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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, May 25, 2011.

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

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

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. DiDomenico for the purpose of an introduction. Mr. DiDomenico then introduced the pre-school class from the Webster School in Everett. The students addressed the Senate and sang the national anthem from the front of the Chamber. They were accompanied by teachers Mrs. Langone and Mrs. Simonelli.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Chandler for the purpose of an introduction. Ms. Chandler then introduced, in the rear of the Chamber, the Advanced Placement History Class from West Boylston High School. They were accompanied by their teacher Ms. Foley. 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 introduced, in the rear of the Chamber, Bessie and Stephen Passias from Brockton. They were accompanied by Elsa Tzanou who was visiting from Greece. They were guests of Senator Kennedy. 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 Ms. Candaras for the purpose of an introduction. Ms. Candaras then introduced Eric Devine, the President of the John Boyle O'Reilly Club in Springfield. The members of the John Boyle O'Reilly Club are dedicated Irish and Irish-Americans whose goal is to preserve and promote their Irish heritage. The Senate welcomed him with applause and withdrew from the Chamber.

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3454) of Timothy R. Madden and Daniel A. Wolf (by vote of the town) for legislation that the town of West Tisbury be authorized to grant licenses for the sale of alcoholic beverages to be drunk on the premises;
To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3455) of Charles A. Murphy, James R. Miceli and Bruce E. Tarr (by vote of the town) for legislation for certain changes in the charter of the town of Wilmington relative to the appointment of a town manager in said town; and

Petition (accompanied by bill, House, No. 3456) of Timothy J. Toomey (with the approval of the mayor and city council) for legislation to authorize the city of Somerville to use Harris Park for purposes other than a park or a playground;
Severally to the committee on Municipalities and Regional Government.

A Bill relative to amending the charter of the town of Saugus (House, No. 3336,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session**

Report of the committee on Labor and Workforce Development asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 30) of the Commission on Uniform State Laws relative to making uniform certain aspects of mediation,-- **and recommending that the same be referred to the committee on the Judiciary,-- was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Orders of the Day.

The House Bill making appropriations for the fiscal year 2012 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. 3401),- **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 3, the following amendments were considered:-

Mr. Rodrigues, Ms. Spilka and Mr. Rosenberg moved that the bill be amended by inserting after section 22 the following 2 sections:-

“Section 22A. Section 6 of chapter 18C of the General Laws, as so appearing, is hereby amended by inserting, after the word “and” in line 3 the following words:- shall have unrestricted access to all electronic information systems,.

Section 22B. Section 6 of chapter 18C of the General Laws, as so appearing, is hereby further amended by striking in line 4 the words ‘to all relevant’.”

After remarks, the amendment was adopted.

Messrs. Hart and DiDomenico, Ms. Fargo, Messrs. Finegold, Kennedy, Michael O. Moore and Welch, Ms. Spilka, Messrs. McGee and Montigny and Ms. Chang-Diaz moved that the bill be amended by inserting in Section 2, before item 7003-0702 the following item:

“7002-0012..For a youth-at-risk program targeted at reducing juvenile delinquency in high risk areas; provided, that these funds may be expended for the development and implementation of a year-round employment program for at-risk youth as well as existing year-round employment programs; provided further, that \$500,000 of these funds shall be matched by private organizations; and provided further, that funds shall be available for expenditure through August 31, 2012; prior appropriation continued..... \$3,000,000”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes before twelve o'clock noon, on motion of Mr. Hart, as follows to wit (*yeas 36 -- nays 1*) [**Yeas and Nays No. 17**]:

YEAS

Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Keenan, John F.
Brewer, Stephen M.	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.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
Finegold, Barry R.	Timilty, James E
Flanagan, Jennifer L.	Tolman, Steven A.
Hart, John A., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. — 36.

NAYS

Tarr, Bruce E. — 1.

ANSWERED “PRESENT”.

Hedlund, Robert L.— 1.

ABSENT OR NOT VOTING

Rush, Michael F.— 1.

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

Ms. Fargo moved that the bill be amended by inserting, after section 152 the following new section:-

“SECTION 153. Paragraph (2) of subsection (k) of section 6 of chapter 62 of the General Laws, as appearing in the 2008 Official Edition, is amended by inserting after the figure ‘\$750’, as so appearing, at the end of said paragraph, the following words:- ; except, in the event that the taxpayer’s total income does not exceed 50 percent of the income limitation as applicable to the taxpayer under clause (i) of paragraph (3) of this subsection, as increased under paragraph (4) of this subsection, then such amount to which the real estate tax payment or the rent constituting real estate tax payment exceeds the taxpayer’s total income shall be calculated based on 8 ½ percent of such total income.”; and

By inserting after section 153, the following new section:-

"SECTION 154. Section 153 shall take effect as of January 1, 2012."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at six minutes before twelve o'clock noon, on motion of Mr. Ross, as follows to wit (*yeas 9 -- nays 29*) [**Yeas and Nays No. 18**]:

YEAS

Chang-Diaz, Sonia Moore, Richard T.

Fargo, Susan C. Pacheco, Marc R.

Hedlund, Robert L. Ross, Richard J.

Jehlen, Patricia D. Tarr, Bruce E. — 9.

Knapik, Michael R.

NAYS

Baddour, Steven A. Joyce, Brian A.

Berry, Frederick E. Keenan, John F.

Brewer, Stephen M. Kennedy, Thomas P.

Candaras, Gale D. McGee, Thomas M.

Chandler, Harriette L. Montigny, Mark C.

Clark, Katherine M. Moore, Michael O.

Creem, Cynthia Stone Petruccelli, Anthony

DiDomenico, Sal N. Rodrigues, Michael J.

Donnelly, Kenneth J. Rosenberg, Stanley C.

Donoghue, Eileen M. Spilka, Karen E.

Downing, Benjamin B. Timilty, James E.

Eldridge, James B. Tolman, Steven A.

Finegold, Barry R. Welch, James T.

Flanagan, Jennifer L. Wolf, Daniel A. — 29.

Hart, John A., Jr.

ABSENT OR NOT VOTING

Rush, Michael F. — 1.

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

Ms. Fargo and Mr. Richard T. Moore moved that the bill be amended by inserting, after section 152, the following new section:-

"SECTION 153. The Ashburton Place Flag Pole Island that is located in proximity to The State House and The John W. McCormack State Office Building bordered by the streets known as Bowdoin Street and Ashburton Place, in the city of Boston, under the care and control of the bureau of state office buildings, shall be dedicated and known as the ‘Veterans’ Memorial Flag Plaza’ in memory of those who have served with courage and honor in the armed forces and national guard during time of conflict in defense of our commonwealth and nation. The bureau of state office buildings shall erect and maintain an appropriate marker bearing this designation in compliance with the standards of the bureau."

After remarks, the amendment was rejected.

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

"SECTION __. Chapter 64H of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 6 the following new section:-

Section 6A. The commissioner of revenue is hereby authorized and directed to annually designate, by July 15 of each calendar

year, a two-day weekend in August during which no excise shall be imposed upon non-business sales at retail in the commonwealth of tangible personal property, as defined in section 1 of this chapter, but for the purposes of this section, tangible personal property shall not include telecommunications, gas, steam, electricity, motor vehicles, boats, meals, or any single item whose price is in excess of \$2,500.

For the days designated by the commissioner pursuant to the provisions of this section, a vendor in the commonwealth shall not add to the sales price or collect from any non-business purchaser an excise upon sales at retail of tangible personal property, as defined in section 1 of this chapter. The commissioner of revenue shall not require any vendor to collect and pay excise upon sales at retail of tangible personal property purchased on said designated days. Any excise erroneously or improperly collected during the designated days shall be remitted to the department of revenue. This section shall not apply to the sale of telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals, or any single item whose price is in excess of \$2,500.

When choosing the designated days, the commissioner shall take into consideration the observance of any religious and secular days of observation occurring therein; provided further, that the commissioner shall designate such days so as to maximize the economic benefit to the commonwealth.

Reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to, the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales for the days designated by the commissioner.

On or before December 31 of each year, the commissioner of revenue shall certify to the comptroller the amount of sales tax forgone, as well as new revenue raised from personal and corporate income taxes and other sources, because of this act. The commissioner shall issue a report, detailing by fund the amounts under general and special laws governing the distribution of revenues under this chapter which would have been deposited in each fund, without this act.

The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act."

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-one minutes before one o'clock P.M., on motion of Mr. Tarr, as follows to wit (yeas 4 - nays 34) [Yeas and Nays No. 19]:

YEAS

Knapik, Michael R. Tarr, Bruce E.

Ross, Richard J. Timilty, James E. — 4.

NAYS

Baddour, Steven A. Hedlund, Robert L.

Berry, Frederick E. Jehlen, Patricia D.

Brewer, Stephen M. 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 Moore, Michael O.

DiDomenico, Sal N. Moore, Richard T.

Donnelly, Kenneth J. Pacheco, Marc R.

Donoghue, Eileen M. Petruccelli, Anthony

Downing, Benjamin B. Rodrigues, Michael J.

Eldridge, James B. Rosenberg, Stanley C.

Fargo, Susan C. Spilka, Karen E.

Finegold, Barry R. Tolman, Steven A.

Flanagan, Jennifer L. Welch, James T.

Hart, John A., Jr. Wolf, Daniel A. — 34.

ABSENT OR NOT VOTING

Rush, Michael F. — 1.

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

Recess.

The President in the Chair, at a quarter before one o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority party caucus, the President declared a recess; and, at five minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2012 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. 3401),-- was further considered, the main question being on ordering it to a third reading. Messrs. Knapik, Tarr, Ross and Hedlund and Ms. Spilka moved that the bill be amended by inserting the following new section:-
"SECTION 1. There shall be a special commission to make a study and investigation of establishing a payment in lieu of taxes mechanism for municipalities in which group homes are located. The commission shall be charged with evaluating options and the practices of other states, collecting data, and making policy recommendations that will be used to develop a statewide

procedure to compensate municipalities for the properties and buildings occupied by group homes.

SECTION 2. The commission shall consist of the secretary of administration and finance or his designee, the secretary of health and human services or his designee, the commissioner of the department of mental health or his designee, the commissioner of department of developmental services or his designee, the commissioner of the department of housing and community development or his designee, the commissioner of the department of revenue or his designee, the chairs of the joint committee on mental health and substance abuse, the chairs of the joint committee on revenue, the senate minority leader or his designee, the house minority leader or his designee, and the executive director of the Massachusetts Municipal Association or his designee.

SECTION 3. The commission shall report its findings, recommendations, and annual cost of its recommendations, as well as any proposed legislation, to the clerks of the senate and house of representatives and to the chairs of the house and senate committees on ways and means on or before December 31, 2011."

The amendment was rejected.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the bill be amended by striking out Section 99 in its entirety.

Pending the question on adoption of the amendment, at four minutes before two o'clock P.M., Mr. Tarr doubted the presence of a quorum; and, a count of the Senate determined that a quorum was not present. Subsequently, at two minutes before two o'clock P.M., the President declared that a quorum was present; and the Senate proceeded with the business at hand.

After debate, the amendment previously moved by Messrs. Tarr, Hedlund, Knapik and Ross, was then considered, and it was rejected.

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

"SECTION 1. Section 2 of Chapter 64H of the General Laws is hereby amended by striking the figure '6.25 per cent' and replacing it with the figure '5.6 per cent'.

SECTION 2. Section 2 of Chapter 64I of the General Laws is hereby amended by striking the figure '6.25 per cent' and replacing it with the figure '5.6 per cent'.

SECTION 3. Section 2 of Chapter 64H of the General Laws is hereby amended by striking the figure '6.25 per cent' and replacing it with the figure '5 per cent'.

SECTION 4. Section 2 of Chapter 64I of the General Laws is hereby amended by striking the figure '6.25 per cent' and replacing it with the figure '5 per cent'.

SECTION 5. Sections 1 and 2 shall take effect on July 1, 2011.

SECTION 6. Sections 3 and 4 shall take effect on July 1, 2012."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-four minutes before three o'clock P.M., on motion of Mr. Tarr, as follows to wit (yeas 10 -- nays 28) [Yeas and Nays No. 20]:

YEAS

Baddour, Steven A. Montigny, Mark C.
Donoghue, Eileen M. Moore, Richard T.
Fargo, Susan C. Ross, Richard J.
Hedlund, Robert L. Tarr, Bruce E.
Knapik, Michael R. Timilty, James E. — 10.

NAYS

Berry, Frederick E. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
Candaras, Gale D. Keenan, John F.
Chandler, Harriette L. Kennedy, Thomas P.
Chang-Diaz, Sonia McGee, Thomas M.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Pacheco, Marc R.
DiDomenico, Sal N. Petrucci, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Downing, Benjamin B. Rosenberg, Stanley C.
Eldridge, James B. Spilka, Karen E.
Finegold, Barry R. Tolman, Steven A.
Flanagan, Jennifer L. Welch, James T.
Hart, John A., Jr. Wolf, Daniel A. — 28.

ABSENT OR NOT VOTING

Rush, Michael F. — 1.

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

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

"SECTION ___. Chapter 64A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 7A the following new section:-

Section 7B. The sale of fuel to a city or town, which is or shall be consumed by the same for any municipal purpose, shall be

exempt from the excise established by this chapter.

SECTION 8B. Chapter 64E of the General Laws, as so appearing, is hereby amended by inserting after section 4 the following section:-

Section 4A. The sale of special fuel to a city or town, which is or shall be consumed by the same for any municipal purpose, shall be exempt from the excise established by this chapter."

The amendment was rejected.

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

"SECTION ___. Notwithstanding any general or special law to the contrary, for the days of October 21, 2011 through October 26, 2011, inclusive, excise tax shall not be imposed upon meals purchased in restaurants, as those terms are defined in Section 6 of Chapter 64H of the General Laws, as appearing in the 2008 Official Edition.

SECTION ___. Notwithstanding any general or special law to the contrary, for the days of October 21, 2011 through October 26, 2011, inclusive, a restaurant in the commonwealth shall not add to the sales price or collect from a customer an excise upon sales of meals. The commissioner of revenue shall not require any restaurant to collect and pay excise upon sales of meals purchased on October 21, 2011 through October 26, 2011, inclusive. An excise erroneously or improperly collected during the days of October 21, 2011 through October 26, 2011, inclusive, shall be remitted to the department of revenue.

SECTION ___. Reporting requirements imposed upon restaurants by law or regulation, including, but not limited to, the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales on the days of October 21, 2011 through October 26, 2011, inclusive,.

SECTION ___. On or before December 31, 2011, the commissioner of revenue shall certify to the comptroller the amount of sales tax forgone, as well as new revenue raised from person and corporate income taxes and other sources, pursuant to this Act. The commissioner shall file a report with the joint committee on revenue and the house and senate committees on ways and means detailing by fund the amounts under general and special laws governing the distribution of revenues under Chapter 64H of the General Laws which would have been deposited in each fund, without this act.

SECTION ___. The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act.

SECTION ___. Eligible sales of meals purchased in restaurants are restricted to October 21, 2011 through October 26, 2011, inclusive.

SECTION ___. Notwithstanding sections 1-6, this Act shall not be applicable to the local option meals excise tax under Section 1-6 of Chapter 64L of the General Laws, as appearing in the 2008 Official Edition, which shall remain in full force and effect on October 21, 2011 through October 26, 2011, inclusive."

After debate, the amendment was rejected.

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

"SECTION ___. Section 4 of chapter 62 of the General Laws, as appearing in the 2008 official edition, is hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the following subsection:-

(b) Part B taxable income shall be taxed at the rate of 5.2 percent for the taxable year beginning January 1, 2012.

SECTION 2. Section 4 of said chapter 62 of the General Laws, as so appearing, is hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the following subsection:-

(b) Part B taxable income shall be taxed at the rate of 5.1 percent for the taxable year beginning January 1, 2013.

SECTION 3. Section 4 of said chapter 62 of the General Laws, as so appearing, is hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the following subsection:-

(b) Part B taxable income shall be taxed at the rate of 5 percent for the taxable year beginning January 1, 2014.

SECTION 4. Section 1 of this act shall be effective only for the taxable year beginning January 1, 2012

SECTION 5. Section 2 of this act shall be effective for the taxable year beginning January 1, 2013.

SECTION 6. Section 3 of this act shall be effective for taxable years beginning on or after January 1, 2014."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-eight minutes before four o'clock P.M., on motion of Mr. Hedlund, as follows to wit (yeas 5 - nays 33) [Yeas and Nays No. 21]:

YEAS

Hedlund, Robert L. Tarr, Bruce E.

Knapik, Michael R. Timilty, James E. — 5.

Ross, Richard J.

NAYS

Baddour, Steven A. Jehlen, Patricia D.

Berry, Frederick E. Joyce, Brian A.

Brewer, Stephen M. Keenan, John F.

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. Tolman, Steven A.
Finegold, Barry R. Welch, James T.
Flanagan, Jennifer L. Wolf, Daniel A. — 33.
Hart, John A., Jr.
ABSENT OR NOT VOTING
Rush, Michael F. — 1.

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

Ms. Chang-Diaz moved that the bill be amended by inserting, after section __, the following new section:-
"SECTION __. Section 15III of Chapter 6 of the General Laws, as appearing in the Official 2010 Edition, is hereby amended by striking the word 'October' and inserting in place thereof the following word:- May."
After remarks, the **amendment was adopted.**

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

"SECTION 1. Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as most recently amended by section 42 of chapter 139 of the acts of 2006, is hereby further amended by adding the following paragraph:- (16) Contributions to qualified tuition program under Section 529 of the Code, such as the U.Fund or the U.Plan offered through the Massachusetts Educational Financing Authority; but in the case of a single person, a married person filing a separate return or a head of household the deduction shall not exceed \$500, and in the case of a married couple filing a joint return, the deduction shall not exceed \$1,000."
The amendment was rejected.

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

"SECTION XX

Section 1:

Section 1 of Chapter 94B is hereby amended by inserting in line 2, after the word 'hazards' in the definition of 'banned hazardous substance', the following words:- 'or any plastic shipping pallet that contains more than one-tenth of 1% by mass of decabrominated diphenyl ether'.

Section 2:

Section 2 of Chapter 94B is hereby amended by inserting after subsection (g), the following new section:-

(h) Notwithstanding any other section or clause to the contrary, this section shall not apply to:

(1) the manufacture, sale, repair, distribution, maintenance, refurbishment or modification of any new raw material or component part used in a motor vehicle, as defined by Section 1 of Chapter 90 of the General Laws, or an airplane with component parts, including but not limited to original spare parts, that contain decabrominated diphenyl ether; or

(2) the use of commercial decabrominated diphenyl ether in the maintenance, refurbishment or modification of equipment used for purposes related to transportation, except a plastic shipping pallet that contains more than one-tenth of 1% by mass of decabrominated diphenyl ether.

Section 3:

Section 5 of Chapter 94B is hereby amended by inserting after clause (b), the following new clause:-

(c) Manufacturers of plastic shipping pallets that contain more than one-tenth of 1% of decabrominated diphenyl ether shall notify all persons that sell, possess, distribute, introduce or deliver for introduction into commerce the product of the requirements of this section no later than January 1, 2012.

Section 4:

This Section shall take effect on January 1, 2013."

The amendment was rejected.

Mr. Hart moved that the bill be amended by inserting a section after section 93 the following new section:-

"SECTION 93A. Paragraph (d) of section 15 of chapter 152 of the acts of 1997, as appearing in section 5 of chapter 256 of the acts of 2006, is hereby amended by striking out, in line 3, the figure '250,000' and inserting in place thereof the following words:- 160,000; provided that the Massachusetts Convention Center Authority shall conduct a traffic study associated with increased gate show activity and its effect on the South Boston section in the city of Boston."

The **amendment was adopted.**

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

"(a) Chapter 32A of the General Laws is hereby amended by adding the following section:-

Section 26. The commission shall provide to an active or retired employee of the commonwealth who is insured under the group insurance commission benefits on a nondiscriminatory basis for the medically necessary treatment 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 Education Improvement Act.

(b) Chapter 175 of the General Laws is hereby amended by inserting after section 47AA the following section:-

Section 47BB. An individual policy of accident and sickness insurance issued under section 108 that provides hospital expense and surgical expense insurance and any group blanket or general policy of accident and sickness insurance issued under section 110 that provides hospital expense and surgical expense insurance, which is issued or renewed within or without the commonwealth, shall provide benefits on a nondiscriminatory basis for the medically necessary treatment 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 Education Improvement Act.

(c) Chapter 176A of the General Laws is hereby amended by inserting after section 8DD the following section:-

Section 8EE. A contract between a subscriber and the corporation under an individual or group hospital service plan which is issued or renewed within or without the commonwealth shall provide benefits on a nondiscriminatory basis for the medically necessary treatment 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 Education Improvement Act.

(d) Chapter 176B of the General Laws is hereby amended by inserting after section 4DD the following section:-

Section 4EE. A subscription certificate under an individual or group medical service agreement which is issued or renewed within or without the commonwealth shall provide benefits on a nondiscriminatory basis for the medically necessary treatment 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 Education Improvement Act.

(e) Chapter 176G of the General Laws is hereby amended by inserting after section 4V the following section:-

Section 4W. A health maintenance contract issued or renewed within or without the commonwealth shall provide benefits on a nondiscriminatory basis for the medically necessary treatment 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 Education Improvement Act.

(f) All policies, contracts and certificates of health insurance subject to section 26 of chapter 32A, section 47BB of chapter 175, section 8EE of chapter 176A, section 4EE of chapter 176B, and section 4W of chapter 176G of the General Laws which are delivered, issued or renewed on or after January 1, 2011 shall conform with the provisions of this act. Form filings implementing this act shall be subject to the approval of the commissioner of insurance.

(g) This section shall take effect on January 1, 2012."

The amendment was rejected.

Messrs. Rodrigues and Tarr moved that the bill be amended by adding the following section:

"SECTION XX. Section 52B of chapter 59 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting the following sentence at the end of the paragraph:

'Nothing in this section shall prevent a person who submitted that information, or his designated representative, from inspecting or being provided a copy of the submission upon request.'

Section 60 of chapter 59 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting the following sentence on line 32, after word, 'duties.': - 'However, nothing in this section shall prevent a person who submitted that information, or his designated representative, from inspecting or being provided a copy of the submission upon request.'

Section 32 of chapter 59 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting the following sentence on line 32, after word, 'duties.': - 'However, nothing in this section shall prevent a person who submitted that information, or his designated representative, from inspecting or being provided a copy of the submission upon request.'

The amendment was rejected.

Ms. Chang-Diaz and Mr. Eldridge moved that the bill be amended by inserting, after section ____, the following new sections:-

"SECTION ____. After section 63 of Chapter 51 of the Massachusetts General Laws, the following new section is added:

"Section 64: Electronic Updating of the Annual Register of Voters and Central Voter Registry by the State Secretary.

Notwithstanding any general or special law to the contrary, the State Secretary shall obtain data from the Massachusetts Registry of Motor Vehicles and the United States Postal Service, in order to ascertain whether any persons, who otherwise already have a valid and complete affidavit of voter registration, have changed their address within the Commonwealth of Massachusetts.

At least every three months, the State Secretary shall seek such information from the Registry of Motor Vehicles and the US Postal Service. These agencies shall electronically transmit to the State Secretary information for persons who have changed their address within the Commonwealth of Massachusetts in the past three months, including, where available:

(i) Name, Current Address, Mailing Address, Date of Birth, Identification # (Driver's License Number or Last 4 digits of Social security Number), Telephone Number

(ii) Date, time, and nature of the last change to the information; and

(iii) Any additional information designated by the State Secretary for such purposes and reasonably related to the management of elections.

(iv) If information is sent because it has changed since the last transmission from the source agency, the source agency shall transmit both the new information and the old information, labeled accordingly.

If the information transferred reflects a person already included in the Central Registry of Voters as a duly registered voter, and if the information reliably indicates a more recent update to the person's name or address than is currently contained in the Central Registry of Voters, the State Secretary shall ensure that the person's records in the Central Registry of Voters are updated accordingly, and shall alert the appropriate municipal registrars to update the person's records in their annual register of voters accordingly.

The State Secretary shall ensure that each voter whose address is changed in the Central Registry of Voters is promptly sent

written notice of the change and their new voting location. Any notice required by this section may be sent with other notices required or permitted by law.

SECTION __. Section __ shall take effect 1 year from the date of passage.”

After debate, the amendment was rejected.

Ms. Chang-Diaz moved that the bill be amended by inserting, after section __, the following new section:-

“SECTION __. The last sentence of Section 47C of chapter 51 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentences:

The names and addresses contained in said central registry shall not be a matter of public record, provided however, that the names and addresses, dates of registration, voting history, and dates of birth shall be made available to the jury commissioner and adjutant general at no cost; they shall be made available to state party committees, statewide candidate committees, and state ballot question committees at a fair and reasonable cost, set by the state secretary, not to exceed the cost of printing or preparing computer readable documents, and further they shall be made available to organizations with Internal Revenue Service status of 501 (c)(3), 501 (c)(4), 501(c)5, and 527s, and Political Action Committees (or PACs), for a fee of \$1000, entitling the receiving organization to use of the information for purposes of civic engagement, public policy advocacy, and political advocacy. The State Secretary may deny requests for this information to any receiving organization that has had a history of using the abovementioned data for purposes other than those permitted in this section. In the event of a data request denial, the State Secretary shall provide a written explanation of the denial to the requesting organization.”

After remarks, the amendment was rejected.

Mr. Rodrigues moved that the bill be amended by inserting, after section 64, the following section:-

“SECTION 64A. Section 23 of chapter 119 of the General Laws, as most recently amended by section 19 of chapter 359 of the acts of 2010, is hereby further amended by adding the following subsection:-

(j) Upon request by the department, the commissioner of probation shall provide to the department a copy of a person’s indigency intake form, final assessment of financial circumstances and any report certifying that such person either continues to meet or no longer meets the definition of indigency prepared by the chief probation officer in accordance with section 2 ½ of chapter 211D.

The department shall use such forms or reports for the purpose of completing eligibility determinations under Title IV-E of the Social Security Act and no other purpose. The commissioner of probation and the commissioner of the department of children and families shall jointly determine the process by which the department of children and families shall obtain and maintain such forms and reports. The department of children and families shall not make, and shall prohibit, any dissemination of such information, for any purpose other than as set forth herein.”

The amendment was adopted.

Ms. Chang-Diaz, Mr. Montigny, Ms. Fargo and Ms. Creem moved that the bill be amended by inserting, after section __, the following new sections:-

“SECTION __. Section 7B of Chapter 64C of the General Laws is hereby amended by adding the following paragraph:- '(m) In addition to the excise imposed by paragraph (b), an excise shall be imposed on all cigars weighing more than 3 pounds per 1,000 units and not more than 12 pounds per 1,000 units held in the commonwealth at the rate of 80 per cent of the wholesale price of such product. In addition to the excise imposed by paragraph (b), an excise shall be imposed on all smoking tobacco held in the commonwealth at the rate of 90 per cent of the wholesale price of such product.'

SECTION __. Section 7C(a) of Chapter 64C of the General Laws is hereby amended by striking out the sentence 'Notwithstanding the provisions of this section, the excise imposed by this section shall equal twenty-five percent of the price paid by such licensee or unclassified acquirer to purchase smokeless tobacco so sold, imported, or acquired' and inserting in place thereof the following sentence:- 'Notwithstanding the provisions of this section, the excise imposed by this section shall equal forty-five percent of the price paid by such licensee or unclassified acquirer to purchase smokeless tobacco so sold, imported or acquired'.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at six minutes past four o'clock P.M., on motion of Ms. Chang-Diaz, as follows to wit (yeas 15 -- nays 23) [Yeas and Nays No. 22]:

YEAS

Chang-Diaz, Sonia Jehlen, Patricia D.

Clark, Katherine M. McGee, Thomas M.

Creem, Cynthia Stone Montigny, Mark C.

DiDomenico, Sal N. Pacheco, Marc R.

Donnelly, Kenneth J. Rosenberg, Stanley C.

Downing, Benjamin B. Spilka, Karen E.

Eldridge, James B. Wolf, Daniel A. — 15.

Fargo, Susan C.

NAYS

Baddour, Steven A. Kennedy, Thomas P.

Berry, Frederick E. Knapik, Michael R.

Brewer, Stephen M. Moore, Michael O.

Candaras, Gale D. Moore, Richard T.

Chandler, Harriette L. Petruccelli, Anthony

Donoghue, Eileen M. Rodrigues, Michael J.

Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Hedlund, Robert L. Tolman, Steven A.
Joyce, Brian A. Welch, James T. — 23.
Keenan, John F.
ABSENT OR NOT VOTING
Rush, Michael F. — 1.

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

Messrs. Rodrigues, Richard T. Moore and Knapik moved that the bill be amended by inserting the following 3 sections:-
“SECTION __. Section 21 of said chapter 90B, as amended by section 7 of said chapter 202, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

No person under 18 years of age shall operate a recreation vehicle, unless they have successfully completed a recreation vehicle education safety and responsibility course approved by the director of law enforcement. The director shall have the authority to exempt participants of a sanctioned race, rally or event from the requirements of this section.

SECTION __. Section 22 of said chapter 90B, as amended by section 8 of said chapter 202, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

No person shall operate a snow vehicle or a recreation vehicle unless the vehicle has been registered in accordance with this chapter, unless such vehicle is being operated on land owned by the owner of the vehicle, and a registration number assigned by the director is displayed on the vehicle. The registration number shall be painted or by means of a decal or sticker which is firmly attached to both sides of the cowling of the vehicle and located so that both are clearly visible and not obstructed. Off-highway motorcycles without suitable cowling may locate registration numbers on the forward suspension components so as they are clearly visible on both sides of the vehicle. The registration number displayed shall be not less than 3 inches in height and not less than one-half inch in width and shall be in a color that is in marked and distinct contrast to the background to which the number is applied. The registration number shall be maintained in a legible condition at all times. A motor vehicle license or learner's permit shall not be required for the operation of a snow vehicle or a recreation vehicle. The director shall have the authority to exempt participants of a sanctioned race, rally or event from the requirements of this section.

SECTION __. Section 24 of said chapter 90B, as amended by section 10 of said chapter 202, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

No snow vehicle or recreation vehicle shall be operated which emits noxious fumes or makes unusual or excessive noise. No snow vehicle or recreation vehicle manufactured on or after January 1, 1998, shall be operated on publicly-owned property that produces a sound pressure level of more than 96 decibels when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J1287 JUL98. No snow vehicle or recreation vehicle manufactured prior to January 1, 1998, shall be operated on publicly-owned property that produces a sound pressure level of more than 101 decibels when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J1287 JUL98. This section shall not apply to snow vehicles or recreation vehicles on a privately owned track or closed course as permitted by local municipal authority.”

The amendment was rejected.

Messrs. Tarr and Richard T. Moore moved that the bill be amended by inserting by inserting the following section:-

“SECTION __. Section 67D of Chapter 62C of the General Laws is hereby amended by inserting after subsection (g) the following new sections:-

(h) when used in section (i)-(n), the following words shall have the following meaning:

‘Application year’, the calendar year for which a business submits the information required for a determination as to a jobs incentive credit.

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

‘Commissioner’, the commissioner of revenue.

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

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

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

‘Jobs incentive credit’, a business employment incentive credit for companies as provided for in this section.

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

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

'Credit years', in the case of a business that is determined to be eligible for a jobs incentive credit, the 3 calendar years following the application year.

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

(i) A business that creates an eligible job in the commonwealth during its application year shall be entitled to a jobs incentive credit, spread equally over three calendar years, if its weighted average employment for such application year reflects a net increase over the company's weighted average employment for the prior calendar year. The total jobs incentive credit shall be equal to 50 per cent of the amount paid by the company as salary attributable to eligible jobs created by the company in such year to the extent that the salary was subject to Massachusetts withholding pursuant to chapter 62B for such year, multiplied by the applicable Massachusetts income tax rate for such salary, and such credit shall be applied toward the company's liability imposed by Chapter 62B, Section 2. A company shall take a jobs incentive credit for no more than 50 jobs created over its weighted average employment for the prior calendar year. For companies creating greater than 50 jobs over the weighted average employment for the prior calendar year, the total tax credit, which will be taken in three equal installments subject to the terms and conditions in the following sections, shall be determined by the salary of the first 50 eligible jobs created. For the purposes of this provision, an eligible job shall be deemed created in the commonwealth on the first day for which Massachusetts withholding is required in connection with the compensation paid to the employee.

(j) The jobs incentive credit shall be taken by a business in 3 equal installments in each of the 3 calendar years commencing with the calendar year subsequent to the application year. If, for the first or second credit year, the company's weighted average employment falls below its weighted average for the application year, the company shall be disqualified from taking its second installment credit. It may still take its third installment credit if its weighted average employment for its second credit year is above its weighted average employment for the application year.

(k) A company that seeks a jobs incentive credit shall apply to the commissioner to receive permission to take such a credit on a form prescribed by the commissioner. This form shall reference the necessary information concerning the eligible jobs created by the company in the Commonwealth during the application year and also the company's weighted average employment for such year and the prior calendar year. The commissioner shall advise the company of his determination in writing.

(l) Not later than March 1 of each calendar year for which a company has been approved to take a job incentives credit, the company shall submit to the commissioner, in a form prescribed by the commissioner, the information necessary to evaluate the company's prior year weighted employment average.

(m) A company that has previously been approved to take a job incentive credit is entitled to re-apply for an additional credit for a second or third application year. In such cases, the company may be entitled to take a job incentive credit that relates to different application years in the same calendar year. When a company has previously been granted permission to take a jobs incentive credit for 3 application years, it shall not request an additional jobs incentive credit. In no case shall a company take a jobs incentive credit after June 30, 2014, when all provisions in (i)-(m) shall sunset and no longer be in effect.

(n) Following the termination of the job creation tax credit program, the commissioner of the department of revenue, in consultation with one or more institutes of higher learning, shall conduct a cost benefit analysis of said program, which shall take into consideration the total number of permanent in-state jobs created under the program, the total amount of tax credits provided, and any other factors that would be useful in measuring the success of the program. The commissioner shall prepare a report on the findings, which shall be filed with the clerk of the house of representatives and the clerk of the senate, the chairs of the house and senate committees on ways and means, and the house and senate chairs of the joint committee on revenue no later than September 30, 2014. Said report shall include the commissioner's findings as to the feasibility of extending the job creation tax credit program beyond the sunset date, along with any recommendations for revising the program to make it more effective in enhancing the creation of jobs."

After debate, the amendment was rejected.

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

"SECTION X: Section 5 of chapter 59 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'than', in line 220, the following words:- a telephone or telegraph corporation subject to tax under section 52A of chapter 63 or.

SECTION 2: Said section 5 of said chapter 59 of the General Laws, as so appearing, is hereby further amended by inserting after the words 'two A', in line 223, the following words:- , other than a telephone or telegraph corporation,

SECTION 3: Clause Sixteenth of said section 5 of said chapter 59 of the General Laws is hereby further amended by striking out paragraph (2), as inserted by SECTION 2 of chapter 173 of the acts of 2008, and inserting in place thereof the following paragraph:-

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

telephone or telegraph corporation shall be subject to property tax assessment on machinery used in the conduct of its business and leased to it by a corporation that is not a telephone or telegraph corporation, and the telephone or telegraph corporation shall include such property on its list to the board of assessors where the property is situated under section 29 of this chapter."

The amendment was rejected.

Messrs. Hart and Finegold moved that the bill be amended in section 1 of Chapter 118G by inserting the following:

"Notwithstanding any general or special law to the contrary, each health plan carrier shall be required to report and explain to the Division of Insurance what actions they have taken to remedy the disparity identified in the Attorney General's March 16, 2010 Examination of Health Care Costs and Driver Trends in Health Care Cost Trends and Cost Drivers which concluded that acute care hospitals defined in section 1 Chapter 118 G are paid considerably less than other hospital providers. Further, a contract or agreement between a health plan carrier and a disproportionate share health care provider, including a hospital or its affiliated physician group practice, entered or renewed on or after September 1, 2011, shall not contain rates that are less than the carrier's statewide average rate in the previous year beginning July 2010 through June 2011."

The amendment was rejected.

Mr. Hart in the Chair, Messrs. Richard T. Moore, Tarr and Knapik, Ms. Candaras and Mr. DiDomenico moved that the bill be amended by inserting, after section X, the following new section:--

"Section X. Chapter 137 of the Acts of 2003, as amended by section 2 of chapter 182 of the acts of 2008, is hereby further amended by striking out section 21 and inserting in place thereof the following section:--

Section 21. Section 1 shall expire on September 11, 2014. Sections 2 and 3 shall expire on September 11, 2005."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-two minutes before five o'clock P.M., on motion of Mr. Richard T. Moore, as follows to wit (yeas 38 -- nays 0) [Yeas and Nays No. 23]:

YEAS

Baddour, Steven A. Joyce, Brian A.
Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. 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. Spilka, Karen E.
Finegold, Barry R. Tarr, Bruce E.
Flanagan, Jennifer L. Timilty, James E.
Hart, John A., Jr. Tolman, Steven A.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 38.

NAYS — 0.

ABSENT OR NOT VOTING

Rush, Michael F. — 1.

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

Messrs. Kennedy and Keenan moved that the bill be amended by inserting, after section ____, the following new section:--

"SECTION ____. Notwithstanding any general or special law to the contrary, there shall be a commission to study the feasibility of providing home mortgage refinancing assistance to non-delinquent homeowners. The commission shall consist of the following members: the executive director of Massachusetts Housing Finance Agency, who shall serve as chair of the commission; the treasurer of the commonwealth, or his appointee; the senate chair of the joint committee on financial services; the house chair of the joint committee on financial services; a member to be appointed by the house minority leader; a member to be appointed by the senate minority leader; a representative of the Massachusetts credit union league; and a representative of the Massachusetts bankers association. The commission shall conduct a comprehensive review and evaluation of providing refinancing assistance for residents of the Commonwealth who, due in part to a loss of income, a depreciation in the value of their real estate, or the current refinancing exposure criteria as established by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, are unable to refinance at a lower market interest rate. The commission's study shall include, but may not be limited to, the feasibility of establishing a fund encumbered by the commonwealth to be pledged to the Massachusetts Housing Finance Agency as a mortgage refinance guarantee. The commission shall submit its findings and recommendations, together with drafts of legislation or regulations necessary to carry those recommendations into effect by filing the same with the governor, the clerks of the house of representatives and senate, and the joint committee on financial services, not later than December 31, 2012."

The amendment was rejected.

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

"SECTION ____. There shall be a special commission to identify women who have made an extraordinary contribution to the commonwealth and offer recommendations on providing appropriate recognition for these women in the State House. The commission shall consist of: 3 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 3 members of the senate, 1 of whom shall be appointed by the minority leader; and 2 persons to be appointed by the governor. The Commission shall issue a report of its findings to the Clerks of the House and Senate by December 31, 2011."

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

Messrs. Michael O. Moore and Pacheco moved that the bill be amended by striking out the figure "\$25,270,000" and inserting in place thereof the following figure:- "\$27,270,000".

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

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

"XXXX-XXXX For distribution to cities and towns for snow and ice removal expenses on municipal ways during the fiscal year 2011; provided, that a city or town receiving funds under this item may reimburse school districts for snow and ice removal expenses; provided, further that 58.34 per cent of funds appropriated under this item shall be apportioned to each city or town proportionally based on the number of road miles as determined by the division of highways within the department of transportation; 20.83 per cent of funds appropriated under this item shall be apportioned to each city or town proportionally based on the population of the city or town as determined by the department of revenue; and 20.83 per cent of funds appropriated under this item shall be apportioned to each city or town proportionally based on the employment population in the city or town as determined by the executive office of labor and workforce development; provided, further that any funds received by a city or town in excess of its liability for snow and ice removal expenses shall be used for the construction and reconstruction of municipal ways as described in clause (b) of section 4 of chapter 6C of the General Laws
.....\$25,000,000".

After debate, the amendment was rejected.

Messrs. Tarr, Hedlund, Knapik, Ross 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, any unexpended and unencumbered balances of appropriations on June 30, 2011 shall be distributed to cities and towns in accordance with the distribution of the balance of the State Lottery Fund, as stipulated in section 3 of this act; provided however, the distribution authorized herein shall be equal to \$65,000,000; provided further, if the aggregate balances of appropriations is less than \$65,000,000 on June 30, 2011, the amount of the distribution authorized herein shall be 100 per cent of the balances. The distribution authorized in this section shall be executed not later than October 31, 2011."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at thirteen minutes past five o'clock P.M., on motion of Mr. Tarr, as follows to wit (yeas 7 - nays 31) [Yeas and Nays No. 24]:

YEAS.

Hedlund, Robert L. Ross, Richard J.

Knapik, Michael R. Tarr, Bruce E.

Moore, Richard T. Timilty, James E. — 7.

Pacheco, Marc R.

NAYS.

Baddour, Steven A. Hart, John A., Jr.

Berry, Frederick E. Jehlen, Patricia D.

Brewer, Stephen M. 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 Moore, Michael O.

DiDomenico, Sal N. Petruccelli, Anthony

Donnelly, Kenneth J. Rodrigues, Michael J.

Donoghue, Eileen M. Rosenberg, Stanley C.

Downing, Benjamin B. Spilka, Karen E.

Eldridge, James B. Tolman, Steven A.

Fargo, Susan C. Welch, James T.

Finegold, Barry R. Wolf, Daniel A. — 31.

Flanagan, Jennifer L.

ABSENT OR NOT VOTING

Rush, Michael F. — 1.

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

Suspension of Senate Rule 38A.

Ms. Flanagan moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

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

“SECTION __. Notwithstanding Section 4 of Chapter 70 of the General Laws, as appearing in the 2008 Official Edition, the foundation budget review commission shall be required to make specific recommendations as to the financial health and sustainability of the foundation budget calculation methodology.

The commission's recommendations, together with any proposed legislation, shall be filed not later than December 1, 2012 with the governor, and the clerks of the senate and the house of representative who shall refer such recommendations to the appropriate committee of the general court.”

After remarks, the amendment was rejected.

Messrs. Wolf, Rodrigues and Eldridge moved that the bill be amended in section 2, in item 1599-0026, by striking the words “or transition costs related to regionalization and other efficiency initiatives, with allowable applicants to include municipalities,” and inserting in place thereof the following words: “transition costs related to regionalization and other efficiency initiatives, with allowable applicants to include municipalities, regional schools,”.

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

Mr. Ross moved that the bill be amended by inserting, in section 3, by inserting after the third paragraph, the following:-

“Notwithstanding any general or special law to the contrary, for fiscal year 2012 the total amounts to be distributed and paid to each city and town from item 7061-0008 of section 2 shall be at a minimum 17.5 percent of their Foundation Budget; provided further, that said funds distributed shall be represented in a separate column on the cherry sheet produced by the department of revenue.”

After debate, the amendment was rejected.

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

SECTION __. Section 6 of chapter 70 of the General Laws as appearing in the 2008 Official Edition is hereby amended by inserting in line 26 after the word ‘year’ the following words:- ‘provided that said increase is not more than 10 percent from the previous fiscal year’.”

The amendment was rejected.

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

“SECTION 1. Chapter 70 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking the definition of ‘extraordinary maintenance allotment’ in lines 131-135 and inserting in place thereof a new definition: - ‘Extraordinary maintenance allotment’, the amount allotted within a district’s foundation budget for extraordinary maintenance costs and to provide for modernization and replacement of capital equipment in vocational schools in any fiscal year. The extraordinary maintenance allotment shall be two thousand, two hundred dollars multiplied by the sum of foundation teaching staff and the foundation support staff. The capital equipment replacement allotment shall be five hundred dollars multiplied by the foundation vocational enrollment.”

After debate, the amendment was rejected.

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

“SECTION XX: The Department of Housing and Community Development shall conduct a study comparing the benefits of using state subsidies for the construction of new affordable housing projects with the benefits associated with assisting municipalities in the purchase of foreclosed and vacant homes within the municipality’s boundaries. The comparison should be based upon the annual average amount of all subsidies issued by all state agencies, departments, offices and authorities for the construction of new affordable housing units between 2004 and 2009, and the number of affordable units created during that time period. For the purposes of this study, when compiling the number of affordable housing units created during this time period, the department may only include the number of units actually built, and may not include any market-rate units that are considered affordable for the purposes of a municipality’s Subsidized Housing Inventory index. The study shall compare the average subsidy cost per new affordable housing unit constructed with the number of housing units that could be created if the annual average amount of all subsidies was instead used to help municipalities purchase foreclosed and vacant homes.

Section 2: The department shall issue its final report by August, 31, 2013.”

The amendment was rejected.

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

“SECTION X. The inspector general in consultation with the attorney general may 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 and received a determination of project eligibility after July 30, 2002. The third party shall be hired through a competitive bidding process and be a certified public accountant licensed and in good standing with the commonwealth and meet minimum professional qualifications as determined by the inspector general.

All audits performed through this section shall be conducted in accordance with the American Institute of Certified Public

Accountants auditing standards; provided, however, in the event of any conflict between the American Institute of Certified Public Accountants standards and housing policy guidance or regulation issued by the department of housing and community development or any subsidizing agency on or after November 30, 2006 such policy guidance or regulation shall control. The audits performed under this section may include, but not be limited to, a review of the submitted cost certification, agreements between the developer and the municipality,, purchase and sales agreements, any and all documentation relating to the real estate appraisal of the relevant property or properties in accordance with the applicable rules that were in place at the time that the cost certification occurred, all reported expenses and revenues, and all public documentation relating to the purchase, sale or lease of all constructed units.

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

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

It shall be the responsibility of the attorney general to recover all monies owed to the host communities. The third party hired to conduct the initial audit may receive a pre-determined percentage of all recovered monies, not to exceed 5 per cent, with the balance being returned to the host community.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seventeen minutes past six o'clock P.M., on motion of Mr. Hedlund, as follows to wit (yeas 37 -- nays 1) [Yeas and Nays No. 25]:

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

Recess.

At twenty-one minutes past six o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority party caucus, the Chair (Mr. Hart) declared a recess; and, at twenty-two minutes before eight o'clock P.M., the Senate reassembled, the President in the Chair. Recess.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2012 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. 3401),-- was further considered, the main question being on ordering it to a third reading. General Appropriations.

Messrs. Hedlund, Knapik, Ross and Tarr moved that the bill be amended by inserting after section xx the following new section: “SECTION XX. Section 2 of chapter 44B, as appearing in the 2008 Official Edition, is hereby amended by removing the definition of ‘Rehabilitation’ and ‘Preservation’ and ‘Historic Resources’ and inserting the following paragraphs:

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

‘Preservation’, protection of personal or real property from injury, harm or destruction.

‘Historic Resources’, a building, structure, vessel, real property, document or artifact that is listed on the state register of historic places or has been determined by the local historic preservation commission to be significant in the history, archaeology, architecture or culture of a city or town.

‘Support of Community housing’, shall include, but not be limited to, programs that provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for community housing, or to housing, for the purpose of making housing affordable.

‘Maintenance’, incidental repairs which neither materially add to the value of the property nor appreciably prolong the property's life, but keeps the property in a condition of fitness, efficiency, and/or readiness.

‘Capital Improvement’, reconstruction or alteration to, or of, real property that: (1) materially adds to the value of the real property, or appreciably prolongs the useful life of the real property; (2) becomes part of the real property or is permanently affixed to the real property so that removal would cause material damage to the property or article itself; and (3) is intended to become a permanent installation or is intended to remain there for an indefinite period of time.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at one minute past eight o'clock P.M., on motion of Mr. Hedlund, as follows to wit (yeas 4 - nays 34) [Yeas and Nays No. 26]:

YEAS

Hedlund, Robert L. Ross, Richard J.

Knapik, Michael R. Tarr, Bruce E.— 4.

NAYS

Baddour, Steven A. Jehlen, Patricia D.

Berry, Frederick E. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. McGee, Thomas P.
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. Timilty, James E.
Finegold, Barry R. Tolman, Steven A.
Flanagan, Jennifer L. Welch, James T.
Hart, John A., Jr. Wolf, Daniel A. — 34.
ABSENT OR NOT VOTING
Rush, Michael F. — 1.

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

Ms. Clark and Mr. McGee moved that the bill be amended by inserting, after section __, the following new section:-
“SECTION __. Notwithstanding any general or special law to the contrary in each fiscal year beginning after January 1, 2012 the total amounts to be distributed and paid to each city and town through chapter 70 education aid shall be at a minimum 17.5 percent of their Foundation Budget.”

The amendment was rejected.

Mr. Richard T. Moore moved that the bill be amended by inserting, after section X, the following new section:-
“SECTION X. Chapter 158 of the Acts of 2004 is hereby amended by striking, in section 1, the following:- ‘as a community youth facility’.”

After remarks, the amendment was adopted.

Ms. Clark and Mr. DiDomenico moved that the bill be amended by inserting, after section __, the following new section:-
“SECTION __.

Section __. Section 89(ff) of Chapter 71 of the General Laws is hereby amended by striking the first sentence of the second paragraph and inserting in place thereof the following:

In calculating the per pupil foundation budget component, the department shall calculate a foundation budget for the students from each sending district attending the charter school in the previous fiscal year, pursuant to the provisions of section 2 of Chapter 70; provided, that the department shall not include in said calculation the assumed tuition-out special education enrollment, nor any amounts generated by said assumed enrollment, as defined by said section 2; provided further, that the calculation for assumed in-school special education enrollment pursuant to said section 2 shall reflect the individual student full-time equivalent enrollment and only the actual amounts generated by said enrollment in the previous fiscal year.”

The amendment was rejected.

Mr. McGee moved that the bill be amended by inserting in section 3 after the second paragraph the following:
“Notwithstanding any general or special law to the contrary, for fiscal year 2012 the total amounts to be distributed and paid to each city and town from item 7061-0008 of section 2 shall be at a minimum 17.5 percent of their Foundation Budget; provided further, that said funds distributed shall be represented in a separate column on the cherry sheet produced by the department of revenue.”

The amendment was rejected.

Ms. Chandler moved that the bill be amended by striking out the figure “\$512,657” and inserting in place thereof the following figure: “\$575,359”.

The amendment was adopted.

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

"0340-1102 For costs associated with moving the Berkshire District Attorney's office..... \$215,740".

The amendment was rejected.

Mr. Rodrigues moved that the bill be amended by striking the figures "10,430,108" and inserting in place thereof the following figures:- "10,501,429".

The amendment was rejected.

Messrs. Tarr and Knapik moved that the bill be amended by inserting, after section __, the following new section:-
“Section __. Section 101 of Chapter 256 of the Acts of 2010 is hereby repealed.”

The amendment was rejected.

Messrs. Timilty, Downing and Kennedy moved that the bill be amended by striking item 0340-2100 and inserting in place

thereof the following new items:

“0340-2100.....For the operation of the Massachusetts District Attorneys Association, including the implementation and related expenses of the district attorneys’ office automation and case management and tracking system; provided, that expenses associated with the system may be charged directly to this item; provided further, that the department shall work in conjunction with the disabled persons protection commission and the 11 district attorneys’ offices to prepare a report that shall include, but not be limited to, the following: (a) the number of abuse cases that are referred to each district attorney office for further investigation; (b) the number of said referrals resulting in the filing of criminal charges, delineated by type of charge; (c) the number of cases referred to each district attorneys office that remain open as of the date for submission of said report; and (d) the number of cases resulting in a criminal prosecution, and the disposition of each such prosecution; provided further, that said report shall be submitted to the house and senate committees on ways and means on or before March 12, 2012; provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth’s obligation for the purpose of this item to exceed the amount appropriated in this item; provided further, that the association shall work in conjunction with the 11 district attorneys’ offices to prepare and submit a report to the house and senate committees on ways and means not later than February 28, 2012, summarizing the number and types of criminal cases managed or prosecuted by all district attorneys’ offices in calendar year 2011 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of the courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that the association shall work in conjunction with the 11 district attorneys’ offices to prepare and submit a report to the house and senate committees on ways and means not later than February 28, 2012, detailing all district attorney offices’ use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) amount of the funds deposited into an office’s special law enforcement trust fund in fiscal years 2009, 2010 and 2011; (b) how the funds were used in those fiscal years; and (c) balance of the trust fund as of January 2, 2012; provided further, that the department shall work together with the 11 district attorneys’ offices to submit a report to the house and senate committees on ways and means not later than January 30, 2012, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; and provided further, that the report shall include, but not be limited to, the following: (a) the total number of personnel from private law firms participating in the program at each of the 11 district attorneys’ offices; (b) the name and address of the law firms; (c) the duties performed by the personnel; and (d) the benefits and cost savings associated with the program.....\$1,660,006

0340-2117.....For the retention of assistant district attorneys with more than 3 years of experience; provided, that the Massachusetts District Attorneys Association shall transfer funds to the AA object class in each of the 11 district attorney offices in the commonwealth; provided further, that the association shall develop a formula for distribution of the funds; provided further, that funds distributed from this item to the district attorneys’ offices shall be used for retention purposes and shall not be transferred out of the AA object class; provided further, that not more than \$100,000 shall be distributed to any 1 district attorney’s office; provided further that not less than 60 days prior to the distribution of funds the District Attorneys Association shall notify the house and senate committees on ways and means detailing: (a) the methodology used to determine the amount to be dispersed; (b) the amount to be given to each district attorney’s office; (c) the reasoning behind the distribution; and (d) the number of assistant district attorneys from each office who would receive funds from this item; and provided further, that no funds shall be expended on the administrative costs of the association.....\$500,000”; and

By striking item 0340-8908 and inserting in place thereof the following new item:

“0340-8908.....For the costs associated with maintaining the Massachusetts District Attorneys Association’s wide area network\$1,317,090”.

The amendment was rejected.

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

“SECTION X. Section 1. Said chapter 29 of the General Laws is hereby further amended by inserting after section 2BBBB the following section:-

Section 2DDDD. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Domestic Violence Emergency Shelter Fund. Amounts credited to such fund shall be used for the reimbursement of state and municipal police departments for the costs associated with the emergency placement of victims of domestic violence. \$50 of each assessment imposed under section 10 of chapter 209A and transmitted to the treasurer shall be deposited into the fund. The funds shall be utilized for the sole purpose of emergency placement for victims of domestic violence or abuse as defined in section 1 of chapter 209A.

Section 2. Section 10 of Chapter 209A is hereby amended by striking out the words ‘three hundred and fifty dollars’ and inserting in place thereof the following figure:- ‘\$400.’”

The amendment was rejected.

Ms. Creem and Ms. Spilka moved that the bill be amended by inserting after item 0330-3334 the following item:-

“0330-3337. For additional expenses associated with the operation of the trial court; provided, that a schedule detailing all transfers shall be submitted to the house and senate committees on ways and means not later than January 31, 2012..... \$9,300,000”.

The amendment was rejected.

Ms. Creem moved that the bill be amended by striking out the figure “\$108,153,535” at the end thereof and inserting in place thereof the following figure:- “\$116,153,535”.

The amendment was rejected.

Ms. Chandler and Messrs. Knapik, Downing and McGee moved that the bill be amended by striking out the figure "\$741,199" and inserting in place thereof the figure "\$772,500".

The amendment was rejected.

Ms. Creem, Ms. Chang-Diaz, Ms. Jehlen, Mr. Kennedy, Ms. Clark, Messrs. DiDomenico, Eldridge, Petruccelli and Rodrigues, Ms. Spilka, Messrs. Michael O. Moore and Keenan, Ms. Fargo and Mr. McGee moved that the bill be amended by striking out the figure "\$8,750,000" and inserting in place thereof the following figure:- "\$9,500,000".

The amendment was adopted.

Ms. Creem and Mr. McGee moved that the bill be amended in section 2, in item 0321-1600, by striking out the wording and inserting in place thereof the following wording:-

"For the Massachusetts Legal Assistance Corporation to provide legal representation for indigent or otherwise disadvantaged residents of the commonwealth; provided, that the corporation shall submit a report to the house and senate committees on ways and means not later than January 30, 2012 that shall include, but not be limited to, the following: (a) the number of persons whom the programs funded by the corporation assisted in the prior fiscal year; (b) any proposed expansion of legal services delineated by type of service, target population and cost; and (c) the total number of indigent or otherwise disadvantaged residents of the commonwealth who received services of the corporation, by type of case and geographic location; provided further, that the corporation may contract with any organization for the purpose of providing the representation; and provided further, that notwithstanding the first paragraph of section 9 of chapter 221A of the General Laws, funds shall be expended for the Disability Benefits Project, the Medicare Advocacy Project, and the Battered Women's Legal Assistance Project".

The amendment was adopted.

Ms. Candaras, Mr. Finegold, Ms. Flanagan, Messrs. Welch, Rosenberg, Baddour and Eldridge, Ms. Chandler and Messrs. Michael O. Moore and Knapik moved that the bill be amended in section 2, in item 0337-0002, by inserting after the word "department", the following:- "; provided that in fiscal year 2012 the department shall not reduce the amount allocated to the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, 0337-0700, 0337-0900 of section 2 of chapter 182 of the acts of 2008".

The amendment was rejected.

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

"SECTION . Section 28D of Chapter 278, as amended by Section 31 of Chapter 61 of the Acts of 2007 is hereby amended by inserting the following:-

Section 28D. The first assistant clerk and the second assistant clerk of the appellate division shall receive from the commonwealth as salary an amount equal to ten per cent of and in addition to the salaries established and paid to them as first assistant clerk and second assistant clerk respectively of the superior court for criminal business in the county of Suffolk.

An employee of the office of the clerk of the superior court for criminal business in the county of Suffolk shall be designated by the clerk as a clerical assistant in matters pertaining to the business of the appellate division. The clerical assistant, so designated, shall receive from the commonwealth as salary an amount equal to ten per cent of, and in addition to, the salary established and paid to said employee in the position held by said employee in the office of the clerk."

The amendment was rejected.

Mr. Tolman moved that the bill be amended by inserting after section 145 the following new section:-

"SECTION 145A. Notwithstanding any general or special law to the contrary, the department of public health shall, in collaboration with the department of correction and the Massachusetts Sheriffs' Association, investigate and make recommendations regarding the use of a FDA-approved, non-narcotic, opioid antagonist therapy for opioid-dependent offenders leaving correctional facilities and transitioning to community based treatment programs. The department shall report its recommendations to the joint committee on mental health and substance abuse and the house and senate committees on ways and means not later than January 2, 2012.

If the department determines that use of a FDA-approved, non-narcotic, opioid antagonist therapy for opioid-dependent offenders leaving correctional facilities and transitioning to community based treatment programs is likely to be effective in improving treatment outcomes and reducing recidivism, the department may enter into pilot programs to provide voluntary treatment for opioid-dependent offenders with select sheriff's offices that choose to participate."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes past eight o'clock P.M., on motion of Mr. Tolman, as follows to wit (yeas 38 - nays 0) [Yeas and Nays No. 27]:

YEAS

Baddour, Steven A. Joyce, Brian A.
Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. 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. Spilka, Karen E.
Finegold, Barry R. Tarr, Bruce E.
Flanagan, Jennifer L. Timilty, James E.
Hart, John A., Jr. Tolman, Steven A.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 38.
NAYS — 0.
ABSENT OR NOT VOTING
Rush, Michael F. — 1.

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

Mr. Rosenberg, Ms. Creem and Mr. McGee moved that the bill be amended, in Section 2, in item 0330-0300, by striking the words "permanency mediation" and inserting in place thereof "provided that funds shall be expended on permanency mediation services".

The amendment was rejected.

Ms. Clark, Messrs. Michael O. Moore and Montigny, Ms. Creem and Mr. McGee moved that the bill be amended by striking out the figure "\$2,088,340" and inserting in place thereof the following figure:- "\$2,188,340".

The amendment was rejected.

Ms. Candaras, Ms. Fargo, Messrs. Kennedy and Donnelly, Ms. Spilka, Ms. Jehlen, Mr. Knapik, Ms. Flanagan, Ms. Donoghue and Mr. Pacheco moved that the bill be amended by inserting, after section ___, the following new section:-

"SECTION ___. There shall be established a commission to study the economic impact on the business communities of the commonwealth by any proposal to change the existing percentage of private attorneys and public salaried staff utilized by CPCS to deliver constitutionally mandated legal services.

The commission shall be composed of nine persons, two of whom shall be appointed by the governor, one of whom shall be appointed by the senate president, and one of whom shall appointed by the speaker of the house of representatives. The remaining members shall be appointed as follows one member shall be a representative of local government appointed by the Massachusetts Municipal Association, one member shall be a representative appointed by the Massachusetts Bar Association, one member shall be a representative appointed by the Massachusetts Association of Court Appointed Attorneys, one member shall be the chief counsel of the Committee for Public Counsel Services, and one member shall be a faculty member of the University of Massachusetts with an expertise in economic development to be selected by the president of said university.

Said commission shall take into consideration the effect any such proposal will have on business districts within each county, and the fiscal health and stabilization of said business districts, if private firms providing these services were no longer utilized. Said commission shall also review vacancy rates, and loss of revenues to other non-legal businesses.

The commission shall report its findings to the clerks of the House of Representatives and senate, the house committees on ways and means, the joint committee on revenue, the joint committee on municipalities and regional government, and the joint committee on the judiciary no later than May 1, 2012."

The amendment was adopted.

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

"SECTION ___. Section 27C of chapter 261 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following subsection:-

(6) If the court makes a finding that the applicant could reasonably pay part of the normal fees and costs or extra fees and costs, the court may assess a reasonable partial payment towards said fees or costs and a date by which same is to be paid by the applicant. The court shall not order partial payment without first holding a hearing thereon, and if there is an appeal pursuant to section 27D following such an order, the court shall, within 3 days, set forth its written findings and reasons justifying the order of partial payment, which document shall be part of the record on appeal."

The amendment was rejected.

Ms. Creem, Mr. Joyce, Ms. Spilka, Ms. Jehlen and Mr. Welch moved that the bill be amended by inserting after the words "submit a report to", where it so appears, the words "the clerks of the house of representatives and senate".

The amendment was rejected.

Messrs. Rodrigues and DiDomenico moved that the bill be amended by adding after item 1233-2400 the following item:-

"1233-2401 For reimbursements to certain cities and towns for additional educational costs pursuant to chapter 40s of the general laws, provided further that cities and towns eligible for reimbursements in fiscal year 2010 shall receive funding.....\$363,399".

After remarks, the amendment was adopted.

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

"SECTION ___ Except as required by law, a state agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, acting in its capacity as an employer, may not enter into a contract, severance or settlement agreement with an employee or former employee directing that employee or former employee to

agree to keep confidential the nature and terms of the agreement or not freely express an opinion about the employer or an agent of the employer, unless the employer shall create and make publicly available, as specified by section 10 of chapter 66 of the General Laws, as appearing in the 2008 Official Edition, a detailed statement declaring why it is in the public's best interest that the employer and employee or former employee include such language into the contract, severance or settlement agreement. The detailed statement shall be made available within 24 hours of the contract, severance or settlement agreement becoming enforceable."

After debate, the amendment was rejected.

Messrs. Tarr and Hedlund moved that the bill be amended by inserting at the end thereof the following:- "provided further, that the department shall expend funds to facilitate mediation for men unable to pay child support and for which failure to pay may result in incarceration."

The amendment was rejected.

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

"SECTION __. Notwithstanding any general or special law to the contrary, no agency of the commonwealth shall expend public funds for advertising or promotions regarding issues or information not necessary to public health or public safety."

The amendment was rejected.

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

"SECTION __. Section 40F of Chapter 7 is hereby amended by inserting, after the sixth paragraph, the following:-

In order to determine if specified real property is surplus to the current and foreseeable needs of the commonwealth, the commissioner shall provide a suitable written notice and inquiry to the several secretaries, with a date certain for any response. If no executive office responds in writing by the date so specified that an agency has a current or foreseeable need for the real property, then the commissioner may declare said property as surplus and dispose of same in accordance with this section.

Alternatively, if a written response is timely received specifying a current or foreseeable need for the real property, the commissioner shall, in consultation with the secretary of administration and finance and with those responding affirmatively, determine whether the real property shall (a) be made available for current use by a state agency, (b) be retained on account of a foreseeable use by a state agency, or (c) be declared surplus real property which may be disposed of pursuant to this section.

When real property is determined to be surplus to current state needs but not to foreseeable state needs, the commissioner shall take such necessary action to ensure that any disposition of the real property is temporary and maintains the commissioner's ability to make such real property available to a state agency as needed.

If the commissioner determines that the real property is surplus, he shall declare it available for disposition and shall identify restrictions, if any, on its use and development necessary to comply with established state plans and policies. The commissioner shall provide written notice of his finding to the executive of the community in which the property is located and upon the determination of a date for a public hearing on the disposition of the surplus real property. The commissioner may conduct a public hearing to consider potential reuses and appropriate restrictions. He shall ensure that any deed, lease or other disposition agreement shall set forth all such reuse restrictions and shall provide for effective remedies on behalf of the commonwealth; provided however, in the event of a failure to comply with the said reuse restrictions by the grantee, lessee or other recipient, title or such lesser interest as may have been conveyed, shall immediately revert to the commonwealth.

The commissioner shall establish the value of surplus real property using customarily accepted appraisal methodologies. The value shall be calculated both for (1) the highest and best use of the property as may be encumbered, and (2) subject to uses, restrictions and encumbrances defined by the commissioner. In the event the commissioner receives three or more offers for such property in response to a competitive disposition process, the value may be determined based solely on such offers. In no instance in which the commonwealth retains responsibility for maintaining the said property shall the terms provide for payment of less than the annual maintenance costs.

The commissioner shall dispose of surplus real property utilizing such competitive processes and procedures, as he deems appropriate. Such competitive processes may include, but are not limited to, absolute auction, sealed bids, and requests for price and development proposals.

At least 30 days before the date of an auction or the date on which bids or proposals or other offers to purchase or lease surplus real property are due, the commissioner shall place a notice in the central register published by the state secretary pursuant to section 20A of chapter 9 stating the availability of such property, the nature of the competitive process and other information deemed relevant, including the time and location of the auction, the submission of bids or proposals, and the opening thereof.

The commissioner shall place a notice in the central register identifying the individual or firm selected as party to such real property transaction, along with the amount of such transaction. If the commissioner accepts an amount below the value calculated under subsection (f), he shall include the justification therefore specifying the difference between the calculated value and the price received.

No agreement for the sale, lease, transfer, or other disposition of surplus real property shall be valid unless the purchaser or lessee has executed and filed with the commissioner the statement required by section 40J of chapter 7.

The grantee or lessee of any surplus real property shall be responsible for all costs including but not limited to appraisals, surveys, plans, recordings and any other expenses relating to the said transfer, as shall be deemed necessary by the commissioner. This section shall not apply to the disposition of real property that is the subject of a special act having an effective date prior to the enactment of this act.

SECTION __. Paragraphs seven to fifteen, inclusive, of section 40F of chapter 7, inclusive, are hereby repealed."

The amendment was rejected.

Messrs. Tarr, Hedlund, Ross and Montigny moved that the bill be amended by inserting, after section __, the following new

sections:-

“SECTION __. The secretary of administration and finance shall increase the efficiency of government through:

- (1) Reducing the use of paper through maximizing the available uses of information technology, including alternative information technologies to substitute for paper and increasing the use of electronic methods for the maintenance, submission, or disclosure of information, to improve data quality, agency efficiency and responsiveness to the public;
- (2) Eliminating costly and wasteful government publications through the expanded use of electronic methods for distribution of documentation throughout state government, where feasible and appropriate;
- (3) Increasing and maximizing the availability of online transactions; including statutorily and regulatorily required corporate filings and frequently transacted governmental business with the citizens of the Commonwealth;
- (4) Maximizing the use and availability electronic forms of payment and eliminating or minimizing any prohibitive fees associated with such transactions; and
- (5) Eliminating duplicative permitting and paperwork requirements through implementing inter-agency file sharing technologies in order that electronically stored data can be viewed and routed, where appropriate, by multiple agencies.

Section __. The secretary shall investigate any current statutory impediments for the reduction of the use of paper by state government and any impediments both statutory and technological, for more efficient electronic data storage and dissemination. The secretary shall submit his findings, along with any legislative recommendations to address those findings, to the house and senate clerks, and the joint committee on state administration and regulatory oversight no later than August 31, 2011.

Section __. Notwithstanding any special or general law to the contrary there shall be a special commission to investigate and make recommendations as to the feasibility of increasing electronic filings, records management and transactions within the judiciary. Said commission shall investigate the possibility of eliminating, or substantially reducing the utilization of paper filings in court proceedings.

Said commission shall consist of twenty-five members, one of which shall be the chief justice of the supreme judicial court, or her designee, who shall also serve as chair, one of which shall be the chief justice of the appeals court, or his designee, one of which shall be the chief justice for administration and management, or his designee, one of which shall be the chief judge of the probate and family court, or his designee, one of which shall be the chief judge of the land court, or his designee, one of which shall be the attorney general of the commonwealth, or her designee; nineteen of which shall be appointed by the chief justice of the supreme judicial court, provided that three of which shall be district attorneys from diverse dispersed areas of the commonwealth, or their designees; provided further that three of which shall be clerk of courts in the commonwealth, or their designees; provided further that two of which shall be registers of deeds in the commonwealth, or their designees; provided further that two of which shall be registers of probate in the commonwealth, or their designees; provided further that six of which shall be selected from nominations provided by the Massachusetts Bar Association, provided that such persons shall represent diverse practice areas and practice sizes; provided further that four of which shall be experts in areas of information technology, data storage, security and privacy protection.

Said commission shall submit its findings, along with any legislative recommendations necessary to address those findings, to the house and senate clerks, the joint committee on the judiciary, and the joint committee on state administration and regulatory oversight no later than October 15, 2012.”

The amendment was rejected.

Mr. Tarr 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 electronic answering service in use by a department, board, commission, authority or agency of the commonwealth for the purpose of receiving telephone calls shall present all callers with the option of speaking with a live operator.”

After debate, the amendment was rejected.

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

“SECTION __. Notwithstanding any general or special law to the contrary, the Governor shall, through the Secretary of Administration and Finance, develop a report detailing all action undertaken by the Executive Branch in Fiscal Year 2011, and those planned to be undertaken in Fiscal Year 2012, to reduce the costs of employee compensation. Said report shall also include an itemization of any and all staffing reductions, furlough and salary wage reductions in addition to any salary and wage increases and any increases in staffing levels from 2010 to 2011 to those projected for 2012.

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

After debate, the amendment was rejected.

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

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

The amendment was rejected.

Messrs. Tarr, Hedlund, Knapik, Timilty and Pacheco moved that the bill be amended by inserting, after section __, the following

new section:-

“SECTION __, Section 7A of chapter 271 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended, by inserting at line 36, after the word ‘bazaar’, the following:-’, except that the sponsoring organization may retain, at a reasonable fee, non-members to assist in the operation of such raffle or bazaar, including providing paid dealers and game supervisors to ensure that the rules of the game are properly administered and complied with, so long as only qualified members of the sponsoring organization handle the funds collected and disbursed at the raffle or bazaar.”

The amendment was rejected.

Mr. Tarr moved that the bill be amended by inserting after the words "appealed to it;" the following:- "provided further, that the division shall submit a report to the clerk of the house of representatives and the clerk of the senate no later than September 30, 2011 listing all of the outstanding cases that have been pending for more than two years as of the date of passage of this act and detailing, for each individual case, the reason or reasons why the case has not yet been resolved;".

After remarks, the amendment was rejected.

Ms. Chang-Diaz moved that the bill be amended by inserting after the words “generated for the commonwealth” the following words:- “provided further, that no less than \$20,000 shall be allocated to the City of Boston for the purpose of preparing, printing, and distributing bilingual ballots in English and Chinese and in English and Vietnamese as required in Chapter 201 of the Acts and Resolves of 2010”; and in said item by striking out the figure “\$4,203,698” and inserting in place thereof the following figure:- “\$4,223,698”.

After remarks, the amendment was rejected.

Mr. Eldridge moved that the bill be amended by striking the figure “\$769,229” and inserting in place thereof the following figure:- “853,172”.

The amendment was rejected.

Messrs. Hart and Tolman and Ms. Donoghue moved that the bill be amended by inserting the following new section:- SECTION __ Section 19C of Chapter 78 of the General Laws, as so appearing, is hereby amended by striking out, in lines 34 and 35, the words ‘library of last recourse for reference and research services for the commonwealth’ and inserting in place thereof the following words:- the library of the commonwealth for reference and research services.”

The amendment was adopted.

Messrs. Hart and Tolman and Ms. Donoghue moved that the bill be amended in section 2, in item 7000-9401, by inserting the following text:- “; and provided further, that notwithstanding any general or special law to the contrary, the library of the commonwealth shall receive not less than thirty-five and nine tenths cents for each resident of the commonwealth”; and in the same item by striking out the figure “\$8,781,475” and inserting in place thereof the following figure:- “\$9,131,475”

After remarks, the amendment was adopted.

Mr. Petrucci moved that the bill be amended by striking out the figure “\$1,893,262” and inserting in place thereof the following figure:- “\$1,993,336”.

The amendment was rejected.

Mr. Petrucci moved that the bill be amended by inserting after item 0610-0050 the following item:- “0610-0051 For the operations of the alcoholic beverages control commission relative to the prevention of underage drinking and related programs, including but not limited to applying for and obtaining federal Alcohol, Tobacco, and Firearms funds, grants, and other federal appropriations; provided further, that the commission is hereby authorized to expend revenues up to \$171,664 collected from fees generated by said commission; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenue and related expenditures, said commission 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..... \$171,664”.

The amendment was rejected.

Mr. Hart moved that the bill be amended by adding at the end thereof the following: “Provided further, that the department shall resume its grant to the ULEM pursuant to C. 182 of the Acts of 2008”.

The amendment was rejected.

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

“Section __. Chapter 30A of the General Laws is hereby amended by inserting after section 4 the following new section:- Section 4A. Except for emergency regulations adopted pursuant to section two, any regulation, as defined in section one or any amendment or repeal of any such regulation adopted by an agency pursuant to this chapter, shall, after compliance with all applicable provisions of this chapter, except section five, be submitted to the general court. The agency shall file the proposed regulation, amendment or repeal with the clerks of the house of representatives and the senate, together with a statement that the pertinent provisions of this chapter, except section five have been complied with. The clerks of the house of representatives and the senate, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such regulations to the joint committee having jurisdiction of the subject matter of the regulations and to the joint committee on state administration and regulatory oversight. If a proposed regulation involves health care then it shall be referred to the joint committee on health care financing. Within thirty days after such referral, either or both committees may hold a public hearing on the regulations and shall issue a report to the appropriate agency. The report shall contain any proposed changes to the regulations voted upon by the committees. The agency shall review the report and adopt final regulations as deemed appropriate in view of the report and shall file with the chairs of the committees making the report its final regulations. If the final regulations do not contain the changes proposed by the committees, the agency shall send a letter to committees accompanying the final regulations stating the reasons why such proposed changes were not adopted. Not earlier than forty-five days after filing of such a

letter and final regulations with the committees, the agency shall file the final regulations with the state secretary as provided in section five and said regulations shall thereupon take effect.

If no such proposed changes to the regulations are made to the appropriate agency within sixty days of the initial filing of the proposed regulation or any amendment or a repeal of such regulation with the clerk of the house of representatives, the agency may file the final regulations with the state secretary as provided in section five and said regulations shall thereupon take effect." After remarks, the amendment was rejected.

Ms. Clark and Ms. Creem moved that the bill be amended by striking out the figure "\$817,877" and inserting in place thereof the figure:- "\$914,448".

The amendment was rejected.

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

"SECTION _____. 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) 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) 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.

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, 2012 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.

Ms. Chang-Diaz moved that the bill be amended in Section 9 by inserting after the words "shall also include" the following words:- "an office of access and opportunity and";

In section 12 by striking the words "following paragraph" and inserting in place thereof the following words:- "following paragraphs"; and

In said section 12, by inserting at the end thereof the following paragraph:- "(f) The office of access and opportunity shall be headed by an assistant secretary for access and opportunity, who shall be appointed by the secretary with the approval of the governor. With the approval of the secretary of administration and finance, take administrative actions, including but not limited to promulgating administrative bulletins and other policies, to promote and ensure nondiscrimination and equal opportunity in the policies, services, programs, and activities of executive agencies."

The amendment was rejected.

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

"SECTION ___. Notwithstanding any general or special law to the contrary, the Secretary of Administration and Finance shall pursue any and all opportunities for the sponsorship or naming of state assets and facilities for compensation that the Secretary deems appropriate and that is not otherwise prohibited by law. To this end the Secretary shall issue request for proposals not later than September 1, 2011 and as often as the Secretary deems necessary thereafter. Not later than January 1, 2012 the Secretary shall file reports with the House Committees on Ways and Means and the Senate Committee on Ways and Means detailing proceeds generated through sponsorships or naming rights and the details of any contracts entered into for such purposes."

After debate, the amendment was rejected.

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

"provided further, the office of the secretary shall execute a performance management program throughout the executive department including, within statutory limits for each agency: defining missions; creating measurable goals; establishing strategies for achieving those goals and relating them to budget development; monitor and review federal grant applications made on behalf of the commonwealth and coordinate efforts to maximize federal revenue opportunities and oversight of compliance with federal reporting requirements; ensure transparency of the commonwealth's administration and finance activities, including the operation of the searchable website required by section 14C of Chapter 56 of the Acts of 2010; establish and maintain a central intake unit for reports of fraud, waste and abuse; establish and maintain an economic forecasting and analysis unit to coordinate all spending and revenue forecasting by state agencies; perform duties for privatization contracts; reduce and simplify paperwork of state agencies and departments by adopting uniform forms or federal forms, if possible, when they are shorter than the corresponding state forms; implement and streamline electronic paperwork options to better facilitate public interaction with state agencies; and collaborate with other state agencies, authorities and other entities to carry out these purposes; provided further, that the secretary of administration and finance shall report to the house and senate committees on ways and means, on or before April 1, 2012, on transparency missions, measurable goals, and strategies for achieving goals in relation to budget development relative to performance, accountability and transparency; and provided further, the office of the secretary of administration and finance is unable to perform the performance management program within the amounts provided herein, the secretary shall file with the house and senate committees on ways and means an analysis of the necessary appropriations to carry out all of the elements of said program no later than 60 days after the passage of this act";

In section 2, by striking line item 1100-1201 in its entirety; and

By striking out sections 9, 12, and 13.

After debate, the amendment was rejected.

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

"SECTION __. Section 1. Notwithstanding any general or special law to the contrary, the Massachusetts Division of Fisheries and Wildlife, hereafter referred to as the 'Division', shall not promulgate any regulation under the auspices of M.G.L. c. 131A which may result in the taking or restriction of land, including restrictions resulting from the issuance of a permit, unless such regulation is in accordance with processes set out in M.G.L. c 131A §§4-5 and such land is deemed Significant Habitat as defined by M.G.L. c. 131A §1.

Section 2. The Division shall rescind or revise any and all regulations, including, but not limited to 321 CMR 10.11-10.26 et seq., which may involve the taking or restriction of land, including restrictions resulting from the issuance of a permit, unless such regulation is in accordance with processes set out in M.G.L. c 131A §§4-5 and such land is deemed Significant Habitat as defined by M.G.L. c. 131A §1.

Section 3. The Division shall have 180 days from the date of this law taking effect to rescind or revise regulations pursuant to Section 2. If after 180 days such regulations are not rescinded, 321 CMR 10.11-10.26 et seq. shall be considered rescinded." After remarks, the amendment was rejected.

Mr. Eldridge moved that the bill be amended by striking out item 1100-1201 and inserting in place thereof the following item:-
"1100-1201 For the operation of the office of commonwealth performance, accountability and transparency; provided, that the activities funded from this item may include, but not be limited to, the operations and maintenance of a performance management program, maximization of federal revenue opportunities and oversight of compliance with federal reporting requirements including the implementation and oversight of the Federal Financial Accountability and Transparency Act, section 14C of chapter 7 of the General Laws, and other statewide transparency initiatives to enhance program integrity and ongoing efforts to prevent fraud, waste and abuse throughout the executive branch.....\$400,000"; and

By inserting after section 13 the following section:-

"SECTION 13A. Said chapter 7 is hereby further amended by inserting after section 4F the following section:-

Section 4F 1/2. There shall be established and set up a separate account, to be known as the Commonwealth Performance, Accountability, and Transparency Trust , in this section called the trust. The secretary of administration and finance shall expend funds in the trust without further appropriation to support the purposes of the office of commonwealth performance, accountability and transparency, established by paragraph (e) of section 4A. The comptroller shall annually transfer to the trust, from the indirect costs charged under section 5D of chapter 29, an amount determined by the secretary for these purposes, not exceeding \$500,000 plus the one-time costs of any technology determined by the secretary."

The amendment was rejected.

Mr. Joyce moved that the bill be amended by inserting after section 152, the following new section:-

"SECTION __. Section 45 of chapter 30 of the General Laws is hereby amended by inserting in subsection (1), after the words '...and legislative branches...', the following:— '...in the state ethics commission...'"

The amendment was adopted.

Messrs. Keenan and Knapik, Ms. Candaras, Ms. Clark and Messrs. Welch, Eldridge, DiDomenico, Kennedy and Timilty moved that the bill be amended in section 2, in item 8910-0102, by striking out the figure "\$64,209,988" and inserting in place thereof the following figure:- "\$65,520,396";

In item 8910-0105, by striking out the figure "\$39,729,986" and inserting in place thereof the following figure:- "\$40,540,802";

In item 8910-0107, by striking out the figure "\$58,708,427" and inserting in place thereof the following figure:- "\$59,906,558";

In item 8910-0108, by striking out the figure "\$8,671,430" and inserting in place thereof the following figure:- "\$8,848,400";

In item 8910-0110, by striking out the figure "\$11,559,175" and inserting in place thereof the following figure:- "\$11,795,077";

In item 8910-0145, by striking out the figure "\$14,108,413" and inserting in place thereof the following figure:- "\$14,396,339";

In item 8910-0619, by striking out the figure "\$43,356,922" and inserting in place thereof the following figure:- "\$44,241,756";

In item 8910-8200, by striking out the figure "\$21,517,391" and inserting in place thereof the following figure:- "\$21,956,519";

In item 8910-8300, by striking out the figure "\$27,202,704" and inserting in place thereof the following figure:- "\$27,757,860";

In item 8910-8400, by striking out the figure "\$2,453,748" and inserting in place thereof the following figure:- "\$2,516,480";

in item 8910-8500, by striking out the figure "\$747,844" and inserting in place thereof the following figure:- "\$766,940";

In item 8910-8600, by striking out the figure "\$23,980,272" and inserting in place thereof the following figure:- "\$24,469,667";

In item 8910-8700, by striking out the figure "\$24,810,825" and inserting in place thereof the following figure:- "\$25,317,169";

and

In item 8910-8800, by striking out the figure "\$88,042,732" and inserting in place thereof the following figure:- "\$89,839,522".

After remarks, the amendment was rejected.

Ms. Jehlen and Mr. DiDomenico moved that the bill be amended in section 0540-1500 by striking the figure "2,875,012" and inserting in place thereof, "2,905,012".

The amendment was rejected.

Mr. Kennedy moved that the bill be amended in section 2, in item 0521-0000, by inserting at the end thereof the following words:- "prior appropriation continued".

The amendment was adopted.

Messrs. Hedlund and Tarr moved that the bill be amended in Section 2, in item 1599-XXXX, by inserting at the end thereof the following:-

"For a reserve to reimburse municipalities for costs incurred by said municipalities during and as a result of the Nor'easter of December 26 and 27 of 2010; provided that all damages having been previously calculated by said municipalities and submitted to the Massachusetts Emergency Management Agency for review prior to April 1, 2011; provided further that not less than

\$2,000,000 be placed in said reserve to fund reimbursement claims submitted by said municipalities; provided further that funds be distributed to said municipalities by the Massachusetts Emergency Management Agency in a fair and equitable manner based on the total damage claim submitted by each eligible municipality before April 1, 2011; provided further that the Massachusetts Emergency Management Agency must distribute all funds to said municipalities that have made claims under this item no later than December 1, 2011".

The amendment was rejected.

Messrs. Wolf and Pacheco moved that the bill be amended by striking out, in lines 6 and 7, the words “; provided, that funds may be expended for the natural heritage and endangered species program”; and by inserting after item 2310-0200 the following item:-

“2310-0300.. For the operation of the natural heritage and endangered species program..... \$150,000.”

The amendment was adopted.

Mr. Hart, Ms. Clark, Ms. Jehlen and Messrs. Rodrigues, Finegold, Michael O. Moore and Pacheco moved that the bill be amended by striking out the figures “\$42,173,702” and inserting in place thereof the figures “\$42,673,702”.

The amendment was rejected.

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

"SECTION __ Chapter 62 of the General Laws is hereby amended by inserting after section 6L the following new section:-

Section 6K. Every individual who files a separate return may voluntarily contribute one dollar to be paid over to the Inland Fisheries and Game Fund, established by section 2c of chapter 131. In the case of a joint return of husband and wife, each spouse may voluntarily contribute one dollar to said fund. A credit in the full amount of any contribution under this section shall be allowed against the tax imposed by this chapter; provided, that for any such return no such credit shall exceed the income tax liability for any taxable year.

At the beginning of each fiscal year, subject to appropriation, one dollar shall be credited from the General Fund to the Inland Fisheries and Game Fund for each dollar contributed by the public in the prior fiscal year under the provisions of this section.

The commissioner of revenue shall certify to the state comptroller total revenues contributed to the Inland Fisheries and Game 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 5 of chapter 62C.”

The amendment was rejected.

Messrs. Tarr, Hedlund and Ross moved that the bill be amended by adding at the end thereof the following: "provided further, that the department shall expend funds in support of initiatives to improve the department’s operations, including but not limited to an information technology upgrade to make permitting more efficient, consumer friendly and responsive, a regulatory reform effort to make the operations of the department more efficient, and a restructuring effort to modernize the department’s management structure”.

The amendment was rejected.

Messrs. Tarr, Hedlund and Petrucci moved that the bill be amended by striking line item 2330-0100 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 and for the operation of the Newburyport shellfish purification plant and 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 so as to promote sustainable fisheries; provided further, that \$400,000 shall be spent for the operation of the Newburyport shellfish purification plant; and provided further, that the commissioner shall develop a feasible plant management plan to reduce, to the maximum extent possible, the amount by which the cost of operating the plant exceeds the revenue it generates, and that said plan shall include, but not be limited to, the following: 1) enabling the shellfish purification plant to accept for treatment those shellfish harvested by valid permit holders from waters not meeting the requirements for open status for acceptable water quality as a result of heavy rainfall pursuant to the national shellfish sanitation program guide for the control of molluscan shellfish; 2) requiring the division to perform additional testing on permanently closed areas to ascertain the possibility of opening said areas as clean areas, with special consideration given to areas 2 and 3 north of Boston, or to developing regulations to permit the acceptance of shellfish harvested from those areas or other moderately contaminated areas for purification at the plant; 3) reviewing the plant hours of operation and make adjustments to better accommodate tide schedules and weekend harvesting and increase plant processing volume; and 4) increasing the frequency of testing at conditionally approved areas and making results of the testing expediently available to the general public; 5) capturing opportunities for the use of the plant for shellfish not requiring purification, but for which additional cleansing, including from sand particulates, creates increased market value and which increases the utilization of the plant and its revenues; provided further, that the commissioner shall evaluate each of these options in developing said plan, and that said plan shall provide an explanation for the reasons for which any element described above is not included in the plan; and provided further, that said plan shall be submitted to the house and senate ways and means committees on or before February 15, 2012..... \$4,355,647.”

The amendment was adopted.

Messrs. Downing and Pacheco moved that the bill be amended by inserting, after section __, the following new section:-
"SECTION __. Section 122 of chapter 169 of the acts of 2008 is hereby amended by striking out the words 'June 30, 2012' and inserting in place thereof the following words:- June 30, 2017."

The amendment was rejected.

Mr. Joyce moved that the bill be amended in section 136 by striking out, in line 15 the words "Ulin Memorial Rink, in the town of Milton;"; and by inserting after section 145, the following section:-

"Section 145A. (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws, the division of capital asset management and maintenance, using those competitive proposal processes as the division considers necessary or appropriate, in consultation with the department of conservation and recreation, may lease and enter into other agreements with 1 or more persons or entities, for terms not to exceed 25 years, for the continued use, operation, maintenance, repair and improvement of the Max Ulin Memorial Rink, together with the land and appurtenances associated therewith.

(b) The failure of a city or town to apply for prequalification under subsection (c) shall not prohibit that city or town from bidding under this section.

(c) Before the division, in consultation with the department, sends out a request for proposals under this section, the division shall hold open a prequalification period of 30 days for the town of Milton and any nonprofit organization located within the town of Milton that desires to bid on the rink, or for a partnership of municipalities which share geographic boundaries as long as the subject rink is located within the geographic area of the municipalities comprising the partnership. The town, a nonprofit organization or a partnership of municipalities that desires to lease the rink under this section may submit materials for prequalification. The prequalification determination may consider, but need not be limited to, the town's, nonprofit organization's or partnership's ability to finance the capital improvements determined to be necessary at the rink by the division and to manage, operate and maintain the property. The division, in consultation with the department, shall determine whether the town, a nonprofit or a partnership is prequalified within 15 days of the expiration of the prequalification period. If the town or nonprofit organization is determined to be prequalified, then the town or non-profit organization shall be awarded the lease for the Max Ulin Skating Rink under the terms and conditions set forth in this act; provided, however, that only 1 lease shall be awarded based on preference as described in subsection (d).

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

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

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

(4) The town or a nonprofit organization awarded the lease under this act shall pay the sum of \$1.00 as consideration for the lease, subject to the required capital improvements, performance specifications and other prequalification requirements and terms of the division and submitted proposal. The length of the lease shall be determined between the division and the town or nonprofit organization.

(e) The lease and other agreements shall be on terms acceptable to the commissioner of capital asset management and maintenance, after consultation with the commissioner of conservation and recreation and, notwithstanding any general or special law to the contrary, shall provide for the lessees to operate, manage, improve, repair and maintain the property and to undertake initial capital improvements that commissioner determines are necessary due to the structural condition of the property. Leases or other arrangements requiring improvements to be made on the property may include a description of the initially required improvements and performance specifications.

(f) Ice time at the rink shall be allocated to user groups in the following order of priority: general public skating; non-profit youth groups; high school hockey, not for profit schools or colleges; for-profit youth groups and adult organizations or informal groups. Ice time may be allocated at the discretion of the operator, but general public skating shall be booked, in 2-hour contiguous blocks at a minimum of 12 hours per week, with a range of times and days which reasonably allow for public skaters of all ages to participate in some public skating sessions. Every effort shall be made to balance the ice allocation needs of long-established youth organizations and newly-formed youth organizations in a manner that provides equal opportunity and equal access for youths of each gender.

(g) The leases and other agreements authorized in this section shall provide that any benefits to the community and the costs of improvements and repairs made to the property provided by the lessees or the recipients of the property shall be taken into account as part of the consideration for such leases or other agreements. Consideration received from the leases or other agreements for the rink shall be payable to the department of conservation and recreation for deposit into the General Fund. The lessees or the recipients of the property shall bear the costs considered necessary or appropriate by the commissioner of conservation and recreation for the transactions including, without limitation, costs for legal work, survey, title and the preparation of plans and specifications.

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

After remarks, the amendment was adopted.

Mr. Eldridge, Ms. Flanagan, Messrs. DiDomenico and Timilty and Ms. Donoghue moved that the bill be amended by striking the figure "\$1,264,499" and inserting in place thereof the following figure "\$1,477,001".

After remarks, the amendment was rejected.

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

"SECTION X. Section 2 of Chapter 128 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by

adding, after subsection (j), the following new subsection:-

(k) maintain exclusive authority to regulate and enforce the registration and application of plant nutrients put on or in soil to improve the quality or quantity of plant growth, including but not limited to fertilizer, manure, and micronutrients in the Commonwealth and any rule, regulation, ordinance or bylaw of a city or town which is inconsistent with or contrary to the provisions of this chapter or regulations promulgated hereunder shall be void; provided however, that the department shall work in conjunction with the University of Massachusetts Amherst Extension to ensure any such regulations of the department are consistent with the program's published information, educational materials and other public outreach programs relative to nutrient management and fertilizer guidelines; provided further, that subject to appropriation, the Department may establish regulations pursuant to this paragraph which shall be developed in consultation with the University of Massachusetts Amherst Extension."

After remarks, the amendment was adopted.

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

"The department of conservation and recreation shall conduct a study to ensure the integrity of the state owned retaining wall between back street and Storrow drive in the city of Boston."

The amendment was rejected.

Mr. Hart moved that the bill be amended by striking in outside section 136 the following words; "Devine Memorial Rink in the Dorchester section of the city of Boston", "Murphy Memorial Rink in the South Boston section of the city of Boston", "Neponset Landing II Spray Deck in the Dorchester section in the city of Boston", "Ryan Wading Pool in the Mattapan section of the city of Boston".

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 2800-29004 of section 2 of chapter 182 of the acts of 2008".

The amendment was rejected.

Messrs. Wolf, Eldridge and Rodrigues, Ms. Jehlen and Messrs. Knapik, DiDomenico and Michael O. Moore, Ms. Spilka and Mr. Pacheco moved that the bill be amended by inserting at the end thereof the following:- "and provided further, that the department may retain and deposit 70% of the aforementioned fees generated above \$9,000,000 into the Conservation Trust; and provided further, that any revenue above \$9,000,000 spent from this item shall be verified on a monthly basis with monthly revenue estimates filed at the close of each month with the house and senate committees on ways and means".

The amendment was adopted.

Ms. Clark moved that the bill be amended in Section 136, by striking out, in line 12, the words, "Flynn Memorial and LoConte Memorial Rink in the city of Medford".

After remarks, the amendment was adopted.

Mr. McGee moved that the bill be amended by adding the following:- "; provided further, that no less than \$100,000 shall be expended for the cleanup of Pilayella 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. Rosenberg moved that the bill be amended by inserting after section 61, the following 4 sections:-

"SECTION 61A. Section 150A of chapter 111 of the General Laws, as amended by chapter 131 of the acts of 2010, is hereby amended by inserting after the fourth paragraph the following paragraph:-

Within 60 days of receipt of said application, the department shall issue a report stating whether the proposed site meets the criteria established under section 150A1/2 for the protection of the public health and safety and the environment. Any and all such reports shall be made available to the public in a timely fashion prior to any public hearing concerning the site application.

SECTION 61B. Said section 150A of said chapter 111 is hereby further amended by striking out the words '60 days of receipt of said application', inserted by section 64 of chapter 131 of the acts of 2010, and inserting in place thereof the following words:- 30 days of the receipt of the department's report.

SECTION 61C. Said section 150A of said chapter 111 is hereby further amended by striking out the words 'local board of health', inserted by section 65 of said chapter 131, and inserting in place thereof the following words:- department's report.

SECTION 61D. Said section 150A of said chapter 111 is hereby amended by striking out the ninth and tenth paragraphs, inserted by section 66 of said chapter 131, and inserting in place thereof the following 2 paragraphs:-

No facility shall be established, constructed, expanded, maintained, operated or devoted to any past closure as defined by regulation unless detailed operating plans, specifications, any public health report and necessary environmental reports have been submitted to the department, the department has granted a permit for the facility and notice of such permit is recorded in the registry of deeds, or if the land affected thereby is registered land in the registry section of the land court for the district wherein the land lies. Within 120 days after the department is satisfied that the operating plans, specifications and reports are complete, the department shall make a decision granting or refusing to grant such permit. The permit may limit or prohibit the disposal of particular types of solid waste at a facility in order to protect the public health, promote reuse, waste reduction and recycling, extend the useful life of the facility or reduce its environmental impact.

Every decision by the department granting or refusing to grant any such permit shall be in writing and shall contain findings with regard to criteria established by the department. Any person aggrieved by the action of the department in granting or refusing to grant any such permit may appeal that decision under section 14 of chapter 30A. For the limited purposes of any such appeal, the department action shall be deemed to be a final decision in an adjudicatory proceeding."

After remarks, the amendment was adopted.

Mr. Joyce moved that the bill be amended in section 2, in item 2800-0100, by inserting after "personnel overtime costs" the following "provided further, that not less than \$100,000 shall be expended for the operation, maintenance and ongoing support of the department of conservation and recreation park rangers mounted unit in the Blue Hills Reservation".

The amendment was rejected.

Mr. Joyce moved that the bill be amended by inserting after section 152, 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."

The amendment was rejected.

Mr. Joyce moved that the bill be amended by inserting after section 152, the following new 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 rejected.

Ms. Jehlen and Messrs. DiDomenico and Donnelly moved that the bill be amended as follows: "Provided that \$200,000 shall be expended for the design of the Mystic River Master Plan in Arlington, Boston, Everett, Medford and Somerville"; and in said item by striking out the figures "\$1,002,565" and inserting in place thereof the figures "\$1,202,565".

The amendment was rejected.

Messrs. Donnelly, DiDomenico, Eldridge, Downing and Michael O. Moore, Ms. Fargo, Ms. Clark and Mr. Pacheco moved that the bill be amended striking the figure "\$11,973,797," and inserting in its place the following:- \$12,673,797.

The amendment was rejected.

Mr. Joyce moved that the bill be amended by inserting, after section 152, the following new section:-

"SECTION __. a) Chapter 92 of the General Laws is hereby amended by inserting after section 34 the following section:-
Section (d). 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 reservation 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'."

The amendment was rejected.

Messrs. Knapik, Pacheco, Downing and Rosenberg moved that the bill be amended as follows:

"For micro lending grants of up to \$100,000, to be issued to established Community Development Financial Institutions 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 the eligible organization's lending and technical assistance

activities..... \$200,000".

The amendment was rejected.

Mr. Montigny moved that the bill be amended in Section 2, in line item 7007-0951, by adding at the end thereof the following:-

"provided further, that not less than \$100,000 shall be expended for the Buttonwood Park Zoological Society to establish and enhance outreach and educational programs to benefit underprivileged children in the Greater New Bedford area".

The amendment was rejected.

Mr. Montigny moved that the bill be amended by adding at the end thereof the following:- "; provided further, that not less than \$200,000 shall be expended for the Zeiterion Performing Arts Center in New Bedford".

The amendment was rejected.

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

"SECTION __. The Massachusetts Development Finance Agency shall expend an amount not to exceed ten million dollars for the purpose of establishing a revolving fund to make interest-free or low interest loans to rehabilitate existing infrastructure in waterfront areas to encourage and assist industrial and commercial development and activities.

SECTION __. To meet expenditures necessary in carrying out the provisions, the State Treasurer shall, upon request of the Governor, issue and sell bonds of the Commonwealth, to an amount specified by the Governor from time to time, not exceeding in the aggregate, the sum of ten million dollars. All bonds issued by the Commonwealth shall be designated on their face, and shall be issued for such maximum term of years not exceeding twenty years, as the Governor may recommend to the General Court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June 30, 2031. Bonds and interest thereon issued under the authority of this Section shall, notwithstanding any other provisions, be general obligations of the Commonwealth."

The amendment was rejected.

Messrs. Timilty, Keenan and Kennedy, Ms. Chang-Diaz, Ms. Fargo and Mr. DiDomenico moved that the bill be amended by striking out the figure "\$1,100,000" and inserting in place thereof the figure:- "\$1,200,000".

The amendment was adopted.

Mr. Eldridge moved that the bill be amended by striking the figure "\$325,401" and inserting in place thereof the following figure:- "\$350,401".

The amendment was rejected.

Messrs. Eldridge, Welch, Finegold and Donnelly, Ms. Fargo, Messrs. Michael O. Moore and DiDomenico, Ms. Donoghue and Mr. McGee moved that the bill be amended by striking the figure "\$62,5000,000" and inserting in place thereof the following figure: - "\$66,500,000".

The amendment was rejected.

Mr. Welch moved that the bill be amended by striking the words:- "provided further, that a family's eligibility for such assistance shall not exceed a period of 36 successive months; provided further, that such payments shall not exceed: (1) \$4,000 for the initial 12-month period for which the family receives assistance hereunder; or (2) if assistance is used for a portion of the household's monthly rent and utility costs, the difference between 35 per cent of household income and the monthly cost of rent and utilities for such housing;" and inserting in place thereof the following:- "provided further, that a family's eligibility for assistance provided hereunder shall not exceed a period of 36 successive months from the date the family receives assistance hereunder, not including time spent in temporary accommodations; provided further, that a family that is terminated from the program because they have received 36 successive months of assistance shall not be able to receive assistance hereunder for 12 months from the last date they received assistance through this program; provided further, that for the initial 12 month period for which the family receives assistance hereunder, payments shall not exceed: (1) \$4,000; or (2) if assistance is used for a portion of the household's monthly rent and utility costs, the difference between 35 per cent of household income and the monthly cost of rent and utilities for such housing; provided further, that administering agency shall also be able to make payments toward temporary accommodations for the family prior to the family securing a rental housing unit with assistance hereunder;"

After remarks, the amendment was adopted.

Mr. Welch moved that the bill be amended by striking the words:- "provided further, that the department shall, not later than September 1, 2011, reaffirm regulations clarifying that a household that otherwise qualifies for any preference or priority for state subsidized housing or rental assistance based on homeless or at-risk status shall retain that preference or priority notwithstanding receipt of rental assistance that is intended to be temporary including, but not limited to, any temporary or bridge subsidies provided with state or federal funds;"

The amendment was rejected.

Mr. Welch moved that the bill be amended by striking the words:- "provided further, that assistance received under this program shall render a family that did not make a good faith effort to secure an apartment or did not make a good faith effort to follow their housing stabilization plan ineligible for benefits pursuant to said section 30 of said chapter 23B and short-term housing transition benefits for a period of no more than 24 months from the later of the date upon which the family exits a temporary emergency family shelter or a monthly rental assistance payment is made to or on behalf of the family or 12 months for a family that received assistance only for rent arrears, utility charges or extraordinary medical bills;" and inserting in place thereof the following:- "provided further, that a family that did not make a good faith effort to secure an apartment or did not make a good faith effort to follow their housing stabilization plan during the term of their assistance shall be ineligible for benefits pursuant to said section 30 of said chapter 23B and short-term housing transition benefits for a period of no more than 24 months from the later of the date upon which the family exits a temporary emergency family shelter or a monthly rental assistance payment is made to or on behalf of the family or 12 months for a family that received assistance only for rent arrears, utility charges or extraordinary medical bills;"

The amendment was adopted.

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

"SECTION __. Section 6 of Chapter 176J, as amended by Section 29 of Chapter 288 of the Acts of 2010 is hereby amended by striking subsection (c) in its entirety and replacing it with the following:-

(c) Notwithstanding any general or special law to the contrary, the commissioner may require carriers offering small group health insurance plans, including carriers licensed under chapters 175, 176A, 176B or 176G, to file all changes to small group product base rates and to small group rating factors at least 90 days before their proposed effective date. The commissioner shall disapprove any proposed changes to base rates that are excessive, inadequate or unreasonable in relation to the benefits charged. The commissioner shall disapprove any change to small group rating factors that is discriminatory or not actuarially sound. The determination of the commissioner shall be supported by sound actuarial assumptions and methods, which shall be provided in writing to the carrier. 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. The commissioner shall adopt regulations to carry out this section.

Section 6 of Chapter 176J, as amended by Section 29 of Chapter 288 of the Acts of 2010 is further amended by striking subsection (f) in its entirety and replacing it with the following:-

(f) If the commissioner disapproves the rate submitted by a carrier the commissioner shall notify the carrier in writing no later than 60 days prior to the proposed effective date of the carrier's rate. If the carrier's proposed based rate has been disapproved, the carrier may submit a request for hearing with the division of insurance within 10 days of such notice of disapproval. The division must schedule a hearing within 10 days of receipt. The commissioner shall issue a written decision within 30 days after the conclusion of the hearing."

After remarks, the amendment was adopted.

Messrs. Petruccelli and DiDomenico moved that the bill be amended by adding at the end thereof the following:- "provided that not less than \$175,000 shall be expended annually for provisions of emergency services that provide domestic violence

intervention, workforce development, housing assistance, foreclosure prevention 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. Flanagan moved that the bill be amended by inserting after the word “personnel “the following words:- ”; provided, that the department shall receive and process applications for assistance from items 7004-0101 and 7004-0108 each business day during normal business hours at the Fitchburg office of the department of transitional assistance;”.

After remarks, the amendment was adopted.

Messrs. Petruccelli and Donnelly, Ms. Spilka, Mr. DiDomenico, Ms. Donoghue, Mr. McGee and Ms. Candaras moved that the bill be amended in line 17, by inserting after “human services;” the following:- “provided further that families in shelters, including motels and hotels, shall be provided with services, including but not limited to housing search services, within 30 days of being placed;”.

The amendment was rejected.

Mr. Michael O. Moore and Ms. Chandler moved that the bill be amended by inserting after the word "eligibility", in line 16, the following words:- “provided further, that not less than \$50,000 shall be expended for the South Worcester Neighborhood Improvement Corporation”; and in said item, by striking out the figure "6,642,317" and inserting in place thereof the figure "6,692,317".

The amendment was rejected.

Messrs. Petruccelli and DiDomenico moved that the bill be amended by adding at the end thereof the following:- “provided that not less than \$140,000 be expended for Just-A-Start’s homeless prevention program and housing service program”.

The amendment was rejected.

Ms. Donoghue, Messrs. Eldridge and DiDomenico, Ms. Fargo, Ms. Creem and Mr. Wolf moved that the bill be amended by striking the figure "1,377,812" and inserting in place thereof the following figure:- "1,495,996".

The amendment was rejected.

Ms. Flanagan moved that the bill be amended by inserting after the words “Metropolitan Boston Housing Partnership,” the following words:- “RCAP Solutions, Inc.,”.

The amendment was adopted.

Ms. Clark moved that the bill be amended by inserting the following text:- “provided that not less than \$125,000 shall be expended for the Center for Women and Enterprise”.

After remarks, the amendment was rejected.

Mr. Joyce moved that the bill be amended in section 2, in item 7002-0017, by striking the figure “\$2,067,930” and inserting in place thereof:- “\$2,161,748”.

The amendment was rejected.

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

The amendment was rejected.

Messrs. Wolf and McGee, Ms. Spilka and Messrs. Knapik, DiDomenico and Montigny moved that the bill be amended in section 2, in item 7003-0803, by striking out the figures “4,494,467” and inserting in place thereof the figures “4,994,467”.

The amendment was rejected.

Mr. Keenan moved that the bill be amended by striking out the figures "\$1,100,000" and inserting in place thereof the figures "\$1,200,000".

The amendment was rejected.

Mr. Keenan moved that the bill be amended inserting after “funds” the following: “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 “\$6,642,317” and inserting in place thereof the figures “\$6,742,317”.

The amendment was rejected.

Ms. Chang-Diaz and Mr. DiDomenico moved that the bill be amended by inserting at the end thereof the following words:- “; provided further, the Department may maintain in fiscal year 2012 the same Interagency Service Agreement with the Department of Public Health/Bureau of Substance Abuse Services for services to families struggling with addiction that was in effect during fiscal year 2011”.

After remarks, the amendment was adopted.

Messrs. Rodrigues and Pacheco moved that the bill be amended by adding the following sentence: "provided further, that not less than \$200,000 shall be expended as grants for the Bay State Games".

The amendment was rejected.

Messrs. Eldridge and Donnelly, Ms. Jehlen, Ms. Spilka, Ms. Fargo and Ms. Chang-Diaz moved that the bill be amended by striking out the words “(i) families that would otherwise be eligible for temporary emergency family shelter pursuant to section 30 of chapter 23B of the General Laws and all other applicable statutory and regulatory requirements; (ii) families that would otherwise be eligible for temporary emergency family shelter pursuant to section 30 of chapter 23B and all other applicable statutory and regulatory requirements but for the fact that they are imminently at risk of becoming homeless;” and inserting in place thereof the words: - “(i) families eligible for temporary emergency shelter pursuant to section 30 of chapter 23B of the General Laws and 106 CMR 309 or as later amended as authorized by item 7004-0101; (ii) families eligible for temporary emergency shelter pursuant to said section 30 of said chapter 23B and 106 CMR 309, or as later amended as authorized by item

7004-0101, but for the fact that they are imminently at risk of becoming homeless;"; by striking out the words "provided further, that a family who would otherwise be eligible for temporary emergency family shelter that applies for assistance and is directed to this program shall have housing made immediately available to them or be able to access shelter if no other viable option exists until a housing unit is available for the family to rent utilizing benefits hereunder;" and inserting in place thereof the words: -- "provided further, that a family who would be eligible for temporary emergency family shelter pursuant to said section 30 of said chapter 23B and 106 CMR 309, or as later amended as authorized by item 7004-0101, is directed to this program, and has no feasible alternative housing, shall have housing made immediately available to them or be able to access shelter until a housing unit is available for the family to rent utilizing benefits hereunder;"; and by inserting before the words "or extraordinary medical bills" the words "assistance extending for less than 12 months".

The amendment was adopted.

Mr. Eldridge, Ms. Jehlen, Mr. Donnelly, Ms. Spilka, Ms. Fargo and Mr. DiDomenico moved that the bill be amended by striking out the words "be only" and inserting in place thereof the word "include"; by striking out the words "a family may receive" and inserting in place thereof the following words:- "other families meeting eligibility requirements for temporary emergency shelter pursuant to said section 30 of said chapter 23B and 106 CMR 309, or as later amended as authorized by this item, shall receive"; and by striking out in each place they appear the words "housing assistance" and inserting in place thereof the following words:- "available housing or housing assistance necessary to maintain housing".

After remarks, the amendment was adopted.

Ms. Chang-Diaz moved that the bill be amended by inserting, in line 17, after the words "human services" the following words:- "provided further, that families in shelters, including motels and hotels, shall be provided with services, including but not limited to housing search services, within 30 days of being placed;".

After remarks, the amendment was rejected.

Ms. Chang-Diaz and Ms. Fargo moved that the bill be amended by inserting, in line 42, after the words "until a housing unit is available for the family to rent utilizing benefits hereunder" the following words:- "; provided further, that every new unit shall be inspected for compliance with the state sanitary code or other substantially similar requirements to ensure its safety for occupants"; and in said item by inserting, in line 86, after the words "minimum and maximum cost per family of such assistance" the following words:- ", the location of households in temporary housing, the location of households in transitional housing, data to determine whether this program has had a disparate impact on people with disabilities, people of color, or has contributed to locating households with low income in areas of high concentrations of poverty, the department's conclusion as to whether this program affirmatively furthers fair housing, promotes equity, and maximizes choice".

The amendment was rejected.

Mr. DiDomenico moved that the bill be amended by adding at the end thereof the following: "provided, that \$140,000 shall be expended for Just-a-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed, underemployed or displaced workers, or persons receiving benefits from transitional aid to families with dependent children".

The amendment was rejected.

Messrs. Donnelly and Eldridge, Ms. Jehlen, Ms. Chang-Diaz, Ms. Fargo and Ms. Clark moved that the bill be amended by adding the following words:- "; provided further, that beginning October 1, 2011, the department shall report on a quarterly basis to the chairs of the joint committee on housing and the joint committee on children, families and persons with disabilities, the number of families, from each local department office, who are ineligible for further assistance by operation of the 24-month and 12-month restrictions in this item".

The amendment was adopted.

Mr. Donnelly moved that the bill be amended by striking out the figure "1,805,890" and inserting in place thereof the following figure: "1,262,890" and adding the following new line item 7003-0902 and the figure of \$543,000 for the operation of the Joint Labor Management Committee for Municipal Police and Fire".

The amendment was rejected.

Messrs. DiDomenico and Eldridge, Ms. Fargo and Mr. Donnelly moved that the bill be amended by inserting after the words "housing does not exceed 80 per cent of the fair market rent for such housing, as determined in accordance with the United States Department of Housing and Urban Development; provided further, that" the following words:- "the department shall allow for a higher monthly rent in the event that a household already housed who is transitioning to this program from another time-limited assistance program would be displaced due to the restriction on fair market rent; and the department"; in said item by inserting after the words, "be able to access shelter if no other viable option exists until a housing unit is available for the family to rent utilizing benefits hereunder;" the following words:- "provided further that every rental unit shall be inspected for compliance with the state sanitary code or substantially similar requirements to ensure its safety for occupants;"; and in said item by inserting after the words: "shall include a process whereby families eligible for short-term housing assistance under this item shall be provided with temporary housing" the following words:- "and shall also delegate authority for exceeding 80 per cent of fair market for assistance for rents to the administering agencies so as to facilitate providing housing for households expeditiously;".

After remarks, the amendment was adopted.

Ms. Chang-Diaz, Mr. Eldridge, Ms. Creem, Ms. Chandler, Messrs. Donnelly and Michael O. Moore, Ms. Clark and Messrs. Kennedy, Rosenberg and DiDomenico moved that the bill be amended by inserting after item 7002-0010 the following item:- "7002-0012 For a youth-at-risk program targeted at reducing juvenile delinquency in high risk areas; provided that these funds may be expended for the development and implementation of a year-round employment program for at-risk youth as well as existing year-round employment programs; provided further that \$500,000 of these funds shall be matched by private

organizations; provided further that funds shall be available to each of the sixteen workforce investment areas; and provided further that funds shall be available for expenditure through September 1, 2012 \$4,400,000”.

The amendment was rejected.

Mr. Welch moved that the bill be amended by inserting after the word "services" the following:- "provided further, that a family, who receives emergency housing assistance due to domestic abuse, shall be connected to the appropriate social service agency".

After remarks, the amendment was adopted.

Messrs. Downing, Rosenberg, Wolf, Knapik, Eldridge, Richard T. Moore, Tarr, Ross and Pacheco moved that the bill be amended by striking out the figure “\$40,521,000” and inserting in place thereof the following figure:- “\$43,521,000”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven minutes before eleven o’clock P.M., on motion of Mr. Downing, as follows to wit (yeas 38 - nays 0) [Yeas and Nays No. 28]:

YEAS

Baddour, Steven A. Joyce, Brian A.
Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. 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. Spilka, Karen E.
Finegold, Barry R. Tarr, Bruce E.
Flanagan, Jennifer L. Timilty, James E.
Hart, John A., Jr. Tolman, Steven A.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 38.

NAYS — 0.

ABSENT OR NOT VOTING

Rush, Michael F. — 1.

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

Messrs. Tarr, Hedlund, Knapik, Ross and Pacheco moved that the bill be amended , in section 2, in item 0321-1500, by inserting after the word “advocates”, in line 8, the following words:- “; provided further, that the committee shall develop and promulgate a schedule of rates of compensation for services conducted by private investigators and shall submit the schedule to the clerks of the house of representatives and senate not later than September 30, 2011”;

In section 79, by striking out, in lines 115, 117, 118 and 119, the figure “\$150” and inserting in place thereof, in each instance, the following figure:- “\$200”; and

In said section 79, by inserting after the word “information.”, in line 160, the following sentence:- “A copy of the memorandum of understanding shall be submitted to the clerks of the house of representatives and the senate not later than October 31, 2011.”

The amendment was adopted.

Ms. Creem, Mr. Joyce , Ms. Spilka, Messrs. Welch, Kennedy, Keenan and Knapik, Ms. Fargo, Messrs. DiDomenico and Pacheco and Ms. Donoghue moved that the bill be amended by striking out 0321-1500 and inserting in place thereof the following item:- "0321-1500 For the operation of the committee for public counsel services, as authorized by chapter 211D of the General Laws; provided, that the committee shall begin the process of moving toward a system in which no less than 30 per cent of indigent defendants are represented by public defenders by the end of fiscal year 2012; provided further, that the committee shall provide a report to the legislature, not later than October 3, 2011, detailing an implementation plan for meeting the requirements of the previous proviso that shall include, but not be limited to, the following: (a) the expected surplus or deficiency for fiscal year 2012 of items 0321-1500 and 0321-1510; (b) the current and projected number of public defenders and private bar advocates assigned to each court house; and (c) any perceived impediments to implementing this plan by the end of fiscal year 2012 and possible solutions to such impediments; provided further, that in hiring new public defenders, priority shall be given to current private bar advocates; provided further, that the committee shall submit a report to the clerks of the house of representatives and senate, the joint committee on the judiciary and the house and senate committees on ways and means, not later than January 30, 2012, that shall include, but not be limited to, the following: (a) the number of clients assisted by the committee in the prior fiscal year, delineated by public defender and private bar advocate representation, and further delineated by type of case and geographic location; (b) the average cost for public defender services rendered per client, delineated by type of case and geographic location;

(c) the average cost for private bar advocate services rendered per client, delineated by type of case and geographic location; (d) the average number of hours spent per case by public defenders, delineated by type of case and geographic location; (e) the average number of hours billed by private bar advocates, delineated by type of case and geographic location; (f) the total amount of counsel fees paid to the committee by clients for services rendered, delineated by type of case and geographic location; (g) the total of indigent but able to contribute fees paid to the committee by clients for services rendered, delineated by type of case and geographic location; provided further, that the committee shall submit quarterly reports to the house and senate committees on ways and means starting on January 2, 2012 and ending on September 30, 2012 detailing progress made in providing up to 30 per cent of indigent defense through public defenders; provided further, that the report shall include, but not be limited to, the following: (a) the number of public defenders that have been hired to date; (b) the offices and divisions that these public defenders have been assigned to; (c) the total number of cases that have been assigned to these public defenders, delineated by type of case; (d) the total number of cases that have been assigned to all public defenders, delineated by type of case; (e) the number of public defender vacancies to be filled; (f) the total number of support staff, investigators, attorneys in charge and management that have been hired; (g) the number of cases that have been assigned to private bar advocates, delineated by type of case; (h) the total billable hours to date of private bar advocates, delineated by type of case; (i) the billable hours of private bar advocates broken down by: travel time, time spent in court, including wait time and trial preparation time, including interview time, investigating time and research time; (j) the number of private bar advocates that have been hired as public defenders; (k) changes to the private bar advocate billing system; (l) staffing efficiencies that have been undertaken; (m) the number and cost of private investigators used, delineated by firm; (n) the number and cost of psychologists and psychiatrists used, delineated by firm; and (o) the progress of obtaining temporary and permanent office space; and provided further, that this data shall be provided in a cumulative manner, delineated by quarter \$66,261,829”;

In line item 0321-1510, by striking out the figure “\$68,032,356” and inserting in place thereof the figure “\$88,032,356”;

In section 79, in proposed section 1 of chapter 211D, by striking out in line 9 the number “9” and inserting in place thereof the following:- “11”;

By inserting, in line 10, after the word "governor", the following: "neither of whom shall be from the same political party";

By striking out, in line 14, the number “5” and inserting in place thereof the following number:- “7”;

By striking out the eighth sentence of said section 1, and inserting in place thereof the following:- “Members of the committee shall only be removed for cause. Removal of a member of the committee shall be approved by not less than 3 of the appointing authorities.”;

By striking out Section 83; and

By striking out 1102-3205 and inserting in place thereof the following item:-

“1102-3205 For the division of capital asset management and maintenance which may expend for the maintenance and operation of the Massachusetts information technology center, the state transportation building and the Springfield state office building an amount not to exceed \$16,250,000 in revenues collected from rentals, commissions, fees, parking fees and any other sources pertaining to the operations of said facilities; provided, that the division shall work with the committee on public counsel services to ensure that all public defenders hired in fiscal year 2012 shall have access to adequate office space; provided further, that the division shall identify any office space that may be vacated by the staffing plan implemented pursuant to item 0321-1500 and shall prioritize use for public defenders; and provided further, that notwithstanding any general or special law to the contrary, and for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division 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.....\$16,250,000”.

The amendment was adopted.

Ms. Creem, Ms. Jehlen and Messrs. Rodrigues and Eldridge moved that the bill be amended in section 79 2½(h) by striking, after the words "tax refunds due to people who owe all or a portion of such fee" the following words:- "The department of transitional assistance may deduct the fee in weekly or monthly increments from persons who have not paid the fee or a portion thereof".

The amendment was rejected.

Recess.

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

Thursday, May 26, 2011

[being the legislative session of Wednesday, May 25, 2011.]

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

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

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Donoghue for the purpose of an introduction. Ms. Donoghue then introduced the Student Council from the Kathryn Philbin Stoklosa Middle School of Lowell. The students were on a field trip to the State House learning about the different aspects of state government. The

Senate welcomed them with applause and they withdrew from the Chamber. Kathryn Philbin Stoklosa Middle School
There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Baddour for the purpose of an introduction. Mr. Baddour then introduced, in the Senate Gallery, students from the Methuen Adult Learning Center. The goal of this center is to provide each and every adult with opportunities to develop literacy skills needed to qualify education, job training, and better employment, and to reach his/her full potential as a family member, productive worker, and citizen. The Senate welcomed them with applause and they withdrew from the Gallery. Methuen Adult Learning Center.
There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Candaras for the purpose of an introduction. Ms. Candaras then introduced, on the rostrum, Zeta Liu, a visiting senior auditor from the National Audit Office of the People's Republic of China. She is one of the eleven delegates currently in the United States as part of an exchange program sponsored by the International Academy of Trial Lawyers. This program allows for foreign attorneys to learn about the American legal system. The Senate welcomed her with applause and withdrew from the Chamber. Zeta Liu.
There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Baddour for the purpose of an introduction. Mr. Baddour then introduced the North Andover High School Band. The band was on a field trip to the State House and had previously played a concert in the Great Hall. They were accompanied by band director Aaron Goldberg. The Senate welcomed them with applause and they withdrew from the Chamber. North Andover High School band.

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3459) of Alice Hanlon Peisch and Susan C. Fargo (by vote of the town) for legislation that the town of Weston be authorized to grant three additional licenses for the sale of all alcoholic beverages to be drunk on the premises; Weston,--
liquor license.

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3468) of Bradley H. Jones, Bradford Hill and Bruce E. Tarr (by vote of the town) relative to establishing voting precincts in the town of Middleton; Middleton,--
voting precincts.

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3460) of Anne M. Gobi and Stephen M. Brewer (by vote of the town) for legislation that the board of selectmen of the town of Templeton to authorized to include certain subjects in the warrant to be considered at the annual town meeting of said town; Templeton,--
town meeting.

Petition (accompanied by bill, House, No. 3461) of Timothy R. Madden and Daniel A. Wolf (by vote of the town) for legislation that the Nantucket Island Land Bank be authorized to sell, convey or otherwise dispose of certain land in the town of Nantucket; and Nantucket,--
land.

Petition (accompanied by bill, House, No. 3462) of Timothy R. Madden and Daniel A. Wolf (by vote of the town) relative to the historical district of the town of Nantucket; Nantucket,--
historic district.

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3463) of Alice Hanlon Peisch and Susan C. Fargo (by vote of the town) relative to salaries and benefits of employees of the town of Weston serving on active duty in the Armed Forces; Weston,--
benefits.

Petition (accompanied by bill, House, No. 3464) of Todd M. Smola, Stephen M. Brewer and Anne M. Gobi (by vote of the town) relative to the appointment of Scott Lawrence as a police officer in the town of Ware, notwithstanding the maximum age requirements; and Ware,--
Scott Lawrence.

Petition (accompanied by bill, House, No. 3465) of Todd M. Smola, Stephen M. Brewer and Anne M. Gobi (by vote of the town) relative to the appointment of Daniel J. Craig as a police officer in the town of Ware, notwithstanding the maximum age requirements; Ware,--
Daniel J. Craig.

Severally to the committee on Public Service.

Petition (accompanied by bill, House, No. 3466) of Cory Atkins, James B. Eldridge and Jennifer E. Benson (by vote of the town) for legislation that the town of Acton be authorized to establish a means tested senior citizen property tax exemption; Acton,--
taxes.

To the committee on Revenue.

A Bill authorizing the conveyance of certain state land in the town of Sharon (House, No. 2589, changed,-- on petition),-- was read and, under Senate Rule 27, referred to the committee on Ways and Means. Sharon,--
land.

Bills

Designating a certain bridge in the town of Lakeville in honor of James Warren Buzzell, Jr. (House, No. 1787, amended,-- on petition); and James Warren Buzzell,-- bridge.

Designating a certain bridge in the town of Natick as the Silvano Anthony Melchiorri bridge (House, No. 3389,-- on petition); Silvano Anthony Melchiorri,-- bridge.

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

Reports

Of the committee on Telecommunications, Utilities and Energy, asking to be discharged from further consideration Of the petition (accompanied by bill, House, No. 874) of John W. Scibak for legislation to further regulate the solicitation of contributions,-- and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure; and Solicitation of contributions.

Of the petition (accompanied by bill, House, No. 1767) of Robert M. Koczera relative to charges associated with condominiums in tax title,-- and recommending that the same be referred to the committee on Revenue; Condominium,-- tax title.

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2012 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. 3401),-- was further considered, the main question being on ordering it to a third reading. General appropriation bill.

Messrs. Hart, Welch, Wolf and DiDomenico moved that the bill be amended by striking out the figure "\$1,200,000" and inserting in place thereof the following figure: "\$2,000,000".

The amendment was rejected.

Mr. McGee, Ms. Chang-Diaz, Ms. Creem and Mr. DiDomenico moved that the bill be amended by striking out the figures "\$6,740,746" and inserting in place thereof the figures "\$7,692,193".

The amendment was rejected.

Messrs. McGee and DiDomenico moved that the bill be amended by striking out the figure "\$1,410,000" and inserting the following figure "\$2,000,000."

The amendment was rejected.

Messrs. Knapik, Tarr and Ross moved that the bill be amended by inserting, after the section XXX, the following new section:- "Section 1F of chapter 69 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following paragraph:- The board shall expend a sum, not exceeding \$2,500,000 in any academic year, for the purpose of aiding vocational or technical public high schools in the replacement of instructional equipment. These funds shall be made available, subject to board approval, as matching grants to public vocational or technical high schools for the purpose of replacing capital instructional equipment. Each vocational or technical public high school shall be eligible for up to \$125,000 of these funds per academic year."

The amendment was rejected.

Messrs. Michael O. Moore and DiDomenico moved that the bill be amended by inserting after the word "assistance", in line 7, the following words:- "; provided further, that funds from this item shall be in addition to \$1,000,000 made available by the Massachusetts Education Finance Authority in fiscal year 2012 for a program of needs-based financial assistance for Massachusetts residents enrolled in and pursuing a program of higher education at the University of Massachusetts, the state universities or the community colleges"; and in said item 7070-0065, by striking out the figure "\$86,507,756" and inserting in place thereof the following figure:- "\$87,507,756".

The amendment was adopted.

Messrs. Michael O. Moore and DiDomenico moved that the bill be amended by inserting, after section ____, the following new sections:-

"SECTION __. Section 15E of chapter 15A of the General Laws, as amended by section 26 of chapter 189 of the acts of 2010, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Subject to appropriation, the commonwealth shall contribute funds to each institution's recognized foundation in an amount necessary to match private contributions in the current fiscal year to the institutions or a foundation's endowment or capital outlay program based on the following matching formula: subject to appropriation, the commonwealth's contribution shall be equal to \$1 for every \$2, privately contributed to the university's board of trustees or a foundation; \$1 for every \$2, or \$1 dollar for such greater number of dollars as may be established by the board of higher education, privately contributed to each state university's board of trustees or foundation; and \$1 for every \$2, or \$1 for such greater number of dollars as may be established by the board of higher education, privately contributed to each community college's board of trustees or foundation.

SECTION __. Said section 15E of said chapter 15A is hereby further amended by striking out the fourth paragraph."

The amendment was adopted.

Messrs. Montigny and Knapik, Ms. Chang-Diaz and Messrs. Eldridge, Keenan and Wolf moved that the bill be amended in section 2, in line item 3000-2000, by striking out the figure "\$4,433,862" and inserting in place thereof the following figure:- "\$5,933,862".

The amendment was rejected.

Mr. Tarr moved that the bill be amended by striking the words "in schools and districts at risk of or determined to be underperforming" and inserting in place thereof the following "in districts and schools found by the department of elementary and secondary education to be at levels 3, 4, and 5 with preference for schools and districts at levels 4 and 5".

The amendment was adopted.

Ms. Chandler, Messrs. Downing, Knapik, Donnelly and Rodrigues, Ms. Fargo and Messrs. DiDomenico, Keenan and Wolf moved that the bill be amended in Section 130 by striking in the first sentence the words "shall set those prices in the fiscal year 2012 at the same level for fiscal year 2011" and insert in place the following words:- "shall set the prices in fiscal year 2012 by increasing the final fiscal year price by the rate of inflation as determined by the division".

The amendment was rejected.

Mr. Knapik, Ms. Spilka, Mr. Michael O. Moore, Ms. Creem and Mr. DiDomenico moved that the bill be amended by inserting, after section XXX, the following new section:-

"Chapter 71 of the General Laws is hereby amended by inserting after section 34H the following section:-

Section 34I. (a) Each public high school shall host a voter registration day in the months of May and September of each year for the purpose of encouraging voter participation and civic engagement among the young adult population of the commonwealth. The principal of each high school shall be responsible for designating these days.

(b) The city or town clerk or an assistant clerk shall be present and available in the high school building for the purpose of registering those individuals eligible to vote.

(c) The office of the secretary of state shall provide information in the form of pamphlets, books, and other educational materials regarding the state and federal election process to each high school for use on the designated voter registration days."

The amendment was rejected.

Messrs. Eldridge and Wolf moved that the bill be amended by inserting after item 7061-9804 the following item: -

"7061-XXXX For regional bonus aid pursuant to M.G.L. Chapter 71 Section

16(D)(g)..... \$300,000".

The amendment was adopted.

Mr. Tolman moved that the bill be amended in section 3, in line 8, by inserting after the word "for" the following words:-

"section 91 of chapter 71 of the General Laws,"; and by inserting after section 53 the following new section:-

"SECTION 53A. Section 91 of chapter 71 of the General Laws, as amended by section 52 of chapter 131 of the acts of 2010, is hereby further amended by adding the following subsection:-

(e) Failure by a school district to transfer funds to a Recovery High School as required in subsection (b) shall result in a deduction of the amount therein from the home school district's chapter 70 per pupil allotment for the following fiscal year."

The amendment was adopted.

Mr. Montigny moved that the bill be amended by inserting at the end thereof the following: ";; provided further, that the expansion or further development of the University of Massachusetts Dartmouth School for Marine Science and Technology shall be constructed contiguous to the current SMAST site or a similarly suitable site located within in the City of New Bedford". The amendment was adopted.

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

"SECTION XX

Section 1. There shall be a special commission to investigate and study the need to incentivize the commonwealth's college scholarship system. The commission shall consist of: the speaker of the house of representatives, or a designee; the president of the senate, or a designee; the minority leader of the house of representative, or a designee; the minority leader of the senate, or a designee; the house chair of the joint committee on higher education, or a designee; the senate chair of the joint committee on higher education, or a designee; the secretary of education, or a designee; the commissioner of higher education, or a designee; the executive director of the Massachusetts Educational Financing Authority, or a designee; and 6 persons appointed by the governor 1 of whom shall be a representative from the University of Massachusetts, 1 of whom shall be a representative from the state universities, 1 of whom shall be a representative from the community colleges, 1 of whom shall be a representative from the Association of Independent Colleges and Universities in Massachusetts, 1 of whom shall be a representative from the Massachusetts Bankers Association, and 1 of whom shall be a representative from Families United in Educational Leadership.

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

Section 3. The commission shall report to the general court the results of its investigation and study, and its recommendations, if any, with the clerks of the senate and house of representatives who shall forward the same to the joint committee on higher education and the senate and house committees on ways and means not later than December 31, 2012."

The amendment was adopted.

Mr. Michael O. Moore moved that the bill be amended by striking out the figure "\$1,624,791" and inserting in place thereof the

following figure:- "1,673,842".

The amendment was rejected.

Messrs. Petrucci, Knapik, Rodrigues, Welch, Hart and DiDomenico and Ms. Creem moved that the bill be amended by striking out the figures "\$346,162" and inserting in place thereof the figures "\$746,162"; and in said item by inserting after the words "August 31, 2012" the following:- "provided further, that not less than \$400,000 shall be expended on a program which shall provide advanced placement math, science and English teacher training in at least 40 school districts, provided that such program shall provide a matching amount of at least \$400,000 in private funding; and provided further, that the department shall deliver to the legislature an independent evaluation of the program and its impact on student achievement, particularly as it relates to closing achievement gaps".

After remarks, the amendment was adopted.

Mr. Michael O. Moore moved that the bill be amended by inserting, after section __, the following new section:-

"SECTION __. Notwithstanding any general or special law to the contrary, the department of higher education, the department of labor and workforce development, and the department of elementary and secondary education hereby are directed to meet and confer concerning the United States Department of Labor Trade Adjustment Assistance Community College and Career Training Grant (Massachusetts Community College Consortium Proposal) and file a report and recommendations for sustainability funding for program by the Commonwealth to the House and Senate Committees on Ways and Means on or before October 1, 2011."

The amendment was adopted.

Mr. Michael O. Moore, Ms. Chandler and Ms. Chang-Diaz moved that the bill be amended by adding at the end thereof the following:- "and provided further, that the commissioner shall authorize a payment of not less than \$384,960 to the Spirit of Knowledge Charter School from funds appropriated herein"; and in said item, by striking out the figure "\$71,554,914" and inserting in place thereof the figure "\$71,939,874".

The amendment was rejected.

Ms. Creem and Mr. DiDomenico moved that the bill be amended by striking out the figure "\$4,200,000" and inserting in place thereof the figure "\$4,500,000".

The amendment was rejected.

Ms. Creem, Ms. Chang-Diaz and Messrs. Welch, Donnelly, Tolman and Michael O. Moore moved that the bill be amended, in section 2, in item 7061-9600, by striking out the words "maintain existing guidelines for this program" and by inserting in place thereof the following words:- "develop guidelines to ensure that the grant program promotes civic engagement and mentoring of faculty in state institutions of higher education and supports college success, work success, participation in student life of the college community and provision of a free appropriate public education in the least restrictive environment"; and in said section 2, in said item 7061-9600, by striking out the words "maintain strategies and procedures to help sustain and replicate said inclusive concurrent enrollment programs" and inserting in place thereof the following words:- "develop strategies and procedures to help sustain and replicate the existing inclusive concurrent enrollment programs initiated through this pilot program, including, but not limited to: provision of funds to retain employment specialists and assist students in meeting competitive employment and other transition-related goals and adoption of procedures and funding mechanisms to ensure that new partnerships of institutions of higher education and school districts providing inclusive concurrent enrollment programs fully utilize the models and expertise developed in existing partnerships; provided further, that the department shall develop a mechanism to encourage existing and new partnerships to expand capacity to respond to individual parents who request an opportunity for their children to participate in the inclusive concurrent enrollment initiative; provided further, that tuition for courses shall be waived by the institutes of higher education for students enrolled through this grant program".

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

Ms. Candaras and Messrs. Knapik and DiDomenico moved that the bill be amended in section 2, in item 3000-1000, by striking out the figure "\$11,104,990" and inserting in place thereof the figure:- "\$11,683,491".

The amendment was rejected.

Ms. Creem and Messrs. Richard T. Moore and Ross moved that the bill be amended by inserting, after section __, the following new section:-

"SECTION __. The fourth sentence of subsection (a) of section 5A of chapter 71B of the General Laws, as appearing in the 2008 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.

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

"SECTION __. Subsection (c) of section 5A of chapter 71B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking, in line 44, the number '4' and replacing it with the number '3'; and said section is further amended by striking, in line 51, the number '4' and replacing it with the number '3'."

The amendment was rejected.

Ms. Donoghue, Messrs. DiDomenico and Rodrigues, Ms. Chang-Diaz, Ms. Clark, Ms. Chandler, Messrs. Kennedy, Welch, Tolman, Keenan, Knapik and Donnelly and Ms. Candaras moved that the bill be amended by striking out the figure "\$1,150,000" and inserting in place thereof the following figure:- "1,300,000".

After remarks, the amendment was adopted.

Ms. Clark, Messrs. Kennedy and Keenan, Ms. Creem and Messrs. McGee and Finegold moved that the bill be amended by striking out, in line 10, the figure "\$4,000,000" and inserting in place thereof the following figure:- "\$6,500,000"; and in said

section 2, in said item 7061-0012, by striking out the figure “\$183,119,160” and inserting in place thereof the following figure:- “\$194,119,160”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes past ten o’clock A.M., on motion of Ms. Clark, as follows to wit (yeas 36 -- nays 0) [Yeas and Nays No. 29]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. 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 Pacheco, Marc R.
DiDomenico, Sal N. Petrucci, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Finegold, Barry R. Timilty, James E.
Flanagan, Jennifer L. Tolman, Steven A.
Hart, John A., Jr. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 36.

NAYS — 0.

ABSENT OR NOT VOTING

Joyce, Brian A. Rush, Michael F. — 1.
Kennedy, Thomas P.

The yeas and nays having been completed at twenty-eight minutes past ten o’clock A.M., the amendment was adopted.

Ms. Clark, Ms. Spilka, Ms. Creem, Messrs. Donnelly and Michael O. Moore, Ms. Fargo and Mr. Eldridge moved that the bill be by striking out the figure “\$4,000,000” and inserting in place thereof the figure “\$6,500,000”.

After debate, the amendment was adopted.

Messrs. Keenan, Michael O. Moore, Knapik and DiDomenico and Ms. Chandler moved that the bill be amended by striking out the figure "600,000" and inserting in place thereof the figure "750,000".

The amendment was rejected.

Mr. Joyce moved that the bill be amended in section 2, in item 7061-9404, by inserting the following:- "provided further, that funds shall be expended to fund school to careers partnerships in accordance with item 7027-0016 of section 2 of chapter 61 of the acts of 2007".

The amendment was rejected.

Mr. 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 inserting the following:- “provided further, that funds may be expended for the continuation of a parent engagement program pursuant to section 2 of chapter 182, of the acts of 2008”.

The amendment was adopted.

Mr. Rosenberg, Ms. Clark, Messrs. DiDomenico, Knapik, Rodrigues and Kennedy, Ms. Chang-Diaz and Messrs. Montigny, Finegold, Michael O. Moore and Hart moved that the bill be amended by striking the words “Massachusetts Service Alliance” and replacing them with “Mass Mentoring Partnership,”; and to strike “\$100,000” and replace with “\$250,000”;

The amendment was rejected.

Ms. Chang-Diaz moved that the bill be amended by inserting at the end thereof the following words:- “provided further, that in carrying out the provisions of this item, the department may contract with vendors that have an established record of working with schools to target and enhance middle school academic support services, provided the department shall give priority to programs that have the capacity to serve not less than 25% of a district’s middle school population, make available documentation of a minimum of \$1 in private sector local or federal funds for every \$1 in state funds, extend the learning day for students on site in the same building where students attend school during the day by a minimum of 10 hours per school week, provided further, said programs shall have conducted at least one independent longitudinal study demonstrating gains in student performance in any of the following areas; MCAS scores, school attendance, student grades, or long-term high school graduation rates, teach students in groups with ratios no larger than one to eighteen, integrate an extended school faculty which includes an

on-site leader, and further, said program shall develop data sharing agreements and MOUs with middle schools to ensure the timely and effective sharing of grade progress and other formative or diagnostic measurement of student progress”.

The amendment was rejected.

Mr. DiDomenico moved that the bill be amended by inserting after the words “summer remediation programs” in the first instance, the following words:- “provided further, that not less than \$200,000 shall be expended for JFY Networks for the purposes of enhancing student performance and addressing achievement gaps through the use of instructional software, teacher training, and support;”.

The amendment was rejected.

Messrs. Rodrigues and DiDomenico moved that the bill be amended by striking out the figures “\$13,139,669” and inserting in place thereof the following figures:- “\$13,918,030”.

The amendment was rejected.

Mr. Rodrigues moved that the bill be amended by adding the following:- “provided further, that funding may be expended for literacy-based mentoring initiatives that combat the chronic dropout of at-risk youths that received funding in fiscal year 2010”.

The amendment was rejected.

Ms. Spilka, Ms. Chang-Diaz, Messrs. Tolman, Richard T. Moore, Eldridge, Michael Moore, Finegold, Knapik and DiDomenico, Ms. Jehlen, Ms. Chandler and Messrs. Joyce and Kennedy moved that the bill be amended by striking out the figure “\$183,119,160” and inserting in place thereof the following figure:- “\$213,119,160”.

The amendment was rejected.

Ms. Chang-Diaz and Mr. DiDomenico moved that the bill be amended by striking out the figure “\$146,140” and inserting in place thereof the following figure:- “\$1,195,840”.

The amendment was rejected.

Ms. Chang-Diaz moved that the bill be amended by striking out the figure “\$1,410,000” and inserting in place thereof the following figure:- “\$1,500,000”.

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended in Section 89 by inserting after the word “colleges” the following words:- “unless the board of higher education authorizes said action”.

After debate, the amendment was adopted.

Messrs. Joyce and Kennedy and Ms. Chang-Diaz moved that the bill be amended the bill in Section 2, item 7028-0031, by striking out the figure, “\$7,256,897” and inserting in place thereof the figure, “\$7,507,038”.

The amendment was rejected.

Ms. Donoghue moved that the bill be amended by striking out the figure “\$1,000,000” and inserting in place thereof the following figure:- “1,250,000”.

The amendment was rejected.

Ms. Chang-Diaz and Mr. DiDomenico moved that the bill be amended, in section 2, in item 7061-9404, by striking out the words “2012, inclusive, who have completed high school” and inserting in place thereof the following words:- “2014, inclusive, who may have completed all other high school requirements”; in said section 2, in said item 7061-9404, by striking out the words “the English and math MCAS tests” and inserting in place thereof the following words:- “the English, Math, and Science, Technology, and Engineering MCAS tests”; in said section 2, in said item 7061-9404, by striking out the words “a competitive grant program to fund Pathways programs targeting eleventh and twelfth graders,” and inserting in place thereof the following words:- “competitive grants to fund Pathways programs targeting students in the graduating classes of 2003-2015,”; in said section 2, in said item 7061-9404, by inserting after the words “who have not obtained a competency determination or have scored in levels 1 or 2 on either the English or math MCAS exams” the following words:- “or level 1 on Science, Technology and Engineering MCAS”; and in said section 2, in said item 7061-9404, by striking out the words “students scoring in level 1 on the MCAS exam in English and math” and inserting in place thereof the following words:- “students scoring in level 1 on the MCAS exam in English, math and Science, Technology and Engineering”.

After remarks, the amendment was adopted.

Messrs. Hedlund, Knapik, Tarr and Ross moved that the bill be amended by inserting after section 53 the following section:- “SECTION 53A. The first sentence of the second paragraph of section 1D of chapter 69 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word “history” the following words:- “including, but not limited to, United States history”; and by inserting after section 138 the following 2 sections:-

“SECTION 138A. Pursuant to sections 1B and 1D of chapter 69 of the General Laws, the board of education shall include social science and history, including, but not limited to, instruction in the major principles of the Declaration of Independence, the United States Constitution, and the Federalist Papers as core subjects in the establishment of a set of statewide educational goals for all public elementary and secondary schools in the commonwealth. Commencing with the graduating class of 2013, in addition to meeting the requirements contained in 603 CMR 30.02(2) and (3), students shall meet or exceed the Needs Improvement scaled score of 220 on the social science high school MCAS test and on the history high school MCAS test, including the United States history principles as provided in this section.

SECTION 138B. The board of education shall amend regulations adopted pursuant to sections 1B and 1D of chapter 69 of the General Laws which are inconsistent with section 138A not later than 90 days after the effective date of this act.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eleven o'clock A.M., on motion of Mr. Tarr, as follows to wit (yeas 5 - nays 31) [Yeas and Nays No. 30]:

YEAS

Hedlund, Robert L. Ross, Richard J.
Knapik, Michael R. Tarr, Bruce E. — 5.
Moore, Richard T.

NAYS

Baddour, Steven A. Hart, John A., Jr.
Berry, Frederick E. Jehlen, Patricia D.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Clark, Katherine M. Pacheco, Marc R.
Creem, Cynthia Stone Petruccelli, Anthony
DiDomenico, Sal N. Rodrigues, Michael J.
Donnelly, Kenneth J. Rosenberg, Stanley C.
Donoghue, Eileen M. Spilka, Karen E.
Downing, Benjamin B. Timilty, James E
Eldridge, James B. Tolman, Steven A.
Fargo, Susan C. Welch, James T.
Finegold, Barry R. Wolf, Daniel A. — 31.
Flanagan, Jennifer L.

ABSENT OR NOT VOTING

Joyce, Brian A. Rush, Michael F. — 1.
Kennedy, Thomas P.

The yeas and nays having been completed at six minutes past eleven o'clock A.M., the amendment was rejected.
Ms. Chang-Diaz moved that the bill be amended by striking out the figure "\$12,511,669" and inserting in place thereof the following figure:- "\$12,767,009".

The amendment was rejected.

Ms. Chang-Diaz and Ms. Jehlen moved that the bill be amended by inserting after the words "building careers program model;" the following words:- "provided further that \$1,000,000 shall be expended for the continued development of a Quality Rating and Improvement System (QRIS);"; and by striking out the figure "\$13,986,633" and inserting in place thereof the following figure:- "\$14,986,633".

The amendment was rejected.

Mr. DiDomenico and Ms. Jehlen moved that the bill be amended by inserting after the words "building careers program model;" the following words:- "provided further that \$1,000,000 shall be expended for the continued development of a Quality Rating and Improvement System (QRIS);"; and in said item by striking the figure "\$13,986,633" and insert in place thereof the figure "\$14,986,633".

The amendment was rejected.

Mr. Finegold, Ms. Fargo and Messrs. Welch, Eldridge and Kennedy moved that the bill be amended by striking out the figure "\$183,119,160" and inserting in place thereof the following figure:- "\$213,119,160".

The amendment was rejected.

Ms. Clark and Mr. Petruccelli moved that the bill be amended by inserting, after section __, the following new section:-
"SECTION __.

Section 1. There is hereby established a charter school working group to study the financing of, caps imposed upon, and innovations promoted by charter schools authorized under the provisions of chapter 71, section 89. The working group shall also study the obstacles which have limited the broader utilization of the Horace Mann model of charter schools. The working group shall report its findings and conclusions to the general court and make recommendations regarding any necessary legislative and regulatory changes which are suggested by those findings and conclusions. The first meeting of the working group shall take place within 30 days after the effective date of this act.

Section 2. The working group shall consist of 13 members: 4 members of the senate; 1 of whom shall be the president of the senate or a designee, who shall serve as co-chair of the working group; 1 of whom shall be the minority leader of the senate or a designee; 1 of whom shall be the senate chair of the joint committee on education; 1 of whom shall be the senate chair of the committee on ways and means; 4 members of the house of representatives; 1 of whom shall be the speaker of the house of representatives or a designee, who shall serve as co-chair of the working group; 1 of whom shall be the minority leader of the house or a designee; 1 of whom shall be the house chair of the joint committee on education; 1 of whom shall be the house chair of the committee on ways and means; 1 of whom shall be the secretary of administration and finance or a designee; 1 of whom shall be the commissioner of elementary and secondary education or a designee; and 3 members to be appointed by the governor, one of which shall be a superintendent of schools.

Section 3. In carrying out its charge, the working group shall examine, report on, and make recommendations regarding, the following matters:

a) the financing and reimbursement provisions of chapter 71, section 89(nn) and section 89(pp) as a mechanism for the financing of charter schools;

- b) the extent to which the reimbursement provisions of chapter 71, section 89(pp) are effective at minimizing the adverse financial impact of charter schools on sending school districts while providing sufficient resources for the successful operation of charter schools;
- c) the obstacles to broader utilization of Horace Mann charters as a vehicle to achieve the objectives articulated in section 89(d);
- d) the reasons for the transfer of students from charter schools back to local public schools, including students who are suspended or unenrolled;
- e) the percentages of students who require special education, receive free and reduced lunch and are English Language Learners;
- f) employment data such as average teacher salary and teacher and principal turnover rates
- g) infrastructure costs;
- h) comparisons of IEP profiles between charters and public districts;
- i) comparisons of non-English speaking students (LEP-1) at charters to districts;
- j) the percentage of ELL and SPED students, particularly in comparison with percentage of same students in their home communities;
- k) current population thresholds;
- l) governance issues; and,
- l) the charter granting process.

Section 4. The working group shall solicit advice from such persons and entities as it deems necessary, including the department of education, associations representing superintendents, other educational administrators, teachers, school business officers, municipal officials and charter schools.

Section 5. The working group shall file a report containing its recommendations, including legislation and regulations necessary to carry out its recommendations, with the joint committee on education and the clerks of the house and senate not later than 6 months following the first meeting of the working group.”

Pending the question on adoption of the amendment, Mr. Tarr and Ms. Clark moved that the amendment (Clark-Petrucci) be amended in section 2, by striking out the period after the word “schools” and adding the following: “, and two of which shall be members of school committees”;

By striking in section 3, the word “and,” in sub clause “l” as it first appears;

By striking in section 3 the letter “l” as it appears the second time, and replacing it with the letter “m”; and by adding the following at the end thereof:

n.) the process and regulations governing the monitoring of charter school compliance with relevant laws and regulations and the availability and use of sanctions and remedies for violations; and

o.) the availability and need for regulations to permit the revocation or suspension of a charter for errors or omissions by the Board of Elementary and Secondary Education.”

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

The question adoption of the pending amendment (Clark-Petrucci), as amended (Tarr-Clark) was considered; and it was adopted, as amended.

Ms. Spilka, Messrs. Rodrigues, DiDomenico and Michael O. Moore, Ms. Chandler and Messrs. Knapik and Eldridge moved that the bill be amended by inserting after item 1595-6370, the following item:

“7066-0035 For the support of the science, technology, engineering, and mathematics grant fund established by section 2MMM of chapter 29 of the General Laws \$500,000”.

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

Mr. Kennedy moved that the bill be amended in section 2, in item 7066-0009, by striking out the figure “\$367,500” and inserting in place thereof the following figure:- “\$467,500”.

The amendment was rejected.

Ms. Chang-Diaz, Mr. Rodrigues, Ms. Spilka and Mr. DiDomenico moved that the bill be amended by striking out the figure “\$1,200,000” and inserting in place thereof the following figure:- “\$2,000,000”.

The amendment was rejected.

Mr. Kennedy moved that the bill be amended in section 2, in item 7027-0019, by adding at the end thereof the following:-

“provided that not less than \$50,000 shall be expended for My Turn, Inc. for the purpose of school to work activities, connecting to college activities and youth workforce development activities”.

The amendment was rejected.

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

“SECTION X. Notwithstanding any special or general law to the contrary, the special commission on civic engagement and learning, established under section 106 of chapter 182 of the acts of 2008, is hereby revived and continued; provided, however, that the commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry out its recommendations, by filing the same with the clerks of the senate and the house and the joint committee on education on or before December 31, 2012.”

The **amendment was adopted.**

Ms. Chang-Diaz, Ms. Chandler, Messrs. Donnelly, DiDomenico and Knapik, Ms. Jehlen, Messrs. Welch and Eldridge, Ms. Clark, Ms. Creem, Messrs. Keenan and Michael O. Moore, Ms. Flanagan and Ms. Fargo moved that the bill be amended by striking out the figure “\$20,948,947” and inserting in place thereof the following figure:- “\$22,948,947”.

The amendment was rejected.

Mr. Downing moved that the bill be amended by inserting after section 119 the following section:-

“SECTION 119A. Notwithstanding any general or special law to the contrary, the state comptroller shall grant a 1-time waiver or exemption from all applicable charges or assessments made against grants disbursed from the Enhanced 911 Fund to the Berkshire sheriff’s department regional 911 communications center pursuant to its authority under sections 5D and 6B of chapter 29 of the General Laws; provided, however, that no waiver or exemption shall be granted without the written approval of the secretary of administration and finance.”

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

Mr. Downing moved that the bill be amended by striking out the figure “\$14,108,413” and inserting in place thereof the figure:- “\$14,608,413”.

The amendment was rejected.

Mr. Ross moved that the bill be amended in section 2, in item 8900-0001, in line 1, by inserting after “the department of correction” the inserting in place thereof the following:- “; provided, that the department shall expend no less than the amount provided for in chapter 61 of the acts of 2007 to the municipality hosting the Bay State Correctional Center”.

The amendment was rejected.

Mr. Ross moved that the bill be amended in section 2, in item 8900-0001, in line 1, by inserting after “the department of correction” the following words:- “; provided that the department shall expend no less than the amount provided for in chapter 61 of the acts of 2007 to cities and towns hosting facilities”.

The amendment was rejected.

Mr. Tarr 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 adult person committed to the state or county correctional facility, as defined in Section 1 of Chapter 125 of the General Laws, shall at the time of sentencing be interviewed by the Department of Probation for the purpose of determination of financial condition and indigency. Said interview shall be conducted in accordance with the provisions of Sections 27A through 27C of Chapter 261 of the General Laws. If the court finds the defendant not indigent, the court shall order in the minimum that the prisoner pay to the Commonwealth if committed to a state correctional facility or to the county of committed to a House of Correction, the sum of \$2.00 (two dollars) per calendar day of incarceration to defray the costs of incarceration. The Commissioner of Correction or Sheriff or Superintendent of the facility in which the prisoner is incarcerated, shall no later than thirty days prior to the prisoner’s release, prepare an accounting of sums owed to the Commonwealth or a county, but non-payment shall in no case be a condition of release of grounds for violation of probation or parole. The provisions of this Act shall not be applicable to prisoners determined to be pregnant, terminally ill or confined in a hospital during incarceration. Any party aggrieved by the determination of the court, Commissioner, Sheriff or Superintendent may appeal such determination in accordance with the provisions of Section 27D of Chapter 261 of the General Laws."

The amendment was rejected.

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

“SECTION __. Section 10 of Chapter 86 of the Acts of 2008 is hereby amended by adding at the end the following additional paragraph:-

“The secretary, in consultation with the secretary of public safety and homeland security, the secretary of administration and finance, and the commissioner of the department of revenue, shall report annually not later than June 30 in each year from 2012 to 2016 on the cost savings, if any, to both the commonwealth and to municipalities, as well as any impacts on public safety, which result from these regulations. Data in such report shall be based on the best available information, and may include estimates if necessary. Such report shall be filed with the senate and house committees on ways and means, the joint committee on transportation, and the joint committee on public safety and homeland security.”

The amendment was rejected.

Mr. Timilty moved that the bill be amended by striking out the figure "\$18,077,757" and inserting in place thereof the figure:- "\$18,237,757".

The amendment was rejected.

Mr. Timilty moved that the bill be amended by striking out the figure "\$7,022,773" and inserting in place thereof the figure:- "\$7,398,166".

After remarks, the amendment was rejected.

Mr. Timilty and Ms. Creem moved that the bill be amended by striking out the figure "\$12,506,412" and inserting in place thereof the figure:- "\$13,164,644".

The amendment was rejected.

Mr. Timilty moved that the bill be amended by striking out the figure "\$2,106,449" and inserting in place thereof the figure:- "\$2,541,372".

The amendment was rejected.

Messrs. Timilty, Welch and Knapik moved that the bill be amended by striking out the figure "\$2,476,460" and inserting in place thereof the figure:- "\$4,000,000".

After remarks, the amendment was rejected.

Messrs. Timilty, Welch and Knapik and Ms. Donoghue moved that the bill be amended by striking out the figure "\$2,500" and inserting in place thereof the figure:- "\$2,900".

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

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

“SECTION X. Section 128 of Chapter 27 of the Acts of 2009 is hereby amended by striking subsection (a) and inserting the following new subsection in place thereof:—

(a) Notwithstanding any general or special law to the contrary, any successor agreement to the current collective bargaining agreement for employees of the state police executed by the Commonwealth, acting by and through the secretary of administration and finance, and the State Police Association of Massachusetts shall not include benefits for any regular full-time member of the state police hired on or after July 1, 2009 pursuant to the career incentive pay program established pursuant to section 108L of chapter 41 of the General Laws. Nothing in this section shall preclude regular full-time members of the state police otherwise eligible for participation in the career incentive pay program established pursuant to said section 108L of said chapter 41 from participating in the program. Any new educational career incentive benefit agreed to by the State Police Association of Massachusetts and the Commonwealth for regular full-time members of the state police hired on or after July 1, 2009 shall be subject to appropriation.”

The amendment was rejected.

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

“SECTION 1 .Section 90 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. Hart moved that the bill be amended by inserting after the words “that office” the following:- “, provided further, that any community that was selected to receive earmarked funds for directed patrols in fiscal year 2009 shall receive 100 per cent of the amount so earmarked in fiscal year 2011”.

The amendment was rejected.

Ms. Chandler moved that the bill be amended by adding at the end thereof the following: "provided that no less than \$25,000 be provided for towns in Worcester County hosting municipal police training academies".

The amendment was rejected.

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

"Section X. Notwithstanding any general law to the contrary, the Department of Fire Services Headquarters in Stow shall be named the “Stephen D. Coan Department of Fire Services Headquarters.”

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended by inserting, after section ____, the following new section:-

"SECTION _____. The third paragraph of section 22 of chapter 61 of the acts of 2009 is hereby amended by adding the following sentence:- For the purpose of conducting its investigation and study, the commission may contract with an independent, outside organization, at a cost not to exceed \$50,000, to conduct a fiscal analysis of the potential cost savings and other efficiencies that may be achieved by reorganization, consolidation, elimination or realignment of sheriffs’ offices."

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

Ms. Candaras and Messrs. Michael O. Moore and Pacheco moved that the bill be amended Ms. Candaras moves to amend Section 2 of the bill in line item 8800-0001, by striking out the figure "\$1,214,379" and inserting in place thereof the figure:- "\$1,487,555".

The amendment was rejected.

Messrs. Michael O. Moore and Timilty moved that the bill be amended by inserting, after section __, the following new sections:-

“SECTION __. Section 128 of chapter 27 of the acts of 2009 is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Notwithstanding any general or special law to the contrary, any successor agreement to the current collective bargaining agreement for employees of the state police executed by the Commonwealth, acting by and through the secretary of administration and finance, and the State Police Association of Massachusetts shall not include benefits for any regular full-time member of the state police hired on or after July 1, 2009 pursuant to the career incentive pay program established pursuant to section 108L of chapter 41 of the General Laws. Nothing in this section shall preclude regular full-time members of the state police otherwise eligible for participation in the career incentive pay program established pursuant to said section 108L of said chapter 41 from participating in the program.”

The **amendment was adopted.**

Ms. Donoghue, Ms. Chandler, Messrs. Kennedy, Rodrigues, Eldridge, Knapik, McGee, Finegold, Montigny and Tolman and Ms. Jehlen moved that the bill be amended by inserting at the end thereof the following words:- “prior appropriation continued”; and by striking out the figure “\$4,500,000” and inserting in place thereof the following figure:- “\$5,500,000”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eleven minutes past twelve o'clock noon, on motion of Ms. Donoghue, as follows to wit (yeas 35 -- nays 1) [Yeas and Nays No. 31]:

The yeas and nays having been completed at a quarter past twelve o'clock noon, the **amendment was adopted.**

Mr. Michael O. Moore moved that the bill be amended in Section 143, by inserting after the word "force", in lines 2 and 8, each time it appears, the following words:- "and the Office of Environmental Law Enforcement"; and by inserting after the words "Massachusetts Department of Transportation" the following words:- ", the Office of Environmental Law Enforcement and the Executive Office of Energy and Environmental Affairs".

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

Mr. Joyce moved that the bill be amended in section 2, item 8100-0011, by inserting the following "provided further that, not less than \$100,000 shall be expended for the Youth Violence and Street Crimes Unit of the Randolph Police Department".

The amendment was rejected.

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

“SECTION __: Paragraph c of Subsection 1 of Section 24 of Chapter 90 of the General Laws is hereby amended by striking out subparagraph 1, as appearing in the 2006 Official Edition, and inserting in place thereof the following subparagraph:-

(c) (1). Where the license or right to operate has been revoked under section twenty-four D or twenty-four E, or revoked under paragraph (b) and such person has not been convicted of a like offense or has not been assigned to an alcohol or controlled substance education, treatment or rehabilitation program because of a like offense by a court of the commonwealth or any other jurisdiction preceding the date of the commission of the offense for which he has been convicted, the registrar shall not restore the license or reinstate the right to operate to such person unless the prosecution of such person has been terminated in favor of the defendant, until one year after the date of conviction; provided, however, that such person may, after the expiration of three months from the date of conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license for employment or educational purposes, which license shall be effective for not more than an identical twelve hour period every day on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt with or brought under control, and the registrar may, in his discretion, issue such license under such terms and conditions as he deems appropriate and necessary; and provided, further, that such person may, after the expiration of six months from the date of conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license on a limited basis on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt with or brought under control and the registrar may, in his discretion, issue such a license under such terms and conditions as he deems appropriate and necessary. A mandatory restriction on a hardship license granted by the registrar under this subparagraph shall be that such person have an ignition interlock device installed on each vehicle owned, each vehicle leased and each vehicle operated by the licensee for the duration of the hardship license.

SECTION 2. Chapter 90 of the General Laws is hereby amended by striking out section 241/2, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

241/2. No person whose license has been suspended in the commonwealth or any other jurisdiction by reason of: an assignment to an alcohol or controlled substance education, treatment or rehabilitation program; or a conviction for violating paragraph (a) of subdivision (1) of section 24, subsection (a) of section 24G, operating a motor vehicle with a percentage by weight of blood alcohol of eight one-hundredths or greater, or while under the influence of intoxicating liquor in violation of subsection (b) of said section 24G, section 24L, section 13 1/2 of chapter 265, subsection (a) of section 8 of chapter 90B, section 8A or 8B of chapter 90B or, in the case of another jurisdiction, for any like offense, shall be issued a new license or right to operate or have his license or right to operate restored unless a certified ignition interlock device has been installed on each vehicle owned, each vehicle leased and each vehicle operated by that person as a precondition to the issuance of a new license or right to operate or the restoration of such person's license or right to operate. A certified ignition interlock device shall be installed on all vehicles

owned, leased and operated by the licensee for a period of 6 months if he has not previously been assigned or convicted, and for a period of 2 years if he has previously been so assigned or convicted and person restricted by a certified ignition interlock device shall have such device inspected, maintained and monitored in accordance with such regulations as the registrar shall promulgate. The registrar may, after hearing, revoke for an extended period or for life, the license of whoever removes such device or fails to have it inspected, maintained or monitored on at least 2 occasions during the period of the restricted license or right to operate if the licensee has operated or attempted to operate a vehicle with a blood alcohol level that caused the certified ignition interlock device to prohibit a vehicle from starting on at least 2 occasions or that recorded a blood alcohol level in excess of .02 on at least 2 occasions. A person aggrieved by a decision of the registrar pursuant to this section may file an appeal in the superior court of the trial court department. If the court determines that the registrar abused his discretion, the court may vacate the suspension or revocation of a license or right to operate or reduce the period of suspension or revocation as ordered by the registrar.

SECTION 3. Section 24(D) of Chapter 90 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the fourth paragraph the following paragraph:-

A mandatory restriction on a hardship license granted by the registrar under this section shall be that such person have an ignition interlock device installed on each vehicle owned, each vehicle leased and each vehicle operated by the licensee for the duration of the hardship license.”

After remarks, the amendment was rejected.

Ms. Creem moved that the bill be amended by striking out the figure \$3,641,391 and inserting in place thereof the figure:- \$3,774,193.

The amendment was rejected.

Ms. Creem moved that the bill be amended by inserting the text of Senate document numbered 1914, relative to juvenile justice data collection.

The amendment was rejected.

Ms. Spilka, Ms. Clark and Messrs. Donnelly, Eldridge and DiDomenico moved that the bill be amended by inserting, after section __, the following new section: -

“SECTION __. (a) There shall be a special commission to identify and evaluate potential sites suitable for the placement of a replacement jail facility consistent in Middlesex County with the provisions of Chapter 304 of the Acts of 2008. The commission shall establish whether said sites are appropriate to adjoin facilities that perform related criminal justice functions, including courts, pre-arraignment lockup facilities and special population facilities. The commission shall document the needs of the communities and individuals they serve, and make recommendations regarding the most efficient and effective investment of public resources in meeting these needs.

(b) The special commission shall also identify and evaluate potential sites in Middlesex County suitable for the placement of a correctional facility suitable to house female pre-trial and sentenced offenders where the sentence is 2 ½ years or less. The commission shall document the needs of the communities and individuals they serve, and make recommendations regarding the most efficient and effective investment of public resources in meeting these needs.

(c) The commission shall include the following officers or their designees: the secretary of public safety and security, who shall chair the commission, the secretary of administration and finance, the Middlesex sheriff, the administrative officer of the trial court, the Middlesex superior court clerk; the commissioner of capital asset management; the Middlesex district attorney; chief counsel of the committee for public counsel services, 1 member of the senate appointed by the president; 1 member of the house of representatives appointed by the speaker. Members not otherwise subject to chapter 268A of the General Laws by virtue of their public positions shall not be considered to be special state employees for purposes of said chapter 268A by virtue of their service on the commission.

(d) The commission shall report its findings and recommendations to the governor and the clerks of the house of representatives and the senate not later than November 1, 2011.”

The **amendment was adopted.**

Ms. Spilka and Messrs. Timilty and Michael O. Moore moved that the bill be amended by striking out the figure "\$16,016,292" and inserting in place thereof the figure:- "\$16,516,292”.

The President in the Chair, the **amendment was adopted.**

Mr. Tarr moved that the bill be amended by striking the following:- “provided, that \$150,000 from the reimbursements shall not be available for expenditure and shall be deposited quarterly into the General Fund before the retention by the office of any of these revenues as certified by the comptroller; provided further, that the quarterly payments shall total \$600,000 in fiscal year 2012”.

The **amendment was adopted.**

Messrs. DiDomenico and Michael O. Moore moved that the bill be amended by striking out the figure “\$12,506,412” and inserting in place thereof the following figure:- “\$13,351,250”.

The amendment was rejected.

Messrs. Richard T. Moore and Tarr moved that the bill be amended in section 28 by inserting after the word “sections” , in line 15, the following figure:- “65,”; and by inserting after Section 66, the following section:-

“SECTION 66A. Section 65 of chapter 143 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

No elevator licensed under this chapter shall be operated without a valid inspection certificate. If a certificate of inspection has expired, no new certificate shall be issued until a new inspection has been completed and no elevator shall be operated until a new certificate of inspection has been issued by a qualified state inspector. The owner or operator of an elevator who fails to comply with this section shall be punished by a fine of \$1,000 for each day that an elevator is in operation without a valid certificate of inspection. The commissioner or the commissioner's designee, and such other person as may be specifically authorized, may issue a written notice of violation, under section 21 of chapter 22, for a violation of this section.

An owner or operator of an elevator shall not be in violation of this section if, 30 days prior to the expiration of a certificate, the owner or operator has, in writing or in a manner prescribed by the department, requested an inspection by the department. This section shall be known, and may be cited as 'Mark's Law,' in memory of Mark DiBona, age 4, who died from injuries sustained on an escalator that was not in compliance with the inspection requirements of this section."

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

Mr. Kennedy moved that the bill be amended in section 2, in item 8910-8700, by striking out the figure "\$24,810,825" and inserting in place thereof the following figure:- "\$27,998,589".

The amendment was rejected.

Messrs. DiDomenico, McGee and Tarr moved that the bill be amended by striking out 0339-1010 and inserting in place thereof the following item:-

"0339-1010 For the office of community corrections and renewal of performance-based contracts for the operation of community corrections centers, for the period from January 1, 2012 to June 30, 2012; provided, that funds from this item shall not be expended for centers which failed to meet minimum performance-based contract requirements as determined by the commissioner of probation between June 30, 2011 and December 31, 2011; provided further, that the commissioner may make funds from this line item available for rehabilitative pilot programs that incorporate evidence based correctional practices; and provided further, that the executive director shall submit a spending and management plan for each community corrections center, to include, but not be limited to, the progress and outcomes of performance-based contracting, to the house and senate committees on ways and means not later than June 30, 2012..... \$8,758,928".

The **amendment was adopted.**

Mr. Wolf moved that the bill be amended in section 2, by inserting after item 8910-8210 the following item:

"xxxx-xxxx For the Barnstable Country Sheriff's office to fund the continued operation of the Centralized Emergency Medical Dispatch System, said funds shall remain available only for the expressed purposes of said system and otherwise shall revert to the General Fund. All such funds shall be subject to audit by the state auditor..... \$457,816".

The amendment was rejected.

Messrs. Richard T. Moore and Knapik moved that the bill be amended by adding at the end thereof the following:- "and provided further, that the secretary shall enter into an agreement with a state college or university to provide for the expansion of comprehensive law enforcement and emergency response training, and mandatory reporter programs for local, state and federal criminal justice and homeland security professionals"; and in said item, by striking out the figures "\$1,943,074" and inserting in place thereof the figures "\$2,143,074".

The **amendment was adopted.**

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

"Section __. Notwithstanding any general or special law to the contrary, the Paul X. Tivnan Drive located in the towns of Boylston and West Boylston shall be placed under the jurisdiction of the Massachusetts department of highway for continued maintenance and upkeep."

The amendment was rejected.

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

"SECTION __. Section 7 of Chapter 4 of the General Laws as appearing in the 2008 Official Edition, is hereby amended by adding the following paragraph:-

Fifty-ninth, 'Active Duty' as used in Section 2 of Chapter 90 shall mean full-time duty in active military service of the United States, provided that this term shall include the period during which a person in active military service is absent from duty as result of illness, being wounded, being on leave, or other lawful cause.

SECTION 2. Section 2 of Chapter 90 of the General Laws, as appearing in the 2008 official edition is hereby amended by inserting, as a new paragraph, after the word 'registration.' in line 423 the following language:- 'The registrar shall furnish, upon request, to owners of private passenger motor vehicles and motorcycles who are residents of the state and serving in active duty as defined in clause Fifty-nine of section seven of chapter four and upon presentation of evidence deemed satisfactory by the registrar, a distinctive emblem to be affixed to the plate which identifies the branch of the armed services in which such owner serves. The registrar may charge a fee directly attributable to the cost of issuance of such emblem, provided however this fee is not in excess of \$20.'"

The amendment was rejected.

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

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

the Registry of Motor Vehicles.

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

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

The registrar shall submit a report containing the results of said evaluation, together with any legislative recommendations resulting therefrom, to the clerks of the House and Senate not later than May 31, 2012."

The amendment was rejected.

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

"SECTION X. Notwithstanding any general or special law to the contrary, the comptroller shall transfer \$750,000 from the General Fund to the Head Injury Treatment Services Trust Fund established pursuant to section 59 of chapter 10 of the General Laws."

The amendment was adopted.

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

"SECTION XX. Notwithstanding any general or special law to the contrary the department of conservation and recreation shall return the west bound striping on Storrow drive, in the City of Boston, surrounding the Bowker overpass to the condition it was on January 1, 2008."

The amendment was adopted.

Messrs. Rosenberg and Welch moved that the bill be amended by striking out the figure "\$198,030,962" and inserting in place thereof the following figure:- "\$203,233,728".

The amendment was adopted.

Mr. Tarr moved that the bill be amended in section 18 by inserting after the words "the Worcester Regional Transit Authority" the following words:- "Cape Ann Transportation Authority".

The amendment was rejected.

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

"SECTION _____: Section 57 is hereby amended by striking out the section and inserting in place thereof the following section:-

Paragraph (4) of subsection (A) of section 3 of chapter 90C of the General Laws, as most recently amended by section 16 of chapter 359 of the acts of 2010, is hereby further amended by adding the following paragraph:-

If a violator is found not responsible after a noncriminal hearing for all civil motor vehicle infractions, the violator shall be entitled to a return of the \$25 court filing fee. The trial court department shall return the full amount of the fee to the violator within 30 days of entering a finding of not responsible."

The amendment was rejected.

Mr. McGee moved that the bill be amended in section 79, in proposed section 2½ of chapter 211D, by striking out subsection (h) and inserting in place thereof the following subsection:-

"(h) The clerk of the court shall, within 60 days of appointment of counsel, report to the department of revenue, the department of transitional assistance and the registry of motor vehicles the amount of any legal counsel fee owed by the person for whom counsel was appointed under this chapter. The department of revenue shall intercept payment of such fee from tax refunds due to persons who owe all or a portion of such fee. The department of transitional assistance may deduct the fee in weekly or monthly increments from persons who have not paid the fee or a portion of the fee. The registry of motor vehicles shall not issue or renew a person's driver's license or motor vehicle registration for any vehicle subsequently purchased by such person until it receives notification from the clerk of the court that the fee has been collected or worked off in community service."

The amendment was adopted.

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

"Notwithstanding any special or general law to the contrary who ever produces with the intent of obtaining funds by fraud an unauthorized counterfeit ticket, pass or other instrument for the purchase or payment on behalf of any transportation agency or authority of the commonwealth shall be punished by a fine of not less than \$100,000 or by imprisonment in a jail or house of corrections for not more than 10 years."

The amendment was rejected.

Mr. Hart moved that the bill be amended by inserting after the words "department of elementary and secondary education" the following:- "; provided further, that not less than \$60,000 shall be expended to the H.E.L.P. program so-called, for black males health".

The amendment was rejected.

Ms. Chandler and Messrs. Michael O. Moore and Finegold moved that the bill be amended by inserting, after section ___, the following new section:-

"SECTION ____ . Notwithstanding any general or special law or regulation to the contrary, the secretary of the executive office of health and human services shall amend the Medicaid waiver for the waiver years 2012, 2013, and 2014 to include a pilot project amendment to fund teaching community health centers with a residency program in primary care or family medicine. The health centers for the project shall maintain accreditation, through the demonstration waiver years, as either an independent teaching community health center or as a teaching community health center accredited through an affiliation with a Commonwealth funded medical school or licensed as part of a teaching hospital. Each qualified teaching community health center will be given a grant of \$1.5m for the 1115 demonstration waiver years of 2012, 2013, and 2014."

The amendment was rejected.

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

"SECTION ____ . There may be no less than 3 dental chairs for persons with disabilities at the proposed mental health facility situated in Worcester."

The amendment was rejected.

Messrs. McGee and Montigny, Ms. Chang-Diaz, Messrs. Downing and Tolman, Ms. Fargo and Mr. Eldridge moved that the bill be amended by striking out the figure "\$9,766,617" and inserting in place thereof the figure "\$12,428,884."

The amendment was adopted.

Messrs. McGee, Finegold and Montigny, Ms. Fargo, Mr. DiDomenico and Ms. Donoghue moved that the bill be amended, in section 2, in item 4401-1000, in the first line by striking the words "and limited to" and by adding after "the Young Parents program" the following: "provided further, that the young parents program shall receive no less than the amount expended in the previous fiscal year,"; and in said item, by striking out the figures "\$4,279,933" and inserting in place thereof the figures: "\$6,689,934".

The amendment was rejected.

Ms. Fargo and Messrs. Richard T. Moore, Montigny and Kennedy, Ms. Candaras, Ms. Chandler, Ms. Jehlen and Mr. McGee moved that the bill be amended by striking out the figure "\$4,150,703" and inserting in place thereof the following figure:- "\$4,485,983".

The amendment was rejected.

Ms. Fargo, Ms. Jehlen, Ms. Chang-Diaz and Ms. Chandler moved that the bill be amended by striking out the figure "\$15,975,017" and inserting in place thereof the following figure:- "\$17,364,149".

After remarks, the amendment was rejected.

Ms. Fargo, Mr. DiDomenico, Ms. Donoghue, Messrs. Finegold, Knapik and Welch, Ms. Chang-Diaz and Messrs. Timilty, Eldridge, Michael O. Moore and McGee moved that the bill be amended by striking the words "and (d)" in line 7 and inserting the following:- "(d) assisting with district reporting of student dismissal rates to the office of school and district accountability; (e) addressing the needs of children under the age of 18 with Type 1 or Type 2 diabetes in underserved areas; and (f)", and further amending said item by inserting after the words "that funds" in line 14 the following:- "shall be expended for school nurse programs in an amount not less than that expended in fiscal year 2011"; and by striking out the figure, "\$10,536,723" and inserting the figure, "\$11,924,925".

After remarks, the amendment was rejected.

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

PAPER FROM THE HOUSE.

Emergency Preamble Adopted

An engrossed Bill designating Bridge Street Bypass Road in the city of Salem as Sergeant James Ayube Memorial Drive (see Senate, No. 1875), 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 House Bill making appropriations for the fiscal year 2012 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. 3401),- was further considered, the main question being on ordering it to a third reading. Ms. Fargo, Mr. DiDomenico, Ms. Chang-Diaz and Messrs. Welch, Finegold, Eldridge and Montigny moved that the bill be amended by striking the figure "\$1,000,000" and inserting in place thereof the following figure:- "\$1,500,000".

The amendment was rejected.

Ms. Fargo moved that the bill be amended by striking out the figure "\$13,243,542" and inserting in place thereof the following

figure:- "\$13,293,542".

The amendment was rejected.

Ms. Fargo and Ms. Chandler moved that the bill be amended by striking the figure "\$6,493,455" and inserting in place thereof the following figure:- "\$6,774,419".

After remarks, the amendment was rejected.

Ms. Fargo, Messrs. Michael O. Moore, Wolf and Rodrigues and Ms. Candaras moved that the bill be amended by inserting, after section 152, the following new section:-

"SECTION 153. Notwithstanding any general or special law or regulation to the contrary, a special commission hereafter referred to as the commission, is hereby established for the purpose of investigating and studying the incidence and impacts in the commonwealth of Lyme disease and other tick-borne diseases, including but not limited to anaplasmosis, babesiosis, bartonellosis, and ehrlichiosis.

Said study shall include, but not be limited to, a cost-benefit analysis of: (i) conducting a Lyme disease public health clinical screening study in high risk regions; (ii) developing education materials and training resources for detecting signs and symptoms of tick-borne illnesses in school-aged populations, to be used by clinical providers and school health personnel (iii) statewide surveillance and testing for tick-borne diseases in both *Ixodes scapularis* (black-legged deer tick) and *Amblyomma americanum* (Lone Star) ticks, and (iv) educating the medical community about research on all aspects of Lyme, both acute and chronic. The commission shall also investigate the availability of grants and federal funds for the study of Lyme disease and other tick-borne diseases to determine if future action is feasible and warranted to support Lyme and tick-borne diseases research in the Commonwealth. (v) The Commission shall review mandatory reporting procedures to promote improved compliance both for CDC-positive and clinically diagnosed cases of Lyme disease and associated tick-borne co-infections.

Said commission shall consist of: 3 members of the Senate, 1 of whom shall be appointed by the Senate Minority Leader; 3 members of the House of Representatives, 1 of whom shall be appointed by the House Minority Leader; the Commissioner of the Department of Public Health or a designee; the Commissioner of the Division of Health Care Finance and Policy or a designee, 3 members of local boards of health from different Lyme endemic areas of the state; the Director of the State Laboratory Institute or a designee; the State Epidemiologist or a designee; and 4 members to be appointed by the Governor, 1 of whom shall be a physician specialized in infectious disease, 1 of whom shall be a professional member of the International Lyme and Associated Diseases Society, and 2 members who shall be considered experts in the treatment or research of Lyme disease. Additionally, there shall be 4 public members, 2 of whom shall be patients or family members of patients; and 2 shall be members of Lyme and other tick-borne diseases organizations representing diverse regions across the state. One patient shall be appointed by the Senate, one patient by the House of Representatives and the 2 members of Lyme & other tick-borne diseases organizations shall be appointed by the Governor.

Said commission shall report to the Senate and House of Representatives 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 by April 1, 2012."

There being no objection, pending the question on adoption of the amendment, Ms. Creem addressed the Senate as follows:

I rise in support of this item and I want to compliment the woman from Lincoln for having proposed this Commission.

Madam President, this week on Monday, a young woman in my district by the name of Wendy Snyder, a mother of twins, a wife, a daughter, a friend of many people in my community, 47 years old, died of Lyme Disease. Now, we don't always hear about these because we, sometimes it's undetected and often it's treated and the person does not have residual effects. It was very sad and I hope that we can, through this Commission, explore ways to find, to rid the community of this disease and find cures so in the future we will not have incidents like this. I know this person will be sorely missed and I hope that in some day in her name this Commission may continue the great work that I know it will have. So, thank you Madame President.

On motion of the same Senator, the above statements were ordered printed in the Journal of the Senate.

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

Ms. Fargo, Mr. DiDomenico, Ms. Chang-Diaz, Ms. Chandler moved that the bill be amended by inserting after the word "Society;" in line 6 the following:- "hepatitis C prevention and management; colorectal cancer prevention;"; and by striking out the figure "\$3,383,981" and inserting in place thereof the following figure:- "\$5,949,484".

The amendment was rejected.

Ms. Fargo, Ms. Clark and Mr. McGee moved that the bill be amended by inserting after the word "agencies;" in line 4 the following:- "provided, that funds shall be expended to the Regional Center for Poison Control and Prevention in an amount no less than the amount expended for fiscal year 2011;".

The amendment was rejected.

Ms. Fargo, Messrs. Rodrigues and Finegold, Ms. Chandler and Mr. Joyce moved that the bill be amended by inserting, after section 152, the following new section:-

"SECTION 153. Section 25 of chapter 118E of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out paragraph 4 of subsection (5) and inserting in place thereof the following paragraph:-

Notwithstanding the first paragraph of this section, the division may require Medicaid recipients to pay enrollment fees, premiums, deductibles, coinsurance, copayments or similar cost-sharing charges as participants in managed care plans implemented by the division, so long as any waivers of Title XIX provisions regarding recipient cost-sharing are obtained from

the secretary in conjunction with any other federal approvals and waivers necessary to implement these managed care plans. In the absence of managed care plans, the division shall require, to the extent permitted by federal law, that recipients, if eligible for such benefits, be liable for a copayment of up to \$5 toward the purchase of each pharmaceutical product, including prescription drugs and over-the-counter drugs, provided that copayments for pharmaceutical products greater than \$3 are mandatory and must be paid in full; and to require copayment of \$5 for the use of emergency room services in acute care hospitals for the treatment of nonemergency conditions. The division may also require, to the extent permitted by federal law, that recipients be liable for a copayment of up to \$5 for all other covered services with the exception of mental health and substance abuse services. The division shall establish a per-member out-of-pocket cap for all copayments."

The amendment was rejected.

Mr. Montigny moved that the bill be amended by adding 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.

Mr. Tarr moved that the bill be amended, in section 2, in item 4513-1130, by inserting at the end thereof the following:- "and provided further, that funds shall be expended on counseling services and education, through media outreach, to at-risk households on the negative repercussions of domestic violence on families and children, with a focus on the role of fathers".

The amendment was rejected.

Recess.

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

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

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Designating Bridge Street Bypass Road in the city of Salem as Sergeant James Ayube Memorial Drive (see Senate, No. 1875);

Authorizing the town of Shrewsbury to establish a special fund (see House, No. 556, changed and amended); and

Authorizing the licensing authority of the city of Woburn to grant 8 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3343, amended).

Orders of the Day.

The House Bill making appropriations for the fiscal year 2012 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. 3401),-- was further considered, the main question being on ordering it to a third reading. Messrs. Tarr, Hedlund, Knapik, Ross and Richard T. Moore moved that the bill be amended by inserting, after section __, the following new sections:-

"SECTION __. Chapter 111 of the General Laws is hereby amended by striking out section 25I, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 25I. The department, in conjunction with the board of registration in pharmacy and the division of medical assistance, shall establish and implement methods to reduce medication waste in facilities licensed by the departments of public health, mental health and corrections. The department shall establish such methods, based on its review, that are determined to be effective in reducing waste without imposing unreasonable costs on the health care delivery system. Such methods may be based on, but not be limited to, the following: (1) current technology, standards and reimbursement mechanisms for dispensing and distributing medications to facilities; (2) other states' requirements for limiting prescription drug waste and any cost savings realized; (3) the commonwealth's standards for the return and re-dispensing of patient-specific schedule VI prescription drugs; and (4) possible incentive mechanisms to prevent the creation of prescription drug waste. The department shall promulgate regulations to implement this section.

SECTION __. The fifth paragraph of section 70E of said chapter 111, as so appearing, is hereby amended by adding the following subsection:-

(p) to obtain from the facility in charge of the patient's care, upon discharge, any bulk medications that were prescribed for the patient during the patient's stay including, but not limited to, aerosol inhalers, topical products such as creams and powders eye drops, insulins and special order items, provided that any such items are patient specific and personal and would not otherwise be used in the treatment of another patient. Upon discharge from the hospital, these bulk items shall be considered the personal

property of the patient and at the prescribing physician's discretion may include in discharge orders that the patient be provided with the specific bulk products that were used in the hospital with use directions. The department shall promulgate regulations to implement this section.

SECTION __. The department of public health, in consultation with the board of registration in pharmacy shall, as shall provide to the joint committee on health care financing and the joint committee on public health, on or before April 1, 2012 a report and legislative recommendations relative to issues of implementation of the programs established under subsection p of section 70E of chapter 111 and section 25I of chapter 111, including, but not limited to: savings and costs related to the implementation of the programs established and recommendations related to penalties for violations of subsection p of section 70E of chapter 111 and section 25I of chapter 111.

SECTION __. Notwithstanding any general or special law to the contrary, the department of public health, in consultation with the department of environmental protection, shall make an investigation and study regarding the issue of pharmaceutical drug waste and its effect on the environment in the Commonwealth. The department shall report on the following: (1) the estimated quantity of pharmaceutical drug waste in the Commonwealth; (2) the quantity of such waste that may be recovered prior to disposal; (3) the methods and techniques used in other states or local governments to reduce the amount of pharmaceutical drug waste, and identify model programs used to recover or recycle such waste; and (4) the efforts of pharmaceutical drug industry to mitigate waste through consumer support or take-back programs. The department shall make recommendations, consistent with its report, regarding: (1) the feasibility of expanding a drug recycling program similar to that prescribed in section 25I of chapter 111 to all consumers; (2) the feasibility of adopting similar programs adopted by other states or local governments to reduce drug waste; and (3) the feasibility of the department assisting municipal governments to establish local programs to reduce such waste. The department shall make its report and recommendations together with legislation to implement those recommendations by filing the same with the clerks of the senate and house not later than July 31, 2012."

The amendment was rejected.

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

"Section __. The division of health care finance and policy shall, within eight months of the passage of this act, develop regulations to ensure the following: i) that Medicare-like claims editing is fully and effectively implemented and used to determine reimbursements from the Health Safety Net Trust Fund; and ii) that claims editing is effectively used to reduce the occurrence of payments for medically unnecessary services, medically unlikely events, and duplicate services.

Section __. The office of Medicaid shall, within eight months of the passage of this act, develop regulations to ensure that incentives or regulations are implemented to increase competition among MassHealth managed care organizations, reduce the size of some provider networks offered by managed care organizations, and/or to reduce cost of managed care organizations."

The amendment was rejected.

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

"SECTION __. Section 1 of chapter 111L, as added by section 12 of chapter 58 of the acts of 2006, is hereby amended by inserting at the end of the definition of the term 'Creditable coverage' the following words:- 'Minimum creditable coverage, as defined by the board under the authority granted herein, shall not require, in the case of individuals subject to section 2 of chapter 58 of the acts of 2006, coverage for prescription drugs'."

The amendment was rejected.

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

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

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

The Secretary of Administration and Finance shall report the findings of said evaluation, together with cost estimates for the operation of a recycling program, estimates of the savings it would generate, and legislative recommendations, no later than October 31, 2011."

The **amendment was adopted.**

Messrs. Tarr, Knapik and Ross moved that the bill be amended by striking out the words "provided further, for the purposes of supporting the division's expanded role in developing health care policies that benefit government entities, providers, purchasers, and consumers, the division shall assess surcharge payors as defined in section 34 of chapter 118G, not less than 10 per cent of the total estimated expenses appropriated for the division and the health safety net office, including indirect costs, in fiscal year 2012, less amounts projected to be collected in fiscal year 2011 from: (a) filing fees; (b) fees and charges generated by the division's publication or dissemination of reports and information; and (c) federal financial participation received as reimbursement for the division's administrative costs; provided further, that the assessment on surcharge payors shall be calculated in a manner similar to the assessment authorized under section 38 of chapter 118G, and shall be collected in a manner consistent with the provisions of chapter 118G and deposited in the General Fund", and inserting in place thereof the following words:- "provided further, that funds may be expended for the purposes of a review of efforts by state agencies to decrease administrative complexity and costs on health care entities, including the effectiveness of such efforts to streamline administrative and regulatory requirements and the impact on lowering health care costs, and such review shall examine efforts

by the Division, the Executive Office of Health and Human Services, the Division of Insurance, the Office of the Attorney General, the Group Insurance Commission, the Health Connector, and MassHealth; provided further that the Division shall file a report of its findings with the joint committee on health care financing no later than January 1, 2013, which may hold an oversight hearing on the study's findings".

The amendment was rejected.

Ms. Chandler, Mr. Kennedy and Ms. Jehlen moved that the bill be amended by inserting, after section ____, the following new section:-

"SECTION ____. Section 16, Chapter 6A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting the following paragraph:

The secretary of the Executive Office of Administration & Finance Services shall develop standards to identify, earmark and recruit with intent to hire qualified applicants with disabilities; said standard shall apply to all vendors providing direct services under multiyear contracts or grants funded by agencies with the Secretariat; Standards shall include a commitment toward hiring people with disabilities, training all employees involved in hiring decision on the requirements of the Americans with Disabilities Act, and annual reporting on progress toward achieving employment goals."

The amendment was rejected.

Ms. Chandler, Messrs. Eldridge and Kennedy and Ms. Jehlen moved that the bill be amended by inserting after the word "network" the following:- "provided further that \$100,000 be expended for assistive technologies,;" and in said item by striking out the figures "\$3,871,792" and inserting in place thereof the figures "\$3,921,792".

The amendment was rejected.

Ms. Chandler, Mr. Kennedy and Ms. Jehlen moved that the bill be amended by inserting after the word "hearing" the following: "provided further that \$50,000 be expended for assistive technologies," and by striking out the figures "\$4,722,631" and inserting in place thereof the figures "\$4,772,631".

The amendment was rejected.

Ms. Chandler, Mr. Kennedy, Ms. Creem and Ms. Jehlen moved that the bill be amended by inserting after the word "services" the following: "provided further that \$50,000 be expended for assistive technologies,;" and in said line item by striking out the figures "\$11,851,933" and inserting in place thereof the figures "\$11,901,933".

The amendment was rejected.

Ms. Chandler moved that the bill be amended by inserting the text of Senate document numbered 1918, relative to long term care insurance.

The amendment was rejected.

Mr. Joyce moved that the bill be amended by inserting after section 152, the following new section:-

"Section __. Section 36 of Chapter 118E of the Massachusetts General Laws is hereby amended by inserting the following after the last paragraph of said section:

The MassHealth Program is hereby directed to immediately promulgate regulations to allow single specialty ambulatory surgery centers which are licensed by the Department of Public Health as clinics to provide ophthalmic procedures, to enroll in the MassHealth as Medicaid providers."

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

Mr. Joyce moved that the bill be amended the bill in Section 2, in item 4590-0915, by adding 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. Eldridge and Ms. Fargo moved that the bill be amended by inserting after item 7004-9316 the following 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..... \$250,000".

After remarks, the amendment was rejected.

Ms. Chandler and Messrs. Eldridge, DiDomenico and McGee moved that the bill be amended by adding at the end thereof the following: "provided further, that, notwithstanding any general or special law or regulation to the contrary, on or before September 30, 2011, the department shall amend its regulations at 105 CMR 410.020, or any successor regulations defining "owner" for purposes of the State Sanitary Code, to clarify that a mortgagee of a dwelling that has filed a complaint or served notice to authorize foreclosure pursuant to the Servicemembers Civil Relief Act, or such mortgagee's agents, assigns or mortgage servicers, shall be deemed to have care, charge or control of all tenant-occupied or vacant dwelling units, and associated common areas of such dwelling except when such dwelling is a condominium".

The amendment was rejected.

Ms. Chandler, Messrs. Knapik and Richard Moore, Ms. Jehlen, Mr. Montigny, Ms. Creem, Ms. Chang-Diaz, Ms. Spilka, Ms.

Fargo, Messrs. Michael O. Moore and Wolf, Ms. Candaras and Messrs. McGee and DiDomenico moved that the bill be amended in section 2, item 4000-0300, by adding the following words: - "provided further, that the secretary of health and human services shall report semi-annually to the house and senate committees on ways and means relative to the impact of the reductions in adult dental services in MassHealth; and provided further, that such semi-annual reports shall include, but not be limited to, a detailed itemization of covered services and service utilization by service type, utilization of health safety net services, geographical location of the member receiving the service and the number of MassHealth clients unable to receive restorative dental health services who are pregnant, developmentally disabled, medically compromised patients or with HIV/AIDS, data detailing the time that elapses between a member's request for services and commencement of services and semi-annual data on utilization rates of emergency room visits related to dental health".

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

Mr. Michael O. Moore moved that the bill be amended by striking out the figure "142,156,836" and inserting in place thereof the following figure:- "149,993,472".

The amendment was rejected.

Mr. Downing moved that the bill be amended by inserting after the word "clients" the following:- "; provided, that programs shall receive the same percentage of funding in fiscal year 2012 as received in fiscal year 2011".

The amendment was rejected.

Mr. Tolman moved that the bill be amended by inserting after "deposited in the General Fund;" the following:- "and provided further, that the division and the executive office of health and human services shall establish a new rate methodology to cover the cost of care provided by any facility licensed by the department of public health as a chronic disease hospital providing services solely to children and adolescents, as follows: (1) the rate of reimbursement for any such facility shall be developed collaboratively through an agreement among the office of Medicaid, the division of healthcare finance and policy and any such facility; (2) the reimbursement rate for any such facility shall incorporate the following components: (a) utilization of the reimbursement methodology used by the division and the executive office of health and human services to determine payments for Medicaid disproportionate share pediatric hospitals in effect in 2007 utilizing the most recently filed 403 cost report with the division and the payments received from Medicaid eligible patients for the base period; (b) a per diem rate for inpatient and a payment on account factor for outpatient shall be established which reimburses the full unrecovered cost, including capital; and (c) the rates shall be inflated over the base period by the applicable Medicare market basket inflation factors; and (3) notwithstanding any general or special law to the contrary, in no event will the rates of payment be lower than the rates in effect for such facility in the prior fiscal year;".

The amendment was rejected.

Mr. Tolman and Ms. Fargo moved that the bill be amended in section 2, in item 5930-1000, by inserting at the end thereof: - "provided further; that notwithstanding any other general or special law or rule or regulation to the contrary, the division of capital asset management shall not close the pool facilities located at the Walter E. Fernald Developmental Center, 200 Trapelo Road, Waltham, until a comparable site has been arranged for individuals from the community who use the pool. A "comparable site" shall be defined as a site which maintains therapeutic pool qualities, including but not limited to maintaining a pool temperature of 90-94 degrees, providing proper chair lifts and ramps, and the presence of qualified staff trained in water safety, lifeguarding and specialized aquatic exercise. A comparable site shall be located within a reasonable and accommodating distance from the Fernald Development Center".

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

Messrs. Hart, Michael O. Moore, Finegold, DiDomenico and Rodrigues moved that the bill be amended by striking out the words:

"For matching grants to the Alliance of Massachusetts YMCAs, the Massachusetts Alliance of Boys & Girls Clubs and YWCA organizations: provided, that the Massachusetts Alliance of Boys & Girls Clubs shall distribute funds to all Boys and Girls Clubs that received grants from this item in fiscal year 2011\$1,300,000" and inserting:

"For matching grants to the Massachusetts Alliance of Boys & Girls Clubs, the Alliance of Massachusetts YMCAs, the YWCA organizations, nonprofit community centers, and youth development programs; provided, that the department of public health shall award the full amount of each grant to each organization previously included in the youth-at-risk grants, upon commitment of matching funds from such organizations; provided further, that each organization previously included in the youth-at-risk grants shall receive in fiscal year 2012 a grant amount not less than that received in fiscal year 2011; and provided further, that any allocation less than \$2,000,000 to a recipient of a youth-at-risk grant must be distributed equally between said recipient's member organizations..... \$1,700,000".

The amendment was rejected.

Mr. Hart and Ms. Fargo moved that the bill be amended by inserting after item 9110-1660 the following item:

"9110-1700 for a residential assessment and placement program for homeless elders..... \$ 136,000".

The amendment was rejected.

Mr. Hart, Ms. Fargo and Mr. DiDomenico moved that the bill be amended by inserting at the end thereof the following words:- "; provided, 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 4510-0110, by striking the figure"\$713,949" and inserting in place

thereof the following figure:-“\$963,949”.

The **amendment was adopted.**

Mr. Tolman moved that the bill be amended by inserting after the words “expenditures made to these providers;” the following: - “provided further, that not less than \$10,000,000 shall be expended as payments for pediatric specialty hospitals and units, including pediatric chronic rehabilitation hospitals; provided further, that \$8,000,000 of said \$10,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric specialty hospitals and units, including pediatric chronic and rehabilitation long-term care hospitals as allowable under federal law; provided further, that \$2,000,000 of said \$10,000,000 shall be expended for a grant to said pediatric chronic and rehabilitation long-term care hospitals for which federal financial participation and federal approval need not be obtained;”.

The amendment was rejected.

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

“SECTION XX. For the purpose of improving patient transitions across care settings, MassHealth shall establish a new rate of home health care payment pursuant to 114.3 CMR 50.04 for patients with chronic medical conditions who are at risk for re-hospitalization, as determined by a certified home health agency, pursuant to Title XVIII and Title XIX of the Social Security Act, upon initial evaluation and in consultation with the pertinent hospital discharge planner and patient’s primary care physician, when discharged from hospital care to said home health care agency.

Home health agencies will only be reimbursed for such payment provided that the patient avoids returning to the hospital for the same condition for which the patient was originally hospitalized for thirty (30) days under the direct care and supervision of said agency.

The MassHealth Care Transition Rate shall be determined by the Secretary of Health and Human Services and based on a nurse-led team model with published evidence of readmission reduction.”

The amendment was rejected.

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

“SECTION . A local board of health in a city or town with a population of more than 150,000 residents may not prohibit smoking bars licensed to operate as of January 1, 2011, as long as they continue to comply with applicable state and local laws in effect as of January 1, 2011.”

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

Mr. Hart moved that the bill be amended by striking the figure “\$2,362,792” and inserting in place thereof the figure “\$2,462,792”.

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended by inserting after the word "Income" the following words:- “; 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. Further, the Division of Health Care Finance & Policy shall not establish rates to reimburse for continuous skilled nursing care provided by Licensed Practical Nurses relative to 114.3 CMR 50.04 (2)(2)(b) to three patients or more”.

The amendment was rejected.

Messrs. Petruccelli and DiDomenico moved that the bill be amended by inserting the following text:- “; and (e) Project SAFE”; and by striking out the figure “\$4,279,933” and inserting in place thereof the following figure:- “\$4,464,633”.

The **amendment was adopted.**

Mr. Michael O. Moore moved that the bill be amended by inserting after the word "Income" the following words:- “provided further, that funding from this item shall be provided for the purpose of recruitment and retention of home health nurses in accordance with 114.3 CMR 50.00, and that said funds authorized herein shall be restorative to said regulation prior to its amendment made in accordance with MGL c. 29 § 9C and effective December 1, 2008, and shall be in addition to any amount appropriated in this item for the purpose of providing Title XIX services to patients; and provided further that the funds authorized herein shall be eligible for federal financial participation”; and by striking the figure “2,495,602,264” and inserting in place thereof the following figure “2,502,702,264”.

The amendment was rejected.

Mr. Petruccelli moved that the bill be amended by adding at the end thereof the following:- “provided that not less than \$125,000 shall be expended for Self Esteem Boston’s substance abuse direct service prevention, and provider training programs”.

The amendment was rejected.

Mr. Tolman moved that the bill be amended by inserting after the word "facilities" the following new text:- “; provided further, that the same level of funding be expended in fiscal year 2012 as expended in the prior fiscal year for jail diversion programs in municipalities that provide equal matching funds from other public or private sources”.

The amendment was rejected.

Ms. Candaras, Mr. Donnelly, Ms. Fargo and Messrs. Kennedy and Eldridge moved that the bill be amended, in section 2, in item 5920-2000, by striking out the figure “\$751,797,120” and inserting in place thereof the following figure- “\$759,549,620”.

The amendment was rejected.

Ms. Candaras, Mr. Knapik, Ms. Flanagan and Messrs. Welch, Wolf and Kennedy moved that the bill be amended, in section 2, in item 4000-0500, by inserting after the words "to the recipients in prior fiscal years" the following words: - "; provided further, that \$10,000,000 shall be expended from this item or item 4000-0700, if necessary to achieve maximum federal financial participation, to enhance the ability of hospitals, community health centers and primary care clinicians to serve populations in need more efficiently and effectively; provided further, that these funds may be allocated using the standards used in fiscal year 2010; provided further, that these funds shall be disbursed not later than April 1, 2012; provided further, that funds may be expended from this item or item 4000-0700, if necessary, to enhance the ability of hospitals to address emergency room capacity issues due to individuals with mental illness who are awaiting placement in an acute care bed"; and in said Section 2, in said item 4000-0500, by striking out the figure "3,754,835,669" and inserting in place thereof the following figure: - "3,764,835,669".
The **amendment was adopted.**

Ms. Candaras, Mr. Knapik, Ms. Flanagan and Messrs. Welch, Finegold, Wolf and Keenan moved that the bill be amended, in section 2, in item 4000-0700 by inserting after the word "years;" the following words:- "provided further, that funds may be expended from this item, or item 4000-0500, if necessary to achieve maximum federal financial participation, to enhance the ability of hospitals, community health centers and primary care clinicians to serve populations in need more efficiently and effectively; provided further, that these funds may be allocated using the standards used in fiscal year 2010; provided further, that these funds shall be disbursed not later than April 1, 2012; provided further, that funds may be expended from this item or 4000-0500, if necessary, to enhance the ability of hospitals to address emergency room capacity issues due to individuals with mental illness who are awaiting placement in an acute care bed".
After remarks, the **amendment was adopted.**

Mr. Petrucci moved that the bill be amended by adding at the end thereof the following:- "for the division of substance abuse services, including a program to reimburse driver alcohol education programs for services provided for court adjudicated indigent clients; provided, that programs shall receive the same percentage of funding in fiscal year 2012 as received in fiscal year 2011"; and in said item, by striking out the figures "\$74,685,802" and inserting in place thereof the figures "\$75,185,802".
The amendment was rejected.

Ms. Candaras moved that the bill be amended, by striking in section 2, in item 4200-0500 the figure "\$2,000,000" and inserting in place thereof the following figure:- "\$2,500,000".
The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended by inserting, after section __, the following new sections:-
"SECTION __. Section 12 of Chapter 118E of the General Laws is hereby amended by inserting at the beginning of the section the following new definitions:

'Managed Care Organization', any entity with which the Commonwealth contracts to provide managed care services to eligible MassHealth enrollees on a capitated basis.

'Network', a grouping of health care providers who contract with a managed care organization to provide services to MassHealth enrollees covered by the managed care organization's plans, policies, contracts or other arrangements.

'Non-network provider', a health care provider who has not entered into a contract with a managed care organization to provide services to MassHealth enrollees.

SECTION __. Section 12 of Chapter 118E of the General Laws is further amended by inserting at the end of the section the following new language:- 'For emergency, post-stabilization, and certain other services that have received a prior approval by a managed care organization contracting with the Commonwealth to provide managed care services to MassHealth enrollees, health care providers not included in a managed care organization's network, must accept a rate equal to the rate paid by Medicaid for the same or similar services. Nothing in this section shall prohibit a managed care organization from denying payment for unapproved services conducted by a non-network provider.'

SECTION __. Chapter 118H of the General Laws is hereby amended by the addition of a new section 7, as follows:

Section 7. For emergency, post-stabilization, and certain other services that have received a prior approval by a carrier or managed care organization contracting with the Connector to provide managed care services to Commonwealth Care Health Insurance Program enrollees, health care providers not included in a managed care organization's network, must accept a rate equal to the rate paid by Medicaid for the same or similar services. Nothing in this section shall prohibit a carrier or managed care organization from denying payment for unapproved services conducted by a non-network provider."

The amendment was rejected.

Ms. Candaras and Messrs. Welch and Knapik moved that the bill be amended in section 2, in line-item 7004-0102, by striking out, in line 5, the figure "\$12.92" and inserting in place thereof the following figure:- "\$20"; and in said item 7004-0102 by striking out the figure "\$37,292,852" and inserting in place thereof the following figure:- "\$37,733,331".

The **amendment was adopted.**

Mr. Hart moved that the bill be amended by inserting at the end thereof the following words:- "; provided, that funds may be expended for programs that received funding in fiscal year 2011".

The **amendment was adopted.**

Mr. Eldridge, Ms. Jehlen, Ms. Fargo and Mr. DiDomenico moved that the bill be amended, in section 2, in item 9110-1630, by

inserting after "services", in line 20, the following words:-"; provided further, that funding shall be expended for provider training and outreach to lesbian, gay, bisexual and transgender elders and caregivers"; and in said section 2, in item 9110-9002 by striking out the words "and provided further, that funding shall be expended for provider training and outreach for lesbian, gay, bisexual and transgender elders and caregivers".

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

Ms. Creem, Ms. Jehlen, Messrs. Eldridge, Rodrigues, DiDomenico and McGee and Ms. Candaras moved that the bill be amended by inserting after "recoupment amounts recommended by the state auditor;" the following:- "provided further, that by October 3, 2011, the department shall issue draft revised regulations for public comment which shall ensure that the department maintains an independent, timely and fair administrative hearings system and shall issue final regulations by December 1, 2011; provided further, that not later than October 1, 2011, the department shall; (a) revise its procedures to ensure that newly requested administrative hearings are scheduled and decided upon on a timely basis; and (b) submit to the joint committee on children, families and persons with disabilities a plan for eliminating its backlog of administrative hearing requests; provided further, that the plan shall identify the number of fair hearing requests that were pending as of July 1, 2011, and shall set quarterly benchmarks for elimination of the backlog; provided further, that the department shall submit quarterly reports to the joint committee on children, families, and persons with disabilities on the status of the backlog;"

The **amendment was adopted.**

Ms. Clark, Ms. Chang-Diaz, Ms. Flanagan, Mr. Kennedy, Ms. Spilka, Mr. Keenan, Ms. Candaras and Mr. McGee moved that the bill be amended by inserting, after section __, the following new section:-

"Section _ Notwithstanding any general or special law to the contrary, there shall be a special commission for the purpose of studying the adequacy and limitations of current services to meet the safety, support, housing, health, education, and quality of life needs of unaccompanied homeless or unstably housed youth as defined under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§ 11431-11435 (2002). The commission is charged with identifying and addressing barriers to housing, services and education for unaccompanied youth experiencing homelessness. Two working groups shall be established within the commission to ensure a full and comprehensive report addressing the needs of all subpopulations of unaccompanied homeless youth; one working group focusing on the specific needs of youth under 18 years of age and a second group focusing on the needs of youth 18 to 22 years of age. The Commission's report shall include recommendations for addressing the needs of non-system involved youth as well as unstably housed youth with the goal of ensuring a comprehensive and effective response to the unique needs of this population. The commission, in formulating its recommendations, shall take account of the best policies and practices in other states and jurisdictions.

The commission shall include the Secretary of the Executive Office of Health and Human Services or designee, the Commissioner of Department of Children and Families or designee, the Commissioner of Department of Public Health or designee, the Commissioner of Department of Mental Health or designee, the Commissioner of the Department of Youth Services or designee, the Commissioner of the Department of Elementary and Secondary Education or designee, the Commissioner of the Department of Early Education and Care or designee, the Undersecretary for the Department of Housing and Community Development or designee, two members of the Senate, two members of the House of Representatives, three youth who have experienced homelessness, a representative from each of the following organizations: Massachusetts Coalition for the Homeless, Children's League of Massachusetts, Task Force on Youth Aging Out of Department of Children and Families Care, Massachusetts Appleseed Center for Law and Justice, the Massachusetts Commission on Gay, Lesbian, Bisexual and Transgender Youth, and the Massachusetts Housing and Shelter Alliance, and seven persons to be appointed by the Governor, five of whom shall be unaccompanied youth service providers.

The commission shall submit a report to the Governor, the Speaker of the House of Representative, the President of the Senate, and the Joint Committee on Children, Families and Persons with Disabilities no later than 9 months after the passage of this Act, setting forth the commission's conclusions on how to improve access to services for unaccompanied homeless or unstably housed youth, together with 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, and the Joint Committee on Children, Families and Persons with Disabilities 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. Petruccelli, Wolf and DiDomenico, Ms. Donoghue and Mr. Michael O. Moore moved that the bill be amended by striking out the figures "\$2,248,776" and inserting in place thereof the figures "\$3,569,444".

The amendment was rejected.

Messrs. Keenan and Eldridge, Ms. Spilka, Ms. Jehlen, Ms. Chang-Diaz, Ms. Fargo and Messrs. Wolf and DiDomenico moved that the bill be in line item 7004-0101 by inserting after "provided further, however, that any family whose income exceeds 115 per cent of the federal poverty level while the family is receiving assistance funded by this item shall not become ineligible for assistance due to exceeding the income limit for a period of 6 months from the date that the 115 per cent level was exceeded" the following language:- "provided further, that \$5,000,000 shall be expended for homelessness prevention services and resources for families who have incomes at or below 115 per cent of the federal poverty limit and include a child under age 21 or a pregnant

woman; provided further, that such prevention services shall be administered by community action agencies and other community based organizations, shall be provided on first-come, first-serve basis and shall include landlord/tenant mediation, legal assistance to prevent eviction, housing search services, stabilization services, and financial assistance to pay up to 3 months of rental arrearages to landlords who have issued a notice to quit but who agree to withdraw the notice and extend the tenancy if payment is provided;”

The amendment was rejected.

Messrs. Keenan and DiDomenico moved that the bill be amended moves that the bill be amended in section 2, by inserting item 1410-0100 as follows:

“1410-0100 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 \$96,350”.

The amendment was rejected.

Messrs. Keenan, Wolf, Knapik, Downing and Welch, Ms. Fargo and Ms. Candaras moved that the bill be amended by adding after the words “using sources distinct from the funding made available to the Health Safety Net Trust Fund” the following: “Provided further for the purpose of this line item, Massachusetts nonprofit disproportionate share hospitals with a Medicare payer mix percentage greater than 43% of Total Gross Patient Service Revenue (GPSR) using FY09 403 cost report payer data shall be defined as a public service hospital under 114.1 CMR 36.02; further provided that of the public service hospitals qualifying under this line item Boston Medical Center shall receive 50% of the Public Service Hospital Safety Net Care Payments available and the other qualifying public service hospitals shall receive an equal payment of the remaining 50% of said public service hospital safety net care payment monies. Municipal Hospitals shall be exempt from the provisions of this section”. After remarks, the amendment was rejected.

Messrs. Wolf, Keenan and Knapik, Ms. Fargo, Ms. Flanagan, Ms. Candaras and Ms. Clark moved that the bill be amended, in item 4000-0500 by adding at the end the following:- “; and provided further that the PAPE (Payment Amount Per Episode) rate for ER mental health visits including substance abuse in not for profit community hospitals shall be 2 times the PAPE rate as established by MassHealth for FY2012”.

The amendment was rejected.

Ms. Clark and Messrs. Rosenberg and DiDomenico moved that the bill be amended , in section 2, in item 4800-1100, by striking out the figure “159,452,441” and inserting in place thereof the figure:- “161,022,453”.

The amendment was rejected.

Mr. Keenan moved that the bill be amended, in section 2, in item 4000-0950, by inserting at the end thereof the following: “and provided further, that \$2,000,000 may be allocated from this item 5042-5000 to support the department of mental health’s role in implementing the children’s behavioral health initiative.”

The **amendment was adopted.**

Mr. Joyce, Ms. Clark, Mr. Donnelly, Ms. Jehlen, Messrs. Kennedy, Rodrigues and Keenan, Ms. Spilka, Ms. Chang-Diaz and Mr. Michael O. Moore, Ms. Fargo, Messrs. Tolman, Finegold, DiDomenico, Hedlund, Montigny, Timilty, Welch, Wolf, Eldridge, Hart, Downing and McGee, Ms. Donoghue, Ms. Creem and Mr. Pacheco moved that the bill be amended in section 2, in item 4000-0700, in section 2, in item 4000-0300 by inserting after the words “projected exhaustion of funding;” the following words:- “provided further, that MassHealth shall notify the house and senate committees on ways and means not less than 60 days in advance of any change in services or rates paid to providers of adult day habilitation services;”; and in item 4000-0700 by striking out the figures “\$2,026,206,633” and inserting in place thereof the figures “\$2,030,206,633”.

The **amendment was adopted.**

Ms. Clark, Mr. Rodrigues, Ms. Jehlen and Messrs. Knapik, Donnelly, Eldridge and DiDomenico, Ms. Chang-Diaz, Ms. Flanagan, Ms. Candaras, Mr. Michael O. Moore, Ms. Fargo, Ms. Donoghue and Messrs. McGee, Montigny and Pacheco moved that the bill be amended by striking out the figure “\$15,250,554” and inserting in place thereof the following figure:- “\$16,250,554”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes before three o’clock P.M., on motion of Mr. Baddour, as follows to wit (yeas 38 - nays 0) [Yeas and Nays No. 32]:

YEAS

Baddour, Steven A. Joyce, Brian A.
Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. 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. Spilka, Karen E.
Finegold, Barry R. Tarr, Bruce E.
Flanagan, Jennifer L. Timilty, James E.
Hart, John A., Jr. Tolman, Steven A.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 38.
NAYS — 0.
ABSENT OR NOT VOTING
Rush, Michael F. — 1.

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

Mr. Joyce moved that the bill be amended in section 2, in item 4000-1700 by striking out the figure "81,762,075" and inserting in place thereof the following:- "\$83,197,047".

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 shall be expended for the purpose of continuing the administration of a geriatrics program, previously funded in line item 9110-1900 of Section 2 of Chapter 182 of the Acts of 2008".

The amendment was rejected.

Ms. Creem, Ms. Spilka and Mr. McGee moved that the bill be amended in section 2, in item 9110-1660, by inserting at the end thereof:- "; provided, that funds shall be expended for naturally occurring retirement communities funded from item 9110-1660 of chapter 182 of the acts of 2008 at not less than 31% of their appropriations therein,"; and by striking out the figure "\$1,503,617" and inserting in place thereof the figure "\$1,717,617".

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

Mr. Joyce moved that the bill be amended in section 2, item 4590-0915, by striking out the figure, "\$139,397,307" and inserting in place thereof the figure, "\$143,397,307".

The amendment was rejected.

Mr. Keenan moved that the bill be amended in section 2 by inserting after item 5042-5000, the following item:

"5042-6000.. For the operation of a statewide program to provide mental health consultations by telephone, available for a minimum of five 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 118..... \$2,000,000".

The **amendment was adopted.**

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

The amendment was rejected.

Messrs. Keenan and DiDomenico moved that the bill be amended by striking out the figures "\$74,685,802" and inserting in place thereof the figures "\$75,185,802".

The amendment was rejected.

Mr. Joyce moved that the bill be amended in section 2, in item 4000-1700, by inserting the following:- "provided further that not less than \$1,000,000 shall be expended to Milton Hospital to initiate health information technology improvements including but not limited to, e-prescribing, patient portal, continuity of care document, data repository, dose tracker, new hardware and technicians".

The amendment was rejected.

Mr. DiDomenico, Ms. Chang-Diaz, Ms. Candaras and Ms. Chandler moved that the bill be amended , in section 2, in item 4403-2000, by striking the words "children's clothing allowance in the amount of \$40 shall be provided to each child eligible under this program in September 2011" and inserting in place thereof the following words:- "children's clothing allowance in the amount of \$150 shall be provided to each child eligible under this program in September 2011, to the extent feasible within appropriation; provided further, that the non-recurring clothing allotment in fiscal year 2012 shall not be less than \$75"; and in said section 2, in said item 4403-2000, by striking out the figure "\$315,980,979" and inserting in place thereof the following figure:- "\$318,730,614"

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twelve minutes before three o'clock P.M., on motion of Mr. DiDomenico, as follows to wit (yeas 38 - nays 0) [Yeas and Nays No. 33]:

YEAS

Baddour, Steven A. Joyce, Brian A.
Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. 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. Spilka, Karen E.
Finegold, Barry R. Tarr, Bruce E.
Flanagan, Jennifer L. Timilty, James E.
Hart, John A., Jr. Tolman, Steven A.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 38.
NAYS — 0.
ABSENT OR NOT VOTING
Rush, Michael F. — 1.

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

Messrs. McGee and DiDomenico moved that the bill be amended by striking out the figure "2,133,506" and inserting in place thereof the following: - \$2,387,778".

The amendment was rejected.

Messrs. Rosenberg, Downing, Knapik, Welch, Wolf and Tarr, Ms. Candaras, Ms. Chandler and Mr. Michael O. Moore moved that the bill be amended by inserting, after section _____, the following new section:

"SECTION _____. And provided further prior to the Commonwealth of Massachusetts signing an agreement with the Centers for Medicaid and Medicare Services for an extension of the Medicaid 1115 Waiver for Waiver years 15, 16 and 17, there shall be a joint hearing of the House and Senate Committees on Ways and Means and the Joint Committee on Health Care Financing on the details of the provisions of and any hospital funding formulas in the negotiated waiver. Said Committees may jointly or separately make recommendations to the Legislature, the Governor and his Administration on matters of concern or interest as a result of the hearing for their approval. The Governor may not sign the 1115 Waiver Extension for Waiver Years 15, 16, & 17 without the approval of the Legislature."

The amendment was rejected.

Ms. Spilka and Mr. Ross moved that the bill be amended by inserting after the words "Veterans memorials;" the following: "provided further, that not less than \$15,000 shall be expended for the Vietnam Veterans Moving Wall project in the metro west region;"; and by striking out the figure "\$2,133,506" and inserting in place thereof the following figure, "\$2,148,506".

The **amendment was adopted.**

Ms. Flanagan moved that the bill be amended by inserting after the words "department of elementary and secondary education" the following: - "provided further, that funds shall be expended for school nurses and school based health center programs".

The **amendment was adopted.**

Ms. Chang-Diaz and Mr. Hart moved that the bill be amended by inserting at the end thereof the following words: - "and provided further, that the executive office shall maintain the FY 2011 overall reimbursement rate for the commonwealth's only medical respite program for the homeless".

The amendment was rejected.

Mr. DiDomenico, Ms. Fargo and Mr. Donnelly moved that the bill be amended 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 2012, and the extent to which any portion of resulting expenditures are eligible for federal reimbursement
..... 2,500,000".

The amendment was rejected.

Mr. Rodrigues moved that the bill be amended in section 2, in item 4513-1130, by inserting at the end thereof the following words:- "and provided further, that funds may be expended for classroom-based domestic violence prevention education programs administered in item 0340-0900 in fiscal year 2009".

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

Ms. Spilka, Mr. Michael O. Moore, Ms. Chang-Diaz, Messrs. Knapik, DiDomenico and Kennedy, Ms. Fargo, Ms. Clark and Messrs. Montigny, Keenan and Welch moved that the bill be amended by striking out the figure "227,965,287" and inserting in place thereof the following figure:- "237,397,940".

The amendment was rejected.

Messrs. Welch, Knapik, Keenan and Montigny moved that the bill be amended by striking out the figures "\$4,722,631" and inserting in place thereof the figures "\$5,783,000".

The amendment was rejected.

Ms. Jehlen, Mr. Rodrigues, Ms. Clark, Messrs. DiDomenico, Eldridge and Donnelly, Ms. Chang-Diaz, Ms. Chandler and Ms. Candaras moved that the bill be amended by striking the figure "35,000,000" and inserting in place thereof, the figure "\$35,738,377".

The amendment was rejected.

Ms. Jehlen, Messrs. DiDomenico and Eldridge, Ms. Spilka, Ms. Chandler, Messrs. Donnelly and Michael O. Moore and Ms. Candaras moved that the bill be amended in section 2, in item 4000-0600, by inserting after the words "Supplemental Security Income;" the following words:- "provided further, that funds shall be expended from this item to implement the pre-admission counseling and assessment program under the third paragraph of section 9 of chapter 118E of the General Laws, which shall be implemented on a statewide basis through aging and disability resource consortia;"

The **amendment was adopted**.

Mr. Keenan, Ms. Spilka and Ms. Candaras moved that the bill be amended by inserting item 4400-1025 as follows: "4400-1025 For domestic violence specialists at local area offices \$748,734".

The amendment was rejected.

Ms. Jehlen, Messrs. DiDomenico, Keenan, Kennedy, Donnelly, Richard T. Moore and Knapik, Ms. Creem, Ms. Spilka, Ms. Chandler, Messrs. Joyce, Pacheco and McGee and Ms. Fargo moved that the bill be amended by striking the figure "\$7,904,327" and inserting in place thereof, the figure "\$8,254,237".

The **amendment was adopted**.

Ms. Spilka moved that the bill be amended by striking out the figure "\$93,039,491" and inserting in place thereof the following figure:- "\$96,421,853".

The amendment was rejected.

Messrs. Donnelly and Eldridge moved that the bill be amended by striking out the figure "\$57,613,847" and inserting in its place thereof the following:- \$60,672,283.

The amendment was rejected.

Ms. Chang-Diaz, Messrs. Eldridge and Donnelly, Ms. Fargo and Mr. McGee moved that the bill be amended by striking out the figure "\$751,511,822" and inserting in place thereof the following figure:- "\$809,511,822"; and in Section 111 by striking out said section and inserting in place thereof the following paragraph:-

"SECTION 111. Individuals enrolled as of June 30, 2011 in the Commonwealth Care Bridge program created pursuant to section 95 of Chapter 359 of the Acts of 2010, and who are otherwise eligible for Commonwealth Care, shall remain enrolled in Bridge until they are transferred to Commonwealth Care on or after July 1, 2011 and the secretary of administration and finance, the secretary of health and human services and the executive director of the commonwealth health insurance connector authority are authorized to make expenditures from the Commonwealth Care Trust Fund for continued operation of the Bridge program on or after July 1, 2011 for the limited purpose of avoiding a period without insurance for said individuals."

After remarks, the amendment was rejected.

Ms. Jehlen, Messrs. Rodrigues and Knapik, Ms. Clark, Messrs. DiDomenico, Eldridge and Donnelly, Ms. Chandler, Mr. McGee, Ms. Candaras and Mr. Montigny moved that the bill be amended by striking the figure "\$96,780,898" and inserting in place thereof, the figure "\$97,780,898".

After remarks, the amendment was rejected.

Messrs. Rodrigues and Rosenberg moved that the bill be amended by striking out the figures “62,616,711” and inserting in place thereof the figures:- “63,677,819”.

The amendment was rejected.

Messrs. Rodrigues, Rosenberg, McGee and Donnelly, Ms. Jehlen, Ms. Fargo and Mr. Pacheco moved that the bill be amended by striking out the figures “34,789,000” and inserting in place thereof the following figures:- “39,750,000”.

The amendment was rejected.

Ms. Jehlen moved that the bill be amended by striking in line item 4510-0710 the figure “\$6,493,455” and inserting in place thereof figure :-“\$6,774,419”.

The amendment was rejected.

Mr. Welch moved that the bill be amended by striking out the figures “\$899,451” and inserting in place thereof the figures “\$948,313”.

The amendment was rejected.

Messrs. Donnelly, DiDomenico, Eldridge, Michael O. Moore, Montigny and McGee moved that the bill be amended in Section 129 by inserting after the words "Chapter 23I of the General Laws; and," in line 5, the following words:- “provided further the comptroller shall transfer \$8,000,000 from the General Fund to the Workforce Competitiveness Trust Fund established by section 2WWW of chapter 29 of the Acts of 2008”.

After remarks, the amendment was rejected.

Mr. Rodrigues, Ms. Jehlen, Messrs. Tolman and Richard T. Moore, Ms. Spilka, Ms. Clark, Mr. Finegold, Ms. Chang-Diaz, Messrs. Kennedy, Donnelly, Knapik, Timilty, Welch, Eldridge and DiDomenico, Ms. Chandler, Ms. Candaras, Messrs. Michael O. Moore, Keenan and Montigny, Ms. Creem, Ms. Fargo and Messrs. Tarr and McGee moved that the bill be amended , in section 2, in item 4000-0300, by inserting after the words “projected exhaustion of funding;” the following words:- “provided further, that MassHealth shall notify the house and senate committees on ways and means not less than 60 days in advance of any change in the rates paid to providers of adult foster care and group adult foster care services;”.

The **amendment was adopted.**

Messrs. Petruccelli and Michael O. Moore moved that the bill be amended in section 2, in item 4000-0309, by inserting after the words “Medicaid fraud prior to payment” the following words:- “; provided further, that the state Medicaid office may employ strategies to improve systems for detection and may allow for the use of external data sources;”.

The **amendment was adopted.**

Messrs. Finegold, Knapik and DiDomenico, Ms. Fargo and Messrs. McGee and Kennedy moved that the bill be amended by striking out the figure ”\$6,436,708” and inserting in place thereof the figure “\$6,576,576”.

The amendment was rejected.

Messrs. Welch, Knapik, DiDomenico, Finegold and Hart moved that the bill be amended by inserting after the word "herein" the following:- “; provided that, the Executive Office of Health and Human Services from funds within this item shall maintain the adjustment in the RY2011 Acute Hospital RFA, Reimbursement System Section, D. 5.a. in the RY2012 Acute Hospital RFA Medicaid standard payment amount per discharge for any hospital that has greater than 63% of its gross patient service revenue from governmental payers and free care”.

The amendment was rejected.

Mr. Finegold moved that the bill be amended by striking out the figure “\$139,397,307” and inserting in place thereof the following figure:- “\$139,847,307”.

The amendment was rejected.

Mr. Finegold moved that the bill be amended by striking out the figure “\$164,194,179” and inserting in place thereof the following figure:- “\$164,790,661”.

The amendment was rejected.

Messrs. Donnelly and DiDomenico, Ms. Clark, Mr. Pacheco and Ms. Fargo moved that the bill be amended by striking the figure “\$13,243,542” and inserting in its place the following :- \$14,743,542.

After remarks, the amendment was rejected.

Ms. Spilka, Mr. Rodrigues, Ms. Jehlen, Mr. Eldridge, Ms. Chang-Diaz, Mr. Donnelly and Ms. Fargo moved that the bill be amended in section 2, in item 7004-0108, by inserting after the words “aid pending a timely appeal pursuant to said chapter 23B;” the following words:- “; provided further, that families who are denied assistance under this item may appeal pursuant to the provisions of said chapter 23B, including section 30(F), and implementing regulations;”.

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

Mr. Hart moved that the bill be amended by inserting after the word “herein” the following:- “; provided that, the Executive Office of Health and Human Services from funds within this item shall maintain the adjustment in the RY2011 Acute Hospital RFA, Reimbursement System Section, D. 5.d. in the RY2012 Acute Hospital RFA Medicaid standard payment amount per discharge for any public service hospital which provides more than 10% of the statewide inpatient Medicaid days”.

The amendment was rejected.

Ms. Jehlen and Mr. Eldridge moved that the bill be amended by striking out section 62.

After remarks, the amendment was rejected.

Messrs. Rodrigues and Wolf, Ms. Spilka, Messrs. Knapik, Hedlund and Petruccelli, Ms. Creem, Messrs. DiDomenico, Montigny,

Finegold, Michael O. Moore and Eldridge, Ms. Candaras and Mr. McGee moved that the bill be amended by inserting at the end thereof the following: "and (e) for providers with whom the department entered into service agreements with in fiscal year 2011 as procured under the Competitive Integrated Employment Services program"; and by striking out the figures "\$4,279,933" and inserting in place thereof the figures "\$12,621,513".

The amendment was rejected.

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

The amendment was rejected.

Ms. Jehlen and Mr. Eldridge moved that the bill be amended by striking out Section 64.

The amendment was rejected.

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

"SECTION __. Payments made by the Executive Office of Health and Human Services to providers for services payable under Title XIX of the Social Security Act shall be processed in a manner that maximizes federal financial participation.

Notwithstanding any general or special law to the contrary, the Executive Office of Health and Human Services shall process all such payments to MassHealth providers and recoupments from MassHealth providers in accordance with the policies and procedures established under a Medicaid Management Information System ("MMIS") that has received express Federal approval under Title XIX of the Social Security Act.

(a) Any determination (including any determination for which an appeal is pending pursuant to 130 CMR 450.241 et seq.) that an overpayment has been made to a non-acute hospital, as defined in Massachusetts General Laws Chapter 118G, Section 1, with respect to services to patients who are eligible for benefits under both Titles XVIII and XIX of the Social Security Act and for which funds have not been recouped from the non-acute hospital, shall not be recovered, recouped or deemed final unless: (1) the determination of the overpayment was made in accordance with the policies and procedures of a Federally-approved MMIS; (2) the Executive Office of Health and Human Services has provided the non-acute hospital with documentation, which shall include patient-specific remittance advices which are sufficient in form and substance for approval by Medicare auditors of the overpayment amount as an allowable bad debt under Title XVIII of the Social Security Act; and, (3) the non-acute hospital has received interim payments under Title XVIII of the Social Security Act based upon the non-acute hospital's claim of bad debt reimbursement relating to the overpayment.

(b) Any determination (including any determination for which an appeal is pending pursuant to 130 CMR 450.241 et seq.) that an overpayment has been made to a hospital, as defined in Massachusetts General Law Chapter 118G, Section 1, with respect to services to patients who are eligible for benefits under both Titles XVIII and XIX of the Social Security Act and for which funds already have been recouped without first being processed through a Federally-approved MMIS: (1) shall result in a reversal of the prior determination and, (2) shall not be deemed final unless: (A) a new determination of overpayment is made in accordance with the policies and procedures of a Federally-approved MMIS; (B) the Executive Office of Health and Human Services has provided the hospital with documentation, which shall include patient-specific remittance advices which are sufficient in form and substance for approval by Medicare auditors of the newly-determined overpayment amount as an allowable bad debt under Title XVIII of the Social Security Act; and, (C) the hospital has received interim payments under Title XVIII of the Social Security Act based upon the hospital's claim of bad debt reimbursement relating to the newly-determined overpayment."

The amendment was rejected.

Ms. Chang-Diaz, Messrs. DiDomenico and Eldridge, Ms. Fargo, Mr. Petrucci, Ms. Jehlen, Messrs. Rodrigues and Donnelly, Ms. Clark, Ms. Chandler, Ms. Creem and Mr. Wolf moved that the bill be amended by inserting after item 0950-0000 the following item:-

"0950-0050 For the commission on gay, lesbian, bisexual, and transgender youth; provided that funds shall be used to address issues related to the implementation of the state's anti-bullying law (Chapter 92 of the Acts of 2010) \$100,000".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at sixteen minutes past four o'clock P.M., on motion of Mr. Hedlund, as follows to wit (yeas 37 - nays 1) [Yeas and Nays No. 34]:

YEAS

Baddour, Steven A. Keenan, John F.
Berry, Frederick E. Kennedy, Thomas P.
Brewer, Stephen M. 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 Pacheco, Marc R.
DiDomenico, Sal N. Petrucci, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.

Finegold, Barry R. Timilty, James E.
Flanagan, Jennifer L. Tolman, Steven A.
Hart, John A., Jr. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 37.
Joyce, Brian A.
NAYS
Hedlund, Robert L. — 1.
ABSENT OR NOT VOTING
Rush, Michael F. — 1.

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

Mr. Hart moved that the bill be amended by inserting after the words "Young Parent Programs" the following: "; provided further, that not less than \$ 250,000 shall be expended for a contract with Julie's Family Learning Program in the South Boston section of the city of Boston".

The amendment was adopted.

Recess.

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

Orders of the Day.

The House Bill making appropriations for the fiscal year 2012 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. 3401),- was further considered, the main question being on ordering it to a third reading.

Ms. Donoghue, Messrs. Wolf and Downing, Ms. Chang-Diaz, Messrs. Rosenberg, Montigny, DiDomenico and Kennedy, Ms. Clark, Ms. Creem, Messrs. Michael O. Moore and Eldridge, Ms. Chandler, Mr. Knapik, Ms. Spilka, Ms. Fargo, Mr. McGee, Ms. Candaras and Mr. Hart moved that the bill be amended by striking out the figure "\$4,449,866" and inserting in place thereof the figure "\$5,449,866".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-five minutes before six o'clock P.M., on motion of Mr. Knapik, as follows to wit (yeas 38 - nays 0) [Yeas and Nays No. 35]:

YEAS

Baddour, Steven A. Joyce, Brian A.
Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. 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. Spilka, Karen E.
Finegold, Barry R. Tarr, Bruce E.
Flanagan, Jennifer L. Timilty, James E.
Hart, John A., Jr. Tolman, Steven A.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 38.
NAYS — 0.
ABSENT OR NOT VOTING
Rush, Michael F. — 1.

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

Suspension of Senate Rule 38A.

Mr. Berry moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rule be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2012 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. 3401),-- 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 adopted, to wit:

Mr. Eldridge moved that the bill be amended in section 145 by inserting after the word "online" the following words:- "in searchable format".

The **amendment was adopted.**

Mr. Rosenberg moved that the bill be by inserting after section 21 the following section:-

"SECTION 21A. Paragraph (b) of subsection (2) of section 40 of chapter 15A of the General Laws, as so appearing, is hereby amended by inserting after the word 'writing', in lines 82, 93 and 104, in each instance, the following words:- , or in another form acceptable to the council,."; and

By inserting after section 37, the following section: -

"SECTION 37A. The third paragraph of the definition of 'Regular compensation' in section 1 of chapter 32 of the General Laws, as inserted by section 23 of chapter 131 of the acts of 2010, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- After September 1, 2011, faculty, librarians and administrators in public higher education who are eligible for the state employees' retirement system shall not be prohibited from participating in the optional retirement program under section 40 of chapter 15A."

The **amendment was adopted.**

Mr. Pacheco moved that the bill be amended by striking in Section 137(b) subsections (7) and (8).

The **amendment was adopted.**

Ms. Chang-Diaz and Mr. Rosenberg moved that the bill be amended by striking out clauses (2) and (5) of subsection (b) of section 137; and by adding the following 2 subsections:-

"(l) Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may sell, lease for a term up to 99 years, including all renewals and extensions, or otherwise grant, convey or transfer to the city of Northampton, for nominal consideration, those certain parcels of land located in the city of Northampton behind the property used as a department of mental health center for children and families at 78 Pomeroy terrace, or portions thereof, containing approximately 6 acres, together with any buildings and structures thereon, used as a department of mental health center for children and families.

(m) The city of Northampton shall be responsible for all costs and expenses including, but not limited to, costs associated with any engineering, surveys, appraisals and deed preparation related to the conveyance authorized in subsection (l) as such costs may be determined by the commissioner of capital asset management and maintenance."

The **amendment was adopted.**

Messrs. Berry, DiDomenico, Keenan and Kennedy moved that the bill be amended in section 2, in item 1107-2501, by striking out the figure "\$2,174,159" and inserting in place thereof the following figure:- "\$2,214,159".

The **amendment was adopted.**

Messrs. Welch, Knapik and Pacheco moved that the bill be amended by inserting after section 53 the following section:-

"SECTION 53A. Section 30 of chapter 64C of the General Laws, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

A stamper who has complied with his chapter and, to the extent applicable, section 3A of chapter 64H and chapter 94F, including the rules and regulations promulgated thereunder, may withhold and retain from each payment to be made by him for such stamps as compensation for service rendered in compliance with this chapter and, to the extent applicable, said section 3A of said chapter 64H and said chapter 94F the following amounts:(1) in the case of encrypted cigarette excise stamps purchased and not returned for an abatement, with respect to a roll of 1,200 encrypted stamps, \$12 per roll; and (2) in every annual 12-month period beginning July 1 with respect to a roll of 30,000 encrypted stamps, \$600 per roll for the first 50 rolls purchased by a stamper and \$200 per roll for each additional roll; and (3) in the case of non-encrypted cigarette excise adhesive stamps purchased and not

returned for an abatement, \$1.85 for each 600 and a proportionate amount for any fraction thereof.”; and by inserting after section 150 the following section:-

“SECTION 150A. Section 53A shall apply to stamps purchased on or after January 1, 2012.”

The **amendment was adopted.**

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

“SECTION __. Chapter 164 of the General Laws, is hereby amended by striking out section 96, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 96. (a) For purposes of this section, the following words shall have the following meanings.

‘Control’, the possession of the power, through direct or indirect ownership of a majority of the voting securities of a gas or electric company or a holding company, to direct or cause the direction of the management and policies of a gas or electric company or a holding company or the ability to effect a change in the composition of its board of directors or otherwise, provided, control shall not be deemed to arise solely from a revocable proxy or consent given to a person in response to a public proxy or consent solicitation made pursuant to and in accordance with the applicable rules and regulations of the Securities Exchange Act of 1934 unless a participant in said solicitation has announced an intention to effect a merger or consolidation with, reorganization, or other business combination or extraordinary transaction involving the gas or electric company or the holding company.

‘Foreign electric company’, an electric company with a domicile, principal place of business, headquarters, or place of incorporation the locus of which is outside of the borders of the commonwealth.

‘Foreign gas company’, a gas company with a domicile, principal place of business, headquarters, or place of incorporation the locus of which is outside of the borders of the commonwealth.

‘Holding company’, any corporation, association, partnership, trust or similar organization, or person which, regardless of the locus of the domicile, principal place of business, headquarters, or place of incorporation of such entity, either alone or in conjunction and pursuant to an arrangement or understanding with one or more other corporations, associations, partnerships, trusts or similar organizations, or persons, directly or indirectly, controls, or seeks to acquire control over, a gas or electric company.

(b) Companies, except steam distribution companies, subject to this chapter, or holding companies may, notwithstanding any other provisions of this chapter or of any general or special law, consolidate or merge with one another or may sell and convey their properties to another of such companies or to a wholesale generation company, and such companies, holding companies, or wholesale generation companies may purchase such properties if such purchase, sale, consolidation or merger, and the terms thereof, have been approved, at meetings called therefor, by vote of the holders of at least two-thirds of each class of stock outstanding and entitled to vote on the question of each of the contracting companies, and that the department, after notice and a public hearing, has determined that such purchase and sale or consolidation or merger, and the terms thereof, are consistent with the public interest; provided, however, that in making such a determination the department shall at a minimum consider: potential rate changes, if any; the long term strategies that will assure a reliable, cost effective energy delivery system; any anticipated interruptions in service; or other factors which may negatively impact customer service; and provided further, that the purchase or sale of properties by, or the consolidation or merger of, wholesale generation companies shall not require departmental approval except as otherwise provided herein.

(c) No gas, electric, or holding company, subject to this chapter, shall enter into any transaction or otherwise take any action which would result in a change of its control over any gas, electric, or holding company, or foreign gas or electric company unless the terms thereof, have been approved, at meetings called therefor, by vote of the holders of at least two-thirds of each class of stock outstanding and entitled to vote on the question of each of the contracting companies, and the department, after notice and a public hearing, has determined that such transaction or action, and the terms thereof, are consistent with the public interest; provided, however, that in making such a determination the department shall at a minimum consider: potential rate changes, if any; the long term strategies that will assure a reliable, cost effective energy delivery system; any anticipated interruptions in service; or other factors which may negatively impact customer service.”

The **amendment was adopted.**

Mr. Montigny moved that the bill be amended in section 92 by inserting after the words “to provide sufficient berthing space” the following language:- “provided, further, that the lessee shall consult with the Cape Verdean Association in New Bedford in order to provide historic and cultural education programs at the Schooner Ernestina”.

The **amendment was adopted.**

Mr. Montigny, Ms. Jehlen, Ms. Fargo and Ms. Candaras moved that the bill be amended by adding at the end thereof the following 2 new sections:-

“SECTION 153. Chapter 12 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 8F, the following new 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 Massachusetts or, if incorporated or organized outside of Massachusetts, that primarily conducts its business in Massachusetts.

(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 in accordance with the provisions of 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 to provide compensation.

The Director may adopt and promulgate guidelines, rules or regulations to carry out the provisions of 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 he 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 154. Section 153 shall take effect six months after the effective date of this act."

The **amendment was adopted.**

Messrs. Tarr, Hedlund and Knapik moved that the bill be amended by inserting, after section ____, the following new section:-
"Section __: The definition of 'Cultural facility' in clause (1) of paragraph (b) of section 42 of chapter 23G of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'facility', in line 27, the following words:- unless said municipally owned building is located in a cultural district, is 125 years old or more and is significant in the history, archeology, architecture or culture of the nation, the commonwealth or said community, in which case it may be of any size."

The **amendment was adopted.**

Mr. Eldridge, Ms. Fargo, Mr. Tarr and Ms. Chang-Diaz moved that the bill be amended by striking the figure "\$35,500,000" and inserting in place thereof the following figure:- "35,900,000".

The **amendment was adopted.**

Ms. Spilka and Messrs. Tarr, Michael O. Moore and DiDomenico moved that the bill be amended by inserting at the end thereof the following: -

"SECTION XX. Paragraph (a) of Part B of section 3 of Chapter 62 of the General Laws, as most recently amended by section 49 of Chapter 139 of the Acts of 2006, is hereby further amended by adding the following subparagraph:-

(16) In the case of an individual who donates an organ to another human being for human organ transplantation, the individual may claim an amount equal to the following expenses that are incurred by the claimant and related to the claimant's organ donation: (i) travel expenses; (ii) lodging expenses; and (iii) lost wages in and not to exceed \$10,000. For the purposes of this subparagraph, 'human organ' shall mean all or part of human bone marrow, liver, pancreas, kidney, intestine or lung. The deduction provided for in this subparagraph shall not be claimed by a part-year resident or a nonresident.

SECTION XXX. A deduction shall be allowed under subparagraph (16) of paragraph (a) of Part B of section 3 of Chapter 62 of the General Laws for taxable years beginning on or after January 1, 2012."

The **amendment was adopted.**

Ms. Spilka, Messrs. Rodrigues, Richard T. Moore and Michael O. Moore, Ms. Chandler and Messrs. Knapik, Downing, Eldridge and McGee moved that the bill be amended by striking out item 7007-0150 and inserting in place thereof the following item:-
"7007-0150 For the Massachusetts office of business development for contracts with regional economic development organizations under the program established by section 3J and 3K of chapter 23A of the General Laws, prior appropriation continued ... \$600,000."

The **amendment was adopted.**

Mr. Rosenberg moved that the bill be amended by inserting, after Section 53 the following section:-

"SECTION 53A. Section 92 of chapter 71 of the General Laws, inserted by section 8 of chapter 12 of the acts of 2010, is hereby amended by adding the following subsection:-

(q) Failure by a school district to transfer funds to an innovation school as required in subsection (b) shall result in a deduction of the amount therein from the home school district's chapter 70 per pupil allotment for the following fiscal year."

The **amendment was adopted.**

Messrs. Berry, Tarr and McGee moved that the bill be amended by inserting the text of Senate document numbered 1919, relative to North Shore Community College Assistance Corporation.

The amendment was adopted.

Mr. Timilty moved that the bill be amended in section 141 by inserting after the words “sheriff’s office” the following words:- “or the department of correction”.

The amendment was adopted.

Messrs. Tolman and McGee, Ms. Chang-Diaz and Ms. Chandler moved that the bill be amended by inserting after the words “operated by the department” the following:- “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 2012;”; and said item by striking out the figure “\$508,385,246” and inserting in place thereof the following figure:- “\$508,585,246”.

The amendment was adopted.

Messrs. Finegold and Rodrigues, Ms. Donoghue and Mr. McGee moved that the bill be amended by striking the following language:- “provided further, that \$2,000,000 shall be transferred to the executive office of public safety and security for a competitive grant program to be administered by the office; provided further, that it shall be the goal of the grant program to address police staffing needs and corresponding public safety concerns in the municipalities most impacted by reductions in local aid; provided further, that the criteria for the competitive grant program shall include, but not be limited to, municipal violent crime rate and reduction in municipal police department staffing since fiscal year 2008;” and inserting in place thereof the following:- “provided further, that \$3,000,000 shall be transferred to the executive office of public safety and security for a competitive grant program to be administered by the office; provided further that grants shall be awarded to communities that: (a) have a population of at least 65,000; and (b) demonstrate that its police department had an operating budget per capita of less than \$200 in 2010;”; and by striking the figure “\$8,000,000” and inserting in place thereof the following figure, “\$9,000,000”.

The amendment was adopted.

Ms. Chandler, Ms. Jehlen, Mr. Michael O. Moore, Ms. Clark and Messrs. Richard T. Moore, Downing, Tarr and Petrucci moved that the bill be amended by inserting, after Section 61, the following new section:-

“SECTION 61A. Paragraph (3) of subsection (e) of section 9D of chapter 118E of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law to the contrary, MassHealth shall provide to each beneficiary age 65 and over an annual notice of options available for enrollment in voluntary programs including Program of All Inclusive Care for the Elderly plans, MassHealth Senior Care Options, Frail Elder Home and Community Based Waiver Program and any other voluntary elected benefit to which such beneficiary is entitled to supplement or replace such beneficiary’s MassHealth benefits. Upon approval from the Centers for Medicare and Medicaid Services, MassHealth shall include in such annual notice the names and contact information for the program providers, general contact information for MassHealth and a general description of the benefits of joining particular programs. The notice shall be written in clear and simple language and shall include instructions for requesting a copy of such notice in a language other than English. The notice shall include a method for the beneficiary to request from MassHealth additional information on any program described in the notice. Before the content and format of the annual notice is finalized, the proposed draft thereof shall be forwarded to the providers under contract with MassHealth to provide the programs described the proposed annual notice for review and comment prior to the printing and dissemination of the annual notice. MassHealth will work with the program providers and other appropriate stakeholders to assess whether and to what extent barriers to program enrollment shall be alleviated through modifications to the program and or the enrollment process. MassHealth may charge the providers of these benefits for the costs associated with provision of the annual notice if such provider’s program is described therein.”; and by inserting after section 146 the following section:-

“SECTION 146A. The executive office of health and human services shall adopt regulations to implement section 61A not later than December 31, 2011.”

The amendment was adopted.

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

“SECTION X. Section 222 of chapter 111, as so appearing, is hereby further amended by adding at the end thereof the following:— The provisions of subsections (a) and (b) shall become effective sixty days after the promulgation of regulations by the Department of Public Health.”

The amendment was adopted.

Ms. Chang-Diaz, Ms. Jehlen, Mr. Eldridge, Ms. Chandler and Messrs. Michael O. Moore, Donnelly and Knapik moved that the bill be amended by striking out the following line item language:

“4512-0106 For the department of public health which may expend for the human immunodeficiency virus and acquired immune deficiency syndrome drug assistance program an amount not to exceed \$4,000,000 from revenues received from pharmaceutical manufacturers participating in the section 340B rebate program of the Public Health Service Act, administered by the federal Health Resources and Services Administration and Office of Pharmacy

Affairs.....\$4,000,000” and inserting in place thereof the following:-

“4512-0106 For the department of public health which may expend for the human immunodeficiency virus and acquired immune deficiency syndrome drug assistance program an amount not to exceed \$7,500,000 from revenues received from pharmaceutical

manufacturers participating in the section 340B rebate program of the Public Health Service Act, administered by the federal Health Resources and Services Administration and Office of Pharmacy Affairs.....
\$7,500,000”.

The **amendment was adopted.**

Mr. Kennedy moved that the bill be amended in section 2, in item 4120-5000, by striking out the figure “\$4,287,006” and inserting in place thereof the following figure:- “\$4,337,006”.

The **amendment was adopted.**

Messrs. Richard T. Moore, Montigny, Rodrigues, Knapik and DiDomenico moved that the bill be amended in section 2, in item 4513-1111, by adding, after the words "National Multiple Sclerosis Society:" the following:- "colorectal cancer prevention; hepatitis C prevention and management"; and in said item, by striking out the figures "\$3,383,981" and inserting in place thereof the figures "\$3,508,981”.

The **amendment was adopted.**

Messrs. Richard T. Moore, Montigny and Tarr moved that the bill be amended in section 2, in item 4000-0500, by adding the following words:- "; 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”.

The **amendment was adopted.**

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

“SECTION __. Notwithstanding any general or special law to the contrary, the executive office of health and human services shall request a written opinion from the federal Centers for Medicare and Medicaid Services about the availability of a waiver to allow individuals qualifying for medicaid and entering a nursing home to provide a living allowance and an asset waiver for dependent adult children when there is no living community spouse as defined under 42 U.S.C. Section 1396r-5. The executive office shall report to the house and senate committees on ways and means not later than February 1, 2012 on the availability of a waiver and, if applicable, the estimated net state cost of a waiver that would allow individuals qualifying for Medicaid and entering a nursing home to provide a living allowance and asset waiver for dependent adult children when there is no living community spouse.”

The **amendment was adopted.**

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

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

Mr. Pacheco moved that the bill be amended by inserting the text of Senate document numbered 1978, relative to promoting economic development I.

The amendment was rejected.

Ms. Chang-Diaz moved that the bill be amended by adding the following new section:-

“SECTION __. (A) The definition of ‘Tangible personal property’ in section 1 of chapter 64H of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following sentence:- A transfer of an interest in an aircraft may be considered a transfer of tangible personal property under rules determined by the commissioner. (B) Section 6 of said chapter 64H, as so appearing, is hereby amended by striking out paragraph (v v). (C) Section 7 of chapter 64I of the General Laws, as so appearing, is hereby amended by striking out paragraph (e). (D) The commissioner of revenue shall annually certify to the comptroller the additional revenues received by the commonwealth as a result of this section, and the comptroller shall transfer that amount to the Massachusetts Growth Capital Corporation. (E) This section shall take effect on August 1, 2011.”

The amendment was rejected.

Messrs. Hedlund, Ross, Tarr and Knapik moved that the bill be amended by inserting after section xx the following new section:- “SECTION XX. The Inspector General shall establish a special commission for the purpose of recovering all excess profits owed to host communities as outlined in MGL 40B. The Inspector General shall have the ability to convey to this commission all investigatory powers as outlined in MGL 12A, Section 9.”

The amendment was rejected.

Mr. McGee moved that the bill be amended by adding the following:- "provided further, that not less than \$2,710,146 shall be expended for the payroll costs of the state police directed patrols; provided further, that any community that was selected to receive earmarked funds for directed patrols in fiscal year 2008 shall receive 100 percent of the amount so earmarked in fiscal year 2012”.

The amendment was rejected.

Messrs. Rodrigues and Knapik, Ms. Fargo and Ms. Candaras moved that the bill be amended by inserting the following:-

“provided further, that not less than \$100,000 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 Massachusetts Legal Assistance Corporation to make a report to the Legislature no later than January 2012 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”.

The amendment was rejected.

Ms. Creem moved that the bill be amended by adding at the end thereof the following 3 sections:

“SECTION ___. Section 30A of Chapter 266 is hereby amended by striking the sixth paragraph in its entirety and inserting in place thereof the following:-

Any person who intentionally removes a shopping cart from the premises of a store or other retail mercantile establishment, without the consent of the merchant given at the time of such removal, with the intention of permanently depriving the merchant of the possession, use or benefit of such cart; and where the retail value of the goods obtained is less than one hundred dollars, shall be punished for a first offense by a fine not to exceed four hundred dollars, for a second offense by a fine of not less than two hundred nor more than eight hundred dollars and for a third or subsequent offense by a fine of not more than one thousand dollars. Where the retail value of the goods obtained equals or exceeds one hundred dollars, any violation of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment in the house of correction for not more than two and one-half years, or by both such fine and imprisonment. Nothing herein shall prevent the court from requiring restitution to be paid to the victim.

SECTION ___. Section 23 of Chapter 90 of the general laws is hereby amended by striking the first sentence of the second paragraph in its entirety and inserting in place thereof the following:-

Notwithstanding the preceding paragraph or any other general or special law to the contrary, whoever has not been twice previously found responsible for or convicted of, or against whom a finding of delinquency or a finding of sufficient facts to support a conviction has not twice been rendered on, a complaint charging a violation of operating a motor vehicle after his license to operate has been suspended or revoked, or after notice of the suspension or revocation of his right to operate a motor vehicle without a license has been issued by the registrar and received by such person or by his agent or employer, and prior to the restoration of such license or right to operate or to the issuance to him of a new license to operate shall be punished by a fine of not more than \$500.

SECTION ___. Section 34J of Chapter 90 of the general laws is hereby amended by striking the fourth paragraph in its entirety and inserting in place thereof the following:-

Notwithstanding any general or special law to the contrary, whoever violates this section and has not been twice previously determined responsible for or convicted therefor, or against whom a finding of delinquency or a finding of sufficient facts to support a conviction has not twice previously been rendered, on a complaint charging a violation of this section shall be punished by fine of not more than \$1000."

The amendment was rejected.

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

“SECTION ___. Notwithstanding any general or special law, rule or regulation to the contrary, before the governor, any state agency or quasi-state agency provides a discretionary tax credit or refund under chapters 58 to 65C, inclusive, of the General Laws, or any loan, grant or other financial assistance of at least \$500,000 to a person, as defined in section 1 of chapter 63 of the General Laws, the governor, state agency or quasi-state agency shall submit a cost-benefit analysis detailing the prospective financial and employment impacts in the commonwealth, in writing, to the clerks of the house and senate; provided, however, that the cost-benefit analysis shall not disclose any trade secrets as defined in Clause 20-6 of Section 7 of Chapter 4 of the General Laws.”

The amendment was rejected.

Messrs. Montigny and Tarr moved that the bill be amended by inserting, after section 152. The following new section:

“SECTION ___. No at-will employee of a state authority as defined in section 1 of chapter 29 of the General Laws shall be provided compensation in salary or wages in excess of the salary provided to the governor under section 1 of chapter 6 of the General Laws unless documentation, signed by the secretary of administration and finance, exists justifying such higher compensation.

SECTION ___. No state authority as defined in section 1 of chapter 29 of the General Laws shall enter into a contract with an employee that provides compensation in salary or wages in excess of the salary provided to the governor under section 1 of chapter 6 of the General Laws unless documentation, signed by the secretary of administration and finance, exists justifying such higher compensation.

SECTION ___. Any increase in compensation for at-will employees of a state authority as defined in section 1 of chapter 29 of the General Laws shall be reported to the secretary of administration and finance 30 days in advance of the proposed increase taking effect, with an explanation justifying the proposed increase.

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

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

SECTION ___. Notwithstanding any general or special law to the contrary, no at-will employees of a state authority as defined in section 1 of chapter 29 of the General Laws shall receive an increase in salaries, wages, or other compensation for the period beginning July 1, 2011 and ending June 30, 2012.”

The amendment was rejected.

Mr. Eldridge, Ms. Flanagan, Ms. Spilka, Messrs. Donnelly, Downing and Welch, Ms. Clark, Messrs. Rodrigues, Wolf, Rosenberg and DiDomenico, Ms. Fargo, Mr. Richard T. Moore, Ms. Donoghue, Ms. Candaras and Mr. Pacheco moved that the

bill be amended by inserting after item 1599-1997 the following item:-

“1599-2010. For a reserve 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, established in section 2XXX of chapter 29 of the General Laws..... \$2,000,000”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended by inserting the text of Senate document numbered 1979, relative to the Commonwealth Competition Council.

The amendment was rejected.

Ms. Chandler, Ms. Flanagan and Ms. Donoghue moved that the bill be amended by adding the following: “; provided further, that the department shall file a report with the secretary of administration and finance, the chairs of the house and senate committee on ways and means, the chairs of the joint committee on environment, natural resources and agriculture on or before April 30, 2012, detailing a plan for a long term funding solution for issues pertaining to repairs and maintenance of dams throughout the commonwealth; and provided further, that the report shall include, but not be limited too, the feasibility of a revolving loan program and utilization of seaport bonds”.

The amendment was rejected.

Mr. Hart moved that the bill be amended by inserting at the end thereof, the following:- “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;”.

The amendment was rejected.

Messrs. Downing, Rodrigues, Welch and DiDomenico, Ms. Jehlen, Messrs. Eldridge and Donnelly, Ms. Clark, Mr. Wolf, Ms. Chang-Diaz, Messrs. Michael O. Moore, Montigny and Pacheco and Ms. Donoghue moved that the bill be amended by striking out the figure “\$24,890,767” and inserting in place thereof the following figure:- “\$25,714,271”.

The amendment was rejected.

Mr. DiDomenico moved that the bill be amended by adding at the end thereof the following: "provided further that not less than \$175,000 shall be expended annually for provisions of emergency services that provide domestic violence intervention, workforce development, housing assistance, foreclosure prevention 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.

Messrs. Knapik, Tarr and Ross moved that the bill be amended by inserting, after section XXX, the following new section:- “SECTION 1. Section 1 of chapter 151, as appearing in the 2008 Official Edition, is hereby amended by adding at the end of the first paragraph the following:

This section shall not apply to workers under the age of twenty who are seasonally employed for no more than 5 months in any consecutive twelve month period. A wage of less than \$6.00 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.”

The amendment was rejected.

Mr. Hart moved that the bill be amended by adding the following at the end of the last sentence, thereof: “provided further that not less than \$ 100,000.00 shall be expended to the Dorchester Youth Collaborative, in Dorchester section of the city of Boston to act as a lead agency to provide after school tutoring, out of school mentoring and various intervention programs to avoid and reduce incarcerations, gang-violence, and to promote good citizenship”.

The amendment was rejected.

Mr. Berry moved that the bill be amended in section 2, in item 7066-0025, by adding at the end thereof the following: “provided further that \$1,000,000 be expended for the purpose of reimbursing public institutions of higher education for costs associated with assistance for students with disabilities and disabled veterans. The funds shall be distributed to each campus based on the number of students receiving assistance”.

The amendment was rejected.

Mr. Hart moved that the bill be amended by inserting in last sentence after the word “item”, the words “provided further than not less than \$ 180,000 shall not be expended for the Tynan Community Center”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended by inserting at the end thereof the following:- “provided further, that grants administered by the department shall be subject to reporting requirements from grant recipients at a frequency of not more than quarterly; and provided further, that prior to December 31, 2011, the department shall implement a grant application process that, to the greatest extent possible, utilizes a uniform consolidated application for all grants administered by the department; and provided further, that the department shall submit a report on the progress of said uniform application process to the house and senate committees on ways and means and the house and senate clerks on or before September 30, 2011”.

The amendment was rejected.

Mr. Timilty moved that the bill be amended by inserting the following:-"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 consistent with 8900-0001 of section 2 of Chapter 61 of the Acts of 2007 relative to MCI-Cedar Junction;".

The amendment was rejected.

Ms. Chang-Diaz and Ms. Spilka moved that the bill be amended 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 2012”; and in said item, by striking out the figure “\$508,385,246” and inserting in place thereof the following figure:- “\$508,585,246”.

The amendment was rejected.

Mr. McGee moved that the bill be amended by inserting the following words:- “provided further that the Alliance of Massachusetts YMCA shall distribute funds to all YMCA’s that received grants from this item in fiscal year 2011.....\$1,300,000”.

The amendment was rejected.

Mr. Downing moved that the bill be amended by inserting, after section __ the following 2 sections: -

“SECTION __. Chapter 111c of the General Laws is hereby amended by striking out section 25, as inserted by chapter 188 of the acts of 2010, and inserting in place thereof the following section:-

Section 25. (a) When a class I, II or V ambulance transports a patient receiving care at the paramedic level of advanced life support the ambulance shall be staffed in accordance with regulations promulgated by the department, with a minimum of 2 emergency medical technicians, only 1 of whom shall be certified at the EMT-Paramedic level; provided, however, that the service staffing a class I, II or V ambulance may staff the ambulance with more than 1 emergency medical technician certified at the EMT-Paramedic level.

(b) When a class I, II or V ambulance operated by a volunteer ambulance service provider transports a patient receiving care at the non-paramedic level of basic life support, the ambulance shall be staffed in accordance with regulations promulgated by the department, with at least 1 emergency medical technician who is certified at minimum at the EMT-Basic level, and 1 EMS first responder; provided, however, that the service staffing a class I, II or V ambulance may staff the ambulance with more than 1 emergency medical technician.

SECTION __. The department of public health shall promulgate such rules and regulations as are necessary to implement the provisions of this section.”

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended by adding at the end thereof 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 that state institution; provided further, that no steps shall be taken to close said institution through layoffs or attrition until the study is completed; provided further, that the study shall examine the costs and benefits of maintaining the institution 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 and 2011 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, 2011; provided further, the general court shall have approved by law any such reductions or closings of the Glavin Regional Center; provided further, that the study shall examine the costs and benefits of maintaining the institution and shall identify alternative methods of providing the services currently provided by that institution”.

The amendment was rejected.

Ms. Spilka, Messrs. Michael O. Moore, Donnelly and Keenan, Ms. Fargo and Mr. Eldridge moved that the bill be amended by striking out the figure “\$123,267,971” and inserting in place thereof the following figure:- “\$125,969,796”.

The amendment was rejected.

Messrs. Donnelly, DiDomenico, Rodrigues, Knapik, Eldridge and Kennedy, Ms. Spilka, Mr. Welch, Ms. Chang-Diaz, Mr. Richard T. Moore, Ms. Clark, Mr. Michael O. Moore, Ms. Creem, Ms. Flanagan, Ms. Donoghue and Messrs. McGee and Pacheco moved that the bill be amended by striking the section and inserting in place thereof the following section:- “for matching grants to the Massachusetts Alliance of Boys & Girls Clubs, the Alliance of Massachusetts YMCAs, and YWCA organizations: provided, that the department of public health shall award the full amount of each grant to each organization upon commitment of matching funds from said organizations; provided further, that each organization listed in this line item shall receive in fiscal year 2012 a grant amount not less than that received in fiscal year 2011; and provided further, that any allocation less than \$2,000,000 to a recipient of a grant under this line item must be distributed equally between said recipient’s member organizations”.

The amendment was rejected.

Mr. Rodrigues, Ms. Jehlen, Ms. Spilka, Ms. Fargo, Messrs. Kennedy, Montigny, Eldridge and Donnelly, Ms. Creem, Messrs. Keenan and DiDomenico and Ms. Candaras moved that the bill be amended by striking out the words “children’s clothing allowance in the amount of \$40” and inserting the following words:- “children’s clothing allowance in the amount of \$150”.

The amendment was rejected.

Ms. Chang-Diaz, Ms. Jehlen, Mr. Eldridge, Ms. Chandler, Messrs. Montigny, Michael O. Moore and Donnelly, Ms. Fargo and Messrs. Wolf, Knapik and DiDomenico moved that the bill be amended by striking out the figure “\$31,097,810” and inserting in place thereof the following figure:- “\$33,597,810”.

The amendment was rejected.

Mr. Rodrigues, Ms. Spilka, Mr. Kennedy, Ms. Jehlen, Messrs. Donnelly, Keenan and Michael O. Moore, Ms. Chang-Diaz, Ms. Fargo and Messrs. Knapik, Welch, DiDomenico and McGee moved that the bill be amended by striking out the figure “32,592,372” and inserting in place thereof the following figure:- “41,004,298”.

The amendment was rejected.

Messrs. Kennedy and Downing moved that the bill be amended in section 2, in item 4110-0001, by striking out the figure “\$911,811” and inserting in place thereof the following figure:- “\$963,848”.

The amendment was rejected.

Messrs. Kennedy and Pacheco moved that the bill be amended in section 2, in item 1107-2400, by striking out the figure “\$539,539” and inserting in place thereof the following figure:- “\$556,129”.

The amendment was rejected.

Mr. Richard T. Moore moved that the bill be amended by inserting at the end thereof the following:- "provided further, that the executive office, in consultation with the executive office of administration and finance and the Massachusetts Hospital Association, shall submit a report to the house and senate committees on ways and means, not later than September 30, 2011, that shall including the following: (a) an estimate of the projected funding uses and sources of Health Safety Net funding in fiscal years 2011 and 2012, including an estimate of the funding shortfall in each year; (b) an estimate of federal revenue generated by the Health Safety Net Fund expenditures in fiscal years 2011 and 2012 and an explanation of how such revenue is expended; (c) a plan to dedicate an increased portion of existing federal matching revenues to the fiscal year 2012 Health Safety Net Fund to minimize the shortfall burden on the hospital community".

The amendment was rejected.

Mr. Kennedy moved that the bill be amended in Section 2, in item 4000-0300, by adding the following: “provided further, in any new demonstration program for a population that is dually eligible for Medicare and Medicaid, the executive office or its contractors shall not reimburse hospitals, physicians, or home health care providers at a level below current Medicare payment rates”.

The amendment was rejected.

Mr. Kennedy and Ms. Candaras moved that the bill be amended in section 2, by inserting after item 7004-___ the following item: "xxxx-xxxx. For the purposes of providing advanced funding no later than 30 days after the start of the fiscal year to community based nonprofit organizations and other entities that administer the federal Low Income Home Energy Assistance Program described in item 7004-2033 to allow said organizations and entities to begin start up operations of the federal Low Income Home Energy Assistance Program described in item 7004-2033; provided, that the department and said organizations and entities may expend a portion of these funds for reasonable administrative costs consistent with the current or prior year's state plan submitted by the department of housing and community development in accordance with the federal program; provided further that, that the department and said organizations and entities may, after November 1, expend a portion of these funds to assist low-income elders, working families and other households with the purchase of heating oil, propane and natural gas and electricity and other primary or secondary heating sources; provided further that, said advanced funding be subject to reimbursement by funds described in item 7004-2033..... \$10,000,000".

The amendment was rejected.

Mr. Richard T. Moore and Ms. Candaras moved that the bill be amended by inserting after item 4000-0050 the following item: "4000-0265 For 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; provided, that the grant shall be administered by the Massachusetts League of Community Health Centers in consultation with the secretary of health and human services and relevant member agencies; provided further, that the funds shall be matched by other public and private funds; provided further, that the League of Community Health Centers shall work with said secretary and said agencies to maximize all sources of public and private funds..... \$400,000".

The amendment was rejected.

Mr. Richard T. Moore moved that the bill be amended by inserting, after section X, the following new section:--
“SECTION X. Notwithstanding any general or special law to the contrary, health insurers 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 United States 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.

Ms. Chang-Diaz and Mr. McGee moved that the bill be amended by striking out item 4590-1507 and inserting in place thereof the following item:-

“4590-1507 For matching grants to the Massachusetts Alliance of Boys & Girls Clubs, and the Alliance of Massachusetts YMCAs and YWCA organizations, nonprofit community centers and youth development programs; provided, that the department of public health shall fund each organization previously included in the youth-at-risk grants, upon commitment of matching funds from those organizations..... \$2,000,000”.

The amendment was rejected.

Ms. Spilka and Mr. Rodrigues moved that the bill be amended by striking out the figure "9,300,000" and inserting in place thereof the figure:- "10,300,000".

The amendment was rejected.

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

Recess.

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

Orders of the Day.

The House Bill making appropriations for the fiscal year 2012 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. 3401),-- was further considered, the main question being on ordering it to a third reading.

Messrs. Knapik and Tarr moved that the bill be amended by inserting, after section 145, the following new section:-

"SECTION 145A. The first paragraph of section 16 of chapter 136 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- All stores and shops which sell goods at retail may be open any time on Sundays, July Fourth and Labor Day, but no such stores and shops may be open on Christmas Day if Christmas occurs on a Sunday, and no such store shall open prior to the hour of 12:00 noon on Memorial Day."

After remarks, the amendment was rejected.

Messrs. Timilty and Donnelly, Ms. Clark, Ms. Flanagan, Messrs. Kennedy, Rodrigues, Finegold, Welch, Knapik, Keenan and DiDomenico and Ms. Donoghue moved that the bill be amended by inserting the following new section:-

"SECTION X. Chapter 176D of the General Laws is hereby amended by inserting after section 3B the following section:-
Section 3C. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

'Ambulance service provider', a person or entity licensed by the department of public health under section 6 of chapter 111C to establish or maintain an ambulance service.

'Emergency ambulance services', emergency services that an ambulance service provider is authorized to render under its ambulance service license when a condition or situation in which an individual has a need for immediate medical attention, or where the potential for such need is perceived by the individual, a bystander or an emergency medical services provider.

'Insurance policy' and 'insurance contract', a contract of insurance, motor vehicle insurance, indemnity, medical or hospital service, dental or optometric, suretyship or annuity issued, proposed for issuance or intended for issuance by any insurer.

'Insured', an individual entitled to ambulance services benefits under an insurance policy or insurance contract.

'Insurer', a person as defined in section 1 of chapter 176D; any health maintenance organization as defined in section 1 of chapter 176G; a non-profit hospital service corporation organized under chapter 176A; any organization as defined in section 1 of chapter 176I that participates in a preferred provider arrangement also as defined in said section 1 of said chapter 176I; any carrier offering a small group health insurance plan under chapter 176J; any company as defined in section 1 chapter 175; any employee benefit trust; any self-insurance plan, and any company certified under section 34A of chapter 90 and authorized to issue a policy of motor vehicle liability insurance under section 113A of chapter 175 that provides insurance for the expense of medical coverage.

(b) Notwithstanding any general or special provision of law to the contrary, in any instance in which an ambulance service provider provides an emergency ambulance service to an insured but is not an ambulance service provider under contract to the insurer maintaining or providing the insured's insurance policy or insurance contract, the insurer maintaining or providing such insurance policy or insurance contract shall pay the ambulance service provider directly and promptly for the emergency ambulance service rendered to the insured. Such payment shall be made to the ambulance service provider notwithstanding that the insured's insurance policy or insurance contract contains a prohibition against the insured assigning benefits thereunder so long as the insured executes an assignment of benefits to the ambulance service provider and such payment shall be made to the ambulance service provider in the event an insured is either incapable or unable as a practical matter to execute an assignment of benefits under an insurance policy or insurance contract pursuant to which an assignment of benefits is not prohibited, or in connection with an insurance policy or insurance contract that contains a prohibition against any such assignment of benefits. An ambulance service provider shall not be considered to have been paid for an emergency ambulance service rendered to an insured if the insurer makes payment for the emergency ambulance service to the insured. An ambulance service provider shall have a right of action against an insurer that fails to make a payment to it pursuant to this subsection.

(c) Payment to an ambulance service provider under subsection (b) shall be at a rate equal to the lower of the ambulance service provider's usual and customary charge for the ambulance service rendered to the insured, or the rate established by the municipality where the patient was transported from.

(d) An ambulance service provider receiving payment for an ambulance service in accordance with subsections (b) and (c) shall be deemed to have been paid in full for the ambulance service provided to the insured, and shall have no further right or recourse

to further bill the insured for said ambulance service with the exception of coinsurance, co-payments or deductibles for which the insured is responsible under the insured's insurance policy or insurance contract.

(e) No term or provision of this section 3C shall be construed as limiting or adversely affecting an insured's right to receive benefits under any insurance policy or insurance contract providing insurance coverage for ambulance services. No term or provision of this section 3C shall create an entitlement on behalf of an insured to coverage for ambulance services if the insured's insurance policy or insurance contract provides no coverage for ambulance services."

The amendment was rejected.

Mr. Pacheco moved that the bill be amended by inserting the text of Senate document numbered 1980, relative to promoting economic development II.

After remarks, the amendment was rejected.

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

"SECTION __. Section 9A of chapter 176O of the General Laws, as created by Chapter 288 of the Acts of 2010, is hereby amended by striking out subsection (a), and replacing it with the following:-

(a) (i) limits the ability of the carrier to introduce or modify a select network plan or tiered network plan by granting the health care provider a guaranteed right of participation; (ii) requires the carrier to place all members of a provider group, whether local practice groups or facilities, in the same tier of a tiered network plan; or (iii) requires the carrier to include all members of a provider group, whether local practice groups or facilities, in a select network plan on an all-or-nothing basis; or."

The amendment was rejected.

Mr. Pacheco moved that the bill be amended in Section 3 by striking out the figure "\$833,980,293" and inserting in place thereof the figure "\$898,980,293."

After remarks, the amendment was rejected by a vote of 1 to 12.

Mr. Tolman moved that the bill be amended in section 51 by inserting at the end the following new text:-

"Section XX. The town administrator, town manager or mayor of a municipality that elects to change health insurance benefits under sections 22 or 23 shall have the same health insurance options as all unionized municipal employees in the municipality that employs them.

Section XX. The health insurance premium split of a town administrator, town manager or mayor in a municipality that elects to change health insurance benefits under section 22 or 23 shall have the same premium split as all unionized municipal employees in the municipality that employs them."

The amendment was rejected.

Mr. Rodrigues, Ms. Spilka, Mr. Knapik, Ms. Jehlen, Messrs. Michael O. Moore and Welch, Ms. Fargo, Ms. Chang-Diaz, Messrs. Petrucelli, Kennedy and DiDomenico, Ms. Clark, Messrs. Eldridge and Keenan, Ms. Candaras and Messrs. Donnelly and Richard T. Moore moved that the bill be amended by inserting at the end thereof the following new section:-

"SECTION XX. Notwithstanding any general or special law to the contrary, the commonwealth health insurance connector authority shall conduct a procurement in fiscal year 2012 for personnel, including direct care workers, 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. The procurement shall be released no later than January 1, 2012 for coverage effective in fiscal year 2012. In developing regulations as necessary for the procurement, bid, the administration of, and the procedures of this section the Connector shall consult with the Massachusetts council on human service providers. Any purchaser of health insurance coverage pursuant to this section shall pay the commonwealth health insurance connector authority for 100% of the costs of such coverage, including reasonable administrative expenses."

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

Mr. Pacheco moved that the bill be amended by striking out section 14 and inserting in place thereof the following section:-

"SECTION 14. The definition of 'Privatization contract' in section 53 of said chapter 7, as appearing in the 2008 Official Edition, is hereby amended by adding the following sentence:- A contract for information technology services is not a privatization contract if an employee organization recognized under chapter 150E as the exclusive representative of an affected employee, as determined by the secretary of administration and finance, agrees to its terms in writing."

The **amendment was adopted.**

Mr. Pacheco moved that the bill be amended by striking out the figures "7,653,102" and inserting in place thereof the following figures:- "8,066,801".

The amendment was rejected.

Messrs. Pacheco and DiDomenico moved that the bill be amended by striking out the figures "11,973,797" and inserting in place thereof the following figures:- "13,473,797".

After debate, the amendment was rejected.

Mr. Joyce moved that the bill be amended by inserting, after section 145, the following new section:-

"SECTION 145A. (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, in consultation with the department of conservation and recreation, may lease and enter into an agreement for nominal consideration, for a term not to exceed 25 years, with the town of Randolph for the property currently under the care and control of the department, adjacent to the existing North Randolph Little League field off of High street near the former Nike missile site

in the town of Randolph, for use as a dog park.

(b) The town of Randolph shall be responsible for all costs and expenses including, but not limited to, costs associated with engineering, surveys, appraisals and deed preparation related to the conveyance authorized in subsection (a) as such costs may be determined by the commissioner of capital asset management and maintenance, and costs, fees and expenses relating to the care and maintenance for the property. The proceeds of all conveyances and transfers under this section shall be deposited in the General Fund.”

The amendment was adopted.

Mr. Tolman moved that the bill be amended by inserting, after item 7007-0800, the following item:

“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 18-24 that combines an internship with college credits and a stipend, so long as said program demonstrates at least a 6:1 private match and has a proven record of achieving at least an 80% positive outcome within six months of graduation, defined by either a first job earning \$30,000 or full-time enrollment in college.....\$200,000”.

The amendment was adopted.

Messrs. Wolf, Welch, Kennedy and Knapik, Ms. Spilka, Mr. Michael O. Moore, Ms. Chang-Diaz, Messrs. Downing and DiDomenico, Ms. Fargo and Ms. Candaras moved that the bill be amended in Section2, in line 7003-0702, by striking out the figure, “\$500,000” and inserting in place thereof the following figure:- “\$750,000”.

The amendment was rejected.

Messrs. DiDomenico and Knapik moved that the bill be amended, in section 2, in item 7003-0803, by adding the following:- “For the one stop career centers provided that not less than \$2,750,000 may be expended for one stop career centers that were in existence on May 1, 1997, located in the city of Boston, Hampden County and Metro North service delivery areas and any satellite offices of the centers which opened on or before December 1, 1997.”

The amendment was adopted.

Mr. Downing moved that the bill be amended by inserting after line item 7066-0016 the following item:

“7066-0019. For the department of higher education to support the dual enrollment program allowing qualified high school students to take college courses; provided, that public higher education institutions may offer courses in high schools in addition to courses offered at the institutions or online if the number of students is sufficient..... \$250,000”.

The amendment was adopted.

Messrs. Rosenberg, Knapik and Tarr moved that the bill be amended by inserting the text of Senate documents numbered 1981, relative to tuition retention local options.

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

Ms. Candaras and Messrs. Knapik and Welch moved that the bill be amended in section 2, in item 8910-2222, in line 2, by striking out the following: "provided, that \$312,000 from re-imbursements shall not be available for expenditure and shall be deposited into the General Fund before the retention by the department of any of these Reimbursements".

The amendment was adopted.

Ms. Flanagan and Messrs. Eldridge, Timilty, Ross and Pacheco moved that the bill be amended by adding the following words:- “provided further, that the department shall expend not less than \$500,000 for cities and towns hosting facilities;”; in said section 2, in said item 8900-0001, by inserting at the end thereof the following words:- “prior appropriation continued”; and in said section 2, in said item 8900-0001, by striking out the figure “\$508,585,246” and inserting in place thereof the following figure:- “\$509,085,246”.

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

Messrs. Berry and Rodrigues moved that the bill be amended by inserting after section 26 the following section:-

“SECTION 26A. Subsection (c)(1) of section 22 of chapter 21A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out clause (i) and inserting in place thereof the following clause:-

(i) to reimburse a municipality in which the property tax receipts from an electric generating station including, for the purposes of this clause, payments in lieu of taxes and other compensation specified in an agreement between a municipality and an affected property owner, are reduced due to full or partial decommissioning of the facility or other change in operating status of the facility if such action also reduces the commonwealth’s greenhouse gas emissions from the electric generator sector under the goals established under chapter 21N; provided, however that the amount of such reimbursement shall be determined by calculating the difference between the amount of the tax receipts, including payments in lieu of taxes and/or other compensation paid by the electric generating station in the current tax year and the amount of the tax receipts, including payments in lieu of taxes and/or other compensation paid by the electric generating station in the year prior to the full or partial decommissioning or other change in operating status of the facility; provided further, that no reimbursement shall be made if, in a tax year, the aggregate amount paid to a municipality by the owner of an electric generating station including, but not limited to, payments in lieu of taxes and other compensation, exceeds the aggregate amount paid to that municipality by that owner in the year prior to

the full or partial decommissioning or other change in operating status of the facility. After full or partial decommissioning or other change in operating status of the facility, the electric generation facility's tax obligation shall be based, on an annual basis, on tax receipts, including payments in lieu of taxes and/or other compensation that have been negotiated in good faith by the electric generation facility and municipality on or before January 30th of the current tax year; provided however, that if the electric generation facility and municipality have not negotiated in good faith payments in lieu of taxes and other compensation in the nature of property tax payments by said January 30th, then said facility's tax obligation shall be determined by an independent third party assessor paid by said facility, but selected jointly by the municipality and the facility, or if they are unable to arrive at a joint selection, then by the Department of Revenue. The municipality shall be entitled to reimbursement for the difference between the amount called for in such assessment and the amount of the tax receipts, including payments in lieu of taxes and/or other compensation paid in the year prior to the full or partial decommissioning or other change in operating status of the facility, provided that such independent assessment is filed with any request for funds under this clause. Payments from the fund shall be prioritized so that the first payments from the fund shall be made to municipalities under this clause."; and by inserting after section 98 the following section:-

"SECTION 98A. Section 114 of chapter 169 of the acts of 2008 is hereby amended by striking out the figure '2011' and inserting in place thereof the following figure:-2021."

The amendment was adopted.

Ms. Creem, Ms. Fargo, Messrs. Welch, DiDomenico, Kennedy, Tolman and Eldridge, Ms. Candaras and Messrs. Donnelly, Joyce and McGee moved that the bill be amended by striking out the words "the amount authorized in fiscal year 2010" and inserting in place thereof the following figure, "\$3,000,000"; and in said item, by striking out the figure, "\$4,134,809" and inserting in place thereof the following figure, "\$4,621,177".

The amendment was rejected.

Mr. Hart moved that the bill be amended by striking the figure "\$142,156,836" and inserting the figure "149,156,836".

Pending the question on adoption of the amendment, Mr. Joyce moved that the amendment (Hart) be amended by adding the following words:- ; and by inserting, after section 130, the following section:-

"SECTION 130A. Notwithstanding any general or special law or rule or regulation to the contrary, the department of developmental services shall review 115 CMR 5:14 governing behavior modification and adopt amendment thereto, pursuant to its authority under section 2 of chapter 123B. The new regulation shall include, but not be limited to, prohibiting the use of Level III Aversive Interventions, as defined by the 115 CMR 5:14(3); provided, however, that the department may grant a 1-year, individual-specific exemption to an individual who, as of September 1, 2011, is subject to a pre-existing court-approved treatment plan which includes the use of Level III Aversive Interventions to reduce or modify behavior; provided further, that such exception may not be renewed if such individual is no longer subject to a court-approved treatment plan or if such individual's court-approved treatment plan no longer authorizes the use of Level III Aversive Interventions."

After remarks, the question on adoption of the further amendment (Joyce) was determined by a call of the yeas and nays, at twenty minutes past eight o'clock P.M., on motion of Mr. Joyce, as follows to wit (yeas 39 - nays 0) [Yeas and Nays No. 36]:

YEAS

Baddour, Steven A. Keenan, John F.
Berry, Frederick E. Kennedy, Thomas P.
Brewer, Stephen M. 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. Spilka, Karen E.
Finegold, Barry R. Tarr, Bruce E.
Flanagan, Jennifer L. Timilty, James E.
Hart, John A., Jr. Tolman, Steven A.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 39.
Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Rush, Michael F. — 1.

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

The question adoption of the pending amendment (Hart), as amended (Joyce) was considered; and it was adopted, as amended. Ms. Clark moved that the bill be amended by inserting the text of Senate document numbered 1982, relative to municipal health reform.

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

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

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

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

The amendment was rejected.

Messrs. Keenan and Wolf, Ms. Fargo, Messrs. Welch and Knapik and Ms. Candaras 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.”

After remarks, the amendment was rejected.

Mr. DiDomenico, Ms. Chang-Diaz, Ms. Jehlen and Ms. Clark moved that the bill be amended by adding at the end thereof the following: “provided further, that not less than \$2,800,000 shall be expended as fiscal year 2012 incentive payments to nursing facilities meeting the criteria determined by the MassHealth Nursing Facility Pay for Performance Program in 114.2 CMR 6.07 and that have established and participated in a cooperative effort in each qualifying nursing facility between representatives of employees and management, that is focused on implementing 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”.

The amendment was rejected.

Messrs. Rodrigues, Rosenberg, Michael O. Moore and McGee moved that the bill be amended, in section 2, in item 4800-0015, by inserting after the figure “1997” the following words:- “provided further, that if the number of foster children under the care of the department in the third quarter is lower than the number of foster children under the care of the department for the first and second quarters, foster children in the care of the department may receive a clothing allowance for the fourth quarter at an amount up to the amount provided in Fiscal Year 2011”.

The **amendment was adopted.**

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

“SECTION ___. Notwithstanding any general or special law or regulation to the contrary, the Executive Office of Health and Human Services shall maintain the adjustment in the RY2011 Acute Hospital REA, Reimbursement System Section, D. 5.a. in the RY2012 Acute Hospital REA Medicaid standard payment amount per discharge for any hospital that has greater than 63% of its gross patient service revenue from governmental payers and free care.”

The amendment was rejected.

Messrs. Richard T. Moore, Tarr and Eldridge, Ms. Jehlen, Mr. Rodrigues, Ms. Clark, Mr. Knapik, Ms. Chang-Diaz, Ms. Creem, Messrs. Downing and Donnelly, Ms. Chandler, Ms. Flanagan, Messrs. Hart, Montigny, Kennedy, Michael O. Moore and Welch, Ms. Fargo, Messrs. Timilty and DiDomenico, Ms. Candaras and Messrs. McGee and Finegold moved that the bill be amended, in section 2, in item 4000-0300, by inserting after the words “projected exhaustion of funding;” the following words:- “provided further, that MassHealth shall notify the house and senate committees on ways and means not less than 60 days in advance of any change in the clinical eligibility criteria or rates paid to providers of adult day health services; provided further, that MassHealth shall adopt regulations by September 30, 2011, establishing a minimum criteria for licensure of an adult day health provider which shall set forth a standard of quality measures for services provided to members as a condition of licensure; provided further, that MassHealth shall adopt regulations establishing a process for the periodic inspection of adult day health providers by the agency to ensure compliance with said standards; provided further, that said regulations shall be the subject of one or more public hearings prior to their adoption; provided further, that MassHealth shall file a report with the house and senate committees on ways and means, the joint committee on health care financing, and the clerks of the senate and house of representatives, relative to the impact of said regulations upon the service to current members, and any legislation which may be required to

comply with the provisions of this item”.

The **amendment was adopted.**

Mr. Kennedy and Ms. Candaras moved that the bill be amended by inserting, after section ___, the following new section:-
"SECTION ___. Notwithstanding any general or specific law to the contrary, MassHealth Managed Care Organizations and Commonwealth Care health plans shall be prohibited from restricting from their networks Signature Healthcare-Brockton Hospital, and their related physicians that have historically served a large proportion of these plan enrollees, and that are willing to contract according to the terms and conditions of other independent providers in the health plan network for all covered benefits and specific facility type, and provided further, that the Commonwealth Health Insurance Connector Authority and the Executive Office of Health and Human Services shall ensure the implementation of this provision through its contractual and oversight authority."

The amendment was rejected.

Mr. Tarr moved that the bill be amended by inserting, after section ___, the following new section:-
"SECTION ___. any agency or authority of the commonwealth seeking to issue a contract for the procurement of the creation or dissemination of information relating to human reproduction shall, not less than 30 days prior to issuing such contract, submit such contract to the joint committee on public health and joint committee on health care financing and the house and senate committees on ways and means."

The amendment was rejected.

Mr. McGee and Ms. Clark moved that the bill be amended by striking out the words "that the criteria for the competitive grant program shall include consideration for" and inserting in place thereof the following words:- "that the competitive grant program shall include only those".

Pending the question on adoption of the amendment, Mr. Michael O. Moore moved that the amendment (McGee-Clark) be amended by adding the following words:- "and in said Section 2, in said item 1599-0026, by inserting after the word 'district', in line 5, the following words:- 'or regionalizing services'."

After remarks, the further amendment (Michael O. Moore) was adopted.

The question adoption of the pending amendment (McGee-Clark), as amended (Michael O. Moore) was considered; and it was adopted, as amended.

Messrs. Tarr and Donnelly moved that the bill be amended in Section 136 by inserting after the word "except" in subsection (k) the words "any selected offeror that is a municipality or a partnership of or with one or more municipalities, or except".

Pending the question on adoption of the amendment, Mr. Donnelly moved that the amendment (Tarr-Donnelly) be amended by striking the amendment in its entirety and inserting in place thereof the following:- that the bill be amended in section 136 by inserting after the word "except" in subsection (k) the words "any selected offeror that is a municipality or a partnership of or with one or more municipalities, or except".

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

The question adoption of the pending amendment (Tarr-Donnelly), as amended (Donnelly) was considered; and it was adopted, as amended.

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

"SECTION ___. Section 3 of chapter 175H of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting at the end thereof the following two paragraphs:-

This section shall not apply to a discount, rebate, free product voucher or other reduction in out of pocket expenses, including but not limited to co-payments and deductibles on a prescription drug, biologic or vaccine provided by a pharmaceutical manufacturing company, as defined in section 1 of chapter 111N, that is made available to an individual, if such is provided directly or electronically to the individual or through a so-called "point of sale" or "mail-in" rebate, or through similar means; provided however, that a pharmaceutical manufacturing company shall neither exclude nor favor any individual pharmacy or restricted network of pharmacies in the design of such discount, rebate, free product voucher or other expense reduction offer to an individual; provided further, that this section does not negate the need for a written prescription as otherwise required by law, nor is it intended to constrain a carrier or a health maintenance organization, as defined in chapter 118G, with regard to how its plan design will treat such discounts, rebates, free product voucher or other reduction in out of pocket expenses, including but not limited to co-payments and deductibles.

For purposes of the Federal Health Insurance Portability and Accountability Act of 1996 and regulations issued there under, 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 such Act or such regulations."

Pending the question on adoption of the amendment, Mr. Richard T. Moore moved that the amendment (Tarr et al) be amended by striking out the amendment in its entirety and inserting in place thereof the following amendment:-

"SECTION ___. Section 3 of chapter 175H of the General Laws, as so appearing, 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 the 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 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 a prescription drug, biologic or vaccine, for which there does not exist a clinically proven generic equivalent, 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) 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.

(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.

(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 __. The division of health care finance and policy, in consultation with the department of public health, shall conduct an analysis of the impact on health care costs of the use of discounts, rebates, product vouchers or other reductions for prescription drugs. The report shall include, but not be limited to, an analysis of the impact on commercial health insurance premiums and on premiums associated with the group insurance commission, and a comparison of any change in utilization of generic versus brand name prescription drugs. 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 by not later than November 1, 2012."

After remarks, the further amendment (Richard T. Moore) was adopted.

The question adoption of the pending amendment (Tarr et al), as amended (Richard T. Moore) was considered; and it was adopted, as amended.

Messrs. Kennedy and Tolman, Ms. Clark and Messrs. DiDomenico and McGee moved that the bill be amended , in section 2, in item 4000-0300, 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 subspecialty units as defined in section 1 of chapter 118G of the General Laws, the executive office may make a supplemental payment sufficient to assure that inpatient SPAD and outlier payments for discharges with a case mix acuity greater than 3.5 shall be at least equal to 85 per cent of the expenses incurred in providing services to those children".

The **amendment was adopted.**

Recess.

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

Orders of the Day.

The House Bill making appropriations for the fiscal year 2012 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. 3401),- was further considered, the main question being on ordering it to a third reading.

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

"SECTION __. Chapter 180 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 29 the following sections:-

Section 30.

Any public charity with annual gross revenues in excess of \$1,000,000.00 are subject to the following provisions:

(a) no officer, director acting in an executive capacity, or senior manager shall receive annual compensation in excess of \$500,000.00;

(b) compensation, as defined by this Section, includes salary, bonus payments, incentive payments, deferred compensation,

severance payments, below market rate loans, and the lease or rental of any vehicle.

Section 31. Board of director or trustees; prohibition against compensation

No public charity shall provide compensation as defined in subsection b of Section 30 of this chapter to any member of the board of directors or trustees appointed by a public charity: provided, however, that a member of the board of directors or trustees may receive reimbursement for expenses directly related to the members duties and responsibilities as a member of the board.

Section 32. Waiver Hearing

Any public charity as defined in Section 30 of this chapter seeking to:

(a) compensate an officer, director, trustee, or senior manager in excess of the executive compensation cap as defined in Section 30 of this chapter;

(b) compensate a member of the board of directors or trustees of the public charity; shall be entitled to a public hearing before the a commission comprised of the secretary of the commonwealth, inspector general and attorney general ("Commission").

Any public charity seeking said waiver shall comply with the following requirements;

(a) request a hearing in writing to the Commission indicating good cause for any deviation from the limits set forth in Section 30 or Section 31;

(b) such hearing shall be conducted before the Commission within six months of receipt of a written request by a public charity;

(c) the board of the public charity shall be responsible for the compensation of an independent auditor.

The Auditor of the Commonwealth shall certify the independent auditor's professional competence; certify that the independent auditor has no material financial interest in any entity doing significant business with the public charity; and that the independent auditor has not engaged in any related party transactions within the three years preceding appointment. The Auditor of the Commonwealth shall provide written confirmation to the Commission that these requirements have been satisfied.

The independent auditor shall provide a written report to the Commission seven days prior to any hearing conducted pursuant to this Section.

The Commission shall review and consider the independent auditor's report at the waiver hearing. The public charity and members of the general public shall be permitted to present additional evidence in support or opposition to such a waiver; all audit documents and any additional evidence submitted at a waiver hearing shall be deemed public records subject to section ten of chapter sixty-six of the general laws.

At the close of the waiver hearing, the Commission shall weigh all evidence presented, the charitable purpose of the public charity, and the public interest of the Commonwealth.

Final determination as to whether a waiver shall be granted shall rest with the Commission who shall make said determination in writing within thirty days of the waiver hearing. Such a waiver shall be granted only if deemed in the public interest of the Commonwealth. If a waiver is granted, it shall be valid only for a period of two years from the date of the decision of Commission.

Section 33. Penalties

Any public charity found in violation of Sections 30 or 31 of this chapter, and having failed to obtain a waiver pursuant to Sections 31 of this chapter, shall lose its status as a public charity as it is organized and operates under the general laws."

Pending the question on adoption of the amendment, Mr. Montigny moved that the amendment be amended bill be amended by inserting at the end thereof the following section:-

"SECTION 155. Notwithstanding any general of special law to the contrary the attorney general shall review the compensation of any officer, director or senior manager acting in an executive capacity of a public charity required to be registered under section 8E and to file annual reports under section 8F to determine (a) the appropriateness of any compensation based on the nature and mission of the public charity and (b) after the review of all compensation the attorney general determines whether the salary of any officer, director or senior manager acting in an executive capacity is excessive. 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 review to the clerks of the senate and house of representatives of the great and general court by December 31, 2011 and shall include any proposed legislation regarding excessive compensation of officers, directors or senior managers acting in an executive capacity of a public charity."

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

The question adoption of the pending amendment (Montigny), as amended (Montigny) was considered; and it was adopted, as amended.

Ms. Chang-Diaz, Messrs. Ross, Donnelly and DiDomenico, Ms. Creem, Ms. Clark, Ms. Fargo and Messrs. Eldridge, Keenan, Hart and McGee moved that the bill be amended by striking out the figure "\$16,699,730" and inserting in place thereof the following figure:- "\$17,642,582".

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

Mr. Tarr moved that the bill be amended by striking out section 12 in its entirety and inserting in place thereof the following section:-

"SECTION 12. Said section 4A of said chapter 7 is hereby further amended by inserting after the second paragraph of paragraph (d), inserted by section 10 of chapter 56 of the acts of 2010, the following paragraph:-

(e) The office of commonwealth performance, accountability and transparency shall be headed by an assistant secretary of commonwealth performance, accountability and transparency who shall be appointed by the secretary. The assistant secretary shall have at least 5 years experience in the area of performance management systems.

The office shall:

- (1) execute a performance management program throughout the executive department including, within statutory limits for each agency: defining missions; creating measurable goals; establishing strategies for achieving those goals and relating them to budget development;
- (2) monitor and review federal grant applications made on behalf of the commonwealth and coordinate efforts to maximize federal revenue opportunities and oversight of compliance with federal reporting requirements;
- (3) ensure transparency of the commonwealth's administration and finance activities, including the operation of the searchable website required by section 14C;
- (4) establish and maintain a central intake unit for reports of fraud, waste and abuse;
- (5) establish and maintain an economic forecasting and analysis unit to coordinate all spending and revenue forecasting by state agencies and coordinate with the caseload forecasting office established in section 16T of chapter 6A;
- (6) perform the executive office's duties for privatization contracts under section 54;
- (7) reduce and simplify paperwork of state agencies and departments by adopting uniform forms or federal forms, if possible, when they are shorter than the corresponding state forms;
- (8) implement and streamline electronic paperwork options to better facilitate public interaction with state agencies;
- (9) have whatever other duties with respect to state agencies that the governor or secretary may assign;
- (10) collaborate with other state agencies, authorities and other entities to carry out these purposes; and
- (11) identify and act to capitalize on opportunities to reduce the cost of state government through competition, competitive procurement, outsourcing and privatization."

The amendment was rejected.

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

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

Entity – whether for-profit or not for profit,

a corporation

an association

a partnership

a limited liability corporation

a limited liability partnership

a sole proprietorship

any other legal business entity

a political subdivision of the Commonwealth

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

State expenditure – an expenditure of state funds including grants, subgrants, loans, awards, cooperative agreements, financial assistance, contracts, subcontracts, purchase order, task orders and delivery orders, and excluding transactions below \$25,000.

Searchable website – a website which allows the public to:

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

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

Download information, including the results of searches.

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

The name of the receiving entity

The amount of the expenditure

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

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

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

Any other relevant information specified by the Operational Services Division.

SECTION __. The Secretary of Administration and Finance, the Comptroller, the Treasurer and the Operational Services

Division are hereby authorized and directed to develop a single searchable website, accessible by the public without cost, to

enable the public to research and examine state expenditures as defined herein. Said website shall be designed so as to maximize

utility, minimize cost and promote accessibility of information, and shall build upon resources currently existing, including, but

not limited to, the 'EASI' website, so-called, administered by the Executive Office of Administration and Finance, and the

Comm-Pass system, so-called, administered by the Operational Services Division of the Executive Office of Administration and Finance.

In developing said website, the Secretary shall seek to obtain the use of coding and other information management infrastructure

developed by the federal government pursuant to the "Federal Funding Accountability and Transparency Act of 2006".

Said website shall seek to provide information for Fiscal Year 2012 and subsequent years.

A plan for the development and implementation of said website, together with any estimates for funding required and other legislative recommendations, shall be filed with the clerks of the House and Senate not later than November 30, 2011."

The amendment was rejected.

Messrs. Pacheco, Richard T. Moore and Knapik moved that the bill be amended by inserting, after section __, the following new

section:-

"SECTION __. Chapter 118G, Section 25 subsection (b) of the Massachusetts General Laws is hereby amended by inserting at the end thereof the following: Notwithstanding any general or special law or regulation or administrative bulletin to the contrary, a public nursing facility shall be granted an exemption from paying any assessments hereunder. Such exemption shall have priority over all other exemptions that have not been granted as of the enactment date of this section. For purposes of this exemption, a 'public nursing facility' shall be defined as a nursing facility operated by a municipality or a geriatric authority located in Bristol County, City of Taunton; Hampden County, City of Holyoke; Nantucket County, Town of Nantucket; or Worcester County, City of Milford."

The amendment was rejected.

Mr. Kennedy, Ms. Chandler, Messrs. Rodrigues, Finegold, Knapik, Joyce, Donnelly and Richard T. Moore, Ms. Clark, Ms. Creem, Ms. Flanagan, Messrs. Michael O. Moore, Hart and Welch, Ms. Fargo, Messrs. Wolf, Pacheco and DiDomenico, Ms. Donoghue and Ms. Candaras moved that the bill be amended in section 2, in item 4000-0600, by inserting at the end thereof the following:- "provided further that effective July 1, 2011 for the fiscal year ending June 30, 2012, the division of health care finance and policy shall establish nursing facility MassHealth rates that are \$30 million in payments above the payments made to nursing facilities for the fiscal year ended 2011".

The amendment was rejected.

Messrs. Tarr, Hedlund, Knapik, Richard T. Moore and Timilty moved that the bill be amended by striking out Section 22 and inserting in place thereof the following section:-

"SECTION 22. Chapter 18 of the General Laws is hereby amended by inserting after section 5H the following 2 sections:-

Section 5I. An individual or store owner shall not accept direct cash assistance funds held on electronic benefit transfer cards for the purchase of alcoholic beverages, lottery tickets or tobacco products. An individual or store owner who knowingly accepts electronic benefit transfer cards 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 subsequent offense.

Section 5J. Whoever embezzles, steals or obtains by fraud any funds, assets or property provided by the department of transitional assistance and whoever receives, conceals or retains such funds, assets or property for his own interest knowing such funds, assets or property have been embezzled, stolen or obtained by fraud shall, if such funds, assets or property are of a value of less than \$100, be punished by a fine of not more than \$1,000 or by imprisonment in a jail or house of correction for not more than 1 year, or both such fine and imprisonment, or if such funds, assets or property are of a value of \$100 or more, by a fine of not more than \$25,000 or by imprisonment in a jail or house of correction for not more than 2½ years, or both such fine and imprisonment."

The amendment was adopted.

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

"SECTION __. Section 53 of chapter 7 of the General Laws is hereby amended by striking out the figure '\$500,000' and inserting in place thereof the following figure:- \$2 million."

After remarks, the amendment was rejected.

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

"SECTION __. Section 76 of Chapter 54 of the General Laws is hereby amended by striking the first sentence and inserting the following language:-

Each voter desiring to vote at a polling place shall give to one of the officers at the entrance to the space within the guard rail that voter's name and, if requested, residence, and an identification document, including but not limited to any document issued by any federal or state government agency or political subdivision, debit or credit card, tribal identification card, student identification card, retirement center identification, public assistance identification, utility bill, bank statement, or pay check. A person who desires to vote in person but does not meet the identification document requirement of the previous sentence may cast a provisional ballot under section 76C."

The amendment was rejected.

Mr. Montigny, Ms. Jehlen, Messrs. Finegold, Kennedy and Eldridge, Ms. Chandler, Messrs. Richard T. Moore and DiDomenico, Ms. Fargo and Messrs. Tarr and McGee moved that the bill be amended by inserting after the word "purposes" the following: - "provided further, that funds shall be expended in an amount not less than that appropriated in fiscal year 2011 for purposes of reimbursing nursing facilities for up to 10 bedhold days for patients of the facility on medical and non-medical leaves of absence;"

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eleven o'clock P.M., on motion of Mr. Montigny, as follows to wit (yeas 12 - nays 25) [Yeas and Nays No. 37]:

YEAS

Chandler, Harriette L. Montigny, Mark C.

Chang-Diaz, Sonia Moore, Richard T.

Creem, Cynthia Stone Pacheco, Marc R.

Eldridge, James B. Spilka, Karen E.

Fargo, Susan C. Tarr, Bruce E.

Jehlen, Patricia D. Wolf, Daniel A. — 12.

NAYS

Baddour, Steven A. Joyce, Brian A.
Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. Knapik, Michael R.
Candaras, Gale D. McGee, Thomas M.
Clark, Katherine M. Moore, Michael O.
DiDomenico, Sal N. Petrucci, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Finegold, Barry R. Timilty, James E.
Flanagan, Jennifer L. Tolman, Steven A.
Hart, John A., Jr. Welch, James T.— 25.
Hedlund, Robert L.
ABSENT OR NOT VOTING
Kennedy, Thomas P. Rush, Michael F. — 2.

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

Mr. Pacheco moved that the bill be amended in section 2, in item 5095-0015, by inserting at the end thereof the following words:- “; provided further, that the department shall submit a plan to the chairs of the house and senate committees on ways and means and the chairs of the joint committee on mental health and substance abuse 120 days before opening more than 50 beds in a new facility; provided further, that the plan shall include, but shall not be limited to the following: the number of beds in operation at the new facility; the number of beds affected at existing facilities; the department’s efforts to proportionally assess bed closures across the geographic regions of the state; the department’s efforts to maintain staffing levels within existing geographic regions; and assessment of the inpatient bed capacity, both public and private, in each geographic region, both prior to the new facility’s operation and following the opening of the new facility; provided further, that the department shall not reduce beds at existing facilities prior to the submission of the plan; and provided further, that said plan shall not substantially impact any region in the state disproportionately”.

The amendment was adopted.

Messrs. Tarr, Hedlund, Knapik and Timilty moved that the bill be amended by inserting after section 37 the following section:-
"SECTION 37A. The General Laws are hereby amended by inserting after chapter 30B the following chapter:-
Chapter 30C. PUBLIC CONTRACT INTEGRITY

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

‘Public employer’, a department, agency or public instrumentality of the commonwealth or a person, corporation, partnership, sole proprietorship, joint venture or other business entity providing goods or services to a department, agency or public instrumentality of the commonwealth including, but not limited to, the Massachusetts Department of Transportation, the Massachusetts Water Resources Authority, the Massachusetts Port Authority and the Massachusetts Bay Transportation Authority.

‘Work authorization program’, an electronic verification of work authorization program or an equivalent work authorization program operated by the United States Department of Homeland Security, the United States Department of Labor, the Social Security Administration, other federal agency or by a private verification system authorized by the director of labor to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 and its successor acts.

Section 2. No public employer shall enter into a contract for the provision of goods or services within the commonwealth unless the contractor registers and participates in a work authorization program to verify information on all new employees and certifies to that effect in writing to the director of labor.

Section 3. No contractor or subcontractor who enters a contract with a public employer shall enter into a contract or subcontract in connection with the provision of goods or services in the commonwealth unless the contractor or subcontractor registers and participates in a work authorization program to verify information on all employees and certifies to that effect in writing to the director of labor.

Section 4. This chapter shall be enforced without regard to race, religion, gender, ethnicity or national origin.

Section 5. Except as may be otherwise provided in this chapter, the director of labor shall prescribe forms and promulgate rules and regulations necessary to implement and administer this chapter.

Section 6. The inspector general shall develop and promulgate regulations to ensure that a person receiving funds pursuant to a contract awarded pursuant to chapter 30B and section 44A of chapter 149 is in compliance with federal laws pertaining to immigration and citizenship including, but not limited to 42 U.S.C. section 1436(a). Such regulations shall include, but not be limited to, ascertaining and verifying immigration and citizenship status through a work authorization program .

Section 7. No contract shall be awarded by or to a public employer and no public funds shall be expended under any such contract unless the public employer complies with the regulations prescribed in this chapter.”;

By inserting after section 54 the following 4 sections:-

“SECTION 54A. The first paragraph of section 2 of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is

hereby amended by striking out the second and third sentences and inserting in place thereof the following 4 sentences:- If the owner is a corporation or business entity, the application shall contain the name of the corporation or business entity, the full address, including the street, city or town, state and zip code, the federal tax identification number if a corporation and the social security number if the business entity is a sole proprietorship and does not have a federal tax identification number. If an applicant is a natural person, the application shall contain his name, full residential address, date of birth, license number or identification card number issued by the registrar and such other particulars as the registrar may require. Except as otherwise provided in this chapter or in regulations adopted by the registrar, no registration shall be issued for a motor vehicle or trailer owned or leased by a natural person unless 1 of its registering owners or lessees holds a valid license or identification card issued by the registrar. The registrar shall provide by regulation for exemptions for out-of-state students, military personnel, senior citizens and disabled persons.

SECTION 54B. Said section 2 of said chapter 90 is hereby further amended by inserting after the word 'statement', in line 13, as so appearing, the following word:- signed.

SECTION 54C. Said section 2 of said chapter 90 is hereby further amended by striking out, in lines 21 to 23, inclusive, as so appearing, the words 'register in a book or upon suitable index cards to be kept for the purpose the motor vehicle or trailer described in the application, giving to the vehicle' and inserting in place thereof the following words:- keep a record of motor vehicles and trailers that satisfy the application requirements, assign to each motor vehicle and trailer.

SECTION 54D. Section 20 of said chapter 90 is hereby amended by striking out, in lines 10 to 11, as so appearing, the words 'of not less than \$100 nor more than \$1000' and inserting in place thereof the following words:- of not more than \$500 for a first offense, by a fine of not less than \$500 nor more than \$1000 for a second offense, by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not more than 30 days, or both such fine and imprisonment, for a third or subsequent offense.";

By inserting after section 55 the following section:-

“SECTION 55A. Section 24B of said chapter 90, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

Whoever falsely makes, steals, alters, forges or counterfeits a learner's permit, a license to operate motor vehicles or an identification card issued under section 8E with the intent to distribute such learner's permit, license to operate motor vehicles or identification card or knowingly assists another to do so, shall be punished as follows: (i) for acts involving 1 to 5 documents, by a fine of not more than \$500 dollars or by imprisonment in the house of correction for not more than 1 year; (ii) for acts involving 6 to 10 documents, by a fine of not more than \$1,000 dollars or by imprisonment in the state prison for not more than 5 years or in jail or house of correction for not more than 2 1/2 years; for acts involving more than 10 documents, by a fine of not more than \$10,000 dollars or by imprisonment in the state prison for not more than 15 years.";

By inserting after section 64 the following section:-

“SECTION 64A. Section 32 of chapter 121B of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law or rule or regulation to the contrary, an applicant for assisted housing under this chapter who is not eligible for federal assisted housing under 42 U.S.C. section 1436a or who is not a person residing in the United States under color of law as provided in section 16D of chapter 118E shall not be given priority over or otherwise displace an applicant who has such status.”;

By inserting after section 75 the following 2 sections:-

“SECTION 75A. Section 2 of chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following paragraph:-

The attorney general shall continue to be available to receive reports of suspected violations of this chapter, including sections 19C and 26 relative to immigration status and wage laws and for violations of 8 U.S.C. section 1324a relative to the employment of individuals in violation of federal immigration laws. All complaints, whether received in writing, electronically or in any other form shall be documented and may be investigated as appropriate by the attorney general to the extent permitted by federal law. The attorney general shall promptly refer any substantiated violations of federal immigration law to Immigration and Customs Enforcement. The attorney general shall annually prepare a report detailing all reported violations of said sections 19C and 26 and reported violations of 8 U.S.C. sections 1324a, the nature of the violations, the date on which each complaint was received and documented, any enforcement action taken against an employer who knowingly employs illegal aliens and any violations of federal law forwarded to United States Immigration and Customs Enforcement. The report shall be submitted annually to the chairs of the house and senate committees on ways and means and to the chairs of the joint committee on labor and workforce development not later than February 1.

SECTION 75B. Section 19C of said chapter 149, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

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

By inserting after section 105 the following 2 sections:-

“SECTION 105A. Section 183 of chapter 131 of the Acts of 2010 is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Notwithstanding any general or special law to the contrary, the MassHealth program within the department of health and human services shall register for the federal Systematic Alien Verification for Entitlements or SAVE system by January 1, 2012, and shall use that system to verify whether applicants whose documentation is not available or is questionable are qualified aliens

for benefit eligibility purposes. The department shall be exempt from this requirement if it has reported before January 1, 2012, to the senate and house committees on ways and means and the executive office for administration and finance a report detailing the specific steps it has undertaken to implement SAVE, the other departments it worked with to implement such steps, and the specific reason or reasons it was unable to implement the program before December 31, 2011. Should the department find that it is not able to implement the SAVE system prior to January 1, 2012, it shall continue to undertake all reasonable, cost-effective measures to verify the eligibility of applicants, including ensuring eligibility on the basis of citizenship, during all times it is not implementing the SAVE system and shall begin implementing a cost effective system that utilizes SAVE.

SECTION 105B. Section 184 of Chapter 131 of the Acts of 2010 is hereby amended by striking out clause (5)."; and By inserting after section 145 the following 8 sections:-

"SECTION 145A. Notwithstanding any general or special law to the contrary, public employers, contractors, or subcontractors, as defined in section 1 of chapter 30C of the General Laws, with not more than 500 employees shall not be subject to sections 2 and 3 of said chapter 30C.

SECTION 145B. Notwithstanding any general or special law to the contrary, public employers, contractors, or subcontractors, as defined in section 1 of chapter 30C of the General Laws, with not more than 100 employees shall not be subject to sections 2 and 3 of said chapter 30C.

SECTION 145C. Section 145A is hereby repealed.

SECTION 145D. Section 145B is hereby repealed.

SECTION 145E. Section 145C shall take effect on September 1, 2012.

SECTION 145F. Section 145D shall take effect on September 1, 2013.

SECTION 145G. Sections 2 and 3 of chapter 30C of the General Laws, inserted by section 37A, and sections 145A and 145B shall take effect on September 1, 2011.

SECTION 145H. Notwithstanding any general or special law to the contrary, by December 31, 2011, the Governor shall issue a report to the clerks of the house of representatives and the senate on the progress made in securing an agreement relative to and programs pursuant to the United States Immigration and Customs Enforcement Secure Communities program."

The amendment was adopted.

Mr. Brewer moved that the bill be amended in section 2, in item 0321-1500, by striking out, in line 2, the words "begin the process of moving toward" and inserting in place thereof the following words:- "develop and implement";

In said section 2, in said item 0321-1500, by striking out, in line 3, the word "are" and inserting in place thereof the following words:- "shall be";

In said section 2 by striking out item 0340-2100 and inserting in place thereof the following item:-

"0340-2100 For the operation of the Massachusetts District Attorneys Association, including the implementation and related expenses of the district attorneys' offices automation and case management and tracking system; provided, that expenses associated with the system may be charged directly to this item; provided further, that the 11 district attorneys may contribute a portion of their fiscal year 2012 appropriation to the Massachusetts District Attorneys Association in order to alleviate the cost of the system and the cost of data lines associated with the district attorneys' computer network; provided further, that the department shall work in conjunction with the disabled persons protection commission and the 11 district attorneys' offices to prepare a report that shall include, but not be limited to: (a) the number of abuse cases that are referred to each district attorney's office for further investigation; (b) the number of those referrals resulting in the filing of criminal charges, delineated by type of charge; (c) the number of cases referred to each district attorney's office that remains open as of the date for submission of the report; and (d) the number of cases that resulted in a criminal prosecution and the disposition of each such prosecution; provided further, that the report shall be submitted to the house and senate committees on ways and means and the clerks of the house of representatives and the senate not later than March 14, 2012; provided further, that the association shall work in conjunction with the 11 district attorneys' offices to prepare and submit a report to the house and senate committees on ways and means and the clerks of the house of representatives and the senate not later than February 28, 2012, summarizing the number and types of criminal cases managed or prosecuted by all district attorneys' offices in calendar year 2011 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals and supreme judicial courts in which the cases were managed or prosecuted; provided further, that for each jurisdiction of the courts, the report shall include, but not be limited to: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) a summary of the dispositions or statuses thereof; provided further, that the association shall work in conjunction with the 11 district attorneys' offices to prepare and submit a report to the house and senate committees on ways and means and the clerks of the house of representatives and the senate not later than February 28, 2012, detailing all district attorneys' offices' use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to: (a) the amount of the funds deposited into an office's special law enforcement trust fund in fiscal years 2009, 2010 and 2011; (b) how the funds were used in those fiscal years; and (c) the balance in the fund as of January 2, 2012; provided further, that the department shall work together with the 11 district attorneys' offices to submit a report to the house and senate committees on ways and means and the clerks of the house of representatives and the senate not later than January 31, 2012, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; and provided further, that the report shall include, but not be limited to: (a) the total number of personnel from private law firms participating in the program at each of the 11 district attorney's offices; (b) the name and address of the law firms; (c) the duties performed by the personnel; and (d) the benefits and cost savings associated with the program.....\$1,660,006";

In said section 2, by striking out item 0340-8908 and inserting in place thereof the following item:-

“0340-8908 For the costs associated with maintaining the Massachusetts District Attorneys Association’s wide area network\$1,317,090”;

In said section 2, in item 1599-0026, by inserting after the word “municipalities”, in line 8, the following words:- “; provided further, that funds may be expended to reimburse municipalities for planning costs associated with municipal infrastructure improvements incurred in fiscal year 2011”;

In said section 2, in item 2000-0100, by adding the following words:- “; provided, that the executive office shall expend not less than \$150,000 for a program of collaborative research with academic institutions that apply satellite and other technologies in an innovative manner to an existing methodological model previously used in other fisheries to assess the biomass of groundfish in the region managed by the New England Fishery Management Council; provided further, that the executive office shall execute a memorandum of agreement with any such academic institution not later than 30 days after the effective date of this act; and provided further, that the memorandum shall require the timely production of information for use in the fisheries management process”;

In said section 2, in said item 2000-0100, by striking out the figure “\$5,545,430” and inserting in place thereof the following figure:- “\$5,695,430”;

In said section 2, in item 4000-0300, by adding the following words:- “; and provided further, that the executive office shall conduct a study to determine whether individuals in the Greater Brockton area who are receiving MassHealth benefits through a health maintenance organization under contract with the executive office have adequate access to those health care providers that have historically served those individuals”;

In said section 2, in item 4120-4000, by adding the following words:- “; provided, that all independent living centers identified in item 4120-4000 of section 2 of chapter 182 of the acts of 2008 shall receive the same amount in fiscal year 2012 as they received in said chapter 182”;

In said section 2, in said item 4120-4000, by striking out the figure “\$11,851,933” and inserting in place thereof the following figure:- “\$12,176,933”;

In said section 2, in item 4400-1100, by adding the following words:- “, prior appropriation continued”;

In said section 2, in item 4590-1507, by adding the following words:- “provided further, that the Alliance of Massachusetts YMCAs shall distribute funds to all YMCAs that received grants from this item in fiscal year 2011”;

By inserting after item 4513-1020 the following item:-

"4513-1023.. For the universal newborn hearing screening program; provided, that funds appropriated in this item shall be expended for the notification of and follow through with affected families, primary care providers and early intervention programs upon the department's receipt of data indicative of potential hearing disorders in newborns \$65,494”;

In said section 2, in item 4800-0015, by adding the following words:- “; and provided further, that no funds shall be transferred from 4800-0040 to any of those items”;

In said section 2, by inserting before item 7003-0702 the following item:-

“7003-0605..For the operation and maintenance of the Massachusetts Manufacturing Extension Partnership for the purpose of maintaining and promoting manufacturing as an integral part of the economy and for programs designed to assist small and mid-sized manufacturing companies..... \$325,000”;

In said section 2, in item 7004-0101, by striking out, in line 89, the words “available housing or housing assistance necessary to maintain housing”, inserted by amendment 254, and inserting in place thereof the following words:- “housing assistance”;

In said section 2, in item 7027-0019, by adding the following words:- “, prior appropriation continued”;

In said section 2, in item 8900-0001, by adding the following words:-“; and provided further, that an amount of funding that was allocated to the program for mothers who have been incarcerated in item 8900-0001 of section 2 of chapter 131 of the acts of 2010 shall be consistent with allocations relative to MCI Cedar Junction in item 8900-0001 of section 2 of chapter 61 of the acts of 2007”;

In said section 2, in item 8910-8200, by adding the following words:- “provided, that funds may be expended for the continued operation of the centralized emergency medical dispatch system”;

In said section 2, in said item 8910-8200, by striking out the figure "\$21,517,391" and inserting in place thereof the following figure:- \$21,617,391”;

In said section 2, in item 8910-8700, by adding the following words:- "provided, that funds may be expended for the continued operation of the Plymouth Bristol emergency alert/notification system”;

In said section 2, in said item 8910-8700, by striking out the figure "\$24,810,825" and inserting in place thereof the following figure:- “\$24,910,825”;

In section 2E, in item 1595-5819, by adding the following words:- “; provided further, that the commonwealth health insurance connector authority shall conduct a study to determine whether individuals in the Greater Brockton area who are receiving Commonwealth Care subsidized health insurance benefits through a health maintenance organization under contract with the connector authority have adequate access to those health care providers that have historically served those individuals”;

In said section 2E, in said item 1595-5819, by adding the following words:- “; and provided further, that notwithstanding said section 7A of said chapter 176Q, for fiscal year 2012, the connector shall provide an annual health insurance wellness subsidy not to exceed 15 per cent of eligible employer health care costs as calculated by the employer for credit by the federal government under the federal Patient Protection and Affordable Care Act”;

In section 13, by striking out, in line 3, the figure "2" and inserting in place thereof the following figure:- "3”;

By inserting after section 32 the following section:-

“SECTION 32A. Section 5 of chapter 231 of the General Laws, as so appearing, is hereby amended by inserting after subsection

(c) the following subsection:-

(d) There shall be established a life sciences tax incentive program. The center, in consultation with the department, may annually authorize incentives, including incentives carried forward or refunded pursuant to subsections (m), (n) and (r) of section 6 of chapter 62, paragraph 17 of section 30 of chapter 63, the second time it appears, section 31M of said chapter 63, the second time it appears, paragraph 6 of subsection (f) of section 38 of said chapter 63, subsection (j) of section 38M of said chapter 63, section 38U of said chapter 63, section 38V of said chapter 63, section 38W of said chapter 63, section 38CC of said chapter 63, the second paragraph of subsection (c) of section 42B of said chapter 63 and subsection (xx) of section 6 of chapter 64H in a cumulative amount, including the current year cost of incentives allowed in previous years, that shall not exceed \$25,000,000 annually. The center may, in consultation with the department, limit any incentive to a specific dollar amount or time duration or in any other manner deemed appropriate by the department; provided, however, that the department shall only allocate any such incentives among commonwealth certified life sciences companies pursuant to subsection (b) and shall award such tax incentives pursuant to subsection (c).

The center shall provide an estimate to the secretary of administration and finance of the tax cost of extending benefits to a proposed project before certification, as approved by the commissioner of revenue, based on reasonable projections of project activities and costs. Tax incentives shall not be available to a certified life sciences company unless expressly granted by the secretary of administration and finance in writing.”;

In section 36, in subsection (e) of proposed section 29K, by striking out the first and second sentences and inserting in place thereof the following sentence:- “The commonwealth shall not subsidize the health insurance, pension and other post-employment benefits of state authority employees and retirees.”;

In section 40, by inserting after the word “reduction”, in line 21, the following words:- “, but the commission shall not alter the contribution ratios provided in the most recent applicable appropriation act”;

In section 45, by striking out, in line 60, the word “employees” and inserting in place thereof the following word:- “subscribers”;

By inserting after section 51 the following section:-

“SECTION 51A. Section 6 of chapter 62 of the General Laws is hereby amended by striking out, in line 495, as appearing in the 2008 Official Edition, the words ‘in subsection (n)’ and inserting in place thereof the following words:- subsections (n) and (r).”;

By inserting after section 52 the following section:-

“SECTION 52A. Said section 6 of said chapter 62, as most recently amended by section 37 of chapter 454 of the acts of 2010, is hereby further amended by adding the following subsection:-

(r)(1) A taxpayer, to the extent authorized by the life sciences tax incentive program established in section 5 of chapter 23I, may be allowed a refundable jobs credit against the tax liability imposed under this chapter in an amount determined by the Massachusetts Life Sciences Center in consultation with the department.

(2) A taxpayer taking a credit under this subsection shall commit to the creation of a minimum of 50 net new permanent full-time jobs in the commonwealth.

(3) A credit allowed under this subsection shall reduce the liability of the taxpayer under this chapter for the taxable year. If a credit claimed under this subsection by a taxpayer exceeds the taxpayer’s liability as otherwise determined under this chapter for the taxable year, 90 per cent of such excess credit, to the extent authorized by the life sciences tax incentive program shall be refundable to the taxpayer. Excess credit amounts shall not be carried forward to other taxable years.

(4) The department shall issue the refundable portion of the jobs credit without further appropriation and in accordance with the cumulative amount, including the current year costs of incentives allowed in previous years, that shall not exceed \$25,000,000 annually as set forth in subsection (d) of said section 5 of said chapter 23I.”;

By inserting after section 53 the following section:-

“SECTION 53A. Said chapter 63 is hereby further amended by inserting after section 38BB the following section:-

Section 38CC. (a) A taxpayer, to the extent authorized by the life sciences tax incentive program established in section 5 of chapter 23I, may be allowed a refundable jobs credit against the tax liability imposed under this chapter in an amount determined by the Massachusetts Life Sciences Center in consultation with the department.

(b) A taxpayer taking a credit under this subsection shall commit to the creation of a minimum of 50 net new permanent full-time jobs in the commonwealth.

(c) A credit allowed under this section shall reduce the liability of the taxpayer under this chapter for the taxable year. If a credit claimed under this section by a taxpayer exceeds the taxpayer’s liability as otherwise determined under this chapter for the taxable year, 90 per cent of such excess credit, to the extent authorized pursuant to the life sciences tax incentive program established in section 5 of chapter 23I, shall be refundable to the taxpayer. Excess credit amounts shall not be carried forward to other taxable years.

(d) The department shall issue the refundable portion of the jobs credit without further appropriation and in accordance with the cumulative amount, including the current year costs of incentives allowed in previous years, that shall not exceed \$25,000,000 annually as set forth in subsection (d) of said section 5 of said chapter 23I.”;

In section 66A, by striking out the last paragraph and inserting in place thereof the following paragraph:-

“An owner or operator of an elevator shall not be assessed a fine for having violated this section if: (i) 30 days prior to the expiration of a certificate, the owner or operator has, in writing or in any manner prescribed by the department, requested an inspection of such elevator by the department and an inspection was not completed within such 30-day period; and (ii) such elevator was not determined to be unsafe at any time during such 30-day period, notwithstanding that the results of an inspection was rendered beyond such 30-day period.”;

By inserting, after section 66A the following section:-

“SECTION 66B. Section 64 of said chapter 143, as so appearing, is hereby amended by striking out the third sentence.”;

By inserting after section 78A the following section:-

“SECTION 78C. Subsection (f) of said section 6 of said chapter 176J, as appearing in section 78B, is hereby repealed.”;

In section 97, by striking out, in line 6, the words “that the” and inserting in place thereof the following words:- “that beginning in fiscal year 2012, the”;

By inserting after section 95 the following section:-

“SECTION 95A. Item 6033-0417 of section 2A of chapter 291 of the acts of 2004, as most recently amended by section 84 of chapter 139 of the acts of 2006, is hereby further amended by striking out the words ‘relocation of the Amesbury department of public works barn in the town of Amesbury to the site formerly known as Microfab’ and inserting in place thereof the following words:- “redevelopment and revitalization of the Lower Mill yard in the town of Amesbury.”;

By inserting after section 101 the following section:-

“SECTION 101A. Item 6035-0817 of section 2A of chapter 303 of the acts of 2008, as amended by section 30 of chapter 26 of the acts of 2009, is hereby further amended by striking out the words ‘\$350,000 shall be expended for lighting improvements to the new Parker river bridge or the North and South approaches to the bridge on route 1A in the town of Newbury’ and inserting in place thereof the following: \$250,000 may be expended for the town’s rehabilitation of a portion of River road in the town of Merrimac; provided further, that \$50,000 may be expended for the improvement of the DPW garage, located at 197 High road in the town of Newbury; provided further, that such sum shall be placed into the town of Newbury’s chapter 90 account in the event that improvements are made prior to the release of funds in this item.”;

By inserting after section 103 the following 2 sections:-

“SECTION 103A. Item 4000-0640 of section 2 of chapter 131 of the acts of 2010 is hereby amended by striking out the words ‘notwithstanding any general or special law to the contrary, contingent upon receipt of not less than \$27,200,000 in TANF contingency funds authorized by Title IV, section 403(b) of the Social Security Act, the division shall establish nursing facility supplemental Medicaid rates and that a sum of \$27,200,000 shall be distributed as supplemental nursing facility Medicaid rates for fiscal year 2011’, inserted by section 51A of chapter 359 of the acts of 2010, and inserting in place thereof the following words:- the division shall establish additional nursing facility supplemental Medicaid rates that cumulatively total \$27,000,000 which shall be distributed as supplemental nursing facility Medicaid rates; provided further, that not less than \$2,800,000 shall be expended as incentive payments to nursing facilities meeting the criteria determined by the MassHealth Nursing Facility Pay for Performance (P4P) Program in 114.2 CMR 6.07 and that have established and participated in a cooperative effort in each qualifying nursing facility between representatives of employees and management that is focused on implementing that criteria and improving the quality of services available to MassHealth members; and provided further, that any unexpended funds in this item shall not revert but shall be made available for the purposes of this item until June 30, 2012.

SECTION 103B. Said item 4000-0640 of said section 2 of chapter 131, as most recently amended by said section 51A of said chapter 359, is hereby further amended by striking out the figure \$288,500,000 and inserting in place thereof the following figure:- \$318,300,000.”;

In section 109, by striking out, in lines 2 to 4, inclusive, the words “shall not take effect for any group of employees covered by a collective bargaining agreement in effect as of July 1, 2011 by a governmental unit prior to” and inserting in place thereof the following words:- “which are inconsistent with specific dollar amount limits on co-payments, deductibles or other health care plan design features that are included in a collective bargaining agreement in effect on July 1, 2011 or an agreement under section 19 of said chapter 32B between an appropriate public authority and a public employee committee in effect on July 1, 2011 shall not take effect until”;

In section 132A, by striking out subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

“(a) There shall be a special commission to identify and evaluate potential sites suitable for the location of a replacement jail facility in Middlesex county, consistent with chapter 304 of the acts of 2008. The commission shall establish whether such sites are appropriate to adjoin facilities to house related criminal justice functions, including courts, pre-arraignment lockup facilities and special population facilities.

(b) The special commission shall also identify and evaluate potential sites in Middlesex county suitable for the placement of a correctional facility to house female pretrial detainees and female offenders sentenced to incarceration in the house of correction for 2½ years or less. The commission shall document the needs of the communities in the vicinity of such sites and of the individuals in those communities, and make recommendations relative to the most efficient and effective investment of public resources to meet all of those needs.”;

By striking out section 140 and inserting in place thereof the following section:-

“SECTION 140. There shall be a special commission to study the commonwealth’s criminal justice system, to consist of: the secretary of public safety and security, who shall serve as the chair; the attorney general or a designee; the chief justice of the supreme judicial court or a designee; the president of the Massachusetts Sheriffs Association 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; a representative from the Massachusetts Bar Association; a representative from the Boston Bar Association; a representative from the Massachusetts Association of Criminal Defense Lawyers; 3 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 3 members of the senate, 1 of whom shall be appointed by the minority leader; and 3 persons to be appointed by the governor, 1 of whom shall have experience in mental health and substance abuse and addiction treatment, 1 of whom shall have experience in providing services or supervision for offenders, and 1 of whom shall have experience in juvenile justice.

In reviewing the commonwealth’s criminal justice system, the commission shall examine a variety of areas including, but not

limited to: the prisoner classification systems, mandatory minimum sentences, sentencing guidelines, the provision of cost-effective corrections' healthcare, the probation system, the parole system, the operations of the sheriffs' offices, overcrowding in prisons and houses of correction, recidivism rates, the treatment of juveniles within the criminal justice system, the role that mental health and substance abuse issues play, and best practices for reintegrating prisoners into the community.

The commission shall investigate the feasibility of developing an application for technical assistance from nationally recognized criminal justice reform programs with a data driven approach in order to develop bipartisan legislation that would reduce corrections spending and utilize the savings to reduce crime, strengthen public safety and fund other budget priorities; provided, however, that the commission shall give priority in applying for technical assistance to that which comes at no cost to the commonwealth.

The commission shall have access to information related to both adults and juveniles including, but not limited to, crime, arrest, conviction, jail, prison and probation and parole supervision data provided by state and local agencies. As necessary, the commission shall: (i) meet with other affected stakeholders; (ii) partner with nongovernmental organizations that have expertise that can benefit the commission; and (iii) create advisory subgroups that include affected stakeholders as necessary.

The commission shall convene its first official meeting not later than September 1, 2011. The commission shall submit to the house and senate committees on ways and means, the joint committee on the judiciary, the joint committee on public safety and homeland security and the secretary of administration and finance quarterly reports that include the dates of its meetings, meeting participants not named to the commission and whether it has identified, applied for or been selected for any federal or other funds.

The commission shall issue a report not later than March 31, 2012, which shall include recommendations for legislation to reduce recidivism, improve overall public safety outcomes, provide alternatives for drug addicted and mentally ill defendants, increase communication and cooperation among public safety entities, reduce overcrowding of facilities, increase reliance upon evidence-based criminal justice methods, improve the collection and reporting of data on adults and juveniles, contain correction costs and otherwise increase efficiencies within the state's public safety entities.”;

By inserting after section 143 the following section:-

“SECTION 143A. Notwithstanding any general or special law, rule or regulation or performance standard to the contrary and in order to promote the protection of shorelines, coastal banks and beaches and coastal properties from the growing dangers of coastal erosion and to further gain experience necessary for the evaluation of innovative coastal protection technologies that have not previously been used in the commonwealth, the department of environmental protection may issue required permits, certifications or approvals for a pilot project to deploy a coastal bank and beach protection technology; provided, however, that such pilot project shall be required to seek and obtain all permits, certifications or approvals otherwise required by law, subject to the modifications authorized by this act; and provided further, that the pilot project shall be required to comply with existing laws, rules and regulations, performance standards and requirements to the maximum extent feasible. In issuing such permits, certifications or approvals, the department of environmental protection may issue reasonable permit conditions to minimize adverse impacts from the construction and operation of the pilot project and to protect down-drift properties and property owners including, but not limited to, conditions requiring the pilot project's owners and operators to indemnify others for any property damage caused by the pilot project or requiring the establishment of a financial assurance mechanism to provide funds for the costs of decommissioning the pilot project or for repairing any property damage caused by the pilot project. The department of environmental protection, in conjunction with the office of coastal zone management in the executive office of energy and environmental affairs, shall monitor the success of the pilot project undertaken pursuant to this section and shall report its findings and recommendations for further regulatory or statutory changes to promote the use of innovative coastal protection technologies to the joint committee on environment, natural resources and agriculture not later than 2 years after the deployment of the pilot project.”;

By striking out section 148 and inserting in place thereof the following section:-

“SECTION 148. Nothing in this act shall be construed to alter, amend or affect chapter 36 of the acts of 1998, chapter 423 of the acts of 2002, chapter 27 of the acts of 2003 or chapter 247 of the acts of 2004.”;

By inserting after section 149 the following section:-

“SECTION 149A. Section 32A shall take effect as of January 1, 2009.”;

In section 150, by striking out, in line 1, the figure “2012” and inserting in place thereof the following figure:- “2011”; and

By inserting after section 150 the following 3 sections:-

“SECTION 150A. Sections 51A, 52A and 53A shall be effective for tax years beginning on or after January 1, 2011.

SECTION 150B. Sections 66A and 66B shall take effect 180 days after the effective date of this act.

SECTION 150C. Section 78C shall take effect on October 1, 2012.”

The amendment was adopted.

The Ways and Means amendment was then adopted, as amended, and the bill was ordered to a third reading. The rules were suspended, on motion of Mr. Brewer, and the bill was read a third time, and passed to be engrossed, in concurrence, with the amendment. [For text of Senate amendments, see Senate, No. 1940, printed as amended.]

Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Brewer,--

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. Berry, at three minutes before twelve o'clock midnight, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.