

Mr. Lyons of Andover moves to amend House Bill 3735 by inserting at the end thereof the following section: -

Section 99. (a) Notwithstanding any general or special law to the contrary, the executive office of administration and finance shall prepare a report on the following: 1) the total amount of the state budget that is being used to fund individual, family, and other benefits or expenditures on behalf of citizens of the United States who are residents of the Commonwealth of Massachusetts; 2) the total amount of the state budget that is being used to fund individual, family, and other benefits or expenditures on behalf of persons holding Green Cards who are residents of the Commonwealth of Massachusetts; 3) the total amount of the state budget that is being used to fund individual, family, and other benefits or expenditures on behalf of citizens of the United States whose residence in the Commonwealth of Massachusetts cannot be established; and 4) the total amount of the state budget that is being used to fund individual, family, and other benefits and expenditures on behalf of all other persons.

(b) Said report shall also itemize expenditures used to provide services to residents of the Commonwealth, non-residents, and those whose residence cannot be identified with respect to: legal services, including but not limited to criminal defense costs; translations and translator services; the detention of prisoners; and the Health Safety Net program, including cost to government, cost shifting to other payers or insurers, and the 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 1, 2012.

Representative Sullivan of Fall River moves that the bill be amended in Section 2, by inserting after item 7004-0002, the following item:

7004-0109 For a pilot program for stabilization services provided by regional homeless networks, including programs designed to support and leverage HomeBASE; provided, that this implementation shall be developed in collaboration with the interagency council to end homelessness, as established in Executive Order 492 \$5,000,000

Representative Sullivan of Fall River moves that the bill be amended by inserting after item 7052-0006, the following item:

7061-9626 For a program for the education and development training of disconnected youth throughout the state; including programs designed towards getting a GED and high school diploma, job training through renovating and building affordable housing, and training youth in leadership development, community service, and life skills for unemployed and uneducated young people aged 16 to 24 years old 1,093,000

Representative Atsalis of Barnstable moves to amend H3735 by adding at the end a new section:

Section\_\_\_\_\_ And provided further that not less than \$20Million will be made available for Community DSH hospitals so designated by the Administration as of June 30, 2011; and not recognized as a DSH hospital in Group A category of hospitals as so designated in the prior 1115 Waiver that ended June 30, 2011 and not included for funding in the recently revised proposal by the Administration for the 1115 Waiver Renewal currently under negotiation between the Federal Centers for Medicaid and Medicare and the Massachusetts Executive Office of Health and Human Services. Said money shall be distributed through a formula that recognizes the volume of both Medicaid and Medicare utilization in said hospitals.

Ms. Malia of Boston moves to amend the bill by striking out section 18 and inserting in place thereof the following sections:

“SECTION \_\_. If, after a hearing, the court based upon competent testimony finds that said person is an alcoholic or substance abuser and there is a likelihood of serious harm as a result of the person’s alcoholism or substance abuse, it may order such person to be committed for a period not to exceed 90 days, followed by the availability of case management services provided by the department of public health for a period up to 1 year; a review of the necessity of said commitment shall take place by the superintendent on days 30, 45, 60 and 75 as long as the commitment continues. A person so committed may be released prior to the expiration of the period of commitment upon written determination by the superintendent that release of said person will not result in a likelihood of serious harm. Such commitment shall be for the purpose of inpatient care in public or private facilities approved by the department of public health under the provisions of chapter 111B for the care and treatment of alcoholism or substance abuse. The person may be committed to the Massachusetts correctional institution at Bridgewater, if a male, or at Framingham, if a female, provided that there are not suitable facilities available under chapter 111B; and provided, further, that the person so committed shall be housed and treated separately from convicted criminals. Said person shall be encouraged to consent to further treatment and shall be allowed voluntarily to remain in the facility for such purposes. The department of mental health, in conjunction with the department of public health, shall maintain a roster of public and private facilities available, together with the number of beds currently available, for the care and treatment of alcoholism or substance abuse and shall make it available to the district courts of the commonwealth on a monthly basis.”

“SECTION \_\_. Section \_\_ shall take effect on July 1, 2012.”

Mr. Dempsey of Haverhill moves to further amend amendment 5 of H. 3735 by inserting after the words “competent testimony”, in line 1, the following words:- , which shall include, but not be limited to, medical testimony,

Representative O'Day of West Boylston and Representative Fresolo of Worcester move to amend the bill in Section 2-A by adding 7003-xxxx for an investment in Youth Works...\$4,500,000

Representative Wolf of Cambridge moves to amend the bill by adding the following section:

Section XX. Notwithstanding any general or special law to the contrary, the regulations governing the number of covered days for nursing home medical and non-medical leaves of absence shall be no more restrictive than those regulations in effect as of October 1, 2011.

Mr. Walsh of Lynn moves to amend the bill, House Bill 3735, in Section 19, line 481 by striking out the following number: “2011” and inserting in place thereof the following:- “2010”.

Mr. Walsh of Lynn and Mr. Mariano of Quincy move to amend House 3735 by adding the following section;

Subsection (b) of section 11 of Chapter 176J is hereby amended by inserting the following at the end thereof:-

provided , however, that (i) until June 30, 2013 or until such time as a comprehensive set of nationally endorsed quality measures are available relating specifically to the services of comprehensive cancer centers, pediatric hospitals or pediatric specialty units, as defined in section 1 of chapter 118G, whichever is sooner, such centers, hospitals, or units shall be classed in the lower-cost sharing tier if the carrier uses only two tiers for classifying providers, or no higher than the tier above the lowest cost share tier if the carrier uses more than two tiers for classifying providers; (ii) for pediatric hospitals and pediatric specialty units, the comprehensive set of measures shall be pediatric-specific, similar in scope to those used for acute hospitals generally, and shall include inpatient, subspecialty, ambulatory, and patient satisfaction measures; (iii) for comprehensive cancer centers the comprehensive set of measures shall be specific to freestanding comprehensive cancer centers as established pursuant to the federal Affordable Care Act ;and(iv) when the nationally endorsed quality measures referenced in (i) through (iii) above are available, they shall be applied for tiering comprehensive cancer centers, pediatric hospitals, or pediatric specialty units provided that assessment of the quality of such centers, hospitals or units shall be based only on a comparison with their respective peer specialty provider groups nationally.

Said section 11 of Chapter 176J is hereby further amended by inserting after subsection (b) the following subsection:-

(b ½) A select network plan shall not have cost sharing associated with the receipt of services of a comprehensive cancer center, a pediatric hospital, or pediatric specialty unit, where such services have been determined to be medically necessary by the patient's physician or physicians, that is any higher than the lowest copayment obligation established by such carrier for the receipt of any health care services offered through the carrier's select network.

A select network plan shall not provide any financial incentive to a participating provider that is intended to inhibit such provider's decision to refer an enrollee in such product for the receipt of the services of a comprehensive cancer center, pediatric hospital or pediatric specialty unit.

The requirements of subsections (b) and (b ½) shall apply to all tiered network and limited network plans with respect to which a carrier enters into, renews or extends a network provider agreement with comprehensive cancer centers, pediatric hospitals or pediatric specialty units on or after January 1, 2012, provided that a comprehensive cancer center, pediatric hospital or pediatric specialty unit shall be entitled to appeal a carrier's decision with regard to the tier level into which it has been placed under agreements in effect prior to January 1, 2012.

The Division of Insurance shall promulgate regulations consistent with the provisions of subsections (b) and (b ½).

Representative Coakley-Rivera of Springfield moves that the bill be amended in section 2, by inserting after line item 8910-0619, the following item:

8910-0102 For Dispute Resolution Services, Inc. of Springfield....\$60,000

Representative Coakley-Rivera of Springfield moves to amend the bill in section 2, by inserting after line item 0340-1100, the following item:-

0340-0501 For the overtime costs of state police officers assigned to the Hampden district attorney's office.....\$45,000

Mr. Lyons of Andover and Beaton of Shrewsbury move to amend House Bill 3735 in section 2 by inserting after item 7052-0006 the following item:

“7061-0012 ..... \$32,787,563”;

and further, by striking in SECTION 92, in line 951 (as printed), the figure “\$350,000,000” and inserting in place thereof the following: “\$315,000,000”.

Representative Sullivan of Fall River moves that the bill be amended in Section 2 by inserting after item 9110-1660 , the following item:

9110-1630 For the purpose of providing comprehensive Mass Home Care services 1,353,115

Mr. Scibak of Hadley moves to amend the bill by striking section 66 and inserting in place thereof:

SECTION 66. Item 0337-0002 of said section 2 of said chapter 68 is hereby amended by striking out the words “that in fiscal year 2012 the department shall proportionately reduce the amount allocated to the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, 0337-0700, and 0337-0900 of section 2 of chapter 182 of the acts of 2008” and inserting in place thereof the following words:- the department shall expend funds for the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, and 0337-0700 of section 2 of chapter 182 of the acts of 2008, provided, however, that the department shall expend funds for the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, and 0337-0700 of section 2 of chapter 182 of the acts of 2008, provided, however, that the department may reduce funding to each item not more than the proportional reduction to item 0337-0002 from section 2 of chapter 182 of the acts of 2008.

Mr. Dempsey of Haverhill moves to further amend amendment 14 of H. 3735 by striking out the amendment in its entirety and inserting in place thereof the following amendment:-

Mr. Dempsey of Haverhill moves to amend the bill by striking section 66 and inserting in place thereof:

SECTION 66. Item 0337-0002 of said section 2 of said chapter 68 is hereby amended by striking out the words "that in fiscal year 2012 the department shall proportionately reduce the amount allocated to the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, 0337-0700, and 0337-0900 of section 2 of chapter 182 of the acts of 2008" and inserting in place thereof the following words:- the department shall expend funds for the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, 0337-0700, and 0337-0900 of section 2 of chapter 182 of the acts of 2008, provided, however, that the department may reduce funding to each item by not more than 5 per cent.

Representative Walsh of Boston moves that the bill be amended in Section 95, by inserting after the words "human services;" in line 978:

“homeless shelters within the department of housing and community development”

Mr. Sannicandro of Ashland and Mr. Walsh of Framingham move that H. 3735 be amended by adding the following new item:

“xxxx-xxxx For the Christa McAuliffe Challenger Center at Framingham State University... \$750,000”

Mr. Michlewitz of Boston moves to amend the bill in Section 95, after the words “within the executive office of health and human services” the following:

,homeless shelters within the department of housing and community development and the executive office of elder affairs.

Ms. Gobi of Spencer hereby moves to amend House Bill 3735, in Section 3 by inserting after line 293 the following:

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS**

Department of Agricultural Resources

2511-0100 ...For the purposes of operating statewide seasonal inspections of bee hives ...17,000

Ms. Coakley-Rivera of Springfield moves to amend the bill in section 2, by inserting after item 8910-0619 the following item:

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

Mr. Dwyer of Woburn, Mr. Fresolo of Worcester, Mr. Binienda of Worcester, Mr. Fennell of Lynn, Mr. Chan of Quincy, Mr. Kane of Holyoke, Mr. Naughton of Clinton, Mr. Collins of Boston, Mr. Kocot of Northampton, Ms. Spiliotis of Peabody, Mr. Lewis of Winchester, Mr. Diehl of Whitman, Ms. Stanley of West Newbury, and Mr. Ross of Attleboro, move to amend the bill in Section 2A, by inserting the following new line item:

7004-0003

For a program of one time grants to housing authorities to reduce vacancies of over 60 days in duration in four hundred multi-bedroom units and senior units, with preference in re-occupancy to eligible and qualified homeless veterans and their families. Said authorities shall make application to the Department of Housing and Community Development for said grants within 60 days. Said department may award grants based upon re-occupancy plans and cost estimates for rehabilitating the two, three and four bedroom vacant family and senior units owned by the housing authority. Cost estimates shall not exceed \$10,000 per unit..... 2,000,000.

Mr. Pedone of Worcester moves to amend H. 3735 in Outside Section 89 by inserting in line 935 after the word "Brockton" the following: "and up to \$2,000,000 for reconstruction of Microbiology and Physiological Systems at the University of Massachusetts Medical School in Worcester."

Mr. Walsh moves that the bill be amended in Section 2, by adding the following line item:

7002-0012 for YouthWorks youth jobs to be funded at "\$9,000,000".

Mr. Koczera of New Bedford moves to amend House Bill 3735 by striking Sections 20,21 and 43 in their entirety.

Messrs. Timilty of Milton, Ayers of Quincy and Cusack of Braintree move that the bill be amended in Section 89 by adding the following sentence:

“up to \$1,000,000 for Randolph High School Athletic field infrastructure improvements in the town of Randolph;”

Messrs. Timilty of Milton, Ayers of Quincy and Cusack of Braintree move that the bill be amended in Section 89 by adding the following sentence:

“up to \$1,000,000 for sewer improvements in the town of Randolph;”

Mr. Timilty of Milton moves to amend the bill by adding the following section

**“SECTION XX.** (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, 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) The town of Milton shall be given a right of first refusal to lease the Max Ulin Skating Rink provided that the town meets the prequalification standards established by the department under subsection (c).

(2) If the town does not bid for the lease, and a nonprofit organization and a partnership of municipalities are determined to be prequalified, the nonprofit organization shall be awarded the lease.

(3) If more than 1 nonprofit organization is determined to be prequalified, the department, in consultation with the town of Milton, 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.”

Representatives Coakley-Rivera of Springfield and Ehrlich of Marblehead move to amend the bill in section 2, by inserting after line item 5046-0000, the following item:

“7002-0012 ..... \$9,000,000”

Ms. Coakley-Rivera of Springfield moves to amend the bill in section 2, by inserting after Section 96, the following Section:

Section XX. (A) Subsection (a) of section 7 of Chapter 150E of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding after the word "years", in line 3, the following words:- ;but a provision in a collective bargaining agreement stating that the agreement's terms remain in effect beyond 3 years while the parties negotiate a successor agreement shall be valid and enforceable.

(B) Subsection (A) shall apply retroactively to a collective bargaining agreement that contained a provision stating that the agreement's terms remain in effect beyond 3 years while the parties negotiate a successor agreement but otherwise expired before the effective date of this act, unless the continued effectiveness of such an agreement was the subject of judicial proceedings pending on October 22, 2010 in a state or federal court in the commonwealth.

Representative O'Connell of Taunton moves to amend the bill by inserting the following section:

“Section XX. Notwithstanding any general or special law to the contrary, beginning no later than April 1, 2012, the department of transitional assistance shall include on the front of all newly issued and re-issued electronic benefits transfer cards, a photograph of the cardholder. Beginning no later than December 1, 2012, the department of transitional assistance shall include on the front of all electronic benefits transfer cards, a photograph of the cardholder.”.

Ms. O'Connell of Taunton moves to further amend amendment number 29 by striking the text in its entirety and inserting, in the place thereof, the following:

“SECTION XX. Notwithstanding any general or special law to the contrary, there shall be a special commission to study and report on the use of electronic benefit transfer (EBT) cards in the Commonwealth. The commission shall consist of the commissioner of the department of transitional assistance, or her designee; the inspector general, or his designee; 2 members of the house of representatives, 1 of whom shall be appointed by the speaker of the house, and 1 of whom shall be appointed by the minority leader of the house; and 2 members of the senate, 1 of whom shall be appointed by the senate president, and 1 of whom shall be appointed by the senate minority leader. The scope of the commission shall include, but not be limited to, researching and evaluating the following: the use of EBT cards for the purchase of products other than those products for which they are intended to be used, such as firearms, tobacco, lottery tickets, and alcohol; the frequency and location of out-of-state card use; the in-state stores where cards are used; the proportion of one month's EBT cash assistance that is withdrawn from ATM machines rather than used in stores to directly purchase products; and the costs associated with requiring the department to include, on the front of each newly issued and re-issued EBT card, as well as all existing EBT cards, a photograph of the cardholder. The commission shall research, assess, and develop recommendations regarding the best method of preventing the inappropriate use of electronic benefit transfer cards, including implementing a monthly limit to the amount of EBT cash assistance that a recipient of cash assistance can withdraw from ATMs, as well as the feasibility of prohibiting the purchase of certain items by restricting the ability of EBT cards to be used in purchasing said items. Finally, the commission shall study and research the implementation of requiring stores to apply to accept EBT cards. The commission shall prepare a final report of the findings and recommendations together with recommendations for legislation to implement those recommendations by filing the same with the clerks of the senate and house not later than April 1, 2012.”.

Mr. Scibak of South Hadley moves to amend the bill by striking section 66 and inserting in place thereof:

SECTION 66. Item 0337-0002 of said section 2 of said chapter 68 is hereby amended by striking out the words “that in fiscal year 2012 the department shall proportionately reduce the amount allocated to the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, 0337-0700, and 0337-0900 of section 2 of chapter 182 of the acts of 2008” and inserting in place thereof the following words:- the department shall expend funds for the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, and 0337-0700 of section 2 of chapter 182 of the acts of 2008, provided, however, that the department shall expend funds for the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, 0337-0700, and 0337-0800 of section 2 of chapter 182 of the acts of 2008, provided, however, that the department may reduce funding to each item not more than the proportional reduction to item 0337-0002 from section 2 of chapter 182 of the acts of 2008.

Mr. Walsh of Boston, Garballey of Arlington, Mahoney of Worcester, O'Day of West Boylston, Canavan of Brockton, Creedon of Brockton, Fresolo of Worcester, Toomey of Cambridge, Cabral of New Bedford, Golden of Lowell, move to amend the bill by adding the following section:

SECTION XX. (A) Subsection (a) of [section 7 of chapter 150E](#) of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding after the word "years", in line 3, the following words:- ; but a provision in a collective bargaining agreement stating that the agreement's terms remain in effect beyond 3 years while the parties negotiate a successor agreement shall be valid and enforceable.

(B) Subsection (A) shall apply retroactively to a collective bargaining agreement that contained a provision stating that the agreement's terms remain in effect beyond 3 years while the parties negotiate a successor agreement but otherwise expired before the effective date of this act, unless the continued effectiveness of such an agreement was the subject of judicial proceedings pending on October 22, 2010 in a state or federal court in the commonwealth.

Representatives Walsh of Framingham and Sannicandro of Ashland move that the bill be amended in section 89, in line 935, by adding after the words "the city of Brockton" the following: and \$2,000,000 for downtown revitalization in the town of Framingham.