

# JOURNAL OF THE HOUSE.

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Wednesday, February 6, 2013.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### *Resignation of Representative Walz of Boston.*

The following communication was read; and spread upon the records of the House, as follows:

February 6, 2013.

Steven T. James  
*Clerk of the House of Representatives*  
State House, Room 145  
Boston, MA 02133

Dear Mr. Clerk,

Resignation of Representative Martha M. Walz of Boston.

I am writing to notify you that I will resign as State Representative from the 8th Suffolk District effective at midnight on February 15, 2013.

I will always remember that the first public words I uttered as a newly sworn in Representative in January 2005 were in support of your nomination as Clerk. Thank you for that honor.

Sincerely,

MARTHA M. WALZ,  
*State Representative.*

### *Silent Prayers.*

Joseph Slattery.

At the request of Messrs. Linsky of Natick and Rogers of Norwood, the members, guests and employees stood in a moment of silent tribute to the memory of Joseph Slattery, age 47, a Natick firefighter from Norwood who died on Sunday, January 27th after a 13 month battle with Sarcoma.

Joe was a dedicated firefighter for 15 years, most recently as the driver on Engine Number 3. He was a fire department dispatch operator for the prior 11 years. Joe was passionate in his devotion for the firefighter profession. He was known for his total commitment and enthusiasm for fire training and education which he used to improve his own skills and those of his fellow firefighters.

He is survived by his beloved wife Maureen of 13 years and his three children Liam, Caitlin and Brendan.

At the request of Mr. Diehl of Whitman, the members, guests and employees stood in a moment of silent tribute to the memory of Charles F. Pace of Whitman, who passed away on January 6th.

Charles F. Pace.

Charles served in the Military Police of the U.S. Army from 1948 to 1950, inclusive. He was a driver for the Greyhound Bus Company for over 17 years; and he served the people of Whitman, where he was known as “Honest Chuck”, as the first director of the Whitman Housing Authority for over 28 years.

Charles is survived by his children Charles E. and Millie Pace, Bernard Marcia Pace, Wayne and Gail Pace, Fred and Kim Pace, Corrine and Dennis Maloney, Dawn and Larry Blasingame, his 15 grandchildren — including the State House’s own Tracy Pace, and 22 great grandchildren.

*Resolutions.*

Resolutions (filed with the Clerk by Mr. Diehl of Whitman) congratulating the Abington High School Green Wave football team on their Eastern Massachusetts Division 4 Super Bowl victory, were referred, under Rule 85, to the temporary committee on Rules.

Abington,—  
football  
team.

Mr. Binienda of Worcester, for the said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Diehl, the resolutions were considered forthwith; and they were adopted.

*Recess.*

At sixteen minutes after eleven o’clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until one o’clock P.M.; and at six minutes after one o’clock, the House was called to order with the Speaker in the Chair.

Recess.

*Valedictory Address.*

During the session, there being no objection, Ms. Walz of Boston addressed the House regarding her departure from service in the House of Representatives.

Valedictory  
address.

*Orders of the Day.*

Mr. Donato of Medford being the Chair,—

The House Bill making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 55), having been certified by the House Counsel to be correctly drawn, was read a third time.

Supplemental  
appropriations.

After remarks on the question on passing the bill to engrossed (Mr. Mariano of Quincy being in the Chair), Ms. Benson of Lunenburg moved to amend it in section 1 by inserting after item 8910-8800 the following item:

*“Department of Correction.*

8900-0001 , and provided further, that the department shall expend not less than \$2,000,000 for cities and towns hosting facilities;”.

The amendment was rejected.

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Mr. Collins of Boston then moved to amend the bill by adding the following section:

“SECTION 33. Section 1. Section 3 of Chapter 32 of the General Laws, as appearing in the 2006 Official Edition is hereby amended by inserting after the word police in line 236, the following words:— non-clerical workers of the Massachusetts Water Resources Authority.”.

The amendment was rejected.

Mr. Stanley of Waltham then moved to amend the bill in section 1 by inserting before item 7066-0021 the following item:

“7035-0005 For reimbursements to cities, towns, and regional school districts for the cost of transportation of nonresident pupils as required by the federal McKinney-Vento act; provided that the board of elementary and secondary education shall promulgate regulations for the determination of said reimbursements; and provided further, that the commonwealth’s obligation shall not exceed the amount appropriated in this item ..... \$5,250,000”.

After remarks the amendment was rejected.

After remarks on the question on passing the bill to be engrossed, Ms. Farley-Bouvier of Pittsfield and other members of the House moved to amend it in section 1 by inserting after item 0321-1520 the following item:

“Berkshire District Attorney Moving Costs.

0340-1100 For costs associated with the relocation of the State Police Detective Unit and the Berkshire Law Enforcement Task Force to larger quarters ..... \$53,813,00”.

The amendment was rejected.

Mr. Diehl of Whitman then moved to amend the bill by striking out section 19 and inserting in place thereof the following section:

“SECTION 19. Section 91 of chapter 238 of the acts of 2012 is hereby amended by striking the section in its entirety and inserting in place thereof the following:

Section 91. There shall be a special commission to conduct an investigation and study of the definition of independent contractors as stated in section 148B of chapter 149 of the General Laws. The commission shall consist of 9 members: 2 representatives from the department of labor and workforce development, including the secretary of labor and workforce development or designee and 1 representative of the Massachusetts joint task force on the underground economy and employee misclassification; the attorney general or designee; 1 representative from AFL-CIO; 1 National Federation of Independent Businesses; 2 members of the senate, 1 of whom shall be appointed by the minority leader, 1 shall serve as co-chair of the commission; and 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader, 1 shall serve as co-chair of the commission.

The study shall include, but not be limited to, an analysis of said section 148B of said chapter 149: (1) the impact of the current law and interpretation by the attorney general on individuals who have independently established businesses as: (i) a freelance writer, editor, proofreader or indexer in the publishing industry and who works out of

the individual's own residence; (ii) an artist, whose work constitutes intellectual property to which copyright laws apply, and who works out of the artist's own residence or studio; or (iii) a salesperson; (i) individuals who have or wish to have independently established businesses, and (ii) occupations with the potential to create independent businesses by individuals whose ability to work under contract is currently suppressed, and (2) recommendations to clarify the classifications of these individuals, and others identified by the commission, under said section 148B of said chapter 149.

The commission shall report the results of its investigation and study, together with drafts of legislation, if any, necessary to carry its recommendations into effect, by filing the report with the clerks of the senate and house of representatives, who shall forward the report to the joint committee on labor and workforce development and the house and senate committees on ways and means not later than July 31, 2013.”

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 29 members voted in the affirmative and 127 in the negative.

Amendment rejected,—  
yea and nay  
No. 27.

**[See Yea and Nay No. 27 in Supplement.]**

Therefore the amendment was rejected.

Messrs. Lyons of Andover and Lombardo of Billerica then moved to amend the bill by adding the following section:

“SECTION 33. The General Laws are hereby amended by inserting after chapter 117A the following new chapter:—

Chapter 117B. Residency Requirements for Public Benefits.

Section 1. Self declaration of residency shall not be accepted as a valid form of residency verification for people seeking taxpayer-funded individual benefits from the Commonwealth of Massachusetts.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Lyons; and on the roll call 38 members voted in the affirmative and 119 in the negative.

Amendment rejected,—  
yea and nay  
No. 28.

**[See Yea and Nay No. 28 in Supplement.]**

Therefore the amendment was rejected.

Mr. Durant of Spencer then moved to amend the bill by inserting after section 7 the following section:

“SECTION 7A. 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.

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‘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 3 times the then current published rate for the ambulance service rendered to the insured as established by the Centers for Medicare and Medicaid Services under Title XVIII of the Social Security Act (Medicare).

(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."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Durant; and on the roll call 33 members voted in the affirmative and 123 in the negative.

Amendment  
rejected,—  
yea and nay  
No. 29.

**[See Yea and Nay No. 29 in Supplement.]**

Therefore the amendment was rejected.

Messrs. Lyons of Andover and Lombardo of Billerica then moved to amend the bill in section 2A by striking out item 1599-0054 and inserting in place thereof the following item:

"1599-0054 For a reserve for costs of the investigation and response related to the breach at the Drug Analysis Laboratory at the Dr. William A. Hinton State Laboratory Institute; provided, that the secretary of administration and finance may transfer funds from this item to state agencies, as defined in section 1 of chapter 29 of the General Laws, and municipalities for this purpose; provided further, that these transfers shall occur on a monthly basis in incremental amounts based on costs to investigate or respond to the Hinton Laboratory breach unless the secretary determines that funds must be transferred more or less frequently in order to meet necessary funding needs of state agencies and municipalities; provided further, that transfers shall be made in accordance with an executed memorandum of agreement between the secretary and each entity receiving funding, documenting the types of costs eligible for funding pursuant to this item and other terms of funding that the secretary considers appropriate, a copy of which shall be filed with the chairs of the house and senate committees on ways and means within 10 days after the agreement's execution; provided further, that requests for funding of eligible costs pursuant to any such memoranda of agreement shall include documentation evidencing these eligible costs that the secretary, in his sole discretion, determines to be sufficient; provided further, that no transfers shall be made from this item before the filing of the applicable memorandum of agreement with the house and senate committees on ways and means; and provided further, that the secretary shall file a quarterly report with the chairs of the house and senate committees on ways and means which

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identifies, by funding recipient: (a) all funding requests and transfers made for the quarter that has most recently ended; (b) the total funding requested and transfers by fiscal year; and (c) projected funding required for the forthcoming quarter. The money appropriated for this item shall not be appropriated from the General Fund. The money appropriated for this item shall come from the FY2013 operating budget of the Department of Public Health, from whichever line items and/or accounts are seen as appropriate by the Commissioner of the Department of Public Health ..... \$30,000,000”.

Amendment rejected,—yea and nay No. 30.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Lyons of Andover; and on the roll call 6 members voted in the affirmative and 151 in the negative.

**[See Yea and Nay No. 30 in Supplement.]**

Therefore the amendment was rejected.

Mr. Diehl of Whitman then moved to amend the bill by adding the following section:

“SECTION 33. Chapter 6 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 184A the following section:—

Section 184B. (a) There shall be established a forensic services drug laboratory oversight board within, but not subject to the control of, the executive office of public safety and security. The board shall consist of the secretary of public safety and security or a designee; the governor or a designee; the attorney general or a designee; the inspector general or a designee; and the colonel of state police or a designee.

(b) At the direction of the board, the undersecretary of public safety for forensic sciences shall advise and report to the board on the administration and delivery of forensic services at such facilities.

(c) The board shall have oversight authority over all commonwealth facilities engaged in forensic services in criminal investigations. The board shall ensure every such facility is actively accredited with the American Society of Crime Laboratory Directors/Laboratory Accreditation Board and compliant with standards promulgated by the International Organization for Standardization (ISO). The board shall receive quarterly reports from the undersecretary for forensic sciences which shall include, but not be limited to, the following information:

- (i) the volume of forensic services at each facility;
  - (ii) the volume of forensic services of each employee at such facilities;
  - (iii) the costs and length of time from submission for testing or procedures and the return of results from such facilities;
  - (iv) compliance with accreditation standards of such facilities; and
  - (v) facility employee records, qualifications, and incident reports;
- provided, however, that any suspected or potential criminal wrongdoing shall be promptly referred to the attorney general for prosecution.

An electronic summary of said reports shall be submitted to the clerks of the senate and house of representatives and the chairs and ranking minority members of the joint committee on public safety and homeland security.

(d) The board shall promulgate rules and regulations necessary to carry out this section; provided, however, that said regulations shall require:

(i) facilities engaged in forensic services in criminal investigations to be actively accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board and compliant with standards promulgated by the International Organization for Standardization (ISO);

(ii) the forensic sciences advisory board to hold not less than 1 public hearing a year; and

(iii) the undersecretary for forensic sciences to receive anonymous complaints of employee or facility misfeasance or deviation from accreditation standards;

The oversight board shall consider the input of the forensic sciences advisory board prior to implementing said rules and regulations.”

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 29 members voted in the affirmative and 126 in the negative.

Amendment rejected,—  
yea and nay  
No. 31.

**[See Yea and Nay No. 31 in Supplement.]**

Therefore the amendment was rejected.

Messrs. Lombardo of Billerica and Lyons of Andover then moved to amend the bill in section 10 by adding the following paragraph:

“Appointment to the position of Executive Director or appointment as a member of the Executive Board, positions created by chapter 224 of the acts of 2012, shall not be permitted to any State Legislator or State Employee who is or had been employed by the Commonwealth of Massachusetts in the prior 60 months from the date of appointment.”

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Lombardo; and on the roll call 9 members voted in the affirmative and 147 in the negative.

Amendment rejected,—  
yea and nay  
No. 32.

**[See Yea and Nay No. 32 in Supplement.]**

Therefore the amendment was rejected.

Mr. Diehl of Whitman then moved to amend the bill in section 16, in line 334 by striking out the figures “550,000,000” and inserting place thereof the figures “243,000,000”.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 6 members voted in the affirmative and 151 in the negative.

Amendment rejected,—  
yea and nay  
No. 33.

**[See Yea and Nay No. 33 in Supplement.]**

Therefore the amendment was rejected.

Ms. Fox of Boston then moved to amend the bill in section 1, in item 7004-0101, by adding the following: “; request that no less than \$12,500 be funded to the CCA.” The amendment was rejected.

The same member then moved to amend the bill in section 1, in item 7004-0101, by adding the following: “; request that no less than \$25,000 be funded to the CCA.”; and the amendment was rejected.

Mr. Hill of Ipswich then moved to amend the bill by inserting after section 13 the following section:

“SECTION 13A. Said section 2 of said chapter 139 is hereby amended, by inserting, after item 7061-0928, the following new item:—

7061-0929 For a competitive grant program to upgrade and improve school security and safety; provided,

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that the department of elementary and secondary education shall promulgate regulations to institute the one-time grant program; provided further, that the grants shall be offered to school districts with total enrollment of not more than 5,000 students; provided further, that individual grants offered to qualifying school districts shall not exceed \$25,000 each ..... \$500,000”.

Amendment rejected,—yea and nay No. 34.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 29 members voted in the affirmative and 126 in the negative.

**[See Yea and Nay No. 34 in Supplement.]**

Therefore the amendment was rejected.

Representatives O’Connell of Taunton, Holmes of Boston and D’Emilia of Bridgewater then moved to amend the bill in section 3 by adding the following paragraph:

“Section 33. Notwithstanding any special or general law to the contrary, responsibility for all fraud prevention and detection efforts performed by the department of transitional assistance shall be forthwith transferred to the office of the inspector general, including but not limited to, the fraud hotline, program integrity unit, investigation of program violations, hearings for program violations, and Fraud and/or Overpayment Referral Screening. The budget of the department shall be decreased by the amount currently appropriated to fund all fraud prevention and detection efforts; provided that the budget of the office of the inspector general shall be increased by said amount. This section shall take effect within 60 days of passage.”.

Pending the question on adoption of the amendment, Mr. Fattman of Sutton moved that it be amended by striking out the proposed paragraph and inserting in place thereof the following paragraph:

“Section 28C. Notwithstanding any special or general law to the contrary, the office of the inspector general, the attorney general, and the auditor shall develop a plan to remove responsibility from the department of transitional assistance, all fraud prevention and section effort performed by the department of transitional assistance, including but not limited to, the fraud hotline, program integrity unit, investigation of program violations, hearing for program violations, and Fraud and or Overpayment Referral Screening and file with the clerk and the house by April 1, 2013. The budget of the department shall be decreased by the amount currently appropriated to fun all fraud prevention and detection efforts; provided that the budget of the office of the inspector shall be increase by said amount. The plan shall be implemented within 45 days or reporting back to the clerk and the House.”.

Further amendment rejected,—yea and nay No. 35.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Hill of Ipswich; and on the roll call 43 members voted in the affirmative and 112 in the negative.

**[See Yea and Nay No. 35 in Supplement.]**

Therefore the further amendment was rejected.

The amendment offered by Mrs. O’Connell, et al, then also was rejected.

Ms. Fox of Boston then moved to amend the bill by in section 1, in item 0321-1510, by adding the following: “; request that no less than \$200,000 be funded to the Aid to Incarcerated Mothers Program.”. The amendment was rejected.

Mr. Zlotnik of Gardner then moved to amend the bill by adding the following section:

“SECTION 33. Not less than \$100,000 shall be expended for the operation of the Gardner Heritage State Park in the city of Gardner.”.

The amendment was rejected.

Ms. Fox of Boston then moved to amend the bill in section 1, in item 5930-1000, by adding the following: “; not less than \$55,000 shall be expended for Self-Esteem Boston’s direct services programs for women in the Boston region and provider training programs.”. The amendment was rejected.

Messrs. Lyons of Andover and Lombardo of Billerica moved to amend the bill by adding the following section:

“SECTION 33. (a) Section 9 of chapter 15A of the General Laws is hereby amended by adding the following paragraph:—

Notwithstanding any general or special law to the contrary, for the purpose of determining eligibility for in-state tuition rates and fees at public institutions of higher education, in the case of an individual who is not a citizen or permanent resident of the United States as those terms are defined under federal immigration law, the individual shall not be eligible for in-state tuition.

(b) Subsection (t) of Section 9 of chapter 15A of the General Laws is hereby further amended striking out subsection (t), and inserting in place thereof the following subsection:—

(t) issue regulations defining resident of the commonwealth and proof of the same for the purpose of admission and tuition expenses of public institutions of higher education and prepare uniform proofs of residence to be used by all public institutions; provided, however, for the purposes of this clause, a resident of the commonwealth shall also be a citizen or permanent resident of the United States, as provided in section 1621 of Title 8 of the United States Code; provided further, that insofar as the Massachusetts Maritime Academy is designated a regional maritime academy by the United States maritime administration, residents of the states comprising the designated region and attending the Massachusetts Maritime Academy shall be considered Massachusetts residents for the purposes of admission and tuition;”.

Pending the question on adoption of the amendment, Mr. Kulik of Worthington moved to amend it by striking out the proposed section and inserting in place thereof the following section:

“SECTION 33. The joint committee on higher education shall investigate and report on the impact to the public institutions of higher education in the commonwealth in accepting new students who are now eligible for work permits under the federal Deferred Action Executive Order. The committee shall include in its report an explanation of the Deferred Action Executive Order on the status of non-citizens who reside in the commonwealth; the Board of Higher Education’s regulatory authority to admit any new students who have been impacted by such an executive order; the fiscal impact of admitting such students; and any benefits or detriments associated with new admissions to the

public institutions of higher education. The committee will submit its report to the House and Senate Committees on Ways and Means on or before July 1, 2013.”

Further amendment adopted,— yea and nay No. 36.

On the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Hill of Ipswich; and on the roll call 123 members voted in the affirmative and 31 in the negative.

**[See Yea and Nay No. 36 in Supplement.]**

Therefore the further amendment was adopted, thus precluding a vote on the pending amendment. Mrs. Orrall of Lakeville then moved that this vote be reconsidered.

Motion to reconsider negated,— yea and nay No. 37.

After debate on the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of Mr. Hill of Ipswich; and on the roll call 29 members voted in the affirmative and 126 in the negative.

**[See Yea and Nay No. 37 in Supplement.]**

Therefore the motion to reconsider was negated.

Ms. Fox of Boston then moved to amend the bill in section 1, in item 5930-1000, by adding the following: “; request that no less than \$120,000 be funded to the Aid to Incarcerated Mothers Family Re-Unification Program.” The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding at the end thereof the following section:

“SECTION 34. (a) Notwithstanding any general or special law to the contrary, the comptroller shall transfer monies following the receipt of tax revenue in excess of the revenue estimate, revised by the secretary for administration and finance on December 4, 2012, for fiscal year 2013 to the following accounts and to the extent that funds are available: (i) \$5,250,000 for reimbursements to cities, towns, and regional school districts for the cost of transportation of nonresident pupils as required by the federal McKinney-Vento act (7035-0005); (ii) \$1,000,000 for reimbursements to regional school districts for the transportation of pupils (7035-0006); and (iii) \$11,500,000 for the reimbursement of extraordinary special education costs under section 5A of chapter 71B of the General Laws (7061-0012).

(b) To the extent that revenues are insufficient to meet the amounts to be transferred pursuant to subsection (a), the comptroller may reduce the amount to be transferred to each account proportionally.”

Amendment rejected,— yea and nay No. 38.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Hill of Ipswich; and on the roll call (Mr. Donato of Medford being in the Chair) 29 members voted in the affirmative and 126 in the negative.

**[See Yea and Nay No. 38 in Supplement.]**

Therefore the amendment was rejected.

Messrs. Lombardo of Billerica and Lyons of Andover then moved to amend the bill by striking out section 29 and inserting in place thereof the following section:

“SECTION 29. Notwithstanding section 14 of chapter 151A of the General Laws, for calendar years 2013 and 2014, the experience rate of an employer qualifying therefor under subsection (b) of said section 14 of said chapter 151A shall be the rate which appears in column ‘E’ of clause (1) of subsection (i) of said section 14 of said chapter 151A.”

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Lombardo; and on the roll call 29 members voted in the affirmative and 125 in the negative.

Amendment  
rejected,—  
yea and nay  
No. 39.

**[See Yea and Nay No. 39 in Supplement.]**

Therefore the amendment was rejected.

Mr. Dempsey of Haverhill then moved to amend the bill in section 2, in line 115, by inserting after the word “union” the words “and the uniformed security staff of the National Correctional Employees Union”; in section 3, in lines 123 and 124, by striking out the words “, or in any other form and format requested by the departments and offices”; in section 6, in lines 146 and 147, by striking out the sentence contained in those lines; by inserting after section 12 the following section:

“SECTION 12A. Item 7035-0035 of said section 2 of said chapter 139 is hereby amended by inserting after the words ‘private funding’ the following words:— for direct support of educators and other uses”; by inserting after section 23 the following section:

“SECTION 23A. Section 7 of chapter 459 of the acts of 2012 is hereby amended by striking the words ‘board of early education and care’ in the fourth paragraph and inserting in place thereof the following words:— board of elementary and secondary education.”; by striking out section 25; and by striking out section 27 and inserting in place thereof the following section:

“SECTION 27. Notwithstanding any general or special law to the contrary, the total amount appropriated for fiscal year 2013 for the following constitutional offices, departments, agencies or institutions of higher education not subject to section 9C of chapter 29 of the General Laws shall be reduced by 1 per cent; provided that the reduction may be within any item of appropriation: (1) office of the state comptroller; (2) center for health information and analysis; (3) house of representatives; (4) state senate; (5) joint legislative account; (6) state ethics commission; (7) office of campaign and political finance; (8) commission on the status of women; (9) victim and witness assistance board; (10) disabled persons protection commission; (11) Massachusetts cultural council; (12) Massachusetts commission against discrimination; (13) University of Massachusetts; (14) Bridgewater State University; (15) Fitchburg State University; (16) Framingham State University; (17) Massachusetts College of Art and Design; (18) Massachusetts Maritime Academy; (19) Massachusetts College of Liberal Arts; (20) Salem State University; (21) Westfield State University; (22) Worcester State University; (23) Berkshire Community College; (24) Bristol Community College; (25) Bunker Hill Community College; (26) Cape Cod Community College; (27) Greenfield Community College; (28) Holyoke Community College; (29) Massachusetts Bay Community College; (30) Massasoit Community College; (31) Middlesex Community College; (32) Mount Wachusett Community College; (33) Northern Essex Community College; (34) North Shore Community College; (35) Quinsigamond Community College; (36) Roxbury Community College; and (37) Springfield Technical Community College.”.

The amendments were adopted.

Bill passed to  
be engrossed,—  
yea and nay  
No. 40.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 141 members voted in the affirmative and 13 in the negative.

**[See Yea and Nay No. 40 in Supplement.]**

Therefore the bill was passed to be engrossed. Mr. Mariano of Quincy moved that this vote be reconsidered, and, there being no objection, the motion to reconsider was considered forthwith; and it was negatived. The bill (House, No. 57, published as amended) then was sent to the Senate for concurrence.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

*Ordered,* That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next  
sitting.

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At twenty-two minutes before six o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.