

AMENDMENT #1

Mr. Peterson of Grafton moves to amend House Bill 3878 in Section 2 by inserting after item XXXX-XXXX the following item:

“7077-0023

.....\$210,000.
”.

AMENDMENT #2

Ms. Provost of Somerville moves that the bill, H.3878, be amended by adding the following section:-

Section X. Item 4513-1000 of section 2 of chapter 68 of the acts of 2011 is hereby amended by striking the figure \$4,656,797 and inserting in place thereof the following: \$5,956,797.

AMENDMENT #3

Mr. Turner of Dennis, Ms. Atsalis of Barnstable, Mr. Vieira of Falmouth, Ms. Peake of Provincetown, Mr. Hunt of Sandwich, and Mr. Madden of Nantucket move that the bill, H.3878, be amended by adding the following section:-

Section X. Item 4800-0038 of section 2 of chapter 68 of the acts of 2011 is hereby amended by adding “ and, provided further that not less than \$65,000 shall be expended for the Children’s Cove Cape and Islands Child Advocacy Center,” and striking the figure \$242,757,069 and inserting in place thereof the following: \$242,822,069.

AMENDMENT #4

Mr. Peterson of Grafton moves to amend House Bill 3878 by adding the following new section:

“Section XX. Section 38B of chapter 127 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended in subsection (b) by inserting in line 5, after the words “house of correction” the following new words: ,trial court detention facility; and in subsection (c) by inserting in line 15 after the words “house of correction” the following new words: ,trial court detention facility.”

AMENDMENT #5

Mr. Fernandes of Milford moves to amend H. 3878, in section 2, in item 8000-0110, by inserting at the end thereof the following:-

“; provided that no funds shall be expended until such time as the executive office of public safety and security reports to the joint committee on public safety and homeland security, the clerks of the senate and house of representatives, on those actions undertaken by the commonwealth to assist with the deployment of the Secure Communities Program as administered by the United States Department of Homeland Security; and provided further, that said report shall include any technology upgrades necessary to deploy the program statewide, and any upgrades necessary to maximize the data available to municipal police departments

through the Criminal Justice Information Services Division Wide Area Network, including, but not limited to, access to the Immigration Alien Response, and the IDENT Data Response.”

AMENDMENT #6

Mr. Lombardo of Billerica moves to amend House No.3878 by adding the following sections:-
Section 1. Notwithstanding any general or special law to the contrary, for the days of March 18, 2012 through March 23, 2012 inclusive, the tax imposed upon meals pursuant to chapter 64H of the General Laws, as most recently amended by section 157 of chapter 27 of the Acts of 2009, shall be suspended.

Section 3. 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 March 18, 2012 through March 23, 2012 inclusive

Section 4. On or before June 30, 2012, 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 5. The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act.

Section 6. No part of this act shall affect the provisions of chapter 64L of the General Laws, as most recently added by section 60 of chapter 27 of the acts of 2009.

AMENDMENT #7

Ms. Story of Amherst moves to amend the bill (House, No. 3878) by inserting at the end thereof the following new sections:-

SECTION 51. For the purpose of Sections 51 and 52 of this act, the following words shall have the following meanings:-

“Bank” shall mean a national bank, trust company, or banking company as defined in section 34 of chapter 29 of the General Laws.

“Employer” shall mean the University of Massachusetts Amherst;

“Employee” shall mean any person employed by the University of Massachusetts Amherst and include the collective bargaining units represented by the unions;

“Labor/Management Workplace Education Program” or “program” shall mean the joint labor and management educational partnership between the University of Massachusetts Amherst and the employee unions;

“Union” shall mean the American Federation of State, County, and Municipal Employees Council 93 and its affiliated local American Federation of State, County, and Municipal Employees Local 1776; the Massachusetts Teachers Association and its affiliated associations, the University Staff Union, and the Professional Staff Union, Unit B.

SECTION 52. (a) There shall be at the University of Massachusetts Amherst a trust fund to be known as the Labor/Management Workplace and Education Trust Fund, hereinafter referred to

as the “fund,” to support the operations and activities of the University of Massachusetts Labor/Management Workplace Education Program.

(b) The fund shall be overseen by a board of trustees, hereinafter referred to as the “board,” which shall consist of 6 members: 3 of whom shall be selected by the employer and 3 of whom shall be selected by the union; provided however, that no two union board members shall be from the same union. The board shall be co-chaired by 2 of the trustees, 1 selected by the employer trustees and 1 selected by the union trustees. The trustees shall be responsible for transferring to a bank selected by the board all contributions, including, but not limited to, employer contributions, donations, funds, stocks, share certificates, bonds, securities, and all other obligations.

(c) The trustees shall use all funds exclusively in support of the program; provided, that the board may make appropriations necessary to administer the fund; including, the employment of administrative, legal, accounting, expert, consultative, and clerical assistance, the purchase or lease of buildings and/or land, and the purchase or lease of materials, supplies, and equipment the trustees determine necessary in the performance of their duties. The trustees shall serve without compensation but may be reimbursed for all reasonable and necessary expenses which they may incur in the performance of their duties.

(d) The trustees shall keep true and accurate books of accounts and records of all transactions of the fund, and will cause said books to be audited by a certified public accountant each fiscal year. The accountant shall be made available to the employer and the union and shall submit a final audit in writing to the trustees. Any employee or beneficiary shall be permitted to inspect the books and records maintained by the trustees, provided that, the request is at a reasonable time and place as determined by a majority of the trustees and that the inspection does not interfere with the operation of the fund. Upon request of the employer, the trustees

(e) If a civil action is brought against a trustee the trustee shall be indemnified for all expenses incurred in the defense of the action and shall be indemnified for damages if the claim arose out of acts performed by the trustee while acting within the scope of the trustee’s official duties; provided, however, that a trustee shall not be indemnified for expenses incurred in the defense of an action, or damages awarded in an action, in which there is shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by the member. Such indemnification shall be paid from amounts held in the fund.

AMENDMENT #8

Aggregation

Mr. Nangle of Lowell moves that the bill be amended by adding at the end thereof the following new section:

SECTION XX:

Section 6 of chapter 176J, as appearing in Section 29 of Chapter 288 of the Laws of 2010, is hereby amended by adding the following sentence:

For the purposes of rate development and for calculating the aggregate medical loss ratio for rate filings under this section, a carrier may calculate projected and reported Per Member Per Month revenues and projected and reported claim costs for small group health plans subject to M.G.L. c. 176J on an aggregated basis for all affiliated companies within a parent corporation or holding company that offer such plans.

Section 6 of chapter 176J, as appearing in Section 30 of Chapter 288 of the Laws of 2010, is hereby amended by adding the following sentence:

For the purposes of rate development and for calculating the aggregate medical loss ratio for rate filings under this section, a carrier may calculate projected and reported Per Member Per Month revenues and projected and reported claim costs for small group health plans subject to M.G.L. c. 176J on an aggregated basis for all affiliated companies within a parent corporation or holding company that offer

AMENDMENT #9

Confidentiality

Mr. Nangle of Lowell moves that the bill be amended by adding at the end thereof the following new section:

SECTION XX:

The fourth sentence of subsection (c) of section 6 of chapter 176J of the General Laws, as amended by section 31A of chapter 359 of the acts of 2010, is hereby amended by striking out the words “Any rates of reimbursement included in the rate filing materials submitted for review by the division shall be deemed confidential and exempt from the definition of public records in clause Twenty-sixth of section 7 of chapter 4.” and inserting in place thereof the following words:

Any rates of reimbursement or rating factors included in the rate filing materials submitted for review by the division shall be deemed confidential and exempt from the definition of public records in clause Twenty-sixth of section 7 of chapter 4.

AMENDMENT #10

Mr. Murphy of Burlington moves to amend House Bill 3878 by striking section 15 in its entirety.

AMENDMENT #11

Mr. Bastien of Gardner moves to amend House bill 387 in Section 2, by adding the following after “Department of Correction” in line 70:

8900-0001.....\$610,500

And inserting after SECTION 50 the following section:

SECTION XX. Notwithstanding any general or special law to the contrary, the department of Corrections shall expend not less than \$610,500 for cities and towns hosting facilities”;

AMENDMENT #12

Mr. Madden of Nantucket moves that H3878 be amended at the end thereof by inserting after the following new section:-

“SECTION XX. For emergency repair for Menemsha Pier in the Town of Chilmark destroyed in a fire.....\$1,500,000.”

AMENDMENT #13

Mr. Bastien of Gardner moves to amend House bill 3878 by inserting after SECTION 3 the following section:-

SECTION 3A. Section 3A of chapter 23A of the General Laws, as so appearing, is hereby amended by striking, in line 139, the figure “35,000” and inserting in place thereof the following: - “20,000”.

AMENDMENT #14

Mr. Koczera of New Bedford, Mr. Atsalis of Barnstable move to amend HB 3878;

SECTION ____ Notwithstanding any law to the contrary the Executive Office of Health and Human Services and Medicaid shall make available to the so-called Group B hospitals the remainder of funds made available by the Centers for Medicaid and Medicare Services in FY’11 for a Transitional Relief for Private Hospitals program.

AMENDMENT #15

Mr. Scaccia of Boston moves to amend the bill, H. 3878, by adding the following sections:

Section __: Section 4 of chapter 57 of the General Laws, as most recently amended by chapter 153 of the Acts of 2011 is hereby amended by striking and replacing all of the paragraph following “Seventh Suffolk” with the following:

Consisting of precincts 8, 9 and 10 of ward 4, sub-precinct 2A of ward 5, precincts 1, 2, 3, 4, 5 and 8 of ward 12, precincts 4 and 5 of ward 9, and precinct 1 of ward 21 of the city of Boston, in the county of Suffolk.

Section __: Section 2 of chapter 153 of the Acts of 2011 is hereby amended by striking and replacing with the following:

Notwithstanding the provisions of any general or special law to the contrary, for the purpose of electing representatives in the general court as provided in section 1, the election commissioners for the city of Boston shall include census blocks 0102032000, 0102032001, 0102032004, 0102032005, 0102033000, 0102033001, 0102033002, 0102033003, and 0102033004 in sub-precinct 2A of Ward 5 of the city of Boston. Notwithstanding and general or special law to the contrary, the city of Boston shall divide precinct 2 of Ward 5 along the representative district boundary into 2 sub-precincts. If the polling place for a sub-precinct created under this act is located in the same building as for an existing precinct, no additional election officers need be appointed for such sub-precinct.

AMENDMENT #16

Mr. deMacedo of Plymouth moves to amend House Bill 3878 by striking out in line 97, the figure “\$1,743,757”, and inserting in place thereof the following new figure: \$6,991,932.

AMENDMENT #17

Representative Torrasi of North Andover moves to amend House Bill 3878 in section 16, in line 266, by inserting after “detached.” the following sentence: “Furthermore, this change shall be applied retroactively to all certificates of approval administered within the last 18 months.”

AMENDMENT #18

Mr. Lyons of Andover moves to amend House Bill 3878 by inserting at the end thereof the following section: -

Section X. (a) Notwithstanding any general or special law to the contrary, the executive office of administration and finance shall prepare a report on detailing the total amount of the Health Safety Net program that is being used to fund benefits on behalf of each of the following categories: 1) Citizens of the Unites States; 2) Qualified Immigrants; 3) Aliens with Special Status; and 4) Persons who have provided no documentation to fit in the other categories.

(b) Said report shall also separately identify all other costs with respect to the Health Safety Net program, including but not limited to: cost to taxpayers; cost shifting to other payers, agencies or insurers; and cost to hospitals, clinics, and other health-care providers.

(c) In calculating the amounts described in subsections (a) and (b), the executive office of administration and finance shall utilize generally accepted accounting principles encompassing all state spending.

(d) Said report shall be filed with to the chair and ranking minority member of the house committee on ways and means, the chair and ranking minority member of the senate committee on ways and means, and the clerks of the House of Representatives and senate no later than April 15, 2012.

AMENDMENT #19

Representative Sannicandro of Ashland moves that H. 3878 be amended by adding the following item:

“xxxx-xxxx For the purpose of continuing the implementation of section 15E of chapter 15A of the General Laws to encourage private fundraising by the commonwealth’s public institutions of higher education for the endowment and capital outlay programs of those institutions; provided, that funds shall be disbursed on a quarterly basis in proportion to the amount of funds raised by each institution; provided further, that the board of higher education shall implement this program in a manner which ensures that each institution shall have equal opportunity to secure matching funds from this item; provided further, that \$6,000,000 shall be allocated to the University of Massachusetts; provided, further that \$3,000,000 shall be allocated to state universities; and provided further, that \$3,000,000 shall be allocated to community colleges; and provided further, that if any funds allocated herein for disbursement to state universities and community colleges shall be unused, the remaining funds shall be made available to the University of Massachusetts\$12,000,000”

AMENDMENT #20

Representatives Sannicandro of Ashland, Garballey of Arlington move that H. 3878 be amended by adding the following item:

“xxxx-xxxx For repairs, renovations, and deferred maintenance to campus facilities and grounds at state universities, community colleges, and the University of Massachusetts\$50,000,000”

AMENDMENT #21

Representatives Sannicandro of Ashland, Garballey of Arlington move that H. 3878 be amended by adding the following item:

“xxxx-xxxx For a program to be administered by the department of higher education to provide grants to needy Massachusetts students enrolled in and pursuing a program of higher education at any public higher education institution in the state to assist such students in paying the cost of tuition and fees at these institutions\$12,000,000”

AMENDMENT #22

Representatives Kafka of Stoughton, Galvin of Canton, Rogers of Norwood, McMurtry of Dedham, Winslow of Norfolk, and Creedon of Brockton, move to amend the bill by inserting at the end of the bill the following section:

“SECTION XX. Chapter 10, of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, at the end of section 35T, the following paragraph:-

(c) The authority shall be prohibited from extending services, including but not limited to the addition of new commuter line service through the creation of a new line, extension of a current line, or increasing use of a current line, while operating in a deficit, either with or without any transfers from the fund to the authority.”

AMENDMENT #23

Ms. Wolf of Cambridge moves to amend H. 3878 by striking out Section 38 and inserting in place thereof the following new section:-

SECTION 38. Said section 6 of said chapter 171 of the Acts of 2011 is hereby further amended by striking out the words “provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating or amending any regulation or policy affecting eligibility, benefits or administration of this program, the department shall file with the house and senate committees on ways and means and the clerks of the senate and house of representatives a report setting forth justification for any such change including, but not limited to, any determination by the secretary of housing and economic development that available appropriations from the program will be insufficient to meet projected expenses;” and inserting in place thereof the following words:-

provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating or amending any regulations, administrative practice or policy in any way that would reduce or restrict eligibility for or the level of benefits under this program, the department shall file with the house and senate committees on ways and means and the clerks of the senate and house of representatives a report setting forth justification for said changes, including but not limited to any determination by the secretary of housing and economic development that available appropriations from the program will be insufficient to meet projected expenses;.

and by striking out Section 39 and inserting in place thereof the following new section:-

SECTION 39. Section 7 of said chapter 171 of the Acts of 2011 is hereby amended by striking out the last clause and inserting in place thereof the following words:- provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating or amending any regulations, administrative practice or policy in any way that would reduce or restrict eligibility for or the level of benefits under this program, the department shall file with the house and senate committees on ways and means and the clerks of the senate and house of representatives a report setting forth justification for said changes, including but not limited to any determination by the secretary of housing and economic development that available appropriations from the program will be insufficient to meet projected expenses;.

AMENDMENT #24

Ms. Alice Wolf of Cambridge moves to amend H. 3878 in section 34 **by inserting at the end thereof the following:**

“, or a date, during FY12, at which the rate setting commission completes the next rate setting process for Adult Day Health.”

AMENDMENT #25

Mr. Walsh of Lynn and Mr. Mariano of Quincy move to amend the bill (House, No. 3878) by striking out section 17 and inserting in place thereof the following section:-

SECTION 17. Chapter 176J of the General Laws is hereby amended by inserting after section 11 the following 2 sections:-

Section 11A. A select or limited network plan shall continue to provide coverage for medically necessary services that are part of the treatment program for patients, prior to joining the select or limited network, undergoing an active course of treatment or follow up treatment for a chronic disease at a comprehensive cancer center, pediatric hospital or pediatric specialty unit, as defined in section 1 of chapter 118G, that does not participate in a carrier's select or limited network plan.

For services provided under this section, reimbursement shall be based on median in-network rates of that specific provider in such carrier's private plans in a manner consistent with data

filed by such carrier with the division of health care finance and policy; or if the specific provider does not participate in any other plan of the carrier, then based on negotiated rates. Patient cost sharing responsibility for the services sought may not exceed the lowest copayment obligation established by such carrier for the receipt of such services offered through the carrier's select or limited network.

Section 11B. Patients receiving an active course of treatment or follow up treatment for a chronic disease at a comprehensive cancer center, pediatric hospital or pediatric specialty unit, as defined in section 1 of chapter 118G, prior to joining a tiered network, shall not pay an amount for patient cost sharing responsibility that exceeds the cost-sharing tier with the second highest patient cost sharing responsibility.

And further amends the bill by striking out section 18 and inserting in place thereof the following section:-

SECTION 18. Section 11A of chapter 176J of the General Laws is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-
For an insured member who is receiving an active course of treatment or follow up treatment for a chronic disease and is newly enrolled in a select or limited network plan, the carrier shall provide coverage for those medically necessary services that are part of that treatment program provided by a health care provider not participating in a carrier's plan pursuant to section 11 of chapter 176J for the duration of that treatment; provided that: (1) the insured's employer only offers the insured a choice of plans in which the provider is not a participant; (2) said provider is a comprehensive cancer center, pediatric hospital or pediatric specialty unit as defined in section 1 of chapter 118G; and (3) said provider is providing the insured with an ongoing course of treatment otherwise not available in-network.

And further amends the bill by inserting after section 18 the following section:-

SECTION 18A. Chapter 176J of the General Laws is hereby amended by inserting after section 13 the following 2 sections:-

Section 14. If a medically necessary and covered service is not available to a member within the carrier's provider network, the carrier must cover the services out-of-network, for as long as the service is unavailable in-network.

Section 15. Any insurer offering a tiered network plan shall clearly and conspicuously indicate in all promotional and agreement materials, the cost sharing differences for enrollees in the various tiers. The division of insurance shall promulgate regulations for what constitutes clear and conspicuous as well as the potential cumulative effects of these differences.

And further amends the bill by striking out section 43 and inserting in place thereof the following section:-

SECTION 43. Notwithstanding any general or special law, rule or regulation to the contrary, the division of insurance shall conduct a review into the network adequacy and cost and quality-

effectiveness of insurance products pursuant to section 11 of chapter 176J of the General Laws for the health care needs of children and the health care needs of cancer patients. The division of insurance shall promulgate regulations to ensure the needs of children and cancer patients are being met, consistent with cost and quality goals, and shall submit an annual report of its actions and potential legislative actions to the house and senate committees on ways and means and the joint committee on health care financing by December 31, 2012.

And further amends the bill by striking out section 48 and inserting in place thereof the following section:-

SECTION 48. Sections 18 and 19 shall take effect on July 31, 2013.

AMENDMENT #26

Ms. Ferguson of Holden moves to amend H3878 by striking the figure "\$693,920" in line item 8910-0105, and inserting in place thereof the following figure:-

\$843,920.

AMENDMENT #27

Mr. Galvin of Canton and Mr. Kafka of Stoughton move to amend H3878 by adding the following section:

"SECTION xx. Prior to expending any further funds for any rail expansion project, the Massachusetts Bay Transportation Authority or the state agency initiating said expansion of rail service shall conduct a cost analysis reflecting the profitability of said proposed project. This cost analysis shall include any and all costs associated with the project including debt service, construction costs, future maintenance and associated costs. The auditor of the commonwealth shall request that the administrator of the appropriate division of the Massachusetts Department of Transportation prepare said fiscal analysis, including life cycle costs, demonstrating that sufficient revenues exist or will be generated to operate and maintain in good repair said expansion. This analysis shall also be submitted to the joint legislative committee on revenue. If said cost analysis shows that said expansion is deemed unprofitable, then said expansion will not proceed."

AMENDMENT #28

Mr. Cabral of New Bedford moves to amend H 3878 in line 330 by deleting "Massachusetts Maritime Academy that applies sonar technology over significant surface area of the ocean" and inserting in place thereof "the School for Marine Science and Technology at the University of Massachusetts Dartmouth to use innovative technology".

AMENDMENT #29

Mr. Timilty of Milton, Mr. Ayers of Quincy and Mr. Cusack of Braintree move that H3878 be amended at the end thereof by inserting after the following new section:-

“SECTION XX. For the design and installation of necessary traffic lights at the intersection of state-owned Rt. 28 at North Main Street and the intersection of Pleasant and West Streets as determined by the final traffic design.....\$750,000.”

AMENDMENT #30

Mr. Timilty of Milton, Mr. Ayers of Quincy and Mr. Cusack of Braintree move that H3878 be amended at the end thereof by inserting after the following new section:-
“SECTION XX. For a traffic study along the Rt. 28 corridor to investigate turning lanes, traffic signal improvements, and other necessary improvements along Rt. 28 including the intersections of Russ and Scanlon; Chestnut and Oak; The Higashi School entrance; and Centre Street.....\$180,000.”

AMENDMENT #31

Mr. Vieira of Falmouth, Mr. Hunt of Sandwich, Ms. Peake of Provincetown, Mr. Atsalis of Barnstable, Mr. Madden of Nantucket, Ms. Gifford of Wareham and Mr. Turner of Dennis move to amend House bill 3878, in Section 2, item 8910-8200, by striking the figure “\$1,800,000” and inserting in place thereof the following:- “\$2,200,436”.

AMENDMENT #32

Mr. Straus of Mattapoisett moves to amend the bill by adding the following section:
Section _____. Section 15F of chapter 138 of the General Laws is amended in the first sentence by inserting after the words "chapter 138", the following: "and notwithstanding the operation of any other license under said chapter at the same premises or location,".

AMENDMENT #33

Ms. Alice Wolf of Cambridge moves to amend H. 3878 in section 2 by adding the following item:
9110-1500\$2,600,000.

AMENDMENT #34

Ms. Alice Wolf of Cambridge moves to amend H. 3878 in section 34 by inserting at the end thereof the following:
“, or a date, during FY12, at which the rate setting commission completes the next rate setting process for Adult Day Health.”

AMENDMENT #35

Mrs. Ferguson of Holden, Mr. Frost of Auburn, Mr. Bastien of Shrewsbury, Mr. Fattman of Sutton, Mr. Kuros of Uxbridge move to amend House bill 3878 by striking in item 8910-0105, in line 77, the figure “\$693,920” and inserting in place thereof the following:- “\$843,920”.

AMENDMENT #36

Mrs. Poirier of North Attleboro, Mr. Barrows of Mansfield, Mr. Howitt of Seekonk, Mrs. O'Connell of Taunton, Mrs. Orrall of Lakeville, Mr. Cabral of New Bedford and Mr. Ross of Attleboro move to amend House bill 3878 by striking in item 8910-8300, in line 91, the figure "\$1,904,189" and inserting in place thereof the following figure: - "\$3,450,000".

AMENDMENT #37

Mr. Winslow of Norfolk moves to amend House bill 3878 by inserting after SECTION 14 the following sections:-

SECTION XX. Section 6F of chapter 62 of the General Laws, as so appearing, is hereby amended by inserting, in line 53, after the word "date." the following: - "In the case of a decedent dying after December 31, 2009 and before January 1, 2011, for property acquired from said decedent within the meaning of section one thousand and fourteen (b) of the Code, the initial basis of such property shall be determined under section one thousand and fourteen of the Code, without reference to sections one thousand fourteen (d) and (f) of the Code; except that in the case of an election by the executor pursuant to § 301(c) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312), the initial basis of property acquired from said decedent shall be determined under section one thousand and twenty two of the Code as amended and in effect on January 1, 2005."

AMENDMENT #38

Mr. deMacedo of Plymouth, Mr. Cantwell of Marshfield, Ms. Orrall of Lakeville, Mr. Webster of Pembroke, Mr. Calter of Kingston, Ms. Gifford of Wareham, Ms. Creedon of Brockton, and Ms. Canavan of Brockton, move to amend House Bill 3878 by striking out in line 97, the figure "\$1,743,757", and inserting in place thereof the following new figure: \$6,991,932.

AMENDMENT #39

Mr. Dempsey of Haverhill moves to amend House Bill 3878 by striking section 15 in its entirety.

AMENDMENT #40

Ms. O'Connell of Taunton moves to amend House Bill 3878 by adding the following new sections:

"SECTION XX. Chapter 6 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking section 178L in its entirety, and inserting in place thereof the following section:

Section 178L. (1) Upon review of any information useful in assessing the risk of reoffense and the degree of dangerousness posed to the public by the sex offender, including materials described in the board guidelines and any materials submitted by the sex offender, the board shall prepare a recommended classification of each offender. Such recommendation may be made by board staff members upon written approval by one board member; provided, however,

that if the sex offender was a juvenile at the time of the offense, written approval must be given by a board member who is a licensed psychologist or psychiatrist with special expertise in the assessment and evaluation of juvenile sex offenders.

(a) Not less than 60 days prior to the release or parole of a sex offender from custody or incarceration, the board shall notify the sex offender of his right to submit to the board documentary evidence relative to his risk of reoffense and the degree of dangerousness posed to the public and his duty to register according to the provisions of section 178E. If the sex offender is a juvenile at the time of such notification, notification shall also be mailed to the sex offender's legal guardian or agency having custody of the juvenile in the absence of a legal guardian and his most recent attorney of record. Such sex offender may submit such evidence to the board within 30 days of receiving such notice from the board. Upon reviewing such evidence, the board shall promptly notify the sex offender of the board's recommended sex offender classification, his duty to register, if any, his right to petition the board to request an evidentiary hearing to challenge such classification and his right to retain counsel to represent him at such hearing; provided, however, that such indigent offender may also apply for and the board may grant payment of fees for an expert witness in any case where the board in its classification proceeding intends to rely on the testimony or report of an expert witness prepared specifically for the purposes of the classification proceeding. Such sex offender shall petition the board for such hearing within 20 days of receiving such notice. The board shall conduct such hearing in a reasonable time according to the provisions of subsection (2). The failure timely to petition the board for such hearing shall result in a waiver of such right and the registration requirements, if any, and the board's recommended classification shall become final.

(b) The district attorney for the county where such sex offender was prosecuted may, within ten days of a conviction or adjudication of a sexually violent offense, file a motion with the board to make an expedited recommended classification upon a showing that such sex offender poses a grave risk of imminent reoffense. If the petition is granted, the board shall make such recommendation within ten days of the expiration of the time to submit documentary evidence. If the petition is not granted, the board shall make such recommended classification as otherwise provided in this section.

(c) In the case of any sex offender not in custody, upon receiving registration data from the agency, the police department at which the sex offender registered, the sentencing court or by any other means, the board shall promptly notify the sex offender of his right to submit to the board documentary evidence relative to his risk of reoffense and the degree of dangerousness posed to the public and his duty to register, if any, according to section 178E. If such sex offender is a juvenile at the time of such notification, notification shall also be mailed to such sex offender's legal guardian or agency having custody of the juvenile in the absence of a legal guardian and his most recent attorney of record. Such sex offender may submit such evidence to the board within 30 days of receiving such notice from the board. Upon a reasonable showing, the board may extend the time in which a sex offender may submit such documentary evidence. Upon reviewing such evidence, the board shall promptly notify such sex offender of the board's recommended sex offender classification, his duty to register, if any, and his right to petition the board to request an evidentiary hearing to challenge such classification and duty, his right to retain counsel to represent him at such hearing. Such sex offender shall petition the board for

such hearing within 20 days of receiving such notice. The board shall conduct such hearing in a reasonable time according to the provisions of subsection (2). The failure timely to petition the board for such hearing shall result in a waiver of such right and the registration requirements, if any, and the board's recommended classification shall become final.

(2) If an offender requests a hearing in accordance with subsection (1), the chair may appoint a member, a panel of three board members or a hearing officer to conduct the hearing, according to the standard rules of adjudicatory procedure or other rules which the board may promulgate, and to determine by a preponderance of evidence such sex offender's duty to register and final classification. If the sex offender does not so request a hearing, the recommended classification and determination of duty to register shall become the board's final classification and determination and shall not be subject to judicial review.

SECTION XX. Chapter 6 of the General Laws, as so appearing, is hereby amended by striking section 178M in its entirety and inserting in place thereof the following section:

Section 178M. An offender may seek judicial review, in accordance with section 14 of chapter 30A, of the board's final classification and registration requirements. An attorney employed or retained by the board may make an appearance, subject to section 3 of chapter 12, to defend the board's decision. The court shall reach its final decision within 60 days of such sex offender's petition for review.

SECTION XX. Section 16 of chapter 211D of the General Laws is hereby repealed.”.

AMENDMENT #41

Mr. Keenan of Salem moves to amend the bill, H. 3878, by adding the following section:

SECTION XX. Section 94 of chapter 194 of the acts of 2011 is hereby amended by inserting after the words “chapter 23K of the General Laws” the following words:- ; provided further that not less than \$330,000 from said transfer shall be expended by the commission to the public health trust fund established in section 58 of this act for a compulsive gamblers' treatment program.