

JOURNAL OF THE HOUSE.

Monday, April 22, 2013.

Met at eight 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).

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. Pledge of allegiance.

Recess.

At ten minutes after eleven o'clock A.M., on motion of deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed until half past twelve o'clock noon; and at that time the House was called to order with the Speaker in the Chair. Recess.

Boston Marathon Bombing Memorial Ceremony.

During the session, a memorial ceremony was held in the Chamber of the House of Representatives in honor of the victims of the bombing that took place during the 117th running of the Boston Marathon: Boston Marathon victims,—
memorial ceremony.

Speaker Robert A. DeLeo of Winthrop made remarks to the members, guests, employees, and to the citizens of the Commonwealth, as follows:—

Thank you. Good afternoon.

A little less than two hours ago, a mass of Christian burial began in Medford. A city, a region, a state came together to mourn Krystal Campbell, the first of those to be laid to rest after the Marathon attacks last week.

In the coming hours, days and weeks, we will come together to mourn Lu Lingzi, a Boston University graduate student, who represents that youthful presence that lends creativity and energy to Boston, and 8-year-old Martin Richard, a boy whose smile and message of peace have captured the hearts of the world, and MIT police officer Sean Collier, who made the ultimate sacrifice.

As we remember those who fell at the hands of evil, we remain very much aware of the grievously wounded — such as MBTA police officer Richard Donohue — the injured, those whose lives will never be the same. Their struggles and their wounds will be there even as life for many others returns to normal. We must commit to be there for help and support even in the years to come.

It is part of my official duties to preside in this Chamber over memorial services that mark terrible and historic occasions. Each year I welcome the local families touched by 9/11 here on September 11th. Just this Friday, as much of the region, including Watertown, was under lockdown, we were scheduled to be hosting an event commemorating the Armenian Genocide. Now, as representatives from across the Commonwealth, we come together to mark an event that struck all of us just one week ago. Remarks of Speaker DeLeo.

Boston
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victims,—
memorial
ceremony.

The House is an appropriate setting for this because it includes representatives of each of the 351 cities and towns that make up the Commonwealth. In it, we sit and stand together. Democrats and Republicans, those from Berkshire hill towns and Boston neighborhoods, coastal communities and old mill cities – all of us reflect the unique character and concerns of our state.

The attack that took place during the Marathon was, in a sense, an attack on all of us, our entire state. Collectively, we take pride in the courage and the professionalism of our first responders, who confronted evil and helped restore calm to our city.

The General Court was created in 1630. Since that time, the House has stood as a symbol of the stability of our city, our region, our state.

The past week has been emotional and all-consuming. We have been affected by so much. The signs of our strength and resilience are all around us: a community coming together at Red Sox and Bruins games; acts of charity, large and small; vows to run the Marathon again next year; the spontaneous emergence of the phrase and logo “Boston Strong” everywhere.

Yes, we are strong. We can never be broken. Our Commonwealth will continue to serve as a beacon of hope for America into the future.

Today marks the start of our annual House budget debate. It is a process essential to our democracy. It is one more demonstration that nothing ever can extinguish our spirit. I will now call upon Rep. Rushing, the Vice President of the House of Deputies of the Episcopal Church to lead us in prayer.

Representative Rushing of Boston (Vice-President of the House of Deputies of the Episcopal Church) offered a prayer (*Words gathered from the Book of Common Prayer, and from the Prayer at Washington Cathedral on September 14, 2001*), as follows:—

In ancient times, the prophet Jeremiah wrote:

A voice is heard in Ramah, lamenting and bitter weeping, Rachel is weeping for her children; and she refuses to be comforted, because they are no more. Today as we gather in a moment of memorial, be reassured that God hears the “lamenting and bitter weeping” of Boston, Cambridge, Watertown, and the whole Commonwealth of Massachusetts. Let us now seek that assurance in prayer, for the healing of our grief stricken hearts, for the souls and sacred memory of those who have died, for the repair of the broken and damaged bodies of too many.

Let us pray:

God of Abraham and Mohammed and Father of Jesus Christ: we are today a people of heavy and distraught hearts. The evil hand of hate and cowardly aggression, which has devastated the innocent in many other lands and other parts of America, has visited us this past week. But we know You are not the God of hate and cowardice, but of courage and justice. So we gather this day asking that You provide us and our constituents and guests to this great Commonwealth, healing. Heal our grief. Soothe our suffering hearts. Save us from blind vengeance, random prejudice and crippling fear.

Give us courage, wisdom, and foresight to take a deep breath and continue to make the right decisions to provide for the needs of all our people,

Prayer.

Grant, O God, that Your holy and life-giving Spirit may so move every human heart so that barriers which divide us may crumble, suspicions disappear, and hatreds cease.

Deal graciously, we pray, with all who mourn; that, casting all their care on You, they may know the consolation of Your love.

And grant to all of us who are bereaved, the spirit of faith and courage, that we may have strength to meet the days to come with steadfastness and patience; not sorrowing as those without hope, but in thankful remembrance of Your great goodness. Amen.

The National Anthem was sung by Speaker *Pro Tempore* Patricia A. Haddad of Somerset and Sgt. James W. Connor of the Massachusetts State Police.

At the request of Speaker DeLeo, the members, guests and employees then stood in a moment of silent tribute to the Boston Marathon bombing victims. National Anthem.

On a motion of Mr. Mariano of Quincy, the remarks of Speaker DeLeo and the Prayer of Assistant Majority Leader Rushing were spread upon the records of the House. Silent Prayer.

Guest of the House.

During the session, the Speaker declared a brief recess and introduced Representative-elect Leah Cole of Peabody. She was the guest of the Speaker and Representative Jones of North Reading. Representative-elect Leah Cole.

Resolutions.

Mr. Donato of Medford being in the Chair,—

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

Resolutions (filed by Mr. deMacedo of Plymouth) honoring Lance Corporal Nicholas Eufrazio, USMC for his service to the United States of America and the Commonwealth of Massachusetts; and Nicholas Eufrazio.

Resolutions (filed by Ms. Gobi of Spencer and other members of the House) commemorating the seventy-fifth anniversary of the disincorporation of the towns of Dana, Enfield, Greenwich and Prescott; Quabbin,—towns.

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. deMacedo, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

A communication from the Department of Energy Resources (under section 12 of Chapter 25A of the General Laws) submitting proposed amendments to regulations governing the Renewable Energy Portfolio Standard (House, No. 3437), was referred to the committee on Telecommunications, Utilities and Energy. Sent to the Senate for concurrence. Renewable Energy Portfolio Standard,—regulations.

Petition.

Carmen Berry,—
sick leave.

Mr. Puppolo of Springfield presented a petition (subject to Joint Rule 12) of Angelo J. Puppolo, Jr., for legislation to establish a sick leave bank for Carmen Berry, an employee of the Department of Children and Families; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

Patricia Capozzoli,—
sick leave.

A Bill establishing a sick leave bank for Patricia Capozzoli, an employee of the Department of Correction (Senate, No. 1762, amended by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish immediately a sick leave bank for a certain employee of the department of correction, therefore it is hereby, declared to be an emergency law, necessary for the immediate preservation of the public convenience.”) (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.

Petitions severally were referred, in concurrence, as follows:

Ludlow,—
land.

Petition (accompanied by bill, Senate, No. 1769) of Gale D. Candaras (by vote of the town) for legislation to authorize the lease of certain property in the town of Ludlow; and

South Hadley,—
fire district.

Petition (accompanied by bill, Senate, No. 1771) of Gale D. Candaras (by vote of the town) for legislation relative to South Hadley Fire District Number Two;

Severally to the committee Municipalities and Regional Government.

Reports of Committees.

Worcester City Campus Corporation.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rules 12 and 9 be suspended on the petition of James J. O’Day for legislation to authorize the lease of certain land owned by the Worcester City Campus Corporation. Under suspension of the rules, on motion of Mr. O’Day of West Boylston, the report was considered forthwith. Joint Rules 12 and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Orders of the Day.

General Appropriation Bill.

The House Bill making appropriations for the fiscal year 2014 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 3400) [Total appropriation: \$38,826,200,824.00], was read a second time.

After remarks on the question on ordering the bill to a third reading, Mr. Jones of North Reading and other members of the House moved to amend it by adding the following thirty sections:

“SECTION 104. Section 2 of chapter 64H of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the words ‘6.25 per cent’ and inserting in place thereof the following words:— 6 per cent.

SECTION 105. Section 2 of said chapter 64H of the General Laws, as so appearing, is hereby amended by striking out the words ‘6 per cent’ and inserting in place thereof the following words:— 5.75 per cent.

SECTION 106. Section 2 of said chapter 64H of the General Laws, as so appearing, is hereby amended by striking out the words ‘5.75 per cent’ and inserting in place thereof the following words:— 5.5 per cent.

SECTION 107. Section 2 of said chapter 64H of the General Laws, as so appearing, is hereby amended by striking out the words ‘5.5 per cent’ and inserting in place thereof the following words:— 5.25 per cent.

SECTION 108. Section 2 of said chapter 64H of the General Laws, as so appearing, is hereby amended by striking out the words ‘5.25 per cent’ and inserting in place thereof the following words:— 5 per cent.

SECTION 109. Section 30A of chapter 64H is hereby amended by striking out, in each instance in which it appears, the word ‘6.25’ and inserting in place thereof, in each instance, the following figure:— 6.

SECTION 110. Section 30A of said chapter 64H, as so appearing, is hereby amended by striking out, in each instance in which it appears, the figure ‘6’ and inserting in place thereof, in each instance, the following figure:— 5.75.

SECTION 111. Section 30A of said chapter 64H, as so appearing, is hereby amended by striking out, in each instance in which it appears, the figure ‘5.75’ and inserting in place thereof, in each instance, the following figure:— 5.5.

SECTION 112. Section 30A of said chapter 64H, as so appearing, is hereby amended by striking out, in each instance in which it appears, the figure ‘5.5’ and inserting in place thereof, in each instance, the following figure:— 5.25.

SECTION 113. Section 30A of said chapter 64H, as so appearing, is hereby amended by striking out, in each instance in which it appears, the figure ‘5.25’ and inserting in place thereof, in each instance, the following figure:— 5.

SECTION 114. Section 2 of chapter 64I of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the words ‘6.25 per cent’ and inserting in place thereof the following words:— 6 per cent.

SECTION 115. Section 2 of said chapter 64I of the General Laws, as so appearing, is hereby amended by striking out the words ‘6 per cent’ and inserting in place thereof the following words:— 5.75 per cent.

SECTION 116. Section 2 of said chapter 64I of the General Laws, as so appearing, is hereby amended by striking out the words ‘5.75 per cent’ and inserting in place thereof the following words:— 5.5 per cent.

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SECTION 117. Section 2 of said chapter 64I of the General Laws, as so appearing, is hereby amended by striking out the words '5.5 per cent' and inserting in place thereof the following words:— 5.25 per cent.

SECTION 118. Section 2 of said chapter 64I of the General Laws, as so appearing, is hereby amended by striking out the words '5.25 per cent' and inserting in place thereof the following words:— 5 per cent.

SECTION 119. Section 31A of chapter 64I, as so appearing, is hereby amended by striking out, in each instance in which it appears, the figure '6.25' and inserting in place thereof, in each instance, the following figure:— 6.

SECTION 120. Section 31A of said chapter 64I, as so appearing, is hereby amended by striking out, in each instance in which it appears, the figure '6' and inserting in place thereof, in each instance, the following figure:— 5.75.

SECTION 121. Section 31A of said chapter 64I, as so appearing, is hereby amended by striking out, in each instance in which it appears, the figure '5.75' and inserting in place thereof, in each instance, the following figure:— 5.5.

SECTION 122. Section 31A of said chapter 64I, as so appearing, is hereby amended by striking out, in each instance in which it appears, the figure '5.5' and inserting in place thereof, in each instance, the following figure:— 5.25.

SECTION 123. Section 31A of said chapter 64I, as so appearing, is hereby amended by striking out, in each instance in which it appears, the figure '5.25' and inserting in place thereof, in each instance, the following figure:— 5.

SECTION 124. Section 4 of chapter 62 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the following subsection:—

(b) Part B taxable income shall be taxed at the rate of 5.2 per cent.

SECTION 125. Section 4 of said chapter 62 of the General Laws, as so appearing, is hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the following subsection:—

(b) Part B taxable income shall be taxed at the rate of 5.15 per cent.

SECTION 126. Section 4 of said chapter 62 of the General Laws, as so appearing, is hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the following subsection:—

(b) Part B taxable income shall be taxed at the rate of 5.1 per cent.

SECTION 127. Section 4 of said chapter 62 of the General Laws, as so appearing, is hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the following subsection:—

(b) Part B taxable income shall be taxed at the rate of 5.05 per cent.

SECTION 128. Section 4 of said chapter 62 of the General Laws, as so appearing, is hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the following subsection:—

(b) Part B taxable income shall be taxed at the rate of 5 per cent.

SECTION 129. Sections 104, 109, 114, 119 and 124 this act shall be effective on January 1, 2015.

SECTION 130. Sections 105, 110, 115, 120 and 125 of this act shall be effective on January 1, 2016.

SECTION 131. Sections 106, 111, 116, 121 and 126 of this act shall be effective on January 1, 2017.

SECTION 132. Sections 107, 112, 117, 122 and 127 of this act shall be effective on January 1, 2018.

SECTION 133. Sections 108, 113, 118, 123 and 128 of this act shall be effective on January 1, 2019.”.

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. Peterson of Grafton; and on the roll call 35 members voted in the affirmative and 120 in the negative.

Amendment
rejected,—
yea and nay
No. 71.

[See Yea and Nay No. 71 in Supplement.]

Therefore the amendment was rejected.

Mr. Kafka of Stoughton then moved to amend the bill by adding the following section:

“SECTION 104. Notwithstanding any general or special law to the contrary, the department of revenue shall examine and report on the fiscal impact to the revenues of the commonwealth in providing an exemption from the sales and use tax to medical equipment that is deemed medically necessary and prescribed by a physician. Such medical equipment may include infusion pumps used to deliver drugs to patients who require intravenous fluids, antibiotics, chemotherapy, pain management, blood products, biotechnology agents and any other intravenous infusions ordered by a physician and related disposables including administration sets, extension sets, filters, needle-less connectors, sterile covers, syringes/needles, alcohol wipes, gloves, tape, and sharps containers; central venous catheters, peripherally inserted central catheters, ports or peripheral intravenous catheters, central venous dressing kits, venous access device kits, Huber needles, and securing devices; continuous positive airway pressure (CPAP) and Bi-level positive airway pressure (BIPAP) supplies, including tubing, headgear, nasal masks, full masks, and filters; suction machines used in the care of a patient’s tracheostomy, including suction canisters, suction connecting tubing, suction catheters, trach care kits, peroxide, sterile sponges, sterile q-tips, and gloves; and other durable medical equipment, including bathroom commodes, nebulizers, and aerosol-generating device. The department shall submit a report to the joint committee on revenue and the house and senate committees on ways and means on or before October 1, 2013.”.

The amendment was adopted.

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

“SECTION 105. Section 12 of chapter 64A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following paragraph:—

Any sale of fuel, including but not limited to unleaded gasoline and diesel fuel, by a distributor to the commonwealth, any state agency or any municipality or its agencies shall be exempt from the tax per gallon contained in this chapter.”.

Pending the question on adoption of the amendment, Mr. Kulik of Worthington moved to amend it by adding the following section:

“SECTION 106. Notwithstanding any special or general law to the contrary, the provisions section 105 shall not take effect until such time as (i) the secretary of administration and finance, in consultation

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Further
amendment
adopted,—
yea and nay
No. 72.

with the secretary of transportation, furnishes an analysis on the fiscal impacts of providing such an exemption, which shall include a cost-benefit analysis, available revenues to the Massachusetts department of transportation and an examination of how the exemption aligns with the recommendations and principles adopted by the tax expenditure commission; and (ii) legislation necessary to carry out the recommendations in the report has been filed and enacted pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”

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. Lombardo; and on the roll call 116 members voted in the affirmative and 38 in the negative.

[See Yea and Nay No. 72 in Supplement.]

Therefore the further amendment was adopted.

The amendment offered by Mr. Lombardo, et al, as amended, then also was adopted.

Mrs. Orrall of Lakeville and other members of the House then moved to amend the bill by adding the following section:

“SECTION 107. Section 1. Notwithstanding any general or special law to the contrary, for the days of August 11-15, 2013, an excise tax shall not be imposed upon meals purchased in restaurants, as those terms are defined in Section 6 of Chapter 64H of the General Laws, as appearing in the 2008 Official Edition.

Section 2. Notwithstanding any general or special law to the contrary, for the days of August 11-15, 2013, a restaurant in the Commonwealth shall not add to the sales price or collect from a customer an excise upon sales of meals. The commissioner of revenue shall not require any restaurant to collect and pay excise upon sales of meals purchased on August 11-15, 2013. An excise erroneously or improperly collected during the days of August 11-15, 2013 shall be remitted to the department of revenue.

Section 3. Reporting requirements imposed upon restaurants by law or regulation, including, but not limited to, the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales on the days of August 11-15, 2013.

Section 4. The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act.

Section 5. Eligible sales of meals purchased in restaurants are restricted to August 11-15, 2013.

Section 6. Notwithstanding sections 1-6, this Act shall not be applicable to the local option meals excise tax under Section 1-6 of Chapter 64L of the General Laws, as appearing in the 2008 Official Edition, which shall remain in full force and effect on August 11-15, 2013.”

Pending the question on adoption of the amendment, Mr. Kaufman of Lexington moved to amend it by adding the following subsection:

“Section 7. Notwithstanding any general or special law to the contrary, sections 1 to 6, inclusive, shall not take effect until the tax expenditure commission established by section 160 of chapter 68 of the acts of 2011 has examined the issue of tax holidays, including a meals tax holiday and a sales tax holiday, and furnishes a report of a

holiday's impact on the state's economy, including the revenue cost to the commonwealth, its transportation infrastructure and its cities and towns in the form of local aid; the current practices of other states; and any anticipated change in employment or business growth and ancillary economic activity. The commission shall file the report with the joint committee on revenue on or before August 1, 2013."

After debate on the question of adoption of the further amendment, at twenty-seven minutes before the hour of three o'clock P.M., on motion of Mrs. Haddad of Somerset (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after three o'clock; and at half past three o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

On the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mrs. Orrall of Lakeville; and on the roll call 115 members voted in the affirmative and 39 in the negative.

Further amendment adopted,—yea and nay No. 73.

[See Yea and Nay No. 73 in Supplement.]

Therefore the further amendment was adopted.

The amendment offered by Mrs. Orrall, et al, as amended, then also was adopted.

Mrs. Haddad of Somerset being in the Chair,—

After remarks on ordering the bill, as amended, to a third reading, Mr. Howitt of Seekonk moved to amend it by adding the following section:

"SECTION 108. Section 6(i) of Chapter 62 of the General Laws, as so appearing in the 2008 Official Edition, is hereby amended by striking in line 198 the figure '\$15,000' and inserting in place thereof the following:— '\$25,000'; and, by striking in line 201 the figure '\$1,500' and inserting in place thereof the following:— '\$4,000'; and by striking out, in line 203, the figure '\$6,000' and inserting in place thereof the following:— '\$10,000.'"

Pending the question on adoption of the amendment, Mr. Jones of North Reading asked for a count to ascertain if a quorum was present. The Chair (Mrs. Haddad), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

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) 151 members were recorded as being in attendance.

Quorum,—yea and nay No. 74.

[See Yea and Nay No. 74 in Supplement.]

Therefore a quorum was present.

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. Howitt of Seekonk; and on the roll call (Mrs. Haddad of Somerset being in the Chair) 33 members voted in the affirmative and 120 in the negative.

Amendment rejected,—yea and nay No. 75.

[See Yea and Nay No. 75 in Supplement.]

Therefore the amendment was rejected.

Mr. Scaccia of Boston then moved to amend the bill by adding the following four sections:

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“SECTION 108. Subsection (l) of section 6 of chapter 62 of the General Laws, as appearing in the 2010 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 \$40,000,000 for credits deemed attributable to any one fiscal year beginning with the fiscal year commencing on July 1, 2013.

SECTION 109. Section 38X of chapter 63 of the General Laws, inserted by section 82 of chapter 173 of the acts of 2008, 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 \$40,000,000 for credits deemed attributable to any one fiscal year, beginning with the fiscal year that commences on July 1, 2013.

SECTION 110. 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, the department of revenue, in this section called the department, shall issue and implement rules or guidelines which may include but are not limited to the following:—

(a) Any motion picture production company seeking a credit for a production that commences filming after January 23, 2013 shall file a production notice with the department, stating the amount of estimated expenses qualifying for the credit for the production and other information required by the department.

(b) Production notices received by the department on or after January 23, 2013 and before January 23, 2014 shall be considered to be attributable to fiscal year 2014 and shall reduce the available credit for fiscal year 2014, 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 in each subsequent 12 month period shall be considered to be attributable to each subsequent fiscal year and shall reduce the available credit for that fiscal year, 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.

(c) A production company shall not be allowed a credit for a production commencing filming after January 23, 2013 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).

(d) All productions commencing filming after January 23, 2013 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 of the General Laws in any fiscal year except as allowed through those notice procedures and subject to those credit limits.

(e) Credit certificates issued by the department that are attributed to a particular fiscal year under this section will reduce the available credits for such year regardless of the production dates to which those credit certificates relate.

SECTION 111. Sections 108 to 110, inclusive, shall take effect upon passage.”

After debate the amendment was rejected.

The same member then moved to amend the bill by adding the following two sections:

“SECTION 108. Subsection (c) of section 5 of chapter 32 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following words at the end:— ; provided, however, that the normal yearly amount of the retirement allowance shall not exceed \$200,000.

SECTION 109. Subparagraph (E) of paragraph (2) of subsection (a) of section 2 of chapter 62 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following words at the end:— ; provided, however, this deduction otherwise allowable under this subparagraph attributable to one taxpayer shall not in the aggregate exceed \$100,000.”

After remarks the amendment was rejected.

Mr. Scaccia then moved to amend the bill by adding the following section:

“SECTION 108. Chapter 63 of the General Laws is hereby amended by inserting after section 38Y the following section:—

Section 38Z. Any private institution of higher learning that has an endowment fund in excess of \$5,000,000,000 shall be subject to an annual excise of 2½ per cent of all monies in excess of \$5,000,000,000. For the purpose of this section an endowment fund shall be an institutional fund of a private institution of higher learning not wholly expendable by the institution on a current basis under the terms of the applicable gift instrument.”

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 Ms. Andrews of Orange; and on the roll call 11 members voted in the affirmative and 144 in the negative.

Amendment
rejected,—
yea and nay
No. 76.

[See Yea and Nay No. 76 in Supplement.]

Therefore the amendment was rejected.

Mr. McMurtry of Dedham being in the Chair,—

Mr. Diehl of Whitman and other members of the House then moved to amend the bill by inserting after section 90 the following four sections:

“SECTION 90A. (a) Notwithstanding any general or special law to the contrary, the commissioner of revenue shall establish a tax amnesty program during which all penalties that could be assessed by the commissioner shall be waived without the need for any showing by the taxpayer of reasonable cause or the absence of willful neglect for the failure of the taxpayer to: (i) timely file any proper return for any tax type and for any tax period; (ii) file proper returns which report the full amount of the taxpayer’s liability for any tax type and for any tax period; (iii) timely pay any tax liability; or (iv) pay the proper amount of any required estimated payment toward a tax liability. The waiver of a taxpayer’s liability under this section shall apply if the taxpayer files returns, makes payments as required by the commissioner or otherwise

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comes into compliance with the tax laws of the commonwealth as required by the commissioner pursuant to the tax amnesty program. The scope of the program, including the particular tax types and periods covered, including any limited look-back period for unfiled returns, shall be determined by the commissioner; provided, however, the commissioner shall include, but not be limited to, the following tax types within the scope: sales and use tax, sales tax on telecommunications services, meals tax, meals tax local option, materialman sales tax, withholding income, performer withholding, pass-through entity withholding, lottery annuity withholding, room occupancy excise, room occupancy excise local option, convention center financing fees on room occupancy in Boston, Cambridge, Chicopee, Springfield, West Springfield, and Worcester, convention center financing surcharge for sightseeing tours, convention center financing surcharge on vehicle rentals in Boston, convention center financing surcharge on parking in Boston, Springfield, and Worcester, deeds excise, cigarette excise, cigars and smoking tobacco excise, club alcohol beverage excise, gasoline excise, special fuels excise, special fuels excise local option, and boat and recreational vehicles sales tax.

(b) The amnesty program shall be established for 2 consecutive months within fiscal year 2014 to be determined by the commissioner, such period to expire not later than June 30, 2014, and all required payments shall be made on or before June 30, 2014, in order for the amnesty to apply. If a taxpayer fails to pay the full liability before June 30, 2014, the commissioner shall retain any payments made and shall apply those payments against the outstanding liability, and the provisions of the tax amnesty program, other than the additional penalty authorized by section 2, shall not apply.

(c) The commissioner's authority to waive penalties during the amnesty period shall not apply to any taxpayer who, before the start date of the amnesty program selected by the commissioner, was the subject of a tax-related criminal investigation or prosecution. The amnesty program shall not authorize the waiver of interest or any amount treated as interest. The commissioner may offer tax amnesty to those taxpayers who have either an unpaid self-assessed liability or who have been assessed a tax liability, whether before or after the filing of a return, which assessed liability remains unpaid.

(d) To the extent that a taxpayer within the scope of the amnesty program as determined by the commissioner and wishing to participate in the amnesty program has postponed the payment of an assessment of tax, interest and penalty under the authority of subsection (e) of section 32 of chapter 62C of the General Laws, the taxpayer shall waive in writing all rights under said subsection (e) of said section 32 of said chapter 62C further delay the payment of the tax and interest portions of the assessment. The tax and interest portions of the assessment shall be payable in full from the date of the commissioner's notice of assessment. Upon payment by the taxpayer of the tax and interest of the outstanding assessment, the commissioner shall waive all penalties associated with that assessment. The taxpayer and the commissioner shall then proceed with all administrative appeal rights that the taxpayer wishes to pursue with respect to the assessment.

(e) Amnesty shall not apply to those penalties which the commissioner would not have the sole authority to waive including, but not

limited to, fuel taxes administered under the International Fuel Tax Agreement or under the local option portions of taxes or excises collected for the benefit of cities, towns or state governmental authorities.

(f) The commissioner shall maintain records of the amnesty provided under this section including, but not limited to: (i) the number of taxpayers provided with amnesty; (ii) the types of tax liability for which amnesty was provided and, for each type of liability, the amount of tax liability collected and the amount of penalties foregone by virtue of the amnesty program; and (iii) the total outstanding tax liability for amnesty-eligible taxpayers at the conclusion of the tax amnesty program after the collection of all funds under this section. The commissioner shall file a report detailing such information with the clerks of the house of representatives and the senate, the joint committee on revenue, the house and senate committees on ways and means, the minority leader of the house and the minority leader of the senate not later than September 1, 2014; provided, however, that such report shall not contain information sufficient to identify an individual taxpayer or the amnesty that an individual taxpayer was provided under this section.

(g) A taxpayer who is eligible for the amnesty program based upon the criteria established by the commissioner and who fails to come forward under the tax amnesty program and make payments before June 30, 2014 shall, in addition to all other penalties provided by chapter 62C of the General Laws, be subject to an additional penalty not to exceed \$500 per taxpayer, which shall be calculated and assessed according to rules determined by the commissioner and which may be subject to de minimis or other exceptions that the commissioner may consider appropriate. This penalty shall be subject to said chapter 62C and shall be added to and become part of the tax due. The commissioner may waive the penalty provided by this subsection for reasonable cause as provided in subsection (f) of section 33 of said chapter 62C.

SECTION 90B. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Municipal Police Support Trust Fund to be used, without appropriation, by the executive office of public safety and security for the purpose of funding veteran, reserve and in-service training programs conducted by the municipal police training committee under section 116 of chapter 6. One-third of the revenues received by the commonwealth pursuant to section 90A of this act shall be deposited into the trust fund; provided, the amount deposited is no more than \$10,000,000. All monies deposited into the fund shall be expended exclusively for the purpose set forth in this section. No expenditure from said fund shall cause said fund to be in deficiency at the close of a fiscal year.

SECTION 90C. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Public Assistance Technological Innovation Trust Fund to be used, without appropriation, by the executive office of health and human services, in consultation with the department of transitional assistance and the office of Medicaid, for the purposes of investing in technological innovation relating to the distribution of and oversight over taxpayer funded public assistance. Fifty per cent of the monies within the fund shall be expended on expediting the implementation of the integrated eligibility system established pursuant to section 16 of chapter 6A and the establishment of an online payment system administered by the department of

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transitional assistance, pursuant to section 26A of chapter 18. The remaining 50 per cent of the monies shall be distributed as block grants for retail establishments to invest in the technological capacity to sort out items prohibited for purchase with electronic benefit transfer cards, or EBT cards, pursuant to sections 5I through 5J of chapter 18. For purposes of this section, a retail establishment shall be defined as any premises in which the business of selling services or tangible personal property is conducted, or, in or from which any retail sales are made, and employs no more than eight employees. One-third of the revenues received by the commonwealth pursuant to section 90A of this act shall be deposited into the trust fund; provided, the amount deposited is no more than \$10,000,000. All monies deposited into the fund shall be expended exclusively for the purposes set forth in this section. No expenditure from said fund shall cause said fund to be in deficiency at the close of a fiscal year.

SECTION 90D. Any remaining amount of revenues received by the commonwealth, pursuant to section 90A of this act, after amounts made available in sections 90B and 90C of this act, shall be deposited into the General Fund.”

Amendment
rejected,—
yea and nay
No. 77.

After debate on the question on adoption of the amendment (Mrs. Haddad of Somerset being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Diehl; and on the roll call 40 members voted in the affirmative and 116 in the negative.

[See Yea and Nay No. 77 in Supplement.]

Therefore the amendment was rejected.

Messrs. Lewis of Winchester and Hecht of Watertown then moved to amend the bill by inserting after section 32 the following two sections:

“SECTION 32A. Section 7B of chapter 64C of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the definition of ‘smoking tobacco’ the following definition:—

‘Retail tobacco store’, An establishment for which a retail food permit is not required, in which the sale of other products is incidental to the business of the establishment, in which the entry of persons under the age of 18 is prohibited and whose primary purpose is to sell or offer for sale, and not resale, to consumers tobacco products and paraphernalia.

SECTION 32B. Said section 7B of said chapter 64C, as so appearing, is hereby amended by adding the following subsection:—

(m) No retailer, retail establishment or other individual or entity shall sell or distribute, or cause to be sold or distributed, a cigar unless the cigar is contained in an original package of at least 4 cigars.

This subsection shall not apply to (1) the sale or distribution of any cigar having a retail price of more than \$2.50; (2) a person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of the commonwealth; or (3) retail tobacco stores.”

The amendment was adopted.

Mr. Cabral of New Bedford and other members of the House then moved to amend the bill by adding the following four sections:

“SECTION 108. Section 6 of chapter 62 of the General Laws, as appearing in the 2010 Official Edition, is hereby further amended by

striking out, in line 273, the figure '2013' and inserting in place thereof the following figure:— 2018.

SECTION 109. Said section 6 of said chapter 62, as so appearing, is hereby further amended by striking out, in line 278, the figure '2014' and inserting in place thereof the following figure:— 2019.

SECTION 110. Section 38Q of said chapter 63 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 3, the figure '2013' and inserting in place thereof the following figure:— 2018.

SECTION 111. Said section 38Q of said chapter 63, as so appearing, is hereby further amended by striking out, in line 8, the figure '2014' and inserting in place thereof the following figure:— 2019.”.

The amendment was adopted.

At eighteen minutes after six o'clock P.M., on motion of Mr. Hecht of Watertown (Mrs. Haddad of Somerset being in the Chair), the House recessed until a quarter after seven o'clock P.M.; and at twenty-six minutes after seven o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Recess.

The bill (House, No. 3400, amended) then was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Mr. Lombardo of Billerica and other members of the House then moved to amend it by adding the following section:

“SECTION 112. (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. Sánchez of Boston moved to amend it by adding the following paragraph:

“(c) Notwithstanding any general or special law to the contrary, the provisions of this section shall not take effect until such time as (i) the

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board of higher education, in consultation with the executive office of health and human services, furnishes an analysis to the joint committee on higher education on the impacts of the current policy, restricting in-state tuition eligibility to United States citizens and documented immigrants, including but not limited to: (1) proposals to expand access to higher education in Massachusetts, including proposals to permit U.S. veterans who establish residency in Massachusetts within one year of matriculation in a Massachusetts public institution of higher learning to be classified as state residents for tuition purposes and to base in-state tuition eligibility at Massachusetts public institutions of higher education on attendance at a Massachusetts high school for at least three years combined with graduation from said high school or attainment of an equivalent credential; (2) proposals to restrict access to higher education in Massachusetts by barring all documented immigrants who are not green card holders from in-state tuition eligibility; (3) comparative impacts on public institutions of higher education in the commonwealth, including any projected changes in tuition revenues and on admissions competitiveness; (4) comparative impacts on the commonwealth's ability to meet workforce needs, including STEM and health care workforce needs, and to compete economically with surrounding states and with the global economy; (5) comparative impacts on the commonwealth's ability to retain and attract entrepreneurs; (6) comparative impacts on the commonwealth's income tax base; (7) any anticipated cost to the state of defending against litigation on behalf of documented immigrants who are not green card holders; (8) implications of any proposed federal immigration legislation which would impact the tuition eligibility of immigrants in the commonwealth; and (9) comparative impacts on the commonwealth's ability to successfully integrate returning veterans; and (ii) legislation necessary to carry out the recommendations in the report has been filed and enacted pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”

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. Lombardo; and on the roll call 107 members voted in the affirmative and 46 in the negative.

[See Yeas and Nays No. 78 in Supplement.]

Therefore the further amendment was adopted.

The amendment offered by Mr. Lombardo, et al, as amended, then also was adopted.

Rule 1A.

The Chair (Mr. Donato of Medford) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

Rule 1A
suspended,—
yeas and nays
No. 79.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 127 members voted in the affirmative and 29 in the negative.

[See Yeas and Nays No. 79 in Supplement.]

Therefore Rule 1A was suspended.

Mr. Frost of Auburn then moved to amend the bill in section 2 by inserting after item 7009-9600 the following item:

“7009-9700 For an educational equipment and learning materials grant. Every school district shall receive not less

than \$20 per student enrolled in the school district to be used for educational materials, text books, lab equipment, computers or other learning materials approved by the Department of Education. Also these funds may be used towards physical safety improvements to school's or classroom that must be approved by the Department of Education..... \$20,000,000".

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. Frost; and on the roll call 30 members voted in the affirmative and 125 in the negative. Amendment rejected,—yea and nay No. 80.

[See Yea and Nay No. 80 in Supplement.]

Therefore the amendment was rejected.

Ms. Andrews of Orange and other members of the House then moved to amend the bill in section 2, in item 1233-2400, by striking out the figures "26,270,000" and inserting in place thereof the figures "33,382,342". After debate the amendment was rejected.

Mr. Hill of Ipswich and other members of the House then moved to amend the bill in section 2, in item 7061-0008, by striking out the figures "4,280,637,005" and inserting in place thereof the figures "4,303,637,005"; and in section 3, in paragraph 3, in line 12, by striking out the figures "15" and inserting in place thereof the figures "50".

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Hill and on the roll call 41 members voted in the affirmative and 115 in the negative. Amendments rejected,—yea and nay No. 81.

[See Yea and Nay No. 81 in Supplement.]

Therefore the amendments were rejected.

Mr. Fattman of Sutton then moved to amend the bill in section 2 by inserting after item 7066-0021 the following item:

"7066-0022 The Department of Education shall provide \$3,000,000 to those families who had been deemed eligible for reimbursements during the fall 2012 and/or the spring 2013 school semesters as a result of having an 'Estimated Financial Contribution' of \$10,000 or more \$3,000,000".

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. Fattman; and on the roll call 30 members voted in the affirmative and 125 in the negative. Amendment rejected,—yea and nay No. 82.

[See Yea and Nay No. 82 in Supplement.]

Therefore the amendment was rejected.

Messrs. Lyons of Andover and Lombardo of Billerica then moved to amend the bill in section 2, in item 7061-0008, by adding the following: "The total amounts to be distributed and paid to each city and town through chapter 70 education aid shall be at a minimum 17.5 percent of their Foundation Budget" and in said item by striking out the figures "4,280,637,005" and inserting in place thereof the figures "4,368,637,005"; and in section 3, in lines 29 and 30, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

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“The total amounts to be distributed and paid to each city and town through chapter 70 education aid shall be at a minimum 17.5 percent of their Foundation Budget. If there is a conflict between the language of this section and the distribution listed below, the language of this section shall control.”

The amendments were rejected.

The Speaker being in the Chair,—

Consolidated amendments (education and local aid).

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

In item 0640-0300 by striking out the figures “5,082,439” and inserting in place thereof the figures [A]“7,082,439”;

In item 3000-5000 by striking out the figures “7,500,000” and inserting in place thereof the figures “8,000,000”;

In item 3000-5075 by striking out the figures “5,000,000” and inserting in place thereof the figures “7,500,000”;

In item 3000-7050, in line 21, by inserting after the words “but not limited to” the words “the home-based, school readiness and family support program known as the parent-child home program,” and in said item by striking out the figures “16,164,890” and inserting in place thereof the figures “18,164,890”;

In item 7000-9401 by striking out the figures “9,131,475” and inserting in place thereof the figures “9,279,475”;

In item 7000-9402 by striking out the figures “430,628” and inserting in place thereof the figures “441,394”;

In item 7000-9506 by striking out the figures “1,929,238” and inserting in place thereof the figures “2,129,238”;

In item 7009-6400 by striking out the figures “2,600,000” and inserting in place thereof the figures “3,000,000”;

By inserting after item 7009-6400 the following item:

“7009-6402 For grants to support the establishment of career academies in Gateway Cities, and to build stronger relationships and partnerships among high schools, institutions of higher education, local employers, and workforce development entities, in order to create multiple and seamless pathways to employment; provided, that such funds shall be used to establish Education and Industry Coordinating Councils (EICCs); provided further, that the EICCs shall be chaired by the district superintendent and chair of the local workforce investment boards, and shall include representatives from district high schools, institutions of higher education, industry partners, and local/regional employers; provided further, that such funding shall be used to engage in planning to establish career academies or to plan for the establishment of such academies during the following fiscal year \$500,000”;

In item 7009-9600 by striking out the figures “600,000” and inserting in place thereof the figures “700,000”;

By adding at the end of item 7010-0005 the following: “; and provided further, that no less than the following amounts shall be made available for equipment and maintenance grants: (a) \$288,000 to the

Hingham public schools (b) \$262,705 to the Hull public schools and (c) \$49,800 to the Cohasset Public schools” and in said item by striking out the figures “13,837,895” and inserting in place thereof the figures “14,438,400”;

In item 7010-0012, in line 5, by inserting after the word “schools” the words “; provided further, that all grant applications submitted to and approved by the department of elementary and secondary education shall include a detailed line item budget specifying how such funds shall be allocated and expended” and in said item by striking out the figures “17,142,582” and inserting in place thereof the figures “18,642,582”;

In item 7010-0033 by striking out the figures “1,500,000” and inserting in place thereof the figures “1,800,000”;

In item 7027-0019 by striking out the figures “1,000,000” and inserting in place thereof the figures “2,000,000”;

In item 7027-1004, in line 4, by inserting after the word “Laws” the following: “; provided that funds may be expended for the RETELL initiative”;

In item 7035-0002, in line 10, by inserting after the word “department” the words “; provided further, an entity that receives grant funding for English Language Learners cannot receive such grants in more than one workforce development region”, by adding at the end of said item the following: “; and provided further, that not less than \$150,000 be expended for Operation A.B.L.E. of Greater Boston to provide basic workforce and skills training, employment services and job re-entry support to older workers” and in said item by striking out the figures “29,156,340” and inserting in place thereof the figures “30,174,160”;

In item 7035-0006 by striking out the figures “45,521,000” and inserting in place thereof the figures “46,021,000”;

In item 7035-0035 by striking out the figures “1,000,000” and inserting in place thereof the figures “2,000,000”;

In item 7061-0008 by striking out the figures “4,280,637,005” and inserting in place thereof the figures “4,285,945,528”;

[B]By inserting after item 7061-0029 the following item:

“7061-0033 For a reserve to assist towns negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on the military reservation known as Hanscom Air Force Base located within the town’s limits (“Hanscom Towns”); provided, that any grants provided under this item shall be expended by a school committee without further appropriation; and provided further that funds may be expended on membership dues for the Interstate Compact on Educational Opportunity for Military Children; and provided that Hanscom Towns may apply for funding in excess of this initial appropriation if (1) funds under this item are increased and (2) a Hanscom Town demonstrates that it would otherwise qualify for an amount greater than the initial funding of this item when compared with all other accepted applications using the same formula applied for in item 7061-0033 found in the budget for FY 2013

\$400,000”;

Consolidated amendments (education and local aid).

In item 7061-9412 by striking out the figures “13,918,030” and inserting in place thereof the figures “14,168,030”;

[C]By inserting after item 7061-9611 the following two items:

- “7061-9612 For the safe and supportive schools grant program established by the department of elementary and secondary education to pilot and share an effective process for school and district teams to develop and implement safe and supportive school action plans; provided that said action plans shall be based on the framework and self-assessment tool created pursuant to section 19 of chapter 321 of the acts of 2008 and described in the final report of the behavioral health and public schools task force; and provided further that the districts shall also create district plans that support the recipient schools \$200,000
- 7061-9614 For the alternative education grant program established in section 1N of chapter 69 of the General Laws; provided, that the commissioner shall allocate funds for both subsections (a) and (b) of said section 1N of said chapter 69; provided further, that shall be used for the purpose of implementing a pilot program to develop inter-district regional alternative education programs to provide educational services required under Chapter 222 of the Acts of 2012 or services to students at risk of dropping out of school; and provided further, that no funds shall be expended for personnel costs \$200,000”;

In item 7061-9626 by striking out the figures “1,000,000” and inserting in place thereof the figures “2,000,000”;

In item 7061-9634 by striking out the figures “250,000” and inserting in place thereof the figures “350,000”;

In item 7066-0000, in line 19, by inserting after the word “program” the following: “, provided further, that \$10,000 shall be made available to supplement an existing scholarship program in the criminal justice program at the University of Massachusetts Lowell”, by adding the following: “provided further that not less than \$100,000 shall be expended for a pilot program to provide internship opportunities and workforce training for Massachusetts Veterans at Framingham State University and Massachusetts Bay Community College, for which an evaluation of results shall be provided to the Joint Committee on Veterans and Federal Affairs no later than 18 months following adoption”, and in said item by striking out the figures “2,908,529” and inserting in place thereof the figures “3,018,529”;

In item 7066-0009 by striking out the figures “184,500” and inserting in place thereof the figures “367,500”;

In item 7066-0024 by striking out the figures “1,200,000” and inserting in place thereof the figures “1,300,000”;

In item 7066-0036 by inserting after the words “committees on ways and means” the words “, the joint committee on higher education”;

By inserting after 7066-0036 the following item:

“7066-0040 For adult college transition services focused on low-income and entry-level workers, provided that said funds shall be awarded competitively by the Board of Higher Education to adult basic education providers, including Local Education Agencies, Community-Based Organizations, community colleges and correction facilities with recognized success in bridging academic gaps of underserved populations and resulting in their college entrance, retention and success. Provided further, that program awardees shall report on attendees’ successful transition to college, and that the program shall deliver to the house and senate committees on ways and means and the joint committee on education, not later than February 15, 2014, an evaluation of the program and its impact on student achievement, particularly as it relates to closing achievement gaps; and provided further, that funds may be expended through August 31, 2014 to allow for summer programming \$250,000”;

In item 7066-1221, in line 2, by inserting after the word “that” the following: “not less than 1,250,000 of”;

In item 7070-0065 by striking out the figures “87,607,756” and inserting in place thereof the figures “90,607,756”;

In item 7077-0023 by striking out the figures “2,250,000” and inserting in place thereof the figures “3,500,000”;

By adding at the end of item 7100-0200 the following: “; provided further that no less than \$150,000 be allocated for the Clemente Course in the Humanities, administered by the Massachusetts Foundation for the Humanities in partnership with the University of Massachusetts Boston and the University of Massachusetts Dartmouth and local social service agencies, which provides college-level humanities instruction and support service free of charge and for college credit to low income adults; provided, that the funds shall be contingent upon a match of not less than \$1 in federal contributions or \$1 in private or corporate contributions for every \$1 in state grant funding; and provided further, that all contributions be invested in a permanent endowment for the benefit of the Clemente Course in the Humanities and other humanities programs designed for low income communities in Massachusetts; and provided further, that the University of Massachusetts shall expend funds for the University of Amherst Cranberry Station”, and in said item by striking out the figures “478,691,873” and inserting in place thereof the figures “478,841,873; and

In item 7100-0700 by striking out the figures “350,000” and inserting in place thereof the figures “450,000”; and

In section 3 by striking the schedule contained in said section and inserting in place thereof the following schedule:

"Municipality	Unrestricted General		Municipality	Unrestricted General	
	Chapter 70	Government Aid		Chapter 70	Government Aid
ABINGTON	\$7,374,594	\$1,703,202	CAMBRIDGE	\$9,053,613	\$18,600,207
ACTON	\$5,596,025	\$1,211,122	CANTON	\$4,659,946	\$1,856,687
ACUSHNET	\$6,118,877	\$1,312,759	CARLISLE	\$830,608	\$189,932
ADAMS	\$0	\$2,026,986	CARVER	\$9,688,439	\$1,264,820
AGAWAM	\$18,633,593	\$3,189,659	CHARLEMONT	\$61,400	\$151,342
ALFORD	\$0	\$12,150	CHARLTON	\$21,683	\$1,254,367
AMESBURY	\$8,577,441	\$1,684,372	CHATHAM	\$0	\$130,303
AMHERST	\$5,895,073	\$7,289,164	CHELMSFORD	\$10,218,568	\$4,394,475
ANDOVER	\$8,102,993	\$1,547,083	CHELSEA	\$61,420,587	\$7,110,882
AQUINNAH	\$0	\$2,023	CHESHIRE	\$21,877	\$531,876
ARLINGTON	\$9,992,259	\$6,568,591	CHESTER	\$126,115	\$155,878
ASHBURNHAM	\$0	\$688,398	CHESTERFIELD	\$133,564	\$119,538
ASHBY	\$0	\$379,110	CHICOPEE	\$56,778,421	\$9,970,051
ASHFIELD	\$93,763	\$160,738	CHILMARK	\$0	\$3,247
ASHLAND	\$5,455,185	\$1,170,845	CLARKSBURG	\$1,764,100	\$314,965
ATHOL	\$0	\$2,292,208	CLINTON	\$11,031,441	\$2,038,144
ATTLEBORO	\$34,030,257	\$4,939,363	COHASSET	\$2,093,307	\$445,448
AUBURN	\$8,001,445	\$1,482,780	COLRAIN	\$0	\$249,882
AVON	\$887,809	\$600,091	CONCORD	\$2,125,997	\$1,004,433
AYER	\$0	\$655,442	CONWAY	\$602,704	\$154,737
BARNSTABLE	\$7,537,738	\$1,821,187	CUMMINGTON	\$73,959	\$72,228
BARRE	\$14,988	\$778,683	DALTON	\$273,826	\$985,076
BECKET	\$76,938	\$78,628	DANVERS	\$5,879,093	\$2,465,962
BEDFORD	\$3,794,121	\$993,887	DARTMOUTH	\$9,233,066	\$2,182,579
BELCHERTOWN	\$13,419,341	\$1,473,168	DEDHAM	\$3,958,348	\$2,831,321
BELLINGHAM	\$8,184,635	\$1,469,133	DEERFIELD	\$1,050,593	\$415,850
BELMONT	\$5,822,568	\$1,954,933	DENNIS	\$0	\$471,527
BERKLEY	\$3,856,463	\$526,801	DEVENS	\$308,588	\$0
BERLIN	\$433,030	\$174,559	DIGHTON	\$0	\$669,478
BERNARDSTON	\$0	\$251,820	DOUGLAS	\$8,493,140	\$631,841
BEVERLY	\$7,009,491	\$5,056,137	DOVER	\$635,731	\$166,551
BILLERICA	\$18,343,562	\$5,041,689	DRACUT	\$18,583,324	\$3,033,553
BLACKSTONE	\$84,476	\$1,185,081	DUDLEY	\$9,251	\$1,546,948
BLANDFORD	\$42,976	\$109,937	DUNSTABLE	\$0	\$212,952
BOLTON	\$0	\$170,943	DUXBURY	\$4,592,385	\$767,461
BOSTON	\$209,406,563	\$164,035,210	EAST BRIDGEWATER	\$10,251,257	\$1,295,986
BOURNE	\$4,825,238	\$1,269,209	EAST BROOKFIELD	\$146,522	\$251,101
BOXBOROUGH	\$1,320,503	\$218,400	EASTHAM	\$329,806	\$128,992
BOXFORD	\$1,582,232	\$420,890	EASTHAMPTON	\$7,687,117	\$2,433,607
BOYLSTON	\$412,031	\$296,568	EAST LONGMEADOW	\$9,834,624	\$1,253,244
BRAINTREE	\$13,682,224	\$4,954,434	EASTON	\$9,437,566	\$1,896,016
BREWSTER	\$918,344	\$341,860	EDGARTOWN	\$448,818	\$57,673
BRIDGEWATER	\$36,207	\$3,153,457	EGREMONT	\$0	\$54,628
BRIMFIELD	\$1,195,297	\$337,563	ERVING	\$425,470	\$58,193
BROCKTON	\$157,821,326	\$18,128,531	ESSEX	\$0	\$211,982
BROOKFIELD	\$1,361,090	\$427,490	EVERETT	\$54,675,859	\$5,981,587
BROOKLINE	\$10,332,628	\$5,496,965	FAIRHAVEN	\$7,338,560	\$1,952,387
BUCKLAND	\$0	\$265,108	FALL RIVER	\$100,146,282	\$20,632,671
BURLINGTON	\$5,416,037	\$2,267,423	FALMOUTH	\$5,077,571	\$1,200,342

Unrestricted General			Unrestricted General		
Municipality	Chapter 70	Government Aid	Municipality	Chapter 70	Government Aid
FITCHBURG	\$44,262,969	\$7,388,737	LANCASTER	\$3,352	\$827,617
FLORIDA	\$534,842	\$43,095	LANESBOROUGH	\$742,373	\$298,663
FOXBOROUGH	\$8,529,165	\$1,289,632	LAWRENCE	\$159,051,579	\$16,999,949
FRAMINGHAM	\$30,436,960	\$8,613,953	LEE	\$1,964,149	\$539,208
FRANKLIN	\$27,268,946	\$2,139,376	LEICESTER	\$9,493,437	\$1,503,310
FREETOWN	\$380,603	\$822,145	LENOX	\$1,170,680	\$461,495
GARDNER	\$18,939,506	\$3,668,914	LEOMINSTER	\$43,192,280	\$4,955,255
GEORGETOWN	\$5,218,183	\$620,237	LEVERETT	\$274,716	\$154,544
GILL	\$0	\$210,597	LExINGTON	\$8,041,749	\$1,326,917
GLOUCESTER	\$5,978,230	\$3,457,947	LEYDEN	\$0	\$71,287
GOSHEN	\$96,436	\$69,265	LINCOLN	\$759,321	\$589,430
GOSNOLD	\$16,514	\$1,816	LITTLETON	\$3,731,913	\$615,448
GRAFTON	\$10,477,603	\$1,353,759	LONGMEADOW	\$4,294,961	\$1,209,644
GRANBY	\$4,516,215	\$764,473	LOWELL	\$129,782,014	\$21,808,064
GRANVILLE	\$0	\$138,814	LUDLOW	\$13,282,703	\$2,644,943
GREAT BARRINGTON	\$0	\$657,081	LUNENBURG	\$5,260,112	\$915,592
GREENFIELD	\$11,840,501	\$2,748,778	LYNN	\$132,767,730	\$19,385,088
GROTON	\$0	\$670,681	LYNNFIELD	\$3,941,766	\$900,466
GROVELAND	\$0	\$630,240	MALDEN	\$46,948,770	\$10,862,478
HADLEY	\$831,798	\$392,951	MANCHESTER	\$0	\$192,545
HALIFAX	\$2,684,967	\$785,947	MANSFIELD	\$18,175,039	\$1,931,279
HAMILTON	\$0	\$581,705	MARBLEHEAD	\$5,276,734	\$985,938
HAMPDEN	\$0	\$595,679	MARION	\$459,899	\$195,360
HANCOCK	\$196,865	\$48,883	MARLBOROUGH	\$18,324,085	\$4,713,148
HANOVER	\$6,526,114	\$1,834,100	MARSHFIELD	\$13,855,893	\$1,875,633
HANSON	\$40,140	\$1,108,736	MASHPEE	\$4,316,511	\$318,548
HARDWICK	\$0	\$403,074	MATTAPOISETT	\$557,961	\$350,913
HARVARD	\$1,790,806	\$1,282,208	MAYNARD	\$4,024,015	\$1,360,226
HARWICH	\$0	\$372,945	MEDFIELD	\$5,797,959	\$1,255,070
HATFIELD	\$776,846	\$270,155	MEDFORD	\$11,173,603	\$10,502,207
HAVERHILL	\$43,745,050	\$8,509,496	MEDWAY	\$10,058,469	\$1,056,306
HAWLEY	\$35,277	\$37,470	MELROSE	\$7,765,699	\$4,440,294
HEATH	\$0	\$72,441	MENDON	\$12,039	\$353,821
HINGHAM	\$6,355,052	\$1,366,428	MERRIMAC	\$0	\$728,482
HINSDALE	\$105,058	\$192,779	METHUEN	\$40,125,234	\$4,707,570
HOLBROOK	\$4,778,433	\$1,277,508	MIDDLEBOROUGH	\$17,376,809	\$2,134,651
HOLDEN	\$0	\$1,655,359	MIDDLEFIELD	\$18,150	\$46,028
HOLLAND	\$902,423	\$174,754	MIDDLETON	\$1,531,951	\$473,733
HOLLISTON	\$7,091,025	\$1,340,785	MILFORD	\$18,935,700	\$2,644,539
HOLYOKE	\$69,621,603	\$8,793,214	MILLBURY	\$6,683,895	\$1,533,176
HOPEDALE	\$5,887,320	\$564,575	MILLIS	\$4,567,886	\$906,484
HOPKINTON	\$5,789,203	\$680,140	MILLVILLE	\$50,941	\$352,672
HUBBARDSTON	\$0	\$390,012	MILTON	\$5,860,728	\$2,782,004
HUDSON	\$10,315,950	\$1,726,518	MONROE	\$76,276	\$15,920
HULL	\$3,681,846	\$1,834,874	MONSON	\$7,342,725	\$1,130,214
HUNTINGTON	\$258,511	\$298,395	MONTAGUE	\$0	\$1,240,842
IPSWICH	\$2,770,852	\$1,389,820	MONTEREY	\$0	\$40,031
KINGSTON	\$4,159,865	\$831,041	MONTGOMERY	\$21,092	\$75,139
LAKEVILLE	\$73,830	\$708,424	MOUNT WASHINGTON	\$33,076	\$25,954

Unrestricted General Government Aid			Unrestricted General Government Aid		
Municipality	Chapter 70		Municipality	Chapter 70	
NAHANT	\$462,021	\$327,140	RANDOLPH	\$14,039,088	\$4,500,395
NANTUCKET	\$1,421,503	\$68,601	RAYNHAM	\$0	\$984,542
NATICK	\$8,271,301	\$3,299,298	READING	\$10,011,427	\$2,806,899
NEEDHAM	\$7,765,965	\$1,511,453	REHOBOTH	\$34,090	\$902,536
NEW ASHFORD	\$180,422	\$17,586	REVERE	\$47,810,872	\$8,906,470
NEW BEDFORD	\$119,984,407	\$19,917,179	RICHMOND	\$340,519	\$93,672
NEW BRAintree	\$0	\$114,296	ROCHESTER	\$1,738,272	\$367,733
NEWBURY	\$0	\$448,397	ROCKLAND	\$10,380,515	\$2,288,865
NEWBURYPORT	\$3,342,728	\$2,208,196	ROCKPORT	\$1,324,168	\$378,858
NEW MARLBOROUGH	\$0	\$50,706	ROWE	\$100,747	\$3,411
NEW SALEM	\$0	\$89,832	ROWLEY	\$0	\$467,570
NEWTON	\$17,361,924	\$5,088,123	ROYALSTON	\$0	\$155,657
NORFOLK	\$3,291,530	\$830,305	RUSSELL	\$168,815	\$213,838
NORTH ADAMS	\$13,517,943	\$3,841,196	RUTLAND	\$0	\$800,936
NORTHAMPTON	\$7,023,429	\$3,805,501	SALEM	\$20,879,459	\$5,972,679
NORTH ANDOVER	\$6,934,624	\$1,774,377	SALISBURY	\$0	\$547,065
NORTH			SANDISFIELD	\$0	\$30,003
ATTLEBOROUGH	\$19,827,086	\$2,490,951	SANDWICH	\$6,588,268	\$975,875
NORTHBOROUGH	\$3,668,085	\$965,772	SAUGUS	\$4,479,504	\$3,176,467
NORTHBRIDGE	\$15,150,056	\$1,827,609	SAVOY	\$503,704	\$100,320
NORTH BROOKFIELD	\$4,171,238	\$689,906	SCITUATE	\$5,034,826	\$1,741,761
NORTHFIELD	\$0	\$312,818	SEEKONK	\$4,646,381	\$1,065,437
NORTH READING	\$6,625,625	\$1,537,319	SHARON	\$6,780,652	\$1,212,028
NORTON	\$12,328,675	\$1,799,516	SHEFFIELD	\$14,011	\$210,933
NORWELL	\$3,205,332	\$928,150	SHELBURNE	\$4,688	\$226,425
NORWOOD	\$5,200,626	\$4,027,272	SHERBORN	\$525,258	\$187,543
OAK BLUFFS	\$639,201	\$62,968	SHIRLEY	\$0	\$1,135,967
OAKHAM	\$0	\$166,113	SHREWSBURY	\$18,897,238	\$2,411,871
ORANGE	\$5,158,204	\$1,399,243	SHUTESBURY	\$588,274	\$146,827
ORLEANS	\$250,272	\$148,722	SOMERSET	\$5,067,653	\$1,327,968
OTIS	\$0	\$31,492	SOMERVILLE	\$19,448,713	\$21,815,292
OXFORD	\$10,209,599	\$1,780,343	SOUTHAMPTON	\$2,456,276	\$551,690
PALMER	\$10,626,130	\$1,736,381	SOUTHBOROUGH	\$2,744,686	\$378,693
PAXTON	\$0	\$468,520	SOUTHBRIDGE	\$18,512,226	\$3,046,010
PEABODY	\$19,059,168	\$6,249,937	SOUTH HADLEY	\$7,676,404	\$2,261,280
PELHAM	\$220,506	\$137,820	SOUTHWICK	\$0	\$1,092,155
PEMBROKE	\$13,007,700	\$1,455,424	SPENCER	\$16,976	\$1,958,332
PEPPERELL	\$0	\$1,292,246	SPRINGFIELD	\$295,698,063	\$32,777,293
PERU	\$73,700	\$98,881	STERLING	\$0	\$600,258
PETERSHAM	\$422,883	\$99,260	STOCKBRIDGE	\$0	\$86,306
PHILLIPSTON	\$0	\$159,709	STONEHAM	\$3,542,435	\$3,217,831
PITTSFIELD	\$38,993,283	\$7,475,431	STOUGHTON	\$14,113,479	\$2,772,599
PLAINFIELD	\$51,124	\$43,437	STOW	\$0	\$364,487
PLAINVILLE	\$2,788,256	\$656,855	STURBRIDGE	\$2,794,946	\$670,795
PLYMOUTH	\$22,624,022	\$3,392,638	SUDBURY	\$4,397,070	\$1,212,003
PLYMPTON	\$609,407	\$205,407	SUNDERLAND	\$836,963	\$437,622
PRINCETON	\$0	\$256,351	SUTTON	\$5,201,455	\$675,876
PROVINCETOWN	\$265,966	\$119,761	SWAMPSCOTT	\$2,826,908	\$1,120,722
QUINCY	\$24,196,218	\$16,532,568	SWANSEA	\$5,807,067	\$1,626,184

Municipality	Unrestricted General		Municipality	Unrestricted General	
	Chapter 70	Government Aid		Chapter 70	Government Aid
TAUNTON	\$47,822,170	\$7,282,284	WEST BROOKFIELD	\$201,923	\$421,713
TEMPLETON	\$0	\$1,207,362	WESTFIELD	\$33,072,499	\$5,450,602
TEWKSBURY	\$12,566,614	\$2,409,797	WESTFORD	\$16,189,875	\$1,840,033
TISBURY	\$404,664	\$84,900	WESTHAMPTON	\$450,895	\$125,464
TOLLAND	\$0	\$16,003	WESTMINSTER	\$0	\$566,791
TOPSFIELD	\$1,062,714	\$531,066	WEST NEWBURY	\$0	\$256,546
TOWNSEND	\$0	\$1,137,900	WESTON	\$2,571,779	\$323,870
TRURO	\$258,486	\$26,048	WESTPORT	\$4,262,947	\$1,053,380
TYNGSBOROUGH	\$7,080,574	\$836,738	WEST SPRINGFIELD	\$20,596,327	\$3,103,080
TYRINGHAM	\$36,446	\$10,993	WEST STOCKBRIDGE	\$0	\$84,184
UPTON	\$19,230	\$460,970	WEST TISBURY	\$0	\$160,822
UXBRIDGE	\$9,074,414	\$1,191,344	WESTWOOD	\$4,458,930	\$631,666
WAKEFIELD	\$5,047,660	\$2,916,857	WEYMOUTH	\$27,200,610	\$7,549,641
WALES	\$734,009	\$204,505	WHATELY	\$243,243	\$116,195
WALPOLE	\$7,422,258	\$2,206,646	WHITMAN	\$121,062	\$2,096,572
WALTHAM	\$7,830,873	\$8,314,358	WILBRAHAM	\$0	\$1,267,170
WARE	\$8,661,939	\$1,494,798	WILLIAMSBURG	\$493,503	\$262,131
WAREHAM	\$12,416,757	\$1,713,054	WILLIAMSTOWN	\$919,376	\$826,641
WARREN	\$0	\$783,346	WILMINGTON	\$10,743,101	\$2,152,952
WARWICK	\$0	\$110,115	WINCHENDON	\$11,215,085	\$1,456,620
WASHINGTON	\$0	\$81,778	WINCHESTER	\$7,449,435	\$1,281,052
WATERTOWN	\$3,571,901	\$5,775,246	WINDSOR	\$47,536	\$89,913
WAYLAND	\$3,316,668	\$782,645	WINTHROP	\$5,943,126	\$3,650,071
WEBSTER	\$10,298,165	\$2,143,737	WOBURN	\$6,938,425	\$5,183,481
WELLESLEY	\$7,526,408	\$1,121,617	WORCESTER	\$219,658,550	\$35,980,899
WELLFLEET	\$154,808	\$50,608	WORTHINGTON	\$49,200	\$108,756
WENDELL	\$0	\$150,893	WRENTHAM	\$3,606,873	\$807,227
WENHAM	\$0	\$370,872	YARMOUTH	\$0	\$1,093,176
WESTBOROUGH	\$4,560,980	\$1,003,334			
WEST BOYLSTON	\$2,864,560	\$689,851	Total Municipal	\$3,626,017,130	\$920,230,293
WEST BRIDGEWATER	\$2,634,310	\$566,184			

Regional School District	Unrestricted General		Regional School District	Unrestricted General	
	Chapter 70	Government Aid		Chapter 70	Government Aid
ACTON			BLACKSTONE VALLEY	\$8,016,612	
BOXBOROUGH	\$7,198,422		BLUE HILLS	\$3,918,770	
ADAMS CHESHIRE	\$10,085,868		BRIDGEWATER		
AMHERST PELHAM	\$9,272,992		RAYNHAM	\$20,403,671	
ASHBURNHAM			BRISTOL COUNTY	\$2,973,677	
WESTMINSTER	\$10,083,104		BRISTOL PLYMOUTH	\$10,522,719	
ASSABET VALLEY	\$3,706,350		CAPE COD	\$2,063,837	
ATHOL ROYALSTON	\$17,086,740		CENTRAL BERKSHIRE	\$8,454,734	
AYER SHIRLEY	\$7,959,611		CHESTERFIELD		
BERKSHIRE HILLS	\$2,726,838		GOSHEN	\$727,230	
BERLIN BOYLSTON	\$1,036,398		CONCORD CARLISLE	\$1,867,899	
BLACKSTONE			DENNIS YARMOUTH	\$6,631,289	
MILLVILLE	\$10,637,619		DIGHTON REHOBOTH	\$12,390,171	

Regional School District	Unrestricted General Government Aid		Regional School District	Unrestricted General Government Aid	
	Chapter 70			Chapter 70	
DOVER SHERBORN	\$1,438,730		NORTHBORO		
DUDLEY CHARLTON	\$23,744,648		SOUTHBORO	\$2,876,914	
ESSEX AGRICULTURAL	\$4,034,151		NORTHEAST		
FARMINGTON RIVER	\$400,995		METROPOLITAN	\$8,526,104	
FRANKLIN COUNTY	\$3,393,462		NORTHERN		
FREETOWN			BERKSHIRE	\$4,617,441	
LAKEVILLE	\$10,552,138		OLD COLONY	\$3,191,479	
FRONTIER	\$2,744,045		OLD ROCHESTER	\$2,152,701	
GATEWAY	\$5,625,873		PATHFINDER	\$5,347,099	
GILL MONTAGUE	\$6,037,994		PENTUCKET	\$12,703,677	
GREATER FALL RIVER	\$14,781,036		PIONEER	\$4,028,736	
GREATER LAWRENCE	\$20,239,875		QUABBIN	\$16,229,913	
GREATER LOWELL	\$23,606,729		QUABOAG	\$8,479,786	
GREATER NEW			RALPH C MAHAR	\$5,304,190	
BEDFORD	\$24,065,374		SHAWSHEEN VALLEY	\$6,194,076	
GROTON DUNSTABLE	\$10,449,473		SILVER LAKE	\$7,450,165	
HAMILTON WENHAM	\$3,370,416		SOMERSET BERKLEY	\$3,795,643	
HAMPDEN			SOUTH MIDDLESEX	\$3,547,349	
WILBRAHAM	\$11,323,964		SOUTH SHORE	\$3,845,365	
HAMPSHIRE	\$3,133,233		SOUTHEASTERN	\$13,311,435	
HAWLEMONT	\$609,827		SOUTHERN		
KING PHILIP	\$7,169,225		BERKSHIRE	\$1,850,096	
LINCOLN SUDBURY	\$2,650,295		SOUTHERN		
MANCHESTER ESSEX	\$2,773,287		WORCESTER	\$9,714,337	
MARTHAS VINEYARD	\$2,738,625		SOUTHFIELD	\$51,667	
MASCONOMET	\$4,823,099		SOUTHWICK TOLLAND		
MENDON UPTON	\$12,014,831		GRANVILLE	\$9,546,823	
MINUTEMAN	\$2,155,902		SPENCER EAST		
MOHAWK TRAIL	\$5,874,244		BROOKFIELD	\$13,363,889	
MONOMOY	\$2,506,360		TANTASQUA	\$7,587,559	
MONTACHUSETT	\$13,764,000		TRI COUNTY	\$5,529,518	
MOUNT GREYLOCK	\$1,680,908		TRITON	\$8,295,596	
NARRAGANSETT	\$9,698,544		UPISLAND	\$804,072	
NASHOBA	\$6,411,680		UPPER CAPE COD	\$2,891,885	
NASHOBA VALLEY	\$3,583,553		WACHUSETT	\$24,479,441	
NAUSET	\$3,289,004		WHITMAN HANSON	\$23,991,753	
NEW SALEM WENDELL	\$629,007		WHITTIER	\$7,801,332	
NORFOLK COUNTY	\$1,103,906				
NORTH MIDDLESEX	\$19,751,668		Total Regional	\$659,928,398	\$0
NORTH SHORE	\$1,590,497				
NORTHAMPTON SMITH	\$893,210		Total State	\$4,285,945,528	\$920,230,293

Consolidated amendments (education and local aid).

In section 74, in line 1046, by striking out the following: “and (iv)” and inserting in place thereof the following: “(iv) \$7,500,000 to private human and social services providers for a one-time rate reserve payment; (v) \$7,500,000 to early education and care providers for a one-time rate reserve payment; and (vi)”;

In section 94, in line 1398, by inserting after the word “designees” the words “; the ranking minority members of the house and senate on the joint committee on higher education, or their designees”;

By striking out section 95 and inserting in place thereof the following section:

“SECTION 95. There shall be a special commission to make an investigation and study of the cost of administering early education and care services in the Commonwealth and make recommendations to enhance said services where appropriate and necessary. The special commission shall consist of the commissioner of early education and care, who shall serve as chair; the secretary of administration and finance, or a designee; the house and senate chairs of the joint committee on education, or their designees, and the house and senate chairs of the joint committee on children, families, and persons with disabilities, or their designees; the ranking minority members of the house and senate on the joint committee on education, or their designees; the child advocate, or a designee; the commissioner of elementary and secondary education, or a designee with experience in elementary school transition; the Executive Director of the Massachusetts Head Start Association, or a designee; a representative of the Massachusetts Early Education and Care Association; the commissioner of transitional assistance, or a designee; the commissioner of children and families, or a designee; and 3 members appointed by the governor, 1 of whom shall be a provider of early education and care, and 1 of whom shall be a social worker with experience in serving families with children; a representative of the Massachusetts Teachers Association; and a representative of the AFT-MA. The commission shall collect and examine data relative to the need for greater access to affordable, quality early education and care and the timely placement of children in early education and care programs. The commission shall assess the funding and programming needed to enhance early education and care services, including maximizing cost-savings through targeted efficiency measures and entering into public-private partnerships to bolster the timely placement of children in affordable, quality early education and care programs. The commission shall also examine methods for addressing the high cost of child care and expanding the availability of affordable child care services for families receiving transitional assistance, including an examination of methods for determining initial and continuing eligibility for such services.

The commission, in formulating its recommendations, shall take into account the best policies and practices related to financing and administering early education and care in other states and jurisdictions, including but not limited to, those relating to budgeting and assessment strategies. The commission shall be empowered to hold regular public meetings, fact-finding hearings and other public forums as it considers necessary. The commission may, subject to appropriation, hire an independent consultant to conduct the research and assist with the preparation of any recommendations. The commission shall file its recommendations, together with recommendations for legislation, if any, with the clerks of the house of representatives and senate on or before December 31, 2013.”; and

By adding the following section:

Consolidated
amendments
(education
and
local aid).

“SECTION 113. Section one of chapter two hundred eight of the acts of 1979 is hereby amended by striking out section 1 and inserting in place thereof the following new section:—

Section 1. Thomas Farrington, Joseph Burnett, George S. Jones, and all such persons as are now members of an association known as ‘MCPHS University’, or shall hereafter become members of the same, are hereby constituted a corporation and body politic, in law and in fact, by the name ‘MCPHS University’, for the purpose of cultivating, improving, and making known the principles of pharmacy and allied health professions and their collateral branches of science and giving instruction in the same.”

Pending the question on adoption of the amendments, Mr. Dempsey of Haverhill moved to amend them in the proposed amendment to item 0640-0300 by striking out [at “A”] the figures “7,082,439” and inserting in place thereof the figures “8,082,439”;

By inserting after the proposed amendment to item 7061-0008 [at “B”] the following:

“In item 7061-0012 by striking the figures “235,489,224” and inserting in place thereof the figures “238,489,224”; and

By inserting after the proposed amendment in item 7061-9412 [at “C”], the following:

“In item 7061-9611 by striking the figures “1,410,000” and inserting in place thereof the figures “1,610,000”.

The further amendments were adopted.

After debate on the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Sannicandro of Ashland; and on the roll call (Mr. Donato of Medford being in the Chair) 156 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 83 in Supplement.]

Therefore the consolidated amendments (education and local aid), as amended, were adopted.

Mr. Kuros of Uxbridge and other members of the House then moved to amend the bill in section 2 by inserting after item 0710-0300 the following item:

“0710-0400 For the operation of a Non-Profit audit unit within the division of audit to prevent and identify fraud and abuse in Non-Profits contracting with the Department of Public Health, including, but not limited to, a review of executive compensation, lease obligations and contract performance; provided that the division shall submit a report not later than February 1, 2014 to the house and senate committees on ways and means detailing all findings”.

After remarks the amendment was adopted.

Ms. Andrews of Orange then moved to amend the bill by adding the following section:

“SECTION 114. The office of the inspector general shall study and report on the feasibility of setting limits on the annual compensation of the executive staff of a corporation, non-profit, or public charity that receives any public funds from the commonwealth equal to or greater than 1 per cent of the yearly budget of such corporation, non-profit, or public charity. The office of the inspector general shall report its find-

Consolidated
amendments
(education and
local aid)
adopted,—
yea and nay
No. 83.

ings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the house of representatives and senate and the house and senate committees on ways and means not later than December 31, 2013.”.

The amendment was adopted.

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

Consolidated amendments (constitutional officers and state administration).

In item 0511-0270 by striking out the figures “300,000” and inserting in place thereof the figures “396,000”;

In item 0521-0000 by striking out the figures “4,880,914” and inserting in place thereof the figures “5,380,914”;

By adding at the end of item 0526-0100 the following: “; provided, that no less than \$50,000 be expended for the rehabilitation of the State Theatre in the town of Stoughton” and in said item by striking out the figures “750,000” and inserting in place thereof the figures “800,000”;

In item 0920-0300 by striking out the figures “1,308,036” and inserting in place thereof the figures “1,408,036”;

In item 0950-0000 by striking out the figures “50,000” and inserting in place thereof the figures “70,000”;

In item 0950-0050 by striking out the figures “100,000” and inserting in place thereof the figures “150,000”; and

By inserting after item 0950-0050 the following item:

“0950-0080 For the commission on the status of Asian Americans, pursuant to section 38 of chapter 3 of the General Laws \$35,000”;

In section 8, in line 101, by striking out the figures “2,000,000” and inserting in place thereof the figures “750,000”;

By inserting after section 20 the following section:

“SECTION 20A. Chapter 30B of the General Laws is hereby amended, in sections 3 and 17(a) thereof by replacing the words ‘five thousand’ with the words ‘ten thousand’; in sections 4(a), 4(c), and 15(f) by replacing the figures ‘\$5,000’ with the figures ‘\$10,000’; in section 5(c), subsection (5), and section 16(c), subsections (1) and (2), replacing the words ‘twenty-five thousand’ with the words ‘fifty thousand’; and in sections 4(a), 4(d), 5(a), 6(a), 6A(a) and 7(a) by replacing the figures ‘\$25,000’ with the figures:— \$50,000”; and

In section 96, in lines 1483 to 1491, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“The commission shall have 15 members, the secretary of administration and finance or the secretary’s designee, who shall serve as chair; the state treasurer and receiver general or the treasurer’s designee; the inspector general or the inspector general’s designee; the secretary of housing and economic development or the secretary’s designee; the secretary of transportation or the secretary’s designee; 1 of whom shall be appointed by the president of the senate; 1 of whom shall be appointed by the speaker of the house; 1 of whom shall be appointed by the minority leader of the senate; 1 of whom shall be appointed by the minority leader of the house; and 6 members to be appointed by the Governor, 1 of whom shall represent organized labor; 1 of whom shall be a representative of the business community; 1 whom shall be a

representative of public higher education; 1 of whom shall be a representative of the Massachusetts Organization of State Engineers and Scientists; 1 of whom shall be a representative of the Massachusetts chapter of the American Institute of Architects; and 1 of whom shall be a representative of a regional planning agency.”

Consolidated amendments (constitutional officers and state administration) adopted,— yea and nay No. 84.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Kocot of Northampton; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 84 in Supplement.]

Therefore the consolidated amendments (constitutional officers and state administration) were adopted.

Subsequently statements of Messrs. Collins of Boston and Petrolati of Ludlow were spread upon the records of the House, as follows:

Statement of Mr. Collins of Boston.

MR. SPEAKER: During the above taking of the yeas and nays, I was absent from the House Chamber on official business in another part of the State House and not notified of the roll call. Had I been present when the vote was taken, I would have voted in the affirmative.

Statement of Mr. Petrolati of Ludlow.

MR. SPEAKER: During the above taking of the yeas and nays, I was absent from the House Chamber on official business in another part of the State House and not notified of the roll call. Had I been present when the vote was taken, I would have voted in the affirmative.

Recess.

Recess.

At two minutes after twelve o'clock midnight (Tuesday, April 23), there being no objection, on motion of Mr. Dempsey of Haverhill (Mr. Donato of Medford being in the Chair), the House recessed until ten o'clock A.M.; and at thirteen minutes after ten o'clock the House was called to order with Mr. Donato in the Chair.

Tuesday, April 23, 2012 (at 10:13 o'clock A.M.).

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.

Guests of the House.

Cambridge,— Casey Affleck.

During the session, the Speaker took the Chair, declared a brief recess and introduced actor and animal rights activist Casey Affleck of Cambridge. He was the guests of Representative Decker of Cambridge.

National Guard delegation.

The Speaker then declared a brief recess, and introduced Major General L. Scott Rice, Adjutant General of Massachusetts; Lt. Colonel John Driscoll, President of the National Guard Association of Massachusetts, Major Ryan Chandler and Major Brian Pillia, all of the Massachusetts Army National Guard; and Major Andrew St. Jean and Major Neal Byrne of the Massachusetts Air National Guard, and former state Representative and current Executive Director of the National Guard Association of Massachusetts Augie Grace. Major General Rice then addressed the House. Also accompanying the delegation was Austin Jenkins of the National Guard Association of Massachusetts and

Andrew Halbrook, the son of Major Halbrook. They were the guests of Representative Naughton of Clinton, Parisella of Beverly and Campbell of Methuen.

During the session, the Speaker took the Chair, declared a brief recess and introduced Richie Scannelli of Winthrop. He was the guest of the Speaker and Representative Reinstein of Revere.

Richie Scannelli.

Resolutions.

Mr. Donato of Medford being in the Chair,—

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

Resolutions (filed by Mr. Roy of Franklin) congratulating Evan Dean on receiving the Eagle Award of the Boy Scouts of America; and

Evan Dean.

Resolutions (filed by Mr. Roy of Franklin) congratulating Patrick McLaughlin on receiving the Eagle Award of the Boy Scouts of America;

Patrick McLaughlin.

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. Pignatelli of Lenox, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Mr. Heroux of Attleboro presented a petition (subject to Joint Rule 12) of Paul R. Heroux and others relative to creating a violent video game and violent music surcharge fee; and the same was referred, under Rule 24, to the committee on Rules.

Violent games, etc.,—surcharge.

Report of a Committee.

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on Senate No. 359 and House, No. 696, a Bill to reduce plastic pollution (House, No. 3438). Read; and referred, under Rule 33, to the committee on Ways and Means.

Plastic pollution,—reduction.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2014 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interests, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 3400, amended), was considered.

General Appropriation Bill.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Lombardo of Billerica and other members of the House moved to amend it by adding the following section:

“SECTION 115. Notwithstanding any general or special law to the contrary, any city or town which fails to enforce federal immigration laws shall not receive unrestricted general government aid, as prescribed by the general appropriations act; provided, quarterly payments of unrestricted general government aid to be disbursed to the city or town shall cease upon verification of the failure of the city or town to comply with federal immigration laws. Failure to comply with federal

immigration laws shall include, but is not limited to, a declaration of 'sanctuary city' status by the chief executive or executive board or legislative branch of the city or town."

Amendment
rejected,—
yea and nay
No. 85.

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. Lombardo; and on the roll call 31 members voted in the affirmative and 125 in the negative.

[See Yea and Nay No. 85 in Supplement.]

Therefore the amendment was rejected.

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

"SECTION 115. Notwithstanding any general or special law to the contrary the University of Massachusetts School of Law Dartmouth shall provide for a tuition waiver program for in-state tuition applicants who sign to commit to a minimum of five years in the office of a Massachusetts State District Attorney's office after obtaining their degree and providing that they subsequently pass the Massachusetts Bar Exam."

After remarks the amendment was rejected.

Messrs. Kuros of Uxbridge and Jones of North Reading then moved to amend the bill by adding the following section:

"SECTION 115. Chapter 240 Section 34 (13S) of the Acts of 2010 shall be amended by adding the following: The first hearing of the Commission shall be held no later than January 1, 2014."

After remarks the amendment was rejected.

Representatives Straus of Mattapoisett and Peake of Provincetown then moved to amend the bill by adding the following section:

"SECTION 115. Section 44 of chapter 130 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:—

If the measurement of any such lobster taken from one or the other eye sockets is of the required length, such lobster shall be deemed to be a legal lobster. In all prosecutions under this section any mutilation of any lobster which affects its measurement as aforesaid shall be prima facie evidence that the lobster was or is less than the required length; provided, however, that the director shall, by regulation approved by the marine fisheries advisory commission, allow the on-shore processing in the commonwealth of live lobsters of legal length into frozen shell-on lobster tails by wholesale dealers that are licensed by the department of public health under section 77G of chapter 94. Processed frozen lobster tails may be possessed, sold or offered for sale in the commonwealth by any wholesale dealer, retail dealer or food establishments and such food product may be possessed by a consumer. The processing, possession or sale of said frozen lobster tails pursuant to this section shall be limited to lobster tails weighing 3 ounces or more. The packaging of processed frozen lobster tails pursuant to this section as a food product shall be labeled in accordance with applicable federal and state laws and regulations. This section shall not apply to common carriers having lobster in possession for the purpose of transportation."

The amendment was adopted.

Mr. Straus then moved to amend the bill by adding the following section:

“SECTION 116. Section 20A of chapter 29 of the general laws is hereby repealed.”

The amendment was adopted.

Mr. Costello of Newburyport then moved to amend the bill by adding the following new section:

“SECTION 117. Section 35PP of chapter 10 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking, in line 9, the figures ‘\$2’ and inserting in place thereof the figures:— \$3.”

The amendment was adopted.

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

“SECTION 118. (a) Establishment. There shall be established a commission to oversee an investigation and study of the current leases, permits and licenses of the Department of Conservation and Recreation (DCR). The commission will investigate and study the practices of establishing and renewing lease, permit, or license agreements. Further, the commission will investigate, study, and detail the current lease, permit, and license agreements of the DCR. Further, the commission will investigate, study, and detail the collection activities of the DCR and include any delinquent payments on lease, permit, or license agreements

(b) Membership. The commission shall consist of seven members as follows:

- (i) the president of the senate or designee;
- (ii) the speaker of the house or designee;
- (iii) the minority leader of the senate or designee;
- (iv) the minority leader of the house or designee;
- (v) the inspector general or designee;
- (vi) the commissioner of DCR or designee;
- (vii) one member of Division of Capital Asset Management appointed by the secretary of administration and finance.

(c) Report. The commission shall report the results of its investigation, together with drafts of legislation, if any, necessary to carry its recommendations into effect, before January 1, 2014. The commission shall file the report with the clerks of the senate and house of representatives, on or before January 1, 2014.”

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 of Billerica; and on the roll call 32 members voted in the affirmative and 124 in the negative.

Amendment
rejected,—
yea and nay
No. 86.

[See Yea and Nay No. 86 in Supplement.]

Therefore the amendment was rejected.

Mr. Frost of Auburn then moved to amend the bill by adding the following section:

“SECTION 118. (a) Notwithstanding any general or special law to the contrary, it shall be unlawful for a state or local authority or government body to regulate the size of soft drinks, or other non-alcoholic beverages, or food portions sold at privately owned businesses, restaurants or stores, or to prohibit a privately owned business, restaurant or

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store from providing a toy or other promotion with the food or non-alcoholic beverages sold. Nothing in this section shall be construed as to apply to vendors or contracts within federal, state or local government buildings.

(b) Notwithstanding the provision of subsection (a), a city or town may regulate the size of soft drinks, or other non-alcoholic beverages, or food portions sold at privately owned businesses, restaurants or stores, or to prohibit a privately owned business, restaurant or store from providing a toy or other promotion with the food or non-alcoholic beverages sold; provided however, any such regulations or prohibitions shall only take effect upon acceptance of a ballot question by the voters of a city or town at a regular municipal or state election.”

Amendment
rejected,—
yea and nay
No. 87.

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.

[See Yea and Nay No. 87 in Supplement.]

Therefore the amendment was rejected.

Ms. Peake of Provincetown and other members of the House then moved to amend the bill by adding the following section:

“SECTION 118. There shall be a special commission to investigate, analyze and study the health, housing, financial, psycho-social and long-term care needs of older lesbian, gay, bisexual and transgender (LGBT) adults and their caregivers and to make recommendations to improve access to benefits and services where appropriate and necessary. The special commission shall consist of twenty members including the House and Senate chairs of the Joint Committee on Elder Affairs, or their designees, who shall serve as co-chairs; the secretary of elder affairs, or a designee; the secretary of housing and community development, or a designee; the commissioner of public health, or a designee; the director of the LGBT Aging Project, or a designee; the director of Fenway Health, or a designee; the executive director of GLAD, or a designee; a representative of the National Association of HIV Over Fifty; the executive director of MassEquality or a designee; the executive director of the Massachusetts Home Care Association, or a designee; the director of AARP Massachusetts, or a designee; the executive director of the Massachusetts Association of Councils on Aging Inc., or a designee; the director of the Massachusetts Nursing Home Federation, or a designee; the director of the Massachusetts Council of Home Care Aides, or a designee; and five members appointed by the governor, one of whom shall be a member of the Massachusetts bar who practices elder law; one of whom shall be an expert in LGBT public policy or research; and three LGBT elders, at least one of whom shall be transgender. The Governor’s appointees shall insure at least one representative is from Cape Cod, as well as the western and central portions of the state.

The commission shall also examine the impact of state policies and regulations on LGBT older adults and make recommendations to ensure equality of access, treatment, care and benefits. The commission shall examine strategies to increase provider awareness of the needs of LGBT older adults and their caregivers and to improve the competence of and access to treatment, services and on-going care,

including preventive care. The commission shall assess the funding and programming needed to enhance services to the growing population of LGBT older adults and to examine best practices for increasing access, reducing isolation, preventing abuse and exploitation, promoting independence and self-determination, strengthening caregiving, eliminating disparities, and improving quality of life.

In particular, the commission shall examine the extent to which policies and practices, or the absence thereof, promote the premature admission of LGBT older adults to institutional care and to recommend, as appropriate and necessary, lower-cost and culturally appropriate home and community-based alternatives. The commission shall also examine the feasibility of developing statewide training curricula to improve provider competency in the delivery of health, housing and long-term support services to older LGBTs and their caregivers, as well as outreach protocols to reduce apprehension among LGBT elders and caregivers of mainstream providers. The commission, in formulating its recommendations, shall take into account the best policies and practices in other states and jurisdictions. The commission shall be empowered to hold regular public meetings, fact-finding hearings and other public forums as it considers necessary. The commission shall file its recommendations, together with recommendations for legislation, if any, with the clerks of the House of Representatives and Senate within 12 months of the first convening of the commission.”

The amendment was adopted.

Representatives D’Emilia of Bridgewater and McMurtry of Dedham then moved to amend the bill by adding the following section:

“SECTION 119. There shall be established and set upon the books of the commonwealth a separate fund to be known as the Prison Mitigation Fund, which shall be used exclusively for cities and towns hosting department of correction facilities. Amounts credited to the fund shall be administered by the department of correction.

There shall be credited to the fund, revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund and investment income earned on the fund’s assets, and all other sources. Money remaining in the fund at the end of the fiscal year shall not revert to the General Fund.

One hundred per cent of the monies deposited in the fund, but not less than \$2,000,000 in the aggregate, in each fiscal year shall be distributed to each said city and town in accordance with the following formula: the aggregate amount in the fund divided by the average daily prisoner population at all department of correction facilities, multiplies by the average daily prisoner population located within said city or town.”

The amendment was rejected.

Representatives Timilty of Milton and Forry of Boston then moved to amend the bill by adding the following section:

“SECTION 119. (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws, the division of capital asset management and maintenance, using those competitive proposal processes as the division considers necessary or appropriate, in consultation with the department of conservation and recreation, shall lease and enter into other agreements with 1 or more persons or entities, for terms not to exceed 25 years, for the continued

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use, operation, maintenance, repair and improvement of the Max Ulin Memorial Rink, together with the land and appurtenances associated therewith.

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

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

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

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

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

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

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

(f) Ice time at the rink shall be allocated to user groups in the following order of priority: general public skating; non-profit youth groups; high school hockey, not for profit schools or colleges; for-profit youth

groups and adult organizations or informal groups. Ice time may be allocated at the discretion of the operator, but general public skating shall be booked, in 2-hour contiguous blocks at a minimum of 12 hours per week, with a range of times and days which reasonably allow for public skaters of all ages to participate in some public skating sessions. Every effort shall be made to balance the ice allocation needs of long-established youth organizations and newly-formed youth organizations in a manner that provides equal opportunity and equal access for youths of each gender.

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

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

The amendment was rejected.

Mr. Sannicandro of Ashland then moved to amend the bill by adding the following section:

“SECTION 119. Chapter 19B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting the following three sections:

Section 19. As used in this section, the following words shall have the following meanings:—

(a) ‘Department’, the Department of Developmental Services.

‘Fiscal intermediary’, a financial management service or fiscal intermediary to assist an individual who self-directs in disbursing funds allocated to an individual in their individual budget and in accordance with their person-centered plan. The intermediary shall work at the direction of the individual or an appointed designee identified in the person-centered plan.

‘Individual’, an individual eligible to receive services through the Department of Developmental Services.

‘Individual budget’, a dollar amount for goods, services and supports specified in the person-centered plan that is under the control and direction of the individual.

‘Person-centered plan’, a plan of service for individuals who chose to participate in self-direction.

‘Self-determination,’ an approach to providing services that underpins a self-direction model of service delivery. Self-determination is based on five principles:

(1) Freedom, the ability for an individual with disabilities, with chosen family and friends, to plan a life with necessary supports rather than purchase a program;

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(2) Authority, the ability for an individual to control a certain sum of dollars in order to purchase these supports, with the backing of a social network or circle of friends, if needed;

(3) Support, the arranging of resources and personnel, both formal and informal, to assist an individual to live a life in the community, rich in community associations and contributions; and

(4) Responsibility, the acceptance of a valued role in an individual's community through employment, affiliations, spiritual development, and general caring for others, as well as accountability for spending public dollars in ways that are life-enhancing;

(5) Confirmation, affirming the central role individuals have in leadership and change.

'Self-determination domains', for individuals who choose self-direction these are the domains to be prioritized in their service planning:

(1) A place to call home with control over anyone who comes through the front door or otherwise provides any services or supports with freely chosen assistance when necessary;

(2) Economic self-sufficiency through supports or funds as needed provided through jobs, self-employment and active or passive pursuit of private dollars

(3) Family, friends and other significant relationships of the individual's choosing and receive assistance to develop or maintain these relationships;

(4) Community membership with real connections to citizens and memberships in vital community organizations.

'Self-direction', a model of service delivery in which services and supports are person-centered, person-defined and person-controlled. Self-direction in a service delivery system includes features ensuring that:

(1) the individual is central to and directs the decision making process that will determine which supports are utilized;

(2) the individual has easy access to information, options, services and supports to enable the individual to self-direct;

(3) the service system is flexible so that the individual can tailor their support to meet their unique needs.

'Support broker', a person chosen by an individual participating in self-direction to assist as dictated by the individual in the development and execution of the person-center plan. This role can include but is not limited to adviser, advocate, facilitator and support staff.

(b) The general court finds that people with disabilities have the same rights and responsibilities as other citizens and the Commonwealth must assist them to realize those rights and exercise those responsibilities as contributing members of our communities. Further, the general court finds that services should help people achieve quality outcomes regarding personal choices, satisfaction, social integration and increased learning that may lead to rewarding occupations. In order to increase flexibility and choice of services, the Department shall promote the growth of self-determination through a self-direction model of service delivery for persons receiving services and supports funded through the Department.

(c) The Department shall establish a Self-Determination Advisory Board to evaluate and to advise the Department on efforts to implement self-direction and to participate in educational outreach efforts on self-

direction. The Self-Determination Advisory Board shall include individuals participating in self-direction, family members of individuals participating in self-direction, providers, service brokers, and representatives of advocacy organizations, including but not limited to: The Arc of Massachusetts, Massachusetts Developmental Disabilities Council, Massachusetts Families Organizing for Change, Massachusetts Advocates Standing Strong, Advocates for Autism of Massachusetts, Massachusetts Down Syndrome Congress, Disability Law Center and the Association of Developmental Disabilities Providers.

(d) All persons eligible for services through the Department shall be eligible for self-direction, including persons with complex medical or behavioral conditions, persons with profound intellectual impairments and persons eligible for services through special eligibility.

(d) The Department shall provide information about self-direction to all persons eligible for services through the Department. (1) The Department shall provide information about self-direction to a person eligible for services upon: (i) the notification to a person of their priority for services; (ii) the beginning of the development of an individual support plan; (iii) the beginning of the renewal of an individual support plan; (iv) the annual notification of persons who have declined an individual support plan of their option to participate in the individual support plan process. (2) The Department shall encourage individuals entering their Turning 22 program that are prioritized for services to pursue self-direction.

(e)(1)The Department shall publish information on the self-determination concept and self-direction options annually and shall make this information available to the public on the Department's website. (2) The Department shall email information on the self-determination concept and self-direction options annually to any organization or interested party that agrees to forward or post the information on their website and who provides their email address. Organizations include: The Arc of Massachusetts, Massachusetts Developmental Disabilities Council, Massachusetts Families Organizing for Change, Massachusetts Advocates Standing Strong, Advocates for Autism of Massachusetts, Massachusetts Down Syndrome Congress, Disability Law Center and the Association of Developmental Disabilities Providers. (3) The Department, in collaboration with the advocacy organizations represented on the Self-Determination Advisory Council, shall hold educational forums with families and individuals to provide information about self-direction no less than four times annually in each service region.

(f) The Department, in collaboration with the advocacy organizations represented on the Self-Determination Advisory Council, shall hold meetings annually with providers to discuss self-direction, how providers can participate, what it means to the present purchase of service system, and how the Department can work with providers to establish self-directed choices within the service system. The Department shall work with providers to help those interested in changing their business model to offer services supporting persons who choose to self-direct. The Department may offer introductory and on-going training to providers and provider staff on the subjects of self-determination, self-direction and the related elements of person-centered planning and individual budgeting.

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(g) The Department shall educate all staff, except for staff classified as janitorial, maintenance, or secretarial, on self-direction not less than two times annually.

(g) For individuals who choose self-direction, the Department shall implement a person-centered planning process. The individual shall direct the development of the person-centered plan and shall direct who is involved in the planning process. The person-centered plan shall be designed around the self-determination domains.

(h) Individuals who choose to self-direct shall receive an allocation of resources based on their assessed needs. The amount of allocation and development of an individual budget shall be determined through a person-centered plan. The Department shall determine an individual's prioritization for services and the amount allocated for an individual's services in a transparent manner. The individual or a legal representative designated by the individual shall be able to utilize resources allocated to them through the individual budget to choose which services and supports best serve the individual's needs and are consistent with meeting goals developed in line with the self-determination domains.

(i)(1) Individuals who choose to self-direct shall have access to a support broker to assist in the development of a plan of service and an individual budget in the person-centered planning process, to assist in the purchase of services and to assist in monitoring expenditures through the year. The support broker shall be made available through the Department or through a qualified private sector broker of the individual's choice. (ii) The Department shall establish basic competencies that must be met in order to qualify private sector or public sector support brokers in consultation with the Self-Determination Advisory Board. (2) Individuals who choose to self-direct shall have access to a state-designated or other qualified fiscal intermediary of the individual's choice to assist in the execution of the purchase of services. (3) If an individual chooses to utilize a private sector support broker, an allocation for the purchase of this service shall be included in the individual's budget. If an individual chooses to utilize a private sector fiscal intermediary, an allocation for the purchase of this service shall be included in the individual's budget.

(j) Providers and employees providing services to individuals through self-direction shall be eligible for a proportional amount of any additional appropriation designated for the increase of salary for workers employed by the Department or its providers.

(k) Individuals who choose to self-direct shall be surveyed at least once annually about their experiences with self-direction and potential improvements to the self-direction model and its overall operation.

(l) The Department shall provide an annual report, after consultation with the Self-Determination Advisory Board, to the Joint Committee on Children, Families, and Persons with Disabilities documenting progress in terms of numbers served through self-direction, ongoing improvements to the Department's self-direction program and challenges related to the Department's self-direction programs. The annual report shall include an analysis of the annual survey of individuals participating in self-direction mandated in section K and strategies to address the issues identified in these surveys.

(m) The Department shall utilize the Home and Community Based Waivers to maximize federal reimbursement for services rendered

through self-direction and related models. As necessary, the Department and Executive Office of Health and Human Services shall amend the waiver and take any other steps to ensure that activities or services can be implemented to achieve goals under self-determination domains for individuals.

Section 20. (a) The Department shall establish a contingency fund to assist: (1) Individuals in need of services; (2) Individuals who participate or wish to participate in self-direction or self-determination; (3) Individuals with unanticipated, emergency or changing needs; (4) In the case of an individual who chooses to leave a group living arrangement, in order to mitigate impact to providers. (b) The fund shall be comprised of 40% of the savings from the closure of Monson, Glavin and Templeton and other funds as they may be available within the Department's budget and at its discretion. The Department shall make every effort to ensure that the pool will retain sufficient funds for individuals utilizing self-determination and provider mitigation throughout the fiscal year. (c) The Department shall develop a policy related to the fund for individuals utilizing self-direction with the assistance of the Self-Determination Advisory Board.

Section 21. (a) Individuals and their guardians shall have choice of Department services or qualified providers and shall be free to change the individual's services or service provider. When an individual or their guardian requests a change, the Department shall initiate the process for requested changes without delay.

(b) Upon an individual or their guardian requesting a change of service or service provider for their group residence or group living situation, the individual or their guardian and the provider shall take steps to see if a resolution to the situation can be reached. If, at any time, the individual feels that a resolution to the situation cannot be reached, the individual or their guardian can request that the following provision be initiated within 7 days of the individual or their guardian notifying the Department: (1) The Department shall assist the individual in developing an alternative living situation, both the Department and the individual will make a good faith effort to determine a suitable alternative; (2) The Department shall work in conjunction with the individual to transfer to an available alternative as expeditiously as possible and taking no longer than 90 days; (3) As necessary, the Department will work with the provider of the residence or group living situation to ensure stability including the use of the contingency fund for mitigation established in Chapter 19B, Section 20.

to utilize a private sector support broker, an allocation for the purchase of this service shall be included in the individual's budget. If an individual chooses to utilize a private sector fiscal intermediary, an allocation for the purchase of this service shall be included in the individual's budget.

(j) Providers and employees providing services to individuals through self-direction shall be eligible for a proportional amount of any additional appropriation designated for the increase of salary for workers employed by the Department or its providers.

(k) Individuals who choose to self-direct shall be surveyed at least once annually about their experiences with self-direction and potential improvements to the self-direction model and its overall operation.

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(l) The Department shall provide an annual report, after consultation with the Self-Determination Advisory Board, to the Joint Committee on Children, Families, and Persons with Disabilities documenting progress in terms of numbers served through self-direction, ongoing improvements to the Department's self-direction program and challenges related to the Department's self-direction programs. The annual report shall include an analysis of the annual survey of individuals participating in self-direction mandated in section K and strategies to address the issues identified in these surveys.

(m) The Department shall utilize the Home and Community Based Waivers to maximize federal reimbursement for services rendered through self-direction and related models. As necessary, the Department and Executive Office of Health and Human Services shall amend the waiver and take any other steps to ensure that activities or services can be implemented to achieve goals under self-determination domains for individuals.

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The amendment was adopted.

Ms. Peisch of Wellesley then moved to amend the bill by adding the following section:

“SECTION 120. There shall be an educational mandate task force to review all existing state mandates imposed on public schools and districts in the Commonwealth. The task force shall consist of 11 members: the house and senate chairs of the joint committee on education, or their designees, who shall serve as the co-chairs of the task force; the secretary of education, or a designee with knowledge of federal and state education laws and regulations; the commissioner of elementary and secondary education, or a designee; a representative of the division of local mandates, appointed by the state auditor; the executive director of the Massachusetts Association of School Superintendents, or a designee; the executive director of the Massachusetts Association of School Committees, or a designee; the executive director of the Massachusetts Association of School Business Officials, or a designee; the executive director of the Massachusetts Association of Secondary School Principals, or a designee; the executive director of the Massachusetts Association of Elementary School Principals, or a designee; and the executive director of the Massachusetts Association of Special Education Administrators, or a designee.

The task force shall: (i) identify and review all existing mandates imposed on school districts by state law or regulation, including school and district reporting requirements, that are not required by federal law; (ii) determine the costs of such mandates and reporting requirements to school districts; and (iii) identify opportunities to streamline, consolidate, or eliminate such mandates or reporting requirements that are duplicative or inconsistent with current laws, regulations or practices.

The task force shall file a report containing its findings and recommendations, including legislation necessary to carry out its recommendations, with the clerks of the house and senate not later than 6 months following the first meeting of the task force.”

The amendment was adopted.

Mr. Mariano of Quincy then moved to amend the bill by adding the following section:

“SECTION 121. Chapter 224 of the Acts of 2012 is hereby amended in subsection (c)(1) of Section 241, by striking the word ‘reimbursements’ and inserting in place thereof the following: ‘gross patient service revenue’ and further amended by inserting after the words ‘Title XIX’ the following:— or Title XXI.”

The amendment was adopted.

Mr. Wagner of Chicopee then moved to amend the bill by adding the following section:

“SECTION 122. Notwithstanding any general or special law to the contrary, there is hereby established a special commission to study and report on the illegal tobacco distribution industry in Massachusetts and the resulting loss of tax revenue to the Commonwealth.

The special commission shall consist of 11 members: the commissioner of the department of revenue or his designee; the treasurer or his designee; the chairperson of the Massachusetts State Lottery Commission or his designee; 1 member of the house of representatives to be appointed by the speaker of the house; 1 member of the senate to be appointed by the senate president; 2 members to be appointed by the

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governor; the secretary of administration and finance or his designee; the attorney general or her designee; the executive director of the Northeast Association of Wholesale Distributors or his designee; and the executive director of the New England Convenience Store Association or his designee.

The scope of the special commission's authority shall include, but not be limited to, investigating and developing recommendations regarding: (1) the regulation, oversight, distribution and sale of all tobacco products sold in the Commonwealth; (2) the illegal tobacco market in the Commonwealth; (3) the loss of tobacco excise and sales tax revenue in the state; (4) the maximization of the collection of tobacco excise and sales tax revenues being lost to the illegal market; and (5) enforcement and penalties for violation of collection and reporting of all tobacco taxes as set forth in Chapter 64C of the General Laws.

The special commission shall convene no later than August 1, 2013 and prepare a written report detailing its findings and recommendations, together with drafts of legislation as may be necessary to carry those recommendations into effect. The commission shall submit its report to the clerks of the house and senate, the chairs of the house and senate committees on ways and means and the joint committee on revenue not later than January 1, 2014.”.

The amendment was adopted.

Mr. O'Day of West Boylston and other members of the House then moved to amend the bill by adding the following section:

“SECTION 123. There shall be a special commission to make an investigation and study of elder economic security and to make recommendations to increase elder economic security where appropriate and necessary. The special commission shall consist of the house and senate chairs of the committee on elder affairs, or their designees, who shall serve as co-chairs; the secretary of elder affairs, or a designee; the undersecretary of the office of consumer affairs and business regulation, or a designee; the executive director of the Massachusetts Association of Home Care Programs, or a designee; the state director of AARP Massachusetts, or a designee; the executive director of the Massachusetts Association of Councils on Aging Inc., or a designee; the president of the Alzheimer's Association, or a designee; the executive director of Massachusetts Senior Action Council, or a designee; the executive director of Mass. Association of Older Americans, or a designee; the director of the Gerontology Institute at UMass Boston, or a designee, a legal services attorney specializing in elder law, or a designee; and 4 members appointed by the governor, 1 of whom shall be a member of the Massachusetts bar who specializes in the area of elder law, 1 of whom shall be an expert in geriatric mental health, 1 of whom shall be an expert in financial services, and 1 of whom shall be an expert in home care service delivery.

The commission shall examine strategies to increase elder economic security and enable older residents to remain in the Commonwealth and in their communities. The commission shall assess older adults' current levels of economic security, identify the policy and program options now available to older adults, and consider best practices for enhancing elder economic security, including but not limited to, using measures such as the Massachusetts Elder Economic Security Standard. Finally,

the commission will assess current state and local programming and related funding needed to increase economic security for the growing elder population.

The commission, in formulating its recommendations, shall take into account the best policies and practices in other states and jurisdictions. The commission shall be empowered to hold regular public meetings, fact-finding hearings and other public forums as it considers necessary.

The commission shall file its recommendations, together with recommendations for legislation, if any, with the clerks of the House of Representatives and Senate on or before June 30, 2014.”.

The amendment was adopted.

Mr. O’Flaherty of Chelsea then moved to amend the bill by adding the following section:

“SECTION 124. Notwithstanding the provisions of sections 14 and 34 of chapter 91 of the General laws or any other general or special law to the contrary, this act authorized an exemption from the harbor lines in the vicinity established by Chapter 204 of the Acts of 1849 (May 2, 1849), Chapter 334 of the Acts of 1887 (June 1, 1887), or otherwise adopted as state harbor lines. The approximate location of the exemption to the harbor lines hereby established is as shown on a plan entitled, ‘Proposed Area of Exemption from harbor Lines in Chelsea Creek’, dated April 10, 2013. A final plan showing the specific location of the exemption area shall be incorporated in the waterways license to be issued subsequent to the effective date of this act.”.

The amendment was adopted.

Ms. Garlick of Needham and other members of the House then moved to amend the bill by adding the following section:

“SECTION 125. The department of public health’s office of oral health and the center for health information and analysis shall submit a report no later than December 31, 2013 to the House and Senate chairs of the Joint Committee on Public Health, the House and Senate Chairs of the Joint Committee on Health Care Financing, the chair of the House Committee on Ways and Means, and the Senate Chair of the Committee on Ways and Means on the oral health care needs of residents of the Commonwealth living with disabilities. The report shall include, but need not be limited to, the following information: (i) barriers to accessing dental health care for persons living with disabilities; (ii) the capacity of the current dental health care system to address the oral health needs of persons living with disabilities, with a focus on the availability of specialized equipment, the extent of provider training to treat this population, and any geographic disparities that may exist; and (ii) a projection of what additional resources, if any, are needed to fully address this need.”.

The amendment was adopted.

Mr. Moran of Lawrence then moved to amend the bill by adding the following section:

“SECTION 126. Section 25N½ of Chapter 111, as recently amended by Chapter 224 of the Acts of 2012, is hereby amended, in the third paragraph by inserting, after the word ‘shall’ the first time it appears, the words:— be in a 9 to 12 month residency program and.”.

The amendment was adopted.

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Mr. Miceli of Wilmington then moved to amend the bill by adding the following four sections:

“SECTION 127. Chapter 265 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 2 the following new section:—

Section 2A. In all cases of murder in the first degree in which the penalty of death may be authorized under section 2 of this chapter, and in which the commonwealth seeks to impose the penalty of death, the indictment or indictments shall specify which of the aggravating circumstances set forth in section 69 of chapter 279 are alleged to be present. Only so much of the indictment as alleges the offense of murder in the first degree, and not the aggravating circumstances, shall be presented to the jury during their deliberation as to the guilt or innocence of the defendant. That portion of the indictment which sets forth the aggravating circumstances shall be presented to the jury only during the presentencing proceedings in accord with section 68 of chapter 279.

SECTION 128. Chapter 279 of the General Laws, as so appearing, is hereby amended by striking section 60 and inserting in place thereof the following section:—

Section 60. The punishment of death shall be inflicted by intravenous injection of a substance or substances in a lethal quantity sufficient to cause death and until such prisoner is dead.

SECTION 129. Chapter 211D of the General Laws, as so appearing, is hereby amended by adding the following new section:—

Section 17. (a) The commonwealth shall provide legal services to: (1) any persons who are indigent and who have been charged with an offense for which capital punishment is sought; and (2) any persons who are indigent, have been sentenced to death and who seek appellate or collateral review. (b) The committee for public counsel services shall be the appointing authority and shall appoint staff attorneys, members of the private bar or both. (c) The appointing authority shall: (1) solicit applications from all attorneys qualified to be appointed in the proceedings specified in subsection (a). (2) draft and at such times as it may deem necessary, but at least annually, publish rosters of all applicants determined to be qualified attorneys. (3) draft and at such times as it may deem necessary, but at least annually, publish procedures by which attorneys shall be appointed and standards governing the qualifications and performance of such appointed counsel. Such standards of qualification and performance shall include, but need not be limited to: (A) membership in the bar of the commonwealth or admission to practice pro hac vice; (B) knowledge and understanding of pertinent legal authorities regarding the issues in capital cases in general and any case to which an attorney may be appointed in particular; (C) skills in the management and conduct of negotiations and litigation in homicide cases; (D) skills in the investigation of homicide cases, the background of clients, and the psychiatric history and current condition of clients; (E) skills in trial advocacy, including the interrogation of defense witnesses, cross examination, and jury arguments (F) skills in legal research and in the writing of legal petitions, briefs, and memoranda; and (G) skills in the analysis of legal issues bearing on capital cases; (4) Periodically review the rosters, monitor the performance of all attorneys appointed, and delete the name of any

attorney who: (A) fails satisfactorily to complete regular training programs on the representation of clients in capital cases; (B) fails to meet performance standards in a case to which the attorney has been appointed; or (C) fails otherwise to demonstrate continuing competency to represent clients in capital cases; (5) conduct or sponsor specialized training programs for attorneys representing clients in capital cases; (6) appoint two attorneys, lead counsel and co-counsel, to represent a client in a capital case after the relevant stage of proceedings, promptly upon receiving notice of the need for the appointment from the relevant state court; and (7) report such appointment or the client's failure to accept counsel in writing to the court requesting the appointment. (d) Upon receipt of notice from the appointing authority that an individual entitled to the appointment of counsel under this section has declined to accept such an appointment, the court requesting the appointment shall conduct, or cause to be conducted, a hearing, at which the individual and counsel proposed to be appointed under this section shall be present, to determine the individual's competency to decline that appointment, and whether the individual has knowingly and intelligently declined it. (e) (1) The appointing authority shall maintain 2 rosters of attorneys: one roster listing attorneys qualified to be appointed for the trial and sentencing stages of capital cases, the other listing attorneys qualified to be appointed for the appellate or collateral review stages. Each of the rosters shall be divided into two parts, one listing attorneys qualified to be appointed as lead counsel, the other listing attorneys qualified to be appointed as co-counsel. (2) An attorney qualified to be appointed lead counsel at the trial or sentencing stages shall: (A) be a trial practitioner with at least 5 years of experience in the representation of criminal defendants in felony cases; (B) have served as lead counsel or co-counsel at the trial or sentencing stages in at least two homicide cases tried to a jury; (C) be familiar with the law and practice in capital cases and with the trial and sentencing procedures in the commonwealth; (D) have completed such training or refresher courses in current developments in the representation of capital defendants at the trial or sentencing stages as the appointing authority shall require; and (E) demonstrate the proficiency and commitment necessary to providing legal services in capital cases. (3) An attorney qualified to be appointed co-counsel at the trial or sentencing stages shall: (A) be a trial practitioner with at least 3 years of experience in the representation of criminal defendants in felony cases; and (B) meet the standards in paragraphs (2)(C), (D) and (E) for lead counsel at the trial or sentencing stages. (4) An attorney qualified to be appointed lead counsel at the appellate or collateral review stages shall: (A) be an appellate practitioner with at least 5 years of experience in the representation of criminal clients in felony cases at the appellate or collateral review stages; (B) have served as lead counsel or co-counsel at the appellate or collateral review stages in at least 3 cases in which the client had been convicted of a felony offense; (C) be familiar with the law and practice in capital cases and with the appellate and collateral review procedures in the courts of the commonwealth and in federal court; (D) have completed such training or refresher courses in current developments in the representation of capital clients at the appellate and collateral review stages as the state appointing authority

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shall require; and (E) demonstrate the proficiency and commitment necessary to providing legal services in capital cases. (5) An attorney qualified to be appointed co-counsel at the appellate, collateral or unitary review stages shall: (A) be an appellate practitioner with at least 3 years of experience in the representation of criminal clients in felony cases at the appellate or collateral review stages; and (B) meet the standards in paragraphs (4)(C), (D) and (E) for lead counsel at the appellate or collateral review stages. (f) (1) Attorneys appointed from the private bar shall be: (A) compensated for actual time and service, computed on an hourly basis and at a reasonable rate in light of the attorney's qualifications and experience and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases; (B) reimbursed for expenses reasonably incurred in the representation of the client including the costs of law clerks and paralegals reasonably needed in the representation of the client; and (C) reimbursed for the costs of investigators and experts whose services have been approved in advance by the court and are reasonably needed in the representation of the client. (2) Payments under subsection (f)(1): (A) with respect to law clerks and paralegal, shall be computed on an hourly basis reflecting the local market for such services; and (B) with respect to investigators and experts, shall be commensurate with the schedule of fees paid by state authorities for such services. (g) Appointed attorneys from the private bar shall receive prompt payment for legal services and reimbursement for expenses and support services upon the submission of periodic bills, receipts, or other appropriate documentation to the appointing authority or other appropriate state agency. The appointing authority shall promptly resolve any disputes with respect to such bills.

SECTION 130. Chapter 279 of the General Laws, as so appearing, is hereby amended by striking sections 68 through 71 and inserting the following new sections:—

Section 68. Upon a plea or verdict of guilty of murder committed with deliberately premeditated malice aforethought or murder with extreme atrocity or cruelty by an individual who has attained the age of 18 years at the time of the murder and who is not convicted under the provisions of the felony murder rule, in cases where the commonwealth has alleged in its indictment or indictments the presence of one or more of the aggravating circumstances set forth in section 69 of this chapter, a presentence hearing shall be conducted before the jury before which the case was tried; provided, however, that if in the opinion of the judge presiding at the presentence hearing, it is impossible or impracticable for the trial jury to sit at the presentence hearing, or if the matter of guilt was determined by a plea of guilty rather than by a jury, a new jury shall be impaneled to sit at the presentencing hearing. The selection of that jury shall be according to the laws and rules governing the selection of a jury for the trial of a capital case. A presentence hearing need not be conducted if the commonwealth determines either that it cannot prove beyond a reasonable doubt the existence of one or more of the aggravating circumstances set forth in section 69 of this chapter, or that the penalty of death should not be imposed, in which case the court shall impose the sentence of imprisonment for life as provided in section 2 of chapter 265. During the presentence hearing, the only

issue shall be the determination of the punishment to be imposed. During such hearing the jury shall hear all additional relevant evidence in mitigation of punishment including evidence relevant to any statutory mitigating circumstance set forth in paragraph (b) of section 69 of this chapter, and evidence relevant to any other aspect of the defendant's character or record or any of the circumstances of the offense that the defendant or the commonwealth may proffer as a basis for a sentence less than death, regardless of its admissibility under the rules governing the admission of evidence at criminal trials. During such hearing, the jury shall also hear such evidence in aggravation of punishment as is relevant to any statutory aggravating circumstance set forth in paragraph (a) of said section 69, and which is alleged in the indictment; provided, however, that only such evidence in aggravation of punishment as the commonwealth has made known to the defendant prior to his trial shall be admissible, and provided further, that said evidence is otherwise admissible according to the rules governing the admission of evidence at criminal trials. The jury shall also hear arguments by the defendant or his counsel or both and by the commonwealth regarding the punishment to be imposed. The commonwealth and the defendant or his counsel shall be allowed to make opening statements and closing arguments at the presentence hearing. The order of those statements and arguments and the order of presentation of evidence shall be the same as at trial. Upon the conclusion of evidence and arguments at the presentence hearing, the court shall instruct the jury orally as to, and shall provide to the jury in writing copies of, any statutory aggravating circumstance or circumstances which are set forth in the indictment and which it determines to be warranted by the evidence. The court shall instruct the jury that it may choose to find that the penalty of death shall be imposed upon the defendant, or it may choose not to find that the penalty of death be imposed on the defendant, but that it may not find that the penalty of death shall be imposed unless it shall first make a unanimous determination of the existence of one or more of the aggravating circumstances set forth in section 69 of this chapter and the indictment, beyond a reasonable doubt. The jury shall further be instructed that if it finds the existence of such an aggravating circumstance beyond a reasonable doubt, it must then consider all of the evidence presented to it relevant to any of the mitigating circumstances set forth in paragraph (b) of section 69 of this chapter, or to any other mitigating circumstance and determine whether, in view of all the relevant circumstances of the offense and of the defendant, the sentence shall be life imprisonment or death. The jury shall further be instructed that the penalty of death may not be imposed unless it unanimously finds after a review of all of the evidence of mitigation proffered as a basis for a sentence less than death, that the penalty of death should be imposed. If the jury is unable to reach a unanimous verdict, the court shall impose the sentence of imprisonment for life as provided in section 2 of chapter 265. If its unanimous verdict is to impose the penalty of death, the jury shall designate in writing, signed by the foreperson of the jury, the statutory aggravating circumstance or circumstances which it unanimously found existed beyond a reasonable doubt, and that the jury after consideration of all of the evidence of mitigation relevant to the circumstances of the defendant and the offense proffered

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as a basis for a sentence less than death, unanimously found that the death penalty should be imposed. After the jury has made its findings, the court shall set a sentence in accordance with section 70. The declaration of a mistrial during the course of the presentence hearing or any error in the presentence hearing determined or otherwise shall not affect the validity of the conviction.

Section 69. (a) In all cases in which the death penalty may be authorized, the statutory aggravating circumstances are: (1) the murder was knowingly committed on a victim because of his position as, or while engaged in the performance of his official duties as one or more of the following: police officer, special police officer, parole officer, probation officer, state or federal law enforcement officer, court officer, firefighter, officer or employee of the department of correction, officer or employee of a sheriff's department, officer or employee of a jail or officer or employee of a house of correction; (2) the murder was committed by a defendant who was at the time incarcerated in a jail, or a correctional or penal institution, or the Massachusetts Treatment Center for the Sexually Dangerous or a facility used for the housing or treatment or housing and treatment of prisoners; or while on escape, furlough or work release from such jail, correctional or penal institution or facility; (3) the murder was knowingly committed on a victim because of his position as, or while engaged in the performance of his official duties as a judge, prosecuting attorney, juror, or witness; (4) the murder was committed by a defendant who had previously been convicted of murder in the first or second degree, or of an offense in any other federal, state or territorial jurisdiction of the United States which is the same as or necessarily includes the elements of the offense of murder in the first or second degree; (5) the murder was committed by a defendant who had previously been convicted of two or more federal or state offenses, committed on different occasions, for which a sentence of life in prison or death was authorized by statute; (6) the murder involved torture to the victim or the intentional infliction of extreme pain prior to death demonstrating a total disregard to the suffering of the victim; (7) the murder was committed by means of a destructive device, bomb, or explosive planted, hidden, mailed, delivered, or concealed in any place, area, dwelling, building or structure by the defendant; or the murder was committed by means such that the defendant knew or reasonably should have known that his act or acts would create a grave risk of death or serious bodily injury to more than one person; or the murder was committed by means of a machine gun or other automatic weapon; (8) the murder occurred during the commission of or in furtherance of a violation of the drug trafficking laws of the commonwealth as set forth in section 32E of chapter 94C, or during the commission of or in furtherance of an attempt or conspiracy to violate said drug trafficking laws; (9) the murder was committed as an act of political terrorism, which include murders committed for the purpose of attacking the government of the United States or any political subdivision thereof (10) the murder was knowingly committed on a victim because of his position as, or while engaged in the performance of his official duties as one of the following: governor or governor-elect, lieutenant governor or lieutenant governor elect, secretary of the commonwealth, treasurer of the commonwealth, attorney general,

member of the governor's council, district attorney, representative or senator in the general court or mayor " (11) the murder was committed by means of a biological, chemical or nuclear agent or device, including but not limited to an act of terrorism (b) In all cases in which the death penalty may be authorized, the mitigating circumstances shall be any factors proffered by the defendant or the commonwealth which are relevant in determining whether to impose a sentence less than death, including, but not limited to, any aspect of the defendant's character, propensities, or record and any of the circumstances of the murder, including but not limited to the following: (1) the defendant has no significant history of prior criminal convictions; (2) the victim was a co-conspirator or willing participant in the defendant's homicidal conduct, or in the criminal conduct which resulted in the murder; (3) the murder was committed while the defendant was under extreme duress or under the domination or control of another which was insufficient to establish a defense to the murder but which substantially affected his judgment; (4) the offense was committed while the capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was impaired as a result of: (a) a mental disease or defect; (b) organic brain damage; (c) emotional illness brought on by stress or prescribed medication; or (d) intoxication, or legal or illegal drug use by the defendant; which was insufficient to establish a defense to the murder but which substantially affected his judgment; (5) the defendant was over the age of 75 at the time of the murder, or any other relevant consideration regarding the age of the defendant at the time of the murder; (6) the defendant was battered or otherwise physically or sexually abused by the victim in connection with or prior to the murder for which the defendant was convicted and such abuse was a contributing factor in the murder; (7) the defendant was experiencing post-traumatic stress syndrome caused by military service during a declared or undeclared war.

Section 70. Where a person is convicted or pleads guilty to a crime which is punishable by death, a sentence of death shall not be imposed unless findings in accordance with section 68 are made. Further, such a sentence shall not be imposed unless the jury finds that there is conclusive scientific evidence, including physical or other associative evidence, enabling it to reach a high level of scientific certainty connecting the defendant to the crime. Physical or other associative evidence may include any tangible image, object, or item that can be independently examined for the purpose of obtaining pertinent investigative information. The jury may use the scientific, physical or other associative, evidence to corroborate the defendant's guilt and need not rely entirely on human evidence and testimony. Where such findings are made and the jury finds that the death penalty shall be imposed, the court shall sentence the defendant to death unless the court determines that a sentence of death should not be imposed under section 71. Where such findings are not made or not unanimously made or where a sentence of death is not a unanimous finding by the jury, the court shall sentence the defendant to life imprisonment as provided in section two of chapter 265.

Section 71. (a) The supreme judicial court shall establish, by rule, such reports or checklists to be utilized by the trial court, the prosecuting attorney, and defense counsel prior to, during, and after the trial of

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cases in which the death penalty is sought, as it deems necessary to ensure that all possible matters which could be raised in defense have been considered by the defendant and defense counsel and either asserted in a timely and correct manner or waived in accordance with applicable legal requirements, so that, for purposes of any pretrial review and the trial and post-trial review, the record and transcript of proceedings will be as complete as possible for a review by the sentencing court and the supreme judicial court of challenges to the trial, conviction, sentence and detention of the defendant. (b) In any case in which the sentence of death has been imposed, the trial judge shall conduct a review of the entire record and shall report to the supreme Judicial court any observations which it deems pertinent to the question of the appropriateness of the sentence, including the credibility and effectiveness of mitigation evidence offered by the defense; the strength of the commonwealth's case on the merits including observations with respect to its reliance on circumstantial or eyewitness testimony and on the possibility, if any, of innocence being subsequently established, and the possibility of passion or prejudice having affected the jury's sentencing decision. If, based on the trial court's review of the record, the court determines that despite findings by the jury, the death penalty should not be imposed, the judge may set aside the sentence of death and impose a sentence of life imprisonment without parole. In such case the judges shall set forth in writing the findings and reasons which support such determination. The commonwealth shall have a right to appeal to the supreme judicial court any such determination, and the supreme judicial court may set aside said determination if it is unsupported by the record of the case, and may thereafter reimpose the penalty of death. (c) In any case in which a sentence of death has been imposed, the trial judge may suspend for a period of time or set aside the penalty of death and impose in its place a sentence of life in prison without possibility of parole at any time, upon a showing that there is newly discovered evidence that casts substantial doubt on the justice of the conviction, or raises the substantial possibility of innocence being subsequently established, even though said evidence is not then sufficient to grant a new trial. (d) Nothing in this section shall limit or restrict review, rights or remedies available through the procedures under Rule 30 of the Massachusetts Rules of Criminal Procedure.

Section 72. (a) In addition to a unified review procedure administered by the supreme judicial court, the court shall conduct a formal process to ensure the independent scientific review of all scientific, physical or other associative, evidence in every capital case in which a sentence of capital punishment is imposed. (b) The court shall create an Independent Scientific Review (ISR) Advisory Committee which shall draft policies, processes, and criterion for the ISR Panel for reviewing scientific evidence used in each capital case in which a sentence of capital punishment is imposed. (c) Members of the ISR Advisory Committee shall be appointed by the court from a list of nominees submitted by the governor and shall be recognized experts in the evaluation of forensic evidence. If any appointed member of the committee is employed by a commonwealth crime laboratory, said member shall not participate in the review of any capital case in which said member's laboratory had involvement. The members of the committee shall

appoint an independent expert panel to review each forensic-science sub-discipline relevant to each case. (d) At the conclusion of any capital trial in which the defendant has been convicted and a sentence of capital punishment has been imposed, the ISR Committee shall appoint an ISR Panel which shall include independent members from each forensic-science sub-discipline relevant to the particular case. Members of said panel shall be selected from among recognized and accredited experts not employed by the commonwealth's state or city crime laboratories. (e) Once selected, the ISR Panel shall conduct a thorough review of the collection, handling, evaluation, analysis, preservation, and interpretation of, and testimony and all other matters relating to scientific evidence used in the particular case. This review shall be conducted pursuant to the policies drafted and adopted by the ISR Advisory Committee. The panel review shall include, but not be limited to, an examination of the following: (1) whether the integrity of the evidence was sufficient to allow for consideration of subsequent procedures (2) whether appropriate guidelines and standards of practice were followed during crime scene and autopsy procedures; the recognition, documentation, recovery, packaging, and preservation of evidence; the examination and comparison of evidence; the interpretation and reporting of results; and the reconstruction by experts relying on other examinations or reports (3) whether any new research or novel science played a role in the particular case and whether it was appropriately documented and provided for review under the relevant legal standard (4) whether the ISR process revealed any specific scientific or technical issues requiring additional information, or suggesting that errors may have been made. (f) A copy of the ISR Panel's report shall be provided, upon completion, to the trial judge, prosecutor, defense attorney, and the supreme judicial court. (g) If, based on panel's review of the record, the court determines that despite findings by the jury, the death penalty should not be imposed, the judge may set aside the sentence of death and impose a sentence of life imprisonment without parole. In such case, the judges shall set forth in writing the findings and reasons which support such determination.

Section 73. In addition to a review of the entire case pursuant to section 33E of chapter 278, and section 71 of chapter 279, the supreme Judicial court shall review the sentence of death imposed pursuant to sections 68, 69, and 70 of chapter 279. If the supreme Judicial court determines that (1) the sentence of death was imposed under the influence of passion, prejudice or any other arbitrary factor; or (2) the evidence does not support the jury's finding of a statutory aggravating circumstance or circumstances as defined in section sixty-nine; or (3) the evidence of mitigation warranted the imposition of a life sentence rather than a sentence of death; or (4) the weight of the evidence does not warrant a sentence of death the court shall (1) reverse the sentence of death and remand for a new presentence hearing pursuant to section 68 of chapter 279; or (2) reverse the sentence of death and remand to the superior court department of the trial court for sentence of imprisonment in the state prison for life. The court shall also have the authority to affirm the sentence of death."

Pending the question on adoption of the amendment, Mr. O'Flaherty of Chelsea moved to amend it by adding the following:

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“Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as (i) the executive office of public safety and security, in conjunction with the administrative office of the trial court, has furnished a study of the legislation’s impact on the judicial system of the commonwealth, including a fiscal analysis of the impact on the court system due to death penalty trials; the cost of housing death row inmates in the state prison system; the means by which other states with comparable economies have absorbed such fiscal costs; and any other ancillary activity; and (ii) the study with recommended changes to the legislation has been filed with the joint committee on judiciary and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”

Quorum.

After remarks on the question on adoption of the further amendment (Mrs. Haddad of Somerset being in the Chair), Mr. Miceli of Wilmington asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Haddad), 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. 88.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

[See Yea and Nay No. 88 in Supplement.]

Therefore a quorum was present.

Subsequently a statement of Mr. Rogers of Cambridge was spread upon the records of the House, as follows:

Statement of Mr. Rogers of Cambridge.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was absent from the House Chamber for the previous roll call due to official business in another part of the State House. My missing of the quorum roll call was due entirely to the reason stated.

Further amendment adopted,— yea and nay No. 89.

After debate on the question on adoption of the further amendment (the Speaker being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Miceli of Wilmington; and on the roll call (Mrs. Haddad of Somerset having returned to the Chair) 119 members voted in the affirmative and 38 in the negative.

[See Yea and Nay No. 89 in Supplement.]

Therefore the further amendment was adopted.

The amendment offered by Mr. Miceli, as amended, then also was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, Messrs. Lyons of Andover and Lombardo of Billerica moved to amend it by adding the following section:

“SECTION 131. (a) Establishment. There shall be established a commission to oversee an investigation and study of state spending in the following categories: 1) the total amount of the state budget that is being used to fund individual, family, and other benefits or expenditures on behalf of citizens of the United States who are residents of the Commonwealth of Massachusetts; 2) the total amount of the state budget that is being used to fund individual, family, and other benefits or expenditures on behalf of persons holding Green Cards who are residents of the Commonwealth of Massachusetts; 3) the total amount of the state budget that is being used to fund individual, family, and other benefits or expenditures on behalf of citizens of the United States

whose residence in the Commonwealth of Massachusetts cannot be established; and 4) the total amount of the state budget that is being used to fund individual, family, and other benefits and expenditures on behalf of all other persons.

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

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

(d) Membership. The commission shall consist of seven members as follows:

- (i) the president of the senate or designee;
- (ii) the speaker of the house or designee;
- (iii) the minority leader of the senate or designee;
- (iv) the minority leader of the house or designee;
- (v) the inspector general or designee;
- (vi) the Secretary of Administration and Finance or designee;
- (vii) the State Auditor or a designee;

(e) Report. The commission shall report the results of its investigation, together with drafts of legislation, if any, necessary to carry its recommendations into effect, before January 1, 2014.”

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 29 members voted in the affirmative and 126 in the negative.

Amendment
rejected,—
yea and nay
No. 90.

[See Yea and Nay No. 90 in Supplement.]

Therefore the amendment was rejected.

Mr. Brodeur of Melrose then moved to amend the bill by adding the following section:

“SECTION 131. Chapter 139 of the acts of 2012 is hereby amended by striking out section 204 in its entirety and inserting in place thereof the following section:—

Section 204. There shall be a special commission to make an investigation and study of elder protective services and to make recommendations to enhance said services where appropriate and necessary. The special commission shall consist of the house and senate chairs of the committee on elder affairs, or their designees, who shall serve as co-chairs; the secretary of elder affairs, or a designee; the commissioner of public health, or a designee; the attorney general, or a designee; a district attorney as designated by the Massachusetts District Attorneys Association; the president of the Massachusetts Chiefs of Police Association, or a designee; the executive director of the Massachusetts Association of Home Care Programs, or a designee; the head of the elder, health and disability unit of Greater Boston Legal Services, Inc., or a designee; the state director of AARP Massachusetts, or a designee; the executive director of the Massachusetts Association of Councils on

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Aging Inc., or a designee; the executive director of Jane Doe, Inc., or a designee; the executive director of the Massachusetts office of victim assistance, or a designee; the president of the Alzheimer's Association, or a designee; and 5 members appointed by the governor, 1 of whom shall be a member of the Massachusetts bar who practices in the area of elder law, 1 of whom shall be an expert in financial services, 1 of whom shall be a representative of a visiting nurse association, 1 of whom shall be an expert in geriatric mental health, and 1 of whom shall be chosen from a list consisting of 2 candidates submitted by the speaker of the house and 2 candidates submitted by the senate president.

The commission shall examine strategies to increase public awareness of elder abuse and mechanisms for reporting said abuse. The commission shall assess the funding and programming needed to enhance elder protective services to the growing elder population and examine best practices for the prevention and detection of elder abuse. The commission shall also examine methods for addressing the high cost of financial exploitation investigations and expanding the availability of affordable legal services and financial advisory services for elders. The commission shall also examine the development of elder abuse multidisciplinary teams to provide consultation on protective services cases and perform critical incident case reviews.

The commission, in formulating its recommendations, shall take into account the best policies and practices in other states and jurisdictions, including, but not limited to, those relating to elder abuse prevention strategies. The commission shall be empowered to hold regular public meetings, fact-finding hearings and other public forums as it considers necessary.”

The amendment was adopted.

Mr. Walsh of Lynn then moved to amend the bill by adding the following section:

“SECTION 132. Section 253 of Chapter 224 of the Acts of 2012 is hereby amended in line 6805 by inserting after the word ‘services,’ the following:— group insurance commission.”

The amendment was adopted.

The same member then moved to amend the bill by adding the following section:

“SECTION 133. Section 5 of Chapter 112 of the General Laws, as amended by Chapter 224 of the Acts of 2012, is hereby amended by inserting after the word ‘years.’ in line 78 the following:—

Provided, however, that payments made as part of a disclosure, apology and early offer program, shall not be construed to be reportable to or by the board against the physician, absent a determination of substandard care rendered on the part of said physician.”

The amendment was adopted.

Mr. Walsh of Lynn then moved to amend the bill by adding the following section:

“SECTION 134. Section 13(a) of Chapter 6D of the General Laws, as appearing in the 2010 official edition, is hereby amended by inserting at the end of the second paragraph the following sentence:—

The cost and market impact reviews by the Commission, as provided for under section 11N of Chapter 112 of the General Laws, shall

be completed within 150 days from the date that the provider or provider organization has submitted notice to the Commission.”.

The amendment was adopted.

The same member then moved to amend the bill by adding the following section:

“SECTION 135. Section 268 of Chapter 224 of the acts of 2012 is hereby amended by inserting after the word ‘ACOs’, each time it appears in said section, the words:— patient-centered medical homes.”.

The amendment was adopted.

Mr. Boldyga of Southwick then moved to amend the bill by adding the following section:

“SECTION 136. Section 1. Section 12H of chapter 255, as appearing in the 2010 Official Edition, is hereby amended by inserting after the sixth paragraph, the following paragraph:

No card issuer under a charge card agreement may assess a fee, charge or penalty upon a cardholder for payments made via telephone regardless of the status of the cardholder’s account, including without limitation accounts that are delinquent or otherwise past due.

Section 2. Section 114B of chapter 140, as appearing in the 2010 Official Edition, is hereby amended by adding the following sentence: Finance charges on loans made pursuant to any open-end credit plan as defined by section 1 of chapter 140D shall not include any fees, charges or penalties for payments made via telephone regardless of the status of the card issuer under a charge card agreement may assess a fee, charge, or penalty upon a cardholder for payments made via telephone regardless of the status of the cardholder’s account, including without limitation accounts that are delinquent or otherwise past due.”.

The amendment was rejected.

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

“SECTION 136. Section 110 of Chapter 205 of the Acts of 1996 is hereby amended in the first sentence by inserting, after the words ‘Massachusetts Port Authority properties’, the following:— provided, however that any municipal police department that adopts this section, shall have concurrent jurisdiction with the department of the state police in all Massachusetts Port Authority properties located within the municipality, except those properties exclusive to aviation and port operations, and a memorandum of understanding shall be executed, as appropriate and in the interest of public safety, upon consultation with the Massachusetts Port Authority, between the department of state police and the municipal police department that shall include, but not limited to, procedures involving; (i) assignment of police officers; (ii) first responder calls and emergency 911 dispatch; (iii) emergencies occurring on Massachusetts Port Authority properties; (iv) criminal investigations of incidents and crimes; and, (v) arrests and processing of individuals taken into custody.”.

The amendment was rejected.

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

By adding at the end of item 2200-0100 the following: “; and, provided further, that no less than \$92,000 shall be expended for environmental

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programs in the town of Marblehead, and no less than \$50,000 shall be expended for environmental programs in the town of Swampscott” [A]and in said item by striking out the figures “27,872,469” and inserting in place thereof the figures [B]“28,014,269”;

In item 2200-0107 by striking out the figures “375,000” and inserting in place thereof the figures “475,000”;

In item 2210-0105, in line 10, by inserting after the following: “chapter 211” the following: “provided further, that not less than \$1,629,860 shall be made available for the operation of the Toxics Use Reduction Institute program at the University of Massachusetts at Lowell; provided further, that the department shall enter into an inter-agency service agreement with the University of Massachusetts to make such funding available for this purpose; provided further, that not less than \$644,096 shall be made available for toxics use reduction technical assistance and technology in accordance with said chapter 211”;

In item 2300-0101, by striking out the figures “452,443” and inserting in place thereof the figures “475,443”;

In item 2310-0200 by striking out the figures “10,140,172” and inserting in place thereof the figures [C]“10,640,172”;

In item 2310-0316 by striking out the figures “1,000,000” and inserting in place thereof the figures “1,500,000”;

In item 2330-0100, in line 6, by inserting after the word “program” the following: “; provided further, that no less than [D]\$250,000 be expended for a program of collaborative research by the Division of Marine Fisheries through the Marine Fisheries Institute, in collaboration with the School for Marine Science and Technology at the University of Massachusetts Dartmouth, that applies innovative technology to assess the biomass of groundfish, including cod and yellowtail in the region managed by the New England Fishery Management Council[E]; provided further, that no less than \$200,000 shall be expended for the development and implementation of a cod species identification sequencing study to be conducted by the Gloucester Marine Genome Initiative; provided further, that the Gloucester Marine Genome Initiative shall report on the status of the project to the house and senate committees on ways and means on or before June 30, 2014; provided further, that \$50,000 shall be expended for the protection and maintenance of Herring Run in the town of Weymouth; provided further, that \$75,000 shall be expended for shellfish propagation in Barnstable, Dukes and Nantucket counties to be administered jointly by the state aquaculture coordinator and counties” and in said item by striking out the figures “4,787,357” and inserting in place thereof the following figures “5,362,357”;

By adding at the end of item 2511-0100 the following: “; provided further, that no less than \$200,000 shall be expended to enhance the buy local effort in western, central, northeastern and southern Massachusetts; provided further, that funds shall be expended for the statewide 4-H program; provided further, that no less than \$100,000 shall be expended for the purpose of developing a strategic food policy plan for the Commonwealth[F]; and provided further, that no less than \$80,000 shall be expended for the apiary inspection program” and in said item by striking out the figures “4,681,135” and inserting in place thereof the figures [G]“5,161,135”;

In item 2511-0105 by striking out the figures “13,000,000” and inserting in place thereof the figures “14,000,000”;

In item 2800-0100, in line 13, by inserting after the word “department” the words “; provided further, that funds shall be expended for the cleanup of *Pilayella algae*” and in said item by striking out the figures “3,956,444” and inserting in place thereof the figures “4,456,444”;

In item 2800-0700 by striking out the figures “305,472” and inserting in place thereof the figures “355,472”;

In item 2810-0100, in line 17, by inserting after the word “item” the following: “; provided further, that not less than \$350,000 shall be expended for the purposes of aquatic invasive species control; provided further, that not less than \$75,000 shall be expended for the Let’s Row Boston program administered by Community Rowing, Inc. of the city of Boston; provided further, that not less than \$40,000 shall be expended for the expansion of programs at Thayer Recreational Field in the town of Lancaster; provided further, that not less than [H]\$100,000 shall be expended for open space improvements in the City of Lowell; provided further, that not less than \$300,000 shall be expended for sand harvesting or the purchase of sand to renourish Salisbury State Reservation; provided further, that no less than \$75,000 shall be expended for the maintenance and improvement of the Fellsmere Pond Reservoir in the City of Malden; provided further, that no less than \$50,000 shall be expended for the town playground at the Clyde F. Brown Elementary School in Millis; provided further, that \$20,000 shall be expended for a safety grant for the town of Franklin” and in said item by striking out the figures “40,311,239” and inserting in place thereof the figures [I]“41,701,239”; and by adding the following section:

“SECTION 136. Subsection (d) of section 6C of chapter 20 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following paragraph:—

(4) The council shall be permitted to accept and expend funds for projects consistent with its purpose, including but not limited to, the development of a strategic food policy plan for the Commonwealth. Such funds shall be administered by the Department of Agricultural Resources.”.

Pending the question on adoption of the amendments, Mr. Dempsey moved to amend them in item 2200-0100 by inserting after the word “Swampscott” [at “A”] the following: “; provided further, that not less than \$90,000 shall be provided for Brownfield redevelopment in the city of Lynn” and in said item by striking out [at “B”] the figures “28,014,269” and inserting in place thereof the figures “28,104,269”;

In item 2310-0200 by striking out [at “C”] the figures “10,640,172” and inserting in place thereof the figures “10,840,172”;

In item 2330-0100 by striking out [at “D”] the figures “250,000” and inserting in place thereof the figures “425,000” and in said item by inserting after the word “Council” [at “E”] the following: “; not less than \$75,000 of which shall be appropriated to the School for Marine Science and Technology at the University of Massachusetts Dartmouth to develop a Sonar research proposal in conjunction with the Sonar Project”;

In item 2511-0100 by inserting after the word “Commonwealth” [at “F”] the following: “; provided further, that not less than \$200,000

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shall be available to supplement existing larvicide control projects in Plymouth and Bristol counties"; and in said item by striking out [at "G"] the figures "5,161,135" and inserting in place thereof the figures "5,361,135"; and

In item 2810-0100 by striking out [at "H"] the figures "100,000" and inserting in place thereof the figures "200,000" and in said item by striking out [at "I"] the figures "41,701,239" and inserting in place thereof the figures "41,801,239".

The further amendments were adopted.

After debate on the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays, at the request of Ms. Gobi of Spencer; and on the roll call 137 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 91 in Supplement.]

Therefore the consolidated amendments (energy and environmental affairs), as amended, were adopted.

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

By adding at the end of item 1410-0010 the following: "; provided that no less than \$15,000 shall be expended for the Vietnam Veterans Moving Wall project in Medway; provided further, that no less than \$15,000 shall be expended for the Vietnam Veterans Moving Wall project in Malden; provided further, that no less than \$5,000 shall be expended for the World War 1 Memorial in Bell Rock Park in Malden; provided further, that not less than \$30,000 shall be expended for the Veteran's Oral History Project at the Morse Institute Library in Natick; provided further, that not less than \$75,000 shall be expended for the Cape Verdeans Community Unido, Inc., upon a 100 per cent funding match from other public or private sources, for a memorial/cultural center to be designed and built in the city of Boston; provided further, that no less than \$85,000 shall be expended to train 3 assistance dogs for male or female veterans; and provided further, that no less than \$90,000 shall be expended for support services for a transitional housing program for homeless veterans located in Chelsea, Massachusetts" and in said item by striking out the figures "2,455,789" and inserting in place thereof the figures "2,770,789";

By adding at the end of item 1410-0012 the following: "; provided further, that the department shall not reduce the amount allocated to a program or its successor listed in this item as appearing in section 2 of chapter 139 of the acts of 2012; provided further, that the Veterans Northeast Outreach Center shall be the successor to the Veterans Outreach Center — Metrowest, Inc.; provided further, that not less than \$100,000 shall be expended for the Springfield Partners for Community Action's Veterans First Program; provided further, that Bilingual Veterans Outreach Centers of Massachusetts, Inc. shall be the successor to the Puerto Rican Veterans Association of Massachusetts, Inc." and in said item by striking out the figures "2,122,236" and inserting in place thereof the figures "2,222,236";

By inserting after item 1410-0018 the following item:

"1410-0075 For the purpose of the Train Vets to Treat Vets program; provided, that the department shall work in conjunction with the Massachusetts School of

Consolidated amendments (energy and environment) adopted,— yea and nay No. 91.

Consolidated amendments (veterans and soldiers' homes).

Professional Psychology to administer a behavioral health career development program for returning veterans	\$125,000”;
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By adding at the end of item 1410-0250 the following: “; provided, that the department shall not reduce the amount allocated to a program or its successor listed in this item as appearing in section 2 of chapter 139 of the acts of 2012; provided further, that the 247 Pine Street Homeless Services Program shall be the successor to the Springfield Bilingual Veteran Outreach Center”;

In item 4190-1100 by striking out the figures “340,000” and inserting in place thereof the figures “400,000”; and

In item 4180-1100 by striking out the figures “510,000” and inserting in place thereof the figures “600,000”.

After debate on the question on adoption of the amendments (the Speaker being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mrs. Campbell of Methuen; and on the roll call (Mrs. Haddad of Somerset being in the Chair) 157 members voted in the affirmative and 0 in the negative.

Consolidated amendments (veterans and soldiers homes) adopted,—yea and nay No. 92.

[See Yea and Nay No. 92 in Supplement.]

Therefore the consolidated amendments (veterans and soldiers’ homes) were adopted.

Messrs. Vieira of Falmouth and Madden of Nantucket then moved to amend the bill by adding the following section:

“SECTION 137. Chapter 23J of the General Laws is hereby amended by inserting at the end of section 9(b), the following:— ; and (iv) by compensating municipalities for losses incurred as a result of detrimental health effects or any property loss or any other adverse impact resultant from the siting of a wind turbine in the commonwealth developed with any assistance from the Massachusetts Clean Energy Center; (v) by compensating municipalities for decommissioning or relocation of a wind turbine located within their jurisdiction that was developed with any assistance from the Massachusetts Clean Energy Center.”.

The amendment was rejected.

The same members then moved to amend the bill by adding the following section:

“SECTION 137. Notwithstanding any general or special law or rule or regulation to the contrary, the Massachusetts Clean Energy Center shall forgive the town of Falmouth the obligation to deliver 48,924 renewable energy certificates.”.

The amendment was rejected.

Messrs. Lewis of Winchester and Vieira then moved to amend the bill by adding the following section:

“SECTION 137. There shall be a special commission to study and make recommendations concerning functional overlaps and other redundancies among state agencies and opportunities to promote efficiency and accountability in state government. The commission shall consist of 17 members: 3 of whom shall be appointed by the speaker of the house; 2 of whom shall be appointed by the house minority leader; 3 of whom shall be appointed by the senate president; 2 of whom shall be appointed by the senate minority leader; 1 of whom shall be appointed by the state auditor; 1 of whom shall be appointed by the state treasurer; and 5 of whom shall be appointed by the governor. The

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speaker of the house and the senate president shall determine which 2 members of the commission shall serve as co-chairpersons.

The commission shall identify ways to eliminate overlaps and redundancies among state agencies and make such other recommendations as the commission deems appropriate, with the goal of reducing costs to the state and enhancing the quality and accessibility of state services to the public. The commission shall consider merging or consolidating state agencies and programs if such action would reduce costs without adversely impacting the quality of services. The commission shall also seek to identify opportunities to maximize revenues, such as federal grants and matching funds.

The commission may hold hearings and invite testimony from experts and the public. The commission shall review and identify best practices learned from similar efforts in other states, such as the state of Connecticut's commission on enhancing agency outcomes which reported its findings and recommendations in December of 2010.

The agency head and staff of each state agency under consideration by the commission shall ensure that any data, information or materials that the commission requests for purposes of its review and deliberations are provided to the commission in a timely manner.

Members of the commission shall be named and the commission shall commence its work within 60 days of the effective date of this act. The commission shall report to the general court the results of its investigation and study, and recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerks of the senate and the house of representatives on or before January 2, 2015. The clerks of the house and senate shall make the report available to the public through the internet.”

The amendment was adopted.

Ms. Malia of Boston and other members of the House then moved to amend the bill by adding the following section:

“SECTION 138. The Division of Insurance and the Office of Medicaid, pursuant to sections 254 and 265 of Chapter 224 of the Acts of 2012, shall implement regulations by July 1, 2013 that will include (1) a process for carriers and the Office of Medicaid's programs to certify and specifically outline how their plans are compliant with the federal and state mental health parity laws; (2) a requirement that carriers notify consumers of their rights under the federal and state parity laws including their right to file a complaint/grievance with the state alleging non-compliance and the avenues to file such a complaint; and (3) details on how the Division of Insurance and the Office of Medicaid will review consumer complaints and grievances alleging carrier noncompliance with federal and state mental health parity laws, including timelines.”

The amendment was adopted.

Mr. Winslow of Norfolk moves to amend the bill in section 2 by adding at the end of item 4800-0038 the following: “; provided further, that the commissioner of the department of children and families shall lead a task force to study ways to reduce the costs and delays of the adoption process in the commonwealth; provided further, that this task force shall consist of two members appointed by the speaker of the house of representatives, two members appointed by the president of the senate, one member appointed by the minority leader of the house

of representatives, one member appointed by the minority leader of the senate, and two members appointed by the governor; provided further, that the task force shall consult with the chief justice of the probate and family court, the chief justice of the juvenile court, and the chief justice and trial court administrator of the trial court; and provided further, that the task force shall convene by September 1, 2013 and subsequently file a report with the clerk of the house of representatives and the clerk of the senate no later than March 1, 2014, and this report shall contain recommendations for legislative or regulatory changes to reduce costs of the adoption process and to make adoptions more easily available". The amendment was adopted.

After debate on the question on passing the bill, as amended, to be engrossed (Mr. Donato of Medford being in the Chair), at one minute before six o'clock P.M. (Tuesday, April 23), on motion of Mr. Peterson of Grafton, the House recessed until seven o'clock; and at eight minutes before eight o'clock P.M. the House was called to order with Mr. Mariano of Quincy in the Chair.

Recess.

Mr. Donato of Medford being the Chair,—

Mrs. O'Connell of Taunton and other members of the House then moved to amend the bill adding the following section:

"SECTION 139. Notwithstanding any general or special law to the contrary, the Board of the Massachusetts Bay Transport Authority shall, in conjunction with the Commonwealth's transparency-promoting open checkbook program, publish online all pension payment information including but not limited to name, former position, amount of yearly distribution of pension, and age of collector by June 1, 2013."

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

"SECTION 139. Section 7 of chapter 4 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word 'purpose', in line 137, the following words:— , or any person, corporation, association, partnership or other legal entity which receives or expends public funds for the payment or administration of pensions for any current or former employees of the commonwealth or any political subdivision thereof as defined by section 1 of chapter 32 of the general laws."

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 157 members voted in the affirmative and 0 in the negative.

Further amendment adopted,—
yea and nay
No. 93.

[See Yea and Nay No. 93 in Supplement.]

Therefore the further amendment was adopted, thus precluding a vote on the pending amendment.

Ms. Andrews of Orange then moved to amend the bill in section 2E, in item 1595-6368, in line 4, by inserting after the year "2013" the following: "; provided further, that the Massachusetts Department of Transportation shall ensure the transition of existing transportation services provided by Community Transit Services and Berkshire Rides to the local transit authorities not later than December 1, 2013; provided further, that the amount of funds provided for administrative and consulting services, including those services associated with planning and

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facilitation of the transition to local transit authorities, shall not exceed that of fiscal year 2012; provided further, that the department shall ensure that these services shall not be reduced in fiscal year 2014; provided further, that the department shall report to the committee on ways and means no later than September 30, 2013 on the progress of the transition” and in said item by striking out the figures “206,513,135” and inserting in place thereof the figures “207,713,135”. After remarks the amendments were rejected.

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

“SECTION 140. Chapter 29 of the acts of 2009 is hereby amended by striking section 173 and inserting in place thereof the following:—

Section 173. Notwithstanding any general or special law to the contrary, the turnpike, operated and maintained by the Massachusetts Department of Transportation, shall be operated and maintained free of tolls: (i) when all notes and bonds issued by the department relating to the turnpike and payable from turnpike revenues have been paid or a sufficient amount for the payment of all such notes or bonds and the interest thereon, to the maturity thereof, shall have been set aside in trust for the benefit of the holders of such notes or bonds; or (ii) on December 31, 2017, whichever occurs first. For the purposes of this section, ‘turnpike’ shall have the same meaning as under section 1 of chapter 6C.”.

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. Frost; and on the roll call 30 members voted in the affirmative and 127 in the negative.

[See Yeas and Nays No. 94 in Supplement.]

Therefore the amendment was rejected.

The Chair (Mr. Donato of Medford) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o’clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 125 members voted in the affirmative and 32 in the negative.

[See Yeas and Nays No. 95 in Supplement.]

Therefore Rule 1A was suspended.

Mr. Dempsey of Haverhill and other members of the House then moved to amend it in section 2

In item 1595-6368, in line 4, by inserting after year “2013” the words “; provided further, that the MassDOT highway division shall restore a crosswalk located on Main Street in the Town of Boylston”; and

By adding the following section:

“SECTION 140. There is hereby established a special legislative task force to investigate and study cost-saving reform measures within the Massachusetts Bay Transportation Authority.

The task force shall consist of 8 members, 2 of whom shall be the house and senate chairs of the joint committee on transportation; 1 of whom shall be the chair of the senate committee on post audit and oversight; 1 of whom shall be the chair of the house committee on post

Amendment
rejected,—
yea and nay
No. 94.

Rule 1A
suspended,—
yea and nay
No. 95.

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audit and oversight; 1 of whom shall be appointed by the senate president and shall be a member of the joint committee on transportation; 1 of whom shall be appointed by the speaker of the house of representatives and shall be a member of the joint committee on transportation; 1 of whom shall be designated by the senate minority leader and who shall be a member of the joint committee on transportation or the senate committee on post audit and oversight; 1 of whom shall be designated by the house minority leader and who shall be a member of the joint committee on transportation or the senate committee on post audit and oversight. The chairs of the joint committee on transportation shall serve as chairs of the task force. The investigative study shall include, but not be limited to, consideration of the following issues: (1) cost-savings reform measures within the Massachusetts Bay Transportation Authority, including but not limited to an evaluation of potential cost savings through reform of administrative expenses, consultancy services, equipment lease and purchase, facility and operational costs, grants and subsidies, fiduciary payments, highway and building projects, information technology, pension, personnel and insurance; (2) potential new revenue sources, not including revenue generated from fare increases or service cuts; (3) progress on 2009 legislative reforms, which shall include developing objective project selection criteria; development of a performance management system; strategic planning for technology; integrated asset management system; life cycle modeling; ending the practice of paying operating employees from the capital budget; and (4) a thorough review of fare collection system. The special legislative task force established by this section shall, upon request by any member of the task force, have access to any documents required in furtherance of this section. The task force shall report to the general court the results of its investigation and study and its recommendations, together with drafts of legislation, to carry its recommendations into effect by filing the same with the clerks of the senate and house of representatives on or before October 1, 2013.”

Pending the question on adoption of the amendments, Mr. Straus of Mattapoisett moved to amend them by adding the following section:

“SECTION 141. The department of transportation shall report to the joint committee on transportation a transition plan for the existing toll collection workforce before the department implements an open road tolling system. The report shall include a plan to offer training to such employees for new positions available in the department under any open road or free-flow system. Said report shall be filed with said joint committee on or before January 1, 2014.”

The further amendment was adopted.

The amendments, as amended, then also were adopted.

Mr. Durant of Spencer and other members of the House then moved to amend the bill adding the following two sections:

“SECTION 142. Section 5 of chapter 94C of the General Laws is hereby amended by inserting at the end thereof the following:— The packaging of any marijuana product for dispensing or sale, as provided for in chapter 369 of the acts of 2012, shall not bear a reasonable resemblance to any product available for consumption as a commercially available candy. As used in this section, ‘Commercially available candy’, shall refer to any product that is manufactured and

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packaged for purchase from a retail market and for individual consumption in the form of bars, drops, or pieces and that includes a sweetened mixture of chocolate, caramel, nougat, nuts, fruit, cream, honey, marshmallow or any similar combination to create a dessert-like confection.

SECTION 143. Nothing containing a synthetic cannabinoid or melatonin may be sold that bears a reasonable resemblance to any packaging of anything available for consumption as a candy. For the purposes of this section the department of public health shall develop regulations to determine what constitutes ‘reasonable resemblance’ and ‘candy.’ As used in this section, ‘Synthetic cannabinoid’, shall mean any of the following chemical compounds: (a) cp 47.497 and homologues: 2-[(1r,3s)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol); (b) hu-210: [(6ar,10ar)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol)]; (c) hu-211: (dexanabinol, (6as,10as)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol); (d) jwh-o18: 1-pentyl-3-(1-naphthoyl)indole; (e) jwh-o73: 1-butyl-3-(1-naphthoyl) indole and (f) any compound, manufacture, salt, derivative, mixture or preparation of any such chemical compounds.”

The amendment was adopted.

Mrs. Haddad of Somerset then moved to amend the bill by adding the following section:

“SECTION 144. Subsection (c) of section 22 of chapter 21A of the General Laws, as amended by chapter 68 of the acts of 2011, is hereby further amended by striking out paragraph 1 and inserting in place thereof the following paragraph:— the first sentence and inserting in place thereof the following sentence:— (1) The department shall provide, by regulation that all allowances issued under the program shall be offered for sale by auction. The proceeds recovered from the allowance auctions shall be deposited in the RGGI Auction Trust Fund established in section 35II of chapter 10. The proceeds shall be used without further appropriation for the following purposes only and shall be in a proportion to be determined by the department of energy resources with the approval of the secretary:

(i) to reimburse a municipality in which the property tax receipts from an electric generating station including, for the purposes of this clause, payments in lieu of taxes and other compensation specified in an agreement between a municipality and an affected property owner, are reduced due to full or partial decommissioning of the facility or other change in operating status of the facility if such action also reduces the commonwealth’s greenhouse gas emissions from the electric generator sector under the goals established under chapter 21N; provided, however that the amount of such reimbursement shall be determined by calculating the difference between the amount of the tax receipts, including payments in lieu of taxes or other compensation paid by the electric generating station in the current tax year and the amount of the tax receipts, including payments in lieu of taxes or other compensation paid by the electric generating station in the year prior to the full or partial decommissioning or other change in operating status of the facility; provided further, that no reimbursement shall be made if, in a tax year, the aggregate amount paid to a municipality by the

owner of an electric generating station including, but not limited to, payments in lieu of taxes and other compensation, exceeds the aggregate amount paid to that municipality by that owner in the year prior to the full or partial decommissioning or other change in operating status of the facility. After full or partial decommissioning or other change in operating status of the facility, the electric generating station's tax obligation shall be based, on an annual basis, on tax receipts, including payments in lieu of taxes or other compensation that have been negotiated in good faith by the electric generating station and municipality on or before January 30 of the current tax year; provided however, that if the electric generating station and municipality have not negotiated in good faith payments in lieu of taxes and other compensation in the nature of property tax payments by said January 30, then the facility's tax obligation shall be determined by an independent third party assessor paid by said facility, but selected jointly by the municipality and the facility, or if they are unable to arrive at a joint selection, by the department of revenue. The municipality shall be entitled to reimbursement for the difference between the amount called for in such assessment and the amount of the tax receipts, including payments in lieu of taxes or other compensation paid in the year prior to the full or partial decommissioning or other change in operating status of the facility, provided that such independent assessment is filed with any request for funds under this clause. Payments from the fund shall be prioritized so that the first payments from the fund shall be made to municipalities under this clause;

(ii) to reimburse a municipality in which the property tax receipts from an electric generating station including, for the purposes of this clause, payments in lieu of taxes and other compensation specified in an agreement between a municipality and an affected property owner, are reduced due to a reduction in capacity factor, occurring after July 1, 2012, at a dual coal and oil fired facility of at least 50 per cent from the average capacity factor of the previous 10 years, if such action also reduces the commonwealth's greenhouse gas emissions from the electric generator sector under the goals established under chapter 21N; provided, however, that the amount of such reimbursement shall be determined by calculating the difference between the amount of the tax receipts, including payments in lieu of taxes or other compensation paid by the electric generating station in the current tax year and the amount of the tax receipts, including payments in lieu of taxes or other compensation paid by the electric generating station in the year prior to the full or partial decommissioning or other change in operating status of the facility; provided further, that no reimbursement shall be made if, in a tax year, the aggregate amount paid to a municipality by the owner of an electric generating station including, but not limited to, payments in lieu of taxes and other compensation, exceeds the aggregate amount paid to that municipality by that owner in the year prior to the full or partial decommissioning or other change in operating status of the facility; provided further, that the amount of such reimbursement shall not exceed \$3,000,000 in a calendar year;

(iii) to fund the green communities program established in section 10 of chapter 25A;

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(iv) to provide zero interest loans to municipalities, which are not green communities under section 10 of chapter 25A for energy efficiency projects;

(v) to promote energy efficiency, conservation and demand response; and

(vi) to reimburse the commonwealth for costs associated with the administration of the cap and trade program.”

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by striking out section 15 and inserting in place thereof the following section:

“SECTION 15. Chapter 18 of the General Laws, as amended by section 3 of chapter 161 of the acts of 2012, is hereby further amended by inserting after section 5N the following new section:—

Section 5O: Notwithstanding any general or special law to the contrary, effective six months following the passage of this section, the department shall include on the front of each newly issued and re-issued electronic benefit transfer card, a photograph of the cardholder; provided that the cardholder is over the age of 18 years. Effective twelve months following the passage of this section, the department shall replace all existing electronic benefit transfer cards with cards containing a photograph of the cardholder; provided that the cardholder is over the age of 18 years.”; and

By adding the following seven sections:

“SECTION 145. Subsection A of section 2 of chapter 18 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting in line 11, after the words ‘chapter 23B’, the following:—; provided, however, that any financial assistance distributed by the department shall be used solely for goods and services necessary and essential for the welfare of the recipient

SECTION 146. Section 5I of chapter 18 of the General Laws, as most recently amended by chapter 161 of the acts of 2012, is hereby further amended by inserting at the end thereof the following new subsection:—

(e) Store owners shall invest in and seek to implement, within one year of the passage of this subsection, the automated technological capacity to sort out, at the point-of-sale terminal, items prohibited for purchase with electronic benefit transfer cards, or EBT cards, pursuant to this section.

SECTION 147. Section 5J of chapter 18 of the General Laws, as most recently amended by chapter 161 of the acts of 2012, is hereby further amended by striking the last sentence of the first paragraph of section 5J, and replacing it with the following sentence:—

A store owner who knowingly allows a prohibited electronic benefit transfer transaction in violation of this section, subsection (b) of section 5I, or section 5O, shall be punished by a fine of not less than \$2500 for a first offense, by a fine of not less than \$5000 for a second offense, and by a fine of not less than \$10000 for a third or subsequent offense.

SECTION 148. Section 5J of chapter 18 of the General Laws, as so appearing, is hereby amended by inserting after subsection (c), the following new subsections:—

(d) Subject to appropriation, the department shall promulgate rules and regulations to increase the education of benefit recipients and retail vendors regarding: statutory requirements under sections 5I and 5J of this chapter; personal financial management, banking, and budgeting; and the online payment system outlined in Section 26A of this chapter.

(e) The department shall seek to increase acceptance of electronic benefit transfer cards at retail establishments, excluding those establishments prohibited to accept electronic benefit transfer cards pursuant to this section.

SECTION 149. Section 5N of chapter 18 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof, the following new sections:—

Section 5O. (a) Notwithstanding any general or special law to the contrary, six months following the passage of this act, the department of transitional assistance shall establish and maintain an online application process for businesses wishing to apply to accept electronic benefit transfer cards at point of sale. All businesses that wish to accept electronic benefit transfer cards at point of sale shall apply online on the department's website. The list of businesses that shall not be approved includes, but is not limited to those establishments detailed in subsection (a) of section 5J of this chapter.

(b) The online application shall require, at minimum, the following information: name of store or business, including if different, corporation name or doing business as name; full address of business; owner name, owner phone number and address; standard industrial classification code; and an explanation of the business conducted by the establishment which includes the type of goods or merchandise sold.

(c) The department shall continuously maintain a list of any business, including, at minimum, all associated information as defined by subsection (b), declined by the department from accepting electronic benefit transfer cards. The list shall be made public on a quarterly basis.

(d) The online application shall include, at minimum, the following questions: Are you SNAP authorized?; Is this establishment a tavern or restaurant, as defined in section 1 of chapter 138 of the General Laws?; and, Have you ever been prohibited from accepting SNAP or electronic benefit transfer cards?. The online application shall include instructions requiring the applicant to agree to the following statement in order to accept electronic benefit transfer cards at point of sale: 'I agree to abide by all state and federal laws governing the SNAP and direct cash assistance programs. I agree to report fraud immediately to the department of transitional assistance.'

(e) Upon approval of the application, the department shall issue an authorization number to the owner of the business. The owner shall display said authorization number in an area conspicuous to customers of the business.

(f) Any store owner who knowingly accepts electronic benefit transfer cards without the approval of the department shall be subject to the fines and punishments outlined in subsection 5J of this chapter.

(g) The department shall promulgate all rules and regulations necessary to carry out this section.

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Section 5P. Notwithstanding any general or special law to the contrary, direct cash assistance issued by the Commonwealth shall not be used for purchases in states other than Massachusetts and states contiguous to Massachusetts. For the purposes of this section, contiguous states shall mean: New Hampshire, Connecticut, Rhode Island, New York, and Vermont. The department of transitional assistance shall identify all violators on a monthly basis. Any eligible recipient who violates this section shall be disqualified from the program for not less than 3 months. The department shall notify the recipient that they must report in person to their local department of transitional assistance office to have their benefits reinstated. Any eligible recipient who violates this section for a second time shall be permanently disqualified from the direct cash assistance program.

SECTION 150. Section 22 of chapter 18 of the General Laws, as so appearing, is hereby amended by inserting at the end of the first paragraph, the following sentence:—

Self-declarations by applicants or recipients shall not be accepted as the sole verification of categorical and financial eligibility during eligibility evaluations and reviews. Additionally, all self-declarations made on an application for public assistance shall be signed under the pains and penalties of perjury.

SECTION 151. Chapter 18 of the General Laws, as so appearing, is hereby amended by inserting after section 26, the follow new section:—

Section 26A. (1)The department shall implement an online payment system accessible by computer or mobile device for cash assistance recipients to manage benefits and pay rent and utility bills by direct payment to a landlord or utility company by regularly deducting the amount of the rent or utility bill from the amount of the benefits otherwise payable to the recipient. The system shall, at minimum, allow recipients to track personal expenditures of cash assistance benefits, to view the balance of benefits received, and to orchestrate the direct regular payment of recipient rent and utility bills by the department. The department shall also consider including in the online payment system educational tools and suggestions regarding personal financial management, banking, and budgeting.

Whenever a determination is made that benefits have not been used in the best interest of the child or the assistance unit or other chronic misuse of benefits is occurring, the department shall manage the provision of benefits in the form of vendor payments with respect to rent and utilities. The department may presume mismanagement of benefits whenever shelter costs, including but not limited to, rent, heat, fuel, and utilities, have regularly not been met without reasonable cause. Upon an affirmative finding of the mismanagement of benefits by a recipient, the department shall review the eligibility of said recipient to receive benefits.

At eligibility determinations and reviews, the department shall screen households to determine if they have chronically failed to pay rent and utilities to determine if it is appropriate to institute or terminate vendor payments and shall refer those households to the housing consumer education centers and community-based resources for assistance in meeting their expenses.

(2) One year following the passage of this section, all cash assistance recipients shall have the option to manage benefits and pay rent and utility bills through the online payment system and shall receive cash assistance benefits equal to amount of the balance of benefits otherwise payable to the recipient following said online payments.

(3) Two years following the passage of this section, all new cash assistance recipients shall be required to pay rent and utility bills through the online payment system and shall receive cash assistance benefits equal to the amount of the balance of benefits otherwise payable to the recipient following said online payment. Existing cash assistance recipients shall continue to have the option to pay rent and utility bills through the online payment system.

(4) Three years following the passage of this section, all cash assistance recipients shall be required to pay rent and utility bills through the online payment system and shall receive cash assistance benefits equal to the amount of the balance of benefits otherwise payable to the recipient following said online payment.

(5) The department shall regularly evaluate the online payment system and the number of recipients utilizing and not utilizing the system to pay rent and utility bills. The department shall screen the households not utilizing the online payment system to determine if they have failed to pay rent and utilities and if they are using benefits in the best interest of the child or assistance unit. Following a determination of mismanagement of benefits, the department may reexamine recipient eligibility and investigate the possibility of eligibility fraud and shall manage the provision of benefits to said households in the form of vendor payments pursuant to subsection (1) of this section.

(6) The department shall promulgate all rules and regulations necessary to carry out this section.”

Pending the question on adoption of the amendment, Mr. Conroy of Wayland moved to amend it by adding the following:—

“SECTION 151A. Notwithstanding any special or general law to the contrary, the provisions of section 15 and sections 145 to 151, inclusive, shall not take effect until such time as (i) the department of transitional assistance, in consultation with the executive office of administration and finance, has furnished a report detailing how the department will incorporate the findings and concerns of the Cashless Payment System Commission established by section 5 of chapter 161 of the Acts of 2012, including the costs to the commonwealth and the time needed for implementation of systems for cashless benefit distribution, online payment, point of sale product and out-of-state restrictions and retailer registration for acceptance of electronic benefit transfer cards, including, but not limited to, an assessment on the current technological capability of the commonwealth, related industries and any improvements necessary to implement the systems listed above; a distributional analysis showing the impact on retailers, including small businesses, and recipients; the current practice of other states; any anticipated change in employment and ancillary economic activity; a detailed report of efforts to implement provisions of said chapter 161, including enforcement and education mechanisms for clients and retailers, such as random checks on card usage in prohibited

establishments and publicizing results and financial penalties collected for violations, to the house and senate committees on ways and means; and (ii) necessary legislation pursuant to the report has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”.

Further
amendment
adopted,—
yea and nay
No. 96.

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. Peterson of Grafton; and on the roll call 106 members voted in the affirmative and 51 in the negative.

[See Yea and Nay No. 96 in Supplement.]

Therefore the further amendment was adopted.

The amendment offered by Mr. Jones, et al, as amended, then also was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by striking out section 5 and inserting in place thereof the following section:

“SECTION 5. Section 16 of chapter 6A of the General Laws, as most recently amended by section 5 of chapter 224 of the acts of 2012, is hereby further amended by inserting at the end thereof, the following paragraphs:—

The executive office of health and human services shall establish and maintain a computerized income, asset, and identity eligibility verification system, hereafter referred to as an integrated eligibility system, in compliance with chapter 66A; provided that information held pursuant to the establishment of this system is used in a manner that meets all applicable federal and state privacy and security requirements, to aggregate data necessary to verify income, assets, and identity when determining an applicant’s eligibility for assistance, prior to the distribution of benefits and during eligibility reviews, in order to eliminate the duplication of assistance and deter fraud within each public benefits program administered by the office. For the purpose of verifying identity and preventing the duplication of public assistance, the office shall, as a component of the integrated eligibility system, develop an automated fingerprinting comparison system.

The office may enter into contracts with third-party vendors for the purposes of developing and maintaining the integrated eligibility system; provided that any such vendor shall be required by contract to establish annualized savings realized from the implementation of the integrated verification system and savings shall exceed the total yearly cost to the state for implementing the integrated verification system.

The office shall require all departments, offices, and divisions under the authority of the office, that are administering public benefits programs, prior to awarding, continuing, or reissuing public assistance, to use the integrated eligibility system to match the social security number of each applicant for or recipient of public assistance against, at minimum, information provided by the following public records data sources:

(1) a nationwide public records data source of physical asset ownership such as real property, automobiles, watercraft, aircraft and luxury vehicles;

(2) the department of revenue;

(3) undisclosed depository account information and account balances of disclosed accounts at national and local financial institutions;

(4) a nationwide public records data source of incarcerated individuals;
(5) outstanding default or arrest warrant information maintained by the criminal history systems board, the criminal justice information system, and the warrant management system;

(6) a nationwide best-address and driver's license data source to verify individuals are residents of the State;

(7) the registry of motor vehicles;

(8) the department of elementary and secondary education;

(9) a comprehensive public records database that identifies potential identity fraud or identity theft that can closely associate name, social security number, date of birth, phone and address information; and

(10) a database which is substantially similar to or a successor of a database mentioned in this section.

The office shall require all departments, offices, and divisions, under the authority of the office, that are administering public benefits programs, prior to awarding, continuing, or reissuing public assistance, to use the integrated eligibility system to match the social security number of each applicant and recipient of public assistance against information provided by the following data sources, to the extent such data sources are available:

(1) unearned income information maintained by the Internal Revenue Service;

(2) employer quarterly reports of income and unemployment insurance payment information maintained by the department of labor and workforce development;

(3) earned income information maintained by the Social Security Administration;

(4) immigration status information maintained by the United States Citizenship and Immigration Services;

(5) death register information maintained by the Social Security Administration;

(6) prisoner information maintained by the Social Security Administration;

(7) public housing and Section 8 Housing Assistance payment information maintained by the Department of Housing and Urban Development and the Massachusetts public housing authorities;

(8) national fleeing felon information maintained by the Federal Bureau of Investigation;

(9) wage reporting and similar information maintained by states contiguous to this State;

(10) beneficiary records and earnings information maintained by the Social Security Administration in its Beneficiary and Earnings Data Exchange (BENDEX) database;

(11) earnings and pension information maintained by the Social Security Administration in its Beneficiary Earnings Exchange Record System (BEERS) database;

(12) employment information maintained by the department of labor and workforce development and the department of unemployment assistance;

(13) employment information maintained by the United States Department of Health and Human Services in its National Directory of New Hires database;

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(14) supplemental Security Income information maintained by the Social Security Administration in its SSI State Data Exchange (SDX) database;

(15) workers compensation information maintained by the department of industrial accidents;

(16) veterans' benefits information maintained by the United States Department of Health and Human Services, in coordination with the Massachusetts department of health and human services and department of veterans' affairs, in the federal Public Assistance Reporting Information System (PARIS) database;

(17) child care services information maintained by the department of children and families;

(18) utility payments information maintained by the department of housing and community development under the low income home energy assistance program;

(19) emergency utility payment information maintained by local cities and towns or councils on aging;

(20) a database of all persons who currently hold a license, permit, or certificate from a State agency the cost of which exceeds \$1,000; and

(21) a database which is substantially similar to or a successor of a database mentioned in this section.

The office shall work with the departments, offices, or divisions, under the authority of the office, that assist in the administration of public benefit programs, as well as the bureau of program integrity, established pursuant to this chapter, to develop uniform rules and regulations regarding intake procedures and procedures for handling discrepancies that may result between an applicant or recipient's social security number and one or more of the databases or information tools outlined in this section; provided that an applicant or recipient shall be notified of any discrepancy that arises between their social security number and information retrieved by the integrated eligibility system and the applicant or recipient shall be provided an opportunity to explain any discrepancy; provided that self-declarations by an applicant or recipient shall not be accepted as the sole verification of categorical and financial eligibility during eligibility evaluations and reviews; provided that all self-declarations made on or pursuant to an application for public assistance shall be signed under the pains and penalties of perjury; and, provided further that numerical identifiers, other than valid social security numbers, shall not be used as alternatives to social security numbers for time periods in excess of 3 months. If a recipient is unable to provide an accurate social security number to replace a numerical identifier within a time period of 3 months, the recipient's public assistance benefits shall be terminated.

Nothing in this section shall preclude the office or any department, office, or division, under the authority of the office, that assists in the administration of public assistance, from conducting additional eligibility verification processes not detailed in this section.”;

By striking out section 86 and inserting in place thereof the following section:

“SECTION 86. Notwithstanding any general or special law to the contrary, the department of transitional assistance shall consider the follow-

ing when determining a person's eligibility for Transitional Aid to Families with Dependent Children, or TAFDC, and Emergency Aid to the Elderly, Disabled, and Children, or EAEDC, benefits administered by the department: (1) the financial value of business assets; (2) proof of income or assets of unverified applicants; (3) the assets or income of responsible relatives; (4) and the assets or income of immigration sponsors. The department shall consider the discovery of any undisclosed business assets and undisclosed income or assets of responsible relatives or immigration sponsors as potentially disqualifying. In addition, all self-declarations made on and pursuant to an application for public assistance and any landlord verification and shared housing verification forms shall be signed under the pains and penalties of perjury.”;

By striking out section 87;

By striking out section 89 and inserting in place thereof the following section:

“SECTION 89. There is hereby established a special task force on state verification and eligibility consisting of 6 members: the director of the bureau of program integrity, or a designee; the state auditor, or a designee; the attorney general, or a designee; the inspector general, or a designee; the state treasurer and receiver general, or a designee; and the secretary of administration and finance, or a designee, who shall serve as chair of the task force. The task force shall work with the bureau of program integrity to investigate the following issues: (1) the development of a common eligibility standard to be applied to all agencies of the commonwealth administering public assistance programs; (2) the obstacles to the implementation of a common eligibility standard; (3) the fiscal impacts to the commonwealth of implementing a common eligibility standard; (4) any federal limitations on the implementation of such a standard; and (5) any ancillary impacts to the commonwealth or recipients of public benefits. Subject to appropriation, the task force may hire an independent consultant to conduct research and assist with the development of any recommendations. The task force shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives on or before December 31, 2013.”;

By striking out section 91 and inserting in place thereof the following section:

“SECTION 91. The executive office of health and human services shall file a report with the clerks of the house and senate and the house and senate committees on ways and means on or before October 31, 2013, and annually thereafter, detailing the status and effectiveness of the integrated eligibility system and the status and effectiveness of mandatory and suggested data matching efforts outlined in section 16 of chapter 6A of the general laws, including but not limited to data matching efforts with the department of revenue, the department of elementary and secondary education, the department of unemployment assistance, the department of industrial accidents, the registry of motor vehicles, the department of criminal justice information services and the department of corrections. The report shall include the number of people enrolled in each public assistance program pursuant to the implementation of the integrated eligibility system, the number of discrepancies identified by

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the integrated eligibility system, and the number of people whose benefits were terminated pursuant to discrepancies identified by the integrated eligibility system.”; and

By adding the following three sections:

“SECTION 152. Subsection D of section 2 of chapter 18 of the General Laws, as appearing in the 2010 Official Edition, is hereby further amended by striking, in line 119, the word ‘and’;

SECTION 153. Subsection D of section 2 of chapter 18 of the General Laws, as so appearing, is hereby amended by inserting after the word, ‘section’ in line 133, the following clauses:—

; (g) the immediate termination of benefits to any recipient, who has failed to notify the department of a change of address, and who the department has attempted to contact by mail, but whose mail communication has been returned to the department as undeliverable; and

(h) the immediate termination of benefits to any recipient who has failed to provide the department with a social security number within 3 months of application for assistance, pursuant to section 16 of chapter 6A of the general laws.

SECTION 154. The integrated eligibility system, established pursuant to section 5 of this bill, shall be implemented no later than January 1, 2014 for MassHealth and no later than June 1, 2014 for all other public assistance programs.”.

Pending the question on adoption of the amendment, Mr. Conroy of Wayland moved to amend it by adding the following:—

“SECTION 154A. Notwithstanding any special or general law to the contrary, the provisions of sections 5, 86, 89, 91, 152, 153 and 154 shall not take effect until such time as (i) the executive office of health and human services has furnished a report to the house and senate committees on ways and means detailing the means by which the office shall incorporate a computerized income, asset and identity eligibility system and an integrated eligibility system, including the costs to the commonwealth, the time needed for implementation of such systems; an assessment on the current technological capability of the commonwealth, related industries and any improvements necessary to implement the systems listed above; a distributional analysis showing the impact on recipients; the current practice of other states; the availability of information from public databases and public records data; and the utilization of third party vendors for eligibility verification; provided, further, that pursuant to examining such systems the office may establish a pilot program with an external service provider to determine the effectiveness of various fraud management tools to identify potential fraud at claims submission and validation in order to reduce fraud in benefit programs administered by the office; and (ii) necessary legislation pursuant to the report has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”.

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. Jones of North Reading; and on the roll call 110 members voted in the affirmative and 47 in the negative.

[See Yeas and Nays No. 97 in Supplement.]

Therefore the further amendment was adopted.

The amendment offered by Mr. Jones, et al, as amended, then also was adopted.

Further
amendment
adopted,—
yeas and nays
No. 97.

Mrs. O’Connell of Taunton and other members of the House then moved to amend the bill by adding the following section:

“SECTION 155. Not more than 25 per cent of recipients shall be exempt from the employment services program requirement; provided that the reason for exemption must be clearly documented and re-evaluated every three months for approval; provided further that the department shall directly contact, on a monthly basis, the provider of the education or training activity listed on the Participation and Attendance form to verify recipient participation in ESP.”.

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. Lyons of Andover; and on the roll call 31 members voted in the affirmative and 126 in the negative.

Amendment rejected,—
yea and nay
No. 98.

[See Yea and Nay No. 98 in Supplement.]

Therefore the amendment was rejected.

Mrs. O’Connell of Taunton and other members of the House then moved to amend the bill in section 2, in item 7004-0099, in lines 11, 17, 20 and 23, by striking out the word “may” and inserting in place thereof, in each instance, the word “shall”.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Lombardo of Billerica; and on the roll call 43 members voted in the affirmative and 113 in the negative.

Amendments rejected,—
yea and nay
No. 99.

[See Yea and Nay No. 99 in Supplement.]

Therefore the amendments were rejected.

Mrs. O’Connell of Taunton then moved to amend the bill by striking out section 16 and inserting in place thereof the following section:

“SECTION 16. Section 10 of said chapter 18, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word ‘court’, in line 2, the words:— house and senate committees on ways and means.”.

The amendment was rejected.

Mrs. O’Connell of Taunton then moved to amend the bill by inserting after section 15 (inserted by amendment) the following section:

“SECTION 15A. Section 5I of said chapter 18, as amended by section 5 of chapter 239 of the acts of 2012, is hereby further amended by adding the following subsection:—

(e) Notwithstanding any general or special law to the contrary, all penalties and fines for violations by recipients and retailers as required under the rules of the department or any general or special law shall be enforced; provided, however, that no waivers or exceptions shall be granted. Violation hearings held by the department shall be public. A description of all violations, action taken and penalties imposed shall be made available online by the department on a monthly basis.”.

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. Diehl of Whitman; and on the roll call 40 members voted in the affirmative and 117 in the negative.

Amendment rejected,—
yea and nay
No. 100.

[See Yea and Nay No. 100 in Supplement.]

Therefore the amendment was rejected.

Mrs. O’Connell of Taunton and other members of the House then moved to amend the bill by adding the following section:

“SECTION 155. Self-declarations shall not be permitted as a means of verifying eligibility information for any form of public assistance.”

Point of order.

Ms. Reinstein of Revere thereupon raised a point of order that the amendment offered by the lady from Taunton was improperly before the House for the reason that the House, at this reading, had adopted an amendment to study the subject-matter contained within her amendment.

In answer to the point of order, the Chair (Mr. Donato of Medford) stated that since the House had, in fact, at this reading adopted an amendment to study the subject-matter contained in the proposed amendment, adoption of the amendment filed by the lady from Taunton would contradict a provision added by the previously adopted amendment.

Therefore the Chair ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Mrs. O’Connell of Taunton and other members of the House then moved to amend the bill in section 15 (inserted by amendment), at the end thereof, by striking out the word “years.” and inserting in place thereof the following: “years; provided that said electronic transfer benefits cards shall have a photo of the cardholder by January 1, 2014.”

Point of order.

Ms. Reinstein of Revere thereupon raised a point of order that the amendment offered by the lady from Taunton was improperly before the House for the reason that the House, at this reading, had adopted an amendment to study the subject-matter contained within her amendment.

In answer to the point of order, the Chair (Mr. Donato of Medford) stated that since the House had, in fact, at this reading adopted an amendment to study the subject-matter contained in the proposed amendment, adoption of the amendment filed by the lady from Taunton would contradict a provision added by the previously adopted amendment.

Therefore the Chair ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Appeal from decision of Chair.

Mrs. O’Connell thereupon appealed the decision of the Chair; and the appeal was seconded by Mr. Hill of Ipswich.

The question was then put “Shall the decision of the Chair stand as the judgment of the House?”

Decision of Chair sustained,—yea and nay No. 101.

On the appeal from the decision of the Chair, the sense of the House was taken by yeas and nays, at the request of Mr. Lombardo of Billerica; and on the roll call 144 members voted in the affirmative and 13 in the negative.

[See Yea and Nay No. 101 in Supplement.]

Therefore the decision of the Chair was sustained.

Mrs. O’Connell of Taunton then moved to amend the bill by adding the following section:

“SECTION 155. No form of public assistance shall be granted to an individual who has not presented a valid Social Security number that has been verified.”

Point of order.

Ms. Reinstein of Revere thereupon raised a point of order that the amendment offered by the lady from Taunton was improperly before the House for the reason that the House, at this reading, had adopted an amendment to study the subject-matter contained within her amendment.

In answer to the point of order, the Chair (Mr. Donato of Medford) stated that since the House had, in fact, at this reading adopted an amendment to study the subject-matter contained in the proposed amendment,

adoption of the amendment filed by the lady from Taunton would contradict a provision added by the previously adopted amendment.

Therefore the Chair ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Mrs. O'Connell of Taunton and other members of the House then moved to amend the bill by striking out section 5 (previously inserted by amendment) and inserting in place thereof the following section:

“SECTION 5. Chapter 6A of the General Laws is hereby amended by inserting after section 16U the following section:—

Section 16V. (a) The executive office of health and human services shall establish and maintain a computerized income, asset, and identity eligibility verification system to be used within each public benefits program administered by the office in order to verify eligibility, eliminate the duplication of assistance, and deter fraud; provided that said system is in compliance with chapter 66A.

(1) The office may enter into a contract with a third-party vendor for the purposes of developing a system by which to verify the income, asset, and identity eligibility of applicants to prevent fraud, misrepresentation, and inadequate documentation when determining an applicant's eligibility for assistance prior to the distribution of benefits and during eligibility redeterminations and reviews, as prescribed in this section. The office may also contract with a vendor to provide information to facilitate reviews of recipient eligibility conducted by the office and all departments and divisions within the office administering public benefit programs.

(2) If the office enters into a contract with a third-party vendor for the purposes of carrying out this section, the vendor shall be required by contract to establish annualized savings realized from implementation of the verification system and savings shall exceed the total yearly cost to the state for implementing the verification system.

(b) Prior to awarding or continuing assistance, the office shall require all departments and divisions administering public benefit programs, to the extent such data bases are available to the departments and divisions, to match the social security number of each respective applicant and recipient of assistance from said department or division against the following:

(1) unearned income information maintained by the Internal Revenue Service;

(2) employer quarterly reports of income and unemployment insurance payment information maintained by the department of labor and workforce development;

(3) earned income information maintained by the Social Security Administration;

(4) immigration status information maintained by the U.S. Citizenship and Immigration Services;

(5) death register information maintained by the Social Security Administration;

(6) prisoner information maintained by the Social Security Administration;

(7) public housing and Section 8 Housing Assistance payment information maintained by the Department of Housing and Urban Development;

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(8) national fleeing felon information maintained by the Federal Bureau of Investigation;

(9) wage reporting and similar information maintained by states contiguous to this State;

(10) beneficiary records and earnings information maintained by the Social Security Administration in its Beneficiary and Earnings Data Exchange (BENDEX) database;

(11) earnings and pension information maintained by the Social Security Administration in its Beneficiary Earnings Exchange Record System (BEERS) database;

(12) employment information maintained by the department of labor and workforce development;

(13) employment information maintained by the U.S. Department of Health and Human Services in its National Directory of New Hires database;

(14) supplemental Security Income information maintained by the Social Security Administration in its SSI State Data Exchange (SDX) database;

(15) veterans' benefits information maintained by the U.S. Department of Health and Human Services, in coordination with the Massachusetts department of health and human services and department of veterans' affairs, in the federal Public Assistance Reporting Information System (PARIS) database;

(16) child care services information maintained by the department of children and families;

(17) utility payments information maintained by the department of housing and community development under the Low Income Home Energy Assistance Program;

(18) emergency utility payment information maintained by local cities and towns or councils on aging;

(19) a database which is substantially similar to or a successor of a database established in this section; and

(20) a database of all persons who currently hold a license, permit, or certificate from a State agency the cost of which exceeds \$1,000.

(c) Prior to awarding or continuing assistance, the office shall require all departments and divisions administering public benefit programs to match the social security number of each respective applicant and recipient of assistance from said department or division against, at minimum, the following public records:

(1) a nationwide public records data source of physical asset ownership such as real property, automobiles, watercraft, aircraft and luxury vehicles;

(2) a nationwide public records data source of incarcerated individuals;

(3) a nationwide best-address and driver's license data source to verify individuals are residents of the State;

(4) a comprehensive public records database that identifies potential Identity Fraud or Identity Theft that can closely associate name, social security number, date of birth, phone and address information;

(5) national and local financial institutions, in order to locate undisclosed depository accounts or verify account balances of disclosed accounts;

(6) outstanding default or arrest warrant information maintained by the criminal history systems board, the criminal justice information system, and the warrant management system; and

(7) a database which is substantially similar to or a successor of a database established in this section.

(d) If a discrepancy results between an applicant or recipient's social security number and one or more of the databases or information tools listed under paragraph (b) and (c), the department or division administering said public benefit program shall review the respective applicant or recipient's case using the following procedures:

(1) if the information discovered does not result in the department or division administering said public benefit program finding the applicant or recipient ineligible for assistance under this section, the department or division shall take no further action;

(2) if the information discovered under paragraph (c) and (d) results in the department or division administering said public benefit program finding the applicant or recipient ineligible for assistance under this section, the applicant or recipient shall be given an opportunity to explain the discrepancy; provided, however, that self-declarations by applicants or recipients shall not be accepted as verification of categorical and financial eligibility during eligibility evaluations and reevaluations; provided further that the department shall not use numerical identifiers other than valid social security numbers. The department or division shall provide written notice to said applicant or recipient, which shall describe in sufficient detail the circumstances of the discrepancy, the manner in which the applicant or recipient may respond, and the consequences of failing to take action. The applicant or recipient shall have 10 business days to respond in an attempt to resolve the discrepancy. The explanation provided by the recipient or applicant shall be given in writing. After receiving the explanation, the department or division may request additional documentation if it determines that there is a substantial risk of fraud;

(3) If the applicant or recipient does not respond to the notice, the department or division shall deny assistance for failure to cooperate, in which case the department or division shall provide notice of intent to discontinue assistance. Eligibility for assistance shall not be reestablished until the significant discrepancy has been resolved.

(4) If an applicant or recipient responds to the notice and disagrees with the findings of the match between his or her social security number and one or more databases or information tools listed under this section, the department or division shall reinvestigate the matter. If the department or division finds that there has been an error, the department or division shall take immediate action to correct it and no further action shall be taken. If, after an investigation, the department or division determines that there is no error, the department or division shall determine the effect on the applicant's or recipient's case and take appropriate action. Written notice of the respective department or division's action shall be given to the applicant or recipient.

(5) If the applicant or recipient agrees with the findings of the match between the applicant's or recipient's social security number and one or more databases or information tools listed under this chapter, the

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department or the division shall determine the effect on the applicant or recipient’s case and take appropriate action. Written notice of the department or division’s action shall be given to the applicant or recipient. In no case shall the department or division discontinue assistance previously granted, as a result of a match between the applicant’s or recipient’s social security number and one or more databases or information tools listed under this chapter until the applicant or recipient has been given notice of the discrepancy and the opportunity to respond.

(e) The office shall promulgate rules and regulations necessary for the purposes of carrying out this section.

(f) Nothing in this section shall preclude the office, or any department or division within the office, from continuing to conduct additional eligibility verification processes, not detailed in this section, that are currently in practice.”; and

By adding the following two sections:

“SECTION 155. Section 5 shall take effect on November 1, 2013.

SECTION 156. One month following the implementation of section 5, and quarterly thereafter, each department and division within the office administering public benefit programs shall file with the clerks of the house and senate, a report detailing the effectiveness and general findings of each respective computerized income, asset, and identity eligibility verification system, as well as which databases or information tools listed under paragraph (c) and (d) were accessed by the system during eligibility determinations and redeterminations. The report shall contain, at a minimum, the number of people enrolled in the program, the number of people determined to be ineligible, and the number of people removed from the program.”.

Point of
order.

Ms. Reinstein of Revere thereupon raised a point of order that the amendment offered by the lady from Taunton was improperly before the House for the reason that the House, at this reading, had adopted an amendment to study the subject-matter contained within her amendment.

In answer to the point of order, the Chair (Mr. Donato of Medford) stated that since the House had, in fact, at this reading adopted an amendment to study the subject-matter contained in the proposed amendment, adoption of the amendment filed by the lady from Taunton would contradict a provision added by the previously adopted amendment.

Therefore the Chair ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Mrs. O’Connell of Taunton then moved to amend the bill by adding the following five sections:

“SECTION 155. Section 5J of chapter 18 of the General Laws, as most recently amended by chapter 161 of the acts of 2012, is hereby further amended by striking the last sentence of the first paragraph of section 5J, and replacing it with the following sentence:—

A store owner who knowingly allows a prohibited electronic benefit transfer transaction in violation of this section, subsection (b) of section 5I, or section 5O, shall be punished by a fine of not less than \$2500 for a first offense, by a fine of not less than \$5000 for a second offense, and by a fine of not less than \$10000 for a third or subsequent offense.

SECTION 156. Section 5J of Chapter 18 of the general laws, as so appearing, is hereby amended by inserting after subsection (c), the following new subsections:—

(d) The department shall promulgate rules and regulations to increase the education of benefit recipients and retail vendors regarding: statutory requirements of An act relative to online payments for EBT cash recipients under sections 5I and 5J of this chapter; personal financial management, banking, and budgeting; and the online payment system outlined in Section 26A of this chapter.

SECTION 157. Section 5N of Chapter 18 of the general laws, as so appearing, is hereby amended by inserting at the end thereof, the following new sections:—

Section 5O. (a) Notwithstanding any general or special law to the contrary, no later than December 1, 2013, the department of transitional assistance shall establish and maintain an online application process for businesses wishing to apply to accept electronic benefit transfer cards at point of sale. All businesses that wish to accept electronic benefit transfer cards at point of sale shall apply online on the department's website. The list of businesses that shall not be approved includes, but is not limited to those establishments detailed in subsection (a) of section 5J of this chapter.

(b) The online application shall require, at minimum, the following information: name of store or business, including if different, corporation name or doing business as name; full address of business; owner name, owner phone number and address; standard industrial classification code; and an explanation of the business conducted by the establishment which includes the type of goods or merchandise sold.

(c) The department shall continuously maintain a list of any business, including, at minimum, all associated information as defined by subsection (b), declined by the department from accepting electronic benefit transfer cards. The list shall be made public on a quarterly basis.

(d) The online application shall include, at minimum, the following questions: Are you SNAP authorized?; Is this establishment a tavern or restaurant, as defined in section 1 of chapter 138 of the General Laws?; and, Have you ever been prohibited from accepting SNAP or electronic benefit transfer cards under any name?. The online application shall include instructions requiring the applicant to agree to the following statement in order to accept electronic benefit transfer cards at point of sale: 'I agree to abide by all state and federal laws governing the SNAP and direct cash assistance programs. I agree to report fraud immediately to the department of transitional assistance.' The application shall be signed under the pains and penalties of perjury.

(e) Upon approval of the application, the department shall issue an authorization number to the owner of the business. The owner shall display said authorization number in an area conspicuous to customers of the business.

(f) Any store owner who knowingly accepts electronic benefit transfer cards without the approval of the department shall be subject to the fines and punishments outlined in subsection 5J of this chapter.

(g) The department shall promulgate all rules and regulations necessary to carry out this section.

Section 5P. Notwithstanding any general or special law to the contrary, direct cash assistance issued by the Commonwealth shall not be used for purchases in states other than Massachusetts and states contiguous to Massachusetts. For the purposes of this section, contiguous

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states shall mean: New Hampshire, Connecticut, Rhode Island, New York, and Vermont. The department of transitional assistance shall identify all violators on a monthly basis. Any eligible recipient who violates this section shall be disqualified from the program for not less than 3 months. The department shall notify the recipient that they must report in person to their local department of transitional assistance office to have their benefits reinstated. Any eligible recipient who violates this section for a second time shall be permanently disqualified from the direct cash assistance program.

SECTION 158. Section 22 of chapter 18 of the general laws, as so appearing, is hereby amended by inserting at the end of the first paragraph, the following sentence:—

Self-declarations by applicants or recipients shall not be accepted as verification of categorical and financial eligibility during eligibility evaluations and reevaluations.

SECTION 159. Chapter 18 of the general laws, as so appearing, is hereby amended by inserting after section 26, the follow new section:—

Section 26A. (1) The department shall implement an online payment system accessible by computer or mobile device for cash assistance recipients to manage benefits and pay rent and utility bills by direct payment to a landlord or utility company by regularly deducting the amount of the rent or utility bill from the amount of the benefits otherwise payable to the recipient. The system shall, at minimum, allow recipients to track personal expenditures of cash assistance benefits, to view the balance of benefits received, and to orchestrate the direct regular payment of recipient rent and utility bills by the department. The department shall also consider including in the online payment system educational tools and suggestions regarding personal financial management, banking, and budgeting.

Whenever a determination is made that benefits have not been used in the best interest of the child or the assistance unit or other chronic misuse of benefits is occurring, the department shall manage the provision of benefits in the form of vendor payments with respect to rent and utilities. The department may presume mismanagement of benefits whenever shelter costs, including but not limited to, rent, heat, fuel, and utilities, have regularly not been met without reasonable cause. Upon an affirmative finding of the mismanagement of benefits by a recipient, the department shall re-examine the eligibility of said recipient to receive benefits.

At eligibility determinations and redeterminations, the department shall screen households to determine if they have chronically failed to pay rent and utilities to determine if it is appropriate to institute or terminate vendor payments and shall refer those households to the housing consumer education centers and community-based resources for assistance in meeting their expenses.

(2) No later than January 1, 2014, all cash assistance recipients shall have the option to manage benefits and pay rent and utility bills through the online payment system and shall receive cash assistance benefits equal to amount of the balance of benefits otherwise payable to the recipient following said online payments.

(3) No later September 1, 2014, all cash assistance recipients shall be required to pay rent and utility bills through the online payment system and shall receive cash assistance benefits equal to the amount of

the balance of benefits otherwise payable to the recipient following said online payment.

(4) The department shall evaluate the online payment system and the number of recipients utilizing and not utilizing the system to pay rent and utility bills on a monthly basis. The department shall screen the households not utilizing the online payment system to determine if they have failed to pay rent and utilities and if they are using benefits in the best interest of the child or assistance unit. Following a determination of mismanagement of benefits, the department may reexamine recipient eligibility and investigate the possibility of eligibility fraud and shall manage the provision of benefits to said households in the form of vendor payments pursuant to subsection (1) of this section.

(5) The department shall promulgate all rules and regulations necessary to carry out this section.”

Ms. Reinstein of Revere thereupon raised a point of order that the amendment offered by the lady from Taunton was improperly before the House for the reason that the House, at this reading, had adopted an amendment to study the subject-matter contained within her amendment. Point of order.

In answer to the point of order, the Chair (Mr. Donato of Medford) stated that since the House had, in fact, at this reading adopted an amendment to study the subject-matter contained in the proposed amendment, adoption of the amendment filed by the lady from Taunton would contradict a provision added by the previously adopted amendment.

Therefore the Chair ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Mrs. O’Connell of Taunton and other members of the House then moved to amend the bill in section 88, in line 1310, by inserting after the word “attendance” the words: “; provided that, in accordance with the regulations of the department, the grantee shall be put on probation and benefits shall be suspended for six months, or until the grantee provides proof that the child is regularly attending school”. The amendment was rejected.

Mrs. O’Connell then moved to amend the bill in section 6, in line 44, by inserting after the word “cases.” the following: “(d) In addition to the responsibilities set forth in subsection (c), the bureau shall have the following duties: (i) review current eligibility intake and determination procedures for public benefit programs administered by the office of health and human services; (ii) assist in the development of any new intake procedures and regulations for eligibility determination; (iii) monitor whether eligibility regulations are being followed by the administering agency; (iv) assist with the coordination with other state agencies to transmit and collect data on beneficiaries; (v) coordinate with the program integrity division under the department of transitional assistance; (vi) provide training to employees serving under the office of health and human services on methods of intake procedures and beneficiary determination; and (vii) automate reporting of indicators of potential fraud cases; (viii) monitor the fraud hotline and investigate complaints; (ix) establish a fraud hotline dedicated to law enforcement; provided that the bureau shall respond to law enforcement complaints directly; (x) investigate program violations, conduct hearings, determine penalties according to department regulations or any general or special law and ensure penalties are enforced.”.

Amendment rejected,—
yea and nay
No. 102.

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 32 members voted in the affirmative and 125 in the negative.

[See Yea and Nay No. 102 in Supplement.]

Therefore the amendment was rejected.

Representatives O’Connell of Taunton and Hunt of Sandwich then moved to amend the bill by adding the following section:

“SECTION 155. Notwithstanding any general or special law to the contrary, all sponsors of an immigrant brought to the United States via an I-130 Form shall be billed on a yearly basis for all public means-tested assistance received by the sponsored immigrant. If necessary, legal proceedings shall be initiated to collect all money owed to any state agencies.”.

Pending the question on adoption of the amendment, Mr. Conroy of Wayland moved to amend it by adding the following paragraph:—

“Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as (i) the executive office of health and human services, in conjunction with the United States Department of Agriculture, furnish a report demonstrating any deficiencies with the current enforceable affidavit of support required by sponsors of immigrants to the United States, including the current regulations regarding enforcement, (ii) the executive office has obtained any necessary waivers to ensure this section is permissible under federal law; and (iii) such report together with legislation necessary to implement this section has been filed with the General Court and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”.

Point of order.

Mr. Fattman of Sutton thereupon raised a point of order that the hour of midnight had arrived, and that the House was in violation of House Rule 1A, which prohibits the House from meeting beyond that hour, except by unanimous consent.

The Chair (Mr. Donato of Medford) stated that the point of order was not well taken since his watch indicated that it was 11:58 P.M.

Appeal from decision of Chair.

Mr. Fattman then appealed from the decision of the Chair; and the appeal was seconded.

The question was then put, “Shall the decision of the Chair stand as the judgment of the House?”.

The decision of the Chair then was sustained.

Further amendment adopted,—
yea and nay
No. 103.

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. Jones of North Reading; and on the roll call 128 members voted in the affirmative and 29 in the negative.

[See Yea and Nay No. 103 in Supplement.]

Therefore the further amendment was adopted.

The amendment offered by Representatives O’Connell and Hunt, as amended, then also was adopted.

Recess.

Recess.

At five minutes after twelve o’clock midnight (Wednesday, April 24), there being no objection, on motion of Mr. Rushing of Boston (Mr. Donato of Medford being in the Chair), the House recessed until two o’clock P.M.; and at nine minutes after two o’clock the House was called to order with Mr. Donato in the Chair.

Wednesday, April 24, 2012 (at 2:09 o'clock P.M.).

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.

Pledge of allegiance.

Statement Concerning Representative Rogers of Norwood.

A statement of Mr. Mariano of Quincy concerning Mr. Rogers of Norwood was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Rogers of Norwood, is unable to be present in the House Chamber for today's sitting due to bereavement in his family. His missing of roll calls today is due entirely to the reason stated.

Statement concerning Mr. Rogers of Norwood.

Resolutions.

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

Resolutions (filed by Mr. Arciero of Westford) congratulating Helena "Mickey" Crocker of Westford on her selection as the 2013 Westford Unsung Heroine by the Massachusetts Commission on the Status of Women;

Helena Crocker.

Resolutions (filed by Mr. Arciero of Westford) congratulating the Peace Middle School of China on their pursuit of educational excellence around the globe; and

Peace Middle School.

Resolutions (filed by Mr. Kocot of Northampton) honoring Alfred E. Lilly for all his accomplishments in the town of Florence;

Florence,— Alfred E. Lilly.

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. Kocot, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Representative Coppinger of Boston and Senator Rush presented a joint petition (subject to Joint Rule 12) of Edward F. Coppinger and Michael F. Rush for legislation to establish a sick leave bank for Thomas Mulvey, an employee of the Department of Housing and Community Development; and the same was referred, under Rule 24, to the committee on Rules.

Thomas Mulvey,— sick leave.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Coppinger, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Representative Donato of Medford and Senator Jehlen presented a joint petition (subject to Joint Rule 12) of Paul J. Donato and Patricia D. Jehlen for legislation to establish a sick leave bank for Marie Alito, an

Marie Alito,— sick leave.

Marie Alito,—
sick leave.

employee of the Middlesex Probate and Family Court; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Wagner of Chicopee, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

John Daley,—
sick leave.

Mr. O'Day of West Boylston presented a petition (subject to Joint Rule 12) of James J. O'Day, Kevin J. Kuros and Richard T. Moore for legislation to establish a sick leave bank for John Daley, an employee of the Department of Children and Families; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Wagner of Chicopee, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Paper from the Senate.

Jason Saunders,—
sick leave.

A petition (accompanied by bill) of Jennifer L. Flanagan and Dennis A. Rosa for legislation to establish a sick leave bank for Jason Saunders, an employee of the Department of Correction, came from the Senate referred, under suspension of Joint Rule 12, to the committee on the Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1775) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

Carmen Berry,—
sick leave.

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 Angelo J. Puppolo, Jr., for legislation to establish a sick leave bank for Carmen Berry, an employee of the Department of Children and Families. Under suspension of the rules, on motion of Mr. Wagner of Chicopee, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Elaine Provencher,—
sick leave.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Elaine Provencher, an employee of the Department of Public Health (House, No. 3384), be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Kafka, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Speliotis of Danvers, the bill (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, its title having been changed by said committee to read: "An Act establishing a sick leave bank for Elaine Provencher, an employee of the Department of Public Health.". Sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for John Gustavis, an employee of the Hampshire County Sheriff's Department (House, No. 3417), be scheduled for consideration by the House.

John Gustavis,—
sick leave.

Under suspension of Rule 7A, on motion of Mr. Kafka, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Speliotis of Danvers, the bill (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, its title having been changed by said committee to read: "An Act establishing a sick leave bank for John Gustavis, an employee of the Hampshire sheriff's office.". Sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following House bills be scheduled for consideration by the House:

Establishing a sick leave bank for Marjorie Pettoruto, an employee of the Highway Division of the Massachusetts Department of Transportation (House, No. 3410); and

Marjorie Pettoruto.

Establishing a sick leave bank for Keith M. Adams, an employee of the Department of Public Health (House, No. 3416);

Keith M. Adams.

Under suspension of Rule 7A, in each instance, on motion of Mr. Kafka, the bills severally were read a second time forthwith; and they were ordered to a third reading.

By Mr. Wagner of Chicopee, for the committee on Economic Development and Emerging Technologies, on House, Nos. 26 and 28, a Bill making amendments to the Uniform Commercial Code covering general provisions, documents of title and secured transactions (House, No. 28). Read; and referred, under Rule 33, to the committee on Ways and Means.

Uniform Commercial Code.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2014 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interests, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 3400, amended), was considered.

General Appropriation Bill.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Dempsey of Haverhill and other members of the House moved to amend it in section 2

Consolidated amendments (housing and social services).

[A]In item 4400-1000 by striking out the figures "62,289,182" and inserting in place thereof the figures "63,289,182";

Consolidated
amendments
(housing
and social
services).

In item 4400-1100 by striking out the figures “60,084,483” and inserting in place thereof the figures “61,084,483”;

In item 4401-1000, in line 10, by inserting after the word “services” the following: “; provided further, that not less than [B]\$130,000 shall be expended for programs operated through the Massachusetts Office of Refugees and Immigrants”, in said item, in line 11, by striking out the figures “2,000,000” and inserting in place thereof the figures “3,000,000” and in said item by striking out the figures “5,000,000” and inserting in place thereof the figures [C]“6,130,000”;

In item 4403-2000, in line 27, by inserting after the word “law” the following: “; provided further, that a \$40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing”;

In item 4405-2000, in line 14, by inserting after the word “benefit” the following: “; provided further, that funds shall be made available for rate increases for level IV rest homes as defined in 105 CMR 150.001 in an amount not less than the amount received in fiscal year 2013” and in said item by striking out the figures “232,688,118” and inserting in place thereof the figures “233,188,118”;

In item 4408-1000, in line 50, by inserting after the word “Fund” the following: “; provided further, that funds shall be made available for rate increases for level IV rest homes as defined in 105 CMR 150.001 in an amount not less than the amount received in fiscal year 2013” and in said item by striking out the figures “92,644,480” and inserting in place thereof the figures “92,844,480”;

In item 4800-0015, in line 41, by inserting after the word “workers” the words “; for each area office, the number of children served by supervised visitation centers and the number of those children who are reunified with their families; for each area office, the total number of children served, their ages, the number of children in out-of-home placements and the number of placements each child has had before receiving an out-of-home placement; for each area office, the number of kinship guardianship subsidies provided in the quarter covered by the report and the number of kinship guardianship subsidies provided in that quarter for which federal reimbursement was received; for each area office, the total spending on services other than case management services provided to families for the purposes of keeping a child with his parents or reunifying the child with his parents, spending by type of the service, and the unduplicated number of families that receive the services; for each area office, the total number of families in the month residing in shelter paid for by the department, a list of where the families are sheltered, the total cost and average cost per family of those shelters and a description of how the department determines who does or does not qualify for shelter”;

In item 4800-0016 by striking out the figures “400,000” and inserting in place thereof the figures “2,000,000”;

In item 4800-0038 by adding the following: “; provided further, that not less than \$25,000 shall be expended for the planned learning achievement program in Amherst, in collaboration with the department of elementary and secondary education, through an interagency service agreement; provided further, that not less than \$50,000 shall be expended to the Weymouth teen center to provide job skills training,

remedial education services, and to promote a social service program promoting growth and social welfare; provided further, that funds may be expended on programs that received funding in fiscal year 2013; and provided further, an amount not less than fiscal year 2013 shall be expended on children's advocacy centers", and in said item by striking out the figures "250,114,828" and inserting in place thereof the figures "250,589,828";

In item 4800-1400, in line 2, by inserting after the word "shelter" the following: "; provided further, that \$75,000 shall be expended for the operation of the Portal to Hope servicing Everett, Malden and Medford" and in said item by striking out the figures "21,125,812" and inserting in place thereof the figures "21,530,430";

In item 7004-0099, in line 51, by inserting after the word "requirements" the following: "; provided further, that not less than \$75,000 shall be expended to World is Our Classroom, Inc. serving the towns of Holyoke, Westfield, Chicopee and Greenfield[D]"; and in said item by striking out the figures "6,397,129" and inserting in place thereof the figures [E]"6,472,129";

In item 7004-0100 by striking out the figures "5,418,110" and inserting in place thereof the figures "5,835,613";

In item 7004-0102, in line 9, by inserting after the word "system" the following: "; provided further, that not less than \$200,000 shall be expended for the River House shelter in the city of Beverly" and in said item by striking out the figures "37,963,331" and inserting in place thereof the figures "40,450,335";

In item 7004-0108, in line 92, by inserting after the word "household" the following: "; provided further, that not less than \$175,000 shall be expended annually for provision of emergency services that provide domestic violence intervention, workforce development, housing assistance, operation of food vouchers, winter coats for kids and holiday dinners operated by Community Action Programs Inter-City, Incorporated for the communities specified in item 7004-0099 of section 2 of chapter 68 of the acts of 2011"; and in said item by striking out the figures "58,788,556" and inserting in place thereof the figures "58,963,556";

In item 7004-9005 [F]by striking out the figures "62,400,000" and inserting in place thereof the figures [G]"64,400,000"; and

In item 7004-9033 by striking out the figures "4,000,000" and inserting in place thereof the figures "4,250,000";

In section 6, in line 43, by striking out the word "and" and in line 44, by inserting after the words "potential fraud cases" the following: "and (viii) coordinate with other agencies to monitor compliance with work force requirements"; and

In section 86 (inserted by amendment) by adding the following paragraph:

"The department of transitional assistance shall report to the house and senate committees on ways and means on the impact of this section on or before November 30, 2013".

Pending the question on adoption of the amendments Mr. Honan of Boston moved that they be amended

By inserting [at "A"] after the following: "section 2" the following:—

"By inserting after item 1233-2400 the following item:—

Consolidated amendments (housing and social services).

1233-2401	For reimbursements to certain cities and towns for additional educational costs under chapter 40S of the General Laws; provided, that cities and towns eligible for reimbursements in fiscal year 2011 shall receive funding	\$250,000”;
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In the proposed amendments to item 4401-1000 by striking out [at “B”] the following: “\$130,000” and inserting in place the following: “\$530,000” and by striking out [at “C”] the figures “6,130,000” and inserting in place thereof the figures “6,530,000”;

In the proposed amendments to item 7004-0099 by inserting [at “D”] after the word “Greenfield” the following: “; provided further, that no less than \$50,000 shall be expended for the South Worcester Neighborhood Improvement Corporation; provided further, that no less than \$25,000 shall be expended for Solutions at Work in the city of Cambridge; provided further, that no less than \$100,000 shall be expended for the Chelsea Community Center for the rehabilitation of community based occupancy units”; and by striking out [at “E”] the figures “6,472,129” and inserting in place thereof the figures “6,647,129”;

In the proposed amendment to item 7004-9005 by inserting after said item number [at “F”] the following: “, in line 24, by inserting after the words ‘capital repairs’ the following:— ; provided further, that not less than \$100,000 shall be provided for the Clinton Housing Authority, and”; and by striking out [at “G”] the figures “64,400,000” and inserting in place thereof the figures “64,500,000”.

After remarks the further amendments were adopted.

On the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Honan; and on the roll call 128 members voted in the affirmative and 28 in the negative.

[See Ye and Nay No. 104 in Supplement.]

Therefore the consolidated amendments (housing and social services), as amended, were adopted.

Consolidated (housing, etc.) amendments adopted,— yea and nay No. 104.

After debate on the question on passing the bill, as amended, to be engrossed (Mrs. Haddad of Somerset being in the Chair), Mr. Dempsey of Haverhill and other members of the House moved to amend it in section 2

Consolidated amendments (public health).

By inserting after item 4510-0110 the following item:

“4510-0112	For the department of public health to conduct a postpartum depression pilot program at community health centers in Holyoke, Jamaica Plain, Lynn, and Worcester	\$200,000”;
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By adding at the end of item 4510-0600 the following: “; and, provided further, that the department shall allocate \$125,000 to enhance the capacity and infrastructure of the department to license and inspect meat and poultry slaughtering and processing facilities in Massachusetts”; and in said item by striking out the figures “3,608,538” and inserting in place thereof the figures “3,733,538”;

By striking out item 4510-0722 and inserting in place thereof the following item:

“4510-0722	For the operation and administration of the board of registration in pharmacy; provided, that the board shall submit a report to the joint commit-
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tee on public health by December 31, 2013, and annually thereafter, detailing the investigatory and disciplinary actions conducted by the board; provided further, that the initial report shall detail the investigatory and disciplinary actions conducted by the board from September 1, 2012 through December 1, 2013, provided further, that the report shall detail a) each complaint received by the board or initiated by the board, b) the date of the complaint, c) the violation alleged, and d) whether or not a case file was opened and the complaint was referred to a board investigator; provided further, that the report shall further detail, for those complaints that resulted in an opened and docketed case file, a) the docket number, b) the name and license number of the licensees involved, c) a chronological account of the board actions taken during the investigation, d) the name of any state or federal agencies that collaborated with investigation, e) a summary of and rationale for the final decision of the board to dismiss the complaint, impose an informal sanction or penalty, impose a formal penalty or sanction, or amend a previously issued penalty or sanction, and f) whether or not the board reported the result of its investigation to another state board, federal agency or external entity; provided further, that the board shall prepare a compilation of cases involving preventable medical error that resulted in harm to a patient or health care provider for the purpose of assisting health care providers, hospitals and pharmacies to modify their practices and techniques to avoid error; and provided further, that the board shall submit the compilation to the joint committee on public health and the commissioner of the department of public health by December 31, 2013, and annually thereafter, and shall make the compilation widely available, including by electronic means, to the public and to all hospitals, pharmacies and health care providers doing business in the commonwealth

\$1,300,527”;

In item 4512-0103 by striking out the figures “31,597,810” and inserting in place thereof the figures “32,101,023”;

By adding at the end of item 4512-0200 the following: “; provided further, that not less than \$100,000 shall be expended for Self Esteem Boston’s substance abuse direct service prevention and provider training programs; provided further, that not less than \$100,000 shall be expended for the New Beginnings program that targets youth at risk and in recovery in collaboration with school districts; provided further, that not less than \$25,000 shall be expended to fund the Charlestown Against Drugs (CHAD) program; and provided further, that not less than \$300,000 shall be expended for integrated treatment and stabilization services for individuals and families living with co-occurring substance use and mental health disorders”, and in said item by striking out

Consolidated amendments (public health).

the figures “83,696,690” and inserting in place thereof the figures “84,633,094”;

In item 4512-0201 by striking out the figures “2,800,000” and inserting in place thereof the figures “4,800,000”;

By inserting after item 4512-0201 the following two items:

“4512-0202 For jail diversion programs primarily for nonviolent offenders with OxyContin or heroin addiction to be procured by the department of public health; provided, that each program shall have at least 60 beds and shall provide clinical assessment services to the respective courts, inpatient treatment for up to 90 days and ongoing case management services for up to 1 year; provided further, that individuals may be diverted to this or other programs by a district attorney in conjunction with the office of the commissioner of probation if: (i) there is reason to believe that the individual being diverted suffers from an addiction to OxyContin or heroin or other substance use disorder; and (ii) the diversion of an individual is clinically appropriate and consistent with established clinical and public safety criteria; provided further, that programs shall be established in separate counties in locations deemed suitable by the department of public health; provided further, that the department of public health shall coordinate operations with the sheriffs, the district attorneys, the office of the commissioner of probation and the department of correction; provided further, that not more than \$500,000 shall be used to support the ongoing treatment needs of clients after 90 days for which there is no other payer; and provided further, that not later than August 2, 2012, the department of public health shall provide a report to the joint committee on mental health and substance abuse and the house and senate committees on ways and means as to the outcomes of the program and the cost of operations \$1,000,000;

4512-0203 For family intervention and care management services programs, a young adult treatment program, and early intervention services for individuals who are dependent on or addicted to alcohol or controlled substances or both alcohol and controlled substance \$1,500,000”;

In item 4512-0225 by striking out the figures “1,000,000” and inserting in place thereof the figures “1,500,000”;

By adding at the end of item 4512-0500 the following: “; and provided further, that funds shall be expended for the Forsyth Institute’s Center for Children’s Oral Health”;

In item 4513-1000 by striking out the figures “4,466,697” and inserting in place thereof the figures “4,671,059”;

In item 4513-1020 by striking out the figures “25,241,573” and inserting in place thereof the figures “26,241,573”;

By striking out item 4513-1111 and inserting in place thereof the following item:

“4513-1111 For the promotion of health and disease prevention including, but not limited to, the following programs: breast cancer prevention; diabetes screening and outreach; ovarian cancer screening; a statewide STOP stroke program and ongoing stroke prevention and education; hepatitis C prevention and management; multiple sclerosis screening, information, education and treatment programs and the Multiple Sclerosis Home Living Navigating Key Services program administered by the Central New England Chapter of the National Multiple Sclerosis Society; colorectal cancer prevention; prostate cancer screening, education and treatment with a particular focus on African American males; osteoporosis education; maintenance of the Amyotrophic Lateral Sclerosis registry created pursuant to section 25A of chapter 111 of the General Laws; and maintenance of the statewide lupus database; provided further, that funds may be expended for the operation of the Betsy Lehman Center for patient safety; and provided further, that \$50,000 shall be expended for education and support of patients diagnosed with PKU or related disorders and their families through a grant to NECPAD \$3,278,401”;

In item 4513-1130 by striking out the figures “5,518,990” and inserting in place thereof the figures “5,718,990”;

In item 4518-0200 by striking out the figures “535,000” and inserting in place thereof the figures “675,000”;

In item 4590-0250 by striking out the figures “11,397,967” and inserting in place thereof the figures “11,597,967”;

In item 4590-0912 by striking out the figures “16,957,470” and inserting in place thereof the figures “17,457,470”;

In item 4590-0915, in line 9, by inserting after the following: “section 2B” the following: “; provided further, that the Massachusetts hospital school shall maintain not less than 120 beds for clients in its inpatient setting to the extent feasible within the appropriation”, and in said item by striking out the figures “145,241,414” and inserting in place thereof the figures “147,241,414”;

In item 4590-1506 by striking out the figures “1,000,000” and inserting in place thereof the figures “1,501,178”; and

By adding at the end of item 4590-1507 the following: “; provided further, that each organization previously included in the youth-at-risk grants shall receive in fiscal year 2014 a grant amount not less than that received in fiscal year 2013; provided further that not less than \$50,000 shall be expended for the Center for Teen Empowerment, Inc”; and provided further, the department of public health shall award not less than \$1,000,000 to the Massachusetts Alliance of Boys and Girls Clubs, which shall be distributed equally between said recipient’s member organizations”, and in said item by striking out the figures “1,800,000” and inserting in place thereof the figures “2,950,000”.

Consolidated amendments (public health) adopted,—
yea and nay
No. 105.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Sánchez of Boston; and on the roll call 152 members voted in the affirmative and 4 in the negative.

[See Yea and Nay No. 105 in Supplement.]

Therefore the consolidated amendments (public health) were adopted.

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

“SECTION 156. Section 7 of chapter 4 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following clause:—

Fifty-ninth. The meaning of ‘gender identity’ shall be distinct from that of ‘sex’ and ‘sexual orientation.’ Access to lawfully sex-segregated facilities, accommodations, resorts, and amusements, as well as educational, athletic, and therapeutic activities and programs, shall be controlled by an individual’s anatomical sex of male or female, regardless of that individual’s gender identity. The Secretary of Education and anyone under his purview shall issue no guideline that contradicts this language, and shall retroactively revoke any such contradictory guideline already issued.”

Pending the question on adoption of the amendment, Mr. O’Flaherty of Chelsea moved to amend it by adding the following paragraph:

“Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as (i) the executive office for administration and finance, in consultation with the executive office of health and human services and the executive office of education, furnishes a report demonstrating that said provisions shall have no adverse impact on a person due to their gender-related identity, including whether or not said provisions would subject a person to any form of discrimination or threats to personal safety; or whether said provisions negatively impact a student’s right to a safe and supportive academic environment; and (ii) the report, with necessary recommended changes to the legislation, has been filed with the joint committee on judiciary and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”

Quorum.

After debate on the question on adoption of the further amendment, Mr. Lyons asked for a count of the House to ascertain if a quorum was present. A count showed that 94 members were in attendance.

Further amendment adopted,—
yea and nay
No. 106.

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 Ms. Garry of Dracut; and on the roll call 112 members voted in the affirmative and 44 in the negative.

[See Yea and Nay No. 106 in Supplement.]

Therefore the further amendment was adopted.

The amendment, as amended, then also was adopted.

Ms. Reinstein of Revere being in the Chair,—

Mr. Mariano of Quincy then moved to amend the bill by adding the following section:

“SECTION 157. Section 49 of Chapter 7 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

Section 49. (a) There shall be within the executive office of administration and finance, but not subject to its control, a public employee retirement administration commission consisting of nine members, three of whom shall be appointed by the governor, three of whom shall be appointed by the state auditor, one of whom shall be appointed by the Speaker of the House, one of whom shall be appointed by the Senate President, and one of whom shall be chosen by the first eight members and who shall be chairman. Of the three persons appointed by the governor, one shall be the governor or his designee, one shall be a representative of a public safety union, and one shall be qualified by having training and experience in the investment of funds as a result of having been principally employed in such occupation for a period of at least ten years. Of the three persons appointed by the state auditor, one shall be the state auditor or his designee, the president of the Massachusetts AFL-CIO or his designee, and one shall be a representative of the Massachusetts Municipal Association. Of the persons appointed by the Speaker of the House and the Senate President, each shall be representatives of any county, city or town contributory retirement systems with assets above \$500 million dollars, at the time of the appointment. Each member of the commission shall serve for a term of five years; provided, however, that in making initial appointments, the governor and the state auditor shall each appoint one member for a term of three years and one member for a term of four years. The members shall serve without compensation but shall receive their necessary expenses incurred in the discharge of their official duties. Upon the expiration of the term of an appointed member, or the chairman, or a vacancy otherwise created in said positions, the successor for said position shall be appointed in the manner aforesaid, or for the remainder of said term, whichever is applicable. In the event the representative of a public safety union or the designee of the president of the Massachusetts AFL/CIO is a public employee, he or she shall be granted leave, without loss of pay or benefits and without being required to make up lost time, if on duty, for regularly scheduled work hours while in the performance of responsibilities of the commission. The public employee retirement administration commission shall select an executive director, and enter into an employment contract with said director. The provisions of sections nine A, forty-five, forty-six, and forty-six C of chapter thirty, chapter thirty-one, and chapter one hundred and fifty E shall not apply to the executive director or any other employee of the commission.”

The amendment was adopted.

Ms. Peake of Provincetown and other members of the House then moved to amend the bill by adding the following section:

“SECTION 158. Section 5A of chapter 252 of the general laws, as appearing in the 2010 official edition, is hereby amended by inserting in line 92 after the word ‘assessments.’, the following:— Certification does not give the board the authority to modify the commission approved budget without commission approval.”

The amendment was adopted.

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

In item 1107-2400 by striking out the figures “583,583” and inserting in place thereof the figures “651,834”;

Consolidated amendments (mental health and disability services).

In item 4110-0001 by striking out the figures "1,341,133" and inserting in place thereof the figures "1,361,524";

In item 4110-1000 by striking out the figures "3,954,856" and inserting in place thereof the figures "4,022,805";

In item 4120-6000 by striking out the figures "11,215,519" and inserting in place thereof the figures "12,215,519";

In item 4125-0100 by striking out the figures "5,321,413" and inserting in place thereof the figures "5,638,374";

In item 5042-5000, in line 8, by inserting after the word "services" the words "; provided further, that funds shall be expended for the Child Psychiatry Access Project";

In item 5046-0000 by striking out the figures "345,868,606" and inserting in place thereof the figures "348,868,606";

In item 5055-0000 by striking out the figures "8,297,163" and inserting in place thereof the figures "8,497,163"; and

By adding the following section:

"SECTION 159. The department of public health's office of oral health and the center for health information and analysis shall submit a report no later than December 31, 2013 to the House and Senate chairs of the Joint Committee on Public Health, the House and Senate Chairs of the Joint Committee on Health Care Financing, the chair of the House Committee on Ways and Means, and the Senate Chair of the Committee on Ways and Means on the oral health care needs of residents of the Commonwealth living with disabilities. The report shall include, but need not be limited to, the following information: (i) barriers to accessing dental health care for persons living with disabilities; (ii) the capacity of the current dental health care system to address the oral health needs of persons living with disabilities, with a focus on the availability of specialized equipment, the extent of provider training to treat this population, and any geographic disparities that may exist; and (ii) a projection of what additional resources, if any, are needed to fully address this need."

Consolidated amendments (mental health and disability services) adopted,—yea and nay No. 107.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Ms. Malia of Boston; and on the roll call 155 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 107 in Supplement.]

Therefore the consolidated amendments (mental health and disability services) were adopted.

Mr. Wagner of Chicopee being in the Chair,—

Mr. Pignatelli of Lenox and other members of the House then moved to amend the bill in section 2, in item 4000-0300, in line 63, by inserting after the word "increases" the following: "; provided further, that the executive office shall implement, in its entirety and without being subject to adjustment for the entire fiscal year, Section 253 of Chapter 224 of the Acts of 2012 for its managed care and primary care clinician programs". The amendment was adopted.

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

By striking out item 4000-0300 and inserting in place thereof the following item:

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“4000-0300 For the operation of the executive office of health and human services, including the operation of the managed care oversight board; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by all agencies under the purview of the secretariat and shall ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction; provided further, that the executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that the Executive Office of Health and Human Services and its agencies, when contracting for services on the islands of Martha’s Vineyard and Nantucket, shall take into consideration the increased costs associated with the provision of goods, services, housing, and travel costs and shall provide no more than \$30,000 for the increased costs associated with travelling to and from said islands; provided further, that funds appropriated in this item shall be expended for administrative and contracted services related to the implementation and operation of programs authorized by chapter 118E of the General Laws; provided further, that in consultation with the center for health information and analysis, no rate increase shall be provided to existing Medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed the rates that are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that funds may be expended for the operation of the office of health equity within the executive office of health and human services; provided further, that no expenditures shall be made that are not federally reimbursable, including those related to Titles XIX or XXI of the Social Security Act or the MassHealth demonstration waiver approved under section 1115(a) of said Social Security Act or the community first section 1115 demonstration waiver, whether made by the executive office or another commonwealth entity, except as required for: (a) the equivalent of MassHealth Standard benefits for children under age 21 who are in the care or custody of the department of youth services or the department of children and families; (b) dental

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benefits provided to clients of the department of developmental services who are age 21 or over; or (c) cost containment efforts the purposes and amounts of which have been submitted to the executive office for administration and finance and the house and senate committees on ways and means 30 days prior to making these expenditures; provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient and outpatient services at acute care pediatric hospitals and pediatric specialty units as defined in section 8A of Chapter 118E of the General Laws, the executive office shall provide additional reimbursement to the pediatric acute hospital in the Commonwealth, above the base rates, to compensate for high-complexity pediatric care in an amount not less than \$11,800,000 and to the pediatric specialty unit in the Commonwealth in an amount not less than \$3,000,000; provided further, that the executive office of health and human services may continue to recover provider overpayments made in the current and prior fiscal years through the Medicaid management information system, and that these recoveries shall be considered current fiscal year expenditure refunds; provided further, that funds shall be provided in an amount not less than the total appropriated in item 1599-2009 in section 2 of chapter 182 of the acts of 2008; provided further, that the executive office may collect directly from a liable third party any amounts paid to contracted providers under chapter 118E of the General Laws for which the executive office later discovers another third party is liable if no other course of recoupment is possible[A]; provided further, that no funds shall be expended for interpretive services directly or indirectly related to a settlement or resolution agreement with the office of civil rights or any other office, group or entity; provided further, that interpretive services currently provided shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, \$150,000 shall be expended for the work of the Massachusetts Unaccompanied Homeless Youth Commission to determine the scope of need among unaccompanied youth and young adults ages 24 and younger who are experiencing homelessness, and to identify and implement potential models for appropriate service delivery to unaccompanied homeless youth in urban, suburban, and rural areas of the Commonwealth; provided further, that notwithstanding any general or special law to the contrary, the commissioner of mental health shall approve any prior authorization or other restriction on medication used to treat mental illness in accordance with written policies, procedures and regulations of the department of mental health;

provided further, not less than \$500,000 shall be expended for a one time emergency department infrastructure and capacity building grant to a regional Medicare eligible disproportionate share, geographically isolated, community healthcare provider in Southern Worcester County affiliated with the University of Massachusetts Medical School that operates a 114-bed acute-care Hospital and satellite medical facilities across South Central Massachusetts, including a 24/7 Emergency Care Center, provided that said regional community healthcare provider shall provide a matching amount of a minimum of \$500,000 in private funding, and further, that these funds shall be made available to said provider not later than December 31, 2013; provided further, that the office of Medicaid shall work with the managed care organizations that are under contract with the commonwealth to deliver managed care services to MassHealth enrollees and other relevant stakeholders to develop changes to Medicaid payment policies, quality improvement programs, and any other programmatic changes that would produce a minimum cost saving across the Medicaid program sufficient to offset increased provider rates incurred by Medicaid managed care organizations as a result of fiscal year 2014 base hospital rate increases; provided further, that not later than January 17, 2014 the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing the methodology used to project caseload and utilization in fiscal year 2013 and fiscal year 2014; provided further, that funds shall be expended to support the functions of the office of performance management in carrying out the executive order, no. 540 entitled "Improving the Performance of State Government by Implementing a Comprehensive Strategic Planning and Performance Management Framework in the Executive Departments"; provided further, that not later than December 20, 2014 the executive office of health and human services shall submit a report to the house and senate committees on ways and means and house and senate committees on healthcare financing detailing the criteria for determining increased hospital payments for transitioning to alternative payment methodologies; provided further, that any projection of deficiency in item 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0940, 4000-0950, 4000-0990, 4000-1400 or 4000-1405 shall be reported to the house and senate committees on ways and means not less than 90 days before the projected exhaustion of funding; and provided further, that any unexpended balance in these accounts shall revert to the General Fund on June 30, 2014

\$88,785,816";

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In item 4000-0500, in line 11, by inserting after the word “level” the following: “; provided further, that MassHealth shall provide not less than \$1,000,000 in the Fiscal Year 14 capitated rate for the PCC mental health and substance abuse plan for inpatient behavioral health providers”, and in said item by striking out the figures “4,499,411,804” and inserting in place thereof the figures “4,500,411,804”;

In item 4000-0600, in line 19, by striking out the words “up to” and inserting in place thereof the word “of”;

In item 4000-0640, in line 7, by inserting after the year “2002” the following: “; provided further that effective July 1, 2013 for the fiscal year ending June 30, 2014, the executive office of health and human services shall establish nursing facility MassHealth rates that fully recognize the Medicaid share of the nursing home assessment established by section 63 of chapter 118E of the General Laws; provided further, that not less than \$2,800,000 shall be expended as incentive payments to nursing facilities meeting the criteria determined under the MassHealth Nursing Facility Pay-for-Performance Program and that have established and participated in a cooperative effort in each qualifying nursing facility between representatives of employees and management that is focused on implementing that criteria and improving the quality of services available to MassHealth members and that shall decide jointly how to expend such incentive payments; and provided further that the MassHealth agency shall adopt all additional regulations and procedures necessary to carry out this section”, and in said item by striking out the figures “288,600,000” and inserting in place thereof the figures “319,300,000”;

In item 4000-0700 by striking out the figures “2,145,499,061” and inserting in place thereof the figures [B]“2,158,899,061”;

In item 9110-1500 by striking out the figures “47,266,383” and inserting in place thereof the figures “48,766,383”;

In item 9110-1660, in line 3, by striking out the words “not receive less than” and inserting in place thereof the following: “receive \$50,000 more than” and in said item by striking out the figures “1,824,616” and inserting in place thereof the figures “1,874,616”;

In item 9110-1700 by striking out the figures “136,000” and inserting in place thereof the figures “186,000”;

In item 9110-1900, in line 1, by striking out the word “funds” and inserting in place thereof the following: “not less than \$50,000”; and

In item 9110-9002 by striking out the figures “9,216,768” and inserting in place thereof the figures “10,500,000”;

By inserting after section 38 the following section:

“SECTION 38A. Subsection (e) of section 9D of Chapter 118E of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting following paragraph:—

(6) The executive office shall direct MassHealth to provide each beneficiary age 65 and over with an annual notice of the options for enrolling in voluntary programs including Program of All Inclusive Care for the Elderly (PACE) plans, SCO plans, Frail Elder Home and Community Based Waiver Program or any other voluntary elected benefit to which they are entitled to supplement or replace their MassHealth benefits. Provided that MassHealth receives approval from the Centers for Medicare and Medicaid Services, MassHealth shall arrange that such annual notice include the names and contact information for the program providers, general contact information for MassHealth and a

general description of the benefits of joining particular programs in clear and simple language and method to request for the same information in a language other than English. Such notice shall include a method for the beneficiary to indicate interest in receiving additional information for any programs identified as of interest to them. A draft of the proposed language and format for providing information to beneficiaries will be circulated to the providers contracted to provide each of these programs for review and comment prior to finalization. In addition, the division will work with the program providers and other appropriate stakeholders to assess whether and to what extent barriers to program enrollment shall be alleviated through modifications to the program and or the enrollment process.”;

In section 100, in line 1, by striking out the following: “Section 51” (as published) and inserting in place thereof the following: “Sections 38A and 52”; and

By adding the following two sections:

“SECTION 160. Section 270 of the acts of 2012 is hereby amended by inserting after the word ‘methodologies’ the following:— including but not limited to standard payment per discharge (SPAD) and payment per episode (PAPE) to disproportionate share hospitals with gross patient service revenue (GSPR) greater than 63% from governmental payers and free care, as determined by executive office of health and human services.

[C]SECTION 160. The executive office of health and human services shall study the feasibility of expanding adult dental services within MassHealth covered services under chapters 118E of the General Laws. The investigation and study shall include, but not be limited to, the administration and cost of expanding coverage of non-preventative adult dental services and restorative dental services for adults with disabilities, and the development of a funding mechanism to maximize federal reimbursement at such time that it may become available. The office shall provide a report, including recommendations for any legislation, to the house and senate committees on ways and means no later than January 1, 2014.”.

Mr. Walsh of Lynn then moved to amend the amendments in proposed item 4000-0300 by inserting after the word “possible” (the second times it appears) [at “A”] the following: “; provided further, that in calculating rates of inpatient and outpatient services for neonatal intensive care units (NICU) with at least 55 licensed NICU beds within an acute hospital that has at least 109 pediatric intensive NICU licensed beds, the executive office shall make a supplemental payment of no more than \$200,000”;

In the proposed amendment to item 4000-0700 by striking out [at “B”] the figures “2,158,899,061” and inserting in place thereof the figures “2,159,099,061”; and

By striking out [at “C”] proposed section 160.

After debate the further amendments were adopted.

After debate on the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays, at the request of Ms. Hogan of Stow; and on the roll call (the Speaker being in the Chair) 156 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 108 in Supplement.]

Therefore the consolidated amendments (health and human services and elder affairs), as amended, were adopted.

Consolidated amendments (health and human services and elder affairs) adopted,— ye and nay No. 108.

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Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

In item 0320-0003 by striking out the figures “8,099,394” and inserting in place thereof the figures “8,163,810”;

In item 0320-0010 by striking out the figures “1,378,786” and inserting in place thereof the figures “1,400,797”;

In item 0321-0100 by striking out the figures “1,082,291” and inserting in place thereof the figures “1,142,291”;

In item 0321-1600 by striking out the figures “11,000,000” and inserting in place thereof the figures “13,000,000”;

In item 0321-2000 by striking out the figures “806,117” and inserting in place thereof the figures “855,117”;

[A]In item 0322-0100 by striking out the figures “11,797,500” and inserting in place thereof the figures “12,017,899”;

In item 0330-0101 by striking out the figures “47,517,762” and inserting in place thereof the figures “50,090,529”;

In item 0330-0300, in line 15, by inserting after the word “commonwealth” the following: “; provided further, that not less than \$30,000 shall be spent for the ‘Grandparents Raising Grandchildren Project’ to provide legal services to such grandparents in the areas of family law and public benefits, and further requiring the chief justice of administration and management to make a report to the General Court on or before January 1, 2014, of all grandparents who requested legal services, their eligibility for such services and whether or not they were denied due to insufficient resources, including the legal problem for which they sought assistance” and in said item by striking out the figures “213,842,717” and inserting in place thereof the figures “219,842,717”;

In item 0331-0100 by striking out the figures “29,406,246” and inserting in place thereof the figures “29,971,606”;

In item 0332-0100 by striking out the figures “59,821,946” and inserting in place thereof the figures “60,926,072”;

In item 0333-0002 by striking out the figures “27,679,433” and inserting in place thereof the figures “28,021,197”;

In item 0334-0001 by striking out the figures “3,403,309” and inserting in place thereof the figures “3,419,473”;

In item 0335-0001 by striking out the figures “12,499,076” and inserting in place thereof the figures “12,834,050”;

In item 0336-0002 by striking out the figures “7,243,210” and inserting in place thereof the figures “7,328,000”;

By adding at the end of item 0337-0002 the following: “; provided, that in fiscal year 2014 the department shall not reduce the amount allocated to the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, 0337-0700 of section 2 of chapter 182 of the acts of 2008 by more than 5 per cent”, and in said item by striking out the figures “16,823,514” and inserting in place thereof the figures “17,497,583”;

In item 0612-0105 by striking out the figures “200,000” and inserting in place thereof the figures “300,000”;

In item 8000-0105 by striking out the figures “7,458,785” and inserting in place thereof the figures “7,493,682”;

In item 8000-0106, in line 10, by inserting after the word “Board” the following: “; provided further, that the department of state police

shall maintain a state police crime laboratory in either Hampshire or Hampden County; provided further, that any state police crime laboratories experiencing temporary closures shall qualify as an operating crime laboratory”;

In item 8000-0122 by striking out the figures “2,500,000” and inserting in place thereof the figures “2,570,000”;

By adding at the end of item 8000-0600 the following: “; provided further; that not less than \$100,000 shall be expended to the town of Braintree for public safety improvements; and provided further, that the amount allocated in fiscal year 2013 for the commission created under section 189 of chapter 68 of the acts of 2011 shall be expended in fiscal year 2014”, and in said item by striking out the figures “1,972,230” and inserting in place thereof the figures “2,147,230”;

In item 8100-0111, in line 36, by inserting after the word “funds” the following: “; provided further, that funds allocated to this item shall not be used for police or law-enforcement overtime pay” and in said item by striking out the figures “2,000,000” and inserting in place thereof the figures “4,500,000”;

In item 8100-1001, in line 17, by inserting after the word “abuse” the following: “; provided further, that not less than \$1,000,000 shall be expended for the payroll costs of the state police directed patrols; provided further, that, subject to appropriation, communities receiving funds for directed patrols in fiscal year 2008 shall receive an equal disbursement of funds in proportion to the current appropriation in fiscal year 2014; provided further, that no less than \$200,000 shall be expended for Operation Cutone”, and in said item by striking out the figures “246,464,660” and inserting in place thereof the figures “247,664,660”;

In item 8200-0200, in line 4, by inserting after the following: “item 8200-0222” the following: “; provided further, that towns in Worcester County hosting municipal police training academies shall not receive less than the amount appropriated in section 2 of chapter 68 of the acts of 2011”, and in said item by striking out the figures “2,506,927” and inserting in place thereof the figures “3,031,927”;

By striking out item 8200-0222 and inserting in place thereof the following item:

“8200-0222 For the municipal police training committee, which may collect and expend an amount not to exceed \$1,200,000 to provide training to new recruits; provided, that the committee shall charge \$3,000 per recruit for the training; provided further, that notwithstanding any general or special law to the contrary, the committee shall charge a fee of \$3,000 per person for training programs operated by the committee for all persons who begin training on or after July 1, 2013; provided further, that the fee shall be retained and expended by the committee; provided further, that the trainee or, if the trainee is a recruit, the municipality in which the recruit shall serve, shall provide the fee in full to the committee not later than the first day of orientation for the program in which such trainee or recruit has enrolled; provided further,

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that no recruit or person shall begin training unless the municipality or the person has provided the fee in full to the committee; provided further, that for recruits of municipalities, upon the completion of the program, the municipality shall deduct the fee from the recruit's wages in 23 equal monthly installments, unless otherwise negotiated between the recruit and the municipality in which the recruit shall serve; provided further, that if a recruit withdraws from the training program before graduation, the committee shall refund the municipality in which the recruit was to have served a portion of the fee according to the following schedule: if a recruit withdraws from the program before the start of week 2, 75 per cent of the payment shall be refunded; if a recruit withdraws from the program after the start of week 2 but before the start of week 3, 50 per cent of the fee shall be refunded; if a recruit withdraws from the program after the start of week 3 but before the start of week 4, 25 per cent of the fee shall be refunded; if a recruit withdraws after the start of week 4, the fee shall not be refunded; provided further, that a recruit who withdraws from the program shall pay the municipality in which the recruit was to have served the difference between the fee and the amount forfeited by the municipality according to the schedule; provided further, that the schedule shall also apply to trainees other than recruits who enroll in the program; provided further, that no expenditures shall be charged to this item that are not directly related to new recruit training; provided further, that no expenditures shall be charged to this item that are related to chief, veteran, in-service or reserve training, or any training not directly related to new recruits; provided further, that the committee shall submit a report on the status of recruit training, including the number of classes, start and end dates of each class, total number of recruits enrolled and graduating in each class, cost per recruit and cost per class for fiscal years 2013 and 2014; provided further, that the report shall be submitted to the house and senate committees on ways and means not later than January 3, 2014; and provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the committee may incur expenses and the comptroller may certify for payments not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$1,200,000";

In item 8311-1000, in line 17, by inserting after the word "conducted" the following: "; provided further, that the board of building

regulations and standards shall expend funds from this item for the purpose of providing for the limited use of first-class mail to send construction supervisor license notifications to those who are unable to access notifications via e-mail”;

By striking out item 8324-0000 and inserting in place thereof the following item:

“8324-0000 For the administration of the department of fire services, including the state fire marshal’s office, the hazardous materials emergency response program, the board of fire prevention regulations established under section 4 of chapter 22D of the General Laws, the expenses of the fire safety commission and the Massachusetts fire-fighting academy, including the Massachusetts fire training council certification program, municipal and non-municipal fire training and expenses of the council; provided, that the fire training program shall use the split days option; provided further, that \$1,200,000 shall be allocated by the department for the Student Awareness Fire Education program; provided further, that the amount allocated for the regional dispatch center listed in item 8324-0000 of section 2 of chapter 182 of the acts of 2008 shall be allocated in fiscal year 2014; provided further, that the amount allocated for critical incident stress intervention programs listed in item 8324-0000 of section 2 of chapter 182 of the acts of 2008 shall be allocated to each program in fiscal year 2014; provided further, that the amount allocated for critical incident stress management residential services in item 8000-0000 of said section 2 of said chapter 182 shall be allocated to the program in fiscal year 2014; provided further, that the amount allocated for hazardous material response teams specifically listed in item 8324-0000 of said section 2 of said chapter 182 shall be allocated to each program in fiscal year 2014 and shall not be reduced by more than 57 percent; provided further, that \$50,000 shall be provided for the city of Quincy fire department hazardous material response team; provided further, that 100 percent of the amount appropriated in this item for the administration of the department of fire services, the state fire marshal’s office, critical incident stress programs, the Massachusetts fire department training academies, the regional dispatch center and the associated fringe benefits costs of personnel paid from this item for these purposes, shall be assessed upon insurance companies writing fire, homeowners’ multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receipt of notice of such assessment from the commissioner of insurance; and provided further, that 100 per cent of the amount

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appropriated in this item for hazardous materials emergency response shall be assessed upon insurance companies writing commercial multiple peril, non-liability portion policies on property situated in the commonwealth and commercial auto liability policies as referenced in line 5.1 and line 19.4, respectively, in the most recent annual statement on file with the commissioner of insurance; provided further, that not less than \$35,000 shall be expended for the firefighting equipment grant program for the Hadley Fire Department; provided further, that not less than \$45,000 shall be expended for a regional fire grant for the Millis Fire Department; and provided further, that not more than 10 percent of the amount designated for the arson prevention program shall be expended for the administrative cost of the program

\$17,431,367”;

In item 8700-1150, in line 12, by inserting after the word “months” the following: “; provided further, that reimbursements of the costs of Massachusetts veterans’ tuition and fee waivers under section 19 of chapter 15A shall include the costs of online courses offered at the state public institutions of higher education”;

By striking out item 8900-0001 and inserting in place thereof the following item:

“8900-0001 For the operation of the commonwealth’s department of correction; provided, that all correctional facilities that were active in fiscal year 2013 shall remain open in fiscal year 2014; provided further, that the commissioner of correction and the secretary of public safety and security shall report to the house and senate committees on ways and means and the joint committee on public safety and homeland security on or before January 1, 2014, the point score compiled by the department of correction’s objective classification system for all prisoners confined in each prison operated by the department; provided further, that for the purpose of maximizing bed capacity and re-entry capability throughout the commonwealth, the department shall submit quarterly reports, utilizing standardized reporting definitions developed mutually with the Massachusetts Sheriffs Association, on case-load, admissions, classification, releases and recidivism of all pretrial, sentenced and federal inmates; provided further, that the department shall submit these reports on a quarterly basis starting July 1, 2013, due not later than 30 days after the last day of each quarter; provided further, that the department shall also report, in a format developed jointly by the Massachusetts Sheriffs Association and the department, on the fiscal year 2012 and fiscal year 2013 total costs per inmate by facility and security level on or before October 1, 2013; provided further, that the department shall submit all reports to the

executive office for administration and finance, the house and senate committees on ways and means and the joint committee on public safety and homeland security; provided further, that the amount allocated for programs for incarcerated mothers in item 8900-0001 of section 2 of chapter 131 of the acts of 2010 shall be allocated to the program in fiscal year 2014; provided further, that \$200,000 shall be expended for a pilot program to provide opiate and substance abuse services in cooperation with the Greater Lowell Health Alliance; provided further, that the department of correction may expend \$412,000 for the operation of the Western Massachusetts Regional Women's Correctional Center; provided further, that the department shall expend not less than \$2,000,000 for cities and towns hosting department of correction facilities; provided further, that of such \$2,000,000, no city or town hosting a department of correction facility shall receive more than \$800,000; provided further, that of such \$2,000,000, no city or town hosting a department of correction facility shall receive less than the amount allocated in item 8900-0001 of section 2 of chapter 68 of the acts of 2011; provided further, that the department of correction shall submit to the house and senate committees on ways and means on or before December 6, 2013, a report on the undue costs to cities and towns hosting department of correction facilities; provided further, that the amount allocated for the Dismas House in Worcester in item 8900-0001 of section 2 of chapter 182 of the acts of 2008 shall be expended for the program in fiscal year 2014; provided further, no less than \$68,000 shall be expended for Dispute Resolutions Services, Inc. of Springfield; and provided further, that the department of correction may expend \$412,000 to transfer male inmates with less than 2 years left on their sentence to the Hampden sheriff's department..... \$547,837,917";

and, in item 8910-1101, in line 20, by striking out the word "and" (the first time it appears), in line 21 by striking out the word "sheriff" and inserting in place thereof the word "sheriffs", and, in line 22, by inserting after the word "units" the following: "; and (e) the deficiencies in addressing the needs of incarcerated women to include pretrial place and facilities";

By inserting after section 32 the following section:

"SECTION 32A. Subsection (d) of section 2C of Chapter 64C of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, the second sentence and inserting in its place thereof, the following sentence:— Such fund shall consist of all certification fees submitted by manufacturers and shall, in addition to any other monies made available for such purpose, be expended by the secretary, without further appropriation, and shall be used to support state processing, testing, enforcement, and oversight activities related to implementation of sections 2B to 2F, inclusive and for a senior aware-

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ness of fire education program which shall include, education about the risk of fire to seniors and the purchase of safety devices for the benefit of at risk seniors.”;

By inserting after section 53 the following twenty-one sections:

“SECTION 53A. Section 22 of chapter 211 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 1, the figure ‘\$151,239’ and inserting in place thereof the figure:— \$166,239.

SECTION 53B. Section 22 of chapter 211 of the General Laws is hereby amended by striking out the figure ‘\$166,239’, inserted by section 53A, and inserting in place thereof the figure:— \$176,239.

SECTION 53C. Said section 22 of chapter 211 of the General Laws is hereby further amended by striking out the figure ‘\$176,239’, inserted by section 53B, and inserting in place thereof the figure:— \$181,239.

SECTION 53D. Section 22 of chapter 211 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 2, the figure ‘\$145,984’ and inserting in place thereof the figure:— \$160,984.

SECTION 53E. Section 22 of chapter 211 of the General Laws is hereby amended by striking out the figure ‘\$160,984’, inserted by section 53D, and inserting in place thereof the figure:— \$170,984.

SECTION 53F. Section 22 of chapter 211 of the General Laws is hereby amended by striking out the figure ‘\$170,984’, inserted by section 53E, and inserting in place thereof the figure:— \$175,984.

SECTION 53H. Section 2 of chapter 211A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 1, the figure ‘\$140,358’ and inserting in place thereof the figure:— \$155,358.

SECTION 53I. Section 2 of chapter 211A of the General Laws is hereby amended by striking out the figure ‘\$155,358’, inserted by section 53H, and inserting in place thereof the figure:— \$165,358.

SECTION 53J. Section 2 of chapter 211A of the General Laws is hereby amended by striking out the figure ‘\$165,358’, inserted by section 53I, and inserting in place thereof the figure:— \$170,358.

SECTION 53K. Section 2 of chapter 211A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 2, the figure ‘\$135,087’ and inserting in place thereof the figure:— \$150,087.

SECTION 53L. Section 2 of chapter 211A of the General Laws is hereby amended by striking out the figure ‘\$150,087’, inserted by section 53K, and inserting in place thereof the figure:— \$160,087.

SECTION 53M. Section 2 of chapter 211A of the General Laws is hereby amended by striking out the figure ‘\$160,087’, inserted by section 53L, and inserting in place thereof the figure:— \$165,087.

SECTION 53N. Section 4 of chapter 211B of the General Laws, as appearing in the Official Edition, is hereby amended by striking out, in line 3, the figure ‘\$129,694’ and inserting in place thereof the figure:— \$144,694.

SECTION 53O. Section 4 of chapter 211B of the General Laws is hereby amended by striking out the figure ‘\$144,694’, inserted by 53N, and inserting in place thereof the figure:— \$154,694.

SECTION 53P. Section 4 of chapter 211B of the General Laws is hereby amended by striking out the figure ‘\$154,694’, inserted by section 53O, and inserting in place thereof the figure:— \$159,694.

SECTION 53Q. Section 4 of chapter 211B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 5, the figure ‘\$135,124’ and inserting in place thereof the figure:— \$150,124.

SECTION 53R. Section 4 of chapter 211B of the General Laws is hereby amended by striking out the figure ‘\$150,124’, inserted by section 53Q, and inserting in place thereof the figure:— \$160,124.

SECTION 53S. Section 4 of chapter 211B of the General Laws is hereby amended by striking out the figure ‘\$160,124’, inserted by section 53R, and inserting in place thereof the figure:— \$165,124.

SECTION 53T. Section 4 of chapter 211B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 6, the figure ‘\$140,358’ and inserting in place thereof the figure:— \$155,348.

SECTION 53U. Section 4 of chapter 211B of the General Laws is hereby amended by striking out the figure ‘\$155,348’, inserted by section 53T, and inserting in place thereof the following figure:— \$165,358.

SECTION 53V. Section 4 of chapter 211B of the General Laws is hereby amended by striking out the figure ‘\$165,348’, inserted by section 53U, and inserting in place thereof the following figure:— \$170,358.”;

By striking out sections 81 and 82;

By inserting after section 101 the following three sections:

“SECTION 101A. Sections 53A, 53D, 53H, 53K, 53N, 53Q and 53T shall take effect on January 1, 2014.

SECTION 101B. Sections 53B, 53E, 53I, 53L, 53O, 53R and 53U shall take effect on July 1, 2014.

SECTION 101C. Sections 53C, 53F, 53J, 53M, 53P, 53S and 53V shall take effect on July 1, 2015.”; and

By adding the following two sections:

“SECTION 161. Notwithstanding any general or special law to the contrary, or the certification of a successor eligibility list created from the 2013 police officer entrance examination, all active candidates for appointment to the 81st Recruit Training Troop of the Massachusetts State Police shall reserve all rights and privileges associated with their placement on the 2009 eligibility appointment list; provided however that all such rights and privileges provided by this section shall expire within fifteen days of the start of the 81st RTT.

SECTION 162. (a) Notwithstanding any general or special law to the contrary, the Massachusetts emergency management agency (MEMA) shall develop a comprehensive ethanol transport response plan for all municipalities featured in the report drafted pursuant to section 24 of chapter 242 of the acts of 2012. The response plan shall be developed in consultation with the department of transportation, the division of fire services, the department of environmental protection, the department of public health, the public safety departments of the impacted municipalities, the federal Department of Homeland Security, the Federal Railroad Administration, the federal Surface Transportation Board, and other relevant federal, state and local agencies

Consolidated amendments (public safety and judiciary).

and entities that would be involved in emergency response within the specified communities.

(b) The response plan shall include, but not be limited to, the following: (1) training related to ethanol and flammable gases; (2) identification of critical facilities along the potential ethanol transportation routes; (3) development of a regional foam response task force including an inventory and analysis of the amount of alcohol-resistant foam needed to combat an ethanol related accident and the vehicles and equipment needed to utilize the foam effectively; (4) potential evacuation routes and procedures for when the public should be advised to shelter in place; (5) methods to communicate with limited english language speakers in the event of an incident; and (6) necessary improvements to the transportation and rail facilities to be utilized during ethanol transport.

(c) The impacted municipalities and agencies shall pursue federal grants as necessary in order to provide training and equipment as recommended by the response plan; provided further, the funds contributed by any entity transporting ethanol by rail, as a result of an agreement with the specified municipalities may be utilized to provide for implementation of the response plan. On or before, March 1, 2014, MEMA shall file a report with the joint committee on public safety and homeland security detailing the development of the response plan.”

Pending the question on adoption of the amendments, Mr. O’Flaherty of Chelsea moved to amend them by inserting after the proposed amendment to item 0321-2000 [at “A”] the following:

“In item 0321-2100 by striking out the figures ‘931,810’ and inserting in place thereof the figures:— 981,810”.

After debate the further amendment was adopted.

On the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. O’Flaherty; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 109 in Supplement.]

[Mr. Petrolati of Ludlow answered “Present” in response to his name.] Therefore the amendments, as amended, were adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, the Speaker placed before the House the question on suspension of Rule 1A in order that the House might continue to meet to meet beyond the hour of nine o’clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 127 members voted in the affirmative and 29 in the negative.

[See Ye and Nay No. 110 in Supplement.]

Therefore Rule 1A was suspended.

The Speaker then interrupted the pending matter and placed before the House, there being no objection, the House Bill financing improvements to the Commonwealth’s transportation system (House, No. 3379), which (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Amendments (public safety and judiciary) adopted,—yea and nay No. 109.

Suspension of Rule 1A.

Rule 1A suspended,—yea and nay No. 110.

Transportation financing.

After remarks on the question on passing the bill to be engrossed, Mr. Straus of Mattapoisett moved to amend it by adding the following section:

“SECTION 5. Section 4 of Chapter 6C of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by deleting subsection (b) and inserting in place thereof the following subsection:—

(b) for expenditure by the department for maintaining, repairing, improving and constructing municipal ways and bridges, sidewalks adjacent to such ways and bridges, bikeways and other projects eligible for funding as a transportation enhancement project as described in the Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, salt storage sheds, bikeways and public use off-street parking facilities related to mass transportation, for engineering services and expenses related to highway transportation enhancement and mass transportation purposes, for care, repair, storage, replacement, purchase and long-term leasing of road building machinery, equipment and tools, for the erection and maintenance of direction signs and warning signs and for necessary or beneficial improvements to unpaved municipal ways together with any money which any municipality may appropriate for such purposes to be used on the same ways, sheds, bikeways, bridges, machinery, equipment, tools and facilities; provided, however, municipalities must expend funds authorized for projects pursuant to this section within 5 years of final authorization or said authorization shall be redistributed pursuant to procedures established by the massachusetts department of transportation; provided, further, a municipality shall be allowed to petition said department for a waiver of the five year expenditure requirement upon satisfactorily meeting the waiver requirements as provided for in the said procedures. Such engineering services, including surveying services, shall only be performed by architectural, engineering or surveying firms prequalified by the department; provided, however, that a municipality may seek a waiver of this requirement from the department if the municipality demonstrates to the satisfaction of the department that it is cost prohibitive to use a pre-qualified firm. Such ways, sheds, bikeways, bridges, machinery, equipment, tools and facilities shall remain municipal ways, sheds, bikeways, bridges, machinery, equipment, tools and facilities. The department shall withhold or withdraw the unexpended balance of any funds assigned by it under this clause if the municipality fails to comply with the official standards for traffic control established by the department or with any provision of a traffic control agreement negotiated between the department and the municipality, as required by the United States Secretary of Commerce under section 109 of Title 23 of the United States Code.”

The amendment was adopted.

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. Straus; and on the roll call 156 members voted in the affirmative and 0 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 111.

[See Yea and Nay No. 111 in Supplement.]

Therefore the bill (House, No. 3379, amended) was passed to be engrossed. Sent to the Senate for concurrence.

General Appropriation Bill.

The House then returned to consideration of the House Bill making appropriations for the fiscal year 2014 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interests, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 3400, amended).

Consolidated Amendments (business and economic development).

Pending the question on passing the bill, as amended, to be engrossed, Mr. Dempsey of Haverhill and other members of the House moved to amend it in section 2

In item 7002-0012 by striking out the figures “2,000,000” and inserting in place thereof the figures “5,000,000”;

By inserting after item 7006-0071 the following item:

“7007-0020	For a precision manufacturing pilot program that provides training to unemployed and underemployed individuals, including veterans, in Franklin County; provided, that the program shall be a partnership between the regional employment board of Franklin and Hampshire counties and area precision manufacturing companies and shall be administered by the executive office of housing and economic development; and provided further, that the office shall evaluate the program for the purpose of future replication in other areas of the commonwealth	\$200,000
	Manufacturing Fund100%”;	

By adding at the end of item 7003-0803 the words “; provided, that no funds shall be expended for the administration and oversight to these centers provided by the department of career services”, and in said item by striking out the figures “4,250,982” and inserting in place thereof the figures “4,494,467”;

By adding at the end of item 7003-0900 the following: “; provided, that not less than \$200,000 shall be expended for the operation of the Joint Labor Management Committee for Municipal Police and Fire”;

By adding at the end of item 7003-1206 the following: “; provided further, that not less than \$300,000 shall be expended for the Urban League of Eastern Massachusetts; provided further, that not less than \$300,000 shall be expended for the Urban League of Springfield, Massachusetts; provided further, that not less than \$50,000 shall be expended for the Moving Ahead Program at the St. Francis House in Boston; provided further, that not less than \$100,000 shall be expended for Springfield Partners for Community Action; provided further, that not less than \$125,000 shall be expended for the New England Farm Workers’ Council; provided further, that not less than \$50,000 shall be expended for programs supporting and promoting cultural heritage diversity, and education in the city of Boston that were in item 7007-0900 of chapter 182 of the acts of 2008; and provided further that no less than \$100,000 shall be provided for financial support of the Massachusetts Latino Chamber of Commerce”, and in said item by striking out the figures “600,000” and inserting in place thereof the figures “1,775,000”;

By inserting after item 7006-0071 the following item:

“7007-0150	For the Massachusetts office of business development for contracts with regional economic development organizations under the program estab-
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lished by section 3J and 3K of chapter 23A of the General Laws	\$850,000
Manufacturing Fund	25%
General Fund	75%”;

By inserting after item 7007-0300 the following item:

“7007-0500 For the operation and maintenance of the Massachusetts Biotechnology Research Institute for the commercialization of new, academic-based research and development and raising the scientific awareness of the communities of the commonwealth \$250,000”;

By inserting after item 7007-0800 the following item:

“7007-0801 For microlending grants of up to \$100,000 to be issued to established Community Development Financial Institutions and Community Advantage Lenders making direct microenterprise and small business loans to borrowers on a regional basis, as well as providing technical assistance to applicants and borrowers in order to foster business establishment and success, provided that the funds shall be used to support eligible organization’s lending and technical assistance activities \$200,000”;

In item 7007-0952 by striking out the figures “3,400,000” and inserting in place thereof the figures “3,700,000”;

In item 7008-0900, in line 3, by inserting after the word “commonwealth” the following: “; provided further, that no less than \$200,000 shall be expended as grants for the Bay State Games; provided further, that no less than \$50,000 be expended for the purposes of the operation of the programs of the Riverside Theatre Works, an organization located in the Hyde Park section of the City of Boston; provided further, that no less than \$25,000 shall be expended as grants for business assistance organizations in the city of Haverhill that were in item 7007-0900 in chapter 182 of the acts of 2008; provided further, that no less than \$50,000 shall be provided to the Grand Army of the Republic Historical Museum in Lynn; provided further, that no less than \$75,000 shall be expended for a matching grant program to the Enrichment Center located in Dorchester; provided further, that no less than \$200,000 shall be expended for a grant program to the Enrichment Center located in Lowell; provided further, that no less than \$150,000 shall be expended for a public safety grant in the town of Methuen; provided further, that not less than \$50,000 shall be expended for a public safety grant in the town of Falmouth; further, that not less than \$75,000 shall be expended for a child safety grant in the town of North Attleboro; provided further, that not less than \$125,000 shall be expended for the Cape Cod Chamber of Commerce; provided further, that not less than \$125,000 shall be expended for the Plymouth 400th Inc. for the commemoration of the 400th anniversary of the founding of the United States; provided further, that not less than \$25,000 shall be expended for the Town of Sandwich’s 375th anniversary; provided further, that not less than \$50,000 shall be expended for the Wilbraham Nature and Cultural Council; provided further, that the amount of \$50,000 shall be

Consolidated
Amendments
(business and
economic
development).

expended to Stone Soul Inc. to implement the state wide Sesquicentennial Emancipation Proclamation Celebration 2013; provided further, that not less than \$100,000 shall be expended for the Puerto Rican Veterans' Monument Square Association, Inc., upon a 100 per cent funding match from other public or private sources; provided further, that no less than \$25,000 shall be expended for the Merrimack Valley Chamber of Commerce; provided further, that no less than \$75,000 shall be expended for the Waltham Tourism Council; provided further, that no less than \$200,000 shall be expended for opening the 11 Visitor Information Centers from Memorial Day to Columbus Day", and in said item by striking out the figures "5,914,651" and inserting in place thereof the figures "13,064,651"; and

In item 7008-1000 by striking out the figures "2,000,000" and inserting in place thereof the figures "7,500,000";

In section 52, in lines 866 to 877, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

"(f) There shall be a rate review board composed of the director of the office of Medicaid, or a designee, the director of unemployment assistance, or a designee, and the executive director of the health connector, or a designee. On or before November 30, the rate review board shall determine if the medical assistance employer contribution rates established in this section shall be adequate to provide for the estimated costs of providing subsidized health care to low-income residents of the commonwealth. In determining the costs to the commonwealth of providing subsidized care, the board shall consider costs exclusive of amounts to be covered by premiums, copayments, deductibles and co-insurance paid by covered individuals and any anticipated appropriations. The board shall file a report detailing its cost review determination with the general court and the division of insurance on or before December 31 of each year. If the board determines that the costs to the commonwealth in providing subsidized care have increased from the previous fiscal year, the board shall confirm the projected cost increase with the division of insurance and submit any recommended increase to the health insurance employer responsibility contribution with its annual report to the general court."; and by adding the following section:

"SECTION 163. There shall be a standing commission to investigate and study how poverty in the commonwealth can be reduced by 10 per cent in the next 5 years and 20 per cent in the next 10 years by engaging the public, private, and non-profit sectors within the city of Boston, the 24 gateway cities of the commonwealth, and the town of Framingham. The investigation and study shall include, but not be limited to: (1) appropriate measures of poverty; (2) the root causes of poverty; (3) analysis of income inequality in Massachusetts, in particular examining the number of people and families in the commonwealth living below 200 per cent of the federal poverty level and the socio-economic challenges they face, while also calculating the number of people and families living at multiples above the federal poverty level; (4) violence in urban areas, particularly gun violence, and its effect on youth, commercial activity, and job opportunities in the community; (5) the number and types of existing jobs and the economically competitive strengths within gateway cities and Framingham; (6) obstacles

to job opportunities for the poor; (7) recent examples and categories of successful paths out of poverty for youth, families, and neighborhoods; and (8) successful approaches and innovative system change efforts to reducing poverty and violence from within the commonwealth and throughout North America. The commission shall also produce data, estimates, and conduct analysis on the potential long-term municipal and state government savings that would result from effective poverty reduction efforts throughout the commonwealth as the number of people in need of government safety net spending is reduced. The commission shall establish and methodology for calculating annually relevant and appropriate metrics of poverty in the commonwealth.

The commission shall consist of the following 23 members: the secretary of administration and finance, or a designee; the secretary of housing and economic development, or a designee; the secretary of health and human services, or a designee; the secretary of transportation, or a designee; the secretary of labor and workforce development, or a designee; the secretary of education, or a designee; the secretary of public safety and security, or a designee; 2 appointees to be chosen by the speaker of the house of representatives; 2 appointees to be chosen by the president of the senate; 1 appointee to be chosen by the minority leader of the house of representatives; 1 appointee to be chosen by the minority leader of the senate; 1 appointee to be chosen by the Massachusetts Mayors Association; 1 appointee to be chosen by the Massachusetts Non-Profit Network; 1 appointee to be chosen by the MassInc”; 1 appointee to be chosen by a Massachusetts based philanthropic foundation; 1 appointee to be chosen by FSG or similar social impact consultant; 1 appointee to be chosen by the Institute for a Competitive Inner-City; 1 appointee to be chosen by the Massachusetts AFL-CIO; 1 appointee to be chosen by the Massachusetts Budget and Policy Center; 1 appointee to be chosen by the Greater Boston Chamber of Commerce; and 1 appointee to be chosen by the Massachusetts Council of Churches.

The commission shall report its findings to the general court, along with any legislation necessary to carry its recommendations into effect, by filing the same with the clerks of the house of representatives and the senate on or before November 30, 2013.”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Wagner of Chicopee; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 112 in Supplement.]

Therefore the amendments were adopted.

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

In item 0540-1700 by striking out the figures “372,728” and inserting in place thereof the figures “423,594”;

By inserting after item 0710-0200 the following item:

“0710-0220 For the implementation of chapter 224 of the acts of 2012 to investigate and review the impact of health care payment and delivery in the commonwealth \$431,250”;

Consolidated amendments (business and economic development) adopted,— yea and nay No. 112.

General
Appropriation
Bill.

In item 0910-0200 by striking out the figures “2,263,052” and inserting in place thereof the figures “2,307,496”;

By inserting after item 0910-0210 the following item:

“0910-0220 For the operation of the bureau of program integrity established under section 16V of chapter 6A of the General Laws \$350,000”;

In item 1102-3309 by striking out the figures “2,001,579” and inserting in place thereof the figures “2,361,579”;

By striking out item 1599-0928 and inserting in place thereof the following item:

“1599-0928 For a reserve to meet the fiscal year 2014 costs of salary adjustments and other economic benefits authorized by collective bargaining agreements with the commonwealth’s community colleges ... \$17,517,705”;

By striking out item 1599-1487 and inserting in place thereof the following item:

“1599-1487 For a reserve to meet the fiscal year 2014 costs of salary adjustments and other economic benefits authorized by collective bargaining agreements with the commonwealth’s state universities \$22,680,074”;

In item 2330-0100 by striking out the figures “5,362,357” (previously inserted by amendment) and inserting in place thereof the figures “5,537,357”;

In item 3000-2050 by striking out the figures “500,000” and inserting in place thereof the figures “1,065,473”;

By striking out item 4000-0315;

In item 4800-0038 by inserting after the words “learning achievement program” (previously inserted by amendment) the words “for youth”;

In item 7003-1206 by striking out the figures “125,000” (previously inserted by amendment) and inserting in place thereof the figures “250,000”, and in said item by striking out the figures “1,775,000” (previously inserted by amendment) and inserting in place thereof the figures “1,900,000”;

In item 7008-0900 by inserting after the words “town of Methuen” (previously inserted by amendment) the following: “; provided further, that no less than \$15,000 shall be expended for the purchase, post fabrication and installation of Pan Mass signs along the Pan Mass route from both Bourne to Provincetown and from Bourne to Wellesley; provided further, that no less than \$90,000 shall be expended for the Russian Community Association of Massachusetts (RCAM) in Boston”, and in said item by striking out the figures “13,064,651” (previously inserted by amendment) and inserting in place thereof the figures “13,169,651”;

In item 7066-0036, in line 11, by inserting after the word “advising” the word “remediation”;

In item 7109-0100 by striking out the figures “37,274,038” and inserting in place thereof the figures “36,778,869”;

In item 7110-0100 by striking out the figures “24,947,847” and inserting in place thereof the figures “24,979,398”;

In item 7112-0100 by striking out the figures “23,116,256” and inserting in place thereof the figures “22,950,888”;

In item 7113-0100 by striking out the figures “13,197,359” and inserting in place thereof the figures “13,491,012”;

In item 7114-0100 by striking out the figures “37,260,021” and inserting in place thereof the figures “36,962,558”;

In item 7115-0100 by striking out the figures “22,215,642” and inserting in place thereof the figures “22,071,194”;

In item 7116-0100 by striking out the figures “21,723,795” and inserting in place thereof the figures “21,704,695”;

In item 7117-0100 by striking out the figures “14,147,702” and inserting in place thereof the figures “14,413,461”; and

In item 7118-0100 by striking out the figures “12,896,191” and inserting in place thereof the figures “13,462,243”;

In section 6, in line 18, by inserting after the word “general” (the first time it appears) the words “under the supervision of the inspector general”, and in said section, in line 37, by inserting before the word “office” the word “executive”;

By inserting after section 8 the following two sections:

“SECTION 8A. Section 6A of chapter 8 of the General Laws is hereby amended by striking out the figures ‘1,000’, as appearing in section 14 of chapter 139 of the acts of 2012, and inserting in place thereof the following figure:— \$5,000.

SECTION 8B. Section 9 of said chapter 8, as so appearing, is hereby amended by inserting at the end of the second sentence the following:— including oversight of the immediate state house loading dock spaces.”;

By inserting after section 10 the following section:

“SECTION 10A. Subsection (c) of section 5G of chapter 12 of the General Laws, as appearing in section 29 of chapter 139 of the acts of 2012, is hereby amended by inserting after the words ‘dismiss an action’ the following words:— or claim.”;

In section 22, in lines 363 and 364, by striking out the following: “any sooner than the end of 1 year for the assessment of tax for members and indirect owners participating in the unified audit procedure” and inserting in place thereof the following:— sooner than the end of 1 year after the date the determination of pass-through entity items becomes a final determination”;

By inserting after said section 22 the following section:

“SECTION 22A. Section 89 of chapter 62C of the General Laws is hereby repealed.”;

In section 31, in lines 438 and 439, by striking out the following: “(iv) pay to the federal official the lesser of the entire refund or the amount certified plus any fee pursuant to subsection (v)” and inserting in place thereof the following: “and (iv) pay to the federal official the lesser of the entire refund or the amount certified plus any fee pursuant to subsection (g); and”;

By striking out section 32 and inserting in place thereof the following section:

“SECTION 32. Chapter 63 of the General Laws is hereby amended by inserting after section 38FF the following section:—

Section 38GG. (a) For the purposes of this section, the term ‘administering agency’ shall mean the state or quasi authority charged with certifying or otherwise administering a credit against income tax.

General
Appropriation
Bill.

(b) Annually, on or before July 1, the administering agency of a tax credit program shall submit a report to the executive office for administration and finance detailing tax credits authorized for the previous calendar year. The report shall contain the following information: (1) the identity of each taxpayer receiving an authorized tax credit and from which tax credit program the credit was received; (2) the amount of the authorized tax credit awarded and issued for each taxpayer and each project, if applicable; and (3) the date that the authorized tax credit was awarded and issued for each taxpayer and each project. For purposes of this report, no information shall be used pertaining to credits, exemptions or deductions awarded or claimed prior to January 1, 2011. For the purposes of this section, the taxpayer shall be the initial recipient of an authorized tax credit.

(c) In addition to the requirements in subsection (b) the administering agency of the tax credit programs authorized under sections 31H, 38N, 38Q, 38R, 38U, 38X and 38W shall include the following information in its report: (1) the local address of the place of business of the taxpayer and headquarters, if different than the place of business, and website of the business; (2) the administering agency's reasons for awarding the tax credit; (3) any specific outcomes or requirements of the taxpayer under the tax credit program and whether the taxpayer has met those requirements; (4) metrics that demonstrate the progress of the taxpayer in meeting the purpose of the credit program; and (5) any additional information that the administering agency deems useful for providing further context on the information described in this subsection.

(d) The secretary of administration and finance shall publish on the website of the commonwealth information on the purpose of tax credit programs administered in the commonwealth and may include relevant information contained in a report submitted pursuant to this section.;

In section 52, in line 825, by striking out the words "health insurance employer responsibility" and inserting in place thereof the words "medical assistance employer";

In section 64, in lines 930 and 931, and also in line 936, by striking out the date "June 30, 2014" and inserting in place thereof, in each instance, the date "December 31, 2013";

In section 67, in line 957, by striking out the following: "section of chapter 118G" and inserting in place thereof the following: "section 66 of chapter 118E" and in said section, in lines 967, 968 and 969, by striking out the sentence contained in those lines;

In section 68, in lines 977 to 980, inclusive, by striking out clause (b) contained in those lines;

In section 72, in line 1033, by inserting after the year "2014" the following: "; provided, however, that this section shall not apply to monies received by the fund by the provisions of chapter 194 of the acts of 2011";

In section 74 by striking out the following "and (vi)" (previously inserted by amendment) and inserting in place thereof the following: "(vi) \$17,200,000 to the Executive Office of Health and Human Services and the Commonwealth Health Connector Authority for restoration of all fillings covered for all teeth, reducing extractions and loss of teeth; and (vii)";

In section 83, in line 1259, by striking out the figures “479,755,373” and inserting in place thereof the figures “478,691,873”;

In section 92, in lines 1348, 1349 and 1350, by striking out clauses (2) and (3) and inserting in place thereof the following clause: “and (2) Any other funding, including, but not limited to, appropriation, gift, grant, contribution, transfer or investment.”; and in said section, in line 1362, by inserting after the word “year” the following: “; provided, however, that any unexpended balance from the state 911 department funding shall revert to said department”; and in section 103, in line 1515, by striking out the year “2014” and inserting in place thereof the year “2013”.

The amendments were adopted.

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. Dempsey of Haverhill; and on the roll call (Mr. Donato of Medford being in the Chair) 127 members voted in the affirmative and 29 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 113.

[See Yea and Nay No. 113 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed. Mr. Dempsey moved that this vote be reconsidered; and the motion was considered forthwith; and it was negatived. The bill (House, No. 3401, 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.

At four minutes before eleven o’clock P.M. (Wednesday, April 24), on motion of Mr. Hill of Ipswich (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.