JOURNAL OF THE HOUSE.

Wednesday, March 24, 2010.

Met at seven minutes after 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).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God, Our Creator, in Whom we place our trust and hope, our intention each day is to serve You, our families and our constituents to the best of our ability. With Your always-available assistance we believe that we can be successful and achieve our goals. We pray for the courage, enthusiasm and integrity to address and resolve the many complex issues which we face as a society. As we struggle with current legislative matters, may we keep clear in our minds the needs of future generations and the consequences of our present decisions. In dealing with the wave of violence in many lands around the world, may we continue to respect the dignity and importance of each individual in our community. May we also remain faithful to our philosophical and religious principles and to our own religious beliefs and practices.

Grant Your blessings to the Speaker, the members and employees of this House and their families.

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.

Message from the Governor.

Millis,—town election.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the town of Millis to conduct its annual town election on May 11, 2010 (House, No. 4578), was filed in the office of the Clerk during the sitting.

The message was read; and it was referred, under Rule 30, to the committee on Election Laws. Sent to the Senate for concurrence.

Statement of Representative Clark of Melrose.

A statement of Ms. Clark of Melrose was spread upon the records of the House, as follows:

Statement of Ms. Clark of Melrose.

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to a previously scheduled commitment. My missing of roll calls for the remainder of today is due entirely to the reason stated.

Statement of Representative Sandlin of Agawam.

A statement of Ms. Sandlin of Agawam was spread upon the records of the House, as follows:

Statement of Ms. Sandlin of Agawam.

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to official business in my district. My missing of roll calls for the remainder of today is due entirely to the reason stated.

Guests of the House.

Bartlett High School Select Choir.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced the Bartlett High School Select Choir of Webster, Gold Medal winners at a recent competition in Western Massachusetts. They were the guests of Representative Kujawski of Webster and Senator R. T. Moore. Led by the choir director, Peter Carney, the choir performed "The Lake Song" and the National Anthem.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Dr. Maya Angelou.

Resolutions (filed by Ms. Fox of Boston) celebrating the accomplishments of Dr. Maya Angelou as one of the most renowned and influential voices of our times; and

Earth Hour 2010.

Resolutions (filed by Representatives Smizik of Brookline, Wolf of Cambridge and Garballey of Arlington) recognizing Earth Hour 2010.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Peake of Provincetown, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Gasoline,—emissions.

Resolutions (filed by Mr. Moran of Boston) urging the United States Environmental Protection Agency in providing the state of Massachusetts and other states guidance relative to the discontinuance of stage II gasoline emission control; and

Congress,—Irish unification.

Resolutions (filed by Messrs. Walsh of Boston and O'Flaherty of Chelsea) memorializing Congress to support a peaceful unification of Ireland.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Walsh of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

Schools,—bullying.

The engrossed Bill relative to bullying in schools (Senate, No. 2323) came from the Senate with the endorsement that said branch had non-concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4571).

Committee of conference.

The bill bore the further endorsement that the Senate had asked for a committee of conference on the disagreeing votes of the two branches; and that Senators O'Leary, Eldridge and Knapik had been appointed the committee on the part of the Senate.

Id.

On motion of Ms.Walz of Boston, the House insisted on its amendment; and, on further motion of the same member, concurred with the Senate in the appointment of a committee of conference. Representatives Walz, Scibak of South Hadley and Poirier of North Attleborough were appointed the committee on the part of the House. Sent to the Senate to be noted.

Sandwich Economic Initiative Corporation.

The engrossed Bill establishing the Sandwich Economic Initiative Corporation (see Senate, No. 2073), which had been returned to the Senate by His Excellency the Governor with recommendation of amendments (for message, see Senate, No. 2326), came from said branch with the endorsement that it had adopted said amendments, as follows:

In section 2, in lines 210 to 215 (as published), by striking out the following: "notwithstanding any general or special law to the contrary, the corporation may enter into contracts, in conformance with chapter 30B of the General Laws, for the construction, reconstruction, installation, demolition, maintenance or repair of any public building or public work without said contract being subject to the designer selection process as set forth in sections 38A½ to 38O, inclusive, of chapter 7 of the General Laws, section 39M of chapter 30 of the General Laws, section 39M of chapter 30 of the General Laws or the competitive bid process of sections 44A to 44J, inclusive, of chapter 149 of the General Laws; and provided further that construction projects undertaken by the corporation shall be subject to the prevailing wage law requirements of chapter 149 of the General Laws and" (as engrossed) and inserting in place thereof the following: "the corporation may enter into contracts, in conformance with chapter 149 of the General Laws, for the construction, reconstruction, installation, demolition, maintenance or repair of any public building or public work without such contract being subject to the designer selection process as set forth in sections 38A½ to 38O, inclusive, of chapter 7 of the General Laws; and provided further, that construction projects undertaken by the corporation"; and

In section 7, in lines 259 to 263, inclusive (as published), by striking out the following: "; provided, however, that notwithstanding section 23B of chapter 39 of the General Laws, the board of selectmen may meet with the board of directors in executive session for the purpose of considering proposed development plans of the corporation. The board of directors may meet with persons proposing a development plan in executive session. The corporation" (as engrossed) and inserting in place thereof the word "and".

Under suspension of Rule 35, on motion of Mr. Perry of Sandwich, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Correctional employees,— assault.

The Senate Bill punishing assault and battery by means of a bodily substance upon correctional facility employees (Senate, No. 997, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendments with further amendments in [A] section 1, in line 10, after the word "for" (the second time it appears), inserting the following: "not less than 2½ years and", in line 17, before the word "more" (inserted by amendment by the House), inserting the following: "not less than 3 nor", striking out section 2 (inserted by amendment by the House) and inserting in place thereof the following two sections:

"SECTION 2. Section 31 of chapter 272 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 40 through 43, inclusive, the definition of 'Matter' and inserting in place thereof the following definition:—

'Matter', any handwritten or printed material, visual representation, live performance or sound recording including but not limited to books, magazines, motion picture films, pamphlets, phonographic records, pictures, photographs, figures, statues, plays, dances, or any electronic communication including but not limited to electronic mail, instant messages, text messages, and any other communication created by means of use of the Internet or wireless network, whether by computer, telephone, or any other device or by any transfer of signs, signals, writing, images, sounds, stat, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system.

SECTION 3. The definition of 'visual material' in said section 31 of said chapter 272, as so appearing, is hereby amended by inserting after the word 'computer', the following words:— , telephone or any other device capable of electronic data storage or transmission.", and striking out the title and inserting in place thereof the following title: "An Act relative to assault and battery by means of a bodily substance upon correctional facility employees and expanding the prohibition on the dissemination of obscenity.".

Under suspension of Rule 35, on motion of Mr. Pedone of Worcester, the further amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

The same member then moved that the House concur with the Senate in its further amendments with a still further amendment by striking out [at "A"] the following: "section 1, in line 10, after the word 'for' (the second time it appears), inserting the following: 'not less than 2½ years and', in line 17, before the word 'more' (inserted by amendment by the House), inserting the following: 'not less than 3 nor'," and by striking out section 1 of the bill and inserting in place thereof the following two sections:

"SECTION 1. Chapter 127 of the General Laws is hereby amended by striking out section 38B, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:—

Section 38B. (a) For the purposes of this section, 'bodily substance' shall mean any human secretion, discharge or emission including, but not limited to, blood, saliva, mucous, semen, urine or feces.

Correctional employees,— assault.

(b) Any person in the custody of a correctional facility, including any jail, house of correction or state prison, who commits an assault or an assault and battery upon an officer or other employee, any volunteer or employee of a contractor in any such facility or any duly authorized officer or other employee of any such facility engaged in the transportation of a prisoner for any lawful purpose shall be punished by imprisonment for not more than 2 and one-half years in a jail or house of correction or for not more than 10 years in a state prison. Such sentence shall begin from and after all sentences currently outstanding and unserved at the time of said assault or assault and battery.

(c) Any person in the custody of a correctional facility, including any jail, house of correction or state prison, who commits an assault or an assault and battery by means of a bodily substance upon an officer or other employee, any volunteer or employee of a contractor in any such facility or any duly authorized officer or other employee of any such facility engaged in the transportation of a prisoner for any lawful purpose shall be punished by imprisonment for not more than 2 and one-half years in a jail or house of correction or for not more than 10 years in a state prison. Such sentence shall begin from and after all sentences currently outstanding and unserved at the time of said assault or assault and battery.

(d) Any person with an open mental health case charged under this statute shall be evaluated under the provisions set forth in section 15 of chapter 123.

SECTION 1A. Section 26 of chapter 218 of the General Laws, as so appearing, is hereby amended by inserting after the word 'ninety-four C', in line 16, the following words:— , section 38B of chapter 127.".

The still further amendment was adopted.

The House then concurred with the Senate its further amendments, as amended. Sent to the Senate for concurrence in the still further amendments.

Dennis Water District.

The House Bill relative to elections for the Dennis Water District (House, No. 1140) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof following:

"SECTION 1. Notwithstanding section 9 of chapter 277 of the acts of 1945 or any other general or special law to the contrary, if the boundaries of the town of Dennis and the Dennis Water District are identical on the date of the annual town election to be held May 11, 2010, and on the date of each annual town election thereafter, the town of Dennis shall elect by ballot in conjunction with the annual town election, district officers whose elections would otherwise have appeared on the ballot for a district election. Any questions as may be requested by the board of water commissioners shall also appear on the ballot at that election. The responsibility for the conduct of the election shall be vested in the officers of the town.

SECTION 2. Notwithstanding section 9 of chapter 277 of the acts of 1945 or any other general or special law to the contrary, if the boundaries of the town of Dennis and the Dennis Water District are not identical on the date of the annual town election to be held May 11, 2010, or on the date of any annual town election thereafter, then the annual town election and the Dennis Water District election shall be held on the same date but by separate ballot.

SECTION 3. This act shall take effect upon its passage."

Under suspension of Rule 35, on motion of Mr. Turner of Dennis, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Sean O'Brien,— sick leave.

A Bill establishing a sick leave bank for Sean O'Brien, an employee of the Department of Transitional Assistance (Senate, No. 2288) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports

Of the committee on the Judiciary, asking to be discharged from further consideration

Chester Gorski.

Of the petition (accompanied by bill, Senate, No. 1685) of Benjamin B. Downing and Stanley C. Rosenberg for legislation to reimburse Chester Gorski; and

William J. Gormley.

Of the petition (accompanied by bill, Senate, No. 1856) of Marian Walsh and Michael F. Rush for legislation in favor of William J. Gormley;

Of the committee on Transportation, asking to be discharged from further consideration

Veterans,— drivers licenses.

Of the petition (accompanied by bill, Senate, No. 1886) Stephen M. Brewer, Todd M. Smola, Richard J. Ross, Bruce E. Tarr and Anne M. Gobi for legislation relative to placing the word "veteran" on any eligible driver's license;

Veterans,— registration plates.

Of the petition (accompanied by bill, Senate, No. 1891) of Stephen M. Brewer, James E. Timilty, Todd M. Smola, Jennifer M. Callahan, Bruce E. Tarr and other members of the General Court for legislation to further regulate the sale of distinctive registration plates for veterans; and

Drag racing.

Of the petition (accompanied by bill, Senate, No. 1905) of Cynthia Stone Creem for legislation relative to the penalties for drag racing;

And recommending the same severally be referred to the committee on Senate Ways and Means.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence, insomuch as relates to the discharge.

Reports

Sales tax holiday.

Of the committee on Economic Development and Emerging Technologies, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 196) of John A. Hart, Jr., Scott P. Brown, Michael R. Knapik, Susan C. Tucker and Kay Khan for legislation to establish a sales tax holiday,— and recommending the same be referred to the committee on Revenue;

Of the committee on Financial Services, asking to be discharged from further consideration

Childhood vaccines program.

Of the petition (accompanied by bill, Senate, No. 470) of Suan C. Fargo, Timothy J. Toomey, Jr., Karen E. Spilka and Benjamin Swan for legislation to establish the Massachusetts childhood vaccines program and the Massachusetts immunization registry,— and recommending the same be referred to the committee on Health Care Financing; and

Temporary disability insurance.

Of the petition (accompanied by bill, Senate, No. 474) of Patricia D. Jehlen, Martha M. Walz, Steven A. Tolman and Susan C. Fargo for legislation relative to establishing family and employment security through temporary disability insurance and family temporary disability insurance,— and recommending the same be referred to the committee on Labor and Workforce Development; and

Businesses,— disaster recovery.

Of the committee on Public Safety and Homeland Security, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 962) of Richard T. Moore, John V. Fernandes, James E. Timilty, Jennifer M. Callahan and Bruce E. Tarr for legislation to promote business continuity and recovery after a disaster,— and recommending the same be referred to the committee on Revenue.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

Great Barrington,— police chief.

A petition (accompanied by bill, Senate, No. 2332) of Benjamin B. Downing and William Smitty Pignatelli (by vote of the town) for legislation exempting the position of chief of police of the town of Great Barrington from the provisions of the civil service law, was referred, in concurrence, to the committee on Public Service.

Vehicles,— business practices.

A petition of Marc R. Pacheco and Theodore C. Speliotis for legislation relative to further regulating business practices between motor vehicle dealers, manufacturers, and distributors, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2346) was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.

Reports of Committees.

U.S.S. Massachusetts,— honor roll.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Kevin Aguiar that the honor roll erected on the U.S.S. Massachusetts honoring deceased veterans of World War II be authorized to include a section in memory of the members of the armed forces from the Commonwealth who died in Afghanistan and Iraq. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Veterans and Federal Affairs. Severally sent to the Senate for concurrence.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration

Child support payments.

Of the Resolve providing for an investigation and study by a special commission relative to child support payments (House, No. 127, changed);

Undocumented aliens.

Of the Resolve providing for an investigation and study by a special commission relative to the impact of undocumented aliens residing in the Commonwealth (House, No. 133, changed);

Mystic River.

Of the Bill establishing a Mystic River water quality commission (House, No. 807);

Needle disposal.

Of the Resolve establishing a special commission on improper needle disposal in public recreation areas (House, No. 2122);

Suicide.

Of the Resolve relative to the study on methods to reduce incidents of suicide (House, No. 3827);

Child suicide.

Of the Resolve providing for an investigation and study by a special commission relative to child suicide (House, No. 4522); and

Nursing homes.

Of the Bill to promote the development of small house nursing homes in Massachusetts (House, No. 4559);

And recommending that the same severally be referred to the House committee on Rules.

Under rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration

General Court,— conduct.

Of the petition (accompanied by bill House, No. 2948) of James Arciero relative to the conduct of committees of the General Court;

General Court,— training.

Of the petition (accompanied by bill House, No. 2949) of Jennifer M. Callahan and Bruce E. Tarr relative to providing education and training on ethics law, interviewing skills and investigatory procedures for members of the General Court;

State Ethics Commission.

Of the petition (accompanied by bill House, No. 2950) of Jennifer M. Callahan relative to requiring members of the General Court in leadership positions to forfeit said positions upon being fined by the State Ethics Commission;

Committee hearings.

Of the petition (accompanied by bill House, No. 2951) of Bradford R. Hill, Bruce E. Tarr and others relative to taping and broadcasting legislative committee hearings;

Justice integrity impact statements.

Of the petition (accompanied by bill House, No. 2953) of Jay R. Kaufman and Denise Provost for legislation to require the filing of justice integrity impact statements with proposed legislation relative to crime, penalties and criminal records;

Health bills,— reports.

Of the petition (accompanied by bill House, No. 2954) of Robert P. Spellane for legislation to regulate the reporting of mandated health benefit bills by committees of the General Court;

Health care costs.

Of the petition (accompanied by House, No. 3614) of Christopher N. Speranzo to minimize health care costs; and

And recommending that the same severally be referred to the House committee on Rules.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, asking to be discharged from further consideration

MBTA police.

Of the petition, (accompanied by bill House, No. 2296) of Joseph F. Wagner, Kathi-Anne Reinstein, and others for legislation to merge the Massachusetts Bay Transportation Police into the Department of State Police; and

Emergency alert system.

Of the petition, (accompanied by bill House, No. 3928) of Thomas A. Golden, Jr. that the Emergency Telecommunications Board develop, implement and administer an automated emergency alert system;

And recommending that the same severally be referred to the House committee on Ways and Means.

Under rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the discharge of the joint committees.

Helmets.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill House, No. 3885) of Peter V. Kocot for legislation to require the use of helmets for horseback riders and drivers of horse-drawn wagons,— and recommending that the same be referred to the committee on Public Safety and Homeland Security.

Health insurance claims.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, asking to be discharged from further consideration of the petition (accompanied by bill House, No. 891) of Lewis G. Evangelidis relative to health insurance claims of employees,— and recommending that the same be referred to the committee on The Judiciary.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, asking to be discharged from further consideration

Pawnbrokers.

Of the petition (accompanied by bill House, No. 2214) of Robert F. Fennell, David B. Sullivan and others for legislation to further regulate licensed pawnbrokers,— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.

Public Safety.

Of the petition (accompanied by bill Senate, No. 977) of Anthony W. Petruccelli and Kevin G. Honan for legislation to further enhance public safety in the Commonwealth; and

Penalty,— motor vehicle operators.

Of the petition (accompanied by bill House, No. 4462) of James M. Cantwell and Robert L. Hedlund for legislation to increase the penalty imposed on operators of motor vehicles involved in police chases;

And recommending that the same severally be referred to the committee on the Judiciary.

Under rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

Wilbraham,— action validations.

By Mr. Moran of Boston, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill validating action taken at an annual town meeting, an annual town election of town officers, a special town meeting, an additional special town meeting, and a special election held in the town of Wilbraham (printed in House, No. 4564). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Puppolo of Springfield, the bill was read a second time forthwith; and it was ordered to a third reading.

Natick,— police chief.

By Mr. Spellane of Worcester, for the committee on Public Service, on a joint petition, a Bill exempting the position of chief of police of the town of Natick from the provisions of civil service law (House, No. 4419) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Linsky of Natick, the bill was read a second time forthwith; and it was ordered to a third reading.

Insurance rebates.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on a petition, a Bill relating to insurance company rebates (House, No. 962).

Protective custody.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to protective custody (House, No. 2215).

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Binienda of Worcester, for the committee on Rules of the two branches, acting concurrently, that the following bill and resolves ought to pass:

Student access.

Bill establishing a grant program for expanding learning time and improving student access (House, No. 4519); and

Resolves

Veterans,— healthcare.

Providing for an investigation and study of providing veterans with increased healthcare access (House, No. 3378);

School busing,— reimbursement.

Establishing a special commission relative to reimbursements of school busing costs (House, No. 4546);

Severally referred, under Rule 33, to the committee on Ways and Means.

Refrigeration and air conditioning.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to inspection requirements for certain refrigeration and air conditioning units (House, No. 2205).

Missing persons.

By the same member, for the same committee, on a petition, a Bill relative to certain missing persons (House, No. 2252).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Firearms identification cards.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill further regulating the issuance of firearm identification cards and licenses to carry firearms (House, No. 2229).

Meraly Rivera,— sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Meraly Rivera, an employee of the Department of Children and Families (House, No. 4570).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Securities,— regulate.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, ought NOT to pass, on the petition (accompanied by bill, House, No. 1051) of Walter F. Timilty relative to regulating the distribution and sale of securities under the uniform securities law. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

Candace Cabey,— sick leave bank.

The engrossed Bill establishing a sick leave bank for Candace Cabey, an employee of the Trial Court (see Senate, No. 2273, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 9 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Bills enacted.

Engrossed bills

Authorizing the town of Winchendon to continue the employment of Allen J. LaFrennie as fire chief (see Senate, No. 2066) (which originated in the Senate);

Relative to elections for the Dennis Water District (House, No. 1140, amended);

Authorizing the town of North Andover to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4189);

Designating a certain bridge in the city of Fall River as the Louis Phillip Gagne Jr. bridge (see House, No. 4274); and

Authorizing the town of Medway to continue the employment of fire chief Paul L. Trufant (see House, No. 4380);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third reading bills.

House bills

Authorizing the town of Oxford to grant an additional license for the sale of alcohol (printed as Senate, No. 2196);

Relative to deposits in trust for other persons (House, No. 999); and

Designating the city of Salem as the birthplace of the National Guard (House, No. 1145);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Second reading bills.

Senate bills

Relative to payment for services rendered for extraordinary storm damage in the town of Templeton (Senate, No. 2231);

Establishing a sick leave bank for Denise Cailler, an employee of the Trial Court (Senate, No. 2241); and

Relative to the Punchard Free School in the town of Andover (Senate, No. 2321); and

House bills

Relative to education collaboratives (House, No. 379);

Modifying a conservation restriction in the town of Andover (House, No. 598);

Relative to striped bass (House, No. 799);

Relative to dedicating a portion of Route 2 to Dennis Rindone (House, No. 1889);

Relative to the removal of spending limits in the town of North Andover (House, No. 1897);

Relative to the distribution of the simplified rules for special town meetings in the town of North Andover (House, No. 1899);

Relative to the distribution of copies of the warrant in town of North Andover (House, No. 1900);

Relative to the conduct of public hearings on capital improvements plans in the town of North Andover (House, No. 1901);

Relative to compensated absences in cities and towns (House, No. 1978);

Relative to the expenditure of certain municipal and district monies (House, No. 1979);

To increase the amount that can be appropriated from the balance of a capital project fund (House, No. 1980);

To simplify the rules for use of municipal departmental revolving funds (House, No. 1988);

Relative to handicapped automobile licenses or placards (House, No. 1998);

To amend the fine for failing to obtain, renew or violating terms of a license to operate an open air parking lot (House, No. 2006);

Relative to private road maintenance (House, No. 2013);

Designating a certain section of highway Route 110 in the city of Haverhill as the Emilio Brothers Memorial Highway (House, No. 3197);

Relative to the maintenance of private roads, beaches and amenities in municipalities (House, No. 3412);

Regarding the fiscal authority of decertified libraries (House, No. 3782, changed);

To further clarify the Nantucket Islands land bank act regarding real property interests subject to the land bank act's transfer fee (House, No. 4106);

Second reading bills.

Authorizing the town of North Andover to incur debt for the replacement of overhead utilities (House, No. 4113);

Designating the intersection in front of 306 Turtle Pond Parkway in the Hyde Park District of City of Boston as Paul P. Loring Square (House, No. 4120);

Authorizing the town of North Andover to amend a certain conservation restriction (House, No. 4194);

Exempting the city of Springfield from certain provisions of the General Laws (House, No. 4316);

Authorizing the town of Brewster to use a portion of town-owned land for renewable energy projects (House, No. 4450);

Relative to transfer of land in the town of Sharon (House, No. 4468);

Relative to a road maintenance revolving account in the town of Brewster (House, No. 4495);

Relative to an extension of a lease by the town of Watertown for the town of Watertown Boys and Girls Club (House, No. 4504); and

Making amendments to the Massachusetts Corporation Act — Part Two (House, No. 4509).

Severally were read a second time; and they were ordered to a third reading.

Second reading bill engrossed.

The Senate Resolve establishing a special commission on the reuse of Westborough State Hospital (Senate, No. 2219) was read a second time.

The amendments recommended by the committee on Ways and Means,— that the bill be amended in line 10, and also in line 11, by striking out the word "two" (as published) and inserting in place thereof, in each instance, the figure "3",— were adopted.

The resolve, as amended, then was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Ms. Dykema of Holliston, the resolve (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, as amended, in concurrence, its title having been changed by said committee to read: "An Act providing for an investigation and study by a special commission on the reuse of Westborough State Hospital.". Sent to the Senate for concurrence in the amendments.

Recess.

Recess.

At nineteen minutes before twelve o'clock noon, on motion of Mr. Mariano of Quincy (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at twenty-four minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

Engrossed Bills — Land Takings.

Yacht clubs,— land.

The engrossed Bill authorizing the lease of land to yacht clubs (see House, No. 4346, amended) (which originated in the House), in respect to which the Senate had concurred in the adoption of the emergency preamble, having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land taking),— yea and nay No. 306.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of lands or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 306 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Westford,— land.

The engrossed Bill authorizing the lease of certain agricultural land in the town of Westford (see House, No. 4193, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land taking),— yea and nay No. 307.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of lands or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 159 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 307 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Supplemental appropriations.

The House Bill making appropriations for the Fiscal Year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4572) was read a second time; and it was ordered to a third reading.

Subsequently (Mr. Vallee of Franklin being in the Chair), the noon recess having terminated, under suspension of the rules, on motion of Mr. Murphy of Burlington, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Jones of North Reading and other members of the House moved to amend it in section 2A by inserting before item 1599-1027 the following item:

"1599-0030 For a reserve for election costs including but not limited to special election costs for municipalities; provided, that any unexpended funds from this line item shall be made available in fiscal year 2011 ..... 7,200,000".

Amendment adopted,— yea and nay No. 308.

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. Jones; and on the roll call 158 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 308 in Supplement.]

Therefore the amendment was adopted.

Mr. Patrick of Falmouth then moved to amend the bill by adding the following section:

Supplemental appropriations.

"SECTION 43. Section 139(f) of Chapter 164, as inserted by section 78 of chapter 169 of the Acts of 2008, shall be amended by striking the first sentence and inserting in place thereof the following:— The annual capacity of net metering shall not exceed 5 percent of the distribution company's peak load.".

After debate the amendment was rejected.

Mr. Koutoujian of Waltham then moved to amend the bill by adding the following section:

"SECTION 43. Section 9(b) of chapter 94C of the General Laws is hereby amended in the third paragraph by inserting at the end thereof the following:— This section shall not be construed to prohibit a physician or an optometrist from the in-office dispensing and sale of a vision correction device, including contact lenses that contain a controlled substance component, provided that the controlled substance is within the profession's designated scope of practice.

Section 66B of chapter 112 of the General Laws is hereby amended by inserting at the end thereof the following:— This section shall not be construed to prohibit a physician or an optometrist from the in-office dispensing and sale of a vision correction device, including contact lenses that contain a controlled substance component, provided that the controlled substance is within the profession's designated scope of practice.".

The amendment was rejected.

Mr. Patrick of Falmouth then moved to amend the bill by adding the following section:

"SECTION 43. (A) Subsection (l) of section 6 of chapter 62 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following paragraph:—

(8) Notwithstanding any other provision of this section, the cumulative amount of credits allowed under this subsection together with section 38X of chapter 63 for all productions, shall not exceed $50,000,000 for credits deemed attributable to the fiscal year July 1, 2010 through June 30, 2011 and shall not exceed $50,000,000 for credits deemed attributable to the fiscal year July 1, 2011 through June 30, 2012.

(B) Section 38X of chapter 63 of the General Laws, as so appearing, is hereby amended by adding the following subsection:—

(g) Notwithstanding any other provision of this section, the cumulative amount of credits allowed under this section together with subsection (l) of section 6 of chapter 62 for all productions, shall not exceed $50,000,000 for credits deemed attributable to the fiscal year July 1, 2010 through June 30, 2011 and shall not exceed $50,000,000 for credits deemed attributable to the fiscal year July 1, 2011 through June 30, 2012.

(C) In order to implement paragraph (8) of subsection (l) of section 6 of chapter 62 and subsection (g) of section 38X of chapter 63 of the General Laws, with respect to the fiscal years July 1, 2010 through June 30, 2011 (in this section called FY 2011) and July 1, 2011 through June 30, 2012 (in this section called FY 2012) the department of revenue shall issue and implement rules or guidelines which may include but are not limited to the following:

(1) Any motion picture production company (in this subsection called a 'production company') seeking a credit for a production that commences filming after January 27, 2010 and before January 28, 2011, shall file a notice (in this subsection called a 'production notice') with the department, stating the amount of estimated expenses qualifying for the credit for the production and such other information required by the department. Any production company seeking a credit for a production that commences filming after January 27, 2011, and before January 28, 2012, shall file a production notice after January 27, 2011 with the Department, stating the amount of estimated expenses qualifying for the credit for the production and such other information required by the department.

(2) Production notices received by the department after January 27, 2010 and before January 28, 2011 shall be considered to be attributable to FY 2011 and shall reduce the available credit for FY 2011, as first reduced by amounts of credits attributable to FY 2011 as described in paragraph (5) of this subsection (C), in the order in which they are received, by not more than the amount of the credit calculated with respect to the estimated qualifying expenses stated in the notices. Production notices received by the Department after January 27, 2011 and before January 28, 2012, shall be considered to be attributable to FY 2012 and shall reduce the available credit for FY 2012, in the order in which they are received, by not more than the amount of the credit calculated with respect to the estimated qualifying expenses stated in the notices.

(3) A production company shall not be allowed a credit for a production commencing filming after January 27, 2010, and before January 28, 2012, unless filming commences within 90 days after the department has responded favorably to the notice and any credit shall not be allowed in excess of the amount of credit calculated with respect to the estimated qualifying expenses stated in the notice. A production company that does not commence filming within the required 90 day period will not be allowed a credit for that production and the credit otherwise attributable to that production will be available to other productions subject to the notice procedures and credit limits contained in this subsection (C).

(4) All productions commencing filming after January 27, 2010, and before January 28, 2012, are subject to the notice procedures and credit limits provided in this subsection (C) and shall not qualify for any credit under subsection (l) of section 6 of chapter 62 or section 38X of chapter 63 in any fiscal year except as allowed through such notice procedures and subject to such credit limits.

(5) Credit amounts associated with productions that commenced filming in the commonwealth before January 28, 2010, are not subject to the credit caps for FY 2011 or FY 2012 if credit applications for such productions are received by the department on or before March 15, 2010. Credit amounts associated with productions that commenced filming in the commonwealth before January 28, 2010, shall be treated as credits attributable to FY 2011, regardless of the production dates to which such credit applications relate, if credit applications for such productions are not received by the department

by March 15, 2010. However, credits attributable to FY 2011 for productions commencing filming before January 28, 2010, shall be allowed before credits for productions that commence filming at a later date.

(6) The department shall not, before July 1, 2012, issue any credit certificate to a production company that commences filming after January 27, 2012 and before July 1, 2012.".

Quorum.

After remarks on the question on adoption of the amendment, Ms. Provost of Somerville asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Vallee of Franklin), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,— yea and nay No. 309.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 155 members were recorded as being in attendance.

[See Yea and Nay No. 309 in Supplement.]

Therefore a quorum was present.

After further remarks of the question on adoption of the amendment, Mr. D'Amico of Seekonk moved to amend it by striking out proposed section 43 and inserting in place thereof the following section:

"SECTION 43. Section 1. Paragraph (2) of subsection (l) of said section 6 of chapter 62 of the General Laws, as appearing in section 2 of chapter 63 of the acts of 2007, is hereby amended by striking out the second and third sentences and inserting in place thereof the following sentence:— The credit shall be equal to 20 per cent of the total aggregate payroll paid by a motion picture production company that constitutes Massachusetts source income, when total production costs incurred in the commonwealth equal or exceed $250,000 during the taxable year.

Section 2. Paragraph (4) of said subsection (l) of said section 6 of said chapter 62, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The tax credit shall be taken against the taxes imposed under this chapter and shall not be refundable.

Section 3. Said subsection (l) of said section 6 of said chapter 62, as so appearing, is hereby further amended by inserting after paragraph (5) the following paragraph:—

(6) The total amount of tax credits provided under this subsection in connection with any motion picture production shall not exceed $7,000,000.

Section 4. Subsection (b) of section 38X of chapter 63 of the General Laws, as inserted by section 82 of chapter 173 of the acts of 2008, is hereby amended by striking out the second and third sentences and inserting in place thereof the following sentence:— The credit shall be equal to 20 per cent of the total aggregate payroll paid by a motion picture production company that constitutes Massachusetts source income, when total production costs incurred in the commonwealth equal or exceed $250,000 during the taxable year.

Section 5. Said section 38X of chapter 63, as so appearing, is hereby amended by adding the following subsection:—

(g) The total amount of tax credits provided under this subsection in connection with any 1 motion picture production shall not exceed $7,000,000.

Section 6. Section 6 of chapter 64H of the General Laws, as so appearing, is hereby amended by striking out paragraph (ww) and inserting in place thereof the following paragraph:—

(ww) Sales of tangible personal property to a qualifying motion picture production company or to an accredited film school student for the production expenses related to a school film project. For the purposes of this paragraph a qualifying motion picture production company must expend in the aggregate not less than $250,000 within the commonwealth in connection with the filming or production of 1 or more motion pictures in the commonwealth within any consecutive 12 month period and have the approval of the secretary of economic development and the commissioner. Any motion picture production company that intends to film all, or parts of, a motion picture or television program in the commonwealth and qualify for the exemption provided by this paragraph shall provide an estimate of total expenditures to be made in the commonwealth in connection with the filming or production of such motion picture or television program and shall designate a member or representative of the motion picture production company as a primary liaison with the commissioner for the purpose of facilitating the proper reporting of expenditures and other information as required by the commissioner. Said estimate of expenditures shall be filed prior to the commencement of filming in the commonwealth. Any qualifying motion picture production company that has been approved which fails to expend $250,000 within a consecutive 12 month period shall be liable for the sales taxes that would have been paid had the approval not been granted. The sales taxes shall be considered due as of the date that taxable expenditures were made. The commissioner shall promulgate rules for the implementation of this paragraph.

Section 7. Chapter 158 of the acts of 2005 is hereby amended by striking out section 9 as amended by chapter 63 of the acts of 2007 and inserting in place thereof the following section:—

Section 9. This act shall be effective for tax years beginning on or after January 1, 2006 and before January 2013, but credits allowed pursuant to this act may be carried forward pursuant to sections 1 and 2 after January 2013.".

Quorum.

After debate on the question on adoption of the further amendment, Mr. Donato of Medford asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Vallee of Franklin), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,— yea and nay No. 310.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair) 154 members were recorded as being in attendance.

[See Yea and Nay No. 310 in Supplement.]

Therefore a quorum was present.

Further amendment rejected,— yea and nay No. 311.

After remarks 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. Sciortino of Medford; and on the roll call 10 members voted in the affirmative and 146 in the negative.

[See Yea and Nay No. 311 in Supplement.]

Therefore the further amendment was rejected.

Amendment rejected,— yea and nay No. 312.

On the question on adoption of the amendment offered by Mr. Patrick of Falmouth, the sense of the House was taken by yeas and nays, at his request; and on the roll call 15 members voted in the affirmative and 141 in the negative.

[See Yea and Nay No. 312 in Supplement.]

Therefore the amendment was rejected.

Mr. Petrolati of Ludlow being in the Chair,—

Mr. Kulik of Worthington then moved to amend the bill by adding the following section:

"SECTION 43. Notwithstanding any general or special law to the contrary, the department of transitional assistance may amend its supplemental nutrition assistance program outreach plan, in this section referred to as SNAP, to include SNAP application assistance and retention activities conducted by community-based organizations or other state agencies; provided, further, that the department is authorized to maximize federal reimbursement from the United States Department of Agriculture for funds identified by community-based organizations for SNAP application assistance and retention activities, including assistance and retention activities funded through private, state or community development block grants; and, provided, further, that the department may provide the federal reimbursements identified for SNAP outreach efforts to commonwealth agencies and departments and community-based organizations engaged in outreach efforts, and for the administrative costs incurred by an agency, department or organization in claiming the federal reimbursements or processing additional SNAP applications.".

The amendment was adopted.

Mr. Scaccia of Boston then moved to amend the bill in section 2 by inserting after item 0321-1510 the following item:

"0521-0000	For the reimbursement of the cost to conduct the three special elections to fill vacancies in the Norfolk, Bristol and Middlesex Senate District, the Middlesex, Suffolk and Essex Senate District and the 16th Essex Representative District	257,041".

The amendment was adopted.

Mr. Kane of Holyoke then moved to amend the bill by adding the following section:

"SECTION 44. Notwithstanding any general or special law to the contrary, the secretary of health and human services shall expend not less than $5,000,000 obtained from increased Federal Medical Assistance Percentage (FMAP) provided through the American Recovery and Reinvestment Act (ARRA) for the purpose of a one-time grant program to improve and enhance the ability of teaching and community hospitals to serve medically underserved populations more efficiently and effectively through the use of: community-based care, disease management services, primary care services with particular emphasis on medical home-based care, pharmacy management services and other services that the secretary deems relevant. The secretary shall publicize the existence of the grant program no later than April 1, 2010 to eligible providers and shall award grants no later than May 1, 2010. The criteria for selection shall be limited to, the following:

(1) financial performance measures including negative operating margins, insufficient cash flow, technical bond default and the uncertain ability to cover long-term obligations, as well as potential for loss of critical community services; and

(2) the percentage of patients with mental or substance abuse disorders served by a provider.".

The amendment was adopted.

Ms. Wolf of Cambridge then moved to amend the bill in section 2, in item 4000-0600, by adding the following: "Medicaid shall expend the $2.5M that was allocated for Long Term Care Options Counseling in the Fiscal Year 2010 budget or issue a report to the Legislature on the status of the funding".

The amendment was adopted.

Mr. Naughton of Clinton and other members of the House then moved to amend the bill by adding the following section:

"SECTION 45. Provided further that section 1 of chapter 692 of the acts of 1973 is hereby amended by striking out after the phrase 'nineteen hundred and fifty-eight and prior to' the words 'April first, nineteen hundred and seventy-three' and inserting in place thereof the phrase:— May seventh, nineteen hundred and seventy-five.".

The amendment was adopted.

Mr. Mariano of Quincy then moved to amend the bill in section 38, in line 427, by striking out the date "March 31, 2010" and inserting in place thereof the date "June 30, 2010"; and the amendment was adopted.

Ms. Walz of Boston then moved to amend the bill by inserting after section 20 the following section:

"SECTION 20A. Chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after section 32I the following section:—

Section 32J. (a) As used in this section, 'carsharing organization' is a membership-based entity with a distributed fleet of private passenger motor vehicles that are made available to its members primarily for hourly or other short-term use through a self-service fully automated reservation system; provided, further, that a carsharing organization periodically charges a membership fee separate from any use-based fees relating to a specific vehicle; provided, however, that a carsharing organization does not include an arrangement where a separate written agreement is entered into each time a vehicle is transferred to its customer.

(b) Notwithstanding any general or special law, rule or regulation to the contrary, vehicles in a fleet of a carsharing organization shall display private passenger registration number plates as issued by the registrar; provided, however, that the fee paid by a carsharing organization for a private passenger registration number plate shall equal the fee paid for commercial registration plates.".

The amendment was adopted.

Mr. Murphy of Burlington then moved to amend the bill in section 2 by inserting after item 7003-0701 the following two items:

"9510-0000	For expenses incurred by the senate related to the joint committee on redistricting, prior appropriation continued	350,000

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9610-0000 For expenses incurred by the house of representatives related to the joint committee on redistricting, prior appropriation continued ..... 350,000".

The amendment was adopted.

Messrs. Stanley of Waltham and Tobin of Quincy then moved to amend the bill in section 2 by inserting after item 1410-0400 the following item:

"1233-2450 For reimbursement to cities and towns for costs incurred for damage to municipal property and/or flood prevention efforts arising out of the March 2010 late winter rainstorm ..... 20,000,000".

After debate on the question on adoption of the amendment, Mr. Murphy of Burlington moved to amend it by adding the following: "and by adding the following section: SECTION 46. Notwithstanding any general or special law to the contrary, the funds for line item 1233-2450 shall not be appropriated until: (a) the state meets its minimum threshold for requesting a public assistance presidential disaster declaration as required by the Federal Emergency Management Agency; (b) an official certification of the cost is issued by the Massachusetts emergency management agency; (c) a request for a supplemental appropriation for reimbursement to cities and towns for costs incurred for damage to municipal property or flood prevention efforts arising out of the March 2010 late winter rainstorm is filed by the governor; and (d) until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.".

The further amendment was adopted.

The amendment, as amended, then also was adopted.

Ms. Callahan of Sutton then moved to amend the bill by adding the following section:

"SECTION 47. The office of the comptroller shall develop a free searchable website with comprehensive information on state budgets and expenditures. Such website shall have detailed information relative to all accounts within the annual appropriation act and any deficiency budgets. This information shall include, but is not limited to vendor and expenditure contract amounts related to employee benefits, salaries and wages, communications and utilities, printing and reproduction, professional service and fees, rentals and leases, repairs and maintenance, supplies and material, and travel. This website shall be updated by the office of the comptroller.

Furthermore, a detailed itemized budget relative to house and senate operations contained in any legislative accounts including: line items 9500-0000, 9600-0000, and 9700-0000 shall be filed by the offices of house speaker and senate president with both the house and senate committees on ways and means prior to the release of the annual house and senate budgets for the proposed fiscal year budget and any changes made to said itemized operations in such legislative accounts shall be duly noted. These itemized budgets shall include, but are not limited to vendor and expenditure contract amounts related to employee benefits, salaries and wages, communications and utilities, printing and reproduction, professional service and fees, rentals and leases, repairs and maintenance, supplies and material, and travel. These itemized budgets and changes shall be made available on the website as well as to all members of the General Court.".

After debate the amendment was rejected.

Ms. Callahan then moved to amend the bill by adding the following section:

"SECTION 47. Chapter 7 of the General Laws is hereby amended by adding the following section:—

1. For purposes of this section, 'lean' means a performance oriented system for organizing and managing public sector services, products, operations, suppliers and customer relations to create measurable results, to improve public value and enhance service delivery. Such results, value and delivery may be expressed as providing goods and services with higher quality and fewer defects and errors, with less human effort, less space, less capital and less time than more traditional systems.

2. The Executive Office of Administration and Finance shall be responsible for implementing and overseeing a comprehensive Lean Enterprise Performance Program. The function of the program is to ensure state wide implementation of lean tools and techniques as a component of an overall performance management system for all executive branch agencies and departments. The Governor and the Executive Office of Administration and Finance shall be responsible for researching and reviewing how other states have successfully implemented and continue to execute lean performance models and measures. The governor shall make recommendations to the Executive Office of Administration and Finance on the desired structure to implement such a program and the initial necessary educational resources or consulting services needed to pilot and subsequently provide for full implementation of the program. Funding for a Lean Enterprise Performance Program shall be made via annual fiscal appropriations contained within the Executive Office of Administration and Finance.

3. The scope of responsibilities for the Lean Enterprise Performance Program shall include, but not be limited to, the following:

a. Create strategic and tactical approaches for lean implementation, including integration into State governance and operational systems.

b. Lead and develop the commonwealth's capacity to implement lean concepts, principles and methods within existing state government entities, including design and development of instructional and training materials as needed with the goal of integrating continuous improvement into the state wide organizational culture.

c. Create demand for lean concepts, principles and methods across various state agencies and departments. Communicate with agency secretariats, commissioners, directors, board, commissions and management to create interest and organizational skills to implement lean to improve specific departmental or agency results. Provide direction and advice to department heads and senior management to plan and implement departmental level lean initiatives: direct and review plans for leadership and assist with the selection of process improvement projects of key importance to department and agency goals,

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programs and missions that are focused on eliminating waste and inefficiencies and improving public services delivery flow.

d. Identify and assist departments in identifying potential lean projects, continuously evaluate organizational performance in meeting objectives, identify and structure the direction the lean implementation should take to provide for the greatest effectiveness and to justify critical and far reaching changes.

e. Lead the collection and reporting of data and learning related to lean accomplishments throughout the commonwealth. Widely disseminate lean results and learning goals with the public, stakeholders and other audiences at local, state and national levels to demonstrate the improved service outcomes, public benefits and returns on investment.

f. Evaluate the effect of unforeseen developments on plans and programs and present to top leadership suggested changes in overall direction or redirection. Provide input related to proposals regarding new or revised legislation, regulations and related changes which have a direct impact over the implementation.

g. Lead the development of alliances and partnerships with the business community, associations, consultants and other stakeholders to enhance external support and advance the implementation of lean concepts, principles and methods in Massachusetts state government.

h. Coordinate outreach and education efforts among the leadership and members of the general court and staff to build support for and understanding of the continuous nature of quality improvement efforts relative to a comprehensive state wide Lean Enterprise Performance Program.".

After remarks the amendment was rejected.

Ms. Reinstein of Revere then moved to amend the bill in line 397 by inserting after the word "owners" the words "and or lessees", in line 405 by striking out the word "of" and inserting in place thereof the words "who housed", and in line 447 by striking out the word "may" and inserting in place thereof the word "shall".

The amendments were adopted.

Mr. Webster of Pembroke then moved to amend the bill by adding the following section:

"SECTION 47. Notwithstanding any general or special law or regulation to the contrary, the Department of Unemployment Assistance shall amend any regulation within its authority, authorized by chapter 151A of the General Laws, to allow employers to defer, without interest or penalty, up to two-thirds of contributions due and payable for the first calendar quarter of calendar year 2010.".

The amendment was adopted.

Bill passed to be engrossed,—yea and nay No. 313.

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. Murphy of Burlington; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 313 in Supplement.]

Therefore the bill (House, No. 4579, published as amended) was passed to be engrossed. 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.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at ten minutes after seven o'clock P.M., on motion of Mr. deMacedo of Plymouth (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.