ‘cleaning, maintenance or security guard services in’, inserting, in line 6, after the word ‘maintenance’, the following words:- ‘, security guard’ and in line 9, immediately following the third sentence, inserting the following two sentences: The prevailing rate of wages shall be determined by the director as herein provided. Said prevailing wage rates shall be based on wage rates that have been established by collective bargaining agreements or understandings between organized labor and employers which employ maintenance workers, or janitors or security guards, as applicable.”  
After remarks, the amendment was *rejected*.

Messrs. Eldridge, Tarr, Downing, Brownsberger, Knapik, Welch, Rodrigues and Rosenberg, Ms. Clark, Ms. Spilka, Messrs. Finegold, DiDomenico and Donnelly, Ms. Fargo, Messrs. Wolf, Joyce and Kennedy, Ms. Donoghue and Mr. Pacheco moved that the bill be amended in section 2, in item 1599-0026, by inserting at the end thereof the following:- “; provided further, that not less than \$2,000,000 shall be expended to fund the District Local Technical Assistance Fund, including projects that encourage regionalization, to be administered by the division of local services and distributed through the District Local Technical Assistance Fund”; and by striking the figures “\$7,000,000” and inserting in place thereof the following figures:- “\$9,000,000”.  
After remarks, the amendment was *rejected*.

Mr. Kennedy moved that the bill be amended in section 108, by striking in lines 1448 and 1449 the following words:- “whether established administratively or by law, including a separate account”.  
The amendment was *rejected*.

Mr. Kennedy moved that the bill be amended by inserting after section \_\_, the following new section:  
“SECTION 1. Notwithstanding the provisions of section 3 of chapter 53 of the General Laws or any other special or general law to the contrary, a person whose name is not printed on the September 6, 2012, state primary ballot as a candidate for an office, but who receives sufficient votes to nominate him therefore, shall file in the office of the state secretary a written acceptance of said nomination and a receipt from the state ethics commission verifying the fact that a statement of financial interest has been

filed under chapter two hundred and sixty eight B no later than 5:00 pm on Monday, September 10, 2012.

SECTION 2. Notwithstanding the provisions of sections 11, 13 and 53A of chapter 53 and section 5 of chapter 55B of the General Laws or any other special or general law to the contrary, objections to and withdrawals from nominations made at the September 6, 2012, state primary shall be filed with the state secretary no later than 5:00 p.m. on Monday, September 10, 2012.

SECTION 3. Notwithstanding the provisions of section 14 of chapter 53 or any other special or general law to the contrary, any vacancies from the September 6, 2012 state primary caused by death, withdrawal or ineligibility in accordance with Section 2, shall be filled by an executive committee, determined by the state party committee, of the same political party who made the original nomination.

SECTION 4. Notwithstanding the provisions of section 15 of chapter 53 of the General Laws or any other special or general law to the contrary, when a nomination is made to fill a vacancy caused by the death, withdrawal or ineligibility of a candidate from the September 6, 2012, state primary, the certificate of nomination shall be on a form prescribed by the state secretary, shall be signed by the executive committee appointed by the state committee of the same political party as provided for in Section 3, and shall be filed with the state secretary no later than 5:00 pm on Wednesday, September 12, 2012.

SECTION 5. Notwithstanding the provisions of section 135 of chapter 54 of the General Laws or any other special or general law to the contrary, a petition for a recount of the September 6, 2012 state primary shall be filed with the appropriate local election official no later than 5:00 pm on September 10, 2012 and all recounts must be completed and notice of the results sent to the state secretary no later than 5:00 pm on September 13, 2012.

SECTION 6. Notwithstanding the provisions of section 135 of chapter 54 of the General Laws or any other special or general law to the contrary, petitions for district wide and statewide recounts of the September 6, 2012 state primary shall be submitted to the appropriate local election officials for certification no later than 12:00 pm on September 10, 2012 and local election officials must complete certification no later than 5:00 pm on September 10, 2012. Thereafter, certified petitions must be filed with the secretary of state no later than 5:00 pm on September 11, 2012. If the state secretary determines that the contest is eligible for a statewide or district wide recount, he shall notify the local election officials who must complete such recounts and notify the state secretary of the results of the recount no later than 5:00 pm on September 14, 2012.

SECTION 7. Notwithstanding the provisions of sections 8, 9 and 10 of chapter 55B of the General Laws or any other special or general law to the contrary, the state ballot law commission shall notify candidates of any objections filed to nominations at the September 6, 2012 state primary no later than 5:00 pm on September 11, 2012 and hearing on objections shall be held on September 13, 2012 and decisions rendered no later than 5:00 pm on September 14, 2012.

SECTION 8. Notwithstanding any general or special law to the contrary, the state secretary shall have the authority to add or change any dates relating to the nominations made at the September 6, 2012 state primary he deems necessary for the orderly administration of the November 6, 2012 election by providing notice of such change to the state parties and any affected person, by filing notice with the Rules and Regulations Division, by posting on his website and by whatever other means he deems appropriate.

SECTION 9. This act shall take effect upon its passage.”

The amendment was *rejected*.

Mr. Keenan moved that the bill be amended in section 2, in item 1410-0300, by striking out the figure “\$21,473,000” and inserting in place thereof the following:- “\$27,317,582”; and by adding at the end thereof the following section:- “Chapter 115 Section 6B of the General laws is hereby amended by in lines 18, 26 and 33 by striking out the figures ‘\$2,000’ and inserting in place thereof the following figures ‘\$2,500’.” After remarks, the amendment was *rejected*.

Mr. Richard T. Moore moved that the bill be amended by striking out Section 58 in its entirety. After remarks, the amendment was *rejected*.

Messrs. Tarr, Knapik and Hedlund moved that the bill be amended by inserting, after section \_\_, the following new section:- “SECTION \_\_. The secretary for administration and finance is hereby authorized and directed to develop a three year plan to reduce state spending by not less than 5 per cent, and shall file such plan with the senate and house committees on ways and means and the clerks of the senate and house of representatives not later than eight months following the passage of this act.” After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at a quarter before three o’clock P.M., on motion of Mr. Tarr, as follows to wit (yeas 8 — nays 30) [Yeas and Nays No. 197]:

YEAS

Finegold, Barry R. Moore, Richard T.  
Hedlund, Robert L. Ross, Richard J.  
Knapik, Michael R. Tarr, Bruce E.  
Moore, Michael O. Timilty, James E. — 8.

NAYS

Berry, Frederick E. Hart, John A., Jr.  
Brewer, Stephen M. Jehlen, Patricia D.  
Brownsberger, William N. Joyce, Brian A.  
Candaras, Gale D. Keenan, John F.  
Chandler, Harriette L. Kennedy, Thomas P.  
Chang-Diaz, Sonia McGee, Thomas M.

Clark, Katherine M. Montigny, Mark C.  
Creem, Cynthia Stone. Pacheco, Marc R.  
DiDomenico, Sal N. Petruccelli, Anthony  
Donnelly, Kenneth J. Rodrigues, Michael J.  
Donoghue, Eileen M. Rosenberg, Stanley C.  
Downing, Benjamin B. Rush, Michael F.  
Eldridge, James B. Spilka, Karen E.  
Fargo, Susan C. Welch, James T.  
Flanagan, Jennifer L. Wolf, Daniel A. — 30.  
ABSENT OR NOT VOTING — 0.

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

Ms. Chang-Diaz and Mr. Brownsberger moved that the bill be amended in section 2, in item 7008-0900, by inserting, after the words "chapter 23A of the General Laws," the following new words:- " provided further, that not less than \$75,000 shall be expended for festivals supporting and promoting cultural heritage diversity, education, and tourism".  
The amendment was *rejected*.

Messrs. Richard T. Moore and Tarr moved that the bill be amended by adding at the end thereof the following new section:-  
"SECTION \_\_. Chapter 7 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 22O, the following new section: -

Section 22P. Notwithstanding any general or special law to the contrary relating to procurement, and to the extent permitted by federal law, a state agency or authority shall, after giving preference pursuant to the provision of section 22O of this chapter for the procurement of products or services from businesses, as defined in section 3A of chapter 23A, with their principal place of business in the commonwealth, shall establish a preference for products manufactured in the United States provided, however, that said domestic products shall not increase the cost of the product by more than ten percent. For purposes of this section, "manufactured" shall mean (i) in the case of an iron or steel product all manufacturing must take place in the United States, except metallurgical processes involving the refinement of steel additives; and (ii) in the case of a manufactured good, a good shall be considered manufactured in the United States if: (a) all the manufacturing processes for the product take place in the United States; and (b) all of the components of the product shall be of U.S. origin. A component shall be considered to be a product of U. S. origin if all the manufacturing processes take place in the United States, regardless of the origin of the subcomponents."

After remarks, the amendment was *rejected*.

Messrs. Tarr, Knapik and Hedlund moved that the bill be amended by inserting after section \_\_, the following new section:-  
"SECTION \_\_. The secretary of administration and finance shall analyze all state agencies receiving funding from this act for the purpose of determining those whose cost of operation is exceeded by the amount of revenue generated as a result of fees, fines or other charges imposed on those served by the agency. The secretary shall compile a report listing any agency whose cost of operation is exceeded by the amount of revenue attributable to the fines, fees and charges it imposes, the amount of such excess and the disposition of that excess, said report shall be filed with the clerks of the House and Senate and House and Senate Committees on Ways and Means not later than April 15, 2013."

The amendment was *rejected*.

Ms. Flanagan moved that the bill be amended in section 2, in item 2310-0316, by striking out the figure "\$1,000,000" and inserting in place thereof the following figure:- "\$1,500,000".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at five minutes before three o'clock P.M., on motion of Mr. Tarr, as follows to wit (yeas 38 — nays 0) [Yeas and Nays No. 198]:

YEAS

Berry, Frederick E. Joyce, Brian A.  
Brewer, Stephen M. Keenan, John F.  
Brownsberger, William N. Kennedy, Thomas P.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.

Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 38.  
NAYS — 0.

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

Mr. Wolf moved that the bill be amended by inserting after section 161, the following new section: -

“SECTION XX. Notwithstanding any general or special law, rule or regulation or performance standard to the contrary, and in order to increase access to the Yarmouth waterfront; to promote the increase, preservation and restoration of salt water marshes, wetlands and wetland vegetation; to provide quicker public safety response, to provide the area’s first permanent boat waste pump-out facility, to reduce fuel spills by providing the area’s first fully contained fuel station; to educate the public in habitat restoration and creation, and provide other improvements beneficial to the public interest, the legislature finds that the Yarmouth Marina Project located on Parker’s River at the site of the former drive-in theater on Route 28 in the Town of Yarmouth demonstrates an overriding public interest and shall be exempt from any Department of Environmental Protection review under the Wetlands Protection Act and a Water Quality Certification under the Massachusetts Clean Waters Act (401 Water Quality Certification Program) provided that the town shall mitigate any disturbance of wetland vegetation by aggressive attempts at restoration or rehabilitation of an area or areas of distressed wetland vegetation of a total area of not less than twice the area of wetland vegetation disturbed.”

After remarks, the amendment was **adopted**.

Mr. Rosenberg in the Chair, Messrs. Hart and Downing, Ms. Donoghue, Ms. Clark, Ms. Chandler and Messrs. Joyce and Brownsberger moved that the bill be amended in section 2, in item 2511-0105, by striking out the figures “\$11,500,000” and inserting in place thereof the figure “\$12,500,000”.

After remarks, the amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 2, in item 2810-0100, ”provided further, that no less than \$3,000,000 shall be expended for the design and construction of DCR park land and for the environmental cleanup of the Schaffer paper site in the Port Norfolk section of Dorchester;” and in said item by striking out the figures “40,869,387” and inserting the figures “43,869,387”.

The amendment was *rejected*.

Messrs. Rush and Rodrigues moved that the bill be amended by inserting after section 51 the following section:-

“SECTION 51A. Chapter 20 of the General Laws is hereby amended by adding the following 2 sections:-

Section 32. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Agricultural Inspection and Infrastructure Trust Fund, consisting of revenues received pursuant to: (1) chapters 128, 129 and 132; (2) poultry testing fees for services established by 330 CMR 5.00 et seq., and section 3B of chapter 7; (3) interest or investment earnings on any such monies; and (4) all other monies credited or transferred to the fund from any other fund or service.

(b) Funds in the fund may be expended without further appropriations on programs and costs pursuant to: (1) sections 32 to 38 inclusive of chapter 128; (2) the integrated pest management program established pursuant to chapter 132B and chapter 85 of the acts of 2000; (3) spay and neuter programs and animal rescue and shelter programs established pursuant to section 2 of chapter 129; (4) poultry testing program established by 330 CMR 5.00 et seq.; and (5) the Agricultural Innovation Center.

(c) The unexpended balance in the fund at the end of the fiscal year shall not revert to the General Fund but shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year.

Section 33. (a) There shall be established and set upon the books of the commonwealth a separate fund to be known as the Agricultural Products Promotion and Marketing Trust Fund, consisting of revenues received from agricultural commodity groups, non-profit organizations, private entities from donations or fees for services or goods provided to such entities pursuant to section 3B of chapter 7 or from other state or federal agencies as well as interest or investment earnings on such monies and all other monies credited or transferred thereto from any other fund or source.

(b) The fund may be expended without further appropriation on programs and costs associated with marketing initiatives including, but not limited to, MassGrown & Fresher and the Commonwealth Quality Program.

(c) Any unexpended balance in the fund at the end of the fiscal year shall not revert to the General Fund but shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year.”; and by inserting after section 85 the following 4 sections:-

“SECTION 85A. Section 32 of chapter 128 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 16 and 17, the words ‘, which in no case shall exceed five dollars per registrant, regardless of the number of colonies so registered by him’.

SECTION 85B. Section 35 of said chapter 128, as so appearing, is hereby amended by striking out, in line 17, the words ‘two hundred and fifty dollars’ and inserting in place thereof the following figure:- \$2,000.

SECTION 85C. Section 26B of chapter 129 of the General Laws, as so appearing, is hereby amended by adding the following sentence: - The secretary of administration and finance may set reasonable fees for any testing or inspections under this section.

SECTION 85D. Section 2 of chapter 132B of the General Laws, as so appearing, is hereby amended by inserting after the definition of 'Pesticide', the following definition:– 'Pesticide Dealer', a person licensed as a pesticide sales dealer and a pesticide company dealer as may be further regulated by the department."

After remarks, the amendment was **adopted**.

Messrs. Rush and DiDomenico moved that the bill be amended in section 2, in item 2810-0100, by striking the figures "\$40,869,387" and inserting in place thereof the figures "\$41,799,861".

The amendment was *rejected*.

Ms. Donoghue moved that the bill be amended in section 2, in item 2810-0100, by adding, after the year "2008" the following:– "provided further that not less than \$485,000 shall be expended for the rehabilitation and refurbishment of the Alumni Field in Lowell, Massachusetts;"

The amendment was *rejected*.

Messrs. Hedlund and Kennedy moved that the bill be amended in section 2, in item 2800-0100, by inserting, at the end thereof, the following: "provided that \$30,000 be expended for the purposes of funding the North River Commission (serving five South Shore communities) pursuant to the Legislature's Scenic Protective Order of 1978;"

The amendment was *rejected*.

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

"SECTION \_\_. Section 2Z of Chapter 29 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding after the word 'Project' in line 21 the following:– and any project in which construction has been initiated and for which completion has been scheduled in Fiscal Year 2005 or thereafter in which the total cost is greater than \$8,000 per capita on a per resident basis as determined by the most recent United States census or any sewer system that experiences extraordinary rate increases or extraordinary costs of construction due to a mandate pursuant to environmental laws and regulations."

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the bill be amended in section 2, in item 2511-3002, by inserting after the word "program" the following:– "provided, that the department shall expend sufficient funds for the development and implementation of a monitoring and mitigation plan for the eradication of the brown marmorated stink bug and the spotted wing drosophila by the University of Massachusetts Amherst Center for Agriculture".

After remarks, the amendment was **adopted**.

Messrs. Timilty, Richard T. Moore and Brownsberger moved that the bill be amended by adding at the end thereof the following new section:–

"Notwithstanding any general or special law to the contrary, the director of the division of marine fisheries shall annually, in December, hold a hearing on the relative social and economic values of the striped bass as both a game fish and a commercial fish; provided further that said hearing shall include, but not be limited to, an analysis of the latest "young of the year" report from Maryland, the latest National Oceanic and Atmospheric Administration report on the amount of commercial and recreational landings on the east coast and in Massachusetts, all materials generated by the Atlantic State Marine Fisheries Commission's striped bass subcommittee, an analysis of the number of commercial licenses sold in prior seasons and the number of pounds of striped bass landed by commercial fishermen holding a commercial license, an overview of the number of trips by charter boats fishing for striped bass and the average catch per trip, a review of a survey to be done by bait and tackle shops on the volume of business attributable to striped bass fishery and any other economic analysis that is important to the revenues generated for the Commonwealth by the recreational and commercial striped bass fishery."

After remarks, the amendment was *rejected*.

Messrs. Timilty, Richard T. Moore and Brownsberger moved that the bill be amended by adding at the end thereof the following new section:–

"SECTION X. Notwithstanding any general or special law to the contrary, the department of environmental protection office of research and standards shall conduct an annual testing program on contaminants, including but not limited to mercury, polychlorinated biphenyls, dioxin, mirex, dichlorodiphenyltri-chloroethane, chlordane and dieldrin, in striped bass. The results of said research program shall be published annually and forwarded to the department of public health for the purpose of publishing warnings to the public should levels of contaminants in the striped bass cause health concerns related to consumption of the fish by pregnant women or the general population. The testing program shall be conducted so as to have the maximum impact for the safety of the general population based around the commercial and recreational striped bass fishing season in the commonwealth. Should there be a finding of elevated contaminants in striped bass by the department of environmental protection, the department of environmental protection shall inform the department of public health of said findings. After an assessment of the findings by the department of public health, should further action be warranted, the department of public health shall direct the division of marine fisheries to institute a public health awareness and notification program for striped bass caught commercially and recreationally, and the division of marine fisheries in conjunction with the department of public health shall institute a fish consumption warning labeling program for striped bass sold for human consumption in fish stores, fish markets, on docks or

wharves in Massachusetts as well as other regional or national markets.”  
After remarks, the amendment was *rejected*.

Mr. Wolf moved that the bill be amended in section 2, in item 2200-0100, by inserting the following language:- “provided further, that funds shall be distributed to Silent Spring Institute to conduct a study of emerging contaminants in Cape Cod drinking water and groundwater”.  
The amendment was *rejected*.

Mr. Joyce moved that the bill be amended by inserting at the end thereof the following new section:-  
“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’.”  
After remarks, the amendment was **adopted**.

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

Mr. Joyce moved that the bill be amended in section 2, in item 2800-0700, by inserting the following:- “; provided further that \$50,000 shall be expended for the design, planning and repair of Forge Pond Dam in the Town of East Bridgewater”; and by striking out the figure “\$370,705” and inserting in place thereof the following figure:- “\$420,705”.  
The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2, in item 2800-0700, by inserting the following:- “; provided further that \$200,000 shall be expended for the restoration of the Great Cedar Swamp in the Town of Sharon”; and by striking out the figure “\$370,705” and inserting in place thereof the following figure:- “\$570,705”.  
The amendment was *rejected*.

Messrs. Downing, Tarr, Rosenberg and Knapik moved that the bill be amended in section 2, in item 2511-0100, by striking the wording “provided further, that funds may be expended to enhance the buy local effort in western, central, northeastern and southern Massachusetts” and inserting in place thereof the following:- “provided further, that no less than \$200,000 may be expended to enhance the buy local effort in western, central, northeastern and southern Massachusetts”.  
The amendment was *rejected*.

Mr. Knapik moved that the bill be amended in section 2, in item 2810-0100, by striking out the figure “\$40,869,387” and inserting in place thereof the following figure:- “40,954,387”; and by adding at the end thereof the following: “provided further, that not less than \$85,000 shall be expended for Holyoke Heritage State Park in the city of Holyoke for the instillation of emergency lighting and for HVAC and boiler replacement”.  
The amendment was *rejected*.

Mr. McGee moved that the bill be amended in section 2, in item 2800-0501, by adding the following: “; provided further, that no less than \$50,000 shall be expended for the cleanup of Pilyella algae on the Nahant Beach Reservation and Long Beach in the town of Nahant, and on King's Beach in the city of Lynn”.  
The amendment was *rejected*.

Mr. McGee moved that the bill be amended in section 2, in item 2260-8870, by adding the following: “; provided further, that no less than \$90,000 shall be provided for Brownfield redevelopment in the City of Lynn”.  
The amendment was *rejected*.

Mr. Joyce moved that the bill be amended by inserting at the end thereof the following section:-  
“SECTION \_\_: (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the division of capital asset management and maintenance, on behalf of and in consultation with the department of conservation and recreation, may lease and enter into other agreements with the town of Canton, for the sum of \$1.00 as consideration for the lease, for terms not to exceed 25 years, for the Ponkapoag Golf Course in the town of Canton so as to provide for the continued use, operation, maintenance, repair and improvement of the golf courses, practice greens, driving range, restaurant and any other structure and associated lands which constitute the facilities of the Ponkapoag Golf Course; The division of capital asset management and maintenance and the town of Canton have until April 1, 2013 to reach a lease agreement.  
(b) Section 103 of Chapter 182 of the Acts of 2008 is hereby amended in subsection (b) by striking the section in its entirety.  
(c) Subsection (d) of said section 103 of said chapter 182 is hereby amended by striking out the words ‘and the review shall include an examination of the methodology utilized for establishing a lease price.’”

(d) Subsection (f) of said section 103 of said chapter 182 is hereby amended by striking out the subsection in its entirety.”  
The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2, in item 2800-0700, by inserting the following:- “; provided further that funds may be expended for the design, planning and repair of Shepard’s Pond Dam in the Town of Canton”.  
After remarks, the amendment was **adopted**.

Mr. Joyce moved that the bill be amended in section 2, in item 2810-0100, by inserting the following: -”; and provided further, that funds shall 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 *rejected*.

Mr. Joyce moved that the bill be amended in section 2, in item 2250-2000, by inserting the following:- “; and provided further that the Commonwealth shall pay for one half of the construction costs of a Department of Environmental Protection-mandated water treatment plant for the towns of Randolph, Braintree, and Holbrook”.  
The amendment was *rejected*.

Mr. Brownsberger, Ms. Fargo and Mr. Donnelly moved that the bill be amended in section 2, in item 4510-0600, by striking out the figure “\$3,231,212” and inserting in place thereof “\$3,313,711”.  
The amendment was *rejected*.

Messrs. Hart and Hedlund moved that the bill be amended in section 2, in item XXXX-XXXX, by inserting after item 9770-0000 the following item:  
“9700-0020 For the special commission on metropolitan beaches, commonly known as the Metropolitan Beaches Commission, created pursuant to section 36 of chapter 45 of the Acts of 2005 ..... \$125,000”.  
After remarks, the amendment was **adopted**.

Messrs. Downing, Brownsberger, Joyce and Eldridge moved that the bill be amended in section 2, in item 2300-0101, by striking the figure “\$416,974” and inserting in place thereof the following figure:- “\$480,000”.  
The amendment was *rejected*.

Messrs. Donnelly, Brownsberger and Michael O. Moore moved that the bill be amended in section 2, in item 2260-8870, by inserting at the end of the section the following sentence:- “provided further that no less than \$426,162 shall be expended to meet the fiscal year 2013 costs of salary adjustments and other economic benefits authorized by collective bargaining agreements between the Commonwealth and labor unions at the department, including the National Association of Government Employees Units 1 and 6 and the Massachusetts Organization of State Engineers and Scientists.”; and by striking the figure “\$12,804,430” and inserting in place thereof the following figure:- “\$13,230,592”.  
After remarks, the amendment was *rejected*.

Ms. Spilka and Mr. Ross moved that the bill be amended in section 2, in item 2000-0100, by inserting after the word “program” the following words:- “; provided that, not less than \$5,000 shall be expended for a pilot program utilizing low energy street lighting in the town of Natick”; and by striking out the figure “\$5,856,081” and inserting in place thereof the figure:- “\$5,861,081”.  
The amendment was *rejected*.

Mr. Ross moved that the bill be amended by inserting, after section XX, the following new section:-  
“SECTION XX. Chapter 131 of the General Laws, as so appearing, is hereby amended by striking, in section 68, the words “raccoon or opossum” and inserting in place thereof the following words:- ‘raccoon, opossum, fox or coyote’.”  
The amendment was *rejected*.

Mr. Wolf moved that the bill be amended by inserting, after section 161, the following new section: -  
“SECTION XX. Section 139 of chapter 164 of the General Laws as so appearing, is hereby amended by inserting after the word ‘megawatts’, in line 73, the following words:- ‘provided, that a cooperative corporation organized under section 136 that is comprised solely of municipalities or other governmental entities may qualify as the customer of a net metering facility of a municipality or other governmental entity and such cooperative corporation may allocate the facility's generating capacity to a municipality or other governmental entity with the written assent of (1) such municipality or other governmental entity and (2) the department. A municipality or governmental entity may not exceed 10 megawatts, whether as a customer of a net metering facility or from allocated generating capacity from such cooperative corporation.’.”  
The amendment was *rejected*.

Mr. Eldridge moved that the bill be amended in section 2, in item 2250-2000, by striking out the figure “\$1,515,313” and inserting in place thereof the following figure:- “\$1,603,609”.  
After remarks, the amendment was *rejected*.

Messrs. Tarr and Knapik moved that the bill be amended in section 2, in item 2511-0100, in line 8, by striking the word “may” and inserting in place thereof the following word:- “shall”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 2, in item 2210-0105, by inserting the following:- “provided further, the University of Massachusetts Lowell’s Toxic Use Reduction Institute (TURI) shall conduct a study of the negative public health and environmental effects of polybrominated diphenyl ethers (PBDE) (brominated flame retardants) in the Commonwealth and shall report the findings and recommendations of its study to House and Senate Chairs of the Joint Committee on Environment, Natural Resources and Agriculture, the Joint Committee on Public Health, the Chair of the House Committee on Ways and Means and the Chair of the Senate Committee of Ways and Means by December 31, 2013.”

The amendment was *rejected*.

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

“SECTION XX: Chapter 29 of the General Laws is hereby amended by inserting after section 2Eeee, inserted by section 18 of chapter 194 of the acts of 2011, the following section:-

2FFFF. There shall be established and set upon the books of the commonwealth a separate fund to be known as the Dam, Sea Wall and Retaining Wall Infrastructure Fund, hereinafter referred to as the fund. There shall be credited to said fund monies appropriated to the fund by the general court and any monies credited or transferred to the fund from any other fund or source and to include without limitation any investment earnings on fund monies. The fund shall be administered by the executive office of energy and environmental affairs.

Amounts credited to the fund shall be used, without further appropriation, to provide grants or loans to local governmental units and other eligible borrowers to finance or refinance costs of eligible coastal and inland waterways infrastructure projects including, but not limited to, seawalls, jetties, revetments, retaining walls, levies, dams and other means of flood control. A local governmental unit shall include a town, city, district, commission, agency, authority, board or other instrumentality of the commonwealth or any of its political subdivisions, including any regional local governmental unit.”

After debate, the amendment was *rejected*.

Messrs. Eldridge and DiDomenico moved that the bill be amended in section 2, in item 2200-0107, by striking out the figure “\$275,000” and inserting in place thereof the following figure:- “\$375,000”.

The amendment was *rejected*.

Messrs. Berry, Downing and Brownsberger moved that the bill be amended by inserting at the end, the following new sections: -  
“SECTION XX. The Department of Environmental Protection shall establish a municipal performance standard to promote recycling and reduce the generation of residential solid waste to six hundred pounds per capita by July 1, 2016 and no more than 450 pounds per capita by July 1, 2021.

SECTION XX. The Secretary of Energy and Environmental Affairs, in consultation with the Department of Environmental Protection and the Department of Energy Resources, shall develop a Residential Solid Waste Action Plan to assist municipalities in achieving the standard set forth in Section 1 by July 1, 2013. The plan shall evaluate existing municipal recycling programs and other opportunities available to assist municipalities reduce waste generation and achieve said standards. The Residential Solid Waste Action Plan shall provide recommendations, including but not limited to, potential programmatic and statutory changes to the Commonwealth’s Solid Waste Plan, the 2020 Clean Energy and Climate Plan, and the Commonwealth’s Green Communities Act to achieve said standards. The Secretary shall consult with the Massachusetts Municipal Association and DEP’s Solid Waste Advisory Committee in developing the Residential Solid Waste Action Plan.”

The amendment was *rejected*.

Messrs. Ross, Knapik and Tarr moved that the bill be amended in section 2, in item 2810-2041, by adding the following words:-  
“; provided further, that the department shall devise a plan to provide free or reduced admission to facilities under its control to veterans utilizing funds from this account; and provided further, that prior to implementing such plan, the department shall report to the house and senate committees on ways and means on the plan including, but not limited to, any cost implications of such a plan”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at eleven minutes past four o’clock P.M., on motion of Mr. Tarr, as follows to wit (yeas 38 — nays 0) [Yeas and Nays No. 199]:

YEAS

Berry, Frederick E. Joyce, Brian A.

Brewer, Stephen M. Keenan, John F.

Brownsberger, William N. Kennedy, Thomas P.

Candaras, Gale D. Knapik, Michael R.

Chandler, Harriette L. McGee, Thomas M.

Chang-Diaz, Sonia Montigny, Mark C.

Clark, Katherine M. Moore, Michael O.

Creem, Cynthia Stone Moore, Richard T.

DiDomenico, Sal N. Pacheco, Marc R.

Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 38.  
NAYS — 0.

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

Messrs. Eldridge and Brownsberger moved that the bill be amended in section 2, in item 2200-0100, by striking out the figure "\$25,603,354" and inserting in place thereof the following figure:- \$25,735,436.  
The amendment was *rejected*.

Messrs. Tarr and Michael O. Moore moved that the bill be amended by inserting after section \_\_, the following section:-  
"Section \_\_. Notwithstanding any other general or special law to the contrary, the department of environmental protection shall evaluate the feasibility, cost, advantages and disadvantages of obtaining from the United States Environmental Protection Agency, to the extent permitted by federal law, delegated authority over National Pollutant Discharge Elimination System (NPDES) programs. The department shall file a report detailing its findings, together with any legislative recommendations necessary to obtaining such authority, with the clerks of the senate and the house of representatives not later than July 1, 2013."  
The amendment was **adopted**.

Ms. Creem moved that the bill be amended by adding at the end thereof the following new section:-  
"SECTION \_\_. Notwithstanding any general law, special law or regulation to the contrary, the sale of non-carbonated water in the Commonwealth, including mineral water, flavored and unflavored water, vitamin water, and other water beverages, in 'beverage containers' or 'plastic bottles' as defined in section 321 of chapter 94 and not having a refund value as provided in section 322 of chapter 94 and otherwise not subject to the provisions of sections 321 to 327 inclusive of chapter 94 of the General Laws, shall be prohibited effective July 1, 2013. This section shall not apply to sales of water in individual containers with a capacity of more than 24 ounces."  
The amendment was *rejected*.

Mr. Hedlund, Ms. Jehlen and Messrs. Ross, Tarr and Knapik moved that the bill be amended by inserting at the end thereof the following new sections:-  
"SECTION XX. Section 321 of chapter 94 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the words 'carbonated soft drinks', in line 4, the following words:- 'noncarbonated beverages including mineral water, flavored and unflavored water, vitamin water, and other water beverages, tea, sports drinks, isotonic drinks; and all other non-alcoholic carbonated and noncarbonated drinks in liquid form intended for human consumption, except milk and beverages that are primarily derived from dairy products, infant formula, and FDA-approved medicines.'  
SECTION XX. Paragraph 3 of said section 321 of said chapter 94, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- This definition shall not include containers made of paper-based biodegradable material and aseptic multi-material packaging.  
SECTION XX. Said section 321 of said chapter 94, as so appearing, is hereby further amended by inserting after the definition of 'Plastic bottle' the following definition:-  
'Redemption center', any business whose primary purpose is the redemption of beverage containers and is not ancillary to any other business,  
SECTION XX. Said section 321 of said chapter 94, as so appearing, is hereby further amended by inserting after the definition of 'Reusable beverage container' the following definition:-  
'Small dealer', any person or business, including any operator of a vending machine, who engages in the sale of beverages in beverage containers to consumers in the commonwealth, whose operating premises are less than 4000 square feet.  
SECTION XX. Section 323 of said chapter 94, as so appearing, is hereby amended by inserting before the first sentence of paragraph (e) the following sentence:- The executive office of environmental affairs shall promulgate rules and regulations for the licensure of redemption centers, and may set fees for the licensing of such redemption centers.  
SECTION XX. Paragraph (c) of said section 323 of said chapter 94 of the General Laws, as so appearing, is hereby amended by striking out the words 'one cent' and inserting in place thereof the words 'three and one quarter cents' and by adding the following sentence:- The handling fee shall be reviewed semi-annually by the secretary of the executive office of energy and environmental affairs and adjustments made to reflect increases in costs incurred by redemption facilities.  
SECTION XX. Paragraph (d) of said section 323 of said chapter 94, as so appearing, is hereby amended by striking out the words 'one cent' and inserting in place thereof the words 'three and one quarter cents' and by adding the following sentence:-  
The handling fee shall be reviewed semi-annually by the secretary of the executive office of energy and environmental affairs

and adjustments made to reflect increases in costs incurred by redemption facilities.

SECTION XX. Said section 323 of said chapter 94, as so appearing, is hereby further amended by inserting after the word 'civil', in line 73, the words 'or administrative'.

SECTION XX: Notwithstanding any general or special law to the contrary, the secretary of the executive office of energy and environmental affairs shall, on or before January 1, 2013, promulgate regulations providing small dealers as defined herein with the ability to seek exemptions from accepting empty deposit containers. Said regulations shall consider at least the health and safety of the public; the convenience for the public, including standards governing distribution of centers by population or by distance or both, the size and storage capacity of the dealer(s) to be served by the redemption center and the size and storage capacity of the redemption center. The order approving a local redemption center license must state the dealers to be served and the kinds, sizes and brand names of empty beverage containers that the center accepts.

SECTION XX. Section 327 of said chapter 94 of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following paragraphs:-

The department of environmental protection may enforce the provisions of section 321; paragraphs (a) through (f), inclusive, of section 322; paragraph (i) of section 323; section 323A; section 323F; section 324 and section 325. Any bottler, distributor, redemption center, or dealer who violates any of the foregoing provisions shall be subject to an administrative penalty for each violation of not more than \$1,000.

The department of revenue may enforce the provisions of paragraphs (g) and (h) of section 323 and sections 323B to 323E, inclusive. Any bottler, distributor, redemption center, or dealer who violates any of the foregoing provisions shall be subject to an administrative penalty for each violation of not more than \$1,000.

SECTION XX. Said section 327 of said chapter 94 of the General Laws, as so appearing, is hereby further amended by inserting after the word 'civil', in line 14, the words 'or administrative'.

SECTION XX. This act shall take effect on January 15, 2013."

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#### PAPER FROM THE HOUSE.

There being no objection, during the consideration of the Orders of the Day, and without further action of the pending amendment (offered by Mr. Hedlund et al) the following matter was considered as follows:

The Senate Bill relative to veterans' access, livelihood, opportunity and resources (Senate, No. 2254),-- came from the House with the endorsement that the House had passed the bill to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4088.

The rules were suspended, on motion of Mr. Rush, and the House amendment was considered forthwith.

On further motion of Mr. Rush, the Senate concurred in the House amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2269.

Sent to the House for concurrence in the further amendment.

Suspension of Senate Rule 38A.

Mr. Hart 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.

Recess.

At twenty-five minutes before six o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the Chair (Mr. Hart) declared a recess; and, at twenty minutes before eight o'clock P.M., the Senate reassembled, Mr. Rosenberg 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 two thousand thirteen for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4101),-- was further considered, the main question being on ordering it to a third reading.

The pending amendment, previously moved by Mr. Hedlund, Ms. Jehlen and Messrs. Ross, Tarr and Knapik was further considered.

Pending the question on adoption of the amendment, Messrs. Pacheco, Tarr, Knapik and Michael O. Moore moved that the amendment (Hedlund et al) be amended by striking out the text and inserting in place thereof the following text:-

By inserting after section 155, the following new section: -

"SECTION 155A. Notwithstanding any general or special law to the contrary, there shall be a commission to develop recommendations for promoting recycling and reducing the generation of solid waste. The examination shall include, but shall not be limited to, determining the fiscal and environmental costs and benefits of an expansion of the so-called 'bottle bill' referenced in section 321 of chapter 94. The commission shall include the following members: the secretary of energy and environmental affairs, who shall serve as chair; the commissioner of the department of environmental protection; 2 members chosen by the senate president; 1 member chosen by the senate minority leader; 2 members chosen by the speaker of the house; 1 member chosen by the house minority leader; 1 who is a member of the Massachusetts Beverage Association; 1 who is a member of the Sierra Club; 1 who is a member of the Massachusetts Audubon Society; and 1 who is a member of the MASSPIRG.

The commission shall file the results of its study, together with drafts of legislation, if any, necessary to carry out its recommendations, by filing the same with the clerks of the house of representatives and the senate who shall forward a copy of the study to the house and senate committees on ways and means, the joint committee on telecommunication, utilities and energy

and the joint committee on environment, natural resources and agriculture not later than January 1, 2013.”

After remarks, the question on adoption of the further amendment was determined by a call of the yeas and nays at two minutes before eight o'clock P.M., on motion of Mr. Hedlund, as follows to wit (yeas 22 — nays 15) [Yeas and Nays No. 200]:

YEAS

Brewer, Stephen M. McGee, Thomas M.  
Candaras, Gale D. Moore, Michael O.  
Chandler, Harriette L. Moore, Richard T.  
Clark, Katherine M. Pacheco, Marc R.  
DiDomenico, Sal N. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Finegold, Barry R. Rosenberg, Stanley C.  
Flanagan, Jennifer L. Spilka, Karen E.  
Hart, John A., Jr. Tarr, Bruce E.  
Kennedy, Thomas P. Timilty, James E.  
Knapik, Michael R. Welch, James T. — 22.

NAYS

Brownsberger. William N. Jehlen, Patricia D.  
Chang-Diaz, Sonia Joyce, Brian A.  
Creem, Cynthia Stone. Keenan, John F.  
Donnelly, Kenneth J. Montigny, Mark C.  
Downing, Benjamin B. Ross, Richard J.  
Eldridge, James B. Rush, Michael F.  
Fargo, Susan C. Wolf, Daniel A. — 15.  
Hedlund, Robert L.

ABSENT OR NOT VOTING

Berry, Frederick E. — 1.

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

The question on adoption of the pending amendment (Hedlund et al), as amended was then determined by a call of the yeas and nays at four minutes past eight o'clock P.M., on motion of Mr. Hedlund, as follows to wit (yeas 24 — nays 13) [Yeas and Nays No. 201]:

YEAS

Brewer, Stephen M. McGee, Thomas M.  
Brownsberger. William N. Moore, Michael O.  
Candaras, Gale D. Moore, Richard T.  
Chandler, Harriette L. Pacheco, Marc R.  
Clark, Katherine M. Petruccelli, Anthony  
DiDomenico, Sal N. Rodrigues, Michael J.  
Donoghue, Eileen M. Rosenberg, Stanley C.  
Finegold, Barry R. Rush, Michael F.  
Flanagan, Jennifer L. Spilka, Karen E.  
Hart, John A., Jr. Tarr, Bruce E.  
Kennedy, Thomas P. Timilty, James E.  
Knapik, Michael R. Welch, James T. — 24.

NAYS — 0.

Chang-Diaz, Sonia Jehlen, Patricia D.  
Creem, Cynthia Stone. Joyce, Brian A.  
Donnelly, Kenneth J. Keenan, John F.  
Downing, Benjamin B. Montigny, Mark C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Wolf, Daniel A. — 13.  
Hedlund, Robert L.

ABSENT OR NOT VOTING

Berry, Frederick E. — 1.

The yeas and nays having been completed at eight minutes past eight o'clock P.M, the pending amendment was adopted, as amended.

Ms. Jehlen moved that the bill be amended in section 2, in item 2000-0100, by striking the figures “5,856,081” and inserting in place thereof the following figures:”6,136,084”

The amendment was *rejected*.

Ms. Spilka, Mr. Berry, Ms. Donoghue, Mr. Eldridge, Ms. Candaras, Ms. Clark and Messrs. Michael O. Moore, Rodrigues, Joyce, Kennedy, Downing and McGee moved that the bill be amended in section 2, in item 7007-0150, by striking out the figure “\$650,000” and inserting in place thereof the following figure:- “\$1,000,000”.  
The amendment was **adopted**.

Mr. Michael O. Moore moved that the bill be amended in section 2, in item 7004-0099, by inserting after the words “participants' households;” the following:- “provided further, that not less than \$50,000 shall be expended for the South Worcester Neighborhood Improvement Corporation;”.  
The amendment was *rejected*.

Mr. Michael O. Moore, Ms. Chandler, Mr. Rodrigues and Ms. Spilka moved that the bill be amended in section 2, in item 7003-0605, by striking out the figure “325,000” and inserting in place thereof the following figure:- “\$1,225,000”.  
The amendment was *rejected*.

Messrs. Rodrigues, Pacheco and Knapik moved that the bill be amended in section 2 by inserting, after item 7007-0800, the following new item:-  
“7007-0801 “For micro lending grants of up to \$200,000, to be issued to established Community Development Financial Institutions and Community Advantage Lenders making direct microenterprise and small business loans to borrowers on a regional basis, as well as providing technical assistance to applicants and borrowers in order to foster business establishment and success, provided that the funds will be used to support eligible organization’s lending and technical assistance activities.....\$400,000”.  
The amendment was *rejected*.

Ms. Donoghue and Mr. Montigny moved that the bill be amended by inserting after section \_\_, the following new section:-  
“SECTION \_\_. Section 2 of Chapter 354 of the Acts of 2008 is hereby amended by striking the year ‘2012’ and inserting in place thereof the year ‘2016’.”  
After remarks, the amendment was **adopted**.

Ms. Donoghue and Mr. Finegold moved that the bill be amended in section 2, in item 7004-9316, by inserting after the words “regional non-profit housing agencies” the following:- “or HomeBASE administering agencies to the extent determined by the Department”.  
After remarks, the amendment was **adopted**.

Messrs. Petruccelli, Knapik and Eldridge, Ms. Fargo, Ms. Clark and Messrs. DiDomenico, Montigny and McGee moved that the bill be amended in section 2, in item 7004-0101, by adding at the end thereof the following:-”; provided further that funds may be expended for the Playspace Program operated by Horizons for Homeless Children”.  
The amendment was **adopted**.

Messrs. Rodrigues, Michael O. Moore and DiDomenico moved that the bill be amended in section 2, in item 7007-0800, by striking out the figure “\$704,286” and inserting in place thereof the figure:- “\$1,204,286”.  
After remarks, the amendment was *rejected*.

Messrs. Knapik, Tarr, Ross and Hedlund moved that the bill be amended by adding at the end thereof the following new section:-  
“SECTION XX. Section 1 of chapter 151 of the General Laws is hereby amended by adding at the end thereof, the following new paragraph:  
This section shall not apply to workers under the age of twenty who are seasonally employed for no more than 90 days in any consecutive twelve month period. A wage of less than \$7.00 for any such worker under the age of twenty shall conclusively be presumed to be oppressive and unreasonable, 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 of chapter 151 of the General Laws.”  
After remarks, the amendment was *rejected*.

Messrs. Tarr, Knapik and Hedlund moved that the bill be amended by inserting after section \_\_\_\_, the following new sections:-  
“SECTION \_\_. For fiscal year 2013, the department of housing and community development shall issue the initial contracts for family shelter services for a time period not less than six months; provided, however, that should the department not have in place the necessary funding for said contracts at the start of the fiscal year, the department shall enter into contracts for not less than three months, and shall report to the house and senate committees on ways and means and the joint committee on housing within 30 days of the passage of this act the projected need for funding for the issuance of long-term contracts for the provision of shelter services. The department shall, in consultation with the executive office for administration and finance and the comptroller, develop a plan for fiscal years 2013 through 2018, inclusive, to minimize, to the maximum extent possible, the utilization of contracts for a duration of less than six months, and to maximize the utilization of contracts for greater than six months whenever possible. The department shall develop any legislative recommendations necessary to the achievement of the provisions of this section, and file said recommendations with the clerks of the senate and the house of representatives not later

than nine months following the passage of this act.”  
After remarks, the amendment was *rejected*.

Ms. Chandler and Messrs. Michael O. Moore and Donnelly moved that the bill be amended in section 2, in item 7004-0099, by adding at the end thereof the following: “provided further, that not less than \$200,000 shall be expended through performance-based contracts with organizations and agencies to provide furniture and household goods to families and individuals exiting homelessness”; and by striking out the figures “\$6,914,734” and inserting in place thereof the figures “\$7,114,734”.  
The amendment was *rejected*.

Mr. McGee, Ms. Candaras and Mr. Brownsberger moved that the bill be amended in section 2, in item 7002-0012, by striking out the figure “\$3,000,000” and inserting in place thereof the following figure:- “\$9,000,000”.  
The amendment was *rejected*.

Ms. Flanagan and Messrs. Tarr and Joyce moved that the bill be amended by inserting the following new section:-  
“SECTION XX: Section 3A of chapter 23A of the General Laws, as so appearing, is hereby amended by striking, in line 139, the figure ‘35,000’ and inserting in place thereof the following: - ‘20,000’.”  
The amendment was **adopted**.

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

“SECTION \_\_. There shall be a special commission to conduct an investigation and study of the activities and efficacy of the adjudication of unemployment insurance claims by the department of unemployment assistance under the executive office of labor and workforce development. The commission shall consist of 11 members: 2 members who shall be appointed by the state auditor, both of whom shall have experience with the adjudication of unemployment disputes, and 1 of whom shall serve as chair; 2 members of the senate, 1 of whom shall be appointed by the senate president and 1 of whom shall be appointed by the minority leader of the senate; 2 members of the house of representatives, 1 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; the director of the department of unemployment assistance, or a designee; the president of the Massachusetts taxpayer’s foundation, or a designee; the executive vice-president of the AFL-CIO, or a designee; the executive vice-president of associated industries of Massachusetts, or a designee; and the executive director of the Massachusetts municipal association, or a designee.

The study shall include, but not be limited to, an analysis of: (1) the number of claims received by the department quarterly since January 1, 2008 and the resulting status of all claims, including any information pertinent to the description of the status of said claims, including, but not limited to (i) the results of all initial determinations of claims, (ii) the results of any appeals resulting from said initial determination, (iii) the number of rulings reversed through the appeals and review process, (iv) the number of claims arising from the provisions of subdivisions (1) and (2) of subsection e of section 25 of chapter 151A, and (v) the number of claims settled in favor of the claimant and in favor of the employer; (2) the average length of time of the appeals and review process of a claim from initial determination to final disposition; (3) the procedures through which the department hires and trains new employees to implement the provisions of sections 39 through 41, inclusive, of chapter 151A, including a determination as to whether or not employment procedures have been followed pursuant to section 9K of chapter 23.

The study shall also include the recommendations of the commission relative to: (1) procedures through which the department may produce a quarterly report, to be posted on the department’s website, of the number of active claims and the status of said claims; (2) procedures through which any current backlog of cases may be fairly and efficiently resolved and avoided in future department proceedings; (3) procedures through which oversight and quality control principles may be implemented to ensure the continuing prompt, equitable, and transparent application of current law by the commissioner and the board of review; (4) a complete review of current statute and regulations relative to the implementation of chapter 151A and any recommendations as to possible legislative reform and streamlined procedures, including, but not limited to, recommendations and procedures for the uniform and effective implementation of section 25 of chapter 151A.

The commission may request from all state agencies such information and assistance as the commission may require. The commission shall report the results of its investigation and study, together with drafts of legislation, if any, necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives, who shall forward the same to the joint committee on public health and the house and senate committees on ways and means on or before December 31, 2013.”

The amendment was *rejected*.

Messrs. Ross and Timilty moved that the bill be amended by inserting after section XX, the following new section:-  
“SECTION XX. Section 3A of chapter 23A of the General Laws, as so appearing, is hereby amended by striking, in lines 139 and 140, the words ‘below the commonwealth’s average’ and inserting in place thereof the following:- ‘at or below the commonwealth’s average plus 1 per cent of the average.’”  
After remarks, the amendment was *rejected*.

Ms. Spilka and Mr. Rodrigues moved that the bill be amended by striking out in section 107 the words “and (ii)”, in line 1440, and inserting in place thereof the following words:- “(ii) \$200,000 from the General Fund to the Massachusetts Technology

Transfer Center established in section 45 of chapter 75 of the General Laws; and (iii)".  
The amendment was *rejected*.

Mr. Welch moved that the bill be amended in section 2, in item 7004-3045, by striking out the figure "\$500,000" and inserting in place thereof the following figure:- "\$700,000".  
The amendment was *rejected*.

Ms. Candaras moved that the bill be amended in section 2, in item 7007-0300, by striking the figures "\$1,717,393" and inserting in place thereof the following figures:- "\$1,755,366".  
After remarks, the amendment was *rejected*.

Messrs. DiDomenico and Petrucci moved that the bill be amended in section 2, in item 7004-0099, by inserting after the word "requirements" the following words:- "; provided further, that not less than \$175,000 shall be expended annually for provision of emergency services that provide domestic violence intervention, workforce development, housing assistance, operation of food vouchers, winter coats for kids and holiday dinners operated by Community Action Programs Inter-City, Inc. for the communities of Chelsea, Revere, and Winthrop".  
The amendment was *rejected*.

Ms. Clark and Ms. Spilka and Messrs. Brownsberger, Eldridge, Michael O. Moore and DiDomenico moved that the bill be amended in section 2 in item 7003-0100, by adding at the end thereof the following: "; and provided further, that funds may be expended for the Center for Women and Enterprise".  
The amendment was **adopted**.

Ms. Candaras moved that the bill be amended by inserting after section \_\_, the following new section:-  
"SECTION XX. Section 2 of chapter 43D of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking the definition of 'priority development site', and inserting in its place the following new definition:  
'Priority development site', a privately or publicly owned property that is: (1) eligible under applicable zoning provisions, including special permits or other discretionary permits, for the development or redevelopment of a building at least 50,000 square feet of gross floor area in new or existing buildings or structures; and (2) designated as an appropriate priority development site by the board. Several parcels or projects may be included within a single priority development site. Wherever possible, priority development sites should be located adjacent to areas of existing development or in underutilized buildings or facilities, or close to appropriate transit services."  
After remarks, the amendment was **adopted**.

Ms. Spilka moved that the bill be amended by inserting at the end thereof the following new section:-  
"SECTION XXX: Section 12 of Chapter 156C of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof, the following subsection:-  
(d) The fee for filing of the certificate of organization required by subsection (a) shall be \$500; provided however, that the fee for filing of said certificate of organization shall be \$250 for a business that has 10 employees or less. The fee for the filing of the annual report required by subsection (c) shall be \$500; provided however, that the fee for filing of said annual report shall be \$50 for the first two annual reports that a business files after filing its initial certificate of organization. Such fees shall be paid to the state secretary at the time the certificate of organization or the annual report is filed."  
The amendment was *rejected*.

Messrs. DiDomenico and Brownsberger, Ms. Donoghue and Messrs. Petrucci and Joyce moved that the bill be amended in section 2, in item 7008-0900, by inserting after the word "commonwealth" the following: - "; provided further that not less than \$100,000 shall be expended for the Head of the Charles Regatta"; and by striking the figure "\$6,887,109" and inserting in place thereof the figure: - "\$6,987,109".  
The amendment was *rejected*.

Mr. Downing moved that the bill be amended in section 2, in item 7008-0900, by inserting at the end thereof the following:- "; provided further that no less than \$50,000 shall be expended for out-of-state marketing initiatives to promote the 75th anniversary season of a music festival in Berkshire county, contingent upon the demonstration of market research that shows significant return of investment to the commonwealth for expenditure of said funds;".  
The amendment was *rejected*.

Ms. Clark moved that the bill be amended by inserting the following new section:-  
"SECTION 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 of funds described in item 7004-2033..... \$30,000,000.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at eighteen minutes before nine o'clock P.M., on motion of Mr. Knapik, as follows to wit (yeas 37 — nays 0) [Yeas and Nays No. 202]:

YEAS

Brewer, Stephen M. Keenan, John F.  
Brownsberger, William N. Kennedy, Thomas P.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 37.

Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. — 1

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

Messrs. Eldridge, Knapik, Brownsberger, Donnelly and Joyce and Ms. Chang-Diaz and Messrs. Michael O. Moore, Keenan and Rush moved that the bill be amended in section 2, in item 7004-0104, by striking out the figure “\$1,400,000” and inserting in place thereof the following figure:- “\$2,200,000”.

The amendment was *rejected*.

Messrs. Eldridge, Donnelly, DiDomenico, Michael O. Moore, Finegold and Brownsberger moved that the bill be amended in section 2, in item 7004-9005, by striking out the figure \$62,500,000 and inserting in place thereof the following figure:- \$66,500,000; and by inserting at the end thereof the following words:- “and provided further, that the administration shall make every attempt to direct efforts toward rehabilitating local housing authority family units requiring \$20,000 or less in repairs”.

After remarks, the amendment was *rejected*.

Ms. Chang-Diaz and Mr. Brownsberger moved that the bill be amended in section 2, in item 7004-0102, by striking out the figure “\$37,963,331” and inserting in place thereof the following figure:- “\$38,902,231”.

The amendment was *rejected*.

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

“SECTION \_\_ (a) It shall be unlawful for any employer to ask any employee or prospective employee to provide any password or other related account information in order to gain access to the employee's or prospective employee's account or profile on a social networking website or electronic mail. No employee or prospective employee shall be required to provide access to an employer for a social networking site.

(b) It shall be unlawful for any public or private institution of higher education to ask any student or prospective student to provide any password or other related account information in order to gain access to the student's or prospective student's account or profile on a social networking website or electronic mail. No student or prospective student shall be required to provide access to a public or private institution of higher education for a social networking site.

(c) For the purposes of this section, ‘Social networking site’ means an internet-based service that allows individuals to: (1) construct a public or semi-public profile within a bounded system created by the service; (2) create a list of other users with whom they share a connection within the system; and (3) view and navigate their list of connections and those made by others within the system.

(d) This section shall not apply to any employer who obtains information about a prospective employee or an employee that is in the public domain or obtained in compliance with this section.

(e) This section shall not limit an employer's right to promulgate and maintain lawful workplace policies governing the use of the

employer's electronic equipment, including policies regarding internet use, social networking site use, and electronic mail use.  
(f) The Department of Labor shall make rules and regulations and investigations necessary for the enforcement of subsections (a) (d) and (e) of this act.  
(g) The Board of Higher Education shall make rules and regulations and investigations necessary for the enforcement of subsection (b) of this act.”  
The amendment was *rejected*.

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

“SECTION 55A. Subsection (a) of section 29K of said chapter 29, added by section 41 of chapter 68 of the acts of 2011, is hereby amended by striking out the following words ‘that receives a total amount of appropriations from the commonwealth equal to or in excess of \$500,000 in any fiscal year shall, on an annual basis conduct an audit of those funds’ and inserting in place thereof the following words:- ‘shall be subject to section 12 of chapter 11 and shall, on an annual basis, conduct an independent audit of its funds. The results of both audits and the audited financial statements of the authority shall be provided annually to the secretary of administration and finance who shall publish the audits and audited financial statements on the searchable website developed and operated under section 14C of chapter 7.’”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at seven minutes before nine o'clock P.M., on motion of Ms. Spilka, as follows to wit (yeas 37 — nays 0) [Yeas and Nays No. 203]:

YEAS

Brewer, Stephen M. Keenan, John F.  
Brownsberger, William N. Kennedy, Thomas P.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E.  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 37.  
Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. — 1

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

Ms. Fargo moved that the bill be amended in section 2, in item 7008-0900, by inserting after the words “General Laws;” the following words: - “provided further, that no less than \$75,000 shall be appropriated for the Waltham Tourism Council;”.  
After remarks, the amendment was *rejected*.

Ms. Chang-Diaz and Messrs. Donnelly, Michael O. Moore and Brownsberger moved that the bill be amended in section 2, in item 7002-0012, by striking out the figure “\$3,000,000” and inserting in place thereof the following figure:- “\$12,000,000”.  
After remarks, the amendment was *rejected*.

Messrs. Wolf, Knapik, Keenan, Eldridge, Rosenberg and Welch, Ms. Chang-Diaz, Messrs. Brownsberger, Michael O. Moore and Kennedy, Ms. Donoghue, Ms. Candaras and Mr. McGee moved that the bill be amended in section 2, in item 7003-1206, by striking out the figure “\$500,000” and inserting in place thereof the following figure: - “\$750,000”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at fourteen minutes past nine o'clock P.M., on motion of Mr. Wolf, as follows to wit (yeas 37 — nays 0) [Yeas and Nays No. 204]:

YEAS

Brewer, Stephen M. Keenan, John F.  
Brownsberger, William N. Kennedy, Thomas P.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.

Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 37.  
Joyce, Brian A.  
NAYS — 0.  
ABSENT OR NOT VOTING  
Berry, Frederick E. — 1

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

Mr. Keenan moved that the bill be amended in section 2, in item 7008-1000, by inserting after “administrative services” the following:- “provided further that not less than \$10,000 be appropriated to the Town of Abington for costs associated with the town's Tricentennial celebration”.

The amendment was *rejected*.

Messrs. Keenan, Eldridge and Knapik moved that the bill be amended in section 2, in item 4401-1000, by striking out the figure “\$3,904,506” and inserting in place thereof the following figure:- “\$8,109,035”.

The amendment was *rejected*.

Mr. Keenan moved that the bill be amended in section 2, in item 7004-0101, by striking out the figure “\$96,679,154” and inserting in place thereof the following figure:- “\$100,368,742”.

The amendment was *rejected*.

Ms. Clark, Ms. Donoghue, Mr. Hart, Ms. Chang-Diaz and Messrs. Brownsberger, DiDomenico and Joyce moved that the bill be amended in section 2, in item 7007-0952, by striking out the figure “\$3,500,000” and inserting in place thereof the following figure:- “\$3,750,000”.

The amendment was *rejected*.

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

“SECTION \_\_: Notwithstanding chapter 128C of the General Laws or any other general or special law or rule or regulation to the contrary, the greyhound meeting licensees located in Bristol county shall receive a credit of \$75,121.20 for unreimbursed Promotional Fund projects which credit shall be applied against said licensees payment obligation to the Racing Stabilization Fund established pursuant to section 20 of chapter 167 of the acts of 2009, as amended by section 14 of chapter 86 of the acts of 2010.”.

The amendment was *rejected*.

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

“SECTION \_ . Section 2 of chapter 43D of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word ‘selectmen.’, in line 5, the following words:-

‘Housing Priority Zone’, a privately or publicly owned property, a zoning district or a zoning overlay district zoned and designated for the development or redevelopment of housing which:

1. Exceeds the allowable unit density by a minimum of 50 percent greater than the density allowed prior to designation as a priority zone, and shall in no case have a lot size greater than ½ acre;
2. Includes a minimum of 40% of its units as affordable housing, as defined in Section 2 of Chapter 40R;
3. May incorporate the use of zoning methods known as cluster development, as defined in Section 9 of Chapter 40A of the General Laws, or open space residential design; and
4. Is designated a priority development site by the board, in consultation with the Department of Housing and Community Development.

SECTION \_ . Chapter 43D, as so appearing, is hereby further amended by inserting after section 16 the following sections:-

Section 17. For the purposes of determining consistency with the definition of “consistent with local needs” contained in Section 20 of Chapter 40b of the General Laws, a housing unit developed in a housing priority zone shall be credited at the rate of 1.75 units upon the issuance of a building permit.

Section 18. Any individual or family residing in affordable housing within a housing priority zone shall report to the local administrative office responsible for housing development and administration not less than once every three years to certify that

the property has not been sold or otherwise transferred to an individual or family who exceeds the income limits of the affordable housing program. If said property is sold or otherwise transferred to an individual or family who do not exceed the income limits, then the reporting responsibility shall devolve to the new owner or owners of the property.

Section 19. Notwithstanding any general or special law to the contrary, the real estate tax assessed to a property designated as a priority development site shall be on a pro rata basis to the days remaining in the fiscal year from the date of the issue of the temporary or permanent occupancy permit to the end of the fiscal year.”

The amendment was *rejected*.

Messrs. Downing, Rosenberg, Knapik, Wolf, Tarr, Michael O. Moore and Richard T. Moore, Ms. Donoghue and Ms. Chandler moved that the bill be amended in section 2, in item 7035-0006, by striking out the figure “\$43,521,000” and inserting in place thereof the following figure:- “\$45,521,000”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at a quarter before ten o’clock P.M., on motion of Mr. Knapik, as follows to wit (yeas 37 — nays 0) [Yeas and Nays No. 205]:

YEAS

Brewer, Stephen M. Keenan, John F.  
Brownsberger, William N. Kennedy, Thomas P.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 37.

Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. — 1

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

Messrs. Michael O. Moore and Knapik moved that the bill be amended in section 2 by striking out item 7066-0002 and inserting in place thereof the following item:-

“7066-0002 For costs related to the development and implementation of the degree auditing and transfer system and the adoption of a standard core of course offering and numbering for common credit toward degrees and certificates across the colleges and universities; provided, that the department may enter into an interdepartmental service agreement with the executive office of education for the implementation of the degree auditing and transfer system; provided further, that the department shall collaborate with the colleges and universities in the development of the degree auditing and transfer system and the common course offering and numbering and reimburse the institutions for reasonable costs associated with said activities, including faculty stipends; and provided further, that the department of higher education shall file a report with the house and senate committees on ways and means not later than January 11, 2013 detailing campuses receiving funds through this item ..... \$4,000,000”.

After remarks, the amendment was **adopted**.

Messrs. Michael O. Moore, Knapik, Joyce and Montigny moved that the bill be amended in section 2, in item 7070-0066, by striking out the figure “3,000,000” and inserting in place thereof the following figure:- “\$5,000,000”.

After remarks, 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 Ms. Flanagan, as follows to wit (yeas 37 — nays 0) [Yeas and Nays No. 206]:

YEAS

Brewer, Stephen M. Keenan, John F.  
Brownsberger, William N. Kennedy, Thomas P.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.

Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 37.  
Joyce, Brian A.  
NAYS — 0.  
ABSENT OR NOT VOTING  
Berry, Frederick E. — 1

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

Ms. Chandler and Mr. Michael O. Moore moved that the bill be amended in section 2, in item 7066-0024, by striking out the figure "\$1,300,000 and inserting in place thereof the following figure:- "\$1,400,000".  
The amendment was *rejected*.

Mr. Michael O. Moore moved that the bill be amended in section 2, in item 7077-0023, by striking out the figure "2,000,000" and inserting in place thereof the following figure:- "\$3,500,000".  
The amendment was *rejected*.

Messrs. Rodrigues, Brownsberger and DiDomenico, Ms. Chang-Diaz, Mr. Knapik and Ms. Clark moved that the bill be amended in section 2, in item 7061-9412, by striking out the figure "\$14,042,764" and inserting in place thereof the following figures:- "\$14,918,030".  
The amendment was *rejected*.

Mr. Michael O. Moore, Ms. Creem and Messrs. Rosenberg, Rodrigues, Pacheco and Knapik moved that the bill be amended in section 133 by inserting after the word "designee", in line 1844, the following words:- "a member of the community colleges faculty chosen by the Massachusetts Teachers Association;".  
After remarks, the amendment was **adopted**.

Messrs. Rodrigues and Hart, Ms. Chandler, Messrs. Rush, Petruccelli, Welch, Brownsberger, Knapik, Finegold, Joyce, Michael O. Moore, Timilty, Wolf and Kennedy and Ms. Candaras moved that the bill be amended in section 2, in item 7035-0035, by striking out the figure "\$2,000,000" and inserting in place thereof the following figure:- "\$2,400,000".  
The amendment was *rejected*.

Mr. Rodrigues moved that the bill be amended in section 2, in item 7010-0033, by inserting after the word "programming" the following:- "provided further that funds may be expended for literacy-based mentoring initiatives that combat the chronic dropout of at-risk youths that were approved by the department and funded in item 7061-9404 of section 2 of chapter 27 of the acts of 2009 in fiscal year 2010."  
The amendment was *rejected*.

Messrs. Timilty and Tarr moved that the bill be amended in section 40 by striking the words: "provided, however, that in the case of Community Colleges, the Board of Trustees shall recommend to the Governor three nominees for the position of Chairperson who shall reside within the geographic region of the Community College and the Governor shall appoint one of those nominees as Chairperson".  
After debate, the amendment was *rejected*.

Messrs. Timilty and Tarr moved that the bill be amended in section 35 by striking the words "and fee" in lines 454, 458,462, 464, and 466; and by adding at the end thereof the following:- "provided further, that the Department of Higher Education shall do an analysis of the current fee structure of the Community Colleges and forward said analysis to the House and Senate Committee on Ways and Means and the House and Senate Committees on Higher Education on or before December 31, 2012".  
The amendment was *rejected*.

Ms. Jehlen and Messrs. Finegold and DiDomenico moved that the bill be amended in section 2, in item 7027-1004, by striking the figure "\$514,937" and inserting in place thereof the figure of "\$1,214,937".  
After remarks, the amendment was **adopted**.

Messrs. Hart, Montigny, Rosenberg, Rodrigues and McGee moved that the bill be amended in section 2, in item 7003-0803, by inserting after "career services" the following: "; provided further that no less than \$150,000 be allocated for the Clement Course in the Humanities, administered by the Massachusetts Foundation for the Humanities in partnership with the University of Massachusetts Boston and the University of Massachusetts Dartmouth and local social service agencies, which provides college-level humanities instruction and support service free of charge and for college credit to low income adults; provided, that the funds shall be contingent upon a match of not less than \$1 in federal contributions or \$1 in private or corporate contributions for every \$1 in state grant funding; and provided further, that all contributions be invested in a permanent endowment for the benefit of the Clemente Course in the Humanities and other humanities programs designed for low income communities in Massachusetts"; and in said item by striking out the figures "\$4,494,467" and inserting in place thereof the figures "\$4,644,467". The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting after section \_\_\_\_, the following new section:-  
"SECTION \_\_\_\_, Chapter 23A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 10A the following new section:-

Section 10B. (a) There shall be established and set upon the books of the commonwealth a separate fund to be known as the Student Entrepreneurial Development and Economic Investment Fund, hereinafter referred to as the Student Investment Fund, to which shall be credited any appropriations, bond proceeds, or other monies authorized by the general court and specifically designated to be credited thereto and additional funds designated for deposit to the student investment fund, including any pension funds, federal grants or loans, or private donations made available to the secretary of economic development. The secretary of economic development shall hold the student investment fund in an account separate from other funds or accounts. Amounts credited to the student investment fund shall be available to the investment board as established in subsection (b) to carry out the purposes of subsection (c).

(b) The investment board shall consist of the following members: the secretary of economic development or his designee, who shall serve as the chairperson of the board; the chairman of the board of higher education or his designee, who shall serve as the vice-chairperson of the board; the president of the Massachusetts technology development corporation, or his designee; the executive director of commercial ventures and intellectual property, or his designee; two private Massachusetts-based investors to be chosen by the chairperson in consultation with the president of the Massachusetts technology development corporation; one student representative selected by the university of Massachusetts representative to the board of higher education; one student representative selected by the state college representative to the board of higher education; and one student representative selected by the community college representative to the board of higher education. The chairman of the board of higher education shall establish a student application program to aid the representatives of the board of higher education in the selection of student members to the board.

Five members of the board shall constitute a quorum and the affirmative vote of five members shall be necessary for any action taken by the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board.

(c) The purpose of the student investment fund shall be to provide an opportunity for interested students to gain experience in entrepreneurialism and early-stage business development while fostering an economic environment that will attract students to the commonwealth and forge a relationship between the public higher education system and the Massachusetts business community with the intent of driving economic growth. Funds made available to the student investment board from the student investment fund shall be used for a grant program administered by the board for prototype funding of Massachusetts' student ideas in early development stages; provided however, that the development of such ideas, plans, or business occur within the commonwealth. The secretary of economic development shall promulgate rules regarding the enforcement and penalties for recipients who relocate outside of the commonwealth. The board shall not be limited in the number of grants distributed to students in any 1 year; provided however, that the total monetary amount of all grants distributed by the board in a fiscal year shall not exceed 20 per cent of the fund's first year balance. The board shall hold periodic hearings to allow selected students, who have submitted a statement of interest and initial business plan, the opportunity to present a comprehensive business plan describing characteristics and proprietary positions of the student's product or services; present and future markets for such products or services; potential strategies for the future development and funding of the prototype product or service; a statement of amount, timing and projected use of the capital sought by the student; and a statement of the projected growth in employment or other positive economic impacts. Comprehensive business plans may be written and reviewed in consultation with the Massachusetts technology transfer center at the University of Massachusetts.

(d) The board shall, by January 1 of each year, submit a report of its activities for the preceding fiscal year to the governor, the joint committee on economic development and emerging technologies, and the clerks of the house of representatives and senate. Each report shall set forth a complete financial statement covering its operation during the year and shall also include any requests for additional appropriations."

The amendment was *rejected*.

Mr. Downing moved that the bill be amended by inserting after section 38 the following section:-

"SECTION 38A: Section 18 of said chapter 15A is hereby amended by inserting, in line 4, after the term 'program' the following sentence:- A qualifying student health insurance program under this section shall meet the definition of minimum creditable coverage, as established by the board of the Commonwealth connector authority."

The amendment was *rejected*.

Mr. McGee moved that the bill be amended in section 2, in item 7027-0019, by adding the following: “; provided further, that no less than \$90,000 shall be provided to the E-Team Machinist Program in the City of Lynn”.

The amendment was *rejected*.

Mr. McGee, Ms. Chang-Diaz, Ms. Spilka and Mr. DiDomenico moved that the bill be amended in section 2, in item 7027-0019, by striking out the figure “\$2,750,000” and inserting in place thereof the following figure:- “3,200,000”.

After remarks, the amendment was **adopted**.

Mr. McGee moved that the bill be amended in section 2, in item 7066-0015, by striking out the figure “1,000,000” and inserting in place thereof the figure “1,250,000”.

The amendment was *rejected*.

Mr. Brownsberger moved that the bill be amended in section 2, in item 7030-1002, by striking out the figure “\$20,948,947” and inserting in place thereof the figure “\$24,948,947”.

After remarks, the amendment was *rejected*.

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**.

Mr. Joyce moved that the bill be amended in section 2, in item 7061-9408, by adding the following:- “; provided further, that funds may be expended for the continuation of a parent engagement program pursuant to section 2 of chapter 182 of the acts of 2008”.

The amendment was **adopted**.

Messrs. Michael O. Moore and Rosenberg moved that the bill be amended in section 2, in item 7066-0025, by striking out the figure “2,000,000” and inserting in place thereof the following figure:- “\$3,500,000”.

The amendment was *rejected*.

Mr. Michael O. Moore moved that the bill be amended in section 2, by inserting after item 7066-0002 the following item: “7066-XXXX. For the hiring of a consultant or institution with documented expertise in policy and research of community colleges; provided, however, that this consultant shall be selected by the Special Commission on Higher Education Financing....\$100,000”.

After remarks, the amendment was **adopted**.

Ms. Clark and Messrs. Downing, Knapik, Welch and DiDomenico moved that the bill be amended in section 2, in item 7070-0065, by striking out the figure “87,607,756” and inserting in place thereof the following figure:- “91,988,144”.

The amendment was *rejected*.

Mr. Rush moved that the bill be amended in section 2E, in item XXXX-XXXX, by striking out section 42.

The amendment was *rejected*.

Messrs. Downing, Berry, Hart, Rosenberg and Wolf, Ms. Creem, Mr. Knapik, Ms. Spilka and Messrs. Brownsberger, Michael O. Moore, DiDomenico, Tarr, Eldridge and McGee moved that the bill be amended in section 2 by inserting after item 7100-0200 the following item:-

“7100-0700 For the operation of the community mediation center grant program administered by the office of public collaboration at the University of Massachusetts at Boston under section 47 of chapter 75 of the General Laws  
.....\$925,000”.

After remarks, the amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 2, in item XXXX-XXXX, by inserting after the line item 7007-0800, the following:-

“7007-0802 “For the Year Up, Inc. program to provide employment, training, and job placement through a one year program for young urban adults ages 18 to 24 that combines an internship with college credits and a stipend, so long as the program demonstrates at least a 6:1 private match and has a proven record of achieving at least an 80 percent positive outcome within 6 months after graduation, defined by either a first job earning \$30,000 or full-time enrollment in college.....\$200,000.”

The amendment was *rejected*.

Messrs. Downing, Berry, Hart, Rosenberg and Wolf, Ms. Creem, Mr. Knapik, Ms. Spilka and Messrs. Brownsberger, Michael O. Moore, DiDomenico and Tarr moved that the bill be amended by inserting the text of Senate document numbered 2278, relative to community mediation grant program administration.

After remarks, the amendment was **adopted**.

Messrs. Rodrigues, Hart and Rush moved that the bill be amended in section 2, in item 7066-0000, by inserting after the word "finance", the following:- "provided further, \$1,000,000 shall be made available for an Internship Incentive Program for the University of Massachusetts and State Universities; provided further, the commonwealth shall contribute funds to each institution in an amount necessary to match private contributions in the current fiscal year to the institutions internship incentive program; provider further, that the commonwealth's contribution shall be equal to \$1 for every \$1 privately contributed to each university's board of trustees or foundation; provided further, that the maximum total contributions from the commonwealth shall be no greater than \$1,000,000; provided further, that funds from this program shall not result in direct or indirect reduction in the commonwealth's appropriations to the institutions for operations, scholarships, financial aid or any state appropriation and the department shall promulgate regulations and criteria for said program"; and in said item by striking out the figures "\$1,843,708" and inserting in place thereof the figures "\$2,843,708".

The amendment was *rejected*.

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

"SECTION XX. Chapter 40 of the General Laws, as so appearing, is hereby amended by adding after section 13C the following section:-

Section 13D. Any school district which accepts the provisions of this section by majority vote of the school committee and acceptance by a majority vote of the legislative body or, in the case of a regional school district acceptance by a majority vote of the legislative bodies in a majority of the member communities of the district may establish, and appropriate or transfer money to a reserve fund to be utilized in the upcoming fiscal year or years, to pay, without further appropriation, for unanticipated and/or unbudgeted costs of special education out of school district tuition and/or transportation. The balance in such separate stabilization fund shall not exceed 2% of the annual net school spending of the school district.

The district treasurer may invest the monies in the manner authorized by Section 54 of Chapter 44, and any interest earned thereon shall be credited to and become part of the fund. In the case of Regional School Districts, funds may be added to the special education stabilization fund only by appropriation in the annual budget voted at annual town meetings of member towns."

The amendment was *rejected*.

Mr. Berry moved that the bill be amended in section 2, in item 7511-0100, by striking out the figures "\$17,629,906" and inserting in place thereof the figures "\$17,729,906".

The amendment was *rejected*.

Mr. Welch moved that the bill be amended in section 2, in item 7061-9611, by adding at the end thereof the following: "provided further, that not less than \$100,000 shall be expended for the Clean Slate Program in the city of Springfield".

The amendment was *rejected*.

Messrs. Rodrigues and Richard T. Moore moved that the bill be amended by inserting, after section \_\_, the following new section:-

"SECTION \_\_. Chapter 69, Section 31A of the General Laws, as most recently amended by the acts of 2009, is hereby amended by striking out Section 31A and inserting in place thereof the following section:-

Section 31A. No educational institution chartered, located, offering courses, or otherwise doing business within the commonwealth, shall award degrees within the commonwealth unless authorized to do so by the commonwealth. Nothing in this section shall prohibit the ceremonial delivery at a graduation, commencement or similar event in the commonwealth of diplomas acknowledging degrees awarded outside the commonwealth by an educational institution formally recognized by a regional accrediting agency, recognized as such by the United States Secretary of Education; nor shall any educational institution chartered, incorporated or organized in another state conduct within the commonwealth any courses available to residents of the commonwealth leading to the award of a degree, unless such educational institution has received the approval of the commonwealth for such courses. Nothing in this section shall prohibit an educational institution that is formally recognized by a regional accrediting agency, recognized as such by the United States Secretary of Education, from providing to residents of the commonwealth administrative and financial counseling or other support services which are not course-specific.

The board of higher education shall be responsible for the implementation of the provisions of this section."

After remarks, the amendment was *rejected*.

Mr. Michael O. Moore moved that the bill be amended in section 35, by striking out, in line 474, the words "and which shall be authorized by law."

The amendment was **adopted**.

Ms. Candaras, Ms. Chang-Diaz, Ms. Clark and Mr. Welch moved that the bill be amended in section 2, in item 3000-4060, by striking out the figures "\$231,370,452" and inserting in place thereof the figures "\$231,870,452".

After remarks, the amendment was *rejected*.

Mr. DiDomenico moved that the bill be amended in section 2, in item 7518-0100, by inserting after "College" the following:- "provided, that funding shall be expended for Just-a-Start Corporation in collaboration with Bunker Hill Community College 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”; and by striking out the figure “\$17,496,631” and inserting in place thereof the figure:- “\$17,596,631”.

The amendment was *rejected*.

Mr. Michael O. Moore moved that the bill be amended in section 2, in item 7070-0066, by striking out the words “For a scholarship program to provide financial assistance to students from the commonwealth who are enrolled in and pursuing a program of higher education in the University of Massachusetts, state universities and community colleges designated by the board of higher education to be a training program for an in-demand profession as defined by the executive office of labor and workforce development’s study on labor market conditions; provided, that funds from this item may be expended on the administration of the scholarship program; and provided further, that the commissioner of higher education, in coordination with the Massachusetts state scholarship office, shall adopt regulations governing the eligibility and the awarding of financial assistance” and inserting in place thereof the following:- “For a scholarship program to provide financial assistance to students from the commonwealth who are enrolled in and pursuing a program in an in-demand profession as defined by the executive office of labor and workforce development’s study of labor market conditions; provided that an eligible student is enrolled in and pursuing a program of higher education in an approved Massachusetts public or independent college, university, school of nursing; provided, that funds from this item may be expended on the administration of the scholarship program; and provided further, that the commissioner of higher education, in coordination with the Massachusetts state scholarship office, shall adopt regulations governing the program eligibility, student eligibility and the awarding of financial assistance”.

After remarks, the amendment was *rejected*.

Mr. DiDomenico, Ms. Chang-Diaz and Mr. Brownsberger moved that the bill be amended in section 2, in item 7010-0005, by adding after the word “expenditures” the following words:- “and provided further, that the department, in collaboration with the commission on gay and lesbian youth established by section 67 of chapter 3 of the General Laws, may allocate funds to ensure public schools’ support and safety of gay and lesbian students and the implementation of related suicide and violence prevention efforts and reduction of health disparities for GLBT youth”.

The amendment was **adopted**.

Messrs. Downing and Rodrigues, Ms. Chandler, Messrs. Knapik, DiDomenico, Finegold and Kennedy, Ms. Donoghue and Messrs. Michael O. Moore, Montigny, Welch and McGee moved that the bill be amended in section 2 by inserting after item 7009-6402 the following item:-

“7009-6403 For grants to provide targeted professional development opportunities for educators working in family child care programs in Gateway Cities, and to provide support to family members of children enrolled in these programs; provided, that funds shall be used to offer multiple types of professional development programs, including job-embedded opportunities, to educators on topics including but not limited to, language and literacy development, especially for students for whom English is not their first language, creating literacy-rich environments, and preparing children for kindergarten; provided further, that funds shall also be used to offer evening and/or Saturday sessions for family members to increase levels of understanding and engagement with literacy development; and provided further, that funds shall also be used to schedule home visits for children and families who need additional literacy support..... \$575,000”.

The amendment was *rejected*.

Messrs. Downing and Rodrigues, Ms. Chandler, Messrs. Knapik, DiDomenico, Finegold and Kennedy, Ms. Donoghue, Mr. Michael O. Moore, Ms. Clark and Messrs. Montigny and McGee moved that the bill be amended in section 2 by inserting after item 7009-6400, the following item:-

“7009-6401 For grants to establish or expand student support councils in school districts located in Gateway Cities, and to place student support counselors in schools within those districts who will coordinate the provision of support services, including but not limited to, health and human services, to students within the school setting; provided, that funds shall be used to establish cross-sector, cross-stakeholder student support councils that will create strategic plans for delivering comprehensive student support services to students and families and also provide practical information and support to school districts and other educational institutions; provided further, that funds shall be used to hire district-level student support coordinators and school-level counselors; provided further, that grant applications may also propose placing such counselors in early education or higher education settings where appropriate ..... \$3,640,000”.

The amendment was *rejected*.

Mr. DiDomenico, Ms. Spilka, Messrs. Michael O. Moore and McGee moved that the bill be amended in section 2, in item 7035-0002, by striking out the figure “\$30,707,455” and inserting in place thereof the figure:- “\$30,857,455”; and by inserting at the end the following:- “; provided further, that not less than \$150,000 be expended for Operation A.B.L.E. of Greater Boston to provide basic workforce and skills training, employment services and job re-entry support to older workers.”

The amendment was *rejected*.

Mr. Tarr, Ms. Clark, Messrs Hedlund, Knapik, Ross, Downing and Finegold, Ms. Jehlen, Mr. Michael O. Moore and Ms. Creem moved that the bill be amended by inserting after section \_\_, the following section:-

“SECTION \_\_. Subsection (f) (1) of Section 24 of Chapter 90 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking the words ‘convicted of’, in line 523, and inserting in place thereof the following words:- convicted,

had a case continued without a finding after an admission to sufficient facts for a finding of guilty, or who is assigned to an alcohol or controlled substance education, treatment, or rehabilitation program for.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at nine minutes before eleven o'clock P.M., on motion of Mr. Tarr, as follows to wit (yeas 37 — nays 0) [Yeas and Nays No. 207]:

YEAS

Brewer, Stephen M. Keenan, John F.  
Brownsberger, William N. Kennedy, Thomas P.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petrucci, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E.  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 37.  
Joyce, Brian A.  
NAYS — 0.  
ABSENT OR NOT VOTING  
Berry, Frederick E. — 1

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

Recess.

At four minutes before eleven o'clock P.M., on motion of Mr. Hart, the President declared a recess until the following day at ten o'clock A.M.

Thursday, May 24, 2011

[being the legislative session of Wednesday, May 23, 2011.]

Met at twenty-eight minutes past ten o'clock A.M.

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

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. DiDomenico for the purpose of an introduction. Mr. DiDomenico then introduced, in the rear of the Chamber, the kindergarten and 1st grade classes of the George Keverian Elementary School in Everett. Included in the group were his sons, Matthew and Sal. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Hedlund for the purpose of an introduction. Mr. Hedlund then introduced, in the rear of the Chamber, JoAnne Parisi, the Director of the Department of Veterans Services in Weymouth. The Senate welcomed her with applause and she withdrew from the Chamber. She was accompanied by Buzz Smith and Arthur Sharp.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Ross for the purpose of an introduction. Mr. Ross then introduced, in the rear of the Chamber, the North Attleboro High School Cheerleading Team. The team was recognized for winning the Division 2 New England Championship as well as winning the Hockomock League, the South Regional Division 2 and the Division 2 State Championship titles. The Senate applauded their

accomplishments and they withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Rush for the purpose of an introduction. Mr. Rush then introduced on the Rostrum, Richie Gormley of West Roxbury. Richie has just recently been sworn in by Mayor Menino as the "Honorary Mayor of West Roxbury". He is the owner and operator of Gormley Funeral Home, the longest run family owned funeral home in the city of Boston. Richie also served in the United States Marine Corps during the Vietnam War in the 1st Marine Division and is a highly decorated combat veteran. The Senate applauded his accomplishments and heroic efforts and he 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. Ross and Ms. Spilka) "honoring the memory of Sergeant Warren James Bedford on the dedication of the Sergeant Warren James Bedford Square in the town of Natick"; and Resolutions (filed by Mr. Tarr) "congratulating the sister towns of Boxford, Massachusetts and Boxford, Suffolk County, England on 36 years of cross-cultural ties."

Orders of the Day.

The Orders of the Day were further considered as follows:

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

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

"SECTION \_\_\_. Section 15F of chapter 138 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:-

(b). A special license under this section may be granted by the local licensing authorities for a portion of premises that are licensed under §12 of this chapter provided that: (a) the special licensee documents the legal basis for use of the §12 licensed premises; (b) the area in which a special license is approved must be physically delineated from the area remaining under the control of the §12 license-holder; (c) the holder of the special license and not the §12 licensee, shall be solely liable for all activities that arise out of the special license; and (e) the special license holder shall not pay any consideration, directly or indirectly, to the §12 license holder for the access to or use of the §12 licensee's premises."

After remarks, the amendment was **adopted**.

#### PAPERS FROM THE HOUSE.

There being no objection, during the consideration of the Orders of the Day, the following matters were considered as follows: Engrossed Bills—Land Taking for Conservation Etc.

An engrossed Bill authorizing the commissioner of capital asset management and maintenance to grant easements within Monroe State Forest (see Senate, No. 1988, 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 sixteen minutes before eleven o'clock A.M., as follows, to wit (yeas 36 - nays 0) [Yeas and Nays No. 208]:

YEAS

Brewer, Stephen M. Joyce, Brian A.  
Brownsberger, William N. Keenan, John F.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E.  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 36  
NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Kennedy, Thomas P.— 2

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

An engrossed Bill authorizing the city of Holyoke to convey a certain parcel of land to the Holyoke Community College Foundation (see House, No. 3849, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eleven minutes before eleven o'clock A.M., as follows, to wit (yeas 36 - nays 0) [Yeas and Nays No. 209]:

YEAS

Brewer, Stephen M. Joyce, Brian A.  
Brownsberger, William N. Keenan, John F.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petrucci, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 36

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Kennedy, Thomas P.— 2

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

Orders of the Day.

The Orders of the Day were further considered as follows:

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

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

Messrs. Tarr and Knapik moved that the bill be amended by striking out section 95 in its entirety.  
The amendment was *rejected*.

Messrs. Ross, Knapik, Hedlund and Tarr moved that the bill be amended by inserting after SECTION XX, the following new sections:-

“SECTION AA. Section 24 of chapter 138 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding, in line 17, after the words “quantities thereof”, the following:- ‘; provided, further, that no regulation promulgated as a result of this section shall prohibit the practice of selling, offering to sell or delivering to any person or group of persons any drinks at a price less than the price regularly charged for such drinks for a period longer than 48 hours, except at private functions not open to the public.

SECTION BB. Notwithstanding any general or special law to the contrary, the alcoholic beverages control commission shall, 1 year after the effective date of SECTION AA, conduct an investigation and study as to of the impacts of said section. The commission shall report the results of its investigation and study, together with drafts of legislation, if any, necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives, who shall forward the same to the joint committee on consumer protection and professional licensure on or before December 31, 2013.”

“SECTION CC. Section 106 of chapter 194 of the acts of 2011 is hereby amended by inserting after the second sentence the following sentence:-

'In addition, the alcohol beverages control commission shall also investigate and report on the possibility of promulgating regulations allowing for the practice of selling, offering to sell or delivering to any person or group of persons any drinks at a price less than the price regularly charged for such drinks for a period longer than 48 hours, except at private functions not open to the public.'

The amendment was *rejected*.

Messrs. Montigny and Eldridge and Ms. Jehlen moved that the bill be amended by inserting after section 161, the following new sections:-

SECTION \_\_\_\_\_. (a) Section 14C of Chapter 7 of the General Laws is amended in sub section (a) by striking the definition for "state award" and inserting the following definition:

"State award" or "award", appropriations, expenditures, grants, tax credit, subgrants, loans, purchase orders, infrastructure assistance and other forms of financial assistance."

(b) Subsection (a) of said section 14C of Chapter 7 is further amended by inserting after the definition of "state award" or "award" the following new definition: "state award or award requirement" any condition or requirement agreed to by an agency and a recipient that must be fulfilled in order to receive a state award, including, but not limited to job creation, wage, health care and other benefit requirements"

(c) Subsection (b) of said section 14C of Chapter 7 is amended by striking subsections (b) (5) and (6) and inserting in place thereof the following:

(5) all state award or award requirements for a recipient to receive a state award

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

(7) any other relevant information specified by the secretary."

SECTION \_\_\_\_\_. Chapter 7 of the General Laws is further amended by inserting after section 14C the following new section;

"14D. (a) The secretary shall have the authority to enforce the provisions of any state award or award requirement, as defined by section 14C of this chapter, entered into by an agency and a recipient.

(b) The secretary shall, at the end of each taxable year, determine whether a recipient of a state award has fulfilled any and all state award or award requirements.

(c) If the secretary determines that a recipient has failed to fulfill any state award or award requirement, the secretary shall recapture any state award or award received by a recipient. The secretary shall notify the recipient in writing of the recapture of the state award or award. The secretary shall notify the state auditor and inspector general of his intent to recapture said award.

(d) Within 10 days of the notification, the recipient may request a hearing before the secretary,

The secretary, within 30 days shall schedule a hearing on the issue of recapture. The recipient shall be allowed to present evidence of the recipient's ability to fulfill the state award or award requirement, including but not limited to;

(i) economic conditions or factors;

(ii) natural disasters or events

(iii) any other factor or condition affecting the recipient's ability to fulfill the state award or award requirement.

(e) The Superior Court shall have jurisdiction over all matters in law and in equity arising under this section, including but not limited to action to enforce the recapture of state awards or awards and appeals of the decision of the secretary."

The amendment was *rejected*.

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

"SECTION \_\_\_\_\_. Clause Forty-first A of section 5 of said chapter 59 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the fifth paragraph, in lines 1057 through 1069, and inserting in place thereof the following paragraph:—

In addition to the remedies provided by this clause, the recorded statement of the assessors provided for in this clause shall have the same force and effect as a valid taking for nonpayment of taxes under the provisions of section 53 of chapter 60, except that:

(1) interest shall accrue at the rate provided in this clause until the conveyance of the property or one year after the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section 62 of chapter 60; (2) no assignment of the municipality's interest under this clause may be made pursuant to section 52 of chapter 60; (3) no petition under section 65 of chapter 60 to foreclose the lien may be filed before the expiration of one year from the conveyance of the property or the death of the person whose taxes have been deferred."

The amendment was *rejected*.

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

"SECTION \_\_\_\_\_. Section 8F of chapter 12 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking, in line 135, the figure '\$5,000' and inserting in place thereof the following figure:—\$10,000.

SECTION \_\_\_\_\_. Said section 8F of said chapter 12, as so appearing, is hereby amended by inserting, at the end thereof, the following:—

A public charity, or an officer or agent of a public charity, who knowingly makes, executes or files a report false in any material representation shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment."

The amendment was *rejected*.

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

SECTION \_\_. (a) The purpose of this provision is to ensure that the Commonwealth establishes systems to collect accurate, consistent, and comprehensive data on juveniles' contacts with officials in the law enforcement and juvenile justice systems in order to improve comprehensive state planning as required by Title 42 of the United States Code, section 5633.

(b) Definitions. As used in this section,

"contact" means any action or practice by law enforcement personnel or by any other official of the commonwealth or private service provider under contract or other agreement with the commonwealth, in dealing with a juvenile at any stage of the juvenile justice system including, but not limited to, the points of contact listed below in sub-section (d).

"juvenile" means a youth between the age of seven and seventeen and up to the age of 21 if the individual remains within the jurisdiction of the juvenile court or juvenile justice system, and children aged fourteen to seventeen who are charged with first or second degree murder pursuant to M.G.L.A. 119 § 74;

"alternative lock-up program" means a facility and/or program that provides for the physical care and custody of a youth being held by the police after an arrest and before an arraignment, and includes programs provided by the police, municipal, county or state government, as well as any contractor, vendor or service-provider working with such government entities.

"racial/ethnic category" means the socio-cultural racial and ethnic category of an individual as categorized in a manner that is consistent with the categories established and utilized by the Office of Juvenile Justice and Delinquency Prevention.

"type of crime" means category of crime into which the alleged or proven offense a youth has committed falls as categorized in a manner that is consistent with the categories established and utilized by the National Incident-Based Reporting System.

(c) The Child Advocate shall create and update as may be appropriate an instrument to record statistical data at each point of contact identified in sub-section (d). This instrument shall, at minimum, include age, gender, race/ethnicity category, and type of crime. The child advocate shall give due regard to the census of juveniles when setting forth the race/ethnicity categories in the instrument. The Child Advocate shall consider providing guidance about the manner in which the race/ethnicity information is designated and collected, with consideration of the juveniles' self-reporting of such categories. All Offices and Departments subject to this law shall use this instrument to record contacts.

(d) (i) The department of state police, municipal police departments, Massachusetts Bay Transportation Authority police, any school-based police from a local education authority, and any contractor, vendor or service-provider working with such police including any alternative lock-up programs, shall collect the necessary information to complete the instrument identified in sub-section (c) for each juvenile subjected to the following contacts for each fiscal year

- (1) referral to and/or use of diversion programming;
- (2) arrest; and

- (3) pre-arraignment detention;

(ii) Clerk magistrates shall collect the necessary information to complete the instrument identified in sub-section (c) for each juvenile subjected to the following contacts for each fiscal year

- (1) criminal complaint filed
- (2) finding of probable cause;
- (3) complaint issued;
- (4) appeal to judge of the finding by the clerk magistrate; and
- (5) complaint issued after appeal.

(iii) The district attorneys shall collect the necessary information to complete the instrument identified in sub-section (c) for each juvenile subjected to the following contacts for each fiscal year

- (1) referral to and/or use of diversion programming;
- (2) indictment as a youthful offender;
- (3) dismissal of indictment/dismissal of indictment in exchange for other action; and
- (4) prosecution in criminal court under M.G.L.A. ch. 119 § 74.

(iv) The juvenile court department shall collect the necessary information to complete the instrument identified in sub-section (c) for each juvenile subjected to the following contacts for each fiscal year

- (1) arraignment as a delinquent
- (2) arraignment as a youthful offender;
- (3) referral to and/or use of diversion programming;
- (3) pre-trial probation pursuant to M.G.L.A. ch. 276 § 87;
- (4) cases which are continued without a finding, M.G.L.A. ch. 278 § 18 and M.G.L.A. ch. 119 § 58 ;
- (5) adjudication as a delinquent;
- (6) adjudication as a youthful offender;
- (7) sentence to probation;
- (8) commitment to the department of youth services pursuant to M.G.L.A. ch. 119 § 58;
- (9) commitment to the department of youth services pursuant to M.G.L.A. ch. 279 s. 2 that are suspended;
- (10) extension of commitments to the department of youth services pursuant to M.G.L.A. ch. 120 § 17,18 by consent or order;
- (11) juvenile brought before the court on criminal and non-criminal violations of probation; and
- (12) commitments to department of youth services following probation violation.

(v) The office of the commissioner of probation shall collect the necessary information to complete the instrument identified in sub-section (c) for each juvenile subjected to the following contacts for each fiscal year

- (1) referral to and/or use of diversion programming;

- (2) supervision of pre-trial probation;
- (3) supervision of continuances without a finding; and
- (4) supervision of youth on probation;
- (vi) The department of youth services and any contractor, vendor or service provider working with said department including alternative lock-up programs shall collect the necessary information to complete the instrument identified in sub-section (c) for each juvenile subjected to the following contacts for each fiscal year
  - (1) pre-trial detention;
  - (2) commitment;
  - (3) level of care including, but not limited to,
    - a. "hardware," secure;
    - b. staff secure;
    - c. residential; and
    - d. community placement;
  - (4) notice of revocation of grants of conditional liberty;
  - (5) hearing on grants of conditional liberty;
  - (6) youth placed in secure for violation of conditions of liberty;
  - (7) extensions of commitments pursuant to M.G.L.A. ch. 120 § §17,18 sought by the department of youth services; and
  - (8) extensions pursuant to M.G.L.A. ch. 120 § §17,18 by consent or order.
- (vii) The superior court shall collect the necessary information to complete the instrument identified in sub-section (c) for each juvenile subjected to the following contacts for each fiscal year
  - (1) arraignment for murder in the first degree and murder in the second degree; and
  - (2) convictions.
- (viii) The department of correction and each sheriff's department shall collect the necessary information to complete the instrument identified in sub-section (c) for each juvenile subjected to the following contacts for each fiscal year
  - (1) prearrest detention;
  - (2) pretrial detention;
  - (3) post-disposition confinement of youthful offenders; and
  - (4) post-conviction confinement for Murder.
- (ix) The parole board shall collect the necessary information to complete the instrument identified in sub-section (c) for each juvenile subjected to the following contacts for each fiscal year
  - (1) grant of parole;
  - (2) supervision of parole; and
  - (3) revocation of parole.
- (e) (i) The Executive Office of Public Safety and Security shall be responsible for assembling the data collected by the below offices and departments on an annual basis. The collected data for each fiscal year shall be published on the Executive Office of Public Safety and Security Website, filed with the clerks of the Massachusetts House and Senate and provided to the Office of the Child Advocate no later than 90 days after the end of that fiscal year. The first such report shall be submitted by January 2, 2013.
  - (1) The Commissioner of the Department of Correction
  - (2) Sheriffs of each County;
  - (3) The Parole Board;
  - (4) The Department of the State Police;
  - (5) Municipal police departments;
  - (6) The Massachusetts Bay Transportation Authority Police;
  - (7) School based police from any local education authority;
  - (8) Alternative Lock-up Programs; and
  - (9) any other contractor, vendor or service provider working with school based or other police officers.
- (ii) The Attorney General shall be responsible of assembling data collected by District Attorney's Offices on an annual basis. The collected data for each fiscal year shall be published on the Attorney General's website, filed with the clerks of the Massachusetts House and Senate and provided to the Office of the Child Advocate no later than 90 days after the end of that fiscal year. The first such report shall be submitted by January 2, 2013
- (iii) The Chief Justice for Administration and Management shall be responsible for assembling data collected by judicial officers and court personnel including the Commissioner of Probation, judicial officers and court personnel, and the Executive Director of Community Correction. The data shall be collected on an annual basis. The collected data for each fiscal year shall be published on the Supreme Judicial Court's website, filed with the clerks of the Massachusetts House and Senate and provided to the Office of the Child Advocate no later than 90 days after the end of that fiscal year. The first such report shall be submitted by January 2, 2013
- (iv) The Executive Office for Human Services shall be responsible for assembling data collect by the Commissioner of the Department of Youth Services and all department personnel, contractors or vendors working with the Department. The data shall be collected on an annual basis. The collected data for each fiscal year shall be published on the Office's website, filed with the clerks of the Massachusetts House and Senate and provided to the Office of the Child Advocate no later than 90 days after the end of that fiscal year. The first such report shall be submitted by January 2, 2013
- (f) Any individual data described or acquired under the provisions of this chapter shall be used only for statistical purposes and

may not be disseminated if it contains data that reveal the identity of an individual who had contact with the juvenile justice system within the meaning of this chapter.

(g) The annual Juvenile Justice Contact Data Reports from the Executive Offices of Public Safety and Security, Attorney General, Chief Justice for Administration and Management and Executive of Office of Human Services shall be public records. The amendment was *rejected*.

Messrs. Tarr and Knapik moved that the bill be amended by inserting, after section \_\_, the following section:-  
“SECTION \_\_. Section 32L of chapter 94C of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word “vehicles”, in line 39, the following words:- , including the possibility that the odor of marijuana in a vehicle may provide a police officer with probable cause to believe criminal activity is underway,”.  
The amendment was *rejected*.

Mr. Rush moved that the bill be amended in section 2, in item XXXX-XXXX, by inserting the following item:-  
“XXXX-XXXX For a capital projects reserve; provided further that not less than \$500,000 shall be expended to assist in the expansion of the YMCA of Greater Boston in West Roxbury.....  
\$500,000”.  
The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in Section XX, by inserting, at the end thereof, the following new section:-  
SECTION 1: Section 295C of chapter 94 of the Massachusetts General laws is hereby amended by adding the following paragraph:-The price on the marquee of the retail dealer shall equal the credit card price of dispensing one gallon of gasoline.  
The amendment was *rejected*.

Messrs. Hedlund, Ross, Knapik and Tarr moved that the bill be amended in Section XX, by inserting, at the end thereof, the following new section:-  
SECTION 1: Notwithstanding any special or general law to the contrary, the MBTA Board of Directors shall furnish a study which includes a cost-benefit analysis of differentiated fare pricing, which includes but is not limited to differentiated fares for peak and off-peak travel as well as for distance travelled, for any and all MBTA service lines. This study must also assess the feasibility of implementing such a price scheme . This study shall be furnished to the clerks of the House and Senate, as well as with the joint committee on transportation no later than March 1, 2013.  
The amendment was *rejected*.

Mr. Brownsberger moved that the bill be amended in section 2, in item 2800-0401, by striking out the figure “\$338,556” and inserting in place thereof the figure “399,396”.  
The amendment was *rejected*.

Ms. Candaras moved that the bill be amended by striking out, in section 107, the figure “15,000,000” and inserting in place thereof the following figure:- “20,000,000”.  
The amendment was *rejected*.

Mr. Timilty moved that the bill be amended in section 2, in item 1102-3205, by inserting at the end thereof the following:-  
“provided further, that not less than \$5,000,000 shall be expended for the total removal of all toxic materials from the site of the former Medfield State Hospital to the extent that, upon completion of the cleanup, the land is not subject to any activity and use limitation and is suitable for unrestricted use”; and in the same item by striking the figure “16,250,000” and inserting in place thereof the following figure:- “21,250,000”.  
The amendment was *rejected*.

Messrs. Donnelly and Michael O. Moore moved that the bill be amended by inserting at the end of the bill the following new section:-  
SECTION XX. Section 7 (d) of chapter 150E of the General Laws is hereby amended by inserting after the words pursuant to chapter forty-eight; in line 53, the following words:- any general or special law pertaining to appointment, transfer or removal of any employee or employees of the Commonwealth, its Appointing Authorities, Agencies, Departments, Divisions to include Massachusetts Department of Transportation and Massachusetts Board of Higher Education, who meet the definition of employee or public employee as defined in section one of this chapter.  
The amendment was *rejected*.

Mr. Joyce moved that the bill be amended by inserting after line item 2820-2000 the following line item:  
“2820-XXXX”...For the costs associated with the Blue Hills Observatory and Science Center..... \$100,000.”  
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 to complete phase 2 of the Blue Hills Parkway Project in the Town of Milton”.

The amendment was *rejected*.

Messrs. Hart, Rush, Michael O. Moore, DiDomenico, Brownsberger and McGee and Ms. Chang-Diaz moved that the bill be amended in section 2, in item 7002-0012, by striking out the figure “3,000,000” and inserting in place thereof the following figure:- “12,000,000”.

The amendment was *rejected*.

Messrs. Tarr, Knapik and Hedlund moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:- “SECTION \_\_. Section 148B of chapter 149 of the General Laws, as appearing the 2010 Official Edition, is hereby amended by striking, in line 8, the word “and” and inserting in place thereof the following word:- or.”

The amendment was *rejected*.

Mr. Montigny moved that the bill be amended in section 2, in item 2511-0100, by adding at the end thereof the following:- “provided further, that not less than \$250,000 shall be expended for the Frederick Douglas House in New Bedford.”

The amendment was *rejected*.

Mr. Welch moved that the bill be amended in section 2, in item 7004-0100, by striking the figure “5,355,239” and inserting in place thereof the following figure:- “6,018,239”.

The amendment was *rejected*.

Ms. Candaras and Messrs. Knapik, Rodrigues and Rosenberg, Ms. Spilka and Messrs. Pacheco, DiDomenico and McGee moved that the bill be amended in section 2, in item 7007-0800, by striking out “704,286” and inserting the following:- “1,254,286”.

The amendment was *rejected*.

Messrs. Wolf and Donnelly and Ms. Candaras moved that the bill be amended by striking section 107, and inserting in place thereof, the following:-

SECTION 107. (a) Notwithstanding any general or special law to the contrary, after 1436 complying with clause (a) of section 5C of chapter 29 of the General Laws, the comptroller shall 1437 dispose of the consolidated net surplus in the budgetary funds for fiscal year 2012 as follows: (i) 1438 transfer \$15,000,000 from the General Fund to the Massachusetts Life Sciences Investment Fund 1439 established by section 6 of chapter 231 of the General Laws; (ii) the comptroller shall transfer \$10,000,000 from the General Fund to the Workforce Competitiveness Trust Fund established by section 2WWW of chapter 29 of the General Laws, but the department of career services shall make expenditures from the Fund to establish regional centers of excellence at community colleges, vocational or technical high schools, or collaborations between community colleges and vocation or technical high schools; and (iii) transfer the remaining balance from the General Fund to the Commonwealth Stabilization Fund. (b) All transfers pursuant to this section shall be made from the undesignated fund 1442 balances in the budgetary funds proportionally from the undesignated fund balances; provided, 1443 however, that no such transfer shall cause a deficit in any of the funds.

The amendment was *rejected*.

Mr. Eldridge and Ms. Chang-Diaz moved that the bill be amended in section 2, in item 7004-0108, by striking out the words “provided further, that a family that is terminated from the program because it has received 24 successive months of rental assistance shall not be able to receive assistance under item 7004-0101 for 12 months from the last date it received assistance through this program;”.

The amendment was *rejected*.

Mr. Michael O. Moore, Ms. Spilka, Messrs. DiDomenico, Rodrigues, Donnelly, Brownsberger and Hart, Ms. Clark, Mr. Rosenberg, Ms. Donoghue, Ms. Chang-Diaz and Messrs. Keenan, Knapik, Joyce, Welch and McGee moved that the bill be amended in section 2, by inserting after item 1599-1301 the following item:-

“1599-xxxx For a reserve to further improve the quality, infrastructure and capacity of the early education and care system in the commonwealth; provided further that these funds shall be used to ensure stability in programs funded in items 3000-3050, 3000-4050 and 3000-4060; provided further, that the increase shall be directed to expenditures for salaries for staff, employee and employer benefit costs; provided further that, payments from this reserve shall be distributed by the department of early education and care to increase reimbursement rates for subsidized early education and school age care; provided further that funds appropriated herein shall be used to increase such rates by an equal percentage for all said providers..... \$25,000,000 “

The amendment was *rejected*.

Messrs. Tarr, Knapik and Hedlund moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:- “SECTION \_\_. Salem State University is hereby directed and authorized to study, in consultation with the department of elementary and secondary education, local educational authorities and private educational providers, the delivery of special education services in the commonwealth pursuant to chapter 71B of the General Laws and all applicable federal laws, including

the Individuals with Disabilities Educational Act of 1990.

Said study shall include a comprehensive evaluation of existing and potential models for providing special education, and the associated costs and benefits, including but not limited to the costs of personnel compensation, transportation, housing and assistive technologies. Said study shall also seek to identify means by which services and instruction may be provided in a proactive manner, without the requirement or need for an individual education plan, but so as to maximize learning progress in local educational settings.

Said study, together with any legislative recommendations, shall be filed with the joint committee on education and the clerks of the house and the senate not later than May 1, 2013.”

The amendment was *rejected*.

Mr. Rosenberg moved that the bill be amended in section 2, in item 7505-0100, by inserting after the word “College” the following:- “provided that not less than \$150,000 shall be expended to satisfy the debt service incurred for construction of a child care center on the grounds of the main campus of Greenfield Community College.”; and by striking out the figure “\$7,805,889” and inserting in place thereof “\$7,955,889.”

The amendment was *rejected*.

Mr. Ross and Ms. Creem moved that the bill be amended in section 2, in item 7010-0012, by striking out the figure “\$16,892,582” and inserting in place thereof the following figure:- “\$18,142,582”.

The amendment was *rejected*.

Ms. Chandler and Mr. Knapik moved that the bill be amended in section 2, in item 7061-9412, by striking out the figure “\$14,042,764” and inserting in place thereof the following figure:- “\$14,168,030”.

The amendment was *rejected*.

Mr. Eldridge and Ms. Chang-Diaz moved that the bill be amended in section 2, in item XXXX-XXXX, by inserting the following new item:

“xxxx-xxxx For the Education Rewards Grant Program Fund established under Ch. 29 Sect. 2SSS of the M.G.L. for the purpose of providing financial assistance to dislocated or incumbent low income workers to enable them to receive education to transition into jobs in targeted high demand occupations. ....\$1,500,000”.

The amendment was *rejected*.

Messrs. Welch, Donnelly and Eldridge and Ms. Clark moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:-

SECTION XX. Chapter 40 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding after section 13C the following section:

“SECTION 13D. Any school district which accepts the provisions of this section by majority vote of the school committee and acceptance by majority vote of the legislative bodies in a majority of the member communities of the district may establish, and appropriate or transfer money to a reserve fund to be utilized in the upcoming fiscal year or years, to pay, without further appropriation, for unanticipated and/or unbudgeted costs of special education out of school district tuition and/or transportation. The balance in such separate stabilization fund shall not exceed 2% of the annual net school spending of the school district. The district treasurer may invest the monies in the manner authorized by Section 54 of Chapter 44, and any interest earned thereon shall be credited to and become part of the fund. In the case of Regional School Districts, funds may be added to the special education stabilization fund only be appropriation in the annual budget voted at annual town meetings of member towns.”

The amendment was *rejected*.

Mr. Finegold moved that the bill be amended in section 2, in item 7061-9400, by striking out the figure “\$23,903,482” and inserting in place thereof the following figure:- “\$24,403,482”.

The amendment was *rejected*.

Mr. Berry moved that the bill be amended in section 2, in item 7066-0000, by inserting at the end thereof the following:

“provided further, \$1,000,000 shall be made available for a State University Internship Incentive Program; provided further, the commonwealth shall contribute funds to each institution in an amount necessary to match private contributions in the current fiscal year to the institutions internship incentive program; provided further, that the commonwealth's contribution shall be equal to \$1 for every \$1 privately contributed to each university's board of trustees or foundation; provided further, that the maximum total contributions from the commonwealth shall be no greater than \$1,000,000; provided further, that funds from this program shall not result in direct or indirect reduction in the commonwealth's appropriations to the institutions for operations, scholarships, financial aid or any state appropriation and the department shall promulgate regulations and criteria for said program”; and in said item by striking out the figures “\$1,843,708” and inserting in place thereof the figures “\$2,843,708”.

The amendment was *rejected*.

Ms. Chang-Diaz and Messrs. Finegold and Rosenberg moved that the bill be amended in section 2, in item 7061-0029, by striking out the figure “\$959,028” and inserting in place thereof the following figure:- “\$1,710,118”.

The amendment was *rejected*.

Mr. DiDomenico, Ms. Candaras, Ms. Clark, Ms. Jehlen and Mr. Welch moved that the bill be amended in section 2, in item 3000-3050, by striking out the figure “76,612,276” and inserting in place thereof the following figure:- “77,330,875”.  
The amendment was *rejected*.

Ms. Spilka, Mr. Eldridge, Ms. Chang-Diaz, Ms. Clark and Messrs. DiDomenico and McGee moved that the bill be amended in section 2, in item 7070-0065, by inserting after the words “shall adopt guidelines governing the eligibility and the awarding of financial assistance;” the following words:- “provided further, that not less than \$1,000,000 shall be expended for a Social Worker Loan Forgiveness Program, to increase access to child protective services and social work services in geographic and programmatic areas of high need in the Commonwealth;”.  
The amendment was *rejected*.

Messrs. DiDomenico, Michael O. Moore, Knapik and Welch moved that the bill be amended in section 2, in item 3000-5075, by striking the figure “\$7,500,000” and inserting in place thereof the following figure:- “\$8,000,000”.  
The amendment was *rejected*.

Ms. Creem and Mr. Knapik moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:-  
“SECTION \_\_\_\_. Section 5A of Chapter 15A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following paragraph: “The purpose of the state’s community colleges shall be to provide open access to high quality, affordable academic programs and courses, and grant associate degrees and certificates in accordance with the provisions of this chapter. The community colleges shall provide academic preparation for transfer to four-year higher education institutions, career preparation for entry into high demand occupational fields, developmental coursework, lifelong learning opportunities, job training, retraining, certification, and skills improvement.”  
The amendment was *rejected*.

Ms. Chang-Diaz and Messrs. Brownsberger, Michael O. Moore and McGee moved that the bill be amended in section 2, in item 3000-4060, by inserting, after the words “ provided, that teenaged parents at risk of becoming eligible for transitional aid to families with dependent children may receive services from this item” the following words:- “; provided further, that the department shall provide early education and care benefits to parents who are under 20 years of age, who are currently enrolled in a public school, an alternative education program, a general educational development testing program, or a vocational education program, in a location that is as close to the teen parent’s home, school or program as possible, and who do not have access to other appropriate licensed child care for their children;”.  
The amendment was *rejected*.

Messrs. Rosenberg, Hart, Rodrigues and Welch, Ms. Clark, Messrs. Eldridge, Michael O. Moore and DiDomenico, Ms. Chang-Diaz and Messrs. Brownsberger and Finegold, Ms. Candaras and Mr. Downing moved that the bill be amended in section 2, in item 7061-9634, by striking out the figure “\$250,000” and inserting in place thereof the following figure:- “\$350,000”.  
The amendment was *rejected*.

Ms. Creem moved that the bill be amended by inserting, after Section 133, the following section:-  
“SECTION 133A. The Department of Elementary and Secondary Education, in consultation with the Division of Health Care Finance and Policy and the Office of the State Auditor, shall conduct a comprehensive study to investigate the cost to municipalities of providing medically necessary treatments for disease, illness, injury or bodily dysfunction which are required by a student’s individual education program, individualized family service plan, individualized service plan or the federal Individuals with Disabilities Act. The study shall include, but not be limited to, possible barriers of transitioning medically necessary costs from municipalities to insurance companies, as well as the potential savings to municipalities. The Department shall file a report of its findings, including recommendations and drafts of any legislation, if necessary, with the clerks of the Senate and House of Representatives within one year of the effective date of this act.”  
The amendment was *rejected*.

Ms. Chang-Diaz and Mr. Knapik moved that the bill be amended in section 2, in item 7061-9404, by striking out the figure “\$9,094,804” and inserting in place thereof the following figure:- “\$9,575,175”.  
The amendment was *rejected*.

Ms. Chang-Diaz and Messrs. Joyce, Michael O. Moore and Welch moved that the bill be amended in section 2, in item 7030-1002, by striking out the figure “\$20,948,947” and inserting in place thereof the following figure:- “\$24,948,947”.  
The amendment was *rejected*.

Ms. Chandler moved that the bill be amended by striking section 132.  
The amendment was *rejected*.

Ms. Fargo moved that the bill be amended in section 2, in item 7061-0033, by adding at the end thereof the following: “provided that \$495,000 be expended for education funding in the Town of Bedford”; and in said item, by striking out the figures

\$1,300,000 and inserting in place thereof the figures “1,795,000”.  
The amendment was *rejected*.

Ms. Chang-Diaz moved that the bill be amended in section 2, in item 7010-0005, by inserting at the end thereof the following words:- “and provided further, that not less than \$60,000 shall be used for implementation of dropout prevention and recovery legislation signed by the governor during fiscal year 2012 or 2013; and provided further, that if said legislation is not signed by the governor, \$60,000 shall be used for ongoing dropout prevention and recovery efforts by the department”; and in said item, by striking out the figure “\$13,444,998” and inserting in place thereof the following figure:- “\$13,504,998”.  
The amendment was *rejected*.

Mr. Brownsberger moved that the bill be amended by striking section 40 and inserting in place thereof the following:-  
“SECTION 40. Section 21 of chapter 15A of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-  
There shall be a board of trustees consisting of 11 members for each of the institutions named in section 5, other than the University of Massachusetts. Each board of trustees shall elect a chairperson; provided, however, that in the case of community colleges, the governor shall appoint the chairperson, who shall reside within the geographic region of the community college. Each community college board of trustees shall include a vocational-technical school district trustee, pursuant to section 4 of chapter 74, representing each vocational-technical school in the region, to serve as a non-voting member.”  
The amendment was *rejected*.

Messrs. Keenan, Welch and Michael O. Moore moved that the bill be amended in section 2, in item 3000-6075, by striking out the figure “\$750,000” and inserting in place thereof the figure “\$1,000,000”.  
The amendment was *rejected*.

Messrs. Keenan, DiDomenico, Welch and Michael O. Moore moved that the bill be amended in section 2, in item 3000-5000, by striking out the figure “\$8,000,000” and inserting in place thereof the following figure:- “\$9,000,000”.  
The amendment was *rejected*.

Mr. Welch moved that the bill be amended in section 2, in item 7035-0006, by adding at the end thereof the following:- “; provided further, that reimbursements shall also be made available to communities that meet all of the following criteria: (a) population greater than 150,000 (b) area greater than 30 square miles and (c) impacted by severe weather conditions during the previous fiscal year”.  
The amendment was *rejected*.

Messrs. Tarr and Knapik moved that the bill be amended by inserting after section \_ the following section:-  
“SECTION \_ . Section 16 of chapter 15A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the fifth paragraph the following new paragraph:-  
There shall be a Finish-Line Scholarship Program to provide scholarships to cover the entire cost of tuition and fees for the last year leading to an associate or bachelor’s degree at a Massachusetts public college or university to residents of the Commonwealth in need of financial assistance. The council shall establish guidelines governing the program which shall include, but not be limited to eligibility requirements and selection criteria, including requiring that the applicant show proof of eligibility to graduate by the end of the scholarship year and has, with exceptions granted for illness, military service or other valid reasons, been a student in good standing continuously since first enrolling in a public college or university; provided, further, that no funds from this scholarship program may be used to pay the tuition or fees for any course or program offered or administered by a non-public entity and that no student shall be eligible to receive a scholarship from this program more than one time. If funds appropriated for this program are insufficient to cover its costs, the council shall develop a pilot program that will provide assistance to a subset of the eligible students.”  
The amendment was *rejected*.

Mr. Rush moved that the bill be amended in section 2, in item XXXX-XXXX, by inserting the following item:-  
“XXXX-XXXX. For police career incentives to reimburse certain cities and towns for career incentive salary increases for police officers..... 50,202,122”.  
The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section XX by inserting, at the end thereof, the following new section:-  
SECTION XX: Section 60 of Chapter 149 of the General Laws is hereby amended by inserting, at the end thereof, the following:-  
This section shall not be deemed to prohibit children ten to fourteen years of age from participating in a youth sporting event as a referee, coach or other position necessary to the sporting event; except that, this paragraph shall not include working at a concession stand. For purposes of this paragraph, “youth sporting event” means an event where all players are under the age of eighteen and the event is sponsored and supervised by a public body or a not for profit entity.  
The amendment was *rejected*.

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

“SECTION X. Chapter 308 of the Acts of 2008 is hereby amended by striking Section 15 and inserting in place thereof the following new section:-

Section 15. Notwithstanding any general or special law to the contrary, members of the Massachusetts military reservation fire department established pursuant to section 138 of chapter 33 of the General Laws shall be deemed public employees under chapter 150E of the General Laws and may organize to negotiate the wages, hours, and conditions of their employment. This section shall not apply to the chief or deputy chief.”

The amendment was *rejected*.

Mr. Timilty 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 department of public safety is hereby authorized and directed to establish rules and regulations for the safety and flammability of schools buses in the commonwealth. Such rules and regulations shall, at a minimum, address the flammability of (i) plastic components contained in the engine compartment and (ii) occupant seating.

In developing said rules and regulations relative to the flammability of plastic components contained in the engine compartment, the department shall ensure that such rules and regulations:

(i) conform with the standards set forth in Underwriters Laboratories incorporated standard 94, “standard for safety of flammability of plastic materials for parts in devices and appliances testing, so-called, as that standard may be modified from time to time, and

(ii) include a requirement that the plastic components contained in an engine compartment must meet a V-0 classification in the standards.

Furthermore, in developing said rules and regulations relative to the flammability of occupant seating, the department shall ensure that any such rules and regulations conform to either of the following:

(i) the standard adopted by ASTM international designated as “ASTM E2574 - standard test method for fire testing of schools bus seat assemblies,” using pass-or-fail criteria established in section X3, as the standard may be modified from time, or

(ii) standards adopted by the national congress on school transportation in the “school bus seat upholstery fire block test,” as those standards may be modified from time to time, that are established in the national school transportation specifications and procedures.

The Department shall establish a process to set forth said rules and regulations, requiring that, on or after January 1, 2014, no person, school board, municipality, or government entity shall contract for school bus transportation services or purchase a new school bus that is not in compliance with the provision of this section.”

The amendment was *rejected*.

Messrs. Timilty and Michael O. Moore moved that the bill be amended in section 2, in item 8000-0106, by striking out the figure “\$14,911,250” and inserting in place thereof the following figure:- “\$15,530,646”.

The amendment was *rejected*.

Messrs. Knapik, Hedlund, Timilty, Tarr, Ross and Michael O. Moore moved that the bill be amended by adding at the end thereof, the following new section:-

“SECTION XX. 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 8900-0001, by adding at the end thereof the following:-  
“provided further, that the amount allocated to the municipality housing MCI-Cedar Junction shall be not less than the amount allocated in 8900-0001 of section 2 of chapter 61 of the acts of 2007 relative to MCI-Cedar Junction”.  
The amendment was *rejected*.

Mr. Timilty moved that the bill be amended in section 2, in item 8000-0111, by inserting after the words “state police”, the following:- “unless in conjunction with a municipality under a jointly filed application”.  
The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2, in item 8000-0600, By inserting the following text:- “; and provided further, that funds may be expended for a public safety facility and improvements in the town of Braintree”.  
The amendment was *rejected*.

Messrs. McGee and Hart moved that the bill be amended in section 2, in item 8100-1001, ”provided further, that not less than \$1,000,000 shall be expended for the payroll costs of the state police directed patrols; provided further, that subject to appropriation communities receiving funds for directed patrols in fiscal year 2008 shall receive an equal disbursement of funds in proportion to the current appropriation in fiscal year 2013; “ and in said item by striking out the figure “\$245,897,499” and inserting in place thereof the figure:- “\$246,897,499”.  
The amendment was *rejected*.

Messrs. Timilty and DiDomenico moved that the bill be amended in section 2 by inserting after item 8000-0038 the following new item:-  
“8000-0040 For police career incentives to reimburse certain cities and towns for career incentive salary increases for police officers; provided, however, that regular full-time members of municipal police departments hired on or after July 1, 2012 shall not be eligible to participate in the career incentive pay program established pursuant to section 108L of chapter 41 of the General Laws; provided further, that any current regular full-time member of a municipal police department who has not enrolled in an education program for the purposes of participating in the career incentive pay program pursuant to said section 108L of said chapter 41 of the General Laws, as of October 1, 2012, shall not be eligible to participate in the career incentive pay program established pursuant to said section 108L of said chapter 41 of the General Laws; provided further, that any current regular full-time member of a municipal police department who has begun to accumulate credit hours pursuant to said section 108L of said chapter 41 of the General Laws as of October 1, 2012 shall be allowed to accumulate the maximum number of credit hours for any eligible degree permitted pursuant to said section 108L of said chapter 41 of the General Laws; provided further, that any current regular full-time member of a municipal police department on active duty in the armed forces of the United States in any theater of operations from July 1, 2011 through September 1, 2012 who enrolls in an education program for the purposes of participating in the career incentive pay program pursuant to said section 108L of said chapter 41 no later than 4 months from the date of his return from active duty shall be allowed to accumulate the maximum number of credit hours for any eligible degree permitted pursuant to said section 108L of said chapter 41; and provided further, that any permanent employee of a municipal police department appointed prior to October 1, 2012 and separated from employment pursuant to section 39 of chapter 31 of the General Laws may enroll in an education program for the purposes of participating in the career incentive pay program pursuant to said section 108L of said chapter 41 no later than 4 months from the date of his reinstatement  
..... \$5,000,000”.

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended by adding at the end thereof the following new section:-  
“SECTION X. Section 108L of Chapter 41 as it appears in the 2008 official edition is hereby amended in line 33 by inserting after the word ‘education’ the following new words: “the the unrestricted general government aid section of the budget.”  
The amendment was *rejected*.

Messrs. Ross and Pacheco moved that the bill be amended in section 2, in item 8900-0001, in line 23, by inserting, after the words “Hampden sheriff’s department” the following words:- “and provided further, that the department shall expend not less than \$1,010,500 for cities and towns hosting facilities”.  
The amendment was *rejected*.

Mr. Ross moved that the bill be amended in section 2, in item 8900-0001, in line 21, by inserting, after the words “Women’s Correctional Center” the following words:- “; provided further, that the department shall expend no more than \$192,000 to the municipality hosting the Bay State Correctional Center;”.  
The amendment was *rejected*.

Mr. Timilty moved that the bill be amended in section 2, in item 8000-1700, by striking out the figure “19,396,655” and inserting in place thereof the following figure:- “20,396,655”.

The amendment was *rejected*.

Mr. Montigny moved that the bill be amended in section 2, in item 2330-0100, by adding at the end thereof the following:- “provided further, that not less than \$50,000 shall be expended for the Fisherman Safety Training in New Bedford.”

The amendment was *rejected*.

Mr. Wolf moved that the bill be amended in section 2, in item 8910-8200, by striking out the figure “\$22,757,152” and inserting in place thereof the figure “\$24,217,609”.

The amendment was *rejected*.

Mr. Welch moved that the bill be amended by inserting in section 2 after item 8910-2222 the following item:-

“8910-XXXX. For Dispute Resolution Services, Inc. of Springfield to provide community mediation services to ex-offenders as an outlet for conflict resolution once they return to the community, provide general community mediation services to the residents of Hampden County to prevent everyday conflict escalation that would require police, court and potentially corrections interventions and involvement, additional service would include training for correctional officers and other staff members as requested in mediation and conflict resolution techniques to effectively address daily conflicts ..... \$68,000”.

The amendment was *rejected*.

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

“SECTION XX. Chapter 94C of the General Laws, as so appearing, is hereby amended by adding after section 32E the following new section:-

‘Section 32E½. (1) Drug Trafficking Registry.

(a) As used in this section, the following term shall have the following meaning:

“Drug trafficker” means a person who has been convicted of a violation of chapter 94C section 32 subsection (a), or chapter 94C section 32E subsection (b), or chapter 94C section 32E subsection (c).

(b) There shall be, in the Massachusetts bureau of investigation, a drug trafficking registry for the purpose of identifying drug traffickers and making that information available to law enforcement and the general public. Said registry shall be supervised and maintained by said bureau in conjunction with the department of public health. For every person convicted of chapter 94C section 32 subsection (a), or chapter 94C section 32E subsection (b), or chapter 94C section 32E subsection (c) on or after the effective date of this Act, the drug trafficking registry shall contain information relating to each drug trafficker. The information shall include the drug trafficker’s name, date of birth, photograph, offense or offenses requiring inclusion in the drug trafficking registry, the conviction date and county of each such offense, and such other identifying information as the Massachusetts bureau of investigation and department of public health deem necessary to identify the drug trafficker, but shall not include the social security number of the drug trafficker.

(c) The Massachusetts bureau of investigation shall make the information contained in the statewide drug trafficking registry accessible on the Internet by means of a hyperlink labeled “Drug Trafficking Registry” on the department of public safety’s World Wide Web home page. The Massachusetts bureau of investigation shall update that information as it deems necessary.

(d) The Massachusetts bureau of investigation shall promulgate rules and regulations setting forth the procedures and methods for implementing this section and those rules and regulations must include procedures to ensure that the information in the registry is accurate, and that the information in the registry reflects any changes based on the reversal of a conviction for an offense requiring inclusion in the drug trafficking registry, or a court order requiring the sealing or expungement of records relating to the offense. A certified copy of such an order shall be deemed prima facie true and correct and, shall be sufficient to require the immediate amendment or removal of any person’s information from the drug trafficking registry by the Massachusetts bureau of investigation.

(e) Within 60 days after the effective date of this Act, the court clerks shall forward monthly to the Massachusetts bureau of investigation a copy of the judgment for each and all persons convicted of an offense within the definition of drug trafficker, as defined in subsection (a) during the previous month.

(f) Within 120 days after the effective date of this Act, the department of corrections shall forward to the Massachusetts bureau of investigation a list of all persons incarcerated or on mandatory supervised release, who have been convicted of an offense within the definition of drug trafficker, as defined in subsection (a).

(g) Police officials and other public employees acting in good faith shall not be liable in a civil or criminal proceeding for any publication on the Internet under subsection (c) or other dissemination of drug trafficking registry information.

(h) The Massachusetts bureau of investigation shall remove from the registry the name and other identifying information of persons who are convicted of a violation of the offenses described in subsection (b) seven (7) years after the date of the most recent judgment.”

The amendment was *rejected*.

Messrs. Knapik and Tarr 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 Office of the State Fire Marshal shall review and make recommendations relative to the safety of “roll-your-own” cigarettes pursuant to 501 CMR 14:00.

The department shall report its findings, recommendations, and any proposed legislation to the house and senate committees on

ways and means and the house and senate committees on public safety and homeland security on or before April 1, 2013.”  
The amendment was *rejected*.

Ms. Creem, Mr. Michael O. Moore and Ms. Jehlen moved that the bill be amended in section 2, in item 8900-1100, by striking out the figure “\$550,139” and inserting in place thereof the following figure:- “\$2,000,000”.  
The amendment was *rejected*.

Mr. Keenan moved that the bill be amended in section 2, in item 8324-0000, by inserting after the words “57 per cent” the following:- “; provided further, that \$100,000 shall be provided for the Quincy fire department hazardous material response team”; and in said item by striking out the figure “\$17,388,773” and inserting in place thereof the figures “\$17,488,773”.  
The amendment was *rejected*.

Ms. Candaras and Mr. Welch moved that the bill be amended in section 2, in item 8000-0600, by inserting the following:- “;a grant program for \$1,000,000 shall be established to provide funding to retain municipal public safety positions for municipalities that experienced decreased property valuations and associated lost property tax revenue as a result of a federally declared disaster in calendar year 2011.”  
The amendment was *rejected*.

Mr. Keenan moved that the bill be amended in section 2, in item 8000-0600, by inserting after the word “reimbursements” the following words:- “; provided further, that not less than \$50,000 shall be expended for public safety improvements in the town of Braintree” and in said item by striking out the figures “2,196,720” and inserting in place thereof the figures “2,246,720”.  
The amendment was *rejected*.

Messrs. Keenan, Rush, Donnelly and Michael O. Moore moved that the bill be amended by adding the following section:  
“SECTION XXXX. Chapter 37 of the General Laws, as so appearing, is hereby amended by adding the following section:-  
Section 26. The sheriff shall issue to every full-time deputy employed by the sheriff an identification card bearing the deputy's photograph and identifying information. The secretary of public safety and security may adopt regulations relative to the form, content and issuance of identification cards and to the carrying thereof by deputies”.  
The amendment was *rejected*.

Messrs. Kennedy and Rush, Ms. Chandler, Mr. Donnelly and Ms. Candaras moved that the bill be amended in section 2, by striking out in line item 8910-7100, the following words:- “which may expend for its operation an amount not to exceed \$344,790 in revenue collected from voluntary contributions from all sheriffs.”.  
The amendment was *rejected*.

Mr. Rush moved that the bill be amended in section 2E, in item 1595-6368, by inserting at the end thereof the following:-  
provided further, that The department shall expend funds not to exceed \$20,000 for the purpose of conducting a noise study to address the issue of vehicle noise pollution at the Route 1, and Route 128 interchange ramps in the town of Westwood and in said by striking out the figure \$165,191,136 and inserting in place thereof the figure:- \$165,211,136.  
The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:-  
“SECTION \_\_\_\_. Section 140 of chapter 25 of the acts of 2009 Is hereby amended by inserting, in the first paragraph, after the words ‘expiration date’ the following:- of the initial term.”  
The amendment was *rejected*.

Mr. Timilty moved that the bill be amended in section 2E, in item 1595-6369, by adding at the end thereof the following:  
“provided further that prior to expending any further funds for any rail expansion project, the Massachusetts Bay Transportation Authority or the state agency initiating said expansion of rail service shall conduct a cost analysis reflecting the profitability of said proposed project. This cost analysis shall include any and all costs associated with the project including debt service, construction costs, future maintenance and associated costs. The auditor of the commonwealth shall request that the administrator of the appropriate division of the Massachusetts Department of Transportation prepare said fiscal analysis, including life cycle costs, demonstrating that sufficient revenues exist or will be generated to operate and maintain in good repair said expansion. This analysis shall also be submitted to the joint legislative committee on revenue. If said cost analysis shows that expansion is deemed unprofitable, then said expansion will not proceed”; and in said item, by striking out the figure “\$160,000,000” and inserting in place thereof the following figure:-”\$156,000,000”.  
The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2E, in item 1595-6368, by inserting the following:- “; provided further that funds may be expended for design, planning, and signalization at the intersection of Union Street and Washington Street, Rt. 138 in the Town of Easton”.  
The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2E, in item 1595-6368, by inserting the following:- “; provided further that funds may be expended for design, planning, and signalization at the intersection of Elm Street and Washington Street, Rt. 138 in the Town of Easton”.

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2E, in item 1595-6368, by inserting the following:- “; and provided further, that additional funds may be expended to augment and complete a PWED grant project involving Hall Street to Eugenia Street in the Town of Randolph”.

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2E, in item 1595-6368, by inserting the following:- “; and provided further, that funds may be expended for the design and installation of necessary traffic lights at the intersection of state-owned Rt. 28 at North Main Street and the intersection of Pleasant and West Streets as determined by the final traffic design”.

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2E, in item 1595-6368, by inserting the following:- “; and provided further that funds may be expended for a traffic study along the Rt. 28 corridor to investigate turning lanes, traffic signal improvements, and other necessary improvements along Rt. 28 including the intersections of Russ and Scanlon; Chestnut and Oak; the Higashi School entrance; and Centre Street”.

The amendment was *rejected*.

Messrs. Rodrigues, Montigny, Timilty and Ross moved that the bill be amended in section 2, in item 4800-0038, by inserting, after the word “poverty”, the following:- “provided further, that not less than \$200,000 shall be expended for the Children's Advocacy Center of Bristol County”.

The amendment was *rejected*.

Ms. Candaras moved that the bill be amended by inserting after Section \_\_\_\_, the following new section:-  
“SECTION XX. Paragraph 12 of section 33 of chapter 90 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting in the sentence after the word “machine” the following words: “an annual fee no greater than \$100.”  
The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting, after section \_\_\_\_, the following new section:-  
“SECTION \_\_. Section 8 of chapter 90 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking, in lines 206 and 207, the words “Applications for licenses shall be in such form as may be prescribed by the registrar” and inserting in place thereof the following language:- “Applications for licenses shall be in such form as may be prescribed by the registrar; provided, however, that all such applications shall include a statement that reads BY SIGNING THIS APPLICATION, I PLEDGE TO ABIDE BY THE LAWS GOVERNING THE OPERATION OF A MOTOR VEHICLE WITHIN THE COMMONWEALTH OF MASSACHUSETTS”.

The amendment was *rejected*.

Mr. Donnelly moved that the bill be amended by inserting at the end of the bill the following new sections:-  
Section XX. Notwithstanding any rule or regulation of the Massachusetts Department of Transportation highway division to the contrary, the Bridge located on Gray Street in the town of Billerica shall be designated and known as the Helen Knight Bridge in honor of an environmental and community activist on behalf of the town, whose work led to the remediation of the Iron Horse Park, a declared Superfund Site. The highway division shall erect suitable markers bearing this designation in compliance with the standards of the division and any existing historic preservation guidelines or statutes.

SECTION XX. Notwithstanding any rule or regulation of the Massachusetts Department of Transportation highway division to the contrary, the Bridge located on George Brown Street, spanning the Massachusetts Bay Transit Authority rail line in the town of Billerica shall be designated and known as the William G. Greene Bridge in honor of the Commonwealth's former state representative and dedicated public servant. The highway division shall erect suitable markers bearing this designation in compliance with the standards of the division and any existing historic preservation guidelines or statutes.

The amendment was *rejected*.

Mr. Rosenberg, Ms. Spilka, Mr. Rodrigues, Ms. Chandler, Messrs. Eldridge and Downing, Ms. Donoghue, Mr. Michael O. Moore, Ms. Candaras and Messrs. Kennedy, Welch, Wolf and Knapik moved that the bill be amended in section 2E, in item 1595-6370, by striking out item 1595-6370 and inserting in place thereof the following:-  
“1595-6370 For an operating transfer to the regional transit authorities organized under chapter 161B of the General Laws or predecessor statutes under clause (2) of subsection (d) of section 2ZZZ of chapter 29 of the General Laws; provided that notwithstanding the provisions of chapter 161B, this transfer shall be distributed to each regional transit authority in an amount equal to the percentage amount received by each regional transit authority in state fiscal year 2012...\$62,735,055”; and, in 1595-6368, of section 2E, by striking out the figure “\$165,191,136” and inserting in place thereof the following figure:-  
“\$120,956,081”

The amendment was *rejected*.

Messrs. Tarr, Knapik and Hedlund moved that the bill be amended by inserting, after section \_\_, the following new section:-  
“SECTION \_\_. Section 5 of Chapter 90 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding, at the end thereof, the following new subsections:

(i) Notwithstanding any general or specific law to the contrary, the registrar shall not increase any individual fee by more than 2.5 percent in a calendar year.

(j) The registrar shall offer a discount for any person registering 5 or more units in a calendar year. For the purposes of this section, a unit shall include: any vehicle subject to a commercial normal, commercial reserved, commercial, vanity, snow removal, hearse, limited use, auto home normal, auto home reserved, auto home vanity, bus normal, bus reserved, bus vanity, livery normal, livery limited use, livery reserved, livery vanity, semi trailer normal, semi trailer reserved, trailer normal, trailer reserved, taxi normal, taxi limited used, taxi reserved, or van pool normal registration. This discount shall be in an amount of no less than 10 percent of each registration fee they would otherwise incur.

(k) The registrar shall issue a report to the legislature within 90 days of the acceptance of this act. This report shall offer recommendations to reduce the cost of operating a commercial vehicle or unit in Massachusetts in order to promote competition with neighboring states. This report shall be submitted to the chairs of the Joint Committee on Transportation.”

The amendment was *rejected*.

Mr. Richard T. Moore moved that the bill be amended by inserting at the end thereof, the following new sections:-  
SECTION \_\_. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the definition of “Bus or Motorbus,” the following definition:

“Commercial Motor Vehicle,” shall mean any motor vehicle which is not a private passenger motor vehicle, antique motor car, motorcycle, auto home, house trailer, taxicab, ambulance, hearse, livery vehicle, or school pupil transport vehicle. A commercial motor vehicle shall include the following vehicles:

(a) The vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; or

(b) The vehicle is designed to transport more than 15 passengers, including the driver; or

(c) The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding in accordance with the Hazardous Materials Regulations of the United States Department of Transportation. Any commercial motor vehicle that singularly has a gross vehicle weight rating of 10,001 pounds or less and is designed to meet emissions standards, shall be submitted for an emissions inspection in addition to all applicable safety inspection requirements; or

(d) A single, full or semi-trailer, used in commerce, with a manufacturer's gross vehicle weight rating over 3,000 lbs; or

(e) Any vehicle which has a vehicle weight, or curb weight, of more than six thousand pounds, as per the manufacturer's description of said vehicle, unless such vehicle is a sport utility vehicle or passenger van, or a pickup truck or cargo van meeting the definition of private passenger vehicle; or

(f) Any vehicle which has five or more wheels on the ground.

Notwithstanding the aforementioned vehicles, a dual rear wheel pick-up truck registered by an individual other than a business, and not used for commercial purposes, shall not be classified as a commercial vehicle for purposes of registration.

The amendment was *rejected*.

Mr. Hart, Ms. Jehlen, Ms. Spilka and Messrs. Michael O. Moore and McGee moved that the bill be amended in section 2, in item XXXX-XXXX, before item 9110-1900, the following:-

“9110-1700 for residential assessment and placement programs for homeless elders.....  
\$ 186,000”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2, in item 4000-0300, provided further, that the executive office shall make a supplemental payment to the fiscal year 2012 PAPE rate paid to federally qualified health centers in the southern section of the city of Boston operating under the license of a disproportionate share teaching hospital in Suffolk County to pay an overall reimbursement rate not less than the Medicaid rate paid to independent federally qualified health centers.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2, in item 4000-0300, by adding provided further, that the executive office shall pay an overall reimbursement rate for all primary and ancillary services received on the same day by a Mass Health or Commonwealth Care patient at a federally qualified health center in the southern section of the city of Boston operating under the license of a disproportionate share teaching hospital in Suffolk County by having an above or add-on incentive rate that is case based and encompasses multiple encounters in a day.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2, in item 4000-0300, by inserting after the word “requirements;” the following:- “provided further, the executive office shall not set further limitations for acute care hospital inpatient and outpatient case-mix appeals than those in effect as of February 1, 2012;”.

The amendment was *rejected*.

Mr. Rush moved that the bill be amended in section 2, in item 1410-0010, by striking out the figure “2,461,370” and inserting in place thereof the following:- \$2,526,370.

The amendment was *rejected*.

Mr. Rush moved that the bill be amended in section 2E, in item XXXX-XXXX, , by adding the following section:-

Section XXX. (a) As used in this section, the following words shall, unless the context requires otherwise, have the following meanings:—

“Health Care Workforce”, personnel that have an effect upon the delivery of quality care to patients, including, but not limited to, licensed practical nurses, unlicensed assistive personnel and/or other service, maintenance, clerical, professional and/or technical workers and other healthcare workers.

“Hospital”, a hospital licensed under section 51 of chapter 111, the teaching hospital of the University of Massachusetts medical school, a licensed private or state-owned and state-operated general acute care hospital, or an acute care unit within a state-operated facility; provided, however, that “hospital” shall not include a licensed non-acute care hospital classified as an inpatient rehabilitation facility, an inpatient substance abuse facility, or a long term care hospital by the federal Centers for Medicare and Medicaid Services.

“Nurse”, a registered nurse licensed under section 74 of chapter 112 or a licensed practical nurse licensed under section 74A of said chapter 112.

“Mandatory Overtime”, any hours worked by a member of the health care workforce in a hospital setting to deliver patient care, beyond the predetermined and regularly scheduled number of hours that the hospital and employee have agreed that the employee shall work, provided that in no case shall such predetermined and regularly scheduled number of hours exceed 12 hours in any 24 hour period.

(b) Notwithstanding any general or special law to the contrary, a hospital shall not require a member of the health care workforce to work mandatory overtime except in the case of a federal or state emergency or a facility wide emergency where the safety of the patient requires its use and when there is no reasonable alternative.

(c) Pursuant to paragraph (b), whenever there is a federal or state emergency or a facility wide emergency where the safety of a patient requires its use and when there is no reasonable alternative, the facility shall, before requiring mandatory overtime, make a good faith effort to have overtime covered on a voluntary basis. Mandatory overtime shall not be used as a practice for providing appropriate staffing for the level of patient care required.

(d) The department of public health in consultation with the Massachusetts Nurses Association and the Massachusetts Hospital Association, and other organizations, shall determine what constitutes a “facility wide emergency.” The department shall solicit feedback through public hearing. The department of public health on or before February 1, 2013 shall promulgate regulations or guidelines to implement the findings of this section.

(e) Beginning April 15, 2013, hospitals shall report all instances of mandatory overtime, and the circumstances requiring its use, to the department of public health. Such reports shall be public documents.

(f) The department of public health on or before January 1, 2014 shall promulgate regulations to establish a system to levy an administrative fine on any facility that violates this act or any regulation issued under this act. The fine shall be not less than \$100 and not greater than \$1,000 for each violation and fines collected shall be dedicated to the department of public health’s statewide sexual assault nurse examiner program. Said regulations shall also establish an independent appeals process for penalized entities.

(g) A nurse shall not be allowed to exceed sixteen consecutive hours worked in a twenty-four hour period. In the event a nurse works sixteen consecutive hours, said nurse must be given at least eight consecutive hours of off-duty time immediately after the worked overtime.

(h) The provisions of this section are intended as a remedial measure to protect the public health and the quality and safety of patient care, and shall not be construed to diminish or waive any rights of the nurse pursuant to any other law, regulation, or collective bargaining agreement. The refusal of a nurse to accept work in excess of the limitations set forth in this section shall not be grounds for discrimination, dismissal, discharge or any other employment decision.

(i) Nothing in this section shall be construed to limit, alter or modify the terms, conditions or provisions of a collective bargaining agreement entered into by a hospital and a labor organization.

The amendment was *rejected*.

Mr. Rush moved that the bill be amended in section 2, in item XXXX-XXXX, by inserting the following item:-

“XXXX-XXXX. For the Veterans Court pilot program in the county of Norfolk to coordinate veterans services and programs in consultation with the Administrative Office of the Trial Court and the Chief Justice of the District Court Department..... \$75,000”.

The amendment was *rejected*.

Mr. Rodrigues moved that the bill be amended in section 2, in item 4200-0300, by striking out the figure “\$101,676,614” and inserting in place thereof the following figures:- “\$102,839,841”.

The amendment was *rejected*.

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

“SECTION . Section 9 of Chapter 330 of the Statutes of 1994, as amended by Section 3 of Chapter 63 of the Statutes of 1995, is amended by striking out section 6 therein and inserting in place thereof the following:-

Section 6. Upon the approval of the commissioner, the medical professional mutual insurance company, may for any purposes,

including, but not limited to the fixing of separate percentages of dividends under section eighty of chapter one hundred and seventy-five, consider the business of each category of health care provider as a separate line of business; provided, however, that the doctor of dental science category of insured shall continue to be treated as a separate line of business by the medical professional mutual insurance company to the extent required by chapter ninety-two of the acts of nineteen hundred and ninety-one, and, as promptly as possible after the effective date of this act, any excess surplus of the association as determined by the commissioner attributable to the doctor of dental science category of business as of the effective date of the conversion shall be paid as a dividend by the mutual company for the benefit of the association's doctor of dental science policyholders entitled thereto in accordance with the methodology established and employed by the association for the payment of dividends to its doctor of dental science policyholders prior to the date of the conversion. Any person in the doctor of dental science category of insureds who was insured by the association at the time of the conversion may elect to continue to be insured by the mutual company by specifically assigning in writing this first dividend to be paid after the effective date of this act back to the mutual company.

Effective January first, two thousand and eleven, all excess surplus as determined by the commissioner, allocable to doctor of dental science policies issued by the company at any time on or prior to December thirty-first, two thousand and ten, shall be paid annually, on or about July first of the following year, as a dividend to those persons, firms and entities entitled thereto, pursuant to the methodology established and employed by the association for the distribution of such dividends prior to the conversion. No portion of such excess surplus as determined by the commissioner shall be used or allocated for any other purpose or purposes and upon the payment of such dividend, there shall be no excess surplus allocable to those doctor of dental science policies issued by the company at any time on or prior to December thirty-first, two thousand and ten. The medical professional mutual insurance company shall annually notify each person, firm or entity entitled to such dividend of the amount of such dividend to which he is entitled. For the purposes of this section, "excess surplus" shall mean any surplus allocable to the association's doctor of dental science category of insureds beyond an amount determined by the commissioner to be reasonably necessary as a margin against adverse development."

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in Section XX, by inserting at the end thereof, the following new sections:-

SECTION 1: Notwithstanding any general or special law to the contrary the Department of Public Health is prohibited from raising licensing fees for food vending machines greater than 100% in a calendar year.

SECTION 2: Notwithstanding any law or regulation to the contrary, there shall be an amnesty for any enforcement action or penalties against any person, corporation, business or other entity operating an unlicensed vending machine or machines provided that said person, corporation, business or other entity makes application for licensing of all such unlicensed vending machines within 90 days of the date this provision is signed into law.

The amendment was *rejected*.

Messrs. Rodrigues and Michael O. Moore moved that the bill be amended in section 2, in item 4000-0500, by inserting, after the word "patients", the following:- "provided further that the executive office shall maintain the acute care hospital reimbursement for capital costs in the development of the RY2013 Acute Hospital RFA at rates no less than those paid in rate year RY2012, shall reimburse for outpatient visits within 3 days of an inpatient visit, and further shall not include a penalty for readmissions, for those hospitals as defined in section 1 of chapter 118G."

The amendment was *rejected*.

Messrs. Rodrigues and Finegold moved that the bill be amended in section 2, in item 4000-0700, by inserting, at the end thereof the following:- "provided further, that the Executive Office of Health and Human Services shall give priority in the award of FY13 Infrastructure and Capacity Building grants to those disproportionate share hospitals defined in section 1 of chapter 118G that also have the highest proportion of Medicaid costs, as evidenced by a hospital's most recently filed Hospital cost 403 report."

The amendment was *rejected*.

Mr. Petruccelli moved that the bill be amended in section 2, in item 4000-0005, by striking out the figure "\$8,000,000" and inserting in place thereof the following figure:- "\$10,000,000".

The amendment was *rejected*.

Mr. Petruccelli moved that the bill be amended in section 2, in item 4000-0300, by inserting at the end thereof the following:- "; provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient services at acute care pediatric hospitals and pediatric specialty units as defined in section 1 of chapter 118G of the General Laws, the executive office shall make a supplemental payment, if necessary, sufficient to assure that inpatient SPAD and outlier payments for discharges with a case mix acuity equal to or greater than 5 shall be at least equal to 85 per cent of the expenses incurred in providing services to those children".

The amendment was *rejected*.

Mr. Petruccelli moved that the bill be amended in section 2, in item 4512-0225, by striking out the figure "\$1,000,000" and inserting in place thereof the following figure:- "\$1,830,000".

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended in section 2, in item 1410-0400, by striking out the figure “44,208,484” and inserting in place thereof the following figure:- “\$45,889,480”.

The amendment was *rejected*.

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

“SECTION X. Notwithstanding any general or special law to the contrary, the Department of Public Health shall be prohibited from raising licensing fees for food vending machines without the approval of the Legislature.”

The amendment was *rejected*.

Ms. Jehlen moved that the bill be amended in section 2, in item 9110-0100, by striking the figure \$1,990,108 and inserting in place thereof the figure of \$2,164,588.

The amendment was *rejected*.

Ms. Jehlen, Messrs. Tarr, Joyce, Rosenberg, Knapik and Ross, Ms. Fargo, Messrs. Donnelly, Michael O. Moore and Eldridge, Ms. Clark, Messrs. Keenan, Rodrigues and DiDomenico, Ms. Spilka, Messrs. Richard T. Moore and Kennedy, Ms. Donoghue, Ms. Chang-Diaz, Mr. McGee and Ms. Creem moved that the bill be amended in section 2, in item 9110-9002, by striking the figure \$8,433,748 and inserting in place thereof the figure of \$9,333,748.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2, in item 1410-0300, moves that the bill be amended in section 2, in item 1410-0300 by striking out all the wording and the figure “21,473,000” and inserting in place thereof the following wording and figure:- “21,797,082”.

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 not less than \$90,000 shall be expended for Phoenix House at the St. Mary’s Center for Children and Families”.

The amendment was *rejected*.

Messrs. Knapik, Tarr and Ross 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 Public Health shall be prohibited from raising licensing fees for food vending machines greater than 100% in a calendar year.”

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2, in item 4510-0110, by adding at the end thereof the following: “provided that no funds shall be expended in the AA object class; provided further, that not less than \$250,000 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); and further by striking out the figure “967,830” and inserting in place thereof the following figure “1,065,634”.

The amendment was *rejected*.

Mr. Michael O. Moore moved that the bill be amended in section 2, in item 5930-1000, by inserting after the words “if appropriate” the following:- “; provided further, that an independent non-governmental entity selected by the office of the inspector general shall complete a study of the reductions and closings of the Glavin Regional Center, including intensive individual supports, for the purpose of closing those state institutions; provided further, that no steps shall be taken to close said institutions through layoffs until the study is completed; 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 that institution; provided further, that the study shall identify the number and names of all private nonprofit 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 2009, 2010, 2011 and 2012 and the amount of clients served by these private nonprofit 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 entity shall report its findings in and its recommendations to the secretary, as well as the house and senate committees on ways and means not later than December 1, 2012”.

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 may 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. Joyce moved that the bill be amended in section 2, in item 4590-0915, by inserting the following:- “provided further, that the Massachusetts Hospital School shall maintain not less than 120 beds for clients in its inpatient setting”.

The amendment was *rejected*.

Mr. Petrucci moved that the bill be amended in section 2, in item 4000-0500, by striking out the figure “\$2,000,000” and inserting in place thereof the following figure:- “\$5,000,000”.

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2, in item 4513-1111, By inserting the following:- “and provided further, that \$50,000 shall be expended for education and support of patients diagnosed with PKU or related disorders and their families through a grant to NECPAD”.

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 \$25,000 shall be provided to Girls, Inc. of Lynn for teen pregnancy prevention”.

The amendment was *rejected*.

Mr. Brownsberger moved that the bill be amended in section 2, in item 5046-0000, by inserting the following after “2014;”:- “provided further, that jail diversion programs in operation and receiving funding from the department of mental health as of April 1, 2012 shall continue to receive funding in fiscal year 2013”.

The amendment was *rejected*.

Messrs. McGee and DiDomenico moved that the bill be amended in section 2, in item XXXX-XXXX  
”For the revenue maximization project of the executive office of elder affairs to identify individuals eligible for veterans’ pensions who are currently receiving home health care services.....\$96,500.”

The amendment was *rejected*.

Mr. McGee moved that the bill be amended in section 2, in item 4200-0500, by striking out the figure “\$2,500,000” and inserting in place thereof the following:- “\$2,809,809”.

The amendment was *rejected*.

Messrs. Joyce, Tarr, Rodrigues and Knapik moved that the bill be amended by adding at the end thereof the following section:  
SECTION \_\_\_\_\_. Chapter 118E of the General Laws is hereby amended by inserting after section 9E the following section:-  
Section 9F. (a) As used in this section, the following words shall have the following meanings:-

“Dual eligible”, or “dually eligible person”, any person age 21 or older and under age 65 who is enrolled in both Medicare and MassHealth.

“Integrated care organization” or “ICO”, a comprehensive network of medical, health care and long term services and supports providers that integrates all components of care, either directly or through subcontracts and has been contracted with by the Executive Office of Health and Human Services and designated an ICO to provide services to dually eligible individuals pursuant to this section.

(b) Members of the MassHealth dual eligible pilot program on ICOs or any successor program integrating care for dual eligible persons shall be provided an independent community care coordinator by the ICO or successor organization, who shall be a participant in the member’s care team. The community care coordinator shall assist in the development of a long term support and services care plan. The community care coordinator shall:

- (1) participate in initial and ongoing assessments of the health and functional status of the member, including determining appropriateness for long term care support and services, either in the form of institutional or community-based care plans and related service packages necessary to improve or maintain enrollee health and functional status;
- (2) arrange and, with the agreement of the member and the care team, coordinate the provision of appropriate institutional and community long term supports and services, including assistance with the activities of daily living and instrumental activities of daily living, housing, home-delivered meals, transportation, and under specific conditions or circumstances established by the ICO or successor organization, authorize a range and amount of community-based services; and
- (3) monitor the appropriate provision and functional outcomes of community long term care services, according to the service plan as deemed appropriate by the member and the care team; and track member satisfaction and the appropriate provision and functional outcomes of community long term care services, according to the service plan as deemed appropriate by the member and the care team.

(c) The ICO or successor organization shall not have a direct or indirect financial ownership interest in an entity that serves as an independent care coordinator. Providers of institutional or community based long term services and supports on a compensated basis shall not function as an independent care coordinator, provided however that the secretary may grant a waiver of this restriction upon a finding that public necessity and convenience require such a waiver. An individual who becomes dually eligible after the age of 60 shall receive independent care coordination services pursuant to section 4B of chapter 19 A. For the purposes of this section, an organization compensated to provide only evaluation, assessment, coordination and fiscal intermediary services shall not be considered a provider of long term services and supports.

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended in section 2, in item 4510-0110, by adding at the end thereof the following:-  
“provided that no funds shall be expended in the AA object class; provided further, that not less than \$250,000 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)”; and in said item by striking the figure “\$967,830” and inserting in place thereof the following:- “\$1,065,634”.

The amendment was *rejected*.

Ms. Chandler and Ms. Spilka moved that the bill be amended by inserting after section \_\_\_, the following new section:-  
“SECTION \_\_\_. The executive office of health and human services shall not apply a reduction to hospital inpatient rates related to potentially preventable readmissions until the health care quality and cost council completes a study on the issue of hospital preventable readmissions and the available methods to determine whether certain hospital admissions are preventable. The council shall evaluate the MassHealth method and financial penalty as employed in FY2012. The council shall consult with independent experts and the hospital community. A report shall be filed with the house and senate committees on ways and means and the house and senate committee on health care financing no later than March 31, 2013.”

The amendment was *rejected*.

Mr. Michael O. Moore moved that the bill be amended in section 2, in item 4800-1100, by striking the figure “166,917,450” and inserting in place thereof the following figure:- “168,915,450.”

The amendment was *rejected*.

Mr. Welch moved that the bill be amended in section 2, in item 4510-0712, in line 3, by inserting after the word “quality;” the following:- “; provided further, that \$500,000 of the revenues so collected from facility licensure shall be allocated for operation of the Determination of Need and Plan Review of health care facilities”.

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2, in item 4512-0200, by inserting at the end thereof the following new words:- “; provided further, that not less than \$250,000 shall be expended for the New Beginnings program”; and by striking out the figure “\$76,539,595” and inserting in place thereof the following figure:- “\$76,789,595”.

The amendment was *rejected*.

Mr. Donnelly moved that the bill be amended in section 2, in item 4400-1100, by striking out the figure “\$63,012,441” and replacing it with the following figure:- \$64,126,261.

The amendment was *rejected*.

Mr. Donnelly moved that the bill be amended in section 2, in item 5920-2000, by striking out the figure “\$786,339,514” and inserting in place thereof the following figure:- \$788,539,636.

The amendment was *rejected*.

Mr. Montigny moved that the bill be amended in section 2, in item 7004-0101, by inserting at the end thereof the following:-  
“provided further, that not less than \$200,000 shall be expended for Market Ministries emergency homeless shelter in New Bedford”.

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2, in item 1410-0010, by inserting at the end thereof the following words:-  
“; provided further, that not less than \$15,000 shall be expended for the Vietnam Veterans Moving Wall project in the town of Medway;”; and by striking out the figure “\$2,461,370” and inserting in place thereof the following figure:- “\$2,476,370”.

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2, in item 4800-0016, by inserting at the end thereof the following words:-  
“; provided further that not less than \$250,000 shall be expended for the Wayside Youth and Family Support Network TEMPO program”; and by striking out the figure “\$2,000,000” and inserting in place thereof the following figure:- “\$2,250,000”.

The amendment was *rejected*.

Mr. Montigny moved that the bill be amended in section 2, in item 4120-4000, by adding at the end thereof the following:  
“provided further, that not less than \$100,000 shall be expended for SHARE Foundation UMASS Dartmouth in New Bedford.”

The amendment was *rejected*.

Ms. Chandler and Messrs. Michael O. Moore and DiDomenico and Ms. Jehlen and Ms. Candaras and Mr. Hart moved that the bill be amended by inserting after section \_\_\_, the following new section:-

“SECTION \_\_\_. Chapter 118E of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 62 the following new section:-

Section 63. Auto-Assignment for Medicaid Beneficiaries.

Beginning October 1, 2012, the division shall make provisions to enroll those MassHealth beneficiaries who did not affirmatively select a managed care option into a Medicaid managed care organization that has contracted with the Commonwealth to deliver managed care services to eligible MassHealth beneficiaries, provided that the division shall give the Primary Care Clinician plan no greater preference than any single MCO in such assignment process and shall divide said assigned members equally among the Primary Care Clinician Plan and individual Medicaid managed care organizations on a rotating basis. The aforementioned

assignment process shall not be suspended or terminated until and unless the Managed Care Advisory Committee, established pursuant to Section 178 of Chapter 131 of the Acts of 2010 has filed its report with the legislature and provided further that any termination, suspension or modifications to the aforementioned assignment process shall be made only if consistent and in full consideration of the Managed Care Advisory Committee's recommendations."

The amendment was *rejected*.

Ms. Candaras and Ms. Chandler and Messrs. Rodrigues, Hedlund, Kennedy, Michael O. Moore, Eldridge, Petrucci and Welch and Ms. Fargo and Messrs. Hart, Montigny, Joyce and Donnelly moved that the bill be amended in section 2, in item 7004-0102, by inserting after "\$20" the following:- "provided further, that (CT)SWEL40925100200000 and (CT)WEL4092GREATSPRING00 shall receive a per bed, per night rate of \$30;" and by striking out the figure "\$37,963,331" and inserting in place thereof the following figure:- "\$38,448,781".

The amendment was *rejected*.

Messrs. Ross and Rush moved that the bill be amended in section 2, in item 9110-9002, in line 5, by inserting after the words "established by the secretary of elder affairs;" the following words:- "provided further, that not less than \$100,000 shall be spent on purchasing health, wellness and fitness equipment for the Needham Senior Center located in the town of Needham;"; and in said item by striking out the figure "\$8,433,748" and inserting in place thereof the following figure:- "\$8,533,748".

The amendment was *rejected*.

Messrs. Rodrigues, Joyce, Finegold and Eldridge, Ms. Clark, Messrs. Keenan, Kennedy and Knapik, Ms. Chang-Diaz, Mr. Welch, Ms. Spilka and Messrs. Donnelly and Michael O. Moore moved that the bill be amended in section 2, in item 5920-3000, by striking out the figure "\$41,004,298" and inserting in place thereof the following figure:- "\$51,004,298".

The amendment was *rejected*.

Ms. Candaras, Messrs. Brownsberger, Eldridge, Finegold, Rodrigues, Keenan, Downing, Welch, Montigny and Michael O. Moore moved that the bill be amended in section 2, in item 4000-0700, by striking out the figure "\$1,927,680,126" and inserting in place thereof the figure:- "\$1,942,680,126".

The amendment was *rejected*.

Messrs. Downing, Finegold and Brownsberger moved that the bill be amended in section 2, in item 4510-0810, by striking the figure "3,160,740" and inserting in place thereof the following figure:- "3,601,330".

The amendment was *rejected*.

Mr. Wolf moved that the bill be amended in section 2, in item 4800-0038, by inserting at the end thereof the following:- "provided that not less than \$65,000 shall be expended to the child abuse and sexual assault services on Cape Cod"; and in said item, by striking out the figure "\$246,508,481" and inserting in place thereof the figure "\$248,142,130."

The amendment was *rejected*.

Messrs. Wolf and Downing moved that the bill be amended by inserting, after section 161, the following new section: - SECTION XX. Section 1 of chapter 118G of the General Laws, is hereby amended by striking out: -"sole community provider, any acute hospital which qualifies as a sole community provider under medicare regulations or under regulations promulgated by the division, which regulations shall consider factors including, but not limited to, such as isolated location, weather conditions, travel conditions, percentage of Medicare, Medicaid and free care provided and the absence of other reasonably accessible hospitals in the area. Such hospitals shall include those which are located more than twenty-five miles from other such hospitals in the commonwealth and which provide services for at least sixty percent of their primary service area.; and inserting in place thereof: - "sole community provider, any acute hospital which qualifies as a sole community provider under Medicare regulations or under regulations promulgated by the executive office, which regulations shall consider factors including, but not limited to, isolated location, weather conditions, travel conditions, percentage of Medicare, Medicaid and free care provided and the absence of other reasonably accessible hospitals in the area; provided, that such hospitals shall include those which are located more than 20 miles driving distance from other such hospitals in the commonwealth and which provide services for at least 60 percent of their primary service area."

The amendment was *rejected*.

Ms. Chandler moved that the bill be amended in section 2, in item 4400-1100, by striking out the figure "\$60,528,893" and inserting in place thereof the figure \$61,528,893."

The amendment was *rejected*.

Mr. Brownsberger and Ms. Fargo and Ms. Chandler moved that the bill be amended in section 2, in item 4513-1111, by inserting, after the word "reduction" the following:- "provided, that no less than \$250,000 shall be expended to support prostate cancer awareness."

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2, in item 5920-2025, by striking out the figure “\$133,957,044” and inserting in place thereof the following figure:- “\$135,022,754”.

The amendment was *rejected*.

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

“Notwithstanding any general or special law to the contrary, health insurers, as defined in section 34 of chapter 118T of the General Laws, shall pay to health care providers 100% of the reasonable and customary charges for routine childhood immunizations for Massachusetts residents and immunizations for Massachusetts residents who are 18 years of age and under according to the most recent schedules recommended by the advisory Committee on Immunization Practices of the U.S. Department of Health and Human Services, excluding those costs covered by the Commonwealth or the federal government, and any reasonable and customary costs associated with the administration of the vaccines. Said health insurer shall provide such reimbursement to any health care provider who administers covered immunizations in any facility, health care provider’s office or any other setting in the Commonwealth and shall not limit such reimbursement to providers that are participating providers.”

The amendment was *rejected*.

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

“SECTION XXX. Section 3 of chapter 32 of the General Laws as appearing in the 2006 Official Edition is hereby amended in line 252 by inserting after the word prisoners the following words: employees of the department of children and families holding the title of attorney, social worker A/B, C, or D or successive titles who have been employed in such titles for 10 years or more.”

The amendment was *rejected*.

Mr. Finegold moved that the bill be amended in section 2, in item 5095-0015, by adding at the end thereof the following:

“provided further, that \$350,000 shall be expended for the purpose of providing funds for emergency services in municipalities which experience an increase in continuing care inpatient beds due to the closure of Taunton State Hospital”; and in said item, by striking out the figure “\$158,488,321” and inserting in place thereof the following figure:- “\$158,838,321”.

The amendment was *rejected*.

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

“SECTION XX. (a) Current positions and employees of the Massachusetts Office of Victims Assistance in the Sexual Assault Nurse Examiner Program shall be transferred to the Department of Public Health for the purposes of operating the Sexual Assault Nurse Examiner Program pursuant to Section 220 of Chapter 111 of the Massachusetts General Laws.

(b) Notwithstanding Chapter 150E of the Massachusetts general laws, these employees shall maintain salary and benefits in effect prior to the transfer and shall not be subject to collective bargaining agreements within the Department of Public Health. Nothing in this section shall confer upon any employee of the Department’s Sexual Assault Nurse Examiner Program any right not held immediately before the date of the transfer.

(c) The Department may fill vacancies in positions transferred pursuant to section 1, notwithstanding Chapter 150E of the General Laws, provided that the salaries and benefits of individuals hired into vacant positions are comparable to the salaries and benefits of individuals transferred into the same or similar positions within the Department’s Sexual Assault Nurse Examiner Program.

(d) Subsections (b) and (c) of this act shall expire as of June 30, 2013.”

The amendment was *rejected*.

Messrs. DiDomenico, Eldridge, Montigny, Michael O. Moore and Brownsberger moved that the bill be amended in section 2 by inserting after item 4000-0320 the following item: -

“4000-0352 for EOHHS Health Care Reform Enrollment, Outreach and Access to Care grants to public and private nonprofit groups to be administered by the executive office in consultation with the Health Care Reform Outreach and Education Unit; provided, that grants shall be awarded to groups statewide, with emphasis in areas and populations in which the division of health care finance and policy has determined a high percentage of uninsured and unenrolled individuals and areas in which there are limited health care providers; provided that the grants shall support efforts by the grantees to provide outreach, enrollment and re-enrollment assistance, education on effective and appropriate use of health care coverage, and coverage retention activities directly to consumers who may be eligible for programs including, but not limited to, MassHealth, the Commonwealth Care Health Insurance Program, the Commonwealth Choice program, Prescription Advantage, the Medical Security Plan, the Children’s Medical Security Plan, Healthy Start, and the Health Safety Net and who may require individualized support due to geography, ethnicity, race, culture, linguistic capacity, age, economic status, immigration status, or disease status; provided that in awarding the grants, the unit shall provide written guidance to selected grantees with specific strategies of how to expend funds in the most efficient manner to target populations and avoid duplication of activities, including examples of best practices among prior year outreach grant recipients; provided that the grants shall support technical assistance that includes informational updates, trainings, and the sharing of best practices for grantee organizations conducting outreach, enrollment assistance, education and coverage retention activities for programs including, but not limited to, MassHealth, the Commonwealth Care Health Insurance Program, the Commonwealth Choice program, Prescription Advantage, the Medical Security Plan, the Children’s Medical Security Plan, Healthy Start, and the Health Safety Net; provided further, that the executive office may fund all or part of the grants through transfers from the Commonwealth Health Insurance Connector Authority or other authorities of the Commonwealth, federal or foundation grant funds, donated funds or other sources; and provided further, that the secretary

shall report to the house and senate committees on ways and means on the exact amounts distributed in fiscal year 2013, and the extent to which any portion of resulting expenditures are eligible for federal reimbursement  
..... 2,500,000”.

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2, in item 4000-0500, by inserting after the words “efficiently and effectively” the following:- “provided further that funds may be expended to BIDH – Milton for critical repairs and new unit expansion”.

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2, in item 4000-0500, by inserting after the words “efficiently and effectively” the following:- “provided further that funds may 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*.

Ms. Creem and Mr. Eldridge and Ms. Jehlen and Messrs. Rush and Brownsberger and Ms. Candaras and Mr. Donnelly moved that the bill be amended in section 2, in item 4800-0015, by inserting after the words “which shall ensure that the department shall maintain an independent, timely and fair administrative hearing system;” the following words:- “provided further, that the regulations required to be promulgated by the preceding proviso shall not enlarge any time specified in current regulations by which the department must hold fair hearings or render fair hearing decisions;” by inserting after the words “identify the number of fair hearing requests that are pending,” the following words:- “for more than 150 days”; and by inserting after the words “as of the conclusion of the most recent quarter,” the following words:- “provided further that the department shall maintain and make available to the public during regular business hours all of its fair hearing decisions with identifying information removed, and a record of its fair hearings with identifying information removed, reflecting, for each hearing request, the date of the request, the date of the hearing, the length of any extensions granted to the party, the date of the hearing decision, the decision rendered by the hearing officer, and the final decision rendered upon the Commissioner’s review;”.

The amendment was *rejected*.

Ms. Clark moved that the bill be amended in section 2, in item 4800-0038, by striking out figure “246,508,481” and inserting in place thereof the following figure:- “248,173,891”.

The amendment was *rejected*.

Messrs. Finegold, Knapik, Eldridge, Brownsberger, DiDomenico and McGee moved that the bill be amended in section 2, in item 4403-2119, by striking out the figure “\$8,081,401” and inserting in place thereof the following figure:- “\$8,470,000”.

The amendment was *rejected*.

Ms. Jehlen and Messrs. Wolf and DiDomenico and Ms. Chang-Diaz and Mr. Brownsberger moved that the bill be amended in section 2, in item 4513-1000, by deleting the following figures: “4,666,697” and inserting in place thereof the following figures: “6,200,000”.

The amendment was *rejected*.

Ms. Chang-Diaz and Mr. Eldridge moved that the bill be amended in section 2, in item 4403-2000, by striking out the figure “\$315,351,679” and inserting in place thereof the following figure:- “\$318,871,955”.

The amendment was *rejected*.

Ms. Creem moved that the bill be amended by inserting, after section 133, the following section:-

“SECTION 133A. Notwithstanding the provisions of any general or special law to the contrary, there is hereby established a Sports Injury Commission to investigate and report on the incidence of sports injuries in elementary, middle and high school children. Said commission shall collect data of the types of sports injuries, frequency, severity, identify high-risk sports, and long term impact of sports injuries on young athletes, including but not limited to the rate and type of eye, facial, head injuries, heart injuries and heart failure incurred and the types of sports most frequently associated with such injuries. The commission shall develop strategic and legislative recommendations to reduce the incidence of sports injuries, including the mandatory use of protective eye wear and/or headgear in all high-risk sports and consideration of mandatory heart testing.

The commission shall be comprised of the House and Senate Chairs of the Joint Committee on Public Health, who shall serve as co-chairs of the commission; the House and Senate Chairs of the Joint Committee on Education; the Commissioner of the Department of Public Health or his designee; the Commissioner of the Department of Education; and one representative from each of the following organizations: the Massachusetts Society of Eye Physicians and Surgeons; the Massachusetts Medical Society; the Massachusetts College of Emergency Room Physicians; the Massachusetts Chapter of the American Academy of Pediatrics; the Massachusetts Academy of Family Physicians; the Massachusetts Chapter American College of Cardiology; the Massachusetts Interscholastic Athletic Association; the Massachusetts Head Injury Association; the Massachusetts School Nurses Association; the American Heart Association; the Massachusetts Dental Society, the Massachusetts Coaches Association and two high school students.

Said commission shall file a report of its study, including its recommendations and drafts of legislation with the clerks of the Senate and House of Representatives on or before December 31, 2013.”

The amendment was *rejected*.

Mr. Downing moved that the bill be amended in section 2, in item 4000-0300, by inserting after the word “requirements;” the following:- “provided further, that the executive office shall not modify its outpatient reimbursement limitations for outpatient hospital care that is followed by an inpatient hospital stay;”.

The amendment was *rejected*.

Messrs. Finegold, Joyce and DiDomenico and Ms. Chang-Diaz moved that the bill be amended in section 2, in item 4590-0915, by striking out the figure “142,754,835” and inserting in place thereof the following figure:- “\$144,090,926”.

The amendment was *rejected*.

Ms. Chang-Diaz, Mr. Brownsberger, Ms. Creem, Messrs. DiDomenico and Eldridge, Ms. Fargo, Ms. Jehlen, Messrs. Knapik, Rosenberg, Keenan, Donnelly and Montigny and Ms. Candaras moved that the bill be amended in section 2, in item 4512-0103, by striking out the figure “\$32,101,023” and inserting in place thereof the following figure:- “\$33,351,023”.

The amendment was *rejected*.

Ms. Chang-Diaz, Ms. Fargo and Messrs. Welch and Knapik moved that the bill be amended in section 2, in item 4590-1506, by striking out the figure “\$1,007,431” and inserting in place thereof the following figure:- “\$2,000,000”.

The amendment was *rejected*.

Ms. Fargo moved that the bill be amended in section 2, in item 4510-0790, by striking the following language in item 4510-0790, “For regional emergency medical services; provided, that no funds shall be expended in the AA object class; and provided further, that the regional emergency medical services councils, designated under 105 CMR 170.101 and the C-MED medical emergency communications centers that were in existence on January 1, 1992, shall remain the designated councils and C-MED communications centers” and inserting in place thereof the following :- “For regional emergency medical services; provided that the regional emergency medical services councils, designated under 105 CMR 170.101 shall remain the designated councils”.

The amendment was *rejected*.

Ms. Chang-Diaz and Messrs. Welch, Brownsberger, DiDomenico and Knapik moved that the bill be amended in section 2, in item 4000-0005, by striking out the figure “\$8,000,000” and inserting in place thereof the following figure:- “\$10,000,000”.

The amendment was *rejected*.

Mr. Finegold moved that the bill be amended by inserting, after section 140, the following new section:-

“SECTION 140A. The executive office of health and human services shall not apply a reduction to hospital inpatient rates related to potentially preventable readmissions until the health care quality and cost council completes a study on the issue of hospital preventable readmissions and the available methods to determine whether certain hospital admissions are preventable. The council shall evaluate the MassHealth method and financial penalty as employed in FY2012. The council shall consult with independent experts and the hospital community. A report shall be filed with the house and senate committees on ways and means and the house and senate committee on health care financing no later than March 31, 2013.”

The amendment was *rejected*.

Messrs. Keenan, Donnelly, Joyce, Eldridge and Brownsberger moved that the bill be amended in section 2, in item 5046-0000, by striking out the figure “\$342,427,150” and inserting in place thereof the following figure:- “\$343,168,578”.

The amendment was *rejected*.

Ms. Fargo moved that the bill be amended in section 2, in item 4000-0300, by inserting after the word “requirements;” the following :- “provided further, that the executive office shall not modify its outpatient reimbursement limitations for outpatient hospital care that is followed by an inpatient hospital stay;”.

The amendment was *rejected*.

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

“SECTION \_\_. Notwithstanding any general or special law to the contrary, any person admitted to a hospital emergency room in the Commonwealth for the treatment of mental illness or substance abuse and a determination has been made that an inpatient admission is required either by an ESP team, psychiatrist or the Emergency Department physician, the person’s insurance and any entity with whom they contract to manage behavioral health benefits, including the Medicaid managed care organizations and any entity with whom they contract to manage behavioral health benefits for MassHealth members, shall be required to participate in the location of an appropriate bed within 24 hours after the determination has been made. If an appropriate bed is not located within 24 hours, the inpatient psychiatric per diem rate shall be paid to the emergency department upon billing until an appropriate bed is located; provided further, that while the patient is boarded in the emergency department, psychiatric care by licensed mental health professionals shall commence and said licensed mental health professional shall be compensated for such services under appropriate billing codes; provided further that ESP teams shall be compensated for every follow-up encounter

with patients awaiting inpatient admission after more than 24 hours in an Emergency Department.”  
The amendment was *rejected*.

Mr. Keenan, Ms. Chang-Diaz and Messrs. Joyce, Brownsberger and Eldridge moved that the bill be amended in section 2, in item 4512-0200, by adding after the word “clients” the following words:- “; and provided further, that \$300,000 shall be expended for integrated treatment and stabilization services for individuals and families living with co-occurring substance use and mental health disorders.”; and in said item by striking out the figures “\$76,539,595” and inserting in place thereof the following figures:- “\$76,839,595”.  
The amendment was *rejected*.

Mr. Keenan, Ms. Spilka and Messrs. Brownsberger and Rodrigues and Ms. Donoghue moved that the bill be amended in section 2, in item 5055-0000, by striking out the figure “\$8,634,856” and inserting in place thereof the following figure:- “\$9,153,872”.  
The amendment was *rejected*.

Mr. Kennedy moved that the bill be amended in section 2, in item 4000-0300, Mr. Kennedy moved that the bill be amended in Section 2, in item 4000-0300, by adding the following words:- “; and provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient services at acute care pediatric hospitals as defined in section 1 of chapter 118G of the General Laws, the executive office shall make a supplemental payment, if necessary, sufficient to assure that inpatient SPAD and outlier payments for discharges with a case mix acuity equal to or greater than 5 shall be at least equal to 85 per cent of the expenses incurred in providing services to those children.”.  
The amendment was *rejected*.

Mr. Keenan and Ms. Fargo moved that the bill be amended in section 2, in item 4510-0100, by inserting the following:- “provider further, that the Department shall allocate no less than \$400,000 for the Regional Center for Poison Control and Prevention in Fiscal Year 13 than it did in Fiscal Year 2012;” and by striking the figure “\$17, 191,867” and replacing it with the following figure:-”\$17,591,867”.  
The amendment was *rejected*.

Mr. Keenan moved that the bill be amended in section 2, in item 4513-1026, by striking out the figures “\$3,591,590” and inserting in place thereof the following figures:- “\$3,832,926”.  
The amendment was *rejected*.

Messrs. Kennedy, Rosenberg, Ross, Eldridge and Downing moved that the bill be amended in section 2, by inserting after item 7004-0108, the following line item:-  
“7004-0109 For the Interagency Council on Housing and Homelessness.....  
\$1,000,000”.  
The amendment was *rejected*.

Mr. Keenan moved that the bill be amended in section 2, in item 4512-0225, by striking out the figure “\$1,000,000” and inserting in place thereof the following figure:- “\$1,500,000”.  
The amendment was *rejected*.

Mr. Keenan and Ms. Creem and Mr. Brownsberger moved that the bill be amended in section 2, in item 5920-2025, by inserting after the words “for adults”, the following words:- “; provided further, that not less than \$50,000 shall be expended for the LifeMAP program run by the Asperger’s Association of New England to be used exclusively for support of low-income adults age 18 and older, not eligible for DDS services, diagnosed with Autism Spectrum Disorder, to provide one-on-one individualized coaching support in the area of employment and independent living.”; and in said item by striking out the figures “133,957,044” and inserting in place thereof the figures “134,007,044”.  
The amendment was *rejected*.

Messrs. Keenan, Brownsberger and DiDomenico moved that the bill be amended in section 2, in item 5046-0000, by adding after the words “February 8.2013” the following words:- “and provided further that the Department shall in determining eligibility of services in pursuant to line item, 5046-0000,5046-2000, line item 5046-4000, line item 5047-0001, line item 5095-0015 will not exclude individuals with an Autism Spectrum Disorder (ASD) diagnosis from receiving services for co-existing mental health conditions.”  
The amendment was *rejected*.

Messrs. Keenan and Welch moved that the bill be amended in section 2, in item 3000-2000, by adding at the end thereof the following:- “provided further that the child care resource and referral contracts funded by this line item in FY 12 be awarded to the same agencies and at the FY 12 level through June 30, 2013; and in said item, by striking out the figure:- “\$5,433,862” and inserting in place thereof the figure:- “\$5,933,862”.  
The amendment was *rejected*.

Mr. Kennedy moved that the bill be amended in section 2, in item 4000-0870, by striking out the figure “\$178,759,689” and inserting in place thereof the following figure:- “\$179,909,689”.

The amendment was *rejected*.

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

SECTION XX: Section 54 of Chapter 288 of the Acts of 2010 is hereby amended by striking the second paragraph in its entirety and inserting in its place thereof the following:-

“The department of public health shall convene a statewide advisory committee which shall recommend to the department by November 1, 2010 the Standard Quality Measure Set. The statewide advisory committee shall consist of the commissioner of health care finance and policy or the commissioner’s designee, who shall serve as the chair; and up to 8 members, including the executive director of the group insurance commission and the Medicaid director, or the directors designees; and up to 6 representatives of organizations to be appointed by the governor including at least 1 representative from an acute care hospital or hospital association, 1 representative from a provider group or medical association or provider association, 1 representative from a medical group, 1 representative from a private health plan or health plan association, 1 representative from the Massachusetts Association of Health Plans, 1 representative from an employer association and 1 representative from a health care consumer group.”

The amendment was *rejected*.

Mr. Keenan and Ms. Chang-Diaz moved that the bill be amended in section 2, in item 4512-0200, by striking out the figure “\$76,539,595” and inserting in place thereof the following figure:- “\$77,539,595”.

The amendment was *rejected*.

Ms. Fargo moved that the bill be amended in section 2, in item 4000-0300, by inserting after the word “requirements;” the following:- “provided further, that prior to migrating the claims operations system from the Health Safety Net to NewMMIS, the executive office shall ensure the system meets federal HIPAA compliance as well limits the submission of duplicate claims that MMIS is otherwise able to process.”

The amendment was *rejected*.

Messrs. Kennedy and Donnelly moved that the bill be amended in section 2, in item 4000-0500, Mr. Kennedy moved that the bill be amended in Section 2, in item 4000-0500, by adding the following words:- “; and provided further, that for purposes of providing convenient, efficient, and cost-effective health services to children in the home setting, the division of health care finance & policy shall amend the formula used to determine continuous skilled nursing care rates for single and multi-patient home health service pursuant to chapter 118G of the General Laws by attributing no less than 30 percent of the rate to the indirect cost component used to determine payment to agencies; and no more than 10 percent of the rate to the indirect cost component used to determine payment to an individual practitioner.”.

The amendment was *rejected*.

Mr. Kennedy moved that the bill be amended in section 2, in item 4000-1405, Mr. Kennedy moved that the bill be amended in section 2, in item 4000-1405, by striking out the figure “\$504,848,457” and inserting in place the following figure:- “\$505,998,457”.

The amendment was *rejected*.

Ms. Clark moved that the bill be amended in section 2, in item 4000-0500, by striking out the figure “\$4,158,475,376” and inserting in place thereof the following figure:- “4,164,475,376”.

The amendment was *rejected*.

Ms. Creem moved that the bill be amended by inserting, after Section 133, the following section:-

“SECTION 133A. The Division of Health Care Finance and Policy, in conjunction with the Division of Insurance, is hereby directed and authorized to conduct a comprehensive study to investigate disparities in the provision of health care coverage to individuals and/or their spouses when there is a change in marital status. Said study shall include, but not be limited to, the identification and review of disparities in both insured and self-insured plans, as well as recommendations for alleviating disparities. The Division shall file a report of its study, including recommendations and drafts of any legislation, if necessary, with the clerks of the Senate and House of Representatives within one year of the effective date of this act.”

The amendment was *rejected*.

Mr. Keenan moved that the bill be amended by adding a new section:

“SECTION XX: Section 1: The state Medical Examiner shall file an adverse effect report with the United States Food and Drug Administration any time the determined cause of death of an individual was due fully or in part to the ingestion of a Schedule II through VI controlled substance according to regulations promulgated by the Department of Public Health.”

The amendment was *rejected*.

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

Ms. Clark, Messrs. Michael O. Moore, Knapik, Welch, DiDomenico, Finegold and Eldridge, Ms. Donoghue and Mr. Joyce

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

“SECTION XX. Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith to improve third grade reading proficiency, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

SECTION 1. It is a goal of the commonwealth to have all students reading proficiently by the end of third grade, thereby increasing students’ potential for academic success.

SECTION 2. (a) The secretary of education, in collaboration with the commissioners of the departments of early education and care, elementary and secondary education, and higher education, shall appoint an Early Literacy Expert Panel of no fewer than 6 and no more than 12 experts on children’s early language and literacy development. Said appointments shall be made in consultation with the senate and house chairs of the joint committee on education and the senate and house chairs of the joint committee on higher education. The secretary and one of the appointees selected by the panel shall be designated as co-chairs. The panel shall advise the 3 departments and the executive office of education on the refinement and implementation of plans for early literacy development including, but not limited to, the Massachusetts Striving Readers Comprehensive Literacy Plan, the Early Learning Challenge Plan, and Race to the Top, including the activities and programs offered by the District and School Assistance Centers and Readiness Centers to support language and literacy acquisition for children from birth to third grade, inclusive. The council shall conduct its first meeting not more than 60 days after the effective date of this act. The panel shall meet not less than 4 times annually for the first 4 years following the effective date of this act. The panel shall then continue to meet for a time period to be determined by the panel co-chairs. Panel members, with the exception of the panel co-chairs, shall each be appointed for a term of 4 years. No member, with the exception of the panel co-chairs, shall serve for more than 2 consecutive terms. The members of the panel shall serve without compensation but may be reimbursed for expenses necessarily and reasonably incurred in the performance of their duties. Panel members shall not, by virtue of their membership, be deemed state employees under chapter 268A of the general laws.

(b) The panel shall make recommendations to the secretary and the commissioners of the departments of early education and care, elementary and secondary education, and higher education on the alignment, coordination, and implementation of, but not limited to, the following areas:

(1) comprehensive curricula on language and literacy development for children in early education and care programs and grades pre-kindergarten to third grade, inclusive, that (i) is anchored in rich content to be studied through thematic units; (ii) uses a wide variety of types of text to support content under study; (iii) emphasizes the role of oral language and discussion in promoting early reading skills; and (iv) contains a balanced instructional design focused on developing both meaning-based skills, such as comprehension, conceptual knowledge, vocabulary, and code-based skills, such as letter knowledge, letter sounds and word reading;

(2) effective instructional practices to promote children’s language and literacy development in early education and care programs and grades pre-kindergarten to third grade, inclusive, including tiered instructional strategies and materials;

(3) pre-service and in-service professional development and training for educators on language and literacy development, the administration of screenings and assessments, and the analysis of data gained through screenings and assessments to make instructional decisions to improve language and literacy acquisition in young children;

(4) developmentally appropriate screening and assessment to monitor and report on children’s progress toward achieving benchmarks in language and literacy development across educational levels prior to third grade and measuring school readiness and children’s reading proficiency from pre-kindergarten to third grade;

(5) family partnership strategies for improving the quality, frequency, and efficacy of home-school interactions to support children’s literacy and language development, as well as for building community capacity to support family literacy practices; and

(6) action steps to implement the recommendations contained in “Turning the Page: Refocusing Massachusetts for Reading Success” by Nonie Lesaux.

The panel shall also advise on leveraging existing and new federal grant opportunities and private funding to support language and literacy acquisition for children from birth to third grade, inclusive. Subject to appropriation, the secretary and commissioners may appoint personnel necessary to coordinate the activities of the panel and provide administrative support as needed.

SECTION 3. The secretary, in coordination with the panel co-chair and the 3 commissioners, shall prepare and submit an annual report on the activities of the expert panel in advising the departments. The report shall include information on the alignment and collaboration between the 3 commissioners, as overseen by the secretary, on early language and literacy development for children from birth to third grade, inclusive, and on teacher training and professional development on early language and literacy, and all subject areas covered in (b)(1)-(6). The report shall also include a description of all state and federal funding related to early literacy and the programs such funding supports. The secretary shall submit the report on or before December 31 to the clerks of the senate and the house of representatives, who shall forward the same to the senate and house chairs of the joint committee on education and senate and house chairs of the joint committee on higher education and the chairs of the senate and house committees on ways and means. The report shall also be made available on the websites of the departments of early education and care, elementary and secondary education, and higher education and on the website of the executive office of education.”  
The amendment was *rejected*.

Ms. Jehlen, Mr. Brownsberger, Ms. Clark, Ms. Fargo and Messrs. Rodrigues, Michael O. Moore, Donnelly, Eldridge, Knapik, Hedlund and McGee moved that the bill be amended in section 2 by inserting the following line item:-

7035-0005: For reimbursement to cities, towns, and regional school districts for the cost of transportation of nonresident pupils as required by the federal McKinney-Vento act; provided, that the board of elementary and secondary education shall promulgate regulations for the determination of said reimbursements; and provided further, that the commonwealth's obligation shall not exceed the amount appropriated in this item..... \$11,300,000.00".  
After debate, the amendment was *rejected*.

Ms. Chang-Diaz and Messrs. Welch and McGee moved that the bill be amended in section 2, in item 7061-9408, by striking out the figure "\$6,849,037" and inserting in place thereof the following figure:- "\$9,323,712".  
After remarks, the amendment was *rejected*.

Ms. Chang-Diaz, Messrs. Ross and Brownsberger, Ms. Clark, Ms. Creem, Messrs. DiDomenico, Donnelly and Eldridge, Ms. Fargo and Messrs. McGee, Welch and Joyce moved that the bill be amended in section 2, in item 7010-0012, by striking out the figure "\$16,892,582" and inserting in place thereof the following figure:- "\$17,892,582".  
After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-seven minutes past eleven o'clock A.M., on motion of Ms. Chang-Díaz, as follows to wit (yeas 36 — nays 0) [Yeas and Nays No. 210]:  
YEAS

Brewer, Stephen M. Joyce, Brian A.  
Brownsberger, William N. Keenan, John F.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 36  
NAYS — 0.

ABSENT OR NOT VOTING  
Berry, Frederick E. Kennedy, Thomas P.— 2

The yeas and nays having been completed at twenty-nine minutes before twelve o'clock noon, the amendment was **adopted**.

Mr. Richard T. Moore moved that the bill be amended by inserting at the end thereof the following new section:-  
"SECTION \_\_. Section 1 of chapter 30B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 87 through 88, paragraph (31) of subsection (b) in its entirety."  
The amendment was **adopted**.

Messrs. Brownsberger and Eldridge, Ms. Chang-Diaz, Ms. Creem and Ms. Jehlen moved that the bill be amended in section 2, in item 0321-2100, by striking out the figure "\$902,016" and inserting in place thereof the figure "\$981,810".  
The amendment was **adopted**.

Mr. Rosenberg and Ms. Candaras moved that the bill be amended in section 2, in item 0337-0002, by striking out the word "may" and inserting in place thereof the following:- "shall".  
The amendment was **adopted**.

Ms. Clark moved that the bill be amended by inserting after section 90 the following section:-  
"SECTION 90A. Chapter 209A of the General Laws is hereby amended by adding the following section:-  
Section 11. (a) Whenever the court issues a temporary or permanent vacate, stay away, restraining or no contact order or a judgment under section 18, 34B or 34C of chapter 208; section 32 of chapter 209; section 3, 4 or 5; section 15 or 20 of chapter 209C; or section 3, 4, 5, 6 or 7 of chapter 258E; or a temporary restraining order or a preliminary or permanent injunction relative to a domestic relations, child custody, domestic abuse or abuse prevention proceeding, the court may order the possession, care and control of any domesticated animal owned, possessed, leased, kept or held by either party or by a minor child residing in the household to the plaintiff or petitioner. The court may order the defendant to refrain from abusing, threatening, taking, interfering with, transferring, encumbering, concealing, harming or otherwise disposing of such animal.  
(b) A party to any of the proceedings listed in subsection (a) may petition the court for an order authorized by subsection (a).

(c) Whenever the court issues a warrant for a violation of a temporary or permanent vacate, stay away, restraining or no contact order or of a judgment issued under section 18, 34B or 34C of chapter 208; section 32 of chapter 209; section 3, 4 or 5; section 15 or 20 of chapter 209C; or section 3, 4, 5, 6 or 7 of chapter 258E, or otherwise becomes aware that an outstanding warrant for such a violation has been issued against a person before the court, the judge may make a finding, based upon the totality of the circumstances, as to whether there exists an imminent threat of bodily injury to any party to such judgment or the petitioner of any such protective order, a member of the petitioner's family or household or to a domesticated animal belonging to such petitioner or to a member of the petitioner's family or household. If the court makes a finding that such an imminent threat of bodily injury to a person or domesticated animal exists, the court shall notify the appropriate law enforcement officials of such finding and such law enforcement officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.”; and by inserting after section 155 the following section:-  
“SECTION 155A. The court administrator shall amend the relevant complaint forms for chapters 208, 209A, 209C and 258E of the General Laws, or prescribe a new form, to incorporate a petition for an order under section 11 of chapter 209A of the General Laws, which shall be in such form and language to permit a plaintiff to prepare and file such complaint pro se.”  
The amendment was **adopted**.

Mr. Downing moved that the bill be amended in section 2, in item 7008-0900, by inserting at the end thereof the following:-  
“provided, that no less than \$200,000 shall be expended for opening the 11 Visitor Information Centers from Memorial Day to Columbus Day”.  
The amendment was **adopted**.

Messrs. Wolf, Eldridge and Brownsberger, Ms. Fargo and Messrs. Rosenberg, Donnelly and DiDomenico moved that the bill be amended in section 2, in item 7004-0108, by striking the words “provided further, that a family who received assistance under item 7004-9316 and who is eligible for assistance hereunder may be eligible for up to an additional \$2,000 in the same 12 month period through this item if deemed necessary to maintain or secure housing or otherwise avoid homelessness.”  
The amendment was **adopted**.

Messrs. Wolf, Eldridge and Brownsberger, Ms. Fargo and Messrs. Rosenberg, DiDomenico and McGee moved that the bill be amended in section 2, in item 7004-9316, by striking out, in lines 14 to 19, inclusive, the words “; provided further, that the amount of financial assistance shall not exceed \$4,000 in any 12 month period; provided further, that up to an additional \$2,000 in the same 12 month period may be provided under item 7004-0108 for families eligible for assistance under that item if deemed necessary to maintain or secure housing or to otherwise avoid homelessness” and inserting in place thereof the following words:- “; provided further, that the amount of financial assistance shall not exceed \$6,000 in any 12 month period; provided further, that any financial assistance in excess of \$4,000 in the same 12 month period shall include a written finding that the additional assistance is deemed necessary by the agency to maintain or secure housing or to otherwise avoid homelessness”; and in said section 2, in said item 7004-9316, by striking out, in lines 22 to 29, inclusive, the words “; provided further, that in making these findings the agency shall, unless the facts of the case warrant otherwise, apply a presumption that the payment will enable a family to retain its housing, obtain new housing or otherwise avoid homelessness if the family is paying less than or equal to 50 per cent of its income for that housing; provided further, that a family that is paying more than 50 per cent of its income for its housing shall be provided a fair opportunity to establish that a residential assistance payment will enable it to retain its housing, obtain new housing or otherwise avoid homelessness” and inserting in place thereof the following words:- “; provided further, that in making these findings the agency shall, unless the facts of the case warrant otherwise, apply a presumption that the payment will enable a family to retain its housing, obtain new housing or otherwise avoid homelessness”.  
The amendment was **adopted**.

Ms. Flanagan moved that the bill be amended in section 2 by inserting the following item:-  
“7066-0038.. For the operation of the youth venture program at Mt. Wachusett Community College..... \$100,000”.  
The amendment was **adopted**.

Mr. Michael O. Moore moved that the bill be amended in section 2, in item 7066-0021, by inserting at the end thereof the following:- “; provided, however, that if sufficient funds are not appropriated to cover full tuition and fee waivers, the council may adopt guidelines that give preference to qualifying students whose expected family contribution, as determined by the free application for federal student aid, is less than \$10,000.” and by striking out section 39.  
The amendment was **adopted**.

Ms. Creem, Messrs. Brownsberger, DiDomenico, Michael O. Moore and Knapik, Ms. Spilka and Mr. McGee moved that the bill be amended in section 2, in item 7061-9600, by striking the words “the department may encourage planning” and inserting in its place the following words: - “the department shall encourage planning”; and by inserting after the words “program implementation” the following: - “; provided further that the department of elementary and secondary education shall select grant recipients not later than July 15, 2012”; and by striking out the figure “\$400,000” and inserting in place thereof the following figure: - “\$600,000”.  
The amendment was **adopted**.

Ms. Spilka and Messrs. DiDomenico, Eldridge, Michael O. Moore and McGee moved that the bill be amended in section 2E, in item 7066-0035, by striking out the figure “\$1,000,000” and inserting in place thereof the following figure:- “\$1,500,000”. The amendment was **adopted**.

Messrs. Kennedy, Michael O. Moore, Timilty, Eldridge, Finegold and McGee moved that the bill be amended in section 2, in item 7066-0009, by striking out the figure “\$183,750” and inserting in place thereof the following figure:- “\$367,500”. The amendment was **adopted**.

Ms. Donoghue, Messrs. Finegold, McGee and Knapik, Ms. Chandler and Messrs. Brownsberger and Welch, Ms. Jehlen, Messrs. Eldridge, Joyce and Rodrigues, Ms. Clark, Messrs. Hart and DiDomenico and Ms. Chang-Diaz, Messrs. Rush, Michael O. Moore, Keenan, Donnelly, Timilty, Montigny and Kennedy and Ms. Candaras moved that the bill be amended in section 2, in item 8100-0111, by striking out the figure “\$6,000,000” and inserting in place thereof the following figure:- “7,000,000”. The amendment was **adopted**.

Mr. Michael O. Moore and Ms. Chandler moved that the bill be amended in section 2, in item 8900-0001, by inserting after the word “Center”, in line 21, the following words:- “; provided further, that not less than \$25,000 shall be provided for a program for ex-offenders and chronically homeless men to recover from drug and alcohol addiction while learning farm skills”. The amendment was **adopted**.

Mr. Rush moved that the bill be amended in section 2, in item 8700-0001, by striking out the figure “\$8,133,547” and inserting in place thereof the following figure:- “\$8,438,924”. The amendment was **adopted**.

Mr. Timilty moved that the bill be amended by adding at the end thereof the following new section:-  
“SECTION X. Section 38B of Chapter 127 of the General Laws is hereby amended in sub-section (b) by inserting after the words ‘house of correction,’ the following new words: ‘trial court detention facility’; and in sub-section (c) by inserting after the words ‘house of correction,’ the following new words: ‘trial court detention facility’.”  
The amendment was **adopted**.

Mr. Timilty moved that the bill be amended in section 2, in item 8910-8310, by striking out the figure “\$8,460,000” and inserting in place thereof the following figure:- “\$9,011,360”. The amendment was **adopted**.

Ms. Chang-Diaz and Mr. Brownsberger 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 the amount allocated for programs for incarcerated mothers in item 8900-0001 of section 2 of Chapter 131 of the Acts of 2010 shall be allocated to the program in fiscal year 2013”. The amendment was **adopted**.

Messrs. Keenan, Hedlund, Pacheco and Joyce moved that the bill be amended in section 2, in item 8324-0000, by adding after the words “57 per cent;” the following words:- “provided further, that not less than \$200,000 be expended for the purpose of funding a 20 per cent regional grant match for the Fire Chiefs Association of Plymouth County to develop and upgrade the emergency radio communications system in Plymouth County;” by inserting the following words:- “provided further, that 100 per cent of the amount appropriated in this item for the matching grant for the development and upgrade of the emergency radio communications system 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;” and by striking the figure “\$17,388,773” and inserting in place thereof the following figure:- “\$17,588,733”. The amendment was **adopted**.

Mr. Keenan and Ms. Donoghue moved that the bill be amended in section 2, in item 8200-0200, by inserting after item 8000-1700 the following item:-  
“8000-XXXX For a competitive grant program to be known as the Jail Diversion Community Safety Initiative, to be administered by the executive office of public safety and security, in collaboration with the department of mental health; provided, that funds shall be expended for grants to reduce arrests of people in mental health crisis by improving police response and fostering access to emergency service programs; provided further, that within the initiative, priority shall be given to applications that emphasize training of municipal police departments in developing skilled personnel with intensive training in de-escalation techniques; provided further, that the executive office of public safety shall solicit proposals from: (i) individual communities or police departments; (ii) clusters of municipalities or police departments; (iii) communities or police departments in partnership with nonprofit organizations; and (iv) other related agencies seeking to collaborate with local public safety officials with the intent of delivering such training or services; provided further, that the grants shall only be awarded to sponsors who can demonstrate their intent to: (a) support regional, multidisciplinary approaches to promote access to mental health treatment rather than arrest or jail; and (b) provide resources to communities to develop programs for prevention and intervention and technical

assistance and information to support local planning and training efforts; provided further, that the department shall select grantees for the program authorized by this item not later than March 1, 2013; provided further, that the secretary of public safety and security, in collaboration with the department of mental health shall distribute grant funds through a competitive grant program that requires all applicants to incorporate proven techniques for approaching emotional disturbance calls and working with emergency service programs that combine the best practices from community policing and tested mental health training programs such as crisis intervention teams, mental health first aid and the Massachusetts Mental Health Diversion & Integration Program; provided further, that such funds shall be considered 1-time grants awarded to public agencies and shall not annualize into fiscal year 2014 or subsequent fiscal years; provided further, that administrative costs for successful grant applications shall not exceed 3 per cent of the value of the grant; provided further, that no grants shall be awarded to the department of state police; provided further, that no grant funds shall be expended on food or beverages; provided further, that the executive office of public safety and security, in collaboration with the department of mental health, shall publish guidelines and an application process for the competitive portion of the grant program not later than October 15, 2012; and provided further, that awards shall be made to applicants not later than February 15, 2013..... \$250,000”.

The amendment was **adopted**.

Messrs. Keenan, Rush and Joyce moved that the bill be amended in section 2, in item 8910-8610, by striking out after the words “not to exceed” the figure “\$1,116,000” and inserting in place thereof the following figure:- “\$2,500,000”; and in said item by striking out the figure “\$1,116,000” and inserting in place thereof the following figure:- “\$2,500,000”.

The amendment was **adopted**.

Messrs. Rosenberg, Downing and Michael O. Moore, Ms. Candaras and Mr. Kennedy moved that the bill be amended in section 2E, in item 1595-6370, by striking out the figure “\$15,000,000” and inserting in place thereof the following figure:- “18,500,000”.

The amendment was **adopted**.

Messrs. Rush and Richard T. Moore and Ms. Clark moved that the bill be amended in section 2, in item 1410-0075, by striking out the figure “125,000” and inserting in place thereof the following:- “150,000”.

The amendment was **adopted**.

Messrs. Rush and Joyce moved that the bill be amended in section 2, in item 1410-0250, after the word “than”, the following figure:- “5” and inserting in the place thereof the following figure:- “10”; and by striking out the figure “2,405,949” and inserting in place thereof the following figure:- “2,520,518”.

The amendment was **adopted**.

Messrs. Welch, Tarr and Joyce moved that the bill be amended in section 2, in item 9110-9002, by striking out the figure “\$8,433,748” and inserting in place thereof the following figure:- “\$9,333,748”.

The amendment was **adopted**.

Mr. Petrucci moved that the bill be amended in section 2, in item 4000-0500, by striking out the figure “\$15,000,000” and inserting in place thereof the following figure:- “\$20,000,000”; in said section 2, in said item 4000-0500, by inserting after the word “effectively”, the first time it appears, the following words:- “; provided further, that \$3,000,000 shall be expended for infrastructure and capacity building grants to critical access community hospitals”; and in said section 2, in said item 4000-0500, by striking out the figure “\$4,158,475,376” and inserting in place thereof the following figure:- “\$4,166,475,376”.

The amendment was **adopted**.

Mr. Keenan moved to amend the bill in line-item 4510-0616 by striking out the figure “\$1,251,481” and inserting in place thereof the following figure:- “\$1,751,481”.

The amendment was **adopted**.

Ms. Flanagan, Ms. Spilka and Mr. Joyce moved that the bill be amended in section 2, in item 1410-0012, by striking out, after the word “than”, the following figure:- “5” and inserting in the place thereof the following figure:- “10”; and by striking out the figure “\$2,069,083” and inserting in place thereof the following figure:- “\$2,167,611”.

The amendment was **adopted**.

Mr. Petrucci moved that the bill be amended by inserting after section 90 the following 2 sections:-

“SECTION 90A. Subsection (c) of section 6 of chapter 176J, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- Any rates of reimbursement or rating factors included in the rate filing materials submitted for review by the division shall be deemed confidential and exempt from the definition of public records in clause Twenty-sixth of section 7 of chapter 4.

SECTION 90B. Said section 6 of said chapter 176J, as amended by section 20 of chapter 142 of the acts of 2011, is hereby further amended by adding the following subsection:

(g) For the purposes of rate development and for calculating the aggregate medical loss ratio for rate filings under this section, a

carrier may calculate projected and reported per member per month revenues and projected and reported claim costs for small group health plans subject to this chapter on an aggregated basis for all affiliated companies within a parent corporation or holding company that offer such plans.”

The amendment was **adopted**.

Messrs. Hart, Rush, Brownsberger, Donnelly and Joyce moved that the bill be amended in section 2, in item 4000-0640, by adding the following:- “; and provided further, that the payments made pursuant to this item shall be allocated in an amount sufficient to implement section 622 of chapter 151 of the acts of 1996”.

The amendment was **adopted**.

Ms. Chandler, Mr. Eldridge, Ms. Candaras, Mr. Brownsberger, Ms. Creem and Messrs. Donnelly, Montigny, Finegold, Joyce, Michael O. Moore and McGee moved that the bill be amended by inserting after section \_\_\_\_, the following new section:- “SECTION \_\_\_\_. Chapter 118E of the General Laws is hereby amended by striking out Section 33, as so appearing, and inserting in place thereof the following section:-

Section 33. No claim for costs of a nursing facility and other long-term care services may be made by the division under section 31 or 32 if the individual receiving medical assistance was permanently institutionalized, had notified the division that he had no intention to return home and, on the date of admission to the nursing facility or other medical institution, had long-term care insurance that, when purchased, met the requirements of 211 C.M.R. 65.00.”

The amendment was **adopted**.

Messrs. Petruccelli, Michael O. Moore and McGee moved that the bill be amended by inserting after section 83 the following section:-

“SECTION 83A. Paragraph (3) of subsection (e) of section 9D of chapter 118E of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following paragraph:-

The office of Medicaid shall provide each applicant age 65 and over, and to all eligible MassHealth recipients no less than annually, a notice of options available for enrollment in voluntary programs including Senior Care Options, Program of All-Inclusive Care for the Elderly, Frail Elder Home and Community Based Waiver Program and any other voluntary elected benefit to which the applicant or recipient would be entitled to supplement or replace the applicant or recipient’s MassHealth benefits. The notice shall explain the differential benefits and costs of such programs. The office of Medicaid shall also provide information describing the options available for enrollment in voluntary programs including Senior Care Options, Program of All-Inclusive Care for the Elderly, Frail Elder Home and Community Based Waiver Program and any other voluntary elected benefit, and the differential benefits and costs of such programs, to Serving Health Information Needs of Elders and other publicly funded information and referral counselors. The office of Medicaid may charge the providers of these benefits for the costs associated with providing such notices and information if such provider’s program is described therein.”

The amendment was **adopted**.

Ms. Jehlen, Ms. Candaras, Messrs. Michael O. Moore, Rosenberg and Welch, Ms. Donoghue, Mr. Hedlund, Ms. Clark and Mr. Joyce moved that the bill be amended in section 2 moves that the bill be amended in item 4405-2000 by inserting after the words “foster care benefit” the following: “provided further, that not less than \$1,000,000 shall be made available for rate increases for level IV rest homes as defined in 105 CMR 150.001; and further moves that the bill be amended in item 4408-1000, by adding the following: “provided further, that not less than \$400,000 shall be made available for rate increases for level IV rest homes as defined in 105 CMR 150.001;”.

The amendment was **adopted**.

Ms. Jehlen moved that the bill be amended in section 2, in item 9110-2500, by adding the following: “provided that for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department 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”.

The amendment was **adopted**.

Mr. Downing moved that the bill be amended in section 2, in item 4590-0250, by striking out the wording “and provided further, that funds shall be expended for the Massachusetts Model of Community Coalitions” and inserting in place thereof the following:- “and provided further, that no less than \$200,000 shall be expended for the Massachusetts Model of Community Coalitions”.

The amendment was **adopted**.

Ms. Jehlen moved that the bill be amended in section 2, in item 4590-1507, by adding after the word “nonprofit community centers” the words “teen empowerment”.

The amendment was **adopted**.

Messrs. Knapik and Welch, Ms. Candaras and Mr. Joyce moved that the bill be amended in section 2, in item 4190-0100, by striking out the figure “\$19,932,679” and inserting in place thereof the following figure:- “20,177,267”.

The amendment was **adopted**.

Ms. Chandler and Mr. Joyce moved that the bill be amended in section 2, in item 4512-0500, by striking out the figure "\$1,354,924" and inserting in place thereof the following figure:- "\$1,401,531".

The amendment was **adopted**.

Messrs. Joyce, Brownsberger and Eldridge, Ms. Jehlen, Mr. Rosenberg, Ms. Clark and Messrs. Donnelly, Michael O. Moore and McGee moved that the bill be amended by inserting at the end thereof the following section:-

"SECTION \_\_. Chapter 19B of the General Laws is hereby amended by adding the following section:-

Section 19B. (a) For the purpose of this section, 'person with a disability' shall mean a person with a permanent or long-term physical or mental impairment that prevents or restricts such individual's ability to provide for such individual's own care or protection.

(b) No program, agency or facility funded, operated, licensed or approved by the commonwealth or any subdivision thereof shall administer to a person with a disability any procedure which causes obvious signs of physical pain, including, but not limited to, hitting, pinching or electric shock for the purposes of changing the behavior of such person. No such program shall employ any form of physical contact or punishment on a person with a disability that is otherwise prohibited by law or would be prohibited if used on a person who does not have a disability. No such program shall employ any procedure which denies a person with a disability adequate sleep, food, shelter, bedding or bathroom facilities."

The amendment was **adopted**.

Messrs. Joyce, Brownsberger and Eldridge, Ms. Jehlen, Mr. Rosenberg and Ms. Clark moved that the bill be amended by inserting after section 51 the following section:-

"SECTION 51A. Chapter 19B of the General Laws is hereby amended by adding the following section:-

Section 19. No program which is operated, funded or licensed by the department of developmental services shall employ the use of Level III Aversive Interventions to reduce or eliminate maladaptive behaviors; provided, however, that individual-specific exceptions allowing the use of Level III Aversive Interventions to reduce or modify behavior may be granted to individuals who, as of September 1, 2011, have an existing court-approved treatment plan which includes the use of Level III Aversive Interventions. Such exception may be granted each year if the exception is contained in an individual's behavior treatment plan, approved by the court prior to September 1, 2011. Any Level III Aversive Interventions administered under this section shall comply with 115 CMR 5.14 (4)(b)4."

The amendment was **adopted**.

Ms. Spilka moved that the bill be amended in section 2, in item 1410-0015, by striking the figure "\$50,000" and inserting in place thereof the following figure: - "\$75,000".

The amendment was **adopted**.

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

"SECTION XX. The inspector general shall 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. The study shall include, but not be limited to, a review of the program's eligibility requirements, utilization, claims administration and compliance with federal mandates. The inspector general shall report any preliminary findings to the secretary of health and human services and the house and senate committees on ways and means on or before October 30, 2012, and issue a final report on or before March 1, 2013."

The amendment was **adopted**.

Messrs. Rodrigues and Rosenberg, Ms. Creem, Ms. Jehlen and Mr. Eldridge moved that the bill be amended in section 2, in item 4800-0015, by striking out, in line 35, the words "request that are pending" and inserting in place thereof the following words:- "requests that are pending and the number of fair hearing requests that are pending for more than 180 days"; in said section 2, in said item 4800-0015, by inserting after the words "quarter", in line 36, the following words:- " provided further, that not less than \$152,000 shall be expended for additional staff to the fair hearing unit to assist the department in eliminating the department's fair hearing backlog, defined for the purpose of this allocation only, which shall mean those cases pending for more than 180 days from the date of the hearing request"; and in said section 2, in said item 4800-0015, by striking out the figure "\$69,322,448" and inserting in place thereof the following figure:- "\$69,474,448".

The amendment was **adopted**.

Ms. Chandler, Ms. Flanagan, Ms. Clark, Ms. Chang-Diaz and Messrs. Brownsberger, Eldridge, DiDomenico and Joyce moved that the bill be amended by inserting after section 155, the following new section:-

"SECTION 155A. Notwithstanding any general or special law to the contrary, there shall be a special commission for the purpose of studying and making recommendations concerning services for unaccompanied homeless youth age 22 and under, with the goal of ensuring a comprehensive and effective response to the unique needs of this population. The focus of the commission's work shall include, but not be limited to: (i) an analysis of the barriers to serving unaccompanied youth who are gay, lesbian, bisexual and transgender; (ii) an analysis of the barriers to serving unaccompanied youth under 18 years of age; (iii) an assessment of the impact of mandated reporting requirements on unaccompanied youths' access to services; (iv) the state's ability to identify and connect with unaccompanied youth; and (v) recommendations to reduce identified barriers to serving this population, including, but not limited to, extending the time for certain categories of mandated reporters to file reports and

establishing special licensure provisions to allow service providers to serve homeless youth under 18 years of age. The commission, in formulating its recommendations, shall take account of best practices and policies in other states and jurisdictions.

The commission shall include 25 members: the secretary of health and human services or a designee, who shall serve as chair; the commissioner of the department of children and families or a designee; the commissioner of the department of elementary and secondary education or a designee; the commissioner of the department of public health or a designee; the commissioner of the department of mental health or a designee; the director of the office of Medicaid or a designee; the commissioner of the department of transitional assistance or a designee; the undersecretary of housing and community development or a designee; 2 members of the senate, appointed by the senate president; 2 members of the house of representatives, appointed by the speaker of the house; 3 youth who have experienced homelessness, appointed by the office of the child advocate; 3 direct service providers who work with unaccompanied homeless youth, appointed by the governor; and 1 representative from each of the following organizations: Massachusetts Coalition for the Homeless, Task Force on Youth Aging Out, Massachusetts Appleseed Center for Law and Justice, MassEquality, Massachusetts Housing and Shelter Alliance, Massachusetts Transgender Political Coalition and the Boston Alliance of Gay, Lesbian Bisexual and Transgender Youth.

The commission shall submit a report to the governor, the speaker of the house of representatives, the president of the senate, the joint committee on children, families and persons with disabilities and the office of the child advocate not later than March 31, 2013. The report shall set forth the commission's findings and any recommendations for regulatory or legislative action with a timeline for implementation, cost estimates and finance mechanisms. Thereafter, the commission shall submit a report annually by December 31 of each year to the governor, the speaker of the house of representatives, the president of the senate, the joint committee on children, families and persons with disabilities and the office of the child advocate, detailing the extent of homelessness among unaccompanied youth within the commonwealth and the progress made toward implementing the commission's recommendations, along with other efforts to address the needs of this population."

The amendment was **adopted**.

Messrs. Wolf and Joyce moved that the bill be amended in section 2, in item XXXX-XXXX, by inserting, after section \_\_\_\_, the following new section:-

"SECTION XX. Chapter 29 of the General Laws is hereby amended by inserting after section 2EEEE the following section:- Section 2FFFF. There shall be established upon the books of the commonwealth a separate fund to be known as the Health Care Workforce Transformation Fund to be expended, without further appropriation, by the secretary of labor and workforce development. The fund shall consist of any funds that may be appropriated or transferred for deposit into the trust fund, public and private sources such as gifts, grants and donations to further health care workforce development and interest earned on such revenues, and other sources.

The secretary of labor and workforce development as trustee, shall administer the fund. The secretary, in consultation with the Health Care Workforce Advisory Board established in subsection (c), shall make expenditures from this account consistent with the subsections (e) and (f); provided, that not more than 10 per cent of the amounts held in the fund in any 1 year shall be used by the secretary for the combined cost of program administration, technical assistance to grantees and program evaluation.

(b) Revenues 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 the following fiscal year.

(c) There shall be Health Care Workforce Advisory Board constituted to make recommendations to the secretary concerning the administration and allocation of the fund, establish evaluation criteria and perform any other functions specifically granted to it by law.

The board shall consist of the following members: the secretary of labor and workforce development, who shall serve as chair; the executive director of the institute of health care finance and policy or a designee; the commissioner of public health or a designee, and no more than 13 members who shall be appointed by the secretary of labor and workforce development and who shall reflect a broad distribution of diverse perspectives on the health care system and health care workforce needs, including health care professionals, labor organizations, educational institutions, consumer representatives, providers and payers.

The secretary shall, under the advice and guidance of the Health Care Workforce Advisory Board, annually report on its strategy for administration and allocation of the fund, including relevant evaluation criteria, and short-term and long-term programmatic and policy recommendations to improve workforce performance.

(d) All expenditures from the Health Care Workforce Transformation Fund shall have 1 or more of the following purposes:-

(i) support the development and implementation of employer and work programs to enhance worker skills, income, productivity and retention rates;

(ii) address critical workforce shortages;

(iii) address workforce needs identified in the health resource plan developed under section 25A of chapter 111;

(iv) improve employment in the health care industry for the unemployed or low-income individuals and low-wage workers;

(v) provide training or educational services for currently unemployed or unemployed health care workers who are seeking new positions or responsibilities within the health care industry;

(vi) provide training or educational services for existing health care workers in emerging fields of care delivery models;

(vii) provide loan repayment and incentive programs for health care workers;

(viii) provide career ladder programs for health care workers; or

(ix) any other purpose the secretary, in consultation with the Health Care Workforce Advisory Board, determines.

(e) The secretary shall establish a competitive grant process funded by the Health Care Workforce Transformation Fund to

eligible applicants to provide education and training to health care workers. Eligible applicants shall include: employers and employer associations; local workforce investment boards; labor organizations; joint labor-management partnerships; community-based organizations; institutions of higher education; vocational education institutions; one-stop career centers; local workforce development entities; and any partnership or collaboration between eligible applicants. Expenditures from the fund for such purposes shall complement and not replace existing local, state, private, or federal funding for training and educational programs.

(f) A grant proposal submitted under subsection (e) shall include, but not be limited to:

(i) a plan that defines specific goals for health care workforce training and educational improvements over a multi-year period in specific areas;

(ii) the evidence-based programs the applicant shall use to meet the goals;

(iii) a budget necessary to implement the plan, including a detailed description of any funding or in-kind contributions the applicant or applicants will be providing in support of the proposal;

(iv) any other private funding or private sector participation the applicant anticipates in support of the proposal; and

(v) the anticipated number of individuals who would receive a benefit due to the implementation of the plan.

Priority may be given to proposals that target areas of critical labor needs for the health care industry or that are projected to be critical labor needs of the health care industry in the near future. Priority may also be given to proposals that target geographic areas with specific health care workforce needs or that target geographic areas with unemployment levels higher than the state average. If no proposals were offered in areas of particular need, the secretary may provide technical assistance and planning grant funding directly to eligible applicants in order to develop grant proposals.

The secretary shall, in consultation with the Health Care Workforce Advisory Board, develop guidelines for an annual review of the progress being made by each grantee. Each grantee shall participate in any evaluation or accountability process implemented by or authorized by the secretary.

(g) The secretary shall annually expend not less than 20 per cent of available funds in the Health Care Workforce Transformation Fund to expand training and loan forgiveness programs for primary care providers in the commonwealth. The training and loan forgiveness programs for primary care providers shall include, but not be limited to:

(i) The secretary shall establish a competitive primary care residency grant process funded by the Health Care Workforce Transformation Fund to eligible applicants for the purpose of financing the training of primary care providers at teaching community health centers. Eligible applicants shall include teaching community health centers accredited through affiliations with a commonwealth funded medical school or licensed as part of a teaching hospital with a residency program in primary care or family medicine and teaching health centers that are the independently accredited sponsoring organization for the residency program and whose residents are employed by the health center.

To receive funding, an applicant shall (a) include a review of recent graduates of the teaching community health center's residency program, including information regarding what type of practice said graduates are involved in 2 years following graduation from the residency program; and (b) achieve a threshold of at least 50 per cent for the percentage of graduates practicing primary care within 2 years after graduation. Graduates practicing (a) more than 50 per cent inpatient care or (b) more than 50 per cent specialty care, as listed in the American Medical Association Masterfile, shall not qualify as graduates practicing primary care.

Awardees of the primary care residency grant program shall maintain their teaching accreditation as either an independent teaching community health center or as a teaching community health center accredited through affiliation with a commonwealth funded medical school or licensed as part of a teaching hospital.

(ii) A primary care workforce development and loan forgiveness grant program at community health centers, for the purpose of enhancing recruitment and retention of primary care physicians and other clinicians at community health centers throughout the commonwealth. The grant program shall be administered by the department of public health; provided, that the department may contract with an organization to administer the grant program. Funds for the grant program shall be matched by other public or private funds.

(iii) The health care provider workforce loan repayment program, established in section 25N of chapter 111, as administered by the department of public health.

(h) The comptroller shall annually transfer not less than 10 per cent of available funds in the Health Care Workforce Transformation Fund to the Massachusetts Nursing and Allied Health Workforce Development Trust Fund established in section 33 of chapter 305 of the acts of 2008 to develop and support strategies that increase the number of public higher education faculty members and students who participate in programs that support careers in fields related to nursing and allied health.

(i) The secretary shall, annually on or before January 31, report on expenditures from the Health Care Workforce Transformation Fund. The report shall include, but shall not be limited to: (i) the revenue credited to the fund; (ii) the amount of fund expenditures attributable to the administrative costs of the secretary of labor and workforce development; (iii) an itemized list of the funds expended through the competitive grant process and a description of the grantee activities; and (iv) the results of the evaluation of the effectiveness of the activities funded through grants. The report shall be provided to the chairs of the house and senate committees on ways and means, the joint committee on public health, the joint committee on health care financing and the joint committee on labor and workforce development and shall be posted on the department of public health's website.

(j) The secretary of labor and workforce development may promulgate appropriate regulations to carry out this section."

The amendment was **adopted**.

Ms. Candaras moved that the bill be amended by inserting after section 155, the following section:-

“SECTION 155A. There shall be a special commission to enhance the health of children and women which shall advise the commissioner of public health and the public health council on the current and future roles that lactation and breastfeeding counseling and the education of pregnant and nursing mothers may play in the containment of health care costs and the enhancement of the health of women and children. The commission shall consist of the commissioner of public health or a designee, who shall serve as chair, the house chair of the joint committee on public health or a designee, the senate chair of the joint committee on public health or a designee, an obstetrician designated by the Massachusetts Chapter of the American College of Obstetricians and Gynecologists, a pediatrician designated by the American Academy of Pediatrics, a representative from Blue Cross Blue Shield of Massachusetts, a representative of the Massachusetts Association of Health Plans, a representative from the Massachusetts Hospital Association, a representative from the Massachusetts League of Community Health Centers, a representative from the Massachusetts Women and Infants Program, a representative of the Healthy Children Project, a representative from the Massachusetts Nurses Association, a representative for the Association of Women’s Health, Obstetrical and Neonatal Nurses and a representative of the women’s legislative caucus. The commission shall file a report with the department of public health and the joint committee on public health not later than January 15, 2013 detailing the state of breastfeeding and breast milk feeding in the commonwealth and setting forth recommendations, together with drafts of legislation, if any, necessary to carry its recommendations into effect.”

The amendment was **adopted**.

Ms. Spilka, Messrs. Brownsberger and DiDomenico, Ms. Clark and Messrs. Keenan, Donnelly, Eldridge, Rodrigues and Michael O. Moore moved that the bill be amended in section 2, in item 4403-2000, by striking the words “30 days” and inserting in place thereof the following words:- “90 days”.

The amendment was **adopted**.

Ms. Spilka, Messrs. Brownsberger and DiDomenico, Ms. Clark and Messrs. Donnelly, Eldridge, Rodrigues and Michael O. Moore moved that the bill be amended in section 2, in item 4408-1000, by striking the words “30 days” and inserting in place thereof the following words:- “90 days”.

The amendment was **adopted**.

Ms. Clark and Mr. Tarr moved that the bill be amended by inserting after section \_\_, the following new section:-  
“SECTION XX. Section 3 of chapter 32 of the General Laws as appearing in the 2006 Official Edition is hereby amended in line 252 by inserting after the word prisoners the following words: employees of the department of children and families holding the title of social worker A/B, C, or D or successive titles who have been employed in such titles for 10 years or more.”

The amendment was **adopted**.

Ms. Clark, Mr. Eldridge, Ms. Spilka, Mr. Donnelly, Ms. Chandler and Messrs. Richard T. Moore and Joyce moved that the bill be amended in section 2, in item 5911-1003, by adding at the end thereof the following:- “and provided further, that the department may expend funds for the Massachusetts Down Syndrome Congress”.

The amendment was **adopted**.

Ms. Clark and Messrs. Kennedy, DiDomenico and Joyce moved that the bill be amended by inserting after section \_\_, the following new section:-

“SECTION XX: Notwithstanding any general or special law to the contrary, the Executive Office of Health and Human Services (EOHHS) shall conduct a procurement to select an entity or entities to conduct an analysis of the children with complex care needs in the MassHealth program. The goal of the procurement shall be to identify a suitable vendor to partner with the Executive Office to identify all children with complex care needs in the MassHealth program, understand the services, service providers and medical resources utilized and current costs of serving these children; and to analyze the suitability of their current primary or majority care settings relative to the goals of the Commonwealth’s Patient-Centered Medical Home Initiative and the goal of providing the highest quality care most efficiently by managing care and utilization of services. The analysis conducted pursuant to the procurement shall group the patients by primary diagnosis, including mental health diagnoses, and/ or other clinical profile characteristics and assess the current medical home capabilities of primary care providers for the relevant patients in each category, by geographic region. EOHHS shall not award any money or other compensation with the contract. The request for proposals shall be released by October 1, 2012 and the vendor shall be selected by November 30, 2012.

The chosen entity or entities shall produce a report of its findings to the Executive Office of Health and Human Services, the Division of Insurance, the Joint Committee on Health Care Finance, the House and Senate Committees on Ways and Means and the House and Senate clerks, for public availability, no later than August 31, 2013. Such report shall include the following: a) recommendations for how children with complex care needs could be served in keeping with the goals of the Commonwealth’s Patient Centered Medical Home Initiative; b) recommendations for appropriate quality benchmarks for their care or recommendations regarding the development of such metrics; c) an analysis of potential federal and external funding sources; and d) an analysis of care models and financial arrangements used for complex children in other states.”

The amendment was **adopted**.

Mr. Berry, Ms. Spilka, Messrs. Joyce, Keenan, Eldridge, Brownsberger, Michael O. Moore and DiDomenico, Ms. Clark and Mr. Kennedy moved that the bill be amended in section 2, in item 1107-2501, by striking out the figures “\$2,252,599” inserting in

place thereof the figures:”\$2,316,927”.

The amendment was **adopted**.

Ms. Creem, Mr. Rush, Ms. Spilka, Ms. Chandler and Messrs. Eldridge, Donnelly, McGee and Joyce moved that the bill be amended in section 2, in item 9110-1660, by inserting after the words “naturally occurring retirement communities for the elderly,” the following:- “; provided further, that no less than \$214,000 shall be expended for naturally occurring retirement communities providers from this line-item with whom the Department of Elder Affairs entered into service agreements with in fiscal year 2012 at no less than the amount expended to those providers in fiscal year 2012”.

The amendment was **adopted**.

Ms. Jehlen and Mr. Joyce moved that the bill be amended by inserting after section 83 the following 3 sections:-

“SECTION 83A. Section 72F of chapter 111 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the words ‘section 71’, in line 9, the following words:- or an adult day health program licensed by the department of public health.

SECTION 83B. Said section 72F of said chapter 111, as so appearing, is hereby further amended by inserting after the word ‘setting’, in line 11, the following words:- or adult day health program setting.

SECTION 83C. Said section 72F of said chapter 111, as so appearing, is hereby further amended by inserting after the words ‘hospice program’, in line 36, the following words:- or an individual who receives services at an adult day health program.”; and by inserting after section 103 the following section:-

“SECTION 103A. Subsection (a) of chapter 87 of the acts of 2011 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The department of public health, in consultation with the executive office of health and human services, shall adopt regulations for the statewide licensure of adult day health programs. The application fee for the issue or renewal of an adult day health program license shall be determined annually by the secretary of administration and finance under section 3B of chapter 7 of the General Laws. The license shall not be transferable or assignable and shall be issued only for the premises named in the application.”.

The amendment was **adopted**.

Messrs. Rosenberg and Knapik moved that the bill be amended in section 2, in item 9110-1900, by inserting at the end thereof the following:- “provided, that funds shall be expended for the senior farm share program”; and by striking out “6,325,328” and inserting in place thereof the following figure:- “\$6,375,328”.

The amendment was **adopted**.

Ms. Fargo and Mr. Eldridge moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “of adequate quality;” the following words:- “provided further, that funds may be expended for the operation of the office of health equity within the executive office of health and human services;”.

The amendment was **adopted**.

Ms. Chang-Diaz moved that the bill be amended by inserting after section 155 the following section:-

“SECTION 155A. Notwithstanding any general or special law to the contrary, the primary care workforce development and loan forgiveness grant program at community health centers, established under the Health Care Workforce Transformation Fund, shall be administered by the Massachusetts League of Community Health Centers during fiscal year 2013.”

The amendment was **adopted**.

Ms. Spilka, Messrs. Donnelly and Eldridge, Ms. Chang-Diaz and Mr. Joyce moved that the bill be amended in section 2, in item 7004-0108, by inserting after the words “provided further, that families receiving services through item 7004-0101 for longer than 32 weeks from July 1, 2012 through June 30, 2013 shall not be eligible for assistance through this item” the following new words:- “until 12 months from the date of exit from shelter;”.

The amendment was **adopted**.

Ms. Spilka, Messrs. Donnelly and Eldridge, Ms. Chang-Diaz and Mr. Joyce moved that the bill be amended in section 2, in item 7004-0101, by inserting after the words, “provided further, that families who receive benefits under this item for longer than 32 weeks after July 1, 2012 shall not be eligible for household assistance under item 7004-0108” the following new words:- “until 12 months from the date of exit from shelter;”.

The amendment was **adopted**.

Mr. Kennedy moved that the bill be amended in section 2, in item 4800-0038, in section 2, in item 4800-0038, by inserting after the word “poverty”, in line 18, the following words:- “; provided further, that funds shall be expended for the Plymouth County Children’s Advocacy Center, the Children’s Advocacy Center of Bristol County and Children’s Cove Cape and Islands Child Advocacy Center”.

The amendment was **adopted**.

Messrs. Donnelly and Brownsberger, Ms. Chang-Diaz, Mr. DiDomenico, Ms. Fargo, Ms. Clark, Mr. Michael O. Moore, Ms. Candaras and Messrs. Welch and Joyce moved that the bill be amended in section 2, in item 4516-1000, by striking the figure “\$11,953,520” and inserting in place thereof the following new figure:- \$12,953,520.  
The amendment was **adopted**.

Messrs. Richard T. Moore and Joyce moved that the bill be amended by inserting at the end thereof the following new section:-  
“SECTION \_\_. Chapter 176Q of the General Laws is hereby amended by striking out section 7A and inserting in place thereof the following section:-

Section 7A. (a) There shall be a small group wellness incentive pilot program to expand the prevalence of employee wellness initiatives by small businesses. The program shall be administered by the board of the connector, in consultation with the department of public health. The program shall provide subsidies and technical assistance for eligible small groups to implement evidence-based employee health and wellness programs to improve employee health, decrease employer health costs and increase productivity.

(b) An eligible small group shall be qualified to participate in the program if:

(1) the eligible small group purchases group coverage through the connector;

(2) the eligible small group enrolls in an evidence-based, employee wellness program offered through the connector;

(3) the eligible small group meets certain minimum criteria, as determined by the connector board; and

(4) the eligible small group meets certain minimum employee participation requirements in the qualified wellness program, as determined by the connector board, in collaboration with the department of public health.

(c) For eligible small groups participating in the program, the connector shall provide an annual subsidy not to exceed 15 per cent of eligible employer health care costs as calculated by the connector board. If the director determines that funds are insufficient to meet the projected costs of enrolling new eligible employers, the director shall impose a cap on enrollment in the program.

(d) The connector shall report annually to the joint committee on community development and small business, the joint committee on health care financing and the house and senate committees on ways and means on the enrollment in the small business wellness incentive program and evaluate the impact of the program on expanding wellness initiatives for small groups.

(e) The connector shall promulgate regulations to implement this section.”

The amendment was **adopted**.

Messrs. Richard T. Moore and Joyce moved that the bill be amended by inserting at the end thereof the following:-

“SECTION \_\_. Subsection (m) of section 3 of chapter 176Q of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 84 and 85, the words “the board deems necessary to implement chapters 111M, 118G and 118H” and inserting in place thereof the following words:- , departments, commissions, authorities or political subdivisions the board considers necessary or appropriate to implement chapters 111M, 118E, 118G , 118H and this chapter.

SECTION \_\_. Said section 3 of said chapter 176 Q, as so appearing, is hereby further amended by adding the following subsection:-

(u) to enter into contracts or agreements, at the board’s discretion, with state departments, agencies, commissions, authorities, political subdivisions or any individuals, groups, non-profit or not-for-profit corporations, organizations or associations that are seeking affordable health insurance; provided further, that the connector shall serve as an agent or advisor to assist with or procure health insurance for said entities or persons. The board shall give preference to assisting non-profit or not-for-profit corporations or individuals, groups, organizations or associations seeking the connector’s assistance for populations that have been historically uninsured or underinsured.”

The amendment was **adopted**.

Messrs. Richard T. Moore and Donnelly, Ms. Jehlen, Mr. DiDomenico, Ms. Candaras and Messrs. Michael O. Moore and Joyce moved that the bill be amended in section 85, in proposed chapter 118I, by adding the following new section:

“SECTION 6. Every health insurer, as defined in section one, to the extent not preempted by federal law, shall provide benefits for (1) routine childhood immunizations for Massachusetts residents and (2) immunizations for Massachusetts residents who are 19 years of age and over according to the most recent schedules recommended by the Advisory Committee on Immunization Practices of the U.S. Department of Health and Human Services. These benefits shall be exempt from any copayment, coinsurance, deductible, or dollar limit provisions in the health insurance policy or contract.”

The amendment was **adopted**.

Ms. Chang-Diaz and Mr. Knapik 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 following figure:- “\$4,783,360”.

After remarks, the amendment was *rejected*.

Mr. Rosenberg moved that the bill be amended in section 46, in proposed section 42 of chapter 15A of the General Laws, by adding the following subsection:- “(f) This section shall apply only to those campuses for which the local board of trustees has approved by majority vote to accept this section.”; in section 75, by striking out, in line 1088, the words “March 1” and inserting in place thereof the following words:- “June 30”; in said section 75, in proposed section 8A of chapter 75 of the General Laws, by adding the following subsection:- “(d) This section shall apply to the university only if the board of trustees has approved by a majority vote acceptance of this section.”; by striking out section 126; in section 127, by striking out, in lines 1772 and 1773, the words “the state universities and the campuses of the University of Massachusetts shall not” and inserting in place thereof the

following words:- “no state university or the University of Massachusetts that has voted to adopt an in-state tuition retention program under section 42 of chapter 15A of the General Laws or section 8A of chapter 75 of the General Laws, as applicable, shall be”; by striking out section 129 and inserting in place thereof the following section:-

“SECTION 129. Not later than October 1, 2012, the commissioner of higher education, in consultation with the secretary of education, the president of the University of Massachusetts and the presidents of the state universities shall submit to the board of higher education a report that includes a review of: (1) the effectiveness of all tuition and fee waivers; (2) the merits and feasibility of changing the name of waivers to “scholarships”; (3) the policies governing and costs related to continuing education programs; and (4) the method in which funds will be appropriated to the University of Massachusetts and the state universities that have approved by majority vote to accept section 8A of chapter 75 or section 42 of chapter 15A of the General Laws to cover the value of tuition and fee waivers authorized by the board of higher education, by the board of trustees of the University of Massachusetts, by the boards of trustees of individual state universities and by the campuses of the University of Massachusetts. The report shall examine the extent to which these waivers are being used by the intended beneficiaries, the cost to the state universities, the University of Massachusetts and the commonwealth of these waivers, and the relative benefits of maintaining these waivers as compared to providing additional support to students through the scholarship programs authorized in section 16 of said chapter 15A. The report shall include recommendations to the board concerning the extent to which such waiver programs should be continued, modified, discontinued or replaced by providing additional support to the state scholarship program and further recommendations to enable campuses to alter the proportion of student charges that are represented by tuition and fees so that fees represent no more than 25 per cent of total student charges. The report shall also include any recommendations for pertinent regulatory or statutory changes. A copy of the report shall be provided to the joint committee on higher education, the house and senate committees on ways and means, the board of trustees of the University of Massachusetts and the secretary of education at the time the report is submitted to the board of higher education.”; by striking out section 130; by inserting after section 131, the following section:-

“SECTION 131A. The board of higher education, in consultation with the board of trustees of the University of Massachusetts and the board of trustees of each state university shall study and make recommendations on the best method in which to balance the interests of each participating campus and the commonwealth in regard to the payment of fringe costs. The method shall ensure that the state appropriation of each campus that has elected to participate reflects the tuition retained and includes sufficient funding to allow the participating campus to pay the fringe costs. The board of higher education shall submit its report, together with drafts of legislation, to the secretary of education, the secretary of administration and finance, the joint committee on higher education and the house and senate committees on ways and means not later than December 31, 2012.”; and in section 157, by striking out, in lines 2288, the words “board of higher education” and inserting in place thereof the following words:- “the University of Massachusetts board of trustees”.

The amendment was **adopted**.

Ms. Chang-Diaz, Ms. Spilka, Ms. Candaras, Mr. Rosenberg, Ms. Clark, Messrs. Donnelly and Brownsberger, Ms. Jehlen, Messrs. DiDomenico, Eldridge, Rush, Wolf, Knapik, Michael O. Moore, Keenan, Timilty, Hart and Pacheco, Ms. Donoghue and Messrs. Welch, Downing, McGee, Joyce and Ross moved that the bill be amended by inserting after section \_\_, the following new section:-

“SECTION \_\_. Chapter 70 of the General Laws, as appearing in the Official 2010 Edition, is hereby amended by striking out section 4 and inserting in place thereof the following section:-

Section 4. There is hereby established a foundation budget review commission to review the way in which foundation budgets are calculated and to make recommendations to the general court regarding such changes as may be appropriate. In conducting such a review, the commission shall seek to determine the educational programs and services necessary to achieve the commonwealth’s educational goals, including those needed to fully implement state curriculum standards and to prepare students to achieve passing scores on the Massachusetts Comprehensive Assessment System examinations. The review shall include, but not be limited to: class size; special education programs, including programs for English language learners; pre-school programs for all 3 and 4 year-olds and full-day kindergarten; additional resources needed to assure educational opportunity for low-income students; salaries needed to attract and retain high quality professionals; technology; extra-curricular programs; remedial programs for students at risk of failing to satisfy graduation requirements; books and other curriculum materials; equipment for science lab programs; and technology. In addition, the commission shall seek to determine how resources can be used in the most effective manner. In carrying out the review, the commission shall examine relevant data and any reports on education funding produced within the ten years preceding the issuance of a commission report. The commission shall include the house and senate chairs of the joint committee on education, who shall serve as co-chairs, the secretary of education, the commissioner of elementary and secondary education, the speaker of the house of representatives or his designee, the president of the senate or his designee, the minority leader of the house of representatives or his designee, the minority leader of the senate or his designee, the governor or his designee, the chair of the house committee on ways and means or his designee, the chair of the senate committee on ways and means or his designee and one member to be appointed by each of the following organizations: the Massachusetts Municipal Association, the Massachusetts Business Alliance for Education, the Massachusetts Association of School Committees, the Massachusetts Superintendents Association, the Massachusetts Teachers Association, the American Federation of Teachers Massachusetts, the League of Women Voters of Massachusetts, the Massachusetts Parent Teacher Association, the Massachusetts Association for Vocational Administrators and the Massachusetts Association of Regional Schools. Members shall receive no compensation for their services but may receive reimbursement for the reasonable expenses incurred in carrying out their responsibilities as members of the commission. The department shall furnish reasonable staff and other support for the work

of the commission.

Prior to issuing its recommendations, the commission shall conduct not fewer than four hearings to receive testimony from members of the public. The hearings shall be held in locations that provide opportunities for residents from all geographic regions of the commonwealth to testify.

It shall not constitute a violation of chapter 268A for a person employed by a school district to serve on the commission or to participate in commission deliberations that may have a financial impact on the district employing such person or on the rate at which such person may be compensated. The commission may establish procedures to ensure that no such person participates in commission deliberations that may directly affect the school districts employing such persons or that may directly affect the rate at which such persons are compensated.

The commission's recommendations, together with any proposed legislation, shall be filed not later than June 30, 2013 and every four years after that, with the clerks of the senate and house of representatives who shall refer such recommendations to the appropriate committee of the general court; provided that the commission may issue an initial interim report prior to June 30, 2013. Within 30 days after such filing, the committee shall hold a public hearing on the recommendations."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at five minutes past twelve o'clock noon, on motion of Ms. Chang-Díaz, as follows to wit (yeas 38 — nays 0) [Yeas and Nays No. 211]:

YEAS

Berry, Frederick E. Joyce, Brian A.  
Brewer, Stephen M. Keenan, John F.  
Brownsberger, William N. Kennedy, Thomas P.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Díaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 38.  
NAYS — 0.

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

Mr. Michael O. Moore moved that the bill be amended in section 52, in proposed subsection (a) of section 39 of chapter 22C of the General Laws, by striking out the first sentence and inserting in place thereof the following sentence: "The department shall, free of charge, or the University of Massachusetts Medical School shall, pursuant to section 36B of chapter 75, make a chemical analysis of any narcotic drug, any synthetic substitute for the same, any preparation containing the same, or any salt or compound thereof, and of any poison, drug, medicine or chemical when submitted to it by police authorities, as the department shall approve for this purpose; provided, however, that neither the department nor the medical school shall conduct such analysis unless it is satisfied that the analysis submitted to it is to be used in connection with the enforcement of law."; and in said section 52, in proposed section 39B of chapter 22C of the General Laws, by striking out the first sentence and inserting in place thereof the following sentence:- "The director of the crime laboratory within the department shall establish procedural rules and policies governing the department's testing and analysis of drug samples and shall establish a quality assurance program for the department, which shall include proficiency standards for its laboratories and analysts responsible for performing drug testing and analysis."

After remarks, the amendment was **adopted**.

Mr. Joyce moved that the bill be amended in section 2, in item 8000-0600, 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*.

Messrs. Ross, Knapik and Tarr moved that the bill be amended by inserting after section XX, the following new section:-  
"SECTION XX. Notwithstanding any general or special law to the contrary, a commission shall be established to study the effectiveness of a statewide registry of persons convicted for knowingly or intentionally manufacturing, distributing, dispensing, or possessing with the intent to distribute or dispense a controlled substance as defined by section 31 of chapter 94C of the General Laws, for use by the general public. The goal of the commission shall be to review current policies and methods of

tracking such convicted persons, the role of such convicted persons in other crimes, and to examine the potential impacts to public safety of a statewide registry, accessible by the public. The commission shall make a full report to the legislature with recommendations for legislation to create a registry of those convicted for knowingly or intentionally distributing or dispensing controlled substances, or improve the tracking of known persons who knowingly or intentionally distribute or dispense controlled substances. The commission shall consist of the secretary of public safety and security, or his designee; the commissioner of the department of public safety, or his designee; the superintendent of the state police, or his designee; 2 members of the house of representatives that are chosen by the speaker; the house minority leader, or designee; 2 members of the senate, chosen by the senate president; the senate minority leader, or designee; and 1 member chosen by the governor. Said commission shall determine the scope of the crime that may dictate who shall be included on the registry and what information shall be included on the registry. Said commission shall submit said report back to the legislature with findings and recommendations for legislation on or before December 31, 2013.”

After remarks, the amendment was *rejected*.

Ms. Flanagan and Messrs. Eldridge, Timilty, Pacheco and Ross moved that the bill be amended in section 2, in item 8900-0001, by adding the following words:- “; provided further, that the department shall expend not less than \$2,000,000 for cities and towns hosting department of correction facilities; provided further, that of the \$2,000,000 no city or town hosting a department of correction facility shall receive more than \$800,000; and provided further, that of the \$2,000,000 no city or town hosting a department of correction facility shall receive less than the amount allocated in item 8900-0001 of section 2 of chapter 68 of the acts of 2011”; and in said section 2 in said item 8900-0001 by striking out the figure “\$540,763,132” and inserting in place thereof the following figure:- “\$542,763,132”.

The amendment was **adopted**.

Mr. DiDomenico moved that the bill be amended in outside section 145, by inserting the following language in line 2018, after the words “so transferred”:- “If any collective bargaining agreement pertaining to the transferred employees contains a conflict between matters which are within the scope of negotiations pursuant to section six of chapter 150E of the general laws and any general or special law pertaining to appointment, transfer or removal of any so transferred employee or employees who meet the definition of ‘employee’ or ‘public employee’ as defined in section one of chapter 150E the terms of collective bargaining agreement shall apply.”

The amendment was *rejected*.

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

“SECTION XX. Section 3 of Chapter 6C of the General Laws, as so appearing, is hereby amended by adding at the end thereof the following new subsection (49):-

‘Notwithstanding any general or special law to the contrary, in order to promulgate efficiency and cost-savings, the department shall not, whether, as a condition of state funding or otherwise, require any city or town to construct or reconstruct any public way with a design speed that exceeds the posted speed that shall be assigned to that public way by the city or town upon completion of construction or reconstruction’.”

After remarks, the amendment was *rejected*.

Messrs. Rosenberg and Downing moved that the bill be amended in section 2E, in item 1595-6368, by adding the following words:- “; provided, that the Massachusetts Department of Transportation shall ensure the transition of existing transportation services provided by Community Transit Services and Berkshire Rides to the local transit authorities not later than July 1, 2013; provided further, that the amount of funds provided for administrative and consulting services, including those services associated with planning and facilitation of the transition to local transit authorities, shall not exceed that of fiscal year 2012; and provided further, that the department shall ensure that these services shall not be reduced in fiscal year 2013 “; and in said section 2E, in said item 1595-6368, by striking out the figure “\$165,191,136” and inserting in place thereof the following figure:- “\$166,691,136”.

The amendment was **adopted**.

Ms. Spilka and Messrs. Donnelly and Rush moved that the bill be amended in section 2 by inserting at the end thereof the following new line item:-

“xxxx-xxxx For a pilot program to assist the training, placement and development of a professional, proficient and technically competent workforce that will support the existing and emerging staffing and labor needs of the Massachusetts public transportation sector; provided, that such program shall be established and operated by the MetroWest Regional Transit Authority (MWRTA); provided further, that said Authority shall work with agencies and organizations and public higher education institutions that have developed expertise and documented successful outcomes in job training and placement, including curriculum, coursework and practical application skills development; and provided further, that such program shall provide special outreach to veterans and to diverse populations in the MetroWest region that have mobility and transportation challenges, including people with certain disabilities, the economically disadvantaged, cultural and linguistic minorities and others  
..... \$100,000”.

The amendment was *rejected*.

Mr. Michael O. Moore moved that the bill be amended by inserting, after section 98, the following section:-  
“SECTION 98A. Section 178 of chapter 131 of the acts of 2010 is hereby amended by striking out the words ‘January 15, 2011’ and inserting in place thereof the following words:- ‘October 1, 2012’.”  
After remarks, the amendment was **adopted**.

Ms. Donoghue, Ms. Chandler and Messrs. Knapik, Tarr, Eldridge, Hart, Joyce, Pacheco, Montigny and DiDomenico moved that the bill be amended by inserting, after section \_\_, the following new sections:-  
“SECTION \_\_. Section 1 of Chapter 18A is hereby amended by inserting the following section:-  
Section 10. Whenever a caseworker or other employee of the department of youth services charged with the care, custody or supervision of a youthful or juvenile offender, any volunteer or employee of a contractor of the department of youth services charged with the care, custody or supervision, or any duly authorized employee of the department of youth services engaged in the transportation of a youthful or juvenile offender for any lawful purpose the department of youth services of the commonwealth notifies their immediate supervisor that an assault on said employee has been committed by a juvenile or youthful offender in the care and custody of the department of youth services, the department of youth services shall forthwith notify the nearest state police unit and the district attorney for the county in which such assault occurred. Upon notification the department shall immediately provide said district attorney and state police official with any and all documentation pertaining to said assault including but not limited to video and audio recordings, written reports and any other evidence in the possession of the department of youth services.  
SECTION \_\_. Section 3 of chapter 258B of the General Laws, as so appearing, is hereby amended by inserting after paragraph (v) the following paragraph:-  
(w) Where the victim or witness is an employee of the department of youth services, no law enforcement agency, prosecutor, defense counsel, or parole, probation or corrections official may disclose or state the residential address, telephone number, or place of employment or school of the victim, a victim's family member, or a witness, except as otherwise ordered by the court. The court may enter such other orders or conditions to maintain limited disclosure of the information as it deems appropriate to protect the privacy and safety of victims, victims' family members and witnesses.”  
After remarks, the amendment was *rejected*.

Ms. Jehlen, Messrs. Eldridge and Brownsberger, Ms. Clark, Messrs. Knapik, Donnelly, DiDomenico, Joyce, Finegold and Rosenberg, Ms. Donoghue and Messrs. Michael O. Moore, Montigny and McGee moved that the bill be amended in section 2, in item 9110-1500, by striking the figure “\$46,461,487” and inserting in place thereof the figure of “\$47,789,340”.  
After remarks, the amendment was *rejected*.

Ms. Jehlen, Messrs. Knapik and Joyce, Ms. Candaras and Michael O. Moore moved that the bill be amended in section 2, in item 9110-1630, by striking the figure “\$97,283,061” and inserting in place thereof the figure of “\$97,783,061”.  
The amendment was *rejected*.

Messrs. Tarr, Donnelly and Hedlund moved that the bill be amended in section 2, in item 5911-1003, by striking the words “provided, that the department shall not charge user fees for transportation or community day services;” and inserting in place thereof the following:- “provided, that the department shall not charge user fees for transportation or community day services; provided further, that the department shall undertake a study of all persons with prader-willi syndrome who have applied for eligibility for department supports and services during fiscal year 2012 and 2013; provided further, that said study shall report how many persons with prader-willi syndrome were found eligible for supports and services from said department and how many were found not eligible; provided further, that said study shall project the cost of serving those persons with prader-willi found not eligible for said supports and services; provided further, that said study shall assess the impact that providing appropriate services for persons with prader-willi syndrome found not eligible would have on the departments service system; provided further that said study shall examine, to the extent possible, similar impacts on the service systems of Connecticut, Virginia and New York when persons with prader-willi were found eligible in those states; and provided further, that said study shall be filed with the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities by December 31, 2012”.  
The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2, in item 4512-0200, by adding the following at the end:- “; provided, that programs shall receive the same percentage of funding in fiscal year 2013 as received in fiscal year 2012”.  
The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2, in item 9110-1900, 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*.

Mr. Joyce moved that the bill be amended in section 2, in item 9110-1633, by striking out the figure “\$35,738,377” and inserting in place thereof the following figure:- “\$37,568,000”.  
The amendment was *rejected*.

Ms. Flanagan and Messrs. Keenan and Richard T. Moore moved that the bill be amended in section 2 by inserting the following item:-

“XXXX-XXXX For the operation of a statewide program to provide mental health consultations by telephone, available for a minimum of 5 days a week, to pediatricians, family physicians, nurse practitioners and youth serving primary care practices for persons under the age of 19 who exhibit a possible mental health or substance use disorder; provided, that notwithstanding any general or special law to the contrary, the costs of this program may be assessed on surcharge payers under section 38 of chapter 118G of the General Laws and may be collected in a manner consistent with said chapter 118G

..... \$2,000,000”.

The amendment was *rejected*.

Messrs. Rodrigues, Michael O. Moore and McGee moved that the bill be amended in section 2, in item 4408-1000, in line 62, by inserting after the word “representatives” the following words:- “and the joint committee on children, families and persons with disabilities”.

The amendment was **adopted**.

Messrs. Rodrigues, Michael O. Moore and McGee moved that the bill be amended in section 2, in item 4403-2000, by inserting after the word “representatives” the following words:- “and the joint committee on children, families and persons with disabilities”.

After remarks, the amendment was **adopted**.

Mr. Timilty moved that the bill be amended in section 47 by adding after subsection (j) the following new subsection:- “(k) ensure that no individual subject to a felony arrest warrant shall have access to publicly-funded benefits through an electronic benefit transfer card and develop protocols for coordinating this information with federal, state, and local law enforcement agencies.”

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended in section 47 by striking subsection (j) and replacing it with the following new subsection:-

“(j) discontinue the issuance of replacement electronic benefit transfer cards for the remainder of the calendar year to any benefit recipient who requests more than 3 replacement card in a calendar year and monitor all future requests by any benefit recipient who requests more than 3 replacement electronic benefit transfer cards in any calendar year.”

The amendment was *rejected*.

Messrs. McGee, Keenan and Welch moved that the bill be amended in section 2, in item 4000-0600, by adding the following: “provided further, that EOHHS shall expend \$1,400,000 from this item, or items 4000-0500 or 4000-0700, as performance incentive payments to providers of community-based long-term services and supports as approved by the State Plan, that can demonstrate, according to standards to be established by January 1, 2013 by MassHealth, in collaboration with community-based providers, the following: that they use electronic records to support MassHealth members who are clinically eligible for nursing facility services by capturing a member’s care status, relevant health assessment and care plan information; improved quality of services provided to members; and enhanced communication with primary care and other involved providers”.

The amendment was *rejected*.

Ms. Candaras moved that the bill be amended in section 2, in item 4590-1507, by inserting after “those organizations;” the following language:- “provided further, that the department of public health shall award \$100,000, in a one-time grant, to Square One for rebuilding its organization after the June 1, 2011 tornado in Springfield, Massachusetts”.

The amendment was *rejected*.

Ms. Candaras moved that the bill be amended in section 2, in item 7004-0102, by striking out the figure:- “\$20” and inserting in place thereof the following figure:- “\$25”; and by striking out the figure “\$37,963,331” and inserting in place thereof the following figure:- “\$40,250,335”.

The amendment was **adopted**.

Ms. Spilka moved that the bill be amended in section 151, in the second paragraph, by adding at the end thereof the following words:- “and the child advocate or a designee.”.

The amendment was **adopted**.

Ms. Spilka moved that the bill be amended in section 2, in item 4800-1100, by striking out the figure “\$166,917,450” and inserting in place thereof the following figure:- “\$168,917,450”.

The amendment was *rejected*.

Ms. Clark and Messrs. Eldridge, Brownsberger, Rodrigues, Finegold, Joyce, Montigny, Welch and Michael O. Moore moved that the bill be amended in section 2, in item 5911-2000, by striking out the figure “\$10,486,611” and inserting in place thereof the

following figure:- "\$13,618,581".

After remarks, the amendment was *rejected*.

Mr. Welch moved that the bill be amended in section 2, in item 1410-0012, by adding at the end thereof the following: "provided that \$165,000 be expended for the purpose of funding for the Puerto Rican Veteran's Center".

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2, in item 4512-0200, By inserting after the words "adjudicated indigent clients", the following:- "; and provided further, that not less than \$125,000 shall be expended to fund comprehensive substance abuse prevention to sustain the Youth Ambassadors program".

The amendment was *rejected*.

Mr. Eldridge and Ms. Creem and Ms. Chang-Diaz and Messrs. Michael O. Moore, Finegold and Brownsberger moved that the bill be amended in section 2, in item 4513-1130, by striking out the figure "\$5,514,340" and inserting in place thereof the following figure:- "\$6,391,677".

After remarks, the amendment was *rejected*.

Messrs. Tarr and Knapik moved that the bill be amended in section 2, in item 4000-1405, by adding the following at the end thereof:- "provided further that the secretary shall conduct an analysis of the cost trends associated with this item since its inception, and the projected costs associated with it for the next five years, and that such analysis, together with any legislative recommendations to reduce the cost or improve the sustainability of such program, shall be filed with the clerks of the house and senate and the joint committee on health care financing not later than eight months following the passage of this act".

The amendment was *rejected*.

Ms. Creem and Mr. Rosenberg moved that the bill be amended in section 2, in item 4110-1000, by inserting at the end thereof the following:- "and, provided that \$300,000 shall be expended for job training for newly blind adults at the Carroll Center for the Blind"; and in said item by striking out the figure "\$3,940,941" and inserting in place thereof the figure:- "\$4,240,941".

The amendment was *rejected*.

Messrs. Eldridge and Brownsberger, Ms. Jehlen, Ms. Clark, Ms. Spilka, Mr. DiDomenico, Ms. Chang-Diaz and Mr. Montigny moved that the bill be amended by inserting after section 155, the following section:-

"SECTION 155A. (a) Notwithstanding any general or special law to the contrary, the executive office of health and human services shall pursue all reasonable efforts to automatically renew eligible children and families into the MassHealth program, through the adoption of the express-lane eligibility option created under section 203 of the federal Children's Health Insurance Program Reauthorization Act of 2009, Public Law 111-3, as it pertains to renewals, and through the extension of that approach to all children and their eligible parents enrolled in medical assistance under chapter 118E of the General Laws. Specifically, the executive office shall seek federal authority under the section 1115 demonstration processor the state planto automatically re-enroll all children and their eligible parents who are eligible for other state or federal assistance programs whose eligibility requirements are within the requirements for the applicable MassHealth program.

(b) The executive office of health and human services shall provide families with renewal forms for all programs administered under said chapter 118E in which the fields have been pre-populated with the most current information known to the executive office. This subsection shall be effective not later than January 1, 2014.

(c) There shall be a study committee to investigate the feasibility and cost of continuous MassHealth eligibility for children under the age of 19. The committee shall consist of the following members: the director of the office of Medicaid, or a designee, who shall serve as chair; the secretary of health and human services, or a designee; the secretary of administration and finance, or a designee; the house chair of the joint committee on health care financing, or a designee; the senate chair of the joint committee on health care financing, or a designee; and a representative of health care consumers, to be appointed by the governor. The committee shall formulate relevant Medicaid state plan amendments, cost projections and information technology specifications necessary to implement continuous eligibility for children not later than June 30, 2014.

(d) Notwithstanding any general or special law to the contrary, the executive office of health and human services shall conduct an investigation of all federal and state assistance programs to determine which programs share eligibility requirements with MassHealth and which could feasibly share data with the MassHealth program for purposes of renewing eligible children and their eligible parents in MassHealth through the express-lane eligibility option created under said Children's Health Insurance Program Reauthorization Act of 2009, Public Law 111-3. The executive office shall submit a report on the results of such investigation by filing the same with the clerks of the house of representatives and the senate who shall forward the report to the house and senate committees on ways and means, the joint committee on health care financing and the joint committee on children and families and persons with disabilities not later than April 1, 2013."

After remarks, the amendment was **adopted**.

Messrs. Tarr, Knapik and Hedlund moved that the bill be amended by adding the following section:-

"SECTION \_\_. Paragraph 2 of section 4 of chapter 17 of the general laws, as appearing in the 2010 Official Edition, is hereby amended by inserting the following sentence at the end thereof:-

The registrar shall provide electronic access to any state board or agency, including but not limited to the State Board of

Retirement and the Office of the Jury Commissioner, to facilitate verification to ensure that those receiving state benefits or being asked to perform a state service are not disqualified for the benefit or from performing the service as a result of appearing on the registry of deaths.”

After debate, the amendment was *rejected*.

Ms. Fargo and Messrs. Rush, Donnelly, Brownsberger and Eldridge moved that the bill be amended in section 2, in item 4590-0300, by striking the figure “\$4,151,958” and inserting in place thereof the following figure:- “\$5,850,703”.

After remarks, the amendment was *rejected*.

Ms. Clark, Mr. Berry, Ms. Jehlen, Mr. DiDomenico, Ms. Chandler and Messrs. Keenan, Finegold, Brownsberger, Eldridge, Donnelly and McGee moved that the bill be amended in section 2, in item 4403-2000, by adding at the end thereof the following:- “provided that \$5,000,000 be expended for the purposes of a homelessness prevention program known as the Community Action Homelessness Prevention Program (CAHPP), to be administered by community action agencies, as defined in section 24 of the Chapter 23B of the Massachusetts General Laws, to support the delivery of services by staff and to support emergency financial assistance for families who have incomes at or below 130% of the federal poverty line and include a child under age 21 or a pregnant woman; provided further, that such prevention services and financial assistance shall be offered on first-come, first-serve basis, and shall include landlord/tenant mediation, legal assistance to prevent eviction, housing search services, stabilization services and tracking to ensure that families remain housed for a minimum of 12 months, and financial assistance to pay up to \$4,000 per household for rental arrearages, short-term subsidy, or first month’s rent/last month’s rent/security deposit; provided further that arrearage payments shall be to landlords who have issued a notice to quit but who agree to withdraw the notice and extend the tenancy if payment is provided and that short term subsidy for first month, last month, security deposit funds shall be offered only if funds will prevent a family from becoming homeless; provided further that families served shall include families that are at risk of homelessness but have not yet sought eligibility determination for HomeBASE services and shall also include families at risk of homelessness who do not yet meet eligibility criteria for HomeBASE services and are referred to community action agencies by HomeBASE agencies or other nonprofit or service organizations or government entities; provided further, that community action agencies and regional housing nonprofits shall collaborate to ensure that the maximum number of households are able to secure prevention resources through either the Community Action Homelessness Prevention Program or RAFT resources”; and in said item, by striking out the figure:- “\$315,351,679” and inserting in place thereof the figure:- “\$320,351,679”.

The amendment was *rejected*.

Messrs. Keenan, Donnelly, Joyce, Eldridge and Brownsberger moved that the bill be amended in section 2, in item 5042-5000, by striking out the figures “\$76,816,757” and inserting in place thereof the figures:- “\$77,878,882”.

The amendment was *rejected*.

Messrs. Tarr and Finegold moved that the bill be amended by inserting after section \_\_, the following new sections:-

“SECTION \_\_. Section 4 of chapter 157B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the definition of “by-laws” the following definition:-

‘Community of interest’, a cooperative corporation or corporation organized as a cooperative under the general laws for the purpose of providing or furnishing residential housing for a communal purpose; provided however, that a statement of communal purpose, in sufficient detail so that a reasonable person may understand such purpose, shall be included in the original articles of organization of such corporation or added to the articles of such corporation as set forth in subsection (g) of section 10 by amendment approved by 60 per cent of the stockholders.

SECTION \_\_. Section 10 of said chapter 157B, as so appearing, is hereby amended by striking out subsection (g) and inserting in place thereof the following subsection:-

(g) standards for eligibility to become a stockholder, provided that such standards reasonably relate to: (1) the capacity to satisfy the stockholder’s financial and maintenance obligations with respect to the property; (2) eligibility requirements for financial subsidy programs; (3) the creation of the housing cooperative as a community of interest, provided however, that a detailed statement of the communal purpose and eligibility standards of the community of interest shall be contained within the articles of organization of the corporation; or (4) requirements with respect to elderly living communities; provided, however, that such standards for eligibility shall not be discriminatory in intent or application and shall comply with section 4 of chapter 151B. This subsection shall govern cooperative housing arrangements formed under chapter 157B or otherwise.

SECTION \_\_. Within 90 days of the effective date of section [elig. for coop housing], the state secretary shall send written notice to each corporation organized under chapters 156D or 157B of the General Laws of the requirement for it to file, as applicable, articles of organization that contain the information required in paragraph (2) of subsection (g) of section 10 of chapter 157B of the General Laws.”

The amendment was **adopted**.

Messrs. Keenan and Brownsberger moved that the bill be amended in section 2, in item 5911-1003, by adding after the words “distribution of educational materials” the following words:- “and provided further that the Department shall in determining eligibility of services in pursuant to line item, 5911-2000, line item 5920-2000, line item 5920-2010, line item 5920-2025 line item 5920-3000, line item 5920-3010, line item 5920-5000 and line item 5930-1000, utilize a functional measure only, using the Vineland Assessment Scale or other similar measurement tool. Functional criteria are the personal and social skills needed for

self-sufficiency, such as communication, daily living skills, socialization, executive function (organizational skills), and mal-adaptive behaviors”.

After remarks, the amendment was *rejected*.

Messrs. Kennedy, Downing and Richard T. Moore moved that the bill be amended by inserting after section \_\_, the following new section \_\_:-

“SECTION \_\_: Notwithstanding any general or special law to the contrary MassHealth, also known as the division of medical assistance, shall not deny payment, or take any action to recoup any payments, for room and board made to a hospice with respect to an individual who resides in a nursing facility, is eligible for or receiving medical assistance for services in such facility under Chapter 118E of the General Laws, and has elected, under 42 U.S.C. 1395d(d) or under said General Law, to receive hospice care.”.

The amendment was *rejected*.

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Recess.

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

Orders of the Day.

The Orders of the Day were further considered as follows:

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

Mr. Keenan moved that the bill be amended by adding a new section:

“SECTION XX: Section 2 of Chapter 94C of the General Laws is hereby amended by adding the following subsection:

(e) (1) If the Commissioner finds that the scheduling of a drug or substance on a temporary basis is necessary to avoid an imminent hazard to the public safety and is necessary for the preservation of the public health, safety or general welfare, the Commissioner may, by order and without regard to the requirements of this section, schedule such substance in schedule I if the substance is not listed in any other schedule in section 3 of this chapter or if no exception is in effect for the substance under section 4 of this chapter.

(2) When issuing an order under paragraph (1), the Commissioner shall be required to consider, with respect to the finding of an imminent hazard to the public safety, those factors set forth in subsection (b) of this section and, relative to each drug or substance, its actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution.

(3) An order issued under paragraph (1) shall be considered an emergency regulation and subject to the provisions of section 3 of chapter thirty A and shall remain in effect in accordance with the provisions of said section.

(4) An order issued under paragraph (1) is not subject to judicial review.

(5) Upon issuing an order under paragraph (1), the Commissioner shall forward a copy of said order to the Chairs of the Joint Committee on Public Health.

(6) Upon issuing an order under paragraph (1), the Commissioner shall forward a copy of said order to the United States Attorney General for purposes of requesting that the Attorney General temporarily schedule, in accordance with the provisions of the Title 21 United States Code Controlled Substances Act, and or 21 USC 811(h), the drug or substance which is the subject of the Commissioner's order.”

The amendment was *rejected*.

Mr. Richard T. Moore moved that the bill be amended in section 85 in section 4 of proposed chapter 118I of the General Laws by adding the following 2 sentences:-

“Notwithstanding the foregoing, the commissioner of the division of health care finance and policy shall not increase the total amount of the surcharge more than 4 per cent over the previous fiscal year unless the commissioner of health care finance and policy, in consultation with the commissioner of public health, issues a detailed report to the legislature explaining the need for such increase; provided, however, that in fiscal year 2014, the commissioner of health care finance and policy shall not increase the total amount of the surcharge more than 7 per cent over the line-item appropriation in 4580-1000 in the fiscal year 2013 general appropriations act, plus any supplemental fiscal year 2013 funding to the line-item appropriation in 4580-1000 unless the commissioner of health care finance and policy, in consultation with the commissioner of public health, issues a detailed report to the legislature explaining the need for such increase; and provided further, that in state fiscal year 2015, the commissioner of health care finance and policy shall not increase the total amount of the surcharge more than 7 per cent over the fiscal year 2014 surcharge amount unless the commissioner of health care finance and policy, in consultation with the commissioner of public health, issues a detailed report to the legislature explaining the need for such increase. If the reason for such increase is due to the purchase of new vaccines, as recommended by the advisory council, said report shall include an analysis of cost savings generated by use of the state vaccine purchasing discount.”.

The amendment was **adopted**.

Messrs. Richard T. Moore, Montigny, Michael O. Moore and Donnelly moved that the bill be amended in section 2, in item 4000-0300, by inserting at the end thereof, the following:-”; provided further, that for purposes of long-term health care cost

savings and enhanced patient care, the Commonwealth shall recognize telehealth remote patient monitoring provided by home health agencies as a service to clients otherwise reimbursable through Medicaid, provided that the funds authorized herein shall be short term reimbursement made through MassHealth”.

After remarks, the amendment was **adopted**.

Messrs. Tarr, Knapik and Hedlund moved that the bill be amended by inserting, after section \_\_\_\_, the following new sections:-  
“SECTION \_\_. Chapter 7 of the General Laws is hereby amended by striking Sections 52 to 55, inclusive, in their entirety and inserting in place thereof the following sections:-

#### Section 52. Definitions

As used in sections fifty-two to fifty-five, inclusive, the following words shall have the following meanings:-

‘Council’, the Commonwealth Competition Council.

‘Privatization’ means a variety of techniques and activities which promote more involvement of the private sector in providing services that have traditionally been provided by government. It also includes methods of providing a portion or all of select government-provided or government-produced programs and services through the private sector.

‘Agency’, an executive office, department, division, board, commission or other office or officer in the executive branch of the government of the commonwealth, the Massachusetts Bay Transportation Authority, the Massachusetts Turnpike Authority, the Massachusetts Port Authority and the Woods Hole, Martha’s Vineyard and Nantucket Steamship Authority.

#### Section 53. Creation of Council and Duties

A. There is hereby created in the executive branch the Commonwealth Competition Council.

B. The council shall examine and promote methods of providing a portion or all of select government-provided or government-produced programs and services through the private sector by a competitive contracting program, and advise the governor, the legislature, and executive branch agencies of the council’s findings and recommendations.

C. The council shall develop an institutional framework for a statewide competitive program to encourage innovation and competition within state government.

D. The council shall establish a system to encourage the use of feasibility studies and innovation to determine where competition could reduce government costs without adversely impacting the public.

E. The council shall monitor the products and services of state agencies to bring an element of competition and to ensure a spirit of innovation and entrepreneurship.

F. The council shall advocate, develop and accelerate implementation of a competitive program for state entities to ensure competition for the provision or production of government services, or both, from both public and private sector entities.

G. The council shall establish approval, planning, and reporting processes required to carry out the functions of the council.

H. The council shall determine the privatization potential of a program or activity; perform cost/benefit analyses; and conduct public and private performance analyses. The secretary for administration and finance shall independently certify the results of the comparison.

I. The council shall devise, in consultation with the secretary for administration and finance, evaluation criteria to be used in conducting performance reviews of any program or activity which is subject to a privatization recommendation.

J. The council shall, to the extent practicable and to the extent that resources are available, make its services available for a fair compensation to any political subdivision of the Commonwealth.

#### Section 54. Appointment

A. The council shall consist of thirteen members; 2 members of the senate, 1 of whom shall be appointed by the minority leader; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; four employees of executive branch agencies to be appointed by the governor; two members of the private sector to be appointed by the governor; one member of the private sector to be appointed by the speaker of the house; one member of the private sector to be appointed by the president of the senate; and one member of an organized labor group appointed by the governor.

B. Legislative members shall serve on the council until the expiration of their terms of office or until their successor shall qualify. Three of the members who are employees of the executive branch, one member from the private sector and member of organized labor appointed by the governor shall be appointed for terms of three years. Members of the private sector appointed by the speaker of the house and president of the senate shall be appointed for terms of three years.

C. Appointments to fill vacancies shall be for the unexpired terms. No person shall be eligible to serve for or during more than two successive three-year terms. Executive branch agency members shall serve only as long as they retain their positions.

D. The council shall annually elect its chairman and vice chairman from among its members.

E. Seven members of the council shall constitute a quorum. No action shall be taken by the council without the concurrence of at least six members.

#### Section 55. Cooperation of other state agencies.

All agencies of the Commonwealth shall cooperate with the council and, upon request, assist the council in the performance of its duties and responsibilities. The council shall not impose unreasonable burdens or costs in connection with requests of agencies.”

Pending the question on adoption of the amendment, Messrs. Knapik, Tarr, Ross and Hedlund moved that the pending amendment (Tarr-Knapik-Hedlund) be amended by striking out the text, and inserting in place thereof the following text:-

By inserting, after section \_\_, the following 2 sections:-

“SECTION \_\_. Section 53 of chapter 7 of the General Laws, as so appearing, is hereby amended by striking out, in line 17, the figure ‘\$500,000’ and inserting in place thereof the following figure:-\$2,000,000.

SECTION \_\_. Section 55 of said chapter 7, as so appearing, is hereby amended by striking out, in line 2, the word ‘thirty’ and

inserting in place thereof the following figure:- 15.”; and in said section 55, by striking out, in lines 10 and 11, as so appearing, the figure “30” and inserting in place thereof, in each instance, the following figure:- “15”.  
After debate, the further amendment was *rejected*.

The pending amendment (Tarr-Knapik-Hedlund) was then considered; and it was rejected.

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

“SECTION. Section 14C of chapter 7 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word ‘authority’, in line 3, the following words:—, including quasi-public independent entities performing a public function that do not receive direct appropriations from the commonwealth; in said section 14C of said chapter 7, by inserting after the word “association”, in line 13, the following words:— “, public charity holding funds subject to the provisions of section 8 of chapter 12”; and in said section 14C of said chapter 7, by adding at the end thereof, the following:—

(h) The searchable website shall be updated to include items in subdivisions (1) through (6) of this section, if applicable, relative to any city, town or municipality in the commonwealth by December 31, 2015.

(i) The secretary shall annually prepare a list of commonwealth authorities, including quasi-public independent entities performing a public function that do not receive direct appropriations from the commonwealth, that fail to provide data to the secretary under subsection (e). Such list shall be displayed on the searchable website. If an authority appears on the list for 2 consecutive years, the secretary shall prepare legislation necessary to enforce the provisions of subsection (e) with regard to said authority, and submit the same to the clerks of the senate and house of representatives.”

The amendment was **adopted**.

Messrs. Timilty and Ross moved that the bill be amended by inserting after section 156 the following section:-

“SECTION 156A. Notwithstanding any general or special law to the contrary, the division of capital asset management and maintenance, in consultation with the executive office of energy and environmental affairs, shall review its cleanup plan for the site of the former Medfield State Hospital and report on whether it: (i) is based on a standard of unrestricted use for the site; (ii) fully complies with all state and federal environmental regulations and standards; (iii) fully complies with the recommendations regarding flood plain restoration and management as described in the September 2011 Massachusetts Climate Change Adaptation Report; and (iv) addresses the concerns of the town of Medfield and of surrounding communities in the Charles River watershed. The division shall report its findings and any reasons for non-compliance or failure to address the concerns of the town of Medfield and of surrounding communities in the Charles River watershed to the clerks of the senate and the house of representatives not later than October 1, 2012.”.

After remarks, the amendment was **adopted**.

Messrs. Tarr and Knapik moved that the bill be amended by inserting after section \_ the following sections:-

“SECTION \_ . Chapter 3 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting at the end thereof the following sections: -

Section 70. The following words and phrases, as used in this section and section 71, shall have the following meanings unless a different meaning is required by the context:

‘Agency’, any department, board, commission, division or authority of the state government or subdivision of any of the foregoing, or official of the state government, authorized by law to make regulations or to conduct adjudicatory proceedings, but shall not include the following: the legislative and judicial departments; the governor and council; military or naval boards, commissions or officials; the department of correction; the department of youth services; the parole board; the division of dispute resolution of the division of industrial accidents; the personnel administrator; the civil service commission; and the appellate tax board.

‘Committee’, the joint committee on state administration and regulatory oversight of the general court.

(a) An agency shall file a copy of an adopted rule with the committee at the same time it is filed with the secretary of state.

(b) The committee may examine rules in effect and newly adopted rules to determine whether:

- (1) the rule is a valid exercise of delegated legislative authority;
- (2) the statutory authority for the rule has expired or been repealed;
- (3) the rule is necessary to accomplish the apparent or expressed intent of the specific statute that the rule implements;
- (4) the rule is a reasonable implementation of the law as it applies to any affected class of persons; and
- (5) the agency complied with the regulatory analysis requirements of section 5A of chapter 30 and the analysis properly reflects the rule.

(c) The committee may request information from an agency necessary to exercise its powers under subsection (b). The committee shall consult with joint committees of the general court with jurisdiction over the subjects of the rule or regulation under review.

Section 71. (a) Not later than 30 days after receiving a copy of an adopted rule from an agency under section 70, the committee may: (1) approve the adopted rule or regulation; (2) disapprove the rule or regulation and propose an amendment to the adopted rule or regulation; or (3) disapprove the adopted rule or regulation.

(b) If the committee approves an adopted rule or regulation or does not disapprove and proposes an amendment under subsection (a)(2) or disapproves under subsection (a)(3), the adopted rule shall become effective on the date specified.

(c) If the committee proposes an amendment to the adopted rule or regulation under subsection (a)(2), the agency may make the amendment and resubmit the rule or regulation, as amended, to the committee. The amended rule or regulation must be one that the agency could have adopted on the basis of the record in the rule or regulation making proceeding and the legal authority granted to the agency. The agency shall provide an explanation for the amended rule or regulation as provided in section 5A. An

agency is not required to hold a hearing on an amendment made under this subsection. If the agency makes the amendment, it shall also give notice to the secretary of state for publication of the rule or regulation, as amended, in the Massachusetts Register. The notice must include the text of the rule or regulation as amended. If the committee does not disapprove the rule or regulation, as amended, or propose a further amendment, the rule or regulation shall become effective on the date specified.

(d) If the committee disapproves the adoption of a rule under subsection (a)(3), the adopted rule becomes effective on adjournment of the next regular session of the General Court unless before the adjournment the General Court enacts legislation sustaining the action of the committee.

(e) An agency may withdraw the adoption of a rule by giving notice of the withdrawal to the committee and to the secretary of state. A withdrawal under this subsection terminates the rulemaking proceeding with respect to the adoption, but does not prevent the agency from initiating a new rulemaking proceeding for the same or substantially similar adoption.

SECTION \_\_. Section 2 of chapter 30A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, in line 5, after the word "right" the following:-

; or, (d) the regulation has an economic impact on small businesses and an estimate of its fiscal effect will be filed with state secretary pursuant to section 5

SECTION \_\_. Said section 2 of said chapter 30A is hereby amended by inserting, in line 29, after the word 'consideration' the following:-

and the full text of said small business impact statement

SECTION \_\_. Section 3 of said chapter 30A of the General Laws is hereby amended by inserting, in line 27, after the words 'include the' the following:-

statement of small business consideration and the full text of said

SECTION \_\_. Said chapter 30A of the General Laws is hereby amended by striking section 5A, in its entirety, and inserting in place thereof the following sections:-

Section 5A. (a) In addition to a small business impact statement, an agency shall prepare a subsequent regulatory analysis for a proposed rule or regulation if, within 60 days after the published notice of the proposed rule or regulation adoption, a written request for the analysis is filed in the office of the secretary of state by the governor, the executive office of administration and finance, the joint committee on state administration and regulatory oversight, or 300 interested persons signing the request. The secretary of state shall immediately forward to the agency a certified copy of the filed request.

(b) Except to the extent that the written request expressly waives one or more of the following, the regulatory analysis must contain:

(1) an analysis of the benefits and costs of a reasonable range of regulatory alternatives reflecting the scope of discretion provided by statute authorizing the rule or regulation; and

(2) a determination whether the benefits of the proposed rule or regulation justify the costs of the proposed rule or regulation and the proposed rule or regulation will achieve the objectives of the authorizing statute in a more cost effective manner, or with greater net benefits, than other regulatory alternatives.

(c) An agency preparing a regulatory analysis under this section shall prepare a concise summary of the analysis.

(d) An agency preparing a regulatory analysis under this section shall submit the analysis to the governor, the executive office of administration and finance, the joint committee on state administration and regulatory oversight, or, if applicable, to the interested persons signing the request under subsection (a).

Section 5B. (a) Each agency shall review its rules and regulations at least once every 2 years after their publication as the final rules or regulations to ensure that those rules and regulations minimize economic impact on small businesses in a manner consistent with the stated objectives of applicable statutes.

(b) In reviewing a rule or regulation to minimize economic impact of the rule or regulation on small businesses, the agency shall file a regulatory review report that considers the following factors:

(1) the continuing need for the rule or regulation and the effectiveness of the rule or regulation in achieving its objectives, including a summary of any available data supporting the conclusions reached;

(2) the nature of complaints or comments received concerning the rule or regulation from the public during the previous 2 years, including any petitions for waiver of the rule tendered to the agency or granted by it;

(3) alternative solutions to the complaints or comments and the reasons they were rejected or the changes made in the rule or regulation in response to those complaints or comments and the reasons for the changes

(4) the complexity of the rule or regulation;

(5) the extent to which the rule or regulation overlaps, duplicates or conflicts with other federal, state and local governmental rules and regulations;

(6) the length of time since the rule or regulation has been enacted, changed, amended or modified; and

(7) the degree to which technology, economic conditions or other factors have changed in the subject areas affected by the rule or regulation.

(c) A copy of the report shall be filed with the joint committee on state administration and regulatory oversight and shall be available for public inspection.

SECTION \_\_. Notwithstanding any general or special law, rule or regulation to the contrary, any agency that approves a state grant in excess of \$500,000 to a person or a public or private entity shall submit a detailed cost benefit analysis to the joint committee on state administration and regulatory oversight no later than 30 days after authorization of said grant. The analysis shall contain: a detailed explanation of the process used for the selection of the grantee; the number of applications for the grant; an accounting of an expectation that the issuance of the grant will create or maintain existing jobs in the Commonwealth, if any;

and an account of all grants received by the grantee during the present fiscal year from all other state agencies.”  
The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in section 2, in item 2300-0101, by inserting after the word “division;” the following language:- “provided, that funds shall be expended on a phragmites mitigation plan in marshes between Gloucester and Salisbury;”.  
The amendment was **adopted**.

Messrs. Tarr, Petrucelli and Hedlund move that the bill be amended in section 2, in item 2330-0100 by striking out said item in its entirety and inserting in place thereof the following item:-  
“2330-0100 For the operation of the division of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program, including coastal area classification, mapping and technical assistance, the operation of the Newburyport shellfish purification plant and a shellfish classification program; provided, that funds shall be expended on a recreational fisheries program to be reimbursed by federal funds; provided further, that the division shall continue to develop strategies to improve federal regulations governing the commercial fishing industry and to promote sustainable fisheries; provided further, that \$400,000 shall be spent for the operation of the Newburyport shellfish purification plant; provided further, that the division shall develop, issue and evaluate requests for proposals for the utilization of excess processing capacity at the Newburyport shellfish purification plant in one or more ways which do not displace, impede or otherwise hinder the existing functions performed by the plant, and which may involve either the purchase of services directly from the Commonwealth or the rent or lease of part of the facility by one or more commercial entities; provided further, that said request for proposals may include but not be limited to so-called “wet storage” of clams and scallops for the purpose of removing sand, as prescribed in the shellfish purification plant management plan dated March 1, 2012, provided that such storage will not interfere with the depuration functions of the plant; provided further, the division may conduct one or more public hearings in order to evaluate the merits of any proposals received, and shall develop estimates of the costs and benefits of such proposals, including but not limited to the creation of new markets, employment opportunities, and competitive advantages for the commonwealth; provided further, the division shall complete a report of its findings pursuant to this item not later than six months following the passage of this act, and shall file said report with the clerks of the house and the senate; provided further, that the division may enter into one or more contracts based on proposals received, provided that the division shall notify the General Court not later than sixty days prior to taking any such action; and provided further, that any proceeds derived from such activities shall be deposited in item ..... 2330-0150.”  
The amendment was **adopted**.

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There being no objection, during consideration of the Orders of the Day, the following matter was considered, as follows:  
PAPER FROM THE HOUSE.

The Senate Bill The Senate Bill relative to veterans' access, livelihood, opportunity and resources (Senate, No. 2254, amended),-- came from the House with the endorsement that the House had concurred in the further Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2269, with still further amendments, in section 4, in lines 27 and 28, by striking out the words “, also known as Gold Star Families, or service members deceased in relation to their military service; in section 8A, in line 602, by striking out the figure “\$750” and inserting in place thereof, the following figure:- \$1,000; by striking out section 15 and inserting in place thereof the following section:

“SECTION 15. Section 5 of chapter 188 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following subsection:-

(e) The declaration of homestead shall recite whether the owner, the owners spouse or other family member to be benefitted is a servicemember who may be subject to protection under the Servicemembers Civil Relief Act, 50 U.S.C. app. § 533, should that owner, spouse or family member be called to active duty. A failure to include a recital as to servicemember status shall not affect the validity or enforceability of the declaration and the rights created there under.”; and by striking out section 17.

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

Orders of the Day.

The Orders of the Day were further considered as follows:

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

Mr. Hart moved that the bill be amended in section 2, in item 7004-0099, by inserting after the words “security requirement” the following:- and provided further that funds may be expended to the Boston House 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.”; and in said item, by striking out the figures “6,914,734” and inserting in place thereof the figures “6,934,734”.

The amendment was **adopted**.

Mr. Joyce moved that the bill be amended by inserting after section 90 the following section:-

“Section 90A. Section 25 of chapter 151A of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(k) The department of unemployment assistance shall promulgate regulations providing that any employee discharged for deliberate misconduct consisting of (i) stealing from his or her place of employment, (ii) illegal drug use while at work or (iii) drunkenness while at work, shall be determined to be ineligible for benefits without regard to whether or not the employer had a written policy against such conduct.”

The amendment was **adopted**.

Ms. Candaras and Messrs. Donnelly, Wolf, DiDomenico, Hart and McGee moved that the bill be amended in section 2, by inserting after item 7002-0017 the following item:-

“7002-0020.. For a precision manufacturing pilot program that provides training to unemployed and underemployed individuals, including veterans, in Hampden County; provided, that the program shall be a partnership between the regional employment board of Hampden County area precision manufacturing companies and shall be administered by the executive office of housing and economic development; and provided further, that the office shall evaluate the program for the purpose of future replication in other areas of the state..... \$1,000,000”.

The amendment was **adopted**.

Messrs. Pacheco and Ross moved that the bill be amended in section 2 by inserting a new section:-

“SECTION XX. The state treasurer shall upon certification by the Gaming Commission continue to make quarterly distributions to each city and town within which racing meetings are conducted as required under section 18D of chapter 58 of the General Laws.”

After remarks, the amendment was **adopted**.

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At three minutes before three o'clock P.M., Mr. Tarr doubted the presence of a quorum; and, a count of the Senate determined that a quorum was present.

Recess.

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

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill relative to veterans' access, livelihood, opportunity and resources (see Senate, No. 2254, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 22 to 0.

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

Orders of the Day.

The Orders of the Day were further considered as follows:

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

Messrs. Pacheco, DiDomenico and Wolf, Ms. Candaras, Ms. Chandler, Ms. Chang-Diaz, Ms. Clark, Messrs. Donnelly and Eldridge, Ms. Fargo and Messrs. Hart, Hedlund, Joyce, Keenan, Kennedy, McGee, Montigny, Michael O. Moore, Petruccelli, Rodrigues, Ross, Rush and Timilty moved that the bill be amended in section 2, in item 5095-0015, by striking out the words “626 continuing care inpatient beds in its system in fiscal year 2013; and provided further, that of these 626 beds, 45” and inserting in place thereof the following words: - “653 continuing care inpatient beds in its system in fiscal year 2013; and provided further, that of these 653 beds, 72”; in said section 2, in said item 5095-0015, by inserting at the end thereof, the following: “and provided further, that the department shall maintain and operate these beds until the commission established in section 141 submits its report to the legislature” in said section 2, in said item 5095-0015, by striking out the figure “\$158,488,321” and inserting in place thereof the following figure:- “\$160,138,321”; and by striking out section 141 and inserting in place thereof the following section:-

“SECTION 141. There is hereby established an advisory committee for the purpose of arranging for and evaluating an independent analysis of the public and private behavioral health care services available to the residents of the commonwealth. The advisory committee shall consist of the chairs of the house and senate committees on ways and means, the joint committee on health care financing, the joint committee on mental health and substance abuse, or their designees, one member of the minority party to be appointed by the minority leader of the house of representatives, one member of the minority party to be appointed by the minority leader of the senate; and the secretary of health and human services, the commissioner of mental health, the commissioner of public health, the commissioner of insurance, and the director of Medicaid, or their designees; and one representative from each of the following organizations: the Association for Behavioral Healthcare; the Massachusetts

Association of Behavioral Health Systems; the Massachusetts College of Emergency Physicians; the Massachusetts Hospital Association; the Massachusetts League of Community Health Centers; the Massachusetts Medical Society; the Massachusetts Psychiatric Society; the Massachusetts Nurses Association; the Service Employees International Union; AFSCME Council 93; Blue Cross Blue Shield of Massachusetts; the Massachusetts Association of Health Plans; Health Law Advocates; the National Alliance on Mental Illness of Massachusetts; and the Massachusetts Society for the Prevention of Cruelty to Children. The advisory committee shall be co-chaired by one advisory committee senate member designated by the senate president and one advisory committee house member designated by the speaker of the house of representatives.

The advisory committee shall subject to appropriation and upon the appointment of the co-chairs, (1) convene upon the call of the co-chairs to commission an independent consultant to evaluate and analyze the public and private behavioral health care services available to the residents of the commonwealth. The advisory committee shall advise, direct and consult with the independent consultant on the execution and completion of the analysis. The analysis shall include, but not be limited to, an account of the following: (a) the availability of inpatient and outpatient behavioral health care services, including community based supports; (b) the inpatient capacity of acute and continuing care beds at public and private psychiatric facilities, including overall bed availability and bed availability for co-morbid and difficult to place patients, average length of stay, and geographic location; (c) the connection between public and private behavioral health care services; (d) the payment and reimbursement of behavioral health care services; (e) the implementation of state and federal mental health parity laws; (f) the prior authorization and adverse determination requirements related to the coverage of behavioral health care services; (g) the boarding of behavioral health patients in hospital emergency departments; (h) the use of direct admissions to inpatient behavioral health care services from a community based setting; and (i) a review of the Massachusetts Emergency Services Program; and (2) convene upon the call of the co-chairs to: (a) advise and consult with the independent consultant on the completion and implementation of the analysis; and (b) review and make recommendations to the independent consultant on the preliminary findings of the analysis.

Not later than December 28, 2012, the consultant shall provide to the legislature a report containing: (i) an assessment of the state's inpatient services provided through the department of mental health; (ii) an estimate of the appropriate number of inpatient mental health beds given the current number of community placements; and (iii) the anticipated impact of the closure of Taunton State Hospital on the mental health needs of the southeastern region of the commonwealth. Provided that the department of mental health shall not reduce the number inpatient beds at Taunton State Hospital until this report is provided. The independent consultant shall report to the general court the preliminary results of its analysis by filing the same with the clerk of the house of representatives and the clerk of the senate on or before April 30, 2013. The independent consultant shall report to the general court the final results of its analysis by filing the same with the clerk of the house of representatives and the clerk of the senate on or before November 15, 2013. The advisory committee shall file its recommendations based on the final report of the independent consultant with the clerk of the house of representatives and the clerk of the senate on or before December 31, 2013."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes past four o'clock P.M., on motion of Mr. Pacheco, as follows to wit (yeas 39 - nays 0) [Yeas and Nays No. 212]:  
YEAS

Berry, Frederick E. Keenan, John F.  
Brewer, Stephen M. Kennedy, Thomas P.  
Brownsberger, William N. Knapik, Michael R.  
Candaras, Gale D. McGee, Thomas M.  
Chandler, Harriette L. Montigny, Mark C.  
Chang-Diaz, Sonia Moore, Michael O.  
Clark, Katherine M. Moore, Richard T.  
Creem, Cynthia Stone Murray, Therese  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 39.  
Joyce, Brian A.  
NAYS — 0.

The yeas and nays having been completed at a half past four o'clock P.M., the amendment was **adopted**.

Mr. Donnelly, Ms. Spilka, Messrs. Eldridge, Michael O. Moore, Rodrigues and Joyce, Ms. Clark, Ms. Fargo, Mr. Brownsberger, Ms. Creem, Messrs. Finegold, DiDomenico, Rush and Keenan, Ms. Chang-Diaz, Messrs. Petruccelli, Rosenberg, Wolf and Montigny, Ms. Chandler and Mr. McGee moved that the bill be amended in section 2, in item 7004-0101, by striking out the

words “provided further, that those families that shall be eligible for assistance through a temporary emergency family shelter shall be: (i) families that are at risk of domestic abuse in their current housing situation; (ii) families that, through no fault of their own, are homeless due to fire, flood or natural disaster; (iii) families that, through no fault of their own, have been subject to eviction from their most recent housing due to foreclosure, condemnation or nonpayment of rent caused by a significant increase in expenses due to a change in household composition or caused by a documented loss of income within the past 12 months directly as a result of loss of a job, reduction in hourly pay rate, employment hours or unemployment benefits, documented medical condition or diagnosed disability; and (iv) families who are in a housing situation where they are not the primary lease holder and there is substantial health and safety risk to the family that is likely to result in significant harm should the family remain in said housing situation; provided further, that said health and safety risk shall be determined by the department of children and families through risk assessments;” and inserting in place thereof the following words:- provided further, that those families that shall be eligible for assistance through a temporary emergency family shelter shall include: (i) families that are at risk of domestic abuse in their current housing situation or who are homeless because they previously fled domestic violence; (ii) families that are homeless due to fire, flood or natural disaster; (iii) families that, through no fault of their own, have been subject to eviction from their most recent housing due to foreclosure, condemnation, in the case of a family who was evicted from private housing or federal public housing, conduct by a guest or former household member who is not part of the household seeking emergency shelter and over whose conduct the remaining household members had no control, or nonpayment of rent caused by a significant increase in expenses or decrease in income due to a change in household composition or documented medical condition or diagnosed disability, or caused by a documented loss of income within the last 15 months, directly as a result of loss of a job, reduction in hourly pay rate, reduction of employment hours, reduction or loss of unemployment benefits or other source of income, documented medical condition or diagnosed disability; and (iv) families who are in a housing situation where they are not the primary lease holder or who are in a housing situation not meant for human habitation and where there is a substantial health and safety risk to the family that is likely to result in significant harm should the family remain in said housing situation; provided further, that said health and safety risk shall be determined by the department of children and families through risk assessments; provided further, that no later than 15 days in advance of implementation of this item, the department of housing and community development shall provide to the house and senate clerks, the house and senate committees on ways and means, and the joint committee on housing, the written criteria to be used to determine if a substantial health and safety risk “is likely to result in significant harm” under subsection (iv) of this item; provided further, that the department shall report to the house and senate clerks, the house and senate committees on ways and means, and the joint committee on housing, monthly beginning August 1, 2012 detailing: (a) the number of families who were denied entry into shelter who would have been eligible in fiscal year 2012; (b) for each family in subparagraph (a), a breakdown of the individuals affected by age and by gender; (c) the reasons for which those families were denied entry into shelter; (d) what other services those families were connected to; and (e) the resulting housing situation for each family; “ by striking out the words “provided further, that families receiving benefits under this item shall have 30 per cent of their income set aside in a savings account;” and inserting in place thereof the words:- provided further, that families receiving benefits under this item shall have 30 per cent of their income set aside in a savings account, subject to reasonable exceptions as set forth in departmental regulations in effect in fiscal year 2012; and further by striking out the words “30 days before promulgating” and inserting in place thereof the words “60 days before promulgating”. Mr. Hart in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-six minutes past five o’clock P.M., on motion of Ms. Spilka, as follows to wit (yeas 38 - nays 0) [Yeas and Nays No. 213]:

YEAS

Berry, Frederick E. Joyce, Brian A.  
Brewer, Stephen M. Keenan, John F.  
Brownsberger, William N. Kennedy, Thomas P.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petrucci, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 38.  
NAYS — 0.

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

Ms. Clark, Messrs. Tarr, Downing and Finegold, Ms. Jehlen and Messrs. Michael O. Moore, Knapik and Ross moved that the bill be amended inserting after section 78, the following section:-

“SECTION 78A. Section 24 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the words ‘convicted of’, in line 523 the following words:- , had a case continued without a finding after an admission to sufficient facts for a finding of guilty for, or who is assigned to an alcohol or controlled substance education, treatment or rehabilitation program for.”

Pending the question on adoption of the amendment, Mr. Hedlund, Ms. Creem, Ms. Clark and Mr. Tarr moved that the pending amendment (Clark-Tarr-Downing et al) be amended by striking out the text and inserting in place thereof the following new section after section 156:-

“SECTION 156A. Notwithstanding any general or special law to the contrary, there shall be a commission on operating under the influence, which shall investigate and report on the feasibility and advisability of amending the laws on impaired driving to provide enhanced penalties for repeat violations of said laws, including, but not limited to, proper categorization of repeat offenses with respect to new offenses occurring before the disposition of prior offenses. The commission shall make recommendations, if appropriate, to make improvements and reduce recidivism.

The commission shall, with the assistance of the Massachusetts sentencing commission, the office of the commissioner of probation and the committee for public counsel services, determine the frequency of cases in which multiple offenses result in a single conviction or in concurrent sentences. The commission shall also consider corresponding laws in other jurisdictions including, but not limited to, the use of penalties involving suspension, revocation or limitation of driving privileges and the use of enhanced programs on alcohol or controlled substance education, treatment or rehabilitation.

The commission shall be comprised of the commissioner of probation or a designee, the president of the Massachusetts district attorneys’ association or a designee, the chief counsel of the committee for public counsel services or a designee and a representative of the Massachusetts bar association.

Said commission shall file a report of its study, including its recommendations and drafts of any legislation, with the clerks of the senate and house of representatives on or before December 1, 2012.”.

After remarks, the further amendment was **adopted**.

The pending amendment (Clark-Tarr-Downing et al), as amended was then considered; and it was adopted.

Messrs. DiDomenico, Rush and Brownsberger, Ms. Chang-Diaz and Mr. McGee moved that the bill be amended in section 2, in item 7004-0108, by striking after the words “shall not exceed \$6,000 in a 12 month period” the words “provided further, that a family shall not be able to receive assistance under this item for 12 months from the last date it received assistance through this item, including housing stabilization and economic self-sufficiency case management services;”.

The amendment was **adopted**.

Ms. Jehlen, Ms. Clark, Messrs. Brownsberger and Donnelly, Ms. Fargo, Messrs. Eldridge, DiDomenico, Michael O. Moore and Petrucci, Ms. Chang-Diaz, Ms. Donoghue and Mr. McGee moved that the bill be amended in section 2, in item 7004-9024, by striking out the figure “41,000,000” and inserting in place thereof the figure “42,000,000”.

The amendment was **adopted**.

Mr. Donnelly moved that the bill be amended in section 2, in item 7004-9024, by inserting after the words “Massachusetts rental voucher supportive housing program to serve” the following words:- homeless individuals and.

The amendment was **adopted**.

Messrs. Eldridge, Kennedy, Donnelly, Pacheco and Montigny moved that the bill be amended by inserting after section 161, the following new section:-

“SECTION XXX: (a) Section 1 of chapter 62C of the General Laws is hereby amended by adding the following definition:- ‘Discretionary tax credit program’: (i) the historic rehabilitation tax credit in section 38R of said chapter 63 and section 6J of said chapter 62; (ii) the life sciences investment tax credit in section 38U of said chapter 63 and subsection (m) of said section 6 of said chapter 62; (iii) the low-income housing tax credit in section 31H of said chapter 63 and section 6I of said chapter 62; (iv) the refundable research credit in subsection (j) of section 38M of said chapter 63; (v) the economic development incentive program in subsection (g) of said section 6 of said chapter 62 and section 38N of said chapter 63; (vi) certified housing development credits of subsection (q) of Section 6 of said Chapter 62 (vii); donated land (conservation) credits of subsection (p) of Section 6 of said Chapter 62; and (viii) any discretionarily awarded tax credits under chapter 62 and 63 established after January 1, 2012.

(b) Chapter 62C of the General Laws is hereby amended by adding the following new section:-

SECTION 88: Application for Discretionary Tax Credit Programs

(a) Notwithstanding any general or special laws to the contrary, the granting body of each discretionary tax credit program, together with the applicant for a discretionary tax credit, shall complete an application for the tax credit on a form prepared by the granting body. The information required on the application shall include, but is not limited to, the following:

(1) A clear written commitment on the part of the applicant to provide a certain benefit to the Commonwealth in exchange for the tax credit, including but not limited to:

(i) An estimate of the number of new jobs to be created by the applicant, broken down by full-time, part-time and temporary positions, where applicable;

(ii) The average hourly wage to be paid to all current and new employees at the project site, where applicable;

- (iii) The type and amount of health care coverage to be provided by the applicant within ninety days of commencement of employment at the project site, including any costs to be borne by the employees, where applicable;
- (iv) A description of the project to be developed or undertaken, where applicable;
- (v) The value of any additional private investment to be committed to this project, where applicable;
- (2) A statement as to whether the discretionary tax credit may reduce employment at any other site controlled by the applicant or its corporate parent, within or without of the Commonwealth, resulting from automation, merger, acquisition, corporate restructuring or other business activity;
- (b) If the granting body approves the application, it shall send a copy to the commissioner within fifteen days of such approval, which shall be a public record.
- (c) Approved applications for discretionary tax credit programs shall be posted on the searchable website created in Section 14C of Chapter 7.
- (c) Section 89 of Chapter 62C of the General Laws is hereby amended by adding the following new subsections:-
- (c) Notwithstanding any general or special laws to the contrary, each granting body of a discretionary tax credit program shall file a progress report with the commissioner for each discretionary tax credit that has been awarded, no later than May 15 of each year. The report, which shall be a public record, shall include the following information:-
  - (1) The identity of each taxpayer receiving a discretionary tax credit and from which tax credit program the credit was received;
  - (2) The amount of the discretionary tax credit awarded and issued for each taxpayer and each project, if applicable;
  - (3) The date that the authorized tax credit was awarded and issued for each taxpayer and each project;
  - (4) The commitment to provide a certain benefit to the Commonwealth made by the taxpayer, as listed on the initial application required in Section 88 of Chapter 62C;
  - (5) The benefit to the Commonwealth actually provided, including but not limited to:
    - (i) The number of jobs created and lost, broken down by full-time, part-time and temporary positions, where applicable;
    - (ii) The average wage of the jobs created, where applicable;
    - (iii) The type and amount of health care coverage provided to the employees at the project site, including any costs borne by the employees, where applicable;
    - (iv) The status of the development project, where applicable;
    - (v) The amount of private investment committed to this project, where applicable.
  - (6) The comparison of the total employment in the Commonwealth by the recipient's corporate parent on the date of the application and the date of the report, broken down by full-time, part-time and temporary positions;
  - (7) A statement as to whether the use of the discretionary tax credit during the previous fiscal year has reduced employment at any other site controlled by the recipient or its corporate parent, within or without of the Commonwealth as a result of automation, merger, acquisition, corporate restructuring or other business activity;
- (d) On all subsequent annual progress reports, the granting body shall indicate whether the recipient taxpayer is still in compliance with its goals.
- (e) Granting bodies shall file annual progress reports for the duration of the discretionary tax credit, or not less than five years, whichever period is greater.
- (f) Progress reports for discretionary tax credit programs shall be posted on the searchable website created in Section 14C of Chapter 7.
- (d) Chapter 62C of the General Laws is hereby amended by adding the following new section:-  
Section 90: Review and Enforcement of Discretionary Tax Expenditure
  - (a) The granting body of the discretionary tax expenditure shall have access at all reasonable times to the project site and the records of the recipient taxpayer in order to monitor the project and to prepare progress reports. The granting body shall commit the resources necessary to audit compliance and verify the accuracy of progress reports.
  - (b) A recipient taxpayer that fails to provide the granting body with the information or access required under paragraphs (a) of this section shall be subject to a fine of not less than \$500 per day to commence within ten working days after the May 15 deadline, and of not less than \$1,000 per day to commence twenty days after such deadline.
  - (c) For recipient taxpayers that have made a job creation commitment in their initial application,
    - (1) at least 90% of such job creation goal shall be fulfilled within two years of the date of discretionary tax credit and maintained as long as the discretionary tax credit is in effect, or five years, whichever is longer.
    - (2) the recipient taxpayer must maintain at least 90% of its total employment in the Commonwealth as long as the discretionary tax credit is in effect, or not less than five years, whichever is longer.
  - (d) Notwithstanding any general or special laws to the contrary, if the requirements under paragraphs (i) or (ii) of subsection (c) are not fulfilled, the granting body shall recapture the discretionary tax credit from the recipient taxpayer as follows:
    - (1) The state shall recapture the total amount of the discretionary tax credit provided.
    - (2) The granting body shall declare the tax credit null and void, and shall provide notice to the recipient taxpayer of its intent to recapture the discretionary tax credit and state the reasons and amount to be recaptured. This notice shall be a matter of public record, and should be posted with the initial application and progress report(s) on the searchable website created in Section 14C of Chapter 7. The recipient taxpayer shall remit to the granting body such amount within 60 calendar days of the date of such notice.
    - (3) Recipient taxpayers that have defaulted on their agreement and had their discretionary tax credit recaptured shall be barred from applying for any discretionary tax credit or economic development subsidy in the Commonwealth for a period not less than

5 years.”

After remarks, the amendment was *rejected*.

Ms. Creem, Messrs. Tarr, DiDomenico, Rodrigues, Donnelly, Joyce, Brownsberger, Hedlund, Knapik, Eldridge, Downing, Finegold, Wolf, Welch and Rush, Ms. Jehlen, Ms. Candaras, Mr. Michael O. Moore, Ms. Fargo, Messrs. Keenan and Kennedy, Ms. Donoghue, Messrs. Timilty, Rosenberg and Ross, Ms. Chang-Diaz and Mr. McGee moved that the bill be amended by striking out, in line 861, the word “however,”; by inserting after the word “owns”, in line 870, the following words:- “,operates or manages”; by striking out , in line 941, the word “a” and inserting in place thereof the following word:- “any”; by striking out, in line 942, the words “, but shall augment, existing operating funds” and inserting in place thereof the following words:- “existing operating funds, only augment them”; and by inserting after section 155 the following section:-  
“SECTION 155A. Notwithstanding any general or special law to the contrary, on July 1, 2012, the comptroller shall transfer \$5,000,000 from the General Fund to the Massachusetts Community Preservation Trust Fund established in section 9 of chapter 44B of the General Laws.”

Mr. Hart in the Chair, after remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at ten minutes past six o’clock P.M., on motion of Ms. Creem, as follows to wit (yeas 38 - nays 0) [Yeas and Nays No. 214]:

YEAS

Berry, Frederick E. Joyce, Brian A.  
Brewer, Stephen M. Keenan, John F.  
Brownsberger, William N. Kennedy, Thomas P.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E.  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 38.  
NAYS — 0.

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

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#### Suspension of Senate Rule 38A

Mr. Petruccelli 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.

Recess.

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

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to veterans’ access, livelihood, opportunity and resources (see Senate, No. 2254, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2013 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4101),- was further considered, the main question being on ordering it to a third reading. Messrs. Tarr, Knapik and Hedlund moved that the bill be amended in section 2, in item 0910-0200, by striking out the figures “\$2,231,913” and inserting in place thereof the figures “\$2,263,052”.

The amendment was **adopted**.

Mr. Montigny moved that the bill be amended in section 2, in item 2800-0100, by adding at the end thereof the following:-  
“provided further, funds may be expended for the Schooner Ernestina in New Bedford”.

The amendment was **adopted**.

Mr. Montigny moved that the bill be amended in section 2, in item 7008-0900, by adding at the end thereof the following:-  
“provided further, that funds may be expended for the Zeiterion Performing Arts Center in New Bedford”.

The amendment was **adopted**.

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

“7004-9317 -For the Individual Development Account (IDA) program, so-called, participants for the purposes of this pilot program shall be any individual or family who is at or below 80% of the area median income, as defined from time to time by the United States department of housing and urban development, in the community in which they live, as defined by the department, for more than three years; provided, that funds shall be awarded to community-based organizations to establish local IDA programs; provided further, that funds may be used for administrative costs to operate an IDA 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, the department may determine other qualified match uses consistent with the guidelines established in federal IDA guidelines pursuant to PL 105-285, 42 USC 604; provided further, that funds may be used to secure federal asset building program funds ..... \$100,000”.

After remarks, the amendment was **adopted**.

Messrs. Knapik and Tarr, Ms. Chang-Diaz and Messrs. Ross and Hedlund moved that the bill be amended by adding at the end thereof the following new section:-

“Section XX. The department of elementary and secondary education shall submit a report reviewing the extent to which public school personnel are required to prepare and submit reports and data that are mandated by state and federal laws, regulations, and past practice to determine whether the reports and data are a valuable part of improving student achievement.

The department shall examine mandated reports and submissions of data required by state and federal law, regulation or administrative directive. The department’s analysis shall include, but not be limited to, an examination of the value of such reports in improving student achievement; reducing the achievement gap, so-called, identifying those which are duplicative or redundant; and proposing recommendations that may include, but are not restricted to, elimination, modification, or refinement of those reports and data which are required, or a listing of federal requirements that are duplicative, redundant or inadequately focused on the achievement gap. The report shall also include a description of all current efforts by the department to improve their business relationship with local education authorities, including the use of technology to ease reporting requirements, and to simplify grant application processes.

The department shall work in consultation with the American Federation of Teachers; Massachusetts Association for School Committees; Massachusetts Association of School Superintendents; Massachusetts Elementary School Principals’ Association; Massachusetts Secondary School Administrators’ Association; Massachusetts Parent Teacher Association; Massachusetts Teachers Association; and the members of Mass Partners for Public Schools in preparing said report.

The department shall file the results of its study, together with drafts of legislation, if any, necessary to carry out its recommendations, by filing the same with the clerks of the house of representatives and the senate who shall forward a copy of the study to the house and senate committees on ways and means and the joint committee on education no later than July 31, 2013.”

The amendment was **adopted**.

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

"SECTION XX. (a) It is hereby found and declared that the North Shore Community College is a critical element of the commonwealth's higher education system and fulfilling the mission of North Shore Community College to provide educational resources to the citizens of the commonwealth is essential to providing students with skills and opportunities necessary to a full and productive life. It is further declared that providing physical and financial resources necessary to meet the needs of the North Shore Community College now and in the future is critical to the ability of North Shore Community College to fulfill its mission including providing the workforce with skills necessary to allow for the maintenance and expansion of the business, industrial, technological and manufacturing sectors of the commonwealth's economy. It is further found and declared that creation of a nonprofit assistance corporation with certain statutory authority will provide a vehicle with the necessary flexibility to prudently pursue opportunities for the benefit of North Shore Community College, its present and future students and the commonwealth. It is therefore expressly declared that the provisions of this section constitute a needed program in the public interest in furtherance of an essential governmental function and serve a necessary and valid public purpose for which public money may be expended or invested

(b) As used in this section, the following terms shall have the following meanings unless the context clearly requires otherwise:

‘Board of directors’, the board of directors of the North Shore Community Assistance Corporation created by this section

‘Board of higher education’, the board of higher education established pursuant to section 4 of chapter 15A of the General Laws.

‘Board of trustees’, the board of trustees of the North Shore Community College.

‘College’, the North Shore Community College or, if the North Shore Community College shall be dissolved or fails to qualify either as a political subdivision of the commonwealth or an educational institution exempt from federal income tax under Section 501(c)(3) of the Code, then such other educational institution of higher learning established and operating in the commonwealth as shall be designated by the board of higher education, which is either such a political subdivision or such an exempt organization.

'Code', the Internal Revenue Code of 1986, as may be amended, from time to time.

'Corporation', the North Shore Community College Assistance Corporation established in subsection (c).

'Educational institution', an educational organization within the meaning of section 170(b) (1)(A)(ii) of the Code.

(c) There shall be a body politic and corporate to be known as the North Shore Community College Assistance Corporation. The corporation shall not be a public agency or state agency as those terms are described in chapter 7 of the General Laws. The corporation shall be governed by a board of directors consisting of: the chairman of the board of trustees of the college, the president of the college, the mayor of the city of Lynn, the president of the Lynn city council, the director of the Lynn Economic Development Industrial Corporation, or a successor thereto, 3 members to be appointed by the governor, at least 1 of whom shall be experienced in the financial aspects of real estate development and management and at least 1 of whom shall be experienced in planning, 1 member to be appointed by the Lynn Chamber of Commerce, or a successor thereto, and 6 members appointed by the president of the college, at least 2 of whom shall be experienced in higher education administration.

(b) The appointed members of the board of directors shall serve 3-year terms. Of those initially appointed by the governor, 1 shall be appointed for 1 year, 1 for 2 years and 1 for 3 years. Of those initially appointed by the president of the college, 2 shall be appointed for 1 year, 2 shall be appointed for 2 years and 3 shall be appointed for 3 years. The individual initially appointed by the Lynn Chamber of Commerce shall be appointed for 2 years. Vacancies arising from other than the expiration of the term shall be filled by the person designated as the appointing authority for the initial appointment. Directors shall serve without compensation but may be reimbursed for expenses necessarily incurred in the performance of their duties.

(c) The board of directors from time to time shall elect from among themselves a chairman, a vice chairman and a secretary. The secretary shall be the custodian of all books, documents and papers of the corporation and its minute book and seal. Unless otherwise provided in by-laws adopted by the board of directors, the number of directors required to constitute a quorum shall be a majority of the directors then in office. If a quorum is present, a majority of the directors may take any action on behalf of the board of directors except to the extent that a larger number is required by this section, or other applicable laws or by-laws adopted by the board of directors.

(d) The purposes of the corporation shall be to: (i) promote the orderly growth and development of the college; and (ii) to assist the college in securing physical and financial resources necessary for the acquisition and development of sites for use by the college. In furtherance of such purpose, the corporation shall, subject only to the restrictions and limitations hereinafter provided, have the following powers:

(1) to make and execute contracts and any other instruments necessary or convenient for the exercise of its powers or the discharge of its duties and incur liabilities for any other purposes of the corporation;

(2) to have a corporate seal which it may alter at its pleasure;

(3) to adopt by-laws for the regulation of its affairs;

(4) to accept, acquire, receive, take and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer, judicial order or decree or otherwise, for any of its objects and purposes, any property both real and personal, reasonably related to the acquisition and development of sites for use by the college and to develop such sites including, but not limited to, the construction, renovation, operation and maintenance of buildings thereon;

(5) to sue or be sued; provided, however, that a director or officer of the corporation shall not be liable for the performance of his duties if he acts in compliance with section 6C of chapter 180 of the General Laws;

(6) to sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of any such property, both real and personal, as the objects and purposes of the corporation may require;

(7) to borrow money and, from time to time, to make, accept, endorse, execute and issue promissory notes, bills of exchange and other obligations of the corporation for monies borrowed or in payment for property acquired or for any of the other purposes of the corporation and to secure the payment of any such obligation by mortgage, pledge, deed, agreement or other instrument of trust or other lien upon, assignment of or agreement in regard to all or any part of the property rights or privileges of the corporation, whether now owned or hereafter to be acquired;

(8) to receive stocks, bonds, donations and gifts and to otherwise raise money for the corporation's purposes;

(9) to elect, appoint and employ officers, agents and employees, to fix their compensation and define their duties and obligations and to indemnify corporate personnel;

(10) to enter into agreements for other transactions with any person including, without limitation, any governmental instrumentalities or agencies in connection with any of its powers or duties and any governmental agency may enter into such agreements or transactions with the corporation; and

(11) to do all acts and things necessary or convenient to the exercise of any power or the discharge of any duty provided for in this subsection.

(e) The corporation shall be an institution for higher education solely for the purposes such term is used in chapter 614 of the acts of 1968. Any acquisition of property by purchase, lease or otherwise by the corporation shall be deemed a project as such term is used in said chapter 614. The corporation shall be fully eligible to receive any assistance from the Massachusetts Health and Education Facilities Authority established in said chapter 614 in the same manner as any other institution for higher education.

(f) (1) The corporation shall assess the space needs of the college on a regular basis and may acquire sites for use by the college. The corporation may lease or rent land or space in any facility under the control of the corporation to any entities other than the college only after making a determination that the college does not have a foreseeable need for such space or land for the term of the lease or rental agreement.

(2) The corporation shall not sell, convey, transfer, exchange or otherwise dispose of any real property without notifying, in writing and consulting with, the board of trustees and the board of higher education and, after such consultation, making a

determination that such sale, conveyance, transfer or exchange is in the best interests of the college. Any such sale, conveyance, transfer or exchange shall require a vote of two-thirds of the members of the board of directors.

(g) The college or any state agency or entity acting on the college's behalf may enter into an agreement to rent, lease or otherwise utilize any facility owned by or under the control of the corporation. The corporation shall be paid rent and costs for such facilities at a rate agreed to by the corporation and college or state agency or entity entering into an agreement on the college's behalf; provided, however, that such amount shall not exceed the fair market value for the use of such facilities at the time the agreement is made. Subject to such limitation, the college's determination to rent, lease or otherwise utilize any facility owned or under the control of the corporation and any agreement related thereto shall not be subject to chapter 7 of the General Laws.

(h) (1) The corporation shall not engage in any activities which are not in furtherance of its corporate purposes or to support or benefit any organization other than the college and all of the powers granted under this section to the corporation shall be exercised in a manner consistent therewith.

(2) Notwithstanding any other provision of this section, neither the directors and officers of the corporation nor the corporation shall participate in any prohibited transaction within the meaning of Section 503 of the Code, nor shall the corporation be operated at any time for the primary purpose of carrying on a trade or business for profit.

(i) Subject to this section, the corporation shall use or distribute all property from time to time held by the corporation solely in the furtherance of its corporate purposes in such manner as the board of directors shall determine. No part of the assets or net earnings, if any, of the corporation shall inure to the benefit of, or be distributable to, its directors or officers or private individuals, except that the corporation may pay reasonable compensation for services rendered and make payments and distributions in furtherance of its corporate purposes. The corporation shall not directly or indirectly participate in or intervene in, including the publishing or distributing of statements, any political campaign on behalf of or in opposition to any candidate for public office. No substantial part of the activities of the corporation shall be for the carrying on of propaganda or otherwise attempting to influence legislation, except to the extent the corporation makes expenditures for purposes of influencing legislation in conformity with the requirements of Section 501(h) of the Code. If the corporation is deemed to be a private foundation as defined in Section 509 of the Code, chapter 68A of the General Laws shall apply to it.

(j) (1) The operation and maintenance of projects by the corporation shall constitute the performance of an essential governmental function and the corporation shall not be required to pay any taxes or special, betterment or other assessments within the commonwealth including, without limitation, taxes on real or personal property and any ad valorem taxes, upon any property owned, constructed, acquired, leased or used by it under this section. The corporation shall not be subject to any taxes based upon or measured by income which may be enacted by the commonwealth. Obligations issued by the corporation under this section and any income derived therefrom, including any sale, exchange or transfer of such obligation, shall be free from taxation within the commonwealth.

(2) Land, buildings and tangible personal property of the corporation if leased to the extent permitted under this section for any activity or transaction entered into by the lessee for financial profit or gain shall be taxed or assessed by the city or town in which such land, buildings and tangible personal property is situated to the lessees thereof respectively in the same manner as such land, buildings and tangible personal property would be taxed or assessed to such lessees if they were owners thereof, except as follows:

(A) the payment of the tax or assessment shall not be enforced by any lien upon or sale of such land or buildings, but for the purpose of enforcing the payment of such taxes or assessments by such lessees to the city or town in which such land or buildings are situated, a sale of the leasehold interest in therein may be made by the collection of the city or town in the manner provided by law for selling real estate for the nonpayment of real estate taxes;

(B) such land, buildings and tangible personal property leased to any political subdivision of the commonwealth or to any public charity described in section 8 of chapter 12 of the General Laws for its charitable purposes shall not be taxed or assessed to any such lessees;

(C) in lieu of taxes and any betterment or special assessments, the city of Lynn may determine a sum to be paid to it annually in any year or period or years, such sum to be in any year equal to or less than the amount that would be levied at the then current tax rate upon the then current assessed value of such real estate, including buildings and other structures, the valuation for each year being reduced by all abatements thereon; provided, however, that no amount shall be due prior to the first year in which the corporation has leased some portion of the real property to a third party and has received rental payments for fees in return therefor and any amount so due shall be prorated based upon the percentage of the property for which rental payments or fees have been received;

(D) if any such lessee is subject to the excise levied under sections 30 to 42B, inclusive, of chapter 63 of the General Laws, such tangible personal property shall be treated as though it were owned by such lessee for the purposes of such excise and it shall be valued at 8 times its annual rental rate, unless and to the extent that such property is treated by the lessee as owned by it for federal income tax purposes, in which case, its value shall be its adjusted basis, as defined in the applicable provisions of the Code; and

(E) all tangible property, real or personal, so leased shall be considered tangible property owned or rented and used in the commonwealth by such lessee for the purposes of section 38 of chapter 63 of the General Laws.

(k)(1) The corporation shall not exercise any of the following powers, duties, actions, responsibilities or authorities in the absence of review and comment by the inspector general and such review and comment shall be provided within 2 weeks after submission by the corporation of a plan setting forth the power, duty, action, responsibility or authority proposed to be taken:

(A) entering into a contract requiring an annual expenditure in excess of \$100,000 by the corporation; provided, however, that the corporation may enter into those contracts necessary to acquire sites, without further review by the inspector general, but

pursuant to a memorandum of understanding with the secretary of administration and finance with respect to the acquisition, renovation, operation and potential disposition of sites;

(B) borrowing monies such that the outstanding amount of monies borrowed by the corporation exceeds \$100,000;

(C) entering into a contract requiring the sale of an asset of the corporation purchased with monies appropriated by the commonwealth; and

(D) entering into a contract requiring the sale of all or substantially all of the assets of the corporation.

(2) In carrying out this section, the inspector general shall have access to all the corporation's records, reports, audits, reviews, papers, books, documents, recommendations, correspondence, including information relative to the purchase of services or anticipated purchase of services from any contractor by the corporation, and any other data and material that is maintained by or available to the corporation which in any way relates to the programs and operations with respect to which the inspector general has duties and responsibilities under this section, except any record to which section 18 of chapter 66 of the General Laws applies.

(3) The inspector general may request such information, cooperation and assistance from the corporation as may be necessary for carrying out his duties and responsibilities under this section. Upon receipt of such request, the person in charge of the corporation's governing body shall furnish to the inspector general or his authorized agent or representative such information, cooperation and assistance, including information relative to the purchase of services or anticipated purchase of services from any contractor by the corporation except any record to which said section 18 of said chapter 66 applies. The inspector general may make such investigation, audits and reports relating to the administration of the programs and operations of the corporation as are in the judgment of the inspector general necessary and may conduct an examination of any documents of the corporation to prevent or detect fraud, waste and abuse in the expenditure of public funds. The inspector general shall have direct and prompt access to the head of the corporation when necessary for any purpose pertaining to the performance of his duties and responsibilities under this section. The inspector general may request the production, on a voluntary basis, of testimony or documents from any individual firm or nongovernmental entity which relate to his duties and responsibilities under this section.

(4) The inspector general may require, by 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 pursuant to the this section, except records to which said section 18 of said chapter 66 apply. Such summons shall be served in the same manner as a summons for the production of documents in civil cases issued on behalf of the commonwealth and all law relative to the issuance of summonses shall apply to a summons issued pursuant to this section. Any justice of the superior court department of the trial court may, upon application by the inspector general, issue an order to compel the production of records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material as aforesaid. Any failure to obey such order may be punished by said court as contempt. Any summons issued pursuant to this section shall not be made public by the inspector general or any officer or employee of his department and no documents provided pursuant to this section shall be made public until such time as it is necessary for the inspector general to do so in the performance of his duties under this section. The production of such books and papers pursuant to a summons issued under this subsection shall be governed by the same provisions with reference to secrecy which govern proceedings of a grand jury. Disclosure of such production, attendance and testimony may be made to such members of the staff of the inspector general as is deemed necessary by the inspector general to assist him in the performance of his duties and responsibilities under this section and such members of the staff may be present at the production of records.

(5) The corporation shall submit annually an audited financial statement to the house and senate committees on ways and means and the joint committee on higher education.

(I) Upon dissolution of the corporation after payment of all of the liabilities of the corporation or due provision therefor, all of the assets of the corporation shall be distributed to the board of higher education, to be held in trust for the benefit and purposes of the college, and shall not inure to the benefit of or be distributed to any private individual.”

The amendment was **adopted**.

Messrs. Donnelly, Joyce and Knapik moved that the bill be amended by inserting after section 56 the following 3sections:-

“SECTION 56A. Section 101 of chapter 32 of the General Laws, as amended by chapter 131 of the acts of 2010, is hereby further amended by inserting after the figure ‘\$9,000,’ in line 10, the following words:- or in a retirement system accepting the supplemental annual allowance provided in the third paragraph of this section, \$12,000,.

SECTION 56B. The second paragraph of said section 101 of said chapter 32, as so appearing, is hereby amended by striking out the fourth sentence.

SECTION 56C. Said section 101 of said chapter 32, as so appearing, is hereby further amended by adding the following paragraph:-

Any retirement system may accept the supplemental annual allowance, provided for by this paragraph and fixed at the rate of \$12,000, by a majority vote of the board of each such system, subject to the approval of the legislative body. Acceptance shall be deemed to have occurred upon the filing of a certification of such votes with the commission. For purposes of this section, the state teachers’ and state employees’ retirement systems shall be deemed to have accepted this paragraph.”

The amendment was **adopted**.

Mr. Joyce moved that the bill be amended in section 2, in item 8000-0600, By inserting the following:- “provided further, that funds may be expended to provide additional Milton Police patrols for the Tucker School neighborhood in the Town of Milton;

and provided further, that funds may be expended to provide additional Randolph Police patrols in the Town of Randolph".  
The amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 2, in item 4800-0038, by inserting after the word "Programs", in line 11, the following words:- "; provided further, that not less than \$ 130,000 shall be expended for a contract with Julie's Family Learning Program in the South Boston section of the city of Boston"; and in said section 2, in said item 4800-0038, by striking out the figure "\$246,508,481" and inserting in place thereof the following figure:- "\$246,638,481".  
The amendment was **adopted**.

Messrs. McGee, Keenan, Michael O. Moore, Montigny and Welch moved that the bill be amended by inserting after section 155, the following new section: -  
"SECTION 155A. There shall be a long-term services and supports advisory committee to advise the general court, the office of Medicaid, and other state agencies on opportunities to improve health care cost and quality through community-based long-term care services. The commission shall consist of the following 16 members and shall be jointly chaired by a member of the house of representatives and a member of the senate: 2 representatives of the house of representatives, 1 of whom shall be chosen by the minority leader; 2 representatives of the senate, 1 of whom shall be chosen by the minority leader; the director of the office of Medicaid or a designee; the secretary of elder affairs or a designee; the commissioner of health care finance and policy or a designee; the commissioner of public health or a designee; the secretary of administration and finance or a designee; and 7 appointees of the governor, 2 of whom shall be consumer representatives and 5 of whom shall be representatives of community-based long-term care providers, of which at least 2 are for-profit entities, and all of which represent services approved by the Medicaid State Plan.  
The advisory committee shall evaluate the effect of long-term services and supports on reducing health care costs and improving health care quality and shall recommend opportunities to improve or expand existing long-term services and support programs including, but not limited to, implementation of value-based purchasing strategies and the development and deployment of an electronic community care record for community-based long-term care services. The committee shall report the results of its study, together with drafts of legislation, if any, necessary to carry out its recommendations, by filing the same with the clerks of the house of representatives and the senate who shall forward a copy of the study to the house and senate committees on ways and means and the joint committee on health care financing not later than January 15, 2013."  
The amendment was **adopted**.

Mr. Welch, Ms. Flanagan and Messrs. McGee and Rosenberg moved that the bill be amended in section 2, by striking out item 1410-1616 and inserting in place thereof the following item:-  
"1410-1616 For the costs of maintaining war memorials and municipal buildings dedicated to war veterans in the commonwealth; provided, that not less than \$25,000 shall be expended for maintaining the Vietnam Veterans' Memorial in the city of Worcester; provided further, that not less than \$25,000 shall be expended on the USS Massachusetts at Battleship Cove; provided further, that not less than \$10,000 shall be expended on the Korean War Memorial in the city of Charlestown; provided further, that not less than \$55,000 shall be expended on other war memorials, including civil war related memorials and sites, and municipal buildings dedicated to war veterans; and provided further, that funds shall be expended for veterans memorials with preference to those that include public open space and achieve equal geographic representation across the commonwealth.....  
..... \$115,000".  
The amendment was **adopted**.

Messrs. Montigny, Richard T. Moore and Brownsberger moved that the bill be amended in section 2, in item 4590-0250, at the end thereof the following new language:- "; provided further, that the department shall examine requiring the installation of automatic external defibrillators in all public schools of the Commonwealth and the establishment of a grant program based on the financial need of the school or school district; and provided further, that the department shall report the results of its analysis not later than October 1, 2012".  
The amendment was **adopted**.

Ms. Chandler, Ms. Clark, Messrs. Michael O. Moore, Eldridge, Brownsberger and Knapik, Ms. Creem, Ms. Chang-Diaz and Messrs. Montigny, Kennedy, DiDomenico, Wolf and Ross moved that the bill be amended in section 2, in item 4000-0700, by striking out the figure "\$1,927,680,126" and inserting in the place thereof the figure "\$1,933,730,126"; in section 2E, in item 1595-5819 by striking out the figure "\$739,622,286" and inserting in place thereof the following figure:- "\$740,772,286"; in subsection (a) of section 137 by inserting after the words "January 1, 2002", in line 1891, the following words:- "provided, that preventive services, extractions, and procedure codes D2330 and D2331 shall be covered dental services"; and by inserting, after section 155, the following new section:-  
"SECTION 155A. Notwithstanding any general or special law to the contrary, the division of health care finance and policy shall study the cost and frequency of emergency room utilization for dental conditions, and shall develop a procedure code for emergency room dental services. The division shall file a report of its findings with the house and senate committees on ways and means not later than December 31, 2012."  
After remarks, the amendment was **adopted**.

Messrs. DiDomenico and Richard T. Moore moved that the bill be amended in section 2, in item 4590-1503, by striking the figure "\$796,051" and inserting in place thereof the following figure:- "\$896,051".

After remarks, the amendment was **adopted**.

Mr. Rush moved that the bill be amended in section 2E, in item XXXX-XXXX, , by inserting after section 155 the following section:-

"SECTION 155A. There shall be a commission to evaluate and make recommendations on an equitable method for awarding funding for the upkeep, maintenance or repair of veteran or war memorials within the commonwealth. The commission shall be known as the Massachusetts Veteran and War Memorials Commission.

The commission shall consist of 5 members: 1 of whom shall be appointed by the governor, who shall serve as chair; 1 of whom shall be appointed by the president of the senate; 1 of whom shall be appointed by the speaker of the house of representatives; the adjutant general of the national guard, or a designee; and the secretary of the department of veterans' services, or a designee.

Members of the commission shall not receive compensation for their services. No designee shall be a member of the legislature.

The commission shall report its recommendations to the department of veterans' services and the house and senate committees on ways and means not later than March 1, 2013. This report shall not affect funding for war memorials in FY 2013."

The amendment was **adopted**.

Messrs. Rodrigues, Wolf, Brownsberger and Finegold, Ms. Donoghue and Messrs. McGee and DiDomenico moved that the bill be amended in section 2, in item 7003-0803, by inserting the following out the words:- "; provided, that programs funded in the Competitive Integrated Employment Service program in item 4401-1000 in section 2 of chapter 68 of the acts of 2011 may be funded through this line item".

The amendment was **adopted**.

Ms. Fargo, Messrs. Brownsberger, Rodrigues and Montigny, Ms. Chang-Diaz, Ms. Creem and Messrs. Eldridge and Michael O. Moore moved that the bill be amended in section 2, in item 4513-1111, by striking the figure "\$3,150,000" and inserting in place thereof the following figure:- "\$3,413,076".

After remarks, the amendment was **adopted**.

Mr. Joyce moved that the bill be amended by inserting after section 78 the following section:-

"SECTION 78A. Chapter 93 of the General Laws is hereby amended by adding the following section :-

Section 115. For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

'Franchise', a contract or agreement, either expressed or implied, whether oral or written, between 2 or more persons by which:

(i) a franchisee is granted the right to engage in the business of offering, selling or distributing goods or services, under a marketing plan or system prescribed or suggested in substantial part by a franchisor; and (ii) the operation of the franchisee's business pursuant to that plan or system is substantially associated with the franchisor's trademark, service mark, trade name, logotype, advertising or other commercial symbol designating the franchisor or its affiliate.

'Franchisee', an individual to whom a franchise is granted.

'Franchisor', an individual, corporation, partnership, joint venture, association, joint stock company, trust or unincorporated organization that grants a franchise.

(a) A franchisor shall not, directly or through an officer, agent or employee, terminate a franchise, except for good cause shown which shall include, but not be limited to, the franchisee's refusal or failure to comply substantially with any material and reasonable obligation of the franchise agreement. For the purposes of termination, "good cause" shall mean: cause based upon legitimate business reason, and shall include the franchisee's failure to comply with any material lawful requirement contained in the franchise agreement.

Prior to termination of the franchise, the franchisor shall give the franchisee written notice of the termination at least 90 days in advance of the termination with the cause stated on the written notice. The 90 day advanced written notice for termination shall not apply if the reason for termination is because: (1) the alleged grounds were voluntary abandonment by the franchisee of the franchise relationship, in which event, such notice may be given 15 days in advance of the termination, cancellation or failure to renew; or (2) the alleged grounds are the conviction of the franchisee in a court of competent jurisdiction of an offense punishable by a term of imprisonment in excess of 1 year and directly related to the business conduct pursuant to the franchise, in which event, such notice may be given at any time following the conviction and shall be effective upon delivery and written receipt of the notice.

(b) A franchisor shall not, directly or through an officer, agent or employee, fail to renew a franchise, except for good cause shown which shall include, but not be limited to, the franchisee's refusal or failure to comply substantially with any material and reasonable obligation of the franchise agreement. The franchisor is obligated to act in good faith and shall not refuse to renew a franchise for arbitrary or capricious reasons. For the purposes of non-renewal, 'good cause' shall mean cause based upon legitimate business reason and includes the franchisee's failure to comply with any material lawful requirement contained in the franchise agreement.

Before non-renewal of the franchise, the franchisor shall give the franchisee written notice of the non-renewal at least 90 days in advance of the non-renewal with cause stated on the written notice.

(c) A franchisor that develops a new outlet or location within the relevant market area of an existing franchisee's outlet or location shall be liable to the affected franchisee for monetary damages, unless:

- (1) the franchisor first offers the new outlet or location to the existing franchisee; or
- (2) at the time the new outlet or location is developed, the existing franchisee is not in compliance with the franchisor's current reasonable criteria for new franchisees.
- (d) Upon termination of a franchise for whatever cause or reason, except voluntary relinquishment or abandonment of the franchise by the franchisee, the franchisor shall fairly compensate the franchisee or franchisee's estate for the fair market value at the time of termination of the franchise, of the franchisee's inventory, supplies, equipment and furnishings purchased by the franchisee from the franchisor or its approved sources and good will, if any, exclusive of personalized items which have no value to the franchisor and inventory, supplies, equipment and furnishings not reasonably required in the conduct of the franchise business; provided, however, that compensation need not be made to a franchisee of good will if: the franchisor agrees in writing not to enforce a covenant which restrains the franchisee from competing with the franchisor; and provided further, that a franchisor may offset against amounts owed to a franchisee under this subsection any amount owed by the franchisee to franchisor.
- (e) A franchisor shall not terminate or fail to renew a franchise for the failure or refusal of the franchisee to do any of the following:
- (1) Refusal to take part in promotional campaigns of the franchisor's products.
  - (2) Failure to meet sales quotas suggested by the franchisor.
  - (3) Refusal to sell any products at a price suggested by the franchisor or supplier.
  - (4) Refusal to keep the premises open and operating during those hours which are documented by the franchisee to be unprofitable to the franchisee or to preclude the franchisee from establishing his own hours of operation beyond the hour of 10 p.m. and prior to 6 a.m..
  - (5) Refusal to give the franchisor or supplier of financial records of the operation of the franchise which are not related or unnecessary to the franchisee's obligations under the franchise agreement.
- (f) A franchisor, directly or indirectly, through any officer, agent, or employee shall not:
- (1) prohibit, directly or indirectly, the right of free association among franchisees for any lawful purpose;
  - (2) require or prohibit any change in management of any franchise unless the requirement or prohibition of the change shall be for good cause, which cause shall be stated in writing by the franchisor;
  - (3) impose unreasonable standards of performance upon a franchisee;
  - (4) fail to deal in good faith with a franchisee;
  - (5) sell, rent or offer to sell to a franchisee any product or service for more than a fair and reasonable price;
  - (6) impose on a franchisee by contract, rule or regulation, whether written or oral, an unreasonable standard of conduct;
  - (7) discriminate between franchises in the charges offered or made for royalties, goods, services, equipment, rentals, advertising services, or in any other business dealing, unless (A) that discrimination between franchisees would be necessary to allow a particular franchisee to fairly meet competition in the open market; or (B) to the extent that the franchisor satisfies the burden of proving that any classification of or discrimination between franchisees is reasonable, is based on franchises granted at materially different times and the discrimination is reasonably related to the difference in time or on other proper and justifiable distinctions and is not arbitrary; provided, that nothing in this subsection shall be construed as granting to a franchisor any right which may be limited by any other state or federal statute; or
  - (8) notify the franchisee of a claimed breach of franchise agreement for good cause later than 180 days from the date good cause arises or 180 days after the franchisor knew or in the exercise of reasonable care should have known of the claimed good cause.
- (g) A franchisee or franchisor, upon request, shall have the right to have the question of good cause submitted to arbitration in accordance with the rules of the American Arbitration Association. A franchisee or franchisor, upon the rendering of a decision in arbitration, shall have the right to apply to the superior court in the county wherein the franchisee or franchisor is doing the business or resides for confirmation, modification, correction or vacation of any arbitration decision.
- (h) A franchisor shall protect and save harmless its franchisee from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of defect in merchandise or methods or procedures prescribed by franchisor and performed by the franchisee, except for alleged negligence or willful misconduct of the franchisee.
- (i) A franchisor shall reimburse its franchisee at the prevailing retail price for any services rendered or party supplied by the franchisee in satisfaction of any warranty issued by the franchisor, and a franchisor shall not restrict a franchisee from rendering services or providing parts in accordance with standards of good workmanship in satisfaction of the warranty."
- The amendment was *rejected*.

At twenty-seven minutes past eight o'clock P.M., Ms. Flanagan doubted the presence of a quorum; and, a count of the Senate determined that a quorum was not present. Subsequently, at twenty eight minutes past eight o'clock P.M., the President declared that a quorum was present; and the Senate proceeded with the business at hand.

Messrs. Hart and McGee moved that the bill be amended by adding the following section:-

"SECTION \_\_. Notwithstanding anything in Section 3(g) of said Chapter 152 to the contrary, in addition to the construction and development of an expansion to the hotel located in the northeast corner of the convention center development area, as defined in said Chapter 152, not more than seven additional hotels may be constructed and developed within a BCEC Hotel Zone, so called, within the city of Boston, such BCEC Hotel Zone to include the portion of the convention center finance district located south of Summer Street and east of Fort Point Channel, provided that (i) such hotels shall include not more than a total of 2700 rooms, including not more than one additional headquarters hotel, so called, with not more than 1200 rooms; and (ii) the developer or operator of each such hotel shall enter into a contract with the Massachusetts Convention Center Authority with provisions

regarding the cooperative marketing, pricing and use of such hotels to encourage the use of the Boston convention and exhibition center and incorporating community input from the neighborhoods surrounding the BCEC Hotel Zone.

Section \_\_. In accordance with Section 38N of Chapter 190 of the Acts of 1982, as amended, capital facility projects described in the report titled "Top 5 Initiative - Phase 1 Feasibility Study and Program," dated May 16, 2012 and filed with the clerks of the senate and house of representatives and the senate and house committees on ways and means, are hereby authorized. Said capital facility projects and the acquisition of lands for the purpose of said projects are facilities of the Authority and may be funded pursuant to Section 10(c)(iv) of Chapter 152 of the Acts of 1997, as amended."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes before nine o'clock P.M., on motion of Mr. Hart, as follows to wit (yeas 35 - nays 1) [Yeas and Nays No. 215]:

YEAS

Brewer, Stephen M. Keenan, John F.  
Brownsberger, William N. Kennedy, Thomas P.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 35

Joyce, Brian A.

NAYS — 0.

Chang-Diaz, Sonia.— 1

ABSENT OR NOT VOTING

Berry, Frederick E. McGee, Thomas M.— 2

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

Messrs. Richard T. Moore, Michael O. Moore and Brownsberger moved that the bill be amended by inserting at the end thereof the following new sections:-

"SECTION \_\_. Chapter 32A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 17I the following section:-

Section 17J. The commission may provide to any active or retired employee of the commonwealth who is insured under the group insurance commission a smoking and tobacco use cessation treatment benefit. Smoking and tobacco use cessation treatment and information benefits shall include nicotine replacement therapy, other evidence-based pharmacologic aids to quitting smoking, and accompanying counseling by a physician, certified tobacco use cessation counselor, or other qualified clinician.

SECTION \_\_. Section 2 of chapter 118H of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

The commonwealth care health insurance program shall provide, as a benefit to participants in the program, coverage for the cost of smoking and tobacco use cessation treatment and information. Smoking and tobacco use cessation and information shall include nicotine replacement therapy, other evidence-based pharmacological aids to quitting smoking, and accompanying counseling by a physician, certified tobacco use cessation counselor or other qualified clinician."

The amendment was **adopted**.

Mr. Michael O. Moore moved that the bill be amended by inserting after section 104 the following section:-

"SECTION 104A. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, the commissioner of capital asset management and maintenance, on behalf of and in consultation with the secretary of health and human services and the commissioner of mental health, may convey to the town of Shrewsbury 2 portions of a parcel of land located on Lake street and adjacent to the Irving A. Glavin Regional Center. The parcel was conveyed to the commonwealth by deed dated April 30, 1890 and recorded in the Worcester district registry of deeds in book 1324, page 244. The portions to be conveyed are shown as 'Rural AA' on a draft plan entitled 'Glavin Rezoning Proposal' dated January 12, 2011 and prepared by the town of Shrewsbury engineering department. The division shall convey the first portion, located on the westerly side of Lake street containing approximately 15 acres and currently leased to the town of Shrewsbury and used for soccer playing fields. The town shall designate that portion of the parcel for recreational use. The division shall convey the second portion, currently designated as agricultural land, located on the easterly side of Lake street and containing approximately 54 acres to the town of Shrewsbury to

be designated for municipal use. The portions of the parcel are more particularly shown on a plan entitled 'Lake St.-Glavin Center Proposed Zoning Districts' dated February 28, 2011 prepared by the town engineering department. The exact size and boundaries of the land to be conveyed shall be determined by the commissioner of capital asset management and maintenance, in consultation with the secretary of health and human services, the commissioner of mental health and the town of Shrewsbury, after completion of a survey. The conveyances shall be by deed without warranties or representations by the commonwealth.

(b) The consideration for each of the conveyances authorized in subsection (a) shall be \$1; provided, however, that the town of Shrewsbury and its successors and assigns shall be responsible for all costs and expenses including, but not limited to, costs associated with any engineering, surveys and deed preparation.

(c) A deed executed pursuant to this section and any agreements entered into pertaining to the transfers shall, with respect to the first portion of the parcel, include a provision restricting the use of the property by the grantee and the grantee's tenants, licensees, successors and assigns to recreational use and, with respect to the second portion of the parcel, include a provision restricting the use of the property by the grantee and the grantee's tenants, licensees, successors and assigns to municipal use as each such use shall be determined by the commissioner of capital asset management and maintenance. The deed and any other agreements shall further provide that if either portion of the partial shall be used for any other purpose, that portion, after notice and an opportunity to cure, shall revert to the commonwealth."

The amendment was *rejected*.

Ms. Spilka, Messrs. Tarr, Michael O. Moore and Brownsberger, Ms. Clark, Ms. Donoghue and Ms. Creem moved that the bill be amended by inserting at the end thereof the following new sections:-

"SECTION XXX. Section 3A of chapter 60 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting the following subsection:-

(e) The collector may issue an electronic bill or notice for any other tax, excise, betterment or assessment committed by the assessors under a voluntary electronic billing program established for such tax, excise, betterment or assessment in the manner set forth in subsection (b). The electronic bill or notice issued under the program must meet the standards required by law for such tax, excise, betterment or assessment bills or notices.

SECTION XXX. Section 2 of chapter 60A of the General Laws, as appearing the 2010 Official Edition, is hereby amended by striking out, in lines 35-39, the following words:- 'All tax notices sent to owners of vehicles notifying said owners of the amount of excise tax due and the due date shall indicate the owner's license to operate number as appearing on the registration application, renewal application or amended registration as provided in section two of chapter ninety.'."

After remarks, the amendment was **adopted**.

Messrs. Tarr, Timilty, Knapik and Hedlund moved that the bill be amended by inserting after section \_\_, the following section:- "SECTION \_\_. Section 32E, subparagraph (b) of Chapter 94C of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the words 'clause (4) of paragraph (a)' the following words:- clause (2) of paragraph (c)."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at nine minutes before nine o'clock P.M., on motion of Mr. Tarr, as follows to wit (yeas 36 - nays 0) [Yeas and Nays No. 216]:

YEAS

Brewer, Stephen M. Joyce, Brian A.  
Brownsberger, William N. Keenan, John F.  
Candaras, Gale D. Kennedy, Thomas P.  
Chandler, Harriette L. Knapik, Michael R.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 36

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. McGee, Thomas M.— 2

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

Messrs. Tarr, Knapik and Hedlund moved that the bill be amended in section 2 by inserting after line item 1100-1100 the following item:-

“1100-1101 For the operations of the office of taxpayer accountability .... \$300,000”;

And in section 2, in item 1100-1100, by adding at the end thereof the following:-

“Provided further, that not less than \$300,000 shall be transferred from this item to item 1100-1101 for the office of taxpayer accountability”.

The amendment was *rejected*.

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

“SECTION \_\_: (a) Chapter 92 of the General Laws is hereby amended by inserting after section 34C the following section:-

Section 34D. Notwithstanding any general or special law or administrative bulletin to the contrary and pursuant to section 34, there is hereby established and set up on the books of the commonwealth a separate fund, to be known as the Borderland State Park Trust Fund, which shall be used for the purposes of advancing recreational, educational and conservation interests, including, but not limited to, the construction and maintenance of facilities and infrastructure improvements for the area within the reservation. The trust shall receive, hold and expend with the advice of the Borderland Advisory Council, all fees generated by parking, permits, licenses and all other agreements not currently being directed to the General Fund relating to the use of the park land as authorized by the commission. The department shall not make expenditures from this fund so as to cause the fund to be deficient.

(b) This law shall be commonly be referred to as ‘The William Hocking Law’

(c) This act shall take effect upon passage.”

The amendment was adopted

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

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

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

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

If no lease agreement is reached with the town of Canton under subsection (a) before April 1, 2013, the division of capital asset management and maintenance, in consultation with and on behalf of the department of conservation and recreation, shall solicit proposals through a request for proposals which shall include key contractual terms and conditions to be incorporated into the contract including, but not limited to: (1) a comprehensive list of all recreational facilities operated by the responsive bidder or offeror in the last 4 years; (2) other facilities management or experience of the responsive bidder or offeror; (3) a senior citizens’ and children’s discount program; (4) reservation policies; (5) proposed reasonable rates that ensure continued public access; (6) required financial audits; (7) policies to encourage use of the golf course by persons of all races and nationalities; (8) safety and security plans; (9) seasonal opening and closing dates; (10) hours of operation; (11) holiday recognition; (12) grievance processes; (13) clubhouse license; (14) a provision that the facility shall be maintained as a 36-hole public golf course; (15) a provision that the lessee shall not construct facilities on the grounds of the golf course or any property appurtenant thereto; provided, however, that the lessee may construct facilities with the written approval of the commissioner of conservation and recreation and the majority vote of the board of selectmen in the town of Canton; and (16) a host community agreement between the designated operator and the town of Canton. Any increase in fees, including fees for season passes and club memberships, and any increase in charges for greens’ fees or golf cart or club rentals shall be approved in writing by the commissioner of conservation and recreation; provided, however, that in considering any request for an increase in fees, the commissioner shall consider, without limitation: (i) any capital investment made by the contractor or lessee; (ii) the fees and charges at other public golf courses within reasonable proximity; and (iii) the length of time since the last fee increase.”

After remarks, the amendment was **adopted**.

Messrs. Ross and Tarr moved that the bill be amended in section 2, in item XXXX-XXXX, by inserting the following item:-

“7006-0140 Upon certification from the Massachusetts Gaming Commission, the state treasurer shall quarterly distribute to each city and town within which racing meetings are conducted, including racing meetings conducted in connection with a state or county fair, under licenses issued under the provisions of chapter one hundred and twenty-eight A, the sum of .35 percent of the total pari-mutuel wager for each such racetrack within said city or town for the three months ending two quarters prior to the quarter for which said distribution is being made, which sum shall be allocated from the commonwealth’s share; provided,

however, that if the parcel of land containing such racetrack is located in two cities or towns, said sum shall be divided so that two-thirds shall be distributed to the city or town in which the major portion of said parcel is located, and one-third shall be distributed to the other city or town.....\$1,150,000.”; and by inserting after section XX, the following new section:-

“SECTION XX. The state treasurer, upon certification by the Massachusetts Gaming Commission, shall quarterly distribute to each city and town within which racing meetings are conducted, including racing meetings conducted in connection with a state or county fair, under licenses issued under the provisions of chapter 128A, the sum of .35 per cent of the total pari-mutuel wager for each such racetrack within said city or town for the 3 months ending 2 quarters prior to the quarter for which said distribution is being made, which sum shall be allocated from the commonwealth’s share; provided, however, that if the parcel of land containing such racetrack is located in 2 cities or towns, said sum shall be divided so that two-thirds shall be distributed to the city or town in which the major portion of said parcel is located and one-third shall be distributed to the other city or town.”  
The amendment was *rejected*.

Mr. Rosenberg moved that the bill be amended in section 2, in item 7061-0011, by inserting at the end thereof the following:-  
“provided that priority shall be given to assist level 3, level 4, and level 5 school districts to meet improvement plans”.  
The amendment was *rejected*.

Messrs. Welch and Knapik, Ms. Candaras and Messrs. Donnelly and Michael O. Moore moved that the bill be amended in section 2 by inserting the following item:-  
“XXXX-XXXX For reimbursements to cities, towns, and regional school districts for the cost of transportation of nonresident pupils as required by the federal McKinney-Vento act; provided, that the board of elementary and secondary education shall promulgate regulations for the determination of said reimbursements; and provided further, that the commonwealth’s obligation shall not exceed the amount appropriated in this item.....  
\$11,300,000”.  
The amendment was *rejected*.

Mr. Donnelly, Ms. Candaras, Messrs. Wolf, Knapik, Rush and DiDomenico, Ms. Spilka and Messrs. Welch, Rosenberg and McGee moved that the bill be amended in section 2, in item 7066-0050, by striking the paragraph in its entirety and inserting in place thereof the following new paragraph:-  
“For the Rapid Response incentive program for the community colleges and vocational technical schools; provided, that these funds shall be distributed by the commissioner of higher education through a competitive grant process, administered by Commonwealth Corporation, jointly applied for by public education institutions which includes a community college or vocational technical school, a representative of the regional workforce development system, and at least one regional employer, to establish workforce training programs, accelerated degree programs or programs for working adults, dislocated workers, underemployed workers, or veterans, scheduled to begin within 3 months of each grantee request; and provided further, that the department of higher education shall file a report with the house and senate committees on ways and means not later than February 15, 2013, detailing grantees receiving funds through this item and the criteria used to award funds, the amount each employer matched for each grant, the number of jobs retained, created or filled by each employer, and the performance metrics utilized to review each grant”; and by striking the figure “3,000,000” and inserting in place thereof the following figure:-  
“\$6,000,000”.  
After remarks, the amendment was *rejected*.

Mr. Rosenberg moved that the bill be amended in section 2, in item 7066-0000, by inserting after the word "finance" the following:- "; provided further, that \$250,000 shall be expended to meet existing statutory requirements and establish trustee recruitment, training and accountability initiatives"; and by striking out the figure "1,843,708" and inserting in place thereof "2,093,708".  
The amendment was **adopted**.

Mr. Tarr moved that the bill be amended by inserting after section \_\_\_\_, the following new sections:-  
“SECTION \_\_\_\_. Notwithstanding any general or special law to the contrary, the executive office of public safety and security shall conduct a comprehensive analysis of the costs and benefits of collecting DNA evidence following the arraignment of those charged with felonies in the commonwealth. Said analysis shall include but not be limited to the necessity and costs of safeguards to protect the rights of those from whom DNA evidence is collected, particular situations in which such collection is not warranted or necessary to protect public safety, the costs requisite in collecting such evidence, and the benefits of possessing such evidence for the purposes of convicting those guilty of crimes, and exculpating the innocent of criminal changes in the judicial process.  
SECTION \_\_\_\_. The findings of said study, together with any recommendations for legislative changes, shall be filed with the clerks of the house and senate and the joint committee on the judiciary not later than six months following the passage of this act.”  
After remarks, the amendment was *rejected*.

Ms. Spilka, Messrs. Brownsberger, Rodrigues, Knapik, Joyce, Rosenberg and Donnelly, Ms. Jehlen, Messrs. Eldridge, Finegold and Rush, Ms. Fargo, Ms. Chang-Diaz, Mr. DiDomenico, Ms. Creem, Messrs. Welch and Keenan, Ms. Clark and Messrs.

Michael O. Moore, Hedlund, Richard T. Moore, Kennedy, Downing, Petruccelli, Montigny and Ross moved that the bill be amended in section 2, in item XXXX-XXXX, by inserting after line item 1599-3857, the following line 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 workers from shelters and programs that serve homeless individuals and families that were previously contracted through the Department of Transitional Assistance and the Department of Public Health currently contracted with DHCD and direct care workers that serve homeless veterans through the Department of Veterans Affairs 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, 2013, 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 2013 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 all raises provided from this salary reserve shall be above and beyond any previously negotiated or agreed upon pay raise; provided further, that the total fiscal year 2013 costs of salary adjustments and any other associated employee costs authorized there under shall not exceed \$20,000,000; 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 2014 shall not exceed the amount appropriated herein ..... \$20,000,000”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at eleven minutes past nine o'clock P.M., on motion of Mr. Tarr, as follows to wit (yeas 36 - nays 0) [Yeas and Nays No. 217]:

YEAS

Brewer, Stephen M. Joyce, Brian A.  
Brownsberger, William N. Keenan, John F.  
Candaras, Gale D. Kennedy, Thomas P.  
Chandler, Harriette L. Knapik, Michael R.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Ross, Richard J.  
Fargo, Susan C. Rush, Michael F.  
Finegold, Barry R. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E.  
Hedlund, Robert L. Welch, James T.  
Jehlen, Patricia D. Wolf, Daniel A. — 36

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. McGee, Thomas M.— 2

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

Messrs. Petruccelli, Tarr and Wolf moved that the bill be amended by inserting, after section , the following new section:-  
“SECTION . Notwithstanding any special law to the contrary, any corporation engaged in the business of building or repairing boats may attach a single license plate registered and issued by the registry of motor vehicles to any trailer owned by such corporation for use to transport boats on public ways.”

The amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 2, in item 4512-0200, “provided further, that not less than \$200,000 shall be expended to fund the Gavin Foundation, Inc.’s Speakers for Hope program; and by striking out the figures “76,539,595” and

inserting in place thereof the figures “76,739,595”.  
The amendment was *rejected*.

Messrs. Berry and Joyce, Ms. Fargo, Messrs. Timilty, DiDomenico, Eldridge, Finegold and Knapik, Ms. Chang-Diaz, Messrs. Brownsberger, Richard T. Moore and Rodrigues, Ms. Clark and Messrs. Keenan and Michael O. Moore moved that the bill be amended in section 2, in item 4513-1020, by inserting at the end thereof the following: “provided further, that the department shall determine if it projects a surplus in this account not later than October 1, 2012; provided further, that said surplus shall be used to provide salary bonuses to direct care personnel employed by early intervention providers; provided further, that said bonuses shall be considered one-time in nature and shall not annualize into fiscal year 2014 or subsequent years; and provided further, that no funds from this item shall revert and any surplus funds shall be used for said salary bonuses”; and by striking the figure “\$27,725,263” and inserting in place thereof:- “\$28,725,263”.  
The amendment was **adopted**.

Ms. Candaras and Mr. Welch moved that the bill be amended in section 2, in item 7007-0952, in section 2, in item 7007-0952, by adding the following words:- “provided further, that not less than \$300,000 shall be expended for a competitive grant program for zoos not operated by the commonwealth zoological corporation; and provided further, that in awarding said grants, the office of business development shall prioritize zoos located in urban areas and shall award said grants to zoos in a geographically diverse manner”; and by striking out the figure “\$3,500,000” and inserting in place thereof the following figure:- “\$3,800,000”.  
The amendment was **adopted**.

Messrs. Keenan and Eldridge, Ms. Creem, Messrs. Rush and Brownsberger, Ms. Donoghue and Messrs. Berry, Joyce, Michael O. Moore, Wolf and Knapik moved that the bill be amended in section 2, in item 5046-0000, by inserting after “mental health and support services” the following:- “provided, that the department shall allocate \$1,500,000 for Clubhouses above Fiscal Year 2012 expenditures for Clubhouses”; and by striking out the figures “\$342,427,150” and inserting in place thereof the figures “\$343,927,150”.  
The amendment was **adopted**.

Ms. Clark, Messrs. Brownsberger, Rodrigues and Eldridge, Ms. Jehlen, Messrs. Joyce, DiDomenico, Finegold and Michael O. Moore, Ms. Donoghue, Messrs. Knapik and Montigny and Ms. Chang-Diaz moved that the bill be amended in section 2, in item 9110-1636, by striking out the figure “\$16,628,729” and inserting in place thereof the following figure:- “\$17,250,554”.  
The amendment was **adopted**.

Mr. Welch moved that the bill be amended in section 2, in item 7003-1206, by adding at the end thereof the following:- “provided, that funds may be expended for the Massachusetts Latino Chamber of Commerce”.  
The amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 2, in item 4510-0110, “provided, that funds may be expended for the South Boston Community Health Center for the implementation of the South Boston Leadership Initiative pilot program”; and by striking out the figures “967,830” and inserting in place thereof the figures “1,067,830”.  
The amendment was **adopted**.

Mr. Tarr moved that the bill be amended by inserting after section \_\_\_\_, the following new section:-  
“SECTION \_\_\_\_. There is hereby established, within the executive office for administration and finance, the office of taxpayer accountability, whose purpose shall be to ensure that the operations of state government are efficient and cost-effective, to provide timely and accurate information regarding subjects as revenue and economic forecasts, independent analysis of policy changes, economic trends and other factors involving the cost of state government and its impact on the taxpayers of the commonwealth.

Said office shall be administered by an executive director, whom shall be selected by a committee consisting of the governor of the commonwealth or his designee, the treasurer of the commonwealth or a designee, the auditor of the commonwealth or a designee, the inspector general of the commonwealth or a designee, the speaker of the house or a designee, the president of the senate or a designee, and the secretary of the commonwealth or a designee. Said committee shall convene not less than once per year to review the operations of the office, and shall issue reports as necessary to inform the public of those operations.”

Pending the question on adoption of the amendment, Mr. Hedlund moved that the pending amendment (Tarr) be amended by striking the text of amendment 139 and inserting in place thereof the following:-

By inserting the following new section:-

“SECTION XX. Chapter 18 of the General Laws, as so appearing, is hereby amended by inserting after section 5K the following new sections:—

Section 5L. Notwithstanding any general or special law to the contrary, the department shall implement a vendor payment system for the non-cash payment of rent and electric and gas utility bills for all eligible recipients of direct cash assistance. The department shall have 50 per cent of all direct cash assistance recipients enrolled in the vendor payment system by July 31, 2012, and shall have the remaining 50 per cent of recipients enrolled in the vendor payment system by November 30, 2012. Beginning on July 31, 2012, all recipients of direct cash assistance shall be enrolled in the vendor payment system upon admittance into the direct cash assistance program.

Section 5M. Notwithstanding any general or special law to the contrary, by November 30, 2012, all eligible recipients of direct cash assistance shall access monthly direct cash assistance through the department's vendor payment system or point of sale payments, provided however, that eligible recipients shall not withdraw cash assistance from a point of sale transaction. Beginning on November 30, 2012, eligible recipients of direct cash assistance shall have access to a maximum of \$20 per day of direct cash assistance through automatic teller machines."

After debate, the question on adoption of the further amendment (Hedlund) was determined by a call of the yeas and nays, at twenty-six minutes before ten o'clock P.M., on motion of Mr. Hedlund, as follows to wit (yeas 11 - nays 25) [Yeas and Nays No. 218]:

YEAS

Donoghue, Eileen M. Moore, Richard T.  
Finegold, Barry R. Ross, Richard J.  
Hedlund, Robert L. Rush, Michael F.  
Keenan, John F. Tarr, Bruce E.  
Knapik, Michael R. Timilty, James E. — 11  
Moore, Michael O.

NAYS.

Brewer, Stephen M. Hart, John A., Jr.  
Brownsberger, William N. Jehlen, Patricia D.  
Candaras, Gale D. Joyce, Brian A.  
Chandler, Harriette L. Kennedy, Thomas P.  
Chang-Diaz, Sonia. Montigny, Mark C.  
Clark, Katherine M. Pacheco, Marc R.  
Creem, Cynthia Stone Petruccelli, Anthony  
DiDomenico, Sal N. Rodrigues, Michael J.  
Donnelly, Kenneth J. Rosenberg, Stanley C.  
Downing, Benjamin B. Spilka, Karen E.  
Eldridge, James B. Welch, James T.  
Fargo, Susan C. Wolf, Daniel A. — 25  
Flanagan, Jennifer L.

ABSENT OR NOT VOTING

Berry, Frederick E. McGee, Thomas M.— 2

The yeas and nays having been completed at twenty-two minutes before ten o'clock P.M., the further amendment was *rejected*.

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

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

"Section \_\_\_\_. There is hereby established, within the executive office for administration and finance, the office of taxpayer accountability, whose purpose shall be to ensure that the operations of state government are efficient and cost-effective, to provide timely and accurate information regarding subjects as revenue and economic forecasts, independent analysis of policy changes, economic trends and other factors involving the cost of state government and its impact on the taxpayers of the commonwealth.

Said office shall be administered by an executive director, whom shall be selected by a committee consisting of the governor of the commonwealth or his designee, the treasurer of the commonwealth or a designee, the auditor of the commonwealth or a designee, the inspector general of the commonwealth or a designee, the speaker of the house or a designee, the president of the senate or a designee, and the secretary of the commonwealth or a designee. Said committee shall convene not less than once per year to review the operations of the office, and shall issue reports as necessary to inform the public of those operations.

The executive director shall be subject to the provisions of chapter 268A of the General Laws, and shall serve for a term of three years, provided that an individual holding such position shall be eligible for reappointment to not more than two additional terms, and shall be qualified by relevant experience and education.

The executive director may employ not more than five additional staff members to perform the operations of the office, and may retain the services of consultants and experts on a contract basis to perform the necessary tasks of the office, provided that its total initial cost of operations shall not exceed \$300,000, which shall be defrayed by contributions from the executive office for administration and finance and other state agencies.

Said office shall, at a minimum,

- 1.) develop revenue forecasts and measure those forecasts against spending benchmarks;
- 2.) provide timely analysis of spending matters and proposed policy changes based on the request of constitutional officers and legislators, utilizing both static and dynamic methodologies;
- 3.) maintain a website to provide information to the general public;
- 4.) maintain a 7-day-per-week, 24-hour-per-day telephone line and e-mail capacity to receive suggestions and complaints from taxpayers."

Pending the question on adoption of the amendment, Mr. Hedlund moved that the amendment (Tarr) be amended by striking

section 48 and inserting in the place thereof the following sections:—

“SECTION 48A. Chapter 18 of the General laws, as most recently amended by chapter 84 of the acts of 2011, is hereby amended by striking out sections 5I and 5J and inserting in place thereof the following sections:—

Section 5I. (a) As used in sections 5I through 5J, inclusive, the following terms shall, unless the context clearly requires otherwise, have the following meanings:-

‘Access device’, a card, code, or other means of access including an automated teller machine or point of sale terminal that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods or other things of value, or that can be used to initiate a transfer of funds under the federal Food Stamp Act, 7 U.S.C. § 2011 et seq., or regulations issued pursuant to the federal Food Stamp Act.

‘Cosmetics’, includes (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for beautifying, promoting attractiveness, or altering appearance, and (2) articles intended for use as a component of any such articles; provided, however, that cosmetics shall not include soap, shampoo, deodorant, toothpaste, or other personal hygiene products.

‘Department’, the department of transitional assistance.

‘Direct cash assistance’, any manner of cash assistance provided by the department of transitional assistance, including, but not limited to, temporary aid to families with dependent children, wherein the assistance is provided directly to the recipient, rather than a vendor.

‘Drinking establishment’, any tavern or club licensed to sell alcoholic beverages, wines, or malt beverages pursuant to chapter 138 that derives more than 50 per cent of the establishment’s profit from the sales of alcoholic beverages, wines, or malt beverages.

‘Electronic benefit transfer card’, a card that provides benefits through an electronic benefit transfer.

‘Electronic benefit transfer’, a system for the food stamp program as an alternative to issuing food stamp coupons. An electronic benefit transfer system is a computer-based system in which the benefit authorization is received through a point of sale terminal. Eligible households utilize plastic cards in lieu of food stamp coupons to purchase food items at authorized food retailers. This type of benefit may also be used to issue other types of public welfare benefits.

‘Eligible recipient’, a person who meets the nonfinancial, financial and categorical requirements that the department of transitional assistance utilizes to determine, upon application or review, whether a person is entitled to direct cash assistance, barring any evidence of an outstanding default or arrest warrant issued by any court of the commonwealth.

‘Liquor Store’, any establishment licensed to sell alcoholic beverages, wines, and malt beverages not to be drunk on the premises pursuant to section 15 of chapter 138, and excluding any food store as defined pursuant to section 184B of chapter 94.

‘Performance’, any play, dance, concert, exhibit, including movies, simulcasts, any such entertainment at an establishment which displays live nudity for patrons, as defined pursuant to section 9A of chapter 40A, or any such entertainment performed before one or more persons, excluding performances offered by, at or through any preschool, school, college, university, public library, church or nonprofit organization.

‘Performance venue’, any place at which a performance is conducted, including, but not limited to a: sports arena, stadium, ball park, race track, movie theatre, or establishment which display live nudity for patrons, as defined pursuant to section 9A of chapter 40A.

‘Person’, a natural person, corporation, association, partnership or other legal entity.

‘Travel services’, furnishing or facilitating interstate or foreign travel, including transportation and vacation services.

(b) No person shall knowingly use or accept direct cash assistance funds held on electronic benefit transfer cards or access devices for the purchase or sale of the following services or products, without limitation: (1) alcoholic beverages as defined pursuant to section 1 of chapter 138; (2) lottery tickets; (3) tobacco products as defined pursuant to section 1 of chapter 64C; (4) any visual material intended to create or simulate sexual conduct or sexual excitement as defined pursuant to section 31 of chapter 272; (5) firearms or ammunition as defined pursuant to section 121 of chapter 140; (6) admission to any performances; (7) cosmetics; (8) professional services, excluding medical care, provided by any member of the bar or any person licensed pursuant to chapter 112; (9) travel services; (10) services, excluding childcare services, or memberships provided by health clubs as defined pursuant to section 78 of chapter 93; (11) tattoos for the marking of the human body or other body art or piercings; (12) jewelry; (13) for the rental of goods or real property; (14) for the payment to the commonwealth or any political subdivision thereof of any tax, fee or penalty, including restitution or bail or bail bonds ordered by a court; or (15) gambling as defined pursuant to section 2 of chapter 23K.

(c) Any business that offers for sale the services or products defined by subsection (b), and excluding businesses defined by subsection (e), shall display in an area conspicuous patrons a sign containing the following statement: ‘Massachusetts law (M.G.L. c.18, §5I) prohibits the use of EBT or direct cash assistance for the purchase of the following products and services: alcoholic beverages; tobacco products; lottery tickets; sexually explicit material; firearms or ammunition; admission to performances; cosmetics; professional services; travel services; health club memberships or services; tattoos, body art, or piercings; jewelry; rental goods or property; payment of any tax, fee, or penalty including bail or bail bonds; and gambling. Violators will be punished to the full extent of the law. If you witness EBT benefit fraud, please report it, toll-free, by calling: 1-800-FRAUD-99 (1-800-372-8399).’

The department shall maintain a downloadable template of the sign on the department’s website. Business associations may also maintain a downloadable template of the sign on their websites.

(d) No eligible recipient shall use electronic benefit transfer cards at access devices housed within the following types of businesses: (1) liquor stores; (2) gaming establishments licensed pursuant to chapter 23K; (3) performance venues; (4) adult

bookstores or adult paraphernalia stores, as defined pursuant to section 9A of chapter 40A; (5) firearms dealers licensed pursuant to section 122 of chapter 140 and ammunitions dealers licensed pursuant to section 122B of chapter 140; (6) tattoo parlors; (7) beauty shops, barber shops, manicure shops or aesthetic shops registered pursuant to chapter 112; (8) health clubs as defined pursuant to section 78 of chapter 93; (9) rent-to-own furniture, electronics, or appliance stores; (10) jewelry stores; and (11) drinking establishments; (12) cruise ships.

(e) The following types of businesses shall not house access devices that accept electronic benefit transfer cards: (1) liquor stores; (2) gaming establishments licensed pursuant to chapter 23K; (3) performance venues; (4) adult bookstores or adult paraphernalia stores, as defined pursuant to section 9A of chapter 40A; (5) firearms dealers licensed pursuant to section 122 of chapter 140 and ammunitions dealers licensed pursuant to section 122B of chapter 140; (6) tattoo parlors; (7) beauty shops, barber shops, manicure shops or aesthetic shops registered pursuant to chapter 112; (8) health clubs as defined pursuant to section 78 of chapter 93; (9) rent-to-own furniture, electronics, or appliance stores; (10) jewelry stores; and (11) drinking establishments; (12) cruise ships.

Upon request, any state agency that, in the regular course of business, regulates retail stores shall cooperate with law enforcement regarding potential violations of this section. At minimum, the department shall identify all violators on a monthly basis and direct the appropriate vendor to technologically prohibit the respective access device from accepting electronic benefit transfer cards. Any business or store owner who knowingly houses an access device that accepts electronic benefit transfer cards in violation of this section shall be punished by a fine of not less than \$1,000 for the first offense; not less than \$3,000 for the second offense and not less than \$10,000 for the third or subsequent offense.

(f) Any business defined by subsection (e), shall display in an area conspicuous to patrons a sign containing the following statement: 'Massachusetts law (M.G.L. c.18, §5J) prohibits this store from accepting EBT cards or direct cash assistance and Massachusetts law (M.G.L. c.18, §5I) prohibits customers from purchasing products in this store with EBT cards or direct cash assistance. Violators will be punished to the full extent of the law. If you witness EBT benefit fraud, please report it, toll-free, by calling: 1-800-FRAUD-99 (1-800-372-8399).'

The department shall maintain a downloadable template of the sign on the department's website. Business associations may also maintain a downloadable template of the sign on their websites.

(g) Any eligible recipient of direct cash assistance who knowingly makes a purchase in violation of this section shall reimburse the department for such purchase and shall be disqualified from the direct cash assistance program for a period of 3 months for the first offense and permanently, for the second offense.

(h) Any person, excluding any eligible recipient, who knowingly violates subsection (b), subsection (c), or subsection (f) of this section shall be punished by a fine of not more than \$500 for the first offense, a fine of not less than \$500 nor more than \$1,000 for the second offense and a fine of not less than \$10,000 for the third or subsequent offense.

Section 5J (a) No person shall knowingly transfer, acquire, alter or possess an electronic benefit transfer card or access device in any manner not authorized by the federal Food Stamp Act, the federal Social Security Act, 42 U.S.C. 608(a) et seq., or this chapter.

(b) No person shall present for payment or redemption an electronic benefit transfer card or access device that has been illegally received, transferred, or altered.

(c) Any person who is found to have knowingly violated subsection (a) or subsection (b), if such benefits are of an aggregate value of less than \$100, shall, upon the first conviction thereof, be fined not more than \$1,000 or be imprisoned in a jail or house of correction or the state prison for not more than 1 year, or both, and upon the second and any subsequent conviction thereof, shall be fined not more than \$1,000 or imprisoned in a jail or house of correction or the state prison for not more than 2 1/2 years, or both.

Any person who is found to have knowingly violated subsection (a) or subsection (b), if such benefit has an aggregate value of more than \$100 but less than \$5,000, shall, upon the first conviction thereof, be fined not more than \$10,000 or be imprisoned in a jail or house of correction or in the state prison for not more than 3 years, or both, and, upon the second and any subsequent conviction thereof, shall be fined not more than \$10,000 or be imprisoned in a jail or house of correction or in the state prison for not more than 5 years or both.

Any person who is found to have knowingly violated subsection (a) or subsection (b), if such benefits are of an aggregate value of \$5,000 or more shall be fined not more than \$250,000 or be imprisoned in a jail or house of correction or the state prison for not more than 20 years, or both.

(d) Any person who is found to have knowingly violated subsection (a) or subsection (b) shall forfeit to the commonwealth all property, real and personal, used in connection with the violation or any proceeds traceable to the violation.

The proceeds from any sale of forfeited property and any monies forfeited under this subsection shall be used by the commonwealth to reimburse the bureau of special investigations in the office of the state auditor, established under section 16 of chapter 11, or any other state or local agency for any cost incurred in the investigative effort resulting in the forfeiture.

No interest in property shall be forfeited under this subsection as the result of any act or omission established by the owner of the interest to have been committed or omitted without the knowledge or consent of the owner.

(e) The alcoholic beverages control commission may suspend or revoke the license of any person who is found to have knowingly violated subsection (a) or subsection (b) of this section or subsection (b) or subsection (c) of section 5I.

(f) The state lottery commission may suspend or revoke the license of any person who is found to have knowingly violated subsection (a) or subsection (b) of this section or subsection (b) or subsection (c) of section 5I.

SECTION 48B. Chapter 18 of the General Laws, as so appearing, is hereby amended by inserting after section 5K the following new sections:—

Section 5L. Notwithstanding any general or special law to the contrary, the department shall charge all eligible recipients of direct cash assistance a fee of \$10 for the first requested replacement of an electronic benefit transfer card and a fee of \$25 for any additional replacement of an electronic benefit transfer card. All fees for replacement cards shall be deducted directly from the recipient's direct cash assistance.

Section 5M. Notwithstanding any general or special law to the contrary, direct cash assistance issued by the Commonwealth shall not be used for purchases in states other than Massachusetts and states contiguous to Massachusetts. For the purposes of this section, contiguous states shall mean: New Hampshire, Connecticut, Rhode Island, New York, and Vermont. The department shall identify all violators, at minimum, on a monthly basis. Any eligible recipient who violates this section shall be disqualified from the program for not less than 3 months. The department shall notify the recipient that they must report in person to their local department of transitional assistance office to have their benefits reinstated. Any eligible recipient who violates this section for a second time shall be permanently disqualified from the direct cash assistance program.

Section 5N. Notwithstanding any general or special law to the contrary, the department shall implement a vendor payment system for the non-cash payment of rent and electric and gas utility bills for all eligible recipients of direct cash assistance. The department shall have 50 per cent of all direct cash assistance recipients enrolled in the vendor payment system by July 31, 2012, and shall have the remaining 50 per cent of recipients enrolled in the vendor payment system by November 30, 2012. Beginning on July 31, 2012, all recipients of direct cash assistance shall be enrolled in the vendor payment system upon admittance into the direct cash assistance program.

Section 5O. Notwithstanding any general or special law to the contrary, by November 30, 2012, all eligible recipients of direct cash assistance shall access monthly direct cash assistance through the department's vendor payment system or point of sale payments, provided however, that eligible recipients shall not withdraw cash assistance from a point of sale transaction. Beginning on November 30, 2012, eligible recipients of direct cash assistance shall have access to a maximum of \$20 per day of direct cash assistance through automatic teller machines.

Section 5P. Notwithstanding any general or special law to the contrary, the department shall solicit, in writing, a cost estimate from the department's current vendor and at least one other vendor for the costs associated with requiring the department to include, on the front of each newly issued, re-issued, and existing electronic benefit transfer card, a photograph of the cardholder. The department shall submit a final cost estimate by filing the same with the clerks of the house and the senate not later than November 30, 2012."

After remarks, the question on adoption of the further amendment (Hedlund) was determined by a call of the yeas and nays, at seventeen minutes before ten o'clock P.M., on motion of Mr. Hedlund, as follows to wit (yeas 8 - nays 29) [Yeas and Nays No. 219]:

#### YEAS

Finegold, Barry R. Ross, Richard J.  
Hedlund, Robert L. Rush, Michael F.  
Keenan, John F. Tarr, Bruce E.  
Knapik, Michael R. Timilty, James E. — 8  
NAYS.

Brewer, Stephen M. Jehlen, Patricia D.  
Brownsberger, William N. Joyce, Brian A.  
Candaras, Gale D. Kennedy, Thomas P.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia. Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Pacheco, Marc R.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Donoghue, Eileen M. Rodrigues, Michael J.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Spilka, Karen E.  
Fargo, Susan C. Welch, James T.  
Flanagan, Jennifer L. Wolf, Daniel A. — 29  
Hart, John A., Jr.

#### ABSENT OR NOT VOTING

Berry, Frederick E.— 1

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

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

Mr. Hedlund moved that the bill be amended striking section 48 and inserting in the place thereof the following two sections:—  
“SECTION 48A. Chapter 18 of the General laws, as most recently amended by chapter 84 of the acts of 2011, is hereby amended by striking out sections 5I and 5J and inserting in place thereof the following sections:—

Section 5I. (a) As used in sections 5I through 5J, inclusive, the following terms shall, unless the context clearly requires otherwise, have the following meanings:-

'Access device', a card, code, or other means of access including an automated teller machine or point of sale terminal that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods or other things of value, or that can be used to initiate a transfer of funds under the federal Food Stamp Act, 7 U.S.C. § 2011 et seq., or regulations issued pursuant to the federal Food Stamp Act.

'Cosmetics', includes (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for beautifying, promoting attractiveness, or altering appearance, and (2) articles intended for use as a component of any such articles; provided, however, that cosmetics shall not include soap, shampoo, deodorant, toothpaste, or other personal hygiene products.

'Department', the department of transitional assistance.

'Direct cash assistance', any manner of cash assistance provided by the department of transitional assistance, including, but not limited to, temporary aid to families with dependent children, wherein the assistance is provided directly to the recipient, rather than a vendor.

'Drinking establishment', any tavern or club licensed to sell alcoholic beverages, wines, or malt beverages pursuant to chapter 138 that derives more than 50 per cent of the establishment's profit from the sales of alcoholic beverages, wines, or malt beverages.

'Electronic benefit transfer card', a card that provides benefits through an electronic benefit transfer.

'Electronic benefit transfer', a system for the food stamp program as an alternative to issuing food stamp coupons. An electronic benefit transfer system is a computer-based system in which the benefit authorization is received through a point of sale terminal. Eligible households utilize plastic cards in lieu of food stamp coupons to purchase food items at authorized food retailers. This type of benefit may also be used to issue other types of public welfare benefits.

'Eligible recipient', a person who meets the nonfinancial, financial and categorical requirements that the department of transitional assistance utilizes to determine, upon application or review, whether a person is entitled to direct cash assistance, barring any evidence of an outstanding default or arrest warrant issued by any court of the commonwealth.

'Liquor Store', any establishment licensed to sell alcoholic beverages, wines, and malt beverages not to be drunk on the premises pursuant to section 15 of chapter 138, and excluding any food store as defined pursuant to section 184B of chapter 94.

'Performance', any play, dance, concert, exhibit, including movies, simulcasts, any such entertainment at an establishment which displays lives nudity for patrons, as defined pursuant to section 9A of chapter 40A, or any such entertainment performed before one or more persons, excluding performances offered by, at or through any preschool, school, college, university, public library, church or nonprofit organization.

'Performance venue', any place at which a performance is conducted, including, but not limited to a: sports arena, stadium, ball park, race track, movie theatre, or establishment which display live nudity for patrons, as defined pursuant to section 9A of chapter 40A.

'Person', a natural person, corporation, association, partnership or other legal entity.

'Travel services', furnishing or facilitating interstate or foreign travel, including transportation and vacation services.

(b) No person shall knowingly use or accept direct cash assistance funds held on electronic benefit transfer cards or access devices for the purchase or sale of the following services or products, without limitation: (1) alcoholic beverages as defined pursuant to section 1 of chapter 138; (2) lottery tickets; (3) tobacco products as defined pursuant to section 1 of chapter 64C; (4) any visual material intended to create or simulate sexual conduct or sexual excitement as defined pursuant to section 31 of chapter 272; (5) firearms or ammunition as defined pursuant to section 121 of chapter 140; (6) admission to any performances; (7) cosmetics; (8) professional services, excluding medical care, provided by any member of the bar or any person licensed pursuant to chapter 112; (9) travel services; (10) services, excluding childcare services, or memberships provided by health clubs as defined pursuant to section 78 of chapter 93; (11) tattoos for the marking of the human body or other body art or piercings; (12) jewelry; (13) for the rental of goods or real property; (14) for the payment to the commonwealth or any political subdivision thereof of any tax, fee or penalty, including restitution or bail or bail bonds ordered by a court; or (15) gambling as defined pursuant to section 2 of chapter 23K.

(c) Any business that offers for sale the services or products defined by subsection (b), and excluding businesses defined by subsection (e), shall display in an area conspicuous patrons a sign containing the following statement: "Massachusetts law (M.G.L. c.18, §5I) prohibits the use of EBT or direct cash assistance for the purchase of the following products and services: alcoholic beverages; tobacco products; lottery tickets; sexually explicit material; firearms or ammunition; admission to performances; cosmetics; professional services; travel services; health club memberships or services; tattoos, body art, or piercings; jewelry; rental goods or property; payment of any tax, fee, or penalty including bail or bail bonds; and gambling. Violators will be punished to the full extent of the law. If you witness EBT benefit fraud, please report it, toll-free, by calling: 1-800-FRAUD-99 (1-800-372-8399)."

The department shall maintain a downloadable template of the sign on the department's website. Business associations may also maintain a downloadable template of the sign on their websites.

(d) No eligible recipient shall use electronic benefit transfer cards at access devices housed within the following types of businesses: (1) liquor stores; (2) gaming establishments licensed pursuant to chapter 23K; (3) performance venues; (4) adult bookstores or adult paraphernalia stores, as defined pursuant to section 9A of chapter 40A; (5) firearms dealers licensed pursuant to section 122 of chapter 140 and ammunitions dealers licensed pursuant to section 122B of chapter 140; (6) tattoo parlors; (7) beauty shops, barber shops, manicure shops or aesthetic shops registered pursuant to chapter 112; (8) health clubs as defined pursuant to section 78 of chapter 93; (9) rent-to-own furniture, electronics, or appliance stores; (10) jewelry stores; and (11) drinking establishments; (12) cruise ships.

(e) The following types of businesses shall not house access devices that accept electronic benefit transfer cards: (1) liquor stores; (2) gaming establishments licensed pursuant to chapter 23K; (3) performance venues; (4) adult bookstores or adult paraphernalia stores, as defined pursuant to section 9A of chapter 40A; (5) firearms dealers licensed pursuant to section 122 of chapter 140 and ammunitions dealers licensed pursuant to section 122B of chapter 140; (6) tattoo parlors; (7) beauty shops, barber shops, manicure shops or aesthetic shops registered pursuant to chapter 112; (8) health clubs as defined pursuant to section 78 of chapter 93; (9) rent-to-own furniture, electronics, or appliance stores; (10) jewelry stores; and (11) drinking establishments; (12) cruise ships.

Upon request, any state agency that, in the regular course of business, regulates retail stores shall cooperate with law enforcement regarding potential violations of this section. At minimum, the department shall identify all violators on a monthly basis and direct the appropriate vendor to technologically prohibit the respective access device from accepting electronic benefit transfer cards. Any business or store owner who knowingly houses an access device that accepts electronic benefit transfer cards in violation of this section shall be punished by a fine of not less than \$1,000 for the first offense; not less than \$3,000 for the second offense and not less than \$10,000 for the third or subsequent offense.

(f) Any business defined by subsection (e), shall display in an area conspicuous to patrons a sign containing the following statement: "Massachusetts law (M.G.L. c.18, §5J) prohibits this store from accepting EBT cards or direct cash assistance and Massachusetts law (M.G.L. c.18, §5I) prohibits customers from purchasing products in this store with EBT cards or direct cash assistance. Violators will be punished to the full extent of the law. If you witness EBT benefit fraud, please report it, toll-free, by calling: 1-800-FRAUD-99 (1-800-372-8399)."

The department shall maintain a downloadable template of the sign on the department's website. Business associations may also maintain a downloadable template of the sign on their websites.

(g) Any eligible recipient of direct cash assistance who knowingly makes a purchase in violation of this section shall reimburse the department for such purchase and shall be disqualified from the direct cash assistance program for a period of 3 months for the first offense and permanently, for the second offense.

(h) Any person, excluding any eligible recipient, who knowingly violates subsection (b), subsection (c), or subsection (f) of this section shall be punished by a fine of not more than \$500 for the first offense, a fine of not less than \$500 nor more than \$1,000 for the second offense and a fine of not less than \$10,000 for the third or subsequent offense.

Section 5J (a) No person shall knowingly transfer, acquire, alter or possess an electronic benefit transfer card or access device in any manner not authorized by the federal Food Stamp Act, the federal Social Security Act, 42 U.S.C. 608(a) et seq., or this chapter.

(b) No person shall present for payment or redemption an electronic benefit transfer card or access device that has been illegally received, transferred, or altered.

(c) Any person who is found to have knowingly violated subsection (a) or subsection (b), if such benefits are of an aggregate value of less than \$100, shall, upon the first conviction thereof, be fined not more than \$1,000 or be imprisoned in a jail or house of correction or the state prison for not more than 1 year, or both, and upon the second and any subsequent conviction thereof, shall be fined not more than \$1,000 or imprisoned in a jail or house of correction or the state prison for not more than 2 1/2 years, or both.

Any person who is found to have knowingly violated subsection (a) or subsection (b), if such benefit has an aggregate value of more than \$100 but less than \$5,000, shall, upon the first conviction thereof, be fined not more than \$10,000 or be imprisoned in a jail or house of correction or in the state prison for not more than 3 years, or both, and, upon the second and any subsequent conviction thereof, shall be fined not more than \$10,000 or be imprisoned in a jail or house of correction or in the state prison for not more than 5 years or both.

Any person who is found to have knowingly violated subsection (a) or subsection (b), if such benefits are of an aggregate value of \$5,000 or more shall be fined not more than \$250,000 or be imprisoned in a jail or house of correction or the state prison for not more than 20 years, or both.

(d) Any person who is found to have knowingly violated subsection (a) or subsection (b) shall forfeit to the commonwealth all property, real and personal, used in connection with the violation or any proceeds traceable to the violation.

The proceeds from any sale of forfeited property and any monies forfeited under this subsection shall be used by the commonwealth to reimburse the bureau of special investigations in the office of the state auditor, established under section 16 of chapter 11, or any other state or local agency for any cost incurred in the investigative effort resulting in the forfeiture.

No interest in property shall be forfeited under this subsection as the result of any act or omission established by the owner of the interest to have been committed or omitted without the knowledge or consent of the owner.

(e) The alcoholic beverages control commission may suspend or revoke the license of any person who is found to have knowingly violated subsection (a) or subsection (b) of this section or subsection (b) or subsection (e) of section 5I.

(f) The state lottery commission may suspend or revoke the license of any person who is found to have knowingly violated subsection (a) or subsection (b) of this section or subsection (b) or subsection (e) of section 5I.

SECTION 48B. Chapter 18 of the General Laws, as so appearing, is hereby amended by inserting after section 5K the following new sections:—

Section 5L. Notwithstanding any general or special law to the contrary, the department shall charge all eligible recipients of direct cash assistance a fee of \$10 for the first requested replacement of an electronic benefit transfer card and a fee of \$25 for any additional replacement of an electronic benefit transfer card. All fees for replacement cards shall be deducted directly from the recipient's direct cash assistance.

Section 5M. Notwithstanding any general or special law to the contrary, direct cash assistance issued by the Commonwealth shall

not be used for purchases in states other than Massachusetts and states contiguous to Massachusetts. For the purposes of this section, contiguous states shall mean: New Hampshire, Connecticut, Rhode Island, New York, and Vermont. The department shall identify all violators, at minimum, on a monthly basis. Any eligible recipient who violates this section shall be disqualified from the program for not less than 3 months. The department shall notify the recipient that they must report in person to their local department of transitional assistance office to have their benefits reinstated. Any eligible recipient who violates this section for a second time shall be permanently disqualified from the direct cash assistance program.

Section 5N. Notwithstanding any general or special law to the contrary, the department shall implement a vendor payment system for the non-cash payment of rent and electric and gas utility bills for all eligible recipients of direct cash assistance. The department shall have 50 per cent of all direct cash assistance recipients enrolled in the vendor payment system by July 31, 2012, and shall have the remaining 50 per cent of recipients enrolled in the vendor payment system by November 30, 2012. Beginning on July 31, 2012, all recipients of direct cash assistance shall be enrolled in the vendor payment system upon admittance into the direct cash assistance program.

Section 5O. Notwithstanding any general or special law to the contrary, by November 30, 2012, all eligible recipients of direct cash assistance shall access monthly direct cash assistance through the department's vendor payment system or point of sale payments, provided however, that eligible recipients shall not withdraw cash assistance from a point of sale transaction. Beginning on November 30, 2012, eligible recipients of direct cash assistance shall not have access to monthly direct cash assistance through automatic teller machines.

Section 5P. Notwithstanding any general or special law to the contrary, the department shall solicit, in writing, a cost estimate from the department's current vendor and at least one other vendor for the costs associated with requiring the department to include, on the front of each newly issued, re-issued, and existing electronic benefit transfer card, a photograph of the cardholder. The department shall submit a final cost estimate by filing the same with the clerks of the house and the senate not later than November 30, 2012."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes before eleven o'clock P.M., on motion of Mr. Hedlund, as follows to wit (yeas 13 - nays 24) [Yeas and Nays No. 220]:

YEAS

Donoghue, Eileen M. Moore, Richard T.  
Finegold, Barry R. Pacheco, Marc R.  
Hedlund, Robert L. Ross, Richard J.  
Hart, John A., Jr. Rush, Michael F.  
Keenan, John F. Tarr, Bruce E.  
Knapik, Michael R. Timilty, James E. — 13  
Moore, Michael O.

NAYS.

Brewer, Stephen M. Flanagan, Jennifer L.  
Brownsberger, William N. Jehlen, Patricia D.  
Candaras, Gale D. Joyce, Brian A.  
Chandler, Harriette L. Kennedy, Thomas P.  
Chang-Diaz, Sonia. McGee, Thomas M.  
Clark, Katherine M. Montigny, Mark C.  
Creem, Cynthia Stone Petruccelli, Anthony  
DiDomenico, Sal N. Rodrigues, Michael J.  
Donnelly, Kenneth J. Rosenberg, Stanley C.  
Downing, Benjamin B. Spilka, Karen E.  
Eldridge, James B. Welch, James T.  
Fargo, Susan C. Wolf, Daniel A. — 24

ABSENT OR NOT VOTING

Berry, Frederick E.— 1

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

Ms. Flanagan and Messrs. Tarr, Ross and Knapik moved that the bill be amended by striking out the figure "3", in line 697, and inserting in place thereof the following figure:- 4; by adding in said section 50, the following section:-

"Section 50. The department shall maintain policies and practices as necessary to prevent cash assistance provided under this chapter from being used in any electronic benefits transfer transaction in any liquor store, casino, gambling casino, or gaming establishment, and any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, as defined in Section 408(a) of the Social Security Act, as amended. Such establishments shall not accept electronic benefits transfer cards. A store owner who knowingly allows an electronic benefits transaction in violation of this section shall be punished by a fine of not more than \$500 for the first offense, a fine of not less than \$500 nor more than \$1,000 for the second offense and a fine of not less than \$1,000 for the third or a subsequent offense. For purposes of this section, the term 'electronic benefit transfer transaction' means the use of a credit or debit card service, automated teller machine, point-of-sale terminal or access to an online system for the withdrawal of funds or the processing of a payment or merchandise or a service."; and by inserting, after section 155, the following 5 sections:-

“SECTION 155A. Notwithstanding any general or special law to the contrary, the department of transitional assistance shall provide benefits in the form of vendor payments with respect to rent and utilities whenever a determination is made that the grant has not been used in the best interests of the child or the assistance unit or other chronic misuse of benefits is occurring, provided that vendor payments shall not be instituted when doing so may increase the risk of homelessness, decrease the ability to escape domestic abuse or impair the assistance unit’s ability to withhold payment as a reasonable exercise of consumer or tenant rights when there is a legitimate dispute as to whether the payment is owed. The department of transitional assistance may presume mismanagement of benefits whenever shelter costs, including, but not limited to, rent, heat, fuel, and utilities, have regularly not been met without reasonable cause. At eligibility determinations and redeterminations, the department shall screen households to determine if they have chronically failed to pay rent and utilities to determine if it is appropriate to institute or terminate vendor payments and shall refer households to the housing consumer education centers and community based resources for assistance in meeting their expenses.

SECTION 155B. Notwithstanding any general or special law to the contrary, the inspector general shall conduct a data match survey involving the case records for households receiving cash assistance benefits under chapter 18 for the purposes of uncovering information that is inconsistent with or contradictory to information provided by the cash assistance benefit recipients. The inspector general shall submit a report that shall include the results of a further investigation on a statistically valid sample of the cases for which inconsistent or contradictory information has been found to determine if the household is receiving benefits for which it is not eligible, and if so, whether the error is due to administrative error, unintentional program violation or intentional program violation with the house and senate committees on ways and means or before December 31, 2012; provided, however, that 60 days before filing the report the inspector general shall provide a draft of the report to the department of transitional assistance for review and comment, and shall include the department’s comments with the report when it is made public and filed.

SECTION 155C. Notwithstanding any general or special law to the contrary, the department of transitional assistance shall coordinate with the Massachusetts Bay Transit Authority and each of the regional transit authorities to ensure that by June 30, 2013, cash assistance funds held on electronic benefit transfer cards are accepted for payment of public transportation fares at electronic fare vending machines.

SECTION 155D. Notwithstanding any general or special law to the contrary, the department of transitional assistance shall report on the projected costs of implementing section 155A to the executive office for administration and finance and the house and senate committees on ways and means not later than November 1, 2012.

SECTION 155E. Section 155A shall take effect on July 1, 2013.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes past eleven o’clock P.M., on motion of Ms. Flanagan, as follows to wit (yeas 38 - nays 0) [Yeas and Nays No. 221]:

YEAS

Brewer, Stephen M. Keenan, John F.  
Brownsberger, William N. Kennedy, Thomas P.  
Candaras, Gale D. Knapik, Michael R.  
Chandler, Harriette L. McGee, Thomas M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Murray, Therese  
Donnelly, Kenneth J. Pacheco, Marc R.  
Donoghue, Eileen M. Petrucelli, Anthony  
Downing, Benjamin B. Rodrigues, Michael J.  
Eldridge, James B. Rosenberg, Stanley C.  
Fargo, Susan C. Ross, Richard J.  
Finegold, Barry R. Rush, Michael F.  
Flanagan, Jennifer L. Spilka, Karen E.  
Hart, John A., Jr. Tarr, Bruce E.  
Hedlund, Robert L. Timilty, James E.  
Jehlen, Patricia D. Welch, James T.  
Joyce, Brian A. Wolf, Daniel A. — 38.  
NAYS — 0.

ABSENT AND VOTING.

Berry, Frederick E.— 1

The yeas and nays having been completed at seventeen minutes after eleven o’clock P.M., the amendment was adopted.

Recess in Memory of Joseph L. Marcantonio.

The Senator from Essex and Middlesex, Mr. Tarr moves that when the Senate recesses today, it recess in memory of Joseph L. Marcantonio of Gloucester.

Joseph L. Marcantonio of Gloucester died on August 16, 2011 at the age of 71.

Born in Detroit, Michigan on May 24, 1940, Joe moved to Gloucester when he was just three years old. A lifelong fisherman

from the age of 10 until his retirement in 1987, he fished out of Gloucester and New Bedford Harbors on many vessels, including The Italian Gold, Jainleen III, Carol G., and The Tempest.

Joe served on active duty in the United States Army from January of 1962 until December 31, 1963, and served overseas in Germany during the Berlin Crisis. He enjoyed ship building and spending time with his family, especially with his canine companion, Cody.

Joe was the Senior Vice Commander of the Disabled American Veterans, Chapter 74 for more than 10 years and dedicated himself to helping other veterans. He was also a member of the St. Peter's Club, Veterans of Foreign Wars Post 1624, AMVETS Post 32, the American Legion Capt. Lester S. Wass Post #3, and the Ship Builder's Club.

Joe is survived by his wife of 45 years, Marie T. Marcantonio of Gloucester; his children, Julie Ann Marcantonio of Beverly and Nicholas Marcantonio and his fiancé Carol Smith of Belleair, Florida; his sister, Marie Marcantonio of Gloucester; his mother-in-law, Florence Curcuru of Gloucester; his sisters-in-law and brothers-in-laws, Grace Viola, Carole Salles, Donna Curcuru, Geraldine Genthner, Philip Curcuru and Gary Curcuru; many cousins, nieces and nephews, including, Lawrence, Joseph and Cosimo Marcantonio and also his gang of friends.

In honor of his untiring efforts on behalf of his fellow veterans, the Gloucester Vietnam Memorial Ceremony on Memorial Day, 2012, will be dedicated to Joe. This event will not only honor the man, but the uniform that he proudly wore.

Accordingly, as a mark of respect to the memory of Joseph L. Marcantonio, at twenty minutes past eleven o'clock P.M., on motion of Mr. Brewer, the Senate recessed to meet again tomorrow at nine o'clock A.M.

Friday, May 25, 2012

[being the legislative session of Wednesday, May 23, 2012.]

Met at nine o'clock A.M.

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

There being no objection, during consideration of the Orders of the Day, the Chair (Mr. Rosenberg) handed the gavel to Mr. Hedlund for the purpose of an introduction. Mr. Hedlund then introduced, in the Gallery, the third grade class from the Pingree

School in Weymouth. The Senate welcomed them with applause and they withdrew from the Gallery.  
Orders of the Day.

The Orders of the Day were further considered as follows:

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

Messrs. Hart, Joyce and Brownsberger moved that the bill be amended by adding the following section:-

“SECTION XX. Section 110 of Chapter 205 of the Acts of 1996 is hereby amended in the first sentence by inserting after the words ‘Massachusetts Port Authority properties’ the following:- ‘provided, however the Boston Police Department shall have concurrent jurisdiction with the department of the state police in all Massachusetts Port Authority properties located within the city of Boston except those properties exclusive to maritime and aviation operations, and a memorandum of understanding shall be executed, as appropriate and in the interest of public safety, upon consultation with the Massachusetts Port Authority, between the Massachusetts Port Authority, department of state police and the Boston Police Department that shall include, but not limited to, procedures involving; (i) assignment of officers; (ii) first responder calls and E911 dispatch; (iii) emergencies occurring on Massachusetts Port Authority properties; (iv) criminal investigations of incidents and crimes; (v) arrests and processing of individuals taken into custody.’”

After remarks, the amendment was **adopted**.

Mr. Petrucci moved that the bill be amended in section 2, in item 7004-0101, by adding at the end thereof the following:- “; provided, that funds shall be expended for the purpose of technical assistance by Homes for Families”.

The amendment was **adopted**.

Messrs. Welch and Knapik moved that the bill be amended in section 2, in item 7003-1206, by adding at the end thereof the following:- “provided further, that funds may be expended for the New England Farm Worker’s Council”.

The amendment was **adopted**.

Messrs. Hart and Brownsberger moved that the bill be amended in section 2, in item XXXX-XXXX, by inserting after item 4513-1026 the following item:

"4513-1098 for the provision of statewide support services for survivors of homicide victims, including outreach services, burial assistance, grief counseling, and other support services; provided, that funds shall be expended as grants in the aggregate amount of \$125,000 to the Louis D. Brown Peace Institute, a community-based support organization dedicated to serving families and communities impacted by violence.....\$ 125,000”.

The amendment was **adopted**.

Ms. Creem, Ms. Clark, Messrs. Eldridge, Finegold, Petrucci, DiDomenico and Welch, Ms. Spilka, Ms. Chandler and Mr. McGee moved that the bill be amended in section 2, in item 4401-1000, by striking out the figure "\$130,000" and inserting in place thereof the following figure:-"\$180,000"; and by striking out the figure "\$3,904,506" and inserting in place thereof the following figure:-"\$3,954,506".

The amendment was **adopted**.

Messrs. Berry and Hart, Ms. Spilka, Messrs. Rodrigues, Finegold, Rush and Michael O. Moore, Ms. Clark, Messrs.

Brownsberger, Eldridge and Kennedy, Ms. Donoghue and Messrs. Joyce, Wolf, Knapik and Donnelly moved that the bill be amended in section 2, in item 4000-0600, by striking section 107 and inserting in place thereof, the following section:-

“SECTION 107. (a) Notwithstanding any general or special law to the contrary, after complying with clause (a) of section 5C of chapter 29 of the General Laws, the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2012 as follows: (i) transfer \$15,000,000 from the General Fund to the Massachusetts Life Sciences Investment Fund established by section 6 of chapter 231 of the General Laws; (ii) transfer \$20,000,000 from the General Fund to the Health Care Workforce Transformation Trust Fund established in section 2FFFF of chapter 29 of the General Laws; (iii) transfer \$27,200,000 from the General Fund to item 4000-0640 of section 2 for the purposes of establishing additional nursing facility supplemental Medicaid rates and \$2,800,000 for incentive payments to nursing facilities meeting the criteria determined in the MassHealth nursing facility pay for performance program established in 114.2 CMR 6.00; and (iv) transfer the remaining balance from the General Fund to the Commonwealth Stabilization fund.

(b) All transfers pursuant to this section shall be made from the undesignated fund balances in the budgetary funds proportionally from the undesignated fund balances; provided, however, that no such transfer shall cause a deficit in any of the funds.”

The amendment was **adopted**.

Mr. Montigny moved that the bill be amended by inserting after 161, the following new section:-

“SECTION A. Chapter 12 of the General Laws is hereby amended by inserting after section 8F the following section:-

Section 8F 1/2. (a) For the purposes of this section, the following words shall have the following meanings:

‘Compensation’, anything given or received as an equivalent for services, but shall not include reimbursement for costs and expenses reasonably incurred by the independent officer, director or trustee in the course and support of such service.

‘Independent officer, director or trustee’, an officer, director or trustee of a public charity who is not also serving as an employee,

or the equivalent of an employee, of such public charity.

'Massachusetts based public charity', a public charity incorporated or otherwise organized in the commonwealth or, if incorporated or organized outside of the commonwealth, that primarily conducts its business in the commonwealth.

(b) No Massachusetts based public charity required to be registered under section 8E and to file annual reports under section 8F, shall provide compensation to any independent officer, director or trustee for service as such independent officer, director or trustee except with the approval of the director under this section.

Any such public charity intending to provide compensation to any independent officer, director or trustee shall file an application with the division, on such forms and with such supporting information and documentation as the director shall from time to time prescribe, requesting the approval of the director for the public charity to provide compensation.

The director may adopt and promulgate guidelines, rules or regulations to carry out this section including, but not limited to, the criteria for granting approval and the time period during which such approval shall be effective. Such criteria shall recognize that service as an independent officer, director or trustee of a public charity is recognized as a voluntary contribution of time and expertise to benefit the community served by the public charity and that any departure from the voluntary nature of such service requires a clear and convincing showing that compensation is necessary to enable the public charity to attract and retain experienced and competent individuals to serve as independent officers, directors or trustees.

If the director approves an application for compensation, amounts paid as said compensation shall be limited to the amount the Massachusetts based public charity reasonably determines are necessary to accomplish the purposes for which compensation is paid. The director may rescind the approval for compensation if the director finds that any compensation paid under this section is in excess of that reasonably necessary to accomplish the purposes for which compensation is approved and paid.

SECTION B. Notwithstanding any general or special law to the contrary the attorney general may review the compensation of any officer, director or senior manager acting in an executive capacity for a public charity, required to be registered under section 8E of chapter 12 and to file annual reports under section 8F of chapter 12, to consider the appropriate compensation levels given the nature and mission of the public charity. In so doing, the attorney general may examine the compensation standards of not-for-profit public charities, both within the commonwealth and nationwide. For the purposes of this section, compensation shall include salary, bonus payments, incentive payments, deferred compensation, severance payments, below market rate loans, and the lease or rental of real estate, personal property or any vehicle. The attorney general shall report the findings of this review, which may include recommendations about excessive compensation, to the clerks of the senate and the house of representatives by December 31, 2012.

SECTION C. Section A shall take effect 6 months after the effective date of this act."

The amendment was **adopted**.

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

"SECTION 1: Section XX. Chapter 175 of the General Laws is amended by inserting, after Section 19W, the following new section:-

Section 19X. (a)(1) A majority of directors at a mutual company, as defined by section 19G of chapter 175, shall be independent directors by January 1, 2017.

(2) No director shall qualify as independent unless the board of directors affirmatively determines that the director has no direct material relationship with the mutual company and is not a partner, shareholder or other officer of an organization that has a material relationship with the company.

(b) (1) Mutual companies, as defined by section 19G of chapter 175, shall have a compensation committee composed entirely of independent directors established by January 1, 2017.

(2) The compensation committee shall have a written charter that addresses the committee's purpose and responsibilities, which, at a minimum, shall be to have the direct responsibility to:

- i. Review and approve the mutual company's goals and objectives relevant to the Chief Executive Officer's compensation, evaluate the CEO's performance in light of those goals and objectives, and, either as a committee or together with the other independent directors, determine and approve the CEO's compensation level based on this evaluation; and
- ii. Make recommendations to the board with respect to non-CEO executive officer compensation, and incentive compensation and equity based plans that are subject to board approval.

SECTION 2: The Commissioner of Insurance shall promulgate regulations utilizing industry best practices to define the term "independent" as used in the preceding section, provided however that a director shall not be considered independent if:

- i. The director is, or has been within the last three years, an employee of the mutual company, or an immediate family member is, or has been within the last three years, an executive officer, of the mutual company;
- ii. The director has received, or has an immediate family member who has received, during any twelve-month period within the last three years, more than \$120,000 in direct compensation from the mutual company, other than director and committee fees and pension or other forms of deferred compensation for prior service, provided such compensation is not contingent in any way on continued service; or
- iii. The director is a current employee, or an immediate family member is a current executive officer, of a company that has made payments to, or received payments from, the mutual company for property or services in an amount which, in any of the last three fiscal years, exceeds the greater of \$1 million or 2% of such other company's consolidated gross revenues.
- iv. The director or an immediate family member is, or has been within the last 3 years, employed as an executive officer of another company where any of the mutual company's present executive officers at the same time serves or served on that

company's compensation committee.

The commissioner shall update such regulations from time to time."

The amendment was *rejected*.

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

"SECTION \_\_. The office of the inspector general shall study and report on the feasibility of setting limits on the annual compensation of the executive staff of a nonprofit corporation or public charity that receives any public funds from the commonwealth equal to or greater than 30 per cent of such nonprofit corporation or public charity's yearly budget. The office of the inspector general shall report its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the house of representatives and senate and the house and senate committees on ways and means not later than December 31, 2012."

The amendment was *rejected*.

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

"SECTION \_\_. Chapter 180 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 3A the following section:—

Section 3B. A public charity, which received more than \$5,000,000 in gross support and revenue during the fiscal year covered by its report, shall establish an audit committee appointed by the board of directors. Members shall be appointed for 5 year staggered terms. The audit committee may include persons who are not members of the board of directors, but no member of the audit committee shall be a member of the staff of the public charity, including the president or chief executive officer and the treasurer or chief financial officer. If the public charity has a preexisting finance committee, it must be separate from the audit committee. Members of the finance committee may serve on the audit committee; provided, however, that the chairperson of the audit committee shall not be a member of the finance committee; and provided further, that members of the finance committee shall constitute less than one-half of the membership of the audit committee. Members of the audit committee shall not receive any compensation for their services on the board in excess of the compensation, if any, received by members of the board of directors and shall not have a material financial interest in any entity doing business with the corporation.

Subject to the supervision of the board of directors, the audit committee shall be responsible for making recommendations to the board of directors relative to the retention and termination of an independent auditor and may negotiate the independent auditor's compensation on behalf of the board of directors. The audit committee shall: confer with the independent auditor to satisfy its members that the financial affairs of the public charity are in order; review and determine whether to accept the audit; ensure that any nonaudit services performed by the auditing firm conform to standards for auditor independence referred to in the first paragraph of this section; and approve the performance of nonaudit services by the auditing firm. If the public charity required to establish audit committee pursuant to this section is under the control of another corporation, the members of the audit committee may be members of the board of directors of the controlling corporation.

The audit committee shall establish procedures for the receipt, retention, and treatment of complaints received by an employee of the public charity regarding questionable accounting practices; internal accounting controls; or auditing matters.

Public charities required to submit a financial statement audited or reviewed by an independent certified public accountant shall be prohibited from retaining or using the same auditor or auditing firm for more than five consecutive years."

The amendment was *rejected*.

Messrs. Joyce and Montigny, Ms. Jehlen and Mr. Eldridge moved that the bill be amended by inserting at the end thereof the following section:-

"SECTION \_\_. (a) Chapter 175 of the General Laws is hereby amended by inserting after section 19W the following section:-

Section 19X: (a) A mutual or mutual holding company shall provide clear, concise and understandable disclosure of all compensation awarded to, earned by or paid to the named executive officers or directors designated in subsection (b). Mutual companies shall conspicuously publish disclosure in a format readily accessible to members.

(b) For the purposes of this section, a 'named executive officer or director' shall mean:

- (i) a person serving as a company's principal or chief executive officer or acting in a similar capacity during the last completed fiscal year, the 'CEO', regardless of compensation level;
- (ii) a person serving as a company's principal or chief financial officer or acting in a similar capacity during the last completed fiscal year, the 'CFO', regardless of compensation level;
- (iii) a company's 3 most highly compensated executive officers other than the CEO and CFO who were serving as executive officers at the end of the last completed fiscal year;
- (iv) up to 2 additional persons for whom disclosure would have been provided pursuant to clause (iii) but for the fact that the individual did not serve as an executive officer of the company at the end of the last completed fiscal year; and
- (v) a company's directors.

(c) The commissioner of insurance shall further promulgate regulations with the express purpose of requiring a mutual or mutual holding company to provide full and accurate disclosure of:

- (i) all compensation to the named executive officers or directors, whether paid or accrued; and
- (ii) all conflicts of interest, whether direct or indirect.

(b) Chapter 167 of the General Laws is hereby amended by inserting after section 51 the following section:-

(a) A mutual bank, co-operative bank or credit union shall provide clear, concise and understandable disclosure of all compensation awarded to, earned by or paid to the named executive officers or directors designated in subsection (b). A mutual

bank, co-operative bank or credit union shall conspicuously publish disclosure in a format readily accessible to members.

(b) For the purposes of this section, a 'named executive officer or director' shall mean:

- (i) a person serving as a company's principal or chief executive officer or acting in a similar capacity during the last completed fiscal year, the 'CEO', regardless of compensation level;
- (ii) a person serving as a company's principal or chief financial officer or acting in a similar capacity during the last completed fiscal year, the 'CFO', regardless of compensation level;
- (iii) a company's 3 most highly compensated executive officers other than the CEO and CFO who were serving as executive officers at the end of the last completed fiscal year;
- (iv) up to 2 additional persons for whom disclosure would have been provided pursuant to clause (iii) but for the fact that the individual did not serve as an executive officer of the company at the end of the last completed fiscal year; and
- (v) a company's directors.

(c) The commissioner of banks shall further promulgate regulations with the express purpose of requiring a mutual bank, co-operative bank or credit union to provide full and accurate disclosure of:

- (i) all compensation to the named executive officers or directors, whether paid or accrued; and
- (ii) all conflicts of interest, whether direct or indirect."

The amendment was *rejected*.

Mr. Welch 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 \$100,000 shall be expended for the Springfield Neighborhood Housing Services, Inc."

The amendment was *rejected*.

Mr. DiDomenico, Ms. Candaras, Messrs. Joyce and Michael O. Moore, Ms. Jehlen, Messrs. Welch, Donnelly and Brownsberger and Ms. Chang-Diaz moved that the bill be amended in section 2, in item 4000-0640, by adding the following: -"provided further, that not less than \$2,800,000 shall be expended as incentive payments to nursing facilities meeting the criteria determined under the MassHealth Nursing Facility Pay-for-Performance Program 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 that 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 section"

After remarks, the amendment was *rejected*.

Messrs. Montigny and Joyce, Ms. Jehlen and Ms. Chang-Diaz moved that the bill be amended by adding the text of Senate document numbered 2280, relative to executive compensation for mutual companies.

The amendment was **adopted**.

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Recess.

At fourteen minutes before ten o'clock A.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at twenty-six minutes before eleven o'clock A.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 two thousand thirteen for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4101),-- was further considered, the main question being on ordering it to a third reading.

Ms. Spilka moved that the bill be amended in section 2, in item 7112-0100, by inserting at the end thereof the following words: -"; provided, that \$200,000 shall be expended for the Christa McAuliffe Challenger Learning Center at Framingham State University"; and by striking out the figure "\$21,266,256" and inserting in place thereof the following figure: - "\$21,466,256".

The amendment was **adopted**.

Mr. Finegold moved that the bill be amended in section 2, in item 1102-3205, by inserting after item 1102-3232 the following item:-

"1102-XXXX. Provided, that \$200,000 shall be expended for a competitive grant program to provide financial support for 1-time costs, including land acquisition, related to construction of municipal town halls to meet compliance for accessibility under the Americans with Disabilities Act where the municipality is under court order to commence construction by December 31, 2013..... \$200,000".

The amendment was **adopted**.

Mr. Rosenberg in the Chair, Mr. Richard T. Moore moved that the bill be amended in Section 19 by adding, in line 161, after the words "with the" the following: - "State Secretary"; and in line 166, by inserting at the end thereof the following: - "The Superintendent shall consult with the Massachusetts Historical Commission regarding restoration of any element of the State House."

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2, in item 4000-0300, by inserting after the word “requirements;” the following:—“provided further, that in determining inpatient rates for any acute hospitals, the executive office shall utilize the same payment methodology to calculate hospital capital costs as was in effect on February 1, 2012”.

The amendment was *rejected*.

Messrs. Rodrigues, Michael O. Moore, Tarr and Finegold, Ms. Candaras, Messrs. Timilty, Welch, Rush and DiDomenico, Ms. Clark and Mr. Knapik moved that the bill be amended by inserting after section \_\_, the following new 4 sections:—

“SECTION \_\_. Section 3 of chapter 175H of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting before the word ‘Any’, in line 1, the following:— (a).

SECTION \_\_. Said section 3 of said chapter 175H, as so appearing, is hereby further amended by inserting after word ‘rebate’, in line 7, the following words:— , except as provided in subsection (b).

SECTION \_\_. Said section 3 of said chapter 175H, as so appearing, is hereby further 7 amended by adding the following 3 subsections:—

(b)(1) This section shall not apply to any discount or free product vouchers that a retail pharmacy provides to a consumer in connection with a pharmacy service, item or prescription transfer offer or to any discount, rebate, product voucher or other reduction in an individual’s out-of-pocket expenses, including co-payments and deductibles, on (i) any biological product as defined in section 351 of the Public Health Service Act, 42 USC 262, or (ii) any prescription drug provided by a pharmaceutical manufacturing company, as defined in section 1 of chapter 111N, that is made available to an individual if the discount, rebate, product voucher or other reduction is provided directly or electronically to the individual or through a point of sale or mail-in rebate, or through similar means; provided, however, that a pharmaceutical manufacturing company shall not exclude nor favor any pharmacy in the redemption of such discount, rebate, product voucher or other expense reduction offer to a consumer.

(2) Pharmaceutical manufacturing companies are prohibited from offering any discount, rebate, product voucher or other reduction in an individual’s out-of-pocket expenses, including co-payments and deductibles, for any prescription drug that has an AB rated generic equivalent as determined by the Food and Drug Administration.

(c) Subsection (b) shall not: (i) restrict a pharmaceutical manufacturing company with regard to how it distributes a prescription drug, biologic or vaccine; or (ii) restrict a carrier or a health maintenance organization, as defined in section 1 of chapter 118G, with regard to how its plan design will treat such discounts, rebates, product voucher or other reduction in out-of-pocket expenses; or (iii) affect in any way the obligations of practitioners and pharmacists pursuant to the generic substitution statute as defined in section 12D of chapter 112.

(d) For purposes of the federal Health Insurance Portability and Accountability Act of 1996, hereinafter referred to as HIPAA, and regulations promulgated under HIPAA, nothing in this section shall be deemed to require or allow the use or disclosure of health information in any manner that does not otherwise comply with HIPAA or regulations promulgated under HIPAA.

SECTION \_\_. By no later than December 31, 2015, the division of health care finance and policy, in consultation with the department of public health, shall conduct and complete an analysis of the impact on health care costs of the use of discounts, rebate, product voucher or other reduction for biological products and prescription drugs authorized pursuant to this Act. The report shall include, but not be limited to, a comparison of any change in utilization of generic versus brand name prescription drugs, the affect on patient adherence to prescribed drugs, patient access to innovative therapies, and an analysis of the impact on commercial health insurance premiums and on premiums associated with the group insurance commission.

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.”

Pending the question on adoption of the amendment, Mr. Richard T. Moore moved that the pending amendment be amended in subsection (b) of proposed section 90C by adding the following paragraph:—

“(3) If a discount, rebate, product voucher or other reduction in an individual’s out-of-pocket expenses is applied to a consumer’s prescription, the discount, rebate, product voucher or other cost reduction shall be made available for all renewals thereof. Any consumer alleging a violation of this clause shall contact the department of public health or the office of consumer affairs and business regulation to report the violation. If a violation of this clause is found to have occurred, the pharmaceutical manufacturer or any intermediary which interfered with the availability of the discount, rebate, product voucher or other cost reduction shall make the discount, rebate, product voucher or other cost reduction available to the consumer for the life of the prescription and pay a fine of not more than \$1,000 to the department of public health.”

After remarks, the further amendment (R. T. Moore) was adopted.

The pending amendment (Rodrigues et al), as amended (R.T. Moore) was then considered, and after remarks, was adopted.

Messrs. Tarr, Knapik and Hedlund moved that the bill be amended by inserting the text of Senate document numbered 2281, relative to fair employment and security.

Pending the question on adoption of the amendment, Messrs. Richard T. Moore, Hedlund, Tarr, Knapik and Ross moved that the amendment be amended by striking out the text and inserting in place thereof the text of Senate document numbered 2282, relative to fair employment and security.

After debate, the further amendment (Richard T. Moore et al) was adopted.

The pending amendment (Tarr et al), as amended (R. T. Moore) was then considered, and it was adopted.

Messrs. Montigny and Tarr moved that the bill be amended bill by inserting, after Section 161, the following new section:—

“SECTION \_\_. Section 29J of said chapter 29, as appearing in the 2010 Official Edition, is hereby amended by adding the following sentence:— As used in this section, “state agency” includes an institution of public higher education or an association of the trustees of such institutions, and “state funds” includes all funds that state agencies and authorities are authorized to receive

and expend by virtue of the powers granted to them under their enabling statutes, including trust funds under the control of such institutions.”

After remarks, the amendment was **adopted**.

Mr. Brewer moved that the bill be amended in section 2, in item 1108-5200, by striking out the figure “\$1,128,126,679” and inserting in place thereof the following figure:- “\$1,223,126,679”;

In said section 2, in item 1599-0026, by inserting after the word “improvements”, in line 1, the following words:- “; provided, that \$90,000 shall be expended for planning and capital improvements to recreational and open space facilities in central Massachusetts; provided further, that \$2,000,000 shall be expended for a pilot program to connect rural regions with state economic, housing, community and business development programs in the counties of Worcester, Hampden, Hampshire, Franklin and Berkshire”;

In said section 2, in said item 1599-0026, by striking out the figure “\$8,000,000” and inserting in place thereof the following figure:- “\$10,090,000”;

In said section 2, in item 1599-1300, by striking out, in line 14, the word “September” and inserting in place thereof the following word:- “October”;

In said section 2, in said item 1599-1300, by striking out, in line 17, the word “October” and inserting in place thereof the following word:- “November”;

In said section 2, in item 2300-0101, by striking out the figure “\$416,974” and inserting in place thereof the following figure:- “\$442,824”;

In said section 2, in item 2511-0100, by striking out, in lines 7 and 8, the words, “funds shall be expended for the apiary” and inserting in place thereof the following words:- “not less than \$80,000 shall be expended for the apiary”;

In said section 2, in said item 2511-0100, by striking out the figure “\$4,510,993” and inserting in place thereof the following figure:- “\$4,557,151”;

In said section 2, in item 2511-3002, by striking out the figure “\$52,422” and inserting in place thereof the following figure:- “\$64,422”;

In said section 2, in item 4100-0060, by inserting after the penultimate proviso the following proviso:- “; provided further, that the division of health care finance and policy shall allocate \$2,400,000 for the Catastrophic Illness in Children Relief Fund, established in section 2ZZ of chapter 29 of the General Laws, from funds previously allocated for a demonstration project under section 22 of chapter 47 of the acts of 1997”;

In said section 2, in item 4513-1020, by striking out, in line 17, the words “fully reimburse the department of public health for all” and inserting in place thereof the following words:- “cover the”;

In said section 2, in item 5011-0100, by striking out, in line 4, the figure “2014” and inserting in place thereof the following figure:- “2013”;

In said section 2, in item 5095-0015, by adding the following words:- “; and provided further, that \$100,000 shall be allocated for the purposes of hiring a consultant as established in section 141”;

In said section 2, in item 7004-0099, by adding the following words:- “; and provided further, that the department shall expend up to \$50,000 for the operation of a pilot program on Cape Cod aimed at removing barriers to self-sufficiency”;

In said section 2, in said item 7004-0099, by striking out the figure “\$6,934,734” and inserting in place thereof the following figure:- “\$6,964,734”;

In said section 2, in item 7004-0102, by adding the following words:- “; and provided further, that not less than \$248,000 shall be expended for the River House Shelter in the city of Beverly”;

In said section 2, in said item 7004-0102, by striking out the figure “\$40,250,335” and inserting in place thereof the following figure:- “\$40,498,335”;

In said section 2, in item 7008-0900, by adding the following words:- “; provided further, that not less than \$250,000 shall be expended as matching grants to the Plymouth 400th Committee for the commemoration of the town of Plymouth’s 400th anniversary; provided further, that not less than \$50,000 shall be expended for the town of Pembroke’s 300th anniversary; provided further, that not less than \$20,000 shall be expended for the Cape Cod Canal centenary celebration; and provided further, that not less than \$10,000 shall be expended for the town of Abington’s tricentennial celebration”;

In said section 2, in said item 7008-0900, by striking out the figure “\$6,887,109” and inserting in place thereof the following figure:- “\$7,217,109”;

In said section 2, in item 7061-0008, by striking out the figure “\$4,171,078,492” and inserting in place thereof the following figure:- “\$4,171,079,892”;

In said section 2, in item 7061-0011, by inserting after the word “greater” the following words:- “; provided further, that funds may be expended to assist districts with behavioral treatment residential student placements; provided further, that funds shall be expended to assist districts with foundation enrollment growth of greater than 250 pupils between fiscal year 2012 preliminary foundation enrollment calculations and updated fiscal year 2012 foundation enrollment calculations”;

In said section 2, in said item 7061-0011, by striking out the figure \$3,500,000 and inserting in place thereof the following figure:- \$4,500,000;

In said section 2, in item 7100-0200, by adding the following words:- “; and provided further, that not less than \$50,000 shall be expended for research on breast cancer prevention performed in collaboration with the University of Massachusetts at Lowell, the Silent Spring Institute and the Massachusetts Breast Cancer Coalition”;

In said section 2, in said item 7100-0200, by striking out the figure “\$417,982,753” and inserting in place thereof the following

figure:- "\$418,032,753";

In said section 2, in item 8910-8710, by inserting after the word "reimbursements", in line 3, the following words:- "; provided further, that if federal inmate reimbursement revenues are not sufficient to meet this appropriation, the projected difference between \$18,000,000 and projected federal inmate reimbursements received shall be transferred to this item from the General Fund without further appropriation";

In said section 2, in said item 8910-8710, by striking out the figure "\$16,000,000", each time it occurs, and inserting in place thereof the following figure:- "\$18,000,000";

In section 2B, in item 1790-0200, by striking out the figure "\$68,000,000" and inserting in place thereof the following figure:- "\$71,551,608";

In section 2E, in item 1595-1067, by striking out, in line 2, the figure "35WW" and inserting in place thereof the following figure:- "35UU";

In said section 2E, in item 1595-5819, by striking out, in lines 28 to 30, inclusive, the words "calculated by the employer for credit by the federal government under the federal Patient Protection and Affordable Care Act" and inserting in place thereof the following words:- "determined by the commonwealth health insurance connector authority";

In section 3, in the municipality of Abington, by striking out the figure "\$7,323,874" under the caption "Chapter 70" and inserting in place thereof the following figure:- "\$7,324,394";

In said section 3, in the municipality of Medford, by striking out the figure "\$11,047,033" under said caption "Chapter 70" and inserting in place thereof the following figure:- "\$11,047,553";

In said section 3, in the Regional School District of Bridgewater Raynham, by striking out the figure "\$20,269,211" under said caption "Chapter 70" and inserting in place thereof the following figure:- "\$20,269,571";

In said section 3, in the "Total Municipal" line by striking out the figure "\$3,518,837,391" under said caption "Chapter 70" and inserting in place thereof the following figure:- "\$3,518,838,431";

In said section 3, in the "Total Regional" line, by striking out the figure "\$652,241,101" under said caption "Chapter 70" and inserting in place thereof the following figure:- "\$652,241,461";

In said section 3 in the "Total State" line, by striking out the figure "\$4,171,078,492" under said caption "Chapter 70" and inserting in place thereof the following figure:- "\$4,171,079,892";

In section 21, by inserting after the word "general", in line 284, the following words:- "responsible for";

In said section 21, by striking out, in line 293, the word "sustained" and inserting in place thereof the following word:- "sustains";

In section 32, by striking out, in lines 429 and 430, the first time it appears, the words "in the commonwealth";

In said section 32, by inserting after the word "office", in line 431, the following words:- "or place of business";

In section 51, by striking out, in line 767, the words "for its employees";

In said section 51, by inserting after the word "management", in line 769, the following words:- "for community-based services";

In section 69, by striking out, in line 962, the words "Massachusetts Community Preservation Trust Fund" and inserting in place thereof the following words:- "Community Preservation Fund";

By inserting after section 100 the following section:-

"SECTION 100A. Item 9510-0000 of section 2 of chapter 68 of the acts of 2011 is hereby amended by adding the following words:- ; and provided further, that any funds remaining in this item as of June 30, 2012 shall not revert but shall be available for expenditure until December 31, 2012 at which point they shall revert";

By striking out section 105;

In section 132, by inserting after the word "education", in line 1834, the following words:- "or the University of Massachusetts, as applicable";

By inserting after section 155 the following section:-

"SECTION 155A. The special commission established in section 36 of chapter 45 of the acts of 2005 is hereby revived and continued. The commission shall report to the general court the results of its investigation and study and its recommendations, if any, by filing the same with the clerks of the senate and house of representatives not later than June 30, 2013."; and

By inserting after section 157 the following 2 sections:-

"SECTION 157A. The routine childhood immunizations surcharge assessment required under section 4 of chapter 118I of the General Laws shall take effect on July 1, 2013.

SECTION 157B. Section 73 shall take effect on July 1, 2013."

The amendment was **adopted**.

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

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at six minutes before twelve o'clock noon, on motion of Mr. Tarr, as follows, to wit (yeas 36 — nays 0) [Yeas and Nays No. 222]:  
YEAS

Brewer, Stephen M. Keenan, John F.

Brownsberger, William N. Kennedy, Thomas P.

Candaras, Gale D. Knapik, Michael R.

Chandler, Harriette L. McGee, Thomas M.

Chang-Diaz, Sonia Montigny, Mark C.

Clark, Katherine M. Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
DiDomenico, Sal N. Murray, Therese  
Donnelly, Kenneth J. Pacheco, Marc R.  
Donoghue, Eileen M. Petruccelli, Anthony  
Eldridge, James B. Rodrigues, Michael J.  
Fargo, Susan C. Ross, Richard J.  
Finegold, Barry R. Rush, Michael F.  
Flanagan, Jennifer L. Spilka, Karen E.  
Hart, John A., Jr. Tarr, Bruce E.  
Hedlund, Robert L. Timilty, James E  
Jehlen, Patricia D. Welch, James T.  
Joyce, Brian A. Wolf, Daniel A. — 36  
NAYS — 0.  
ABSENT OR NOT VOTING  
Berry, Frederick E. Rosenberg, Stanley C.— 3.  
Downing, Benjamin B.

**The yeas and nays having been completed at two minutes before twelve o'clock noon, the bill was passed to be engrossed, in concurrence, with the amendments. [For text of Senate amendments, see Senate, No. 2275, printed as amended.] Sent to the House for concurrence in the amendments.**

*Order Adopted.*

On motion of Mr. Hart,--

*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.

On motion of Mr. Rosenberg, at twenty-three minutes past twelve o'clock noon, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.