

Monday, April 23, 2007.

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

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

God Our Creator, we place our hope and trust in You. We pray for Your assistance and guidance as we take up the many, some controversial, items in this year's state budget, House 4000. We depend upon Your help and Your gift of wisdom, as we select our choices and make our decisions to the best of our ability. We know that we cannot satisfy the expectations and needs of all constituents, but we try to be fair and objective in dealing with people and issues. We pray that You will continue to bless our efforts to serve the people, to make our communities stable and safe for our families and to utilize the gifts and talents of all, our youth and our seniors, in advancing the common good.

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

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

Silent Prayer.

At the request of Messrs. Jones of North Reading and Speranzo of Pittsfield, the members, guests and employees then stood for a moment of silent prayer in memory of Lieutenant-Commander Kevin Davis, a 32 year old U.S. Navy Blue Angel pilot from Pittsfield and Reading. He joined the Navy in 1996, was a graduate of the Navy's "TOPGUN" weapons school and served extended tours in Afghanistan in support of Operation Enduring Freedom. Commander Davis died this Saturday in an accident during the final minutes of an air show in South Carolina.

Statement of Representative Fox of Boston.

A statement of Ms. Fox of Boston 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 I will not be present in the House Chamber for the remainder of today's session due to official business outside the State House. Any roll calls that I may miss today will be due entirely to the reason stated.

Statement of Representative Guyer of Dalton.

A statement of Mr. Guyer of Dalton 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 I will not be present in the House Chamber for the remainder

of today’s session in order to return to my district, in the far western part of the Commonwealth, in time to attend the wake of a dear departed friend who passed away on Saturday last. Any roll calls that I may miss for the remainder of today is due entirely to the reason stated.

Statement of Representative Kennedy of Brockton.

A statement of Mr. Kennedy of Brockton was spread upon the records of the House, as follows:

Statement of Representative Kennedy of Brockton.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the beginning portion of today’s session due to being hospitalized. Any roll calls that I may have missed earlier was due entirely to the reason stated.

Resolutions.

Revenue forecast,—fiscal year 2008.

Resolutions (filed with the Clerk by Mr. DeLeo of Winthrop) forecasting the amount of tax revenue for fiscal year 2008 (House, No. 3988) were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. DeLeo, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

After remarks the resolutions were adopted.

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

James Ian McLean.

Resolutions (filed by Mr. D’Amico of Seekonk) congratulating James Ian McLean on receiving the Eagle Award of the Boy Scouts of America;

Week of the Young Child.

Resolutions (filed by Mrs. Haddad of Somerset) recognizing April twenty-third to twenty-seven, 2007 as the Week of the Young Child;

Evangelical Church.

Resolutions (filed by Mr. Hargraves of Groton) congratulating the Evangelical Congregational Church in Dunstable on the two hundred and fiftieth anniversary of the gathering of the church;

Archie Cataldi.

Resolutions (filed by Mr. Naughton of Clinton) honoring coach Archie Cataldi on his thirty-two years of exemplary service to the Clinton Public Schools and the entire Clinton community;

Lucas Adam Lorditch.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Lucas Adam Lorditch of Plainville upon his elevation to the rank of Eagle Scout;

Frederick Carl Nelson.

Resolutions (filed by Representatives Sciortino of Medford, Natale of Woburn and Provost of Somerville) congratulating Professor Frederick Carl Nelson on the occasion of his retirement;

Dana J. Kelly.

Resolutions (filed by Messrs. Walsh of Boston and O’Flaherty of Chelsea) congratulating Dana J. Kelly on the occasion of his retirement; and

James Michael Newcomb.

Resolutions (filed by Mr. Walsh of Boston) congratulating James Michael Newcomb on the occasion of his retirement;

Mr. Scaccia of Boston, 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. Wagner of Chicopee, 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 Norfolk County Registry of Deeds (under Section 2KKK of Chapter 29 of the General Laws) submitting an initial plan for technological improvements at said registry (copies of said communication referred, as required under said law, to the committee on Ways and Means and the committee on Post Audit and Oversight), was spread upon the records of the House; and it was placed on file.

Norfolk
County
Registry of
Deeds.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Dennis McNamara, an employee of the Department of Fish and Game (see House, No. 3940, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Dennis
McNamara,—
sick leave.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Recess.

At ten minutes after eleven o'clock A.M., on motion of Mr. Smizik of Brookline (Mr. Petrolati of Ludlow being in the Chair), the House recessed until one o'clock P.M.; and at a quarter after one o'clock P.M.; the House was called to order with Mr. Petrolati in the Chair.

Recess.

Quorum.

Mr. Spellane of Worcester thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), 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 150 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 46.

[See Yea and Nay No. 46 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2008 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. 4000) was read a second time.

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Point of
order.

Pending the question on ordering the bill to a third reading, Mr. Peterson of Grafton raised a point of order that amendments (filed by Mr. Jones of North Reading, et als),— that the bill be amended in section 2, in item 7061-0008, by adding the following:— “and provided further, that notwithstanding any general or special law to the contrary, the following cities, towns, regional school districts, counties maintaining agricultural schools, independent vocational schools and independent agricultural and technical schools shall receive the following amounts of school aid in addition to any other amounts set forth in this act: Acton, \$284,662; Acton Boxborough, \$339,359; Acushnet, \$2,650; Agawam, \$618,885; Amherst, \$92,832; Ashburnham Westminster, \$39,795; Ashland, \$126,817; Belchertown, \$578,675; Billerica, \$236,767; Braintree, \$477,442; Brimfield, \$10,018; Bristol County, \$16,978; Central Berkshire, \$20,152; Chicopee, \$493,108; Dartmouth, \$144,313; Deerfield, \$35,661; Duxbury, \$78,956; East Longmeadow, \$697,288; Erving, \$5,623; Everett, \$256,506; Florida, \$6,337; Foxborough, \$26,741; Franklin, \$147,509; Franklin County, \$39,596; Freetown, \$15,159; Gosnold, \$705; Grafton, \$116,106; Granby, \$85,333; Hampden Wilbraham, \$407,207; Hanover, \$61,128; Harvard, \$36,044; Hingham, \$117,442; Holbrook, \$47,464; Hopedale, \$51,731; Hubbardston, \$57; Hudson, \$198,018; Leominster, \$286,858; Ludlow, \$327,913; Lunenburg, \$119,252; Malden, \$360,356; Mansfield, \$434,525; Marlborough, \$364,506; Marshfield, \$118,918; Maynard, \$175,707; Medway, \$290,513; Mendon, \$182; Mendon Upton, \$164,419; Milford, \$491,801; Millis, \$138,097; Millville, \$119; Montachusett, \$22,380; Narragansett, \$36,126; Nashoba Valley, \$29,576; Norfolk County, \$20,310; North Attleborough, \$297,151; Northampton, \$1; Northeast Metropolitan, \$48,436; Northern Berkshire, \$10,551; Oakham, \$445; Pathfinder, \$21,065; Pembroke, \$10,559; Petersham, \$2,363; Pittsfield, \$532,843; Reading, \$124,770; Rochester, \$37,063; Salem, \$61,329; Shawsheen Valley, \$307,799; Shrewsbury, \$521,253; South Hadley, \$251,669; South Shore, \$5,281; Southeastern, \$27,639; Southern Worcester, \$33,032; Stoughton, \$284,467; Sturbridge, \$91,964; Sudbury, \$9,437; Tewksbury, \$84,493; Topsfield, \$34,842; Tri County, \$68,195; Upton, \$382; Wachusett, \$520,048; Walpole, \$89,716; Webster, \$60,689; Wellesley, \$386,756; West Springfield, \$478,254; Westford, \$296,471; Weymouth, \$625,681; Whittier, \$25,576; Wilmington, \$873,052; and, Winchester, \$223,529”; and further, by striking out the figure “\$3,725,671,328” and inserting in place thereof the following figure:— \$3,741,412,751,— had been improperly laid aside pursuant to an order previously adopted by the House (see House, No. 3999).

The Chair (Mr. Petrolati of Ludlow) stated that the items listed in the amendment submitted by Mr. Jones and other members of the House would directly affect items contained in section 3 of the bill. In order for the subject matter to be considered, it would require that the amendment be considered notwithstanding the provisions of section 3, since said amendment would, in effect, amend items contained in said section.

The Chair (Mr. Petrolati) further stated that the order adopted by the House (House, No. 3999) prohibited amendments to section 3.

Therefore the Chair ruled that the point of order *was not* well taken; and that the amendment would remain laid aside accordingly.

Mr. Jones of North Reading thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Peterson of Grafton.

Appeal from decision of Chair.

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

After debate 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. Jones; and on the roll call 136 members voted in the affirmative and 19 in the negative.

Chapter 70 increases and distribution, decision of Chair sustained,—yea and nay No. 47.

[See Yea and Nay No. 47 in Supplement.]

Therefore the decision of the Chair was sustained.

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

“SECTION 47. 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 for the failure of the taxpayer: (i) to timely file any proper return for any tax types and for any tax periods; (ii) to file proper returns which report the full amount of the taxpayer’s liability for any tax types and for any tax periods; (iii) to timely pay any tax liability; or (iv) to pay the proper amount of any required estimated payment toward a tax liability shall be waived without the need for any showing by the taxpayer of reasonable cause or the absence of willful neglect, if the taxpayer, prior to the expiration of the amnesty period, voluntarily files proper returns for all tax types for all periods for which the taxpayer has or had a filing obligation and pays, or at the commissioner’s discretion provides security for, the full amount of tax shown on the taxpayer’s returns or upon the commissioner’s assessments, together with all interest due thereon. The amnesty program shall be established for a period of 2 consecutive months, commencing on October 1, 2007, and expiring on December 3, 2007.

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, is or has been the subject of a tax related criminal investigation or prosecution. The amnesty program shall not apply to a tax liability of any tax type for a period commencing on or after January 1, 2006 and shall not authorize the waiver of any interest or amount treated as interest. The commissioner may offer amnesty to those taxpayers who have either any unpaid self-assessed liability or who have been assessed a tax liability, whether before or after their filing of a return, which assessed liability remains unpaid.

To the extent that a taxpayer 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) to 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

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waive all penalties associated with that assessment. Thereafter, the taxpayer and the commissioner shall proceed with all administrative appeal rights that the taxpayer wishes to pursue with respect to the assessment.

This amnesty program 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.

The commissioner shall maintain records of the amnesty provided under this section, including but not limited to: (i) the number of taxpayers provided amnesty; (ii) the types of tax liability for which such amnesty is provided, and for each such type of liability, (a) the amount of tax liability collected by the commissioner, and (b) the amount of penalties foregone by virtue of such amnesty; and, (iii) the total outstanding tax liability due to the commonwealth, for the period through December 31, 2005, after the collections 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 chairs of the joint committee on revenue, the chairs of 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 March 1, 2008; provided, that such report shall not contain information sufficient to identify any individual taxpayer or the amnesty any individual taxpayer is provided under this section.”

Tax amnesty amendment rejected,—yea and nay No. 48.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 19 members voted in the affirmative and 136 in the negative.

[See Yea and Nay No. 48 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 8 the following two sections:

“SECTION 8A. Chapter 64A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 7A the following new sections:

Section 7B. The sale of fuel to a city or town, which is or shall be consumed by the same for any municipal purpose, shall be exempt from the excise established by this chapter.

SECTION 8B. Chapter 64E of the General Laws, as so appearing, is hereby amended by inserting after section 4 the following section:—

Section 4A. The sale of special fuel to a city or town, which is or shall be consumed by the same for any municipal purpose, shall be exempt from the excise established by this chapter.”

Municipal fuels tax exemption amendment rejected,—yea and nay No. 49.

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 20 members voted in the affirmative and 135 in the negative.

[See Yea and Nay No. 49 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 8 the following section:

“SECTION 8A. Section 6 of chapter 64H of the General Laws, as most recently amended by chapter 260 of the acts of 2006, is hereby amended by adding at the end thereof the following new paragraph:—

(xx) Sales of any ENERGY STAR product. For the purpose of this paragraph, ‘ENERGY STAR product’ shall mean any product that is clearly labeled as such and rated for energy efficiency under the ENERGY STAR program established in section 324A of the Energy Policy and Conservation Act, as it may be amended from time to time, and regulated by the Environmental Protection Agency.”

Pending the question on adoption of the amendment, Mr. Jones and other members of the House moved to amend it by striking out, in proposed section 8A, the second paragraph contained therein and inserting in place thereof the following paragraph:

“(xx) Sales of any ENERGY STAR rated lighting product. For the purposes of this paragraph, ‘ENERGY STAR rated lighting product’ shall mean any compact fluorescent light bulb or high efficiency light emitting diode that is clearly labeled as such and rated for energy efficiency under the ENERGY STAR program established in section 324 of the Energy Policy and Conservation Act, as it may be amended from time to time, and regulated by the Environmental Protection Agency.”

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 19 members voted in the affirmative and 135 in the negative.

[See Ye and Nay No. 50 in Supplement.]

Therefore the further amendment was rejected.

On the question on adoption of the pending amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 19 members voted in the affirmative and 135 in the negative.

[See Ye and Nay No. 51 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 8 the following two sections:

“SECTION 8A. Subsection (k) of section 6 of chapter 62 of the General Laws, as most recently amended by sections 2, 3 and 4 of chapter 136 of the acts 2005, is hereby amended by inserting after the word ‘commissioner.’, in line 290, the following:—

The real estate tax payment to be considered for purposes of calculating this credit shall also include 50 percent of the owner’s home heating oil, natural gas, or propane, actually paid in the taxable year for which the credit is sought.

SECTION 8B. Subsection (k) of said section 6 of said chapter 62 of the General Laws, as so appearing, is hereby further amended by inserting after the word ‘thereof.’, in line 294, the following sentence:— The rent constituting real estate tax payment to be considered for purposes of calculating this credit shall also include 50 percent

Lighting — sales tax further amendment rejected— ye and nay No. 50.

Lighting — sales tax amendment rejected,— ye and nay No. 51.

of the owner’s home heating oil, natural gas, or propane, actually paid in the taxable year for which the credit is sought.”

Pending the question on adoption of the amendment, Mr. Binienda of Worcester moved to amend it by adding at the end of proposed sections 8A and 8B the following paragraph:

“Notwithstanding any general or special law to the contrary, the provisions of this section shall not take effect until such time as the department of revenue has furnished a study of their impact on the state’s economy and the revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the Joint Committee on Revenue.”

After debate on the question on adoption of the further amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 135 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 52 in Supplement.]

Therefore the further amendments were adopted.

The amendment offered by Mr. Jones of North Reading, et als, as amended, then also was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 8B (inserted by amendment) following two sections:

“SECTION 8C. Section 6 of chapter 62 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after subsection (l) the following new subsection:—

(m)(1) As used in this subsection the following words shall have the following meanings:—

‘Bargain sale,’ the sale of an interest in real property by a taxpayer at a cost below appraised market value, when a portion of the value of the interest in real property is a qualified donation, as such terms are defined herein, and which meets the requirements of Section 1011(b) of the Internal Revenue Code of 1986, as amended.

‘Certified land’ or ‘certified lands,’ an interest in real property, as defined herein, the donation or bargain sale of which, as defined herein, has first been determined by the secretary of environmental affairs to be in the public interest for natural resource protection, including, but not limited to, drinking water supplies, wildlife habitat and biological diversity, agricultural and forestry production, recreational opportunities, archaeological and historical resources, or scenic and cultural values. The secretary of environmental affairs shall assure that all certified lands are protected in perpetuity.

‘Interest in real property,’ any right in real property in the commonwealth, with or without improvements thereon, or water, including, but not limited to, fee simple, life estate, restriction, easement, covenant, condition, partial interest, remainder, future interest, lease, license, mineral right, riparian right, or other interest or right in real property that may be conveyed concerning the power to transfer property.

‘Public or Private Conservation Agency,’ the commonwealth, or any subdivision thereof, or any municipality, or private nonprofit corporation organized for the purposes of land conservation, which is

Senior circuit breaker further amendments adopted,— yea and nay No. 52.

authorized to do business in the commonwealth, and which has tax-exempt status as a nonprofit charitable organization as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

‘Qualified donation,’ a donation, or the donated portion of a bargain sale, made in perpetuity of a fee interest in real property or a less-than-fee interest in real property, including a conservation restriction, agricultural preservation restriction or watershed preservation restriction, pursuant to chapter 184 of the general laws, provided that such less-than-fee interest meets the requirements of Qualified Conservation Contributions under the Internal Revenue Code of 1986, Section 170(h).

‘Taxpayer,’ a taxpayer subject to the income tax under this chapter.

(2) A taxpayer making a qualified donation of certified land to a public or private conservation agency shall be allowed a credit against the taxes imposed by this chapter. The credit shall be equal to 50 percent of the fair market value of the qualified donation. The amount of the credit that may be claimed by a taxpayer for each qualified donation shall not exceed \$50,000.

(3) The fair market value of certified land shall be substantiated by a Qualified Appraisal, as defined in United States Treasury Regulation Section 1.170A-13(c)(3), and shall be prepared by a Qualified Appraiser, as defined in United States Treasury Regulation Section 1.170A-13(c)(5). For any taxpayer to qualify for the credit provided for in subdivision (2) of this section, the taxpayer shall at the same time as the taxpayer files a return for the taxable year in which the credit is claimed, file with the department a summary of a Qualified Appraisal, or if requested by said department, the taxpayer shall submit the appraisal itself.

(4) In any one tax year the credit used may not exceed the amount of tax liability otherwise owed by the taxpayer. The tax credit shall be taken against the taxes imposed under this chapter and shall not be refundable. Any amount of the credit that exceeds the tax due for a taxable year may be carried forward by the taxpayer to any of the 10 subsequent tax years.

(5) The tax credits provided by this subsection shall apply to transfers of interests in real property in taxable years beginning on or after January 1, 2008 and consecutive taxable years thereafter.

(6) All or any tax credits issued in accordance with this section may be in addition to any charitable deductions claimed on the taxpayer’s federal income tax return for the same qualified donations of certified lands.

(7) Any taxpayer claiming a state income tax or excise tax credit under this section may not claim an additional state income tax credit or deduction during any one tax year for costs related to the same interest in certified lands.

(8) All or any tax credits which arise under this section from the qualified donation of certified land by a pass-through tax entity such as a trust, estate, partnership, corporation, limited partnership, limited liability partnership, limited liability corporation, subchapter S organization, or other fiduciary, shall be used either by such entity in the event it is the taxpayer on behalf of such entity or by the member, partner, shareholder, or beneficiary, as the case may be, in proportion to their

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interest in such entity in the event that income, deductions, and tax liability passes through such entity to such member, partner, shareholder, or beneficiary. Such tax credits may not be claimed by both the entity and the member, partner, shareholder, or beneficiary, for the same conveyance.

(9) All or any tax credits which arise under this chapter from the qualified donations of certified land by a married couple shall be used only if the spouses file a joint return, if both spouses are required to file Massachusetts income tax returns. If only one spouse is required to file a Massachusetts income tax return, that spouse may claim the credit allowed by this chapter on a separate return.

SECTION 8D. Chapter 63 of the General Laws, as so appearing, is hereby amended by inserting after section 38S the following new section:—

Section 38U. (a) As used in this section the following words shall have the following meanings:—

‘Bargain sale,’ the sale of an interest in real property by a taxpayer at a cost below appraised market value, when a portion of the value of the interest in real property is a qualified donation, as such terms are defined herein, and which meets the requirements of Section 1011(b) of the Internal Revenue Code of 1986, as amended.

‘Certified land’ or ‘certified lands,’ an interest in real property, as defined herein, the donation or bargain sale of which, as defined herein, has first been determined by the secretary of environmental affairs to be in the public interest for natural resource protection, including, but not limited to, drinking water supplies, wildlife habitat and biological diversity, agricultural and forestry production, recreational opportunities, archaeological and historical resources, or scenic and cultural values. The secretary of environmental affairs shall assure that all certified lands are protected in perpetuity.

‘Interest in real property,’ any right in real property in the commonwealth, with or without improvements thereon, or water, including, but not limited to, fee simple, life estate, restriction, easement, covenant, condition, partial interest, remainder, future interest, lease, license, mineral right, riparian right, or other interest or right in real property that may be conveyed concerning the power to transfer property.

‘Public or private conservation agency,’ the commonwealth, or any subdivision thereof, or any municipality, or private nonprofit corporation organized for the purposes of land conservation, which is authorized to do business in the commonwealth, and which has tax-exempt status as a nonprofit charitable organization as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

‘Qualified donation,’ a donation, or the donated portion of a bargain sale, made in perpetuity of a fee interest in real property or a less-than-fee interest in real property, including a conservation restriction, agricultural preservation restriction or watershed preservation restriction, pursuant to chapter 184 of the general laws, provided that such less-than-fee interest meets the requirements of Qualified Conservation Contributions under the Internal Revenue Code of 1986, Section 170(h).

‘Taxpayer,’ a taxpayer subject to the income tax under this chapter.

(b) Land Conveyed for Conservation Purposes. A taxpayer making a qualified donation of certified land to a public or private conservation agency shall be allowed a credit against the taxes imposed by this chapter. The credit shall be equal to 50 percent of the fair market value of the qualified donation. The amount of the credit that may be claimed by a taxpayer for each qualified donation shall not exceed fifty thousand dollars.

(c) The fair market value of certified land shall be substantiated by a Qualified Appraisal, as defined in United States Treasury Regulation Section 1.170A-13(c)(3), and shall be prepared by a Qualified Appraiser, as defined in United States Treasury Regulation Section 1.170A-13(c)(5). For any taxpayer to qualify for the credit provided for in subsection (b) of this section, the taxpayer shall at the same time as the taxpayer files a return for the taxable year in which the credit is claimed, file with the department a summary of a Qualified Appraisal, or if requested by said department, the taxpayer shall submit the appraisal itself.

(d) In any one tax year the credit used may not exceed the amount of tax liability otherwise owed by the taxpayer. The tax credit shall be taken against the taxes imposed under this chapter and shall not be refundable. Any amount of the credit that exceeds the tax due for a taxable year may be carried forward by the taxpayer to any of the 10 subsequent taxable years.

(e) The tax credits provided by this chapter shall apply to transfers of interests in real property in taxable years beginning on or after January 1, 2008 and consecutive taxable years thereafter.

(f) All or any tax credits issued in accordance with this section may be in addition to any charitable deductions claimed on the taxpayer's federal income tax return for the same qualified donations of certified lands.

(g) Any taxpayer claiming a state income tax or excise tax credit under this section may not claim an additional state income tax credit or deduction during any one tax year for costs related to the same interest in certified lands.

(h) All or any tax credits which arise under this section from the qualified donation of certified land by a pass-through tax entity such as a trust, estate, partnership, corporation, limited partnership, limited liability partnership, limited liability corporation, subchapter S organization, or other fiduciary, shall be used either by such entity in the event it is the taxpayer on behalf of such entity or by the member, partner, shareholder, or beneficiary, as the case may be, in proportion to their interest in such entity in the event that income, deductions, and tax liability passes through such entity to such member, partner, shareholder, or beneficiary. Such tax credits may not be claimed by both the entity and the member, partner, shareholder, or beneficiary, for the same conveyance.”; and by adding the following two sections:

“SECTION 47. (a) The secretary of the executive office of environmental affairs shall promulgate regulations that define land eligible for certification under this section 6 of chapter 62 and under section 38U of chapter 63. Regulations shall be promulgated within 180 days of passage of these sections.

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(b) The secretary of environmental affairs, within five years of passage of this act, shall prepare a report to the joint committee on revenue and the joint committee on environment, natural resources and agriculture, describing the certified lands conserved under section 6 of chapter 62 and section 38U of chapter 63.

(c) The commissioner of revenue, in consultation with the secretary of the executive office of environmental affairs, shall promulgate regulations to administer under section 6 of chapter 62 and section 38U of chapter 63. Such regulations shall include provisions to prevent the generation of multiple credits with respect to the same property. Regulations shall be promulgated within 180 days of passage of this act.

(d) The commissioner, within five years of passage of this act, shall prepare a report to the joint committee on revenue and the joint committee on environment, natural resources and agriculture, calculating the annual tax savings under section 6 of chapter 62 and section 38U of chapter 63.

(e) There shall be a commission to study the transferability of tax credits under section 6 of chapter 62 and section 38U of chapter 63. The commission shall be composed of nine persons, including the commissioner of the department of agricultural resources, or his designee, who shall serve as chairman; the commissioner of the department of revenue, or his designee; two members of the house of representatives, to be appointed by the speaker of the house of representatives; two members of the senate, to be appointed by the president of the senate; a representative of the American Farmland Trust; a representative of the Massachusetts Audubon Society; a representative of The Nature Conservancy. The commission shall examine all aspects of transferability, including but not limited to: the status of its application in other states, potential fiscal impacts, and potential conservation benefits. The commission shall file a report of its findings and recommendations, including any drafts of legislation necessary to put its recommendations into effect, with the joint committee on revenue and joint committee on environment, natural resources and agriculture on or before January 1, 2009.

SECTION 48. Nothing in sections 8C, 8D or 47 shall be interpreted in any way to alter or amend any permitting requirements, reporting requirements, allocation procedures, or other requirements set forth in any other provision of the general laws.”.

The amendments were rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 8B (inserted by amendment the following two sections:

“SECTION 8C. Subdivision (2) of subsection (a) of section 2 of chapter 62 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after subparagraph (P) the following new subparagraph:—

(Q) Income paid to a taxpayer for services rendered by such taxpayer in a combat zone while on active duty in the Armed Forces of the United States.

SECTION 8D. This act shall be effective for taxable years beginning on or after January 1, 2008.”.

Pending the question on adoption of the amendment, Messrs. Binienda of Worcester and Jones of North Reading moved to amend it by striking out the proposed new sections and inserting in place thereof the following section:

“SECTION 8C. Subsection (c) of section 1 of chapter 62 of the General Laws as amended by section 10 of chapter 58 of the Acts of 2006 is hereby amended by inserting after the figure ‘72,’ the following figure:— 112.”

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. Binienda; and on the roll call 152 members voted in the affirmative and 0 in the negative.

Taxation of combat pay further amendment adopted,— yea and nay No. 53.

[See Yea and Nay No. 53 in Supplement.]

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

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 20 the following three sections:

“SECTION 20A. Chapter 140 of the acts of 2005 is hereby amended, in sections 14 to 16, inclusive, by striking out, in each instance in which they appear, the following figures: ‘2005’ and inserting in place thereof the following figures: ‘2007’; and further, by striking out, in each instance in which they appear, the following figures: ‘2006’ and inserting in place thereof the following figures: ‘2008’.

SECTION 20B. Chapter 140 of the acts of 2005 is hereby amended, in section 23B, by striking out, in each instance in which they appear, the following figures: ‘2005’ and inserting in place thereof the following figures: ‘2007’; and further, by striking out, in each instance in which they appear, the following figures: ‘2006’ and inserting in place thereof the following figures: ‘2008’; and further, by striking out, in each instance in which they appear, the following figures: ‘2007’ and inserting in place thereof the following figures: ‘2009’.

SECTION 20C. Section 24 of chapter 140 of the acts of 2005 is hereby amended by striking out the following figures: ‘2008.’ and inserting in place thereof the following figures: ‘2010.’”

Pending the question on adoption of the amendment, Mr. Jones and other members of the House moved to amend it by striking out the proposed new sections and inserting in place thereof the following section:

“SECTION 20A. Chapter 140 of the acts of 2005 is hereby amended, in section 14, by striking out, in each instance in which they appear, the following figures: ‘2005’ and inserting in place thereof the following figures: ‘2007’; and further, by striking out, in each instance in which they appear, the following figures: ‘2006’ and inserting in place thereof the following figures: ‘2008’.”

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. Jones of North Reading; and on the roll call 19 members voted in the affirmative and 134 in the negative.

Home heating tax credit further amendment adopted,— yea and nay No. 54.

[See Yea and Nay No. 54 in Supplement.]

Therefore the further amendment was rejected.
The pending amendment then also was rejected.

General
Appropriation
Bill.

Mr. Jones and other members of the House then moved to amend the bill by inserting after section 8C (inserted by amendment) the following section:

“SECTION 8D. Chapter 64H of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 6 the following section:—

Section 6A. The commissioner shall, on July 15 of each year, in the designate a two-day weekend within the second week of August during which no excise shall be imposed upon non-business sales at retail in the commonwealth of tangible personal property, as defined in section 1 of this chapter. For the purposes of this section, tangible personal property shall not include telecommunications, tobacco products subject to the excise imposed by chapter 64C, gas, steam, electricity, motor vehicles, motorboats, meals, or any single item whose price is in excess of \$2,500. On such weekend, no vendor in the commonwealth shall add to the sales price or collect from any non-business purchaser an excise upon sales at retail of tangible personal property. The commissioner shall not require any vendor to collect and pay excise upon sales at retail of tangible personal property purchased on the designated weekend, but any excise erroneously or improperly collected during these two days shall be remitted to the department of revenue. Any reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to, the requirements for filing returns required by chapter 62C, shall remain in effect for sales for the two designated days. On or before December 31 of each year, the commissioner shall certify to the comptroller the amount of sales tax revenue forgone due to the operation of this section. The commissioner shall issue a report, detailing by fund the amounts under general and special laws governing the distribution of revenues under chapter 64H which would have been deposited in each fund, notwithstanding this section. The commissioner shall issue any instructions or forms, or promulgate any rules or regulations, deemed necessary to carry out this section.”.

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 19 members voted in the affirmative and 133 in the negative.

[See Ye and Nay No. 55 in Supplement.]

Therefore the amendment was rejected.

The bill (House, No. 4000, amended) then was ordered to a third reading.

Recess.

At eighteen minutes before five o'clock P.M., on motion of Mr. Miceli of Wilmington (Mr. Petrolati of Ludlow being in the Chair), the House recessed until a quarter after five o'clock; and at twenty-one minutes after six o'clock the House was called to order with Mrs. Canavan of Brockton in the Chair.

Under suspension of the rules, on motion of Mr. DeLeo of Winthrop, the bill was read a third time.

The committee on Bills in the Third Reading reported recommending to amend the bill by adding at the end thereof the following section:

“SECTION 47. The second paragraph of Section 8B shall not take effect until legislation has been filed and passed pursuant to Part 2,

Chap. 1, Arts. I and II of the Constitution; and the second paragraph of section 8C shall not take effect until legislation has been filed and passed pursuant to Part 2, Chap. 1, Arts. I and II of the Constitution.”.

The amendment was adopted.

Pending the question on passing the bill, as amended, to be engrossed, Mr. DeLeo of Winthrop moved to amend it in section 2, in item 1107-2400, by striking out the figures “714,977” and inserting in place thereof the figures “724,977”;

Consolidated amendments,— disabilities, mental health and mental retardation.

In item 1107-2501 by striking out the figures “1,918,247” and inserting in place thereof the figures “1,988,247”.

By striking out item 4110-1000 and inserting in place thereof the following item:

“4110-1000 For the community services program; provided, that the Massachusetts commission for the blind shall work in collaboration with the Massachusetts commission for the deaf and hard of hearing to provide assistance and services to the deaf-blind community through the deaf-blind community access network; provided further, that not less than \$500,000 shall be expended for the talking information center provided further, that not less than \$450,000 shall be expended for the deaf-blind community access network; and provided further, that not less than \$10,000 shall be expended for the Audible Local Ledger of Falmouth 4,367,118”;

By striking out item 4120-2000 and inserting in place thereof the following item:

“4120-2000 For vocational rehabilitation services operated in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally-reimbursed state employees; provided further, that the commissioner, in making referrals to service providers, shall take into account the client’s place of residence and the geographic proximity of the nearest provider to the residence; provided further, that not less than \$100,000 shall be expended on special vocational projects in the Charlestown neighborhood of Boston for people with disabilities; and provided further, that not less than \$100,000 shall be expended for services provided by the Life Focus Center in the Charlestown neighborhood of Boston 8,047,949”;

By striking out item 4120-3000 and inserting in place thereof the following item:

“4120-3000 For employment assistance services; provided, that vocational evaluation and employment services for severely disabled adults may, subject to appropriation, be provided; provided further, that not less than \$100,000 shall be expended on special projects in the Charlestown neigh-

Consolidated amendments,— disabilities, mental health and mental retardation.

borhood of Boston for people with disabilities; and provided further, that not less than \$100,000 shall be expended for the Charlestown Navy Yard project for disabled adults in the Charlestown neighborhood of Boston 8,381,622”;

By striking out item 4120-4000 and inserting in place thereof the following item:

“4120-4000 For independent living assistance service; provided further, that \$3,840,000 shall be expended for the independent living centers contracted with the commission; provided further that not less than \$949,295 shall be expended for assistive technology devices and training for individuals with severe disabilities; provided further, that not less than \$200,000 shall be expended for the SHARE Foundation at the University of Massachusetts at Dartmouth; provided further, that not less than \$100,000 shall be expended for the Joseph F. Timilty Adult Day Health and Memory Loss Center; and provided further, that not less than \$25,000 shall be expended on Living Independently for Equality, Inc. of Brockton for the operation of participants to meet other physically challenged individuals and take part in a number of therapeutic activities 11,401,483”;

In line 4120-6000 by adding the following: “; provided further, that not less than \$100,000 shall be expended for the Cape Cod Head Injury Program in Centerville”; and in said item by striking out the figures “9,917,606” and inserting in place thereof the figures “10,017,606”;

By striking out item 5046-0000 and inserting in place thereof the following item:

“5046-0000 For adult mental health and support services; provided, that the department shall allocate funds in an amount not to exceed \$5,000,000 from item 5095-0015, to this item, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving care at department facilities; provided further, that not less than \$6,000,000 shall be expended for services for clients of the department who are aging into the adult system from the child/adolescent mental health system or other systems of care if the clients meet the clinical eligibility criteria of the department; provided further, that the department shall submit a report to the house and senate committees on ways and means no later than July 18, 2007 on the feasibility of expanding this diversion program to other regions of the commonwealth; provided further, that the department shall report to the house and senate committees on ways and means on the distribution of funds per

adult and child planning population and the types of services received in each region for fiscal year 2008 not later than February 8, 2008; provided further, that not less than \$2,750,000 shall be expended for housing for the homeless mentally ill; provided further, that \$200,000 shall be expended for jail diversion programs; provided further, that of that \$200,000, \$100,000 shall be expended for the jail diversion program in Framingham; provided further, that not less than \$300,000 shall be expended for a pre-arrest jail diversion grant program at the Department of Mental Health for five (5) programs, but not more than \$300,000 shall be expended for the continuation of said programs; and provided further, that not less than \$1,900,000 shall be expended on mental health research; provided further, that not less than \$75,000 shall be expended on expansion of employment support services at the Fairwinds Clubhouse in Falmouth; and provided further, that not less than \$100,000 shall be expended on the Trauma Center at Riverside Community Care

314,475,358”;

By striking out item 5046-2000 and inserting in place thereof the following item:

“5046-2000 For homelessness services; and provided further that hat not less than \$90,000 shall be expended for the provision of health services to the homeless and uninsured by Primary Care and Mental Health, Inc. located in the city of Lynn.....

22,384,507”;

In item 5095-0015 by adding the following: “; provided further that the Department of Mental Health shall notify the joint committee on mental health and substance abuse and the house and senate committees on ways and means 60 days prior to the closure of any inpatient state hospital beds”;

In item 5911-1003 by adding the following: “; provided further, that not less than \$30,000 shall be allocated to Whole Children, Inc. of Hadley”; and in said item by striking out the figures “73,226,467” and inserting in place thereof the figures “73,256,467”;

By striking out item 5920-2000 and inserting in place thereof the following item:

“5920-2000 For vendor-operated community-based residential adult services, including intensive individual supports; provided, that \$12,365,262 shall be expended in annualized funding for turning 22 clients who began receiving the services in fiscal year 2007 pursuant to item 5920-5000 of section 2 of chapter 139 of the acts of 2006; provided further, that \$8,250,000 shall be expended for the fiscal year 2007 annualized cost of the settlement agreement Rolland vs. Cellucci, so-called and \$5,000,000 shall be expended for the fiscal year 2008 cost of the

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settlement; provided further, that the commissioner of the department of mental retardation shall transfer funds from this item to item 5920-2010, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of said funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days before any such transfer; provided further, that not more than \$5,000,000 shall be transferred from this item in fiscal year 2008; provided further, that not less than \$100,000 shall be allocated for Special Olympics for the purpose of unified sports; provided further, that not less than \$500,000 shall be expended for Best Buddies Massachusetts; provided further, that not less than \$100,000 shall be expended for services to the developmentally disabled provided by Grow Associates, Inc. in the town of Avon; and provided further, that not less than \$50,000 shall be expended for the Advocacy Resource Center in New Bedford to provide critical family support services in the area of community-based resident education for special needs children 549,157,636”;

By striking out item 5920-2025 and inserting in place thereof the following item:

“5920-2025 For community-based day and work programs for adults and for \$3,532,932 in annualized funding for Turning 22 clients who began receiving services in fiscal year 2007 under item 5920-5000 of section 2 of chapter 139 of the acts of 2006; and provided further, that not less than \$100,000 shall be expended for the Life Focus Center in the Charlestown neighborhood of the city of Boston 121,981,711”;

By striking out item 5920-3000 and inserting in place thereof the following item:

“5920-3000 For respite services and intensive family supports and for \$1,766,466 in annualized funding for Turning 22 clients who began receiving services in fiscal year 2007 pursuant to item 5920-5000 of section 2 of chapter 139 of the acts of 2006; provided, that the department shall pursue the highest rates of federal reimbursement possible for such services; and provided further, that not less than \$50,000 shall be expended for the Friendship Home project in Norwell..... 55,421,374”;

By striking out item 5920-3010 and inserting in place thereof the following item:

“5920-3010 For contracted support services for families with autistic children through the autism division at the department of mental retardation; provided, that not less than \$200,000 shall be expended

for the purposes of a contract with Melmark New England to provide training and support to families, educational collaboratives and public school districts on methods for coping with behavioral challenges associated with children who have autism spectrum disorders; provided further, that no less than \$2,000,000 shall be expended for the purposes of providing services under the children’s autism Medicaid waiver application submitted pursuant to chapter 107 of the acts of 2005; provided further, that at a minimum, this waiver shall include children with autism spectrum disorder ages 0-8, including children with autism spectrum disorder ages 0-3 receiving services through the department of public health’s early intervention program; provided further, that the income eligibility for the waiver shall not be any lower than MassHealth standard income eligibility for children to the extent feasible, and in the event that it is not feasible, the department shall provide the house and senate committees on ways and means and the joint committee on education no later than March 1, 2008 with projected steps and a timetable for ensuring that as soon as possible income eligibility for the waiver is not lower than MassHealth Standard income eligibility for children; provided further that the department shall take all steps necessary to ensure that eligible children with autism immediately begin to receive services pursuant to said waiver; provided further that the department shall immediately file any waiver amendments necessary to comport with the requirements of this item with the Centers for Medicare and Medicaid Services; further, that the department shall report to the house and senate committees on ways and means and the joint committee on education on the number of contracted support services provided for families with autistic children under this item, and the costs associated with those services, not later than March 1, 2008; and provided further, that the department shall submit copies of the amended waiver to the house and senate committees on ways and means and the joint committees on education no later than December 31, 2007

3,252,672”;

and by striking out item 5920-5000 and inserting in place thereof the following item:

“5920-5000 For services to clients of the department who turn 22 years of age during state fiscal year 2008; provided, that the amount appropriated under this item shall not annualize to more than \$14,600,000 in fiscal year 2008; provided further, that the department shall report to the house and senate committees on ways and

means not later than January 9, 2008, on the use of any funds encumbered or expended from this item including, but not limited to, the number of clients served in each region and the types of services purchased in each region..... 7,500,000”.

Consolidated amendment disabilities, mental health and mental retardation adopted,— yea and nay No. 56.

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. Sannicandro of Ashland; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 56 in Supplement.]

Therefore the amendments were adopted.

Recess.

Recess.

At a quarter before seven o’clock P.M., on motion of Mr. Tobin of Quincy (Ms. Canavan of Brockton being in the Chair), the House recessed until the hour of eleven o’clock A.M. on Tuesday, April 24; and at that time, the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Tuesday, April 24, 2007 (at 11:00 o’clock A.M.).

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

Prayer.

Eternal God, as we begin today’s legislative session, we pause for a moment of thoughtful reflection and to focus our attention on You for Your guidance. In Your goodness, inspire us to make reasoned, not merely emotional, judgements and decisions in selecting our legislative options. In addressing current legislative items and public policy issues, teach us to be alert to the impact and consequences of our choices. If and when we often disagree on legislative matters, teach us to respect the opinions of others in our diverse society. In today’s changing world and culture, may we be alert to this reality: today’s top priorities may not be tomorrow’s agenda items. Help us to plan for the present and for future generations.

Bestow Your blessings on the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

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

Silent Prayer.

Private Kevin King.

At the request of Messrs. Walsh of Boston and deMacedo of Plymouth, the members, guests and employees then stood for a moment of silent prayer in memory of Private Kevin King, who was a member of the 327th Infantry Regiment of the First Brigade Combat Team, 101st Airborne Division. Private King was killed on April 18th, while taking part in a live-ammunition exercise at Fort Campbell, Kentucky, in preparation for his deployment to Iraq this coming September.

Changes to a Task Force.

The Speaker announced that Representative Rodrigues of Westport had resigned, at his own request, from his position on the Workforce Accountability Task Force established (pursuant to section 23 of Chapter 123 of the Acts of 2006) and that Representative Torrisi of North Andover had been appointed to said task force to serve as co-chairperson.

Workforce
Accountability
Task Force.

Resolutions.

Resolutions (filed with the Clerk by Mr. Jones of North Reading) congratulating Father Arthur C. Flynn of Saint Agnes' Parish, Reading on his retirement, were referred, under Rule 85, to the committee on Rules.

Reverend
Arthur C.
Flynn.

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

Reports of Committees.

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3402) of Frank M. Hynes for legislation to regulate the excise taxes imposed on owners of motor vehicles,— and recommending that the same be referred to the committee on Revenue. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Motor vehicle
excise tax.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of North Reading to convey and acquire land (House, No. 1954) be scheduled for consideration by the House.

North
Reading,—
land.

Under suspension of Rule 7A, on motion of Mr. Jones of North Reading, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of North Reading to convey and acquire land (House, No. 1955) be scheduled for consideration by the House.

Id.

Under suspension of Rule 7A, on motion of Mr. Jones of North Reading, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Norwood to convey certain park land (House, No. 3753) be scheduled for consideration by the House.

Norwood,—
park land.

Under suspension of Rule 7A, on motion of Mr. Rogers of Norwood, the bill was read a second time forthwith; and it was ordered to a third reading.

Dudley,—
annual
election.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill validating the actions taken at an annual town election held in the town of Dudley (printed in House, No. 3971) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Kujawski of Webster, the bill was read a second time forthwith; and it was ordered to a third reading.

Belmont,—
post-
employment
fund.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Belmont to establish another postemployment benefits trust fund (House, No. 1441) [Local Approval Received].

By the same member, for the same committee, on a joint petition, a Bill establishing the Rehoboth agricultural and natural resources preservation council (House, No. 2032) [Local Approval Received].

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

Recesses.

Recesses.

At a quarter after eleven o'clock A.M. (Tuesday, April 24), on motion of Mr. O'Flaherty of Chelsea (Mr. Petrolati of Ludlow being in the Chair), the House recessed until twelve o'clock noon; and at that time the House was called to order with Mr. Flynn of Bridgewater in the Chair.

Subsequently, at twenty-seven minutes before one o'clock P.M., the Chair (Mr. Flynn) declared a further recess subject to the call of the Chair; and at five minutes after one o'clock the House was called to order with Mr. Petrolati in the Chair.

The House thereupon took a further recess, on motion of Mr. Mariano of Quincy, until half past one o'clock P.M.; and at twenty-three minutes before two o'clock the House was called to order with Mr. Wagner of Chicopee in the Chair.

Quorum.

Quorum.

Mr. Mariano thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Wagner), 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. 57.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (Ms. Kaprielian of Watertown being in the Chair) 150 members were recorded as being in attendance.

[See Yea and Nay No. 57 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

Marlborough,—
2010
Corporation.

The House Bill establishing the Marlborough 2010 Corporation (House, No. 2029), 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. Sent to the Senate for concurrence.

The House Bill making appropriations for the fiscal year 2008 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. 4000, amended) was considered.

General Appropriation Bill.

Pending the question on passing the bill, as amended, to be engrossed, Mr. DeLeo of Winthrop and other members of the House moved to amend it in section 2 by striking out item 1410-0010 and inserting in place thereof the following item:

Consolidated amendments,— Health and Human Services, public health and veterans’ and soldiers’ homes.

“1410-0010 For the operation of the department of veterans’ services; provided, that the department may fund a housing specialist from this item; and provided further, that the department may expend funds for the Glory 54th Brigade; and provided further, that \$10,000 shall be expended for the purposes of finalization and erosion prevention of the Vietnam Veterans Memorial located in the city of Worcester 2,142,102”;

By striking out item 1410-0012 and inserting in place thereof the following item:

“1410-0012 For services to veterans, including the maintenance and operation of outreach centers; provided, that the centers shall provide counseling to incarcerated veterans and to Vietnam era veterans and their families who may have been exposed to agent orange; 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 \$292,480 shall be provided for the Montachusett Veterans’ Outreach Center in Gardner; provided further, that not less than \$100,000 shall be expended for the Veterans Association of Bristol County in Fall River; provided further, that not less than \$144,879 shall be expended for the Puerto Rican Veterans Association of Massachusetts, Inc., in the city of Springfield; provided further, that not less than \$35,000 shall be expended to the Mason Square Area Veterans Outreach Center, so-called, in the city of Springfield; provided further, that not less than \$84,455 shall be obligated for a contract with the Metrowest/ Metrosouth Outreach Center in the town of Framingham; provided further, that not less than \$25,000 shall be expended for the Nathan Hale Foundation of Plymouth to assist veterans with transportation; provided further, that not less than \$100,000 shall be expended for Veterans services to be administered by the Cape Cod Free Clinic and Community Health Center; provided further, that not less than \$228,771 shall be obligated for a contract with the Veterans Benefit Clearinghouse in the Roxbury Section of Boston; provided further, that not less than \$100,000 shall be obligated for a contract with the Veterans Northeast

Consolidated amendments,—
Health and Human Services, public health and veterans' and soldiers' homes.

Outreach Center in the city of Haverhill; provided further, that not less than \$131,500 shall be obligated for a contract with NamVets of the Cape and Islands in the town of Hyannis; provided further, that not less than \$100,000 be obligated for the Boston metropolitan area for a contract with the Puerto Rican Veterans Association of Massachusetts, Inc.; provided further, that not less than \$50,000 shall be expended for the Middleboro Veterans Outreach Center; and provided further, that not less than \$80,000 shall be expended to United Veterans of America for the purpose of providing services to homeless veterans in Berkshire County

1,663,185”;

By striking out item 1410-0250 and inserting in place thereof the following item:

“1410-0250 For homelessness services; provided, that not less than \$220,000 shall be obligated for a contract with the United Veterans of America shelter located in the Town of Leeds; provided further, that not less than \$200,000 shall be obligated for contracts with the Veterans Hospice Homestead in the city of Leominster and the Veterans Hospice in the city of Fitchburg; provided further, that not less than \$199,405 shall be provided for the Unity House Homeless Veterans' Residence in Gardner; provided further, that not less than \$652,395 shall be obligated for a contract with the Southeastern Veterans Housing Program, Inc., in the city of New Bedford; provided further, that not less than \$51,975 shall be expended for the Springfield Bilingual Veteran Outreach Center for the operation of a Transition Housing Unit at the YMCA of Springfield; provided further, that not less than \$50,000 should be expended for veteran's homelessness services at The Salem Mission; provided further, that not less than \$75,000 shall be expended for Transition House in Springfield; provided further, that not less than \$625,105 shall be obligated for a contract with the central Massachusetts Shelter for Homeless Veterans in the city of Worcester; provided further, that not less than \$190,000 shall be expended for a contract with Habitat P.L.U.S. in the city of Lynn; provided further, that not less than \$25,000 shall be expended for transitional services at Our Neighbor's Table in Amesbury; provided further, that not less than \$80,000 shall be obligated for a contract with the Mansion located in the city of Haverhill; provided further, that not less than \$37,350 shall be obligated for a contract with the Homestead located in the town of Hyannis; provided further, that not less than \$100,350 shall be obligated for a contract with Veterans Benefits Clearinghouse located in Dorchester; provided further, that not less than \$73,350

shall be obligated for a contract with the Veterans Benefits Clearinghouse located in Roxbury; and provided further, that not less than \$42,000 shall be obligated for a contract with the Turner House located in the town of Williamstown 2,621,930”;

By striking out item 1410-0400 and inserting in place thereof the following item:

“1410-0400 For reimbursing cities and towns for money paid for veterans’ benefits and for payments to certain veterans under section 6 of chapter 115 of the General Laws; provided, that notwithstanding any general or special law to the contrary, 100 per cent of the amounts of veterans’ benefits paid by cities and towns to residents of a soldiers’ home shall be paid by the commonwealth to the several cities and towns; provided further, that pursuant to section 9 of said chapter 115, the department shall reimburse cities and towns for the cost of United States flags placed on the graves of veterans on Memorial Day; provided further, that notwithstanding any general or special law to the contrary, the secretary of veterans’ services shall continue a training program for veterans’ agents and directors of veterans’ services in cities and towns; provided further, that the Department of Veterans’ Services shall provide this training in several locations across the Commonwealth including but not limited to providing training programs at the Massachusetts Veterans Service Officers Association statewide training conferences; provided further, that the purpose of the training program shall be to maximize federal assistance available for veterans and to assure that the agents and directors receive uniform instruction on providing veterans and dependents with advice relative to procurement of state, federal and local benefits to which they are entitled, including employment, education, health care, retirement and other veterans’ benefits; provided further, that the subject matter of the training program shall include benefits available under said chapter 115 and alternative resources, including those which are partially or wholly subsidized by the federal government, such as Medicaid, Supplemental Security Income and Social Security Disability benefits, as well as federal pension and compensation entitlements; provided further, that the secretary shall promulgate regulations for the training program; provided further, that upon successful participation by the veterans’ agents or directors of veterans’ services in the training program, the costs of the training program incurred by the several cities and towns shall be reimbursed by the commonwealth on or before November 10 following the fiscal year in which

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the costs were paid; provided further, that any person applying for veterans' benefits to pay for services available under chapter 118E of the General Laws, shall also apply for medical assistance under said chapter 118E to minimize cost of the commonwealth and its municipalities; provided further, that veterans' agents shall complete applications authorized by the executive office under said chapter 118E for any veteran, widow and dependent applying for medical assistance under said chapter 115; provided further, that the veterans' agent shall file the application for the veteran or dependent for assistance under said chapter 118E; provided further, that the executive office shall act on all said chapter 118E applications and advise the applicant and the veterans' agent of the applicant's eligibility for said chapter 118E health-care; provided further, that the veterans' agent shall advise the applicant of the right to assistance for medical benefits under said chapter 115 pending approval of the application for assistance under said chapter 118E by the executive office; provided further, that the secretary may supplement healthcare pursuant to said chapter 118E with healthcare coverage under said chapter 115 if he determines that supplemental coverage is necessary to afford the veteran or dependent sufficient relief and support; provided further, that payments to or on behalf of a veteran or dependent pursuant to said chapter 115 shall not be considered income for the purposes of determining eligibility under said chapter 118E; and provided further, that benefits awarded pursuant to section 6B of said chapter 115 shall be considered countable income

15,165,374”;

By inserting after item 1599-0042 the following item:

“1599-0045 For a reserve to assist the YMCA of Greater Boston on capital projects approved by the board of directors of the YMCA

1,000,000”;

By striking out item 1599-6901 and inserting in place thereof the following item:

“1599-6901 For a reserve to adjust the wages, compensation or salary and associated employee-related costs to personnel earning less than \$40,000 in annual compensation who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs; provided, that home care workers shall be eligible for funding from this appropriation; provided further, that the secretary of administration and finance may allocate the funds appropriated in this item to the depart-

ments in order to implement this initiative; provided further, that the executive office of health and human services shall condition the expenditure of the reserve upon assurances that the funds shall be used solely for the purposes of adjustments to wages, compensation or salary; provided further, that not later than January 15, 2008 the executive office shall submit to the house and senate committees on ways and means a report delineating the number of employees, by job title and average salary, receiving the adjustment in fiscal year 2008 and the average percentage adjustment funded by this reserve; provided further, that the report shall also include, for each contract scheduled to receive any allocation from this item in each such department, the total payroll expenditures in each contract for the categories of personnel scheduled to receive the adjustments; provided further, that no funds from this item shall be allocated to special education programs under chapter 71B of the General Laws, contracts for early education and care services or programs for which payment rates are negotiated and paid as class rates as established by the division of health care finance and policy; provided further, that no funds shall be allocated from this item to contracts funded exclusively by federal grants as delineated in section 2D; provided further, that the total fiscal year 2008 cost of salary adjustments and any other associated employee costs authorized thereunder shall not exceed \$20,000,000; provided further, that the executive office shall submit an allocation schedule to the house and senate committees on ways and means not less than 30 days after disbursement of funds; provided further, that the annualized cost of the adjustments in fiscal year 2009 shall not exceed the amount appropriated herein; and provided further, that the executive office shall submit a plan by January 1, 2008 to the executive office of administration and finance and the house and senate committees on ways and means with recommendations for moving toward a more rational, market-based system for reimbursement rates for social services purchased under the purchase-of-service system; provided further, that the plan shall organize current services according to their similarity of purpose, cost structure and intended outcome; provided further, that the plan shall outline a strategy and resource requirements to restructure reimbursement rates for services; and provided further, that the plan shall be based on a comprehensive cost and market analysis with regard to unit rates, uniform pricing, efficiency standards, performance outcomes, annual rate of inflation, cost comparison

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of current system versus proposed system and other relevant factors, as determined by the executive office 20,000,000”;

By striking out item 4000-0112 and inserting in place thereof the following item:

“4000-0112 For matching grants to boys’ and girls’ clubs, YMCA and YWCA organizations, nonprofit community centers, and youth development programs; provided, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization; provided further, that the secretary shall report to the house and senate committees on ways and means on the exact amount distributed in fiscal year 2008 by March 1, 2008; provided further, that not less than \$3,200,000 shall be expended for the Massachusetts Alliance of Boys and Girls Clubs; provided further, that an amount not to exceed \$50,000 shall be provided in a matching grant to the Methuen Branch of the Merrimack Valley YMCA; provided further, that not less than \$80,000 shall be expended for the young parents program of the Newton Community Service Centers; provided further, that not less than \$50,000 shall be expended for youth and family programs and improvements at the West Suburban YMCA; provided further, that not less than \$100,000 shall be expended for the YWCA of Newburyport; provided further, that not less than \$50,000 shall be expended to the Chelsea YMCA for infrastructure repairs; provided further that \$125,000 shall be expended for the YMCA of Greater Worcester for the recruitment, implementation and evaluation of the YMCA Men’s Health and Families Program; provided further, that not less than \$100,000 shall be expended for the Springfield Day Nursery; provided further, that not less than \$50,000 shall be expended to the Franklin Community Action Corporation for youth services; provided further, that \$100,000 shall be expended for the Nazzaro Recreation Center; provided further, that not less than \$150,000 shall be expended for nonprofit Youth Services in Andover; provided further, that not less than \$50,000 shall be expended for programs at the YWCA of Haverhill; provided further, that not less than \$100,000 be expended for health and wellness programming at the YWCA of Greater Lawrence; provided further, that not less than \$50,000 shall be expended for the Girls Incorporated of Holyoke; provided further, that an amount not to exceed \$34,393 be provided in a matching grant to United Way of Tri-County for services at the Milford Youth Center; pro-

vided further, that not less than \$100,000 for Dot-Well youth services and out of school time activities; provided further, that not less than \$300,000 shall be expended for the United Teen Equity Center in Lowell; provided further that not less than \$50,000 shall be expended for a one-time matching grant for the YMCA Cape Cod for building purposes to comply with the American with Disabilities Act; provided further, that not less than \$250,000 shall be expended for program and improvements at Children’s Friend and Family Services of Salem; provided further, that not less than \$40,000 shall be expended for the public partnership program between the greater Lynn YMCA and YWCA and the public partnership program between the town of Saugus and the Saugus YMCA and YWCA; and provided further, that not less than \$25,000 shall be expended for programs at the Fishing Academy, Incorporated 5,054,393”;

By striking out item 4510-0110 and inserting in place thereof the following item:

“4510-0110 For community health center services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; and provided further, that \$300,000 shall be expended for medical respite services provided by the Boston Health Care for the Homeless program 5,607,956”;

By striking out item 4510-0150 and inserting in place thereof the following item:

“4510-0150 For the managed care program at community health centers known as CenterCare; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that \$225,000 shall be expended on a program of technical assistance to community health centers to be provided by a state primary care association qualified under section 330(f)(1) of the United States Public Health Service Act, 42 U.S.C. section 254c(f)(1); and provided further, that the department shall assist professional and nonprofit agencies dedicated to the advancement of the scope and nature of health care services delivered in communities by community health centers and to pursue available federal technical assistance funding 781,749”;

By striking out item 4510-0600 and inserting in place thereof the following item:

“4510-0600 For an environmental and community health hazards program, including control of radiation and nuclear hazards, consumer products protection, food and drugs, lead poisoning prevention in

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accordance with chapter 482 of the acts of 1993, lead-based paint inspections in day care facilities, inspection of radiological facilities, licensing of x-ray technologists and the administration of the division of environmental epidemiology and toxicology for the purposes of chapter 111F of the General Laws the "Right-to-Know" law; provided, that the expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of 100 per cent of the amounts so expended; provided further, that not less than \$75,000 shall be expended for a comprehensive study on lyme disease; provided further, that \$150,000 shall be expended for the completion of the comprehensive study of the exposure routes and patterns of contaminants in the Maple Meadowbrook Aquifer migrating to and affecting the Wilmington drinking water supply and the study of incidents of childhood cancer in the town of Wilmington; provided further, that not less than \$100,000 shall be expended for the purposes of research and prevention activities associated with lyme disease to be conducted by the Barnstable County Department of Health and The Environment; provided further, that not more than \$14,800 shall be allocated to the Franklin Regional Council of Governments for costs associated with the regional public health program; provided further, that not less than \$81,000 shall be expended for the maintenance of a statewide lupus database; provided further, that \$150,000 shall be expended for the ALS registry created by section 25A of chapter 111 of the General Laws; provided further, that \$195,000 shall be expended for the purpose of the director of the bureau of environmental health assessment of the department of public health to continue an environmental risk assessment of the health impacts of the General Lawrence Logan Airport in the East Boston section of the city of Boston on any community that is located within a 5 mile radius of the airport and is potentially impacted by the airport; provided further, that the assessment may include, but not be limited to, examining incidences of respiratory diseases and cancers and performing medical and laboratory tests and examinations of residents of these communities; provided further, that the bureau shall report its findings, together with any recommended response actions by the commonwealth, to the house and senate committees on ways and means not later than February 1, 2008; provided further, that the department shall file a report with the house and senate ways and means committees, the joint commit-

tee on public health, and the joint committee on health care financing, on the status of local health inspections of food establishments, consistent with the department of public health food safety regulations and a report on the current waiting list for indoor air inspections by October 1, 2007; and provided further, that no funds appropriated in this item shall be expended for the purpose of siting or locating a low-level radio-active waste facility in the commonwealth 4,203,716”;

In item 4510-0710 by striking out the figures “9,666,609” and inserting in place thereof the figures “9,816,609”;

In item 4510-0810 by adding the following: “and provided further, that funds shall be expended for a contract with the Massachusetts Children’s Alliance to support children’s advocacy centers in the commonwealth”;

By striking out item 4512-0200 and inserting in place thereof the following item:

“4512-0200 For the division of substance abuse services, including a program to reimburse driver alcohol education programs for services provided for court adjudicated indigent clients; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that not less than \$961,324 shall be expended to Gavin Foundation for a male adolescent residential facility for substance abuse and rehabilitation services and for an adjoining female adolescent residential facility for substance abuse and rehabilitation services, totaling twenty-eight beds, located in the South Boston section of the City of Boston; provided further, that not less than \$833,000 shall be expended for the Volunteers of America Rebound Youth Residential Recovery Program at Long Island Hospital in the city of Boston for substance abuse and rehabilitation services to youths with addictions; provided further, that not less than \$750,350 shall be expended for a contract with STEP, Inc., for sobriety treatment, education and prevention; provided further, that \$500,000 shall be expended for an opiate education and counseling competitive grant program in Suffolk county; provided further, that not less than \$150,000 shall be expended on the Hampden County Residential Program for Women; provided further, that not less than \$319,500 shall be expended for a contract with Gavin Foundation, Inc., to provide a Total Immersion program in conjunction with the probation departments of the South Boston division of the district courts, the Somerville division of the district court, the Hingham division of the district court, the Brighton division of the district court, and other district courts, and that the

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funding shall be expended for the maintenance of a training program by the Gavin Foundation for a statewide Total Immersion program; provided further, that the Gavin Foundation shall be contracted to provide the Total Immersion programs described in this item; provided further that not less than \$250,000 shall be expended for the restoration of 24-hour services at the Albany St. Shelter operated by the Cambridge and Somerville program for Drug and Alcohol Rehabilitation; provided further, that not less than \$250,000 shall be expended for the Latino After School Initiative; provided further, that not less than \$250,000 shall be expended for the New Beginnings program; provided further, that not less than \$225,000 shall be expended for the operation of the Barnstable Action for New Directions (BAND) program facilitated by the Gosnold Society of Cape Cod Inc., in conjunction with the Barnstable district court and the Cape and Islands district attorney; provided further, that not less than \$50,000 shall be expended for the Exodus Outreach Recovery Program; provided further, that not less than \$200,000 shall be expended for the Link House, Inc., in the town of Salisbury; provided further that \$100,000 shall be expended for the prevention of substance abuse in the town of Saugus; provided further, that not less than \$155,000 shall be expended for the maintenance and operation of the Intensive Outpatient Program at the South Boston Collaborative for the purposes of responding to adolescent suicide clusters and drug abuse in the South Boston section of the city of Boston; provided further, that not less than \$158,000 shall be expended for the Haitian Multi-Service Center in the Dorchester section of the city of Boston; provided further, that not less than \$150,000 shall be expended to the Berkshire County Youth Development Project for youth intervention services; provided further, that \$150,000 shall be expended for the Northern Educational Services, Inc., in Springfield, to operate the Youth Zone Program; provided further, that not less than \$125,000 shall be expended for Self Esteem Boston's substance abuse direct service prevention programs and provider training programs; provided further, that not less than \$100,000 shall be expended for a contract with Bay Cove Human Services, Inc., for the purposes of establishing an independent licensed halfway house in the Charlestown neighborhood of Boston, in collaboration with the Charlestown Recovery House, Inc., for persons in recovery from alcoholism and chemical dependency; provided further, that not less than \$100,000 shall be

expended on the Russian Teens-at-Risk program operated by the Jewish Family Children’s Service in the cities of Boston and Lynn and the town of Brookline; provided further, that not less than \$2,000,000 shall be expended for six regional recovery support centers; provided further, that there shall be a recovery support center in each region; provided further, that not less than \$100,000 shall be expended for the Winchester Substance Abuse Coalition in the town of Winchester; provided further, that not less than \$100,000 shall be expended for the Springfield Public Health Department for drug prevention outreach and education; provided further, that not less than \$90,000 shall expended for Franklin Medical Center’s Beacon Recovery Program at the Orange Recovery House; provided further, that not less than \$75,000 shall be provided to Second Step, Inc. in the city of Newton for the provision of substance abuse prevention and education programs to the survivors of domestic violence and their children; provided further, that not less than \$70,000 shall be expended for the Adolescent Education program of the South Boston Neighborhood House in the South Boston section of the city of Boston; provided further, that \$75,000 shall be expended to continue an Opiate Abuse Prevention and Intervention Program for Youth in the City of Melrose; provided further, that not less than \$75,000 shall be expended for the Tynan Community Centers Adolescence Wellness Program in the South Boston section of city of Boston; provided further, that not less than \$60,000 shall be provided to Project Cope, Inc., in Lynn for the prevention and education of the problems associated with Oxycontin and heroine use; provided further, that not less than \$50,000 shall be expended for the Louis D. Brown Peace Institute for homicide victims’ family support services and anti-violence advocacy programs; provided that not less than \$100,000 shall be expended for the operation of Learn-to-Cope; provided further, that not less than \$100,000 shall be expended for the North End Community Health Center in Boston; provided further, that not less than \$50,000 shall be expended for teens through programs provided by the Ashland Recreational Department; and provided further, that not less than \$45,000 shall be expended in grants for the Framingham Coalition for the Prevention of Drug and Alcohol abuse 75,513,807”;

75,513,807”;

By striking out item 4513-1000 and inserting in place thereof the following item:

“4513-1000 For the operation of the bureau of family health services; provided, that no funds shall be

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expended in the AA object class for any personnel-related costs; provided further that not less than \$50,000 shall be provided for the Molly Bish Institute for Child Safety at Mt. Wachusett Community College; provided further, that not less than \$50,000 shall be expended for Falmouth Family Planning; provided further, that not less than \$350,000 shall be expended for ROCA, Inc. for outreach and youth development for at-risk youth and young adults in Chelsea, Revere, and East Boston; provided further, that not less than \$25,000 shall be expended for Leanne's Dream Foundation in East Boston; provided further that not less than \$120,000 shall be expended for the North End Outreach Network of Springfield; provided further, that not less than \$150,000 shall be expended for the Duffy Health Center; provided further, that not less than \$200,000 shall be expended for an elder health and outreach program in Saugus; provided further, that not less than \$100,000 of said funds shall be expended for such programs in the Bowdoin/Geneva and the Uphams Corner/North Dorchester sections of Boston; provided further, that not less than \$35,000 shall be expended for the Immigrants Assistance Center, Inc., in New Bedford for its unique bilingual AIDS education; provided further, that \$450,000 shall be expended for the Massachusetts Birth Defects Monitoring Program; provided further, that \$25,000 shall be expended for regional respite, counseling and holistic therapy services offered by the Cancer Connection, located in the City of Northampton; and provided further, that not less than \$100,000 shall be expended for the Massachusetts Sudden Infant Death Center at Boston Medical Center

6,444,486";

By inserting after item 4513-1023 the following item:

"4513-1024 For the operation of a comprehensive, state-wide shaken baby syndrome prevention program including community-based, hospital-based and state-wide activities; provided, that services funded through this item shall include, but not be limited to, education, training, intervention, support, surveillance and evaluation

200,000";

In item 4513-1130 by adding the following: “; provided further, that not less than \$20,000 shall be expended for a Spanish speaking Battered Women’s Hotline provided by Delamano, a Lawrence-based domestic violence support organization”;

By striking out item 4516-1000 and inserting in place thereof the following item:

"4516-1000 For the administration of the center for laboratory and communicable disease control, including the division of communicable venereal dis-

eases, the division of tuberculosis control and the state laboratory institute; provided, that the department shall give priority to the analysis of samples used in the prosecution of controlled substances offenses; provided further, that funds shall be expended for an eastern encephalitis testing program and for tuberculosis testing and treatment services; provided further, that no funds appropriated in this item shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded in this item; provided further, that funds from this item may be expended for the purchase of equipment for the drug laboratory at the state laboratory institute; provided further, that not less than \$240,000 shall be expended for the maintenance of the state-wide rabies control program, coordinated by the department of public health, providing assistance to cities, towns and the public and for the interagency collaboration through the rabies advisory committee, the 24-hour epidemiological and clinical consultation for rabies exposures and the rapid laboratory diagnostic services; provided further, that of the \$240,000, not less than \$150,000 shall be expended for the continuation of the Oral Rabies Vaccine Project on Cape Cod operated through a contract with Tufts University School of Veterinary Medicine in collaboration with the federal Centers for Disease Control and Prevention; and provided further, that funds from this item may be expended for the purpose of an interagency service agreement with the University of Massachusetts Medical School for the department's share of the cost of occupancy, including the cost of facility support personnel, for the state laboratory institute

14,018,176”;

By striking out item 4530-9000 and inserting in place thereof the following item:

“4530-9000 For teenage pregnancy prevention services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that applications for such funds shall be administered through the department upon receipt and approval of coordinated community service plans to be evaluated in accordance with guidelines issued by the department; provided further, that portions of the grants may be used for state agency purchases of designated services identified by the community service plans; provided further that funding shall be expended on those communities with the highest teen birth rates according to an annual statistical estimate conducted by the department; and provided further, that the department shall contract directly with vendors

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of teenage pregnancy prevention services; provided further, that \$100,000 shall be expended for teen pregnancy prevention services in the Town of Orange; provided further, that not less than \$150,000 shall be expended for Berkshire Coalition to Prevent Teenage Pregnancy in the Berkshire region; provided further, that of said \$150,000, not more than 10% can be used for administrative services; provided further, that not less than \$250,000 shall be expended for teen pregnancy prevention programs in the cities of North Adams and Pittsfield; provided further, that of said \$250,000, not less than \$125,000 shall be expended for said program in the city of Pittsfield; provided further, that not less than \$15,000 shall be provided to Girls, Inc. of Lynn for teen pregnancy prevention 3,031,131”;

By striking out item 4590-0250 and inserting in place thereof the following item:

“4590-0250 For school health services and school-based health centers in public and non-public schools; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that services shall include, but not be limited to: (1) strengthening the infrastructure of school health services in the areas of personnel and policy development, programing, and interdisciplinary collaboration; (2) developing linkages between school health services programs and community health providers; (3) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services; and (4) incorporating obesity prevention programs, including nutrition and wellness programs in school curricula to address the nutrition and lifestyle habits needed for healthy development; provided further, that the services shall meet standards and eligibility guidelines established by the department of public health in consultation with the department of education; provided further, that not less than \$300,000 shall be expended for mental health and substance abuse services in school-based health centers; provided further, that not less than \$350,000 shall be expended for the commission on gay and lesbian youth; provided further, that not less than \$100,000 shall be expended for the H.E.L.P. program so-called, for black males health; provided further, that not less than \$200,000 shall be expended for the North Quabbin Community Coalition for support and implementation of four model community coalitions and community capacity-building activities; provided further, that not less than \$15,000,000 shall be expended for

school nurses and school-based health centers; provided further, that \$150,000 shall be expended for the Childhood Obesity School Nutrition Pilot Project within the department of public health to initiate or maintain school lunch programs focused on diminishing the epidemic of childhood obesity; provided further, that food service providers, working with public schools, wishing to institute or maintain a school nutrition program designed to reduce childhood obesity, may submit an application to the department of public health indicating the various nutritional and educational steps the school plans to implement with the grant, not to exceed \$10,000 per school per year; provided further, that eligible programs must focus on providing healthier choices for lunch programs and provide incentives and information to make healthier meal choices in the school lunch line; provided further one or more schools may be included in an application; and provided further, that grant applications and other appropriate criteria shall be determined and reviewed by the department

16,740,608”;

and in item 4590-0300 by striking out the figures “8,250,000” and inserting in place thereof the figures “13,250,000”.

After debate on the question on adoption of the amendments, Mr. Jones of North Reading and other members of the House moved to amend them in item 1410-0010 by inserting after the word “Worcester” the following two sentences: “The secretary of veterans’ affairs shall submit a report to the joint committee on veterans’ and federal affairs and the house and senate committees on ways and means no later than December 31, 2007, on the secretariat’s implementation of implementation and outreach efforts of the ‘welcome home bill’. The report shall include the participation rates for service, hindrances to enrollment for the program, and recommendations including any necessary statutory or other changes to increase the number of servicemen and women who apply for said service.”.

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 Ms. St. Fleur of Boston; and on the roll call 158 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 58 in Supplement.]

Therefore the amendments, as amended, were adopted.

At twenty-seven minutes before four o’clock P.M. (Tuesday, April 24), on motion of Mr. Peterson of Grafton (Ms. Kaprielian of Watertown being in the Chair), the House recessed until a quarter after four o’clock; and at twenty-three minutes after four o’clock the House was called to order with Mr. Speranzo of Pittsfield in the Chair.

The Chair (Mr. Speranzo) thereupon declared a recess subject to the call of the Chair; and at seven minutes after five o’clock the House was called to order with Ms. Kaprielian in the Chair.

Consolidated amendments,— Health and Human Services, etc. adopted,— yea and nay No. 58.

Recesses.

Quorum.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Ms. Kaprielian), 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. 59.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 152 members were recorded as being in attendance.

[See Yea and Nay No. 59 in Supplement.]

Therefore a quorum was present.

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amendments,—
social services
and
transitional
assistance.

Mr. Deleo of Winthrop and other members of the House then moved to amend the bill in section 2, in item 4400-1000, by adding the following: “and provided further, that not less than \$900,000 shall be expended for the operation of the homeless management information system; provided, that during fiscal year 2008 the department shall submit quarterly to the house and senate committees on ways and means a status report detailing the specific implementation of the system, the number of shelters participating by month, the types and descriptions of information reports able to be generated, and any other information that the department determines to be necessary in evaluating the full and complete implementation of the system; and provided further, that the report shall also detail all expenditures by subject classification”; and by striking out the figures “67,034,698” and inserting in place thereof the figures “67,934,698”;

By striking out item 4403-2000 and inserting in place thereof the following item:

“4403-2000 For a program of transitional aid to families with dependent children; provided, that notwithstanding any general or special law to the contrary, benefits under the program of transitional aid to families with dependent children shall be paid only to citizens of the United States and to non-citizens for whom federal funds may be used to provide benefits; provided further, that notwithstanding any general or special law, or any provisions of this act to the contrary, no benefits under this item shall be made available to illegal or undocumented aliens; provided further, that the need standard shall be equal to the standard in effect in fiscal year 2007; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under the provisions of subsection (e) of section 110 of chapter 5 of the acts of 1995, or any successor statute, shall be 2¾ per cent below the otherwise applicable payment standard, in fiscal year 2008, pursuant to the state plan required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided further, that the department shall notify all teen parents receiving benefits from the program of the requirements found in clause (2) of subsection (i) of said section 110 of said chap-

ter 5, or any successor statute; 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; provided further, that a nonrecurring children's clothing allowance in the amount of \$150 shall be provided to each child eligible under this program in September 2007; provided further, that the children's clothing allowance shall be included in the standard of need for the month of September 2007; provided further, that benefits under this program shall not be available to those families where a child has been removed from the household pursuant to a court order after a care and protection hearing under chapter 119 of the General Laws, nor to adult recipients otherwise eligible for transitional aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of social services in accordance with department procedures; provided further, that notwithstanding section 2 of chapter 118 of the General Laws, or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month such payments are to be made or within the 3 month period after such month of payment, and who, if such child had been born and was living with her in the month of payment would be categorically and financially eligible for transitional aid to families with dependent children benefits; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for such loss; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided further, that no funds from this item shall be expended by the department for family reunification benefits or informal child care; provided further, that the department shall provide oral and written notification to all recipients of their child care benefits on a semi-annual basis; provided further, that the notification shall include the full range of child care options available, including center-based child care, family-based child care, and in-home relative child care; provided further, that the notification shall detail available child care benefits for current and former recipients, including employment and training benefits, transitional benefits and post-transitional

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benefits; provided further, that the department shall work with the department of early education and care to ensure that both recipients currently receiving benefits and former recipients during the 1 year period after termination of benefits are provided written and verbal information about child care services; provided further, that the notice shall further advise recipients of the availability of food stamps benefits; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility for, or levels of benefits under the program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the senate and house of representatives a detailed and comprehensive report setting forth the text of, basis, and reasons for such proposed changes; and provided further, that the report shall state the department's most accurate assessment of the probable effects of any such benefit or eligibility changes upon recipient families; provided further, that not less than \$418,074 shall be expended for the purposes of the operation of the Transportation Assistance program operated by Traveler's Aid Family Services; and provided further, that not less than \$150,000 shall be expended for the Lift Transportation program operated by Traveler's Aid Family Services 274,470,212";

By striking out item 4403-2120 and inserting in place thereof the following item:

"4403-2120 For certain expenses of the emergency assistance program as follows: (i) contracted family shelters; (ii) transitional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes and Nantucket counties; (iv) residential education centers for single mothers with children; (v) intake centers; and (vi) voucher shelters; provided, that eligibility shall be limited to families with income at or below 130 per cent of the federal poverty level; provided, however, that any family whose income exceeds 130 per cent of the federal poverty level while the family is receiving assistance funded by this item shall not become ineligible for assistance due to exceeding the income limit for a period of 6 months from the date that the 130 per cent level was exceeded; provided further, that the department shall establish reasonable requirements for such families to escrow some or all of the portion of their income which exceeds 130 per

cent of the federal poverty level; provided further, that any such escrowed funds shall be exempt from otherwise applicable asset limits; provided further that the family shall be allowed to withdraw the amount placed in escrow upon transition to permanent housing or losing eligibility for shelter services; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States; provided further, that the department shall take all steps necessary to enforce regulations to prevent abuse in the emergency assistance program; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized; provided further, that eligible households shall be placed in shelters as close as possible to their home community unless a household requests otherwise; provided further, that if the closest available placement is not within 20 miles of the household's home community, the household shall be transferred to an appropriate shelter within 20 miles of its home community at the earliest possible date unless the household requests otherwise; provided further, that eligibility for shelter by an otherwise eligible family shall not be impaired by prior receipt of any non-shelter benefit; provided further, that the department shall make every effort to ensure that children receiving services from this item shall continue attending school in the community in which they lived prior to receiving services funded from this item; provided, that not less than \$25,000 shall be expended for education, advocacy and case management services by Casa Latina, located in the City of Northampton; provided further, that not less than \$100,000 shall be expended for a contract with the St. Francis Samaritan House in Taunton; provided further, that not less than \$100,000 shall be expended for Playspace programs operated by Horizons for Homeless Children in family shelters; and provided further, that not less than \$200,000 shall be expended for Our Fathers House in Fitchburg; provided further, that not less than \$50,000 shall be expended for the Weymouth Youth and Family Services Teen Center to provide for advocacy, social service programs and to promote growth and social welfare; provided further, that notwithstanding any other general or special law to the contrary, the department shall immediately provide shelter for up to 30 days to families who appear to be eligible for such shelter based on statements provided by the family and any other information in the pos-

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session of the department but who need additional time to obtain any third-party verifications reasonably required by the department; provided further, that shelter benefits received under the preceding proviso shall not render a family ineligible under any regulation providing that a family who previously received shelter is ineligible for shelter benefits for a period of 12 months; provided further, that families receiving such shelter benefits who are found not to be eligible for continuing shelter benefits shall be eligible for aid pending a timely appeal pursuant to section 16 of chapter 18 of the General Laws; provided further, that the department shall not impose unreasonable requirements for third-party verification and shall accept verifications from the family whenever reasonable; provided further, that in promulgating, amending or rescinding regulations with respect to eligibility or benefits under this program, the department shall take into account the amounts available to it for expenditure in this item so as not to exceed the amount appropriated in this item; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that all of this item shall be subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated by this item; provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels except to the extent that such changes are needed to avoid a deficiency in this item; provided further, that the department shall report quarterly to the house and senate committees on ways and means an unduplicated count of families who apply for emergency assistance funded family shelter during the fiscal year; provided further, that the report shall include the total number of applications received, the number of families approved for shelter, the number of families denied shelter along with reasons for denials, the number of families who are approved for shelter benefits within 12 months of an initial denial, the home community of families receiving shelter, the number of fami-

lies receiving shelter within each home community, the number of available shelter slots within each home community, the income level of families receiving shelter who had previously accessed state-funded programs to reduce homelessness and the programs that had been accessed, the composition of families receiving shelter, the reason that the household is seeking emergency family shelter, the reasons that families exit shelters by type of reason, including reasons for voluntary departure and termination, exiting families' housing plans by type of plan, including type of housing arrangements, subsidy status, monthly rent, and gross monthly income, and any other information that the department determines to be necessary in evaluating the operation of the emergency assistance family shelters program; provided further, that the report shall also include information, by type of shelter, on average length of stay, average cost per household served, average number of shelter slots not used either as the result of no placement being made or of a placed family not making use of shelter, and an analysis of this information, including an analysis of causes relating to any significant differences in the data for each type of shelter; and provided further, that the report shall also include a status report on the outcomes of department-funded homelessness prevention initiatives or pilot programs, providing information on the nature and total cost of each such initiative, the number of families served by each such initiative, the average cost per family of each such initiative, the affordability and stability of housing or alternative shelter placements for prevention program recipients, including type of housing arrangement, subsidy status, monthly rent, and gross monthly income, and any other information that the department determines to be necessary in evaluating the operation of state-funded homeless prevention programs; and provided further, that not less than \$179,381 shall be obligated for the Crossroads Family Shelter in East Boston 83,000,651”;

By striking out item 4800-0015 and inserting in place thereof the following item:

“4800-0015 For central and area office administration; provided, that the associated expenses of employees whose AA object class costs are paid from item 4800-1100 shall be paid from this item; provided further, that no funds shall be expended from this item for the compensation of unit 8 employees; provided further, that the department shall not place a child or adolescent referred by, or discharged from, the care of the department of mental health until the latter

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department forwards an assessment and recommendation as to whether the child or adolescent may be appropriately placed in foster care or, if due to severe emotional disturbance, is more appropriate for group care; provided further, that the department, in consultation with the department of mental health, shall establish guidelines to assist the latter department in making such assessments and recommendations; provided further, that, unless otherwise authorized, all funds, including federal reimbursements received by the department shall be credited to the General Fund; provided further, that the Commissioner may transfer between items 4800-0015, 4800-0016, 4800-0025, 4800-0036, 4800-0038, 4800-0041, 4800-0091, 4800-0151, 4800-1100 and 4800-1400; provided further, that any transfer authorized pursuant to this item shall not exceed 5 percent of the total amount appropriated for that item; provided further, that 30 days prior to any such transfer, the commissioner shall submit an allocation plan detailing the distribution of the funds to be transferred to the house and senate committees on ways and means; provided further, that not less than \$500,000 shall be available for expert medical and mental health evaluations for certain children in DSS care and protection, said Department shall report quarterly to the Joint Committees on Mental Health and Substance Abuse; Children, Families and Persons with Disabilities; and Ways and Means on the number of children referred for said evaluations; and provided further, that the commissioner shall not transfer any funds prior to May 15, 2008

78,958,785”;

By striking item 4800-0038 and inserting in place thereof the following item:

“4800-0038 For stabilization, unification, reunification, permanency, adoption, guardianship and foster care services provided by the department of social services; provided, that services funded through this item shall include shelter services, substance abuse treatment, family reunification networks, young parent programs, parent aides, education and counseling services, family preservation services, foster care, adoption and guardianship subsidies, tiered reimbursements used to promote the foster care placement of children with special medical and social needs, assessment of the appropriateness of adoption for children in the care of the department for more than 12 months, protective services provided by partnership agencies, targeted recruitment and retention of foster families, respite care services, post-adoption services, support services for foster, kinship and adoptive fami-

lies and juvenile firesetter programs; provided further, that any child who would have been eligible for a clothing benefit under regulations in place on January 1, 2006, shall receive a clothing benefit in fiscal year 2008; provided further, that not later than February 15 of the current fiscal year, the department shall provide to the house and senate committees on ways and means a recommendation on whether or not to discontinue any program, including earmarked programs, the cost of which, per unit of service or service outcomes, do not fall within a reasonable standard; provided further, that the department shall submit to the chairs of the joint committee on children and families and the chairs of the house and senate committees on ways and means a report detailing the progress of the Family Networks System of care not later than August 17, 2007 and shall report quarterly to the committees on the status of the Family Networks System; provided further, that the report shall contain information on the number of children served, their ages, the number of children served in each service plan, 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; provided further, that the report shall also contain the number of families receiving multiple 51As within a 10-month period, the number of cases reopened within 6 months of being closed, and the number of children who return home and then re-enter an out-of-home placement within 6 months; provided further, that not less than \$2,300,000 shall be expended for the Young Parent Support Program; provided further, that not less than \$150,000 shall be expended in region 1 for a community-based family unification counseling program to prevent juvenile delinquency and provided further, that not less than \$500,000 shall be expended on the recruitment and retention of foster parents; provided further, that not less than \$348,850 shall be expended for Latinas y Ninos and Casa Esperanza; provided further that not less than \$257,000 shall be expended for a contract with the Labour, Center in the South Boston section of Boston for an Integrated Family Service team in Region 6.; provided further that not less than \$150,000 shall be expended for the Julie's Family Learning Center in South Boston, a section of Boston; provided further, that not less than \$60,000 shall be expended by the Framingham office of the Department of Social Services for the Metrowest Campership program operated by the Ashland youth advisory board in partnership with said department; and provided further, that not less than \$187,500

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shall be expended on the Center for Family Connections in Cambridge to provide therapeutic and rehabilitative mental health services, targeted research on well-being outcomes, and permanency planning for older hard-to-place youth and those aging out of the foster care system; provided further, that not less than \$125,000 shall be expended for a family re-unification program operated by Aid to Incarcerated Mothers to maintain strong parent-child relationships during a mother's incarceration; provided further, that not less than \$140,000 shall be expended for the Comprehensive School Age Parenting Program, Inc. for maintaining and expanding its year-round school based programs in Boston high schools, middle schools, pilot schools and small schools education complexes for pregnant teens, young mothers and fathers and other youth at high risk for school drop out; provided further, that not less than \$130,000 shall be expended for the Children's Cove Cape and Islands Child Advocacy Center; provided further, that not less than \$45,000 shall be expended for a contract with Big Brothers and Sisters of Cape Cod and the Islands; provided further, that \$50,000 shall be expended for youth services at the youth center in Uxbridge; provided further, that no less than \$290,000 be allocated for alternative schools for students aged 14-16 inclusive who are placed before the court on Children in need of services petitions (CHINS); provided further, that not less than \$300,000 shall be expended for a statewide contract with Northeastern University for violence prevention and conflict resolution program; provided further, that not less than \$50,000 shall be expended for the purpose of providing case management services for the Amity Transitional Housing Program in the city of Lynn; provided further, that not less than \$25,000 shall be expended for the Concilio Hispano in Somerville; provided further, that not less than \$25,000 shall be expended for Centro Presente of Cambridge; provided further, that not less than \$20,000 shall be expended for the Massachusetts Association of Portuguese Speakers of Cambridge; provided further, that not less than \$20,000 shall be expended for the Haitian Coalition of Somerville; provided further that not less than \$250,000 shall be expended for the operation of a juvenile firesetters program to be operated by the Massachusetts Coalition for Juvenile Firesetters Intervention Programs; provided further, that not less than \$50,000 shall be expended for Family Service, Inc. of Lawrence; provided further, that not less than \$104,123 shall be expended for the Teen Parenting pro-

gram in Framingham; provided further, that not less than \$200,000 shall be expended to support the family center component of the Greater Lowell Family Resource Center; provided further, that not less than \$300,000 shall be expended for Summerhill House in Norwood; and provided further, that not less than \$100,000 shall be expended for the Families Untied for Teens' Health 289,722,322”;

By striking item 4800-1400 and inserting in place thereof the following item:

“4800-1400 For shelters and support services for people at risk of domestic violence; provided, that the department shall pursue the establishment of public-private partnership agreements established for family stabilization services funded from sources other than the commonwealth; provided further, that services shall include supervised visitation programs, certified batterer intervention programs for indigent batterers and their families, and scattered site transitional housing programs, including programs to assist victims of domestic violence in finding and maintaining permanent housing; provided further, that participants in battered women’s programs shall be provided with information regarding local transitional housing resources; provided further, that funding shall be made available to enhance counseling services for children who have witnessed domestic violence; provided further, that funding shall be made available for emergency shelters for substance abusing battered women; provided further, that funding shall be made available for a statewide domestic violence hotline; provided further, that the department shall continue to provide any match funding required by federal program regulations; provided further, that domestic violence prevention specialists shall be funded from this item; provided further, that not less than \$15,000 shall be expended for the Words not Weapons mentoring project in Saugus; provided further that not less than \$100,000 shall be expended for a domestic violence prevention program called ‘Teens-At-Risk’, operated by Portal To Hope for the communities of Everett, Lynn, Malden and Medford without the need of approval by the commissioner of public health; provided further, that not less than \$100,000 shall be expended for a contract with Sylvia’s Haven at Devens to provide transitional housing to pregnant and parenting women and girls; and provided further, that not less than \$10,000 shall be expended for a grant to the City of Melrose for the Melrose Alliance against Violence 21,280,021”.

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After debate on the question on adoption of the amendments, Mr. DeLeo moved to amend them in section 2 by striking out proposed item 4800-0015 and inserting in place thereof the following item:

“4800-0015 For central and area office administration; provided, that the associated expenses of employees whose AA object class costs are paid from item 4800-1100 shall be paid from this item; provided further, that no funds shall be expended from this item for the compensation of unit 8 employees; provided further, that the department shall not place a child or adolescent referred by, or discharged from, the care of the department of mental health until the latter department forwards an assessment and recommendation as to whether the child or adolescent may be appropriately placed in foster care or, if due to severe emotional disturbance, is more appropriate for group care; provided further, that the department, in consultation with the department of mental health, shall establish guidelines to assist the latter department in making such assessments and recommendations; provided further, that, unless otherwise authorized, all funds, including federal reimbursements received by the department shall be credited to the General Fund; provided further, that the Commissioner may transfer between items 4800-0015, 4800-0016, 4800-0025, 4800-0036, 4800-0038, 4800-0041, 4800-0091, 4800-0151, 4800-1100 and 4800-1400; provided further, that any transfer authorized pursuant to this item shall not exceed 5 percent of the total amount appropriated for that item; provided further, that 30 days prior to any such transfer, the commissioner shall submit an allocation plan detailing the distribution of the funds to be transferred to the house and senate committees on ways and means; provided further, that the commissioner shall not transfer any funds from items 4800-0015, 4800-0016, 4800-0025, 4800-0036, 4800-0038, 4800-0041, 4800-0091, 4800-0151, and 4800-1400 prior to May 15, 2008; and provided further, that the commissioner shall not transfer any funds from item 4800-1100 prior to June 1, 2008

78,958,785”.

The further amendment was adopted.

Consolidated amendments,— social services, etc. adopted,— yea and nay No. 60.

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. St. Fleur of Boston; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 60 in Supplement.]

Therefore the amendments, as amended, were adopted.

Recess.

At twenty-eight minutes after five o'clock P.M. (Tuesday, April 24), on motion of Mr. Jones of North Reading (Ms. Kaprielian of Watertown being in the Chair), the House recessed until a quarter after

seven o'clock; and at sixteen minutes before eight o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Ms. Story of Amherst thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), 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 155 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 61.

[See Yea and Nay No. 61 in Supplement.]

Therefore a quorum was present.

Mr. Frost of Auburn then moved to amend the bill in section 2 by inserting after item 7061-9804 the following item:

“7061-9805 For a program to update text books and materials in the Commonwealth, provided that the Department of Education shall spend no less than \$25,000,000 to be distributed to each school district in the Commonwealth at not less than \$25 per pupil; provided that, in the funding shall be limited to educational expenditures for texts books, computers, lab equipment and other such learning materials and equipment as defined and approved by the Department of Education 25,000,000”.

After remarks on the question on adoption of the amendment, the same member moved to amend it by striking out the proposed new item and inserting in place thereof the following item:

“7061-9805 For a program to update text books and educational materials in the Commonwealth, provided that the Department of Education shall spend no less than \$15,000,000, to be distributed evenly, per pupil to each school district in the Commonwealth; provided that, the funding shall be limited to educational expenditures for texts books, computers, lab equipment and other such learning materials and equipment as defined and approved by the Department of Education 15,000,000”.

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. Frost; and on the roll call 19 members voted in the affirmative and 138 in the negative.

Further
amendment
text books
rejected,—
yea and nay
No. 62.

[See Yea and Nay No. 62 in Supplement.]

Therefore the further amendment was rejected.

The amendment then also was rejected.

The Chair (Mr. Petrolati of Ludlow) 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.

Suspension of
Rule 1A.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 136 members voted in the affirmative and 21 in the negative.

Rule 1A
suspended,—
yea and nay
No. 63.

[See Yea and Nay No. 63 in Supplement.]

Therefore Rule 1A was suspended.

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education,
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local aid.

Mr. DeLeo of Winthrop and other members of the House then moved to amend the bill in section 2, in item 1599-0042, by striking out the figures “4,000,000” and inserting the figures “7,000,000”;

In item 3000-2000, in line 27, by striking out the figures “13,876,598” and inserting the figures “14,126,598” and in said item by striking out the figures “24,396,539” and inserting the figures “24,646,539”;

In item 3000-4060, in line 24, by inserting after the word “through” the words “grants to”, in line 27, by inserting after “methodology” the following: “; provided further, that programs receiving funding through the local councils in fiscal year 2008 shall meet the quality standards required by programs funded through item 3000-4000 in fiscal year 2007”, and in line 45, by inserting after the words “quality standards” the following: “and for programs to move toward meeting the quality standards enumerated in item 3000-5075; provided further, that the commissioner of the department of early education and care may transfer funds to this item from items 3000-1000, 3000-3050 and 3000-4050, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means at least 30 days before the transfer; and provided further, that not more than 3 percent of any item may be transferred in fiscal year 2008”;

In item 3000-5000 by striking out the figures “8,500,000” and inserting the figures “9,000,000”;

In item 3000-5075, in line 2, by inserting after the words “General Laws” the following: “; provided further that no less than \$7,138,739 shall be expended for the Massachusetts Universal Pre-Kindergarten Program” and in said item by striking out the figures “20,399,834” and inserting in place thereof the figures “22,899,834”;

In item 3000-6050, in line 20, by inserting after the word “projects” the following: “; provided further, that not less than \$1,988,000 shall be expended for the child care resource and referral centers to provide professional development for early education and care providers”;

In item 3000-7050 by striking out the following: “; provided further, that, of said \$3,000,000, the department shall distribute not less than \$2,250,000 to expand capacity at existing Parent-Child Home Program sites not later than August 15, 2007, in order to allow a full year of service for parents involved in said programs; provided further, that of said \$3,000,000, the department shall distribute not less than \$750,000 to establish replication sites in cities and towns where high concentrations of low income families reside; provided further, that for grants awarded to establish the replication sites, the department shall consider applications from school districts or social service agencies that demonstrate the capacity to replicate the home visiting program to serve area low income families; provided further, that the grants to establish replication sites shall be awarded not later than October 30, 2007; provided further, that preference for the grants shall be given to applicants who demonstrate a commitment to maximize federal and local funding for the operation of the replication site” and inserting in

place thereof the following: “; provided further, that the department shall distribute said \$3,000,000 not later than September 15, 2007”;

In item 7000-9401 by striking out the figures “16,301,780” and inserting the figures “17,001,780”;

In item 7000-9402 by striking out the figures “390,000” and inserting the figures “415,000”;

In item 7000-9501 by striking out the figures “9,382,742” and inserting in place thereof the figures “9,632,742”;

Inserting after item 7000-9506 the following item:

“7000-9507 For the purposes of implementing a public library matching incentive grant program; provided, that a 50 cent state match shall be made for each dollar local trustees and public library foundations raise; provided further, that eligible state matching funds shall be made available to municipalities that raise at least \$2,000 and only up to \$100,000 raised; and provided further, that funds from this item shall be made available to the local public library trustees for the enhancement of library services and shall not be used as part of the local match for an approved public library project as defined in section 19H of chapter 78 of the General Laws or to meet the appropriation requirement as defined in section 19A of chapter 78 of the General Laws..... 200,000”;

In item 7010-0005, in line 4, by striking out the figures “150,000” and inserting in place thereof the figures “200,000” and in said item by striking out the figures “13,588,482” and inserting in place thereof the figures “13,638,482”;

In item 7010-0012 by striking out the figures “19,615,313” and inserting in place thereof the figures “20,615,313”;

In item 7010-0216 by inserting after the word “costs” the following: “; provided further that \$250,000 be expended to the Eagle Hill School Teacher Induction Training Program for the purposes of operating a teacher induction training pilot program for the cities of Boston, Fitchburg, Framingham, Springfield and Worcester” and by striking out the figures “595,881” and inserting in place thereof the figures “845,881”;

By striking out item 7027-0016 and inserting in place thereof the following item:

“7027-0016 For matching grants for various school-to-work programs; provided, that the board of education shall establish guidelines for such programs in consultation with the department of workforce development; provided further, that any funds distributed from this item to cities, towns or regional school districts shall be deposited with the treasurer of the city, town, or regional school district and held in a separate account and shall be expended by the school committee without further appropriation, notwithstanding any general or special laws to the contrary;

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provided further, that each grant awarded herein shall be matched by the recipient from local, federal, or private funds; provided further, that the board of education may determine the percentage match required on an individual grant basis; provided further, that the department of education shall make available a payment of \$734,400 for the state’s matching grant for the CS-squared program at the Commonwealth Corporation; provided further, that the department of education shall make available a payment of \$942,191 to Jobs for Bay State Graduates, Inc., for the purpose of school-to-work activities; provided further, that the department of education shall make available a payment of \$42,975 to the Blue Hills regional vocation school for the School to Careers Partnership to fund a teacher externship program and a student internship program; provided further, that \$250,000 shall be expended for Amer-I-Can Program, Inc through the Black Men of Greater Springfield, Inc.; provided further, that of this \$250,000, funds may be expended for the administration of this program in Springfield; provided further, that not less than \$200,000 shall be allocated to the Massachusetts Foundation for the Humanities in Northampton for an adult education Program; provided further, that not less than \$50,000 shall be expended for the Diploma Plus Program at Cape Cod Community College; provided further, that not less than \$200,000 shall be provided for the Diploma Plus drop out prevention program in partnership with Commonwealth and the Massachusetts Department of Education; provided further, that not less than \$60,000 shall be expended for Junior Achievement of Central Massachusetts; and provided further, that not less than \$50,000 shall be expended for Junior Achievement of Western Massachusetts; and provided further that not less than \$100,000 shall be expended for the pilot program in the town of Southbridge for preventing violence and hate crimes in Kindergarten through 8; provided further, that the pilot program shall also offer parent training and education in violence prevention and racial tolerance; and provided further, that not less than \$50,000 shall be expended for MY TURN, INC. for the purpose of school to work activities, connecting to college activities and youth workforce development activities 2,679,566”;

In item 7030-1005 by striking out the figures “2,900,000” and inserting in place thereof the figures “3,400,000”;

In item 7035-0002 by striking out the figures “27,898,848” and inserting the figures “28,898,848”;

In item 7035-0006 by striking out the figures “55,000,000” and inserting the figures “57,300,000”;

In item 7035-0007 by striking out the figures “2,000,000” and inserting the figures “2,100,000”;

By inserting after item 7061-0008 the following item:

“7061-0011 For a reserve to (1) meet extraordinary increases in the minimum required local contribution of a municipality as calculated pursuant to the requirements of section 3 of this act; provided, that a municipality seeking funds hereunder shall apply for a waiver from the department of revenue pursuant to the provisions of section 127 of this act; provided, further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of education regarding the merits of such application; (2) meet extraordinary increases of greater than 25 percent in a municipality’s required contribution to any of the districts to which the municipality belongs as a result of the regional allocation methodology; provided, that preference in the awarding of these funds shall be given to municipalities whose required local contribution exceeds 60 per cent of their foundation budget; provided further, that preference in the awarding of these funds shall be given to municipalities that were not awarded such funds in Fiscal year 2007; provided further, that not less than \$800,000 shall be used for this purpose; (3) assist regional school districts which, prior to fiscal year 2007, have assessed member towns using the provisions of their regional agreement, and which, in fiscal year 2007, will assess member towns using the required contributions calculated pursuant to section 3 of this act; (4) assist towns impacted by stresses in the commercial agricultural, fishing or lobster industry whose required local contribution exceeds 75% of their foundation budget; (5) assist towns negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on military reservations located within the town’s limits; (6) assist regional school districts in rural areas which meet all of the following 3 criteria: (a) have fewer than 40 FTE students per square mile, (b) have experienced more than 6.5 per cent enrollment decline between FY 02 and FY 07, and (c) have a target aid percentage greater than 50 per cent; (7) assist districts which meet the following criteria: (a) receive less chapter 70 than in house one, so-called, (b) receive an increase of less than 10% from FY07 aid levels to FY08 chapter 70; (c) have required net school spending of 100%

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early education,
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of the foundation budget; (d) have foundation enrollment loss from FY07 to FY08; provided, that any grants provided under this item shall be expended by a school committee without further appropriation; provided further, that notwithstanding the provisions of any general or special law to the contrary, assistance funded by this item shall only be available on a one time non-recurring basis; provided further, that the department shall make not less than 80 per cent of awards from this item not later than October 15, 2007; and provided further, that no funds distributed from this item shall be considered prior year chapter 70 aid nor used in the calculation of the minimum required local contribution for fiscal year 2009 5,500,000”;

In item 7061-0012, in line 43, by inserting after the word “area” the following: “; provided further, that \$300,000 shall be expended for the start-up costs for no more than six inter-collaborative transportation networks to provide funding for transportation coordination, administrative support, software upgrades, maintenance and training; provided further that the funding shall be expended for the purpose of replicating the pilot program model of delegating the planning and contracting for student transportation to educational collaboratives for the transportation of students to all out-of-districts programs located within the transportation network catchment area; provided further that the special education transportation task force shall submit a report, detailing the reduction in routes, vendors, and savings for participating districts and also a cost model for regions served by the collaborative network, by June 30, 2008 to the Joint Committee on Education, and the House and Senate Committees on Ways and Means” and by striking out the figures “218,650,000” and inserting the figures “218,950,000”;

In item 7061-9404, in line 57, by inserting after the word “software” the following: “; provided further, that \$300,000 shall be transferred to the Efficacy Institute for work in ‘Campaigns for Proficiency’ in Springfield, Boston and Lawrence, to be used for training public school teachers and youth workers in after-school programs in methods for using assessment data to develop effective strategies to improve student performance on the MCAS; provided further, that not less than \$75,000 shall be expended for Link Services at the Pettengill House to provide advocacy counseling, referrals, emergency assistance and prevention education programs to the children and families of both Triton Regional and Amesbury Public Schools; provided further, that not less than \$125,000 shall be expended for Casa Dominicana in Lawrence; provided further, that not less than \$100,000 shall be expended for Lawrence Learning Center and Community Development in the City of Lawrence; provided further, that not less than \$50,000 shall be expended for Centro Latino de Chelsea to provide adult basic education services in the city of Chelsea; provided \$75,000 shall be expended for The WhizKids Foundation Inc.; provided further, that not less than \$370,000 shall be allocated to the Framingham public schools to evaluate existing dual-immersion programs in the town of Framingham and elsewhere in the commonwealth including an evalua-

tion of best practices and all professional development related to these programs; provided further, that any evaluation will examine the likelihood and efficiency of replication of these programs and practices in school districts with large percentage of English language learners; provided further, that these funds may be expended for professional development related to these programs; provided further, that not less than \$100,000 shall be expended for a pilot program operated by a non-profit organization, staffed by certified teachers and college aged tutors, to provide after school and summer educational services to students in low-income urban communities that require additional assistance to become academically proficient; provided further that said pilot shall provide student instruction for two and half hours in core curricula such as math and literacy using a multi-cultural approach and shall provide opportunities to work with tutors on homework, community service, team self- esteem and relationship building; and provided further, that \$50,000 shall be expended for the Astro Park Astronomy Facility at Barnstable High School” and striking out the figures “11,280,367” and inserting in place thereof the figures “12,525,367”;

In item 7061-9412 by striking out the figures “9,500,000” and inserting in place thereof the figures “13,000,000” and in line 69 by inserting after the word “personnel” the following: “at the department of education”;

In item 7061-9600, in line 23, by inserting after the words “concurrent enrollment pilot program” the following: “; provided further, that not more than \$25,000 shall be allocated to the Department of Education to provide training and technical assistance to school districts for program implementation” and by striking out the figures “1,500,000” and inserting the figures “1,525,000”;

In item 7061-9611 by striking out the figures “1,500,000” and inserting in place thereof the figures “2,000,000”;

In item 7061-9626 by striking out the figures “2,070,500” and inserting in place thereof the figures “2,270,500”;

By striking out item 7066-0000 and inserting in place thereof the following item:

“7066-0000 For the operation of the board of higher education; provided, that the board shall recommend savings proposals that permit institutions of public higher education to achieve administrative and program cost reductions, resource re-allocation and program re-assessment and to utilize resources otherwise available to such institutions; provided further, that in order to meet the estimated costs of employee fringe benefits provided by the commonwealth on account of employees of the Massachusetts State College Building Authority and the University of Massachusetts Building Authority, and in order to meet the estimated cost of heat, light, power and other services, if any, to be furnished by the commonwealth to projects of these authorities, the boards of trustees of the state colleges and the University of Massachusetts shall transfer to the General

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Fund from the funds received from the operations of the projects such costs, if any, as shall be incurred by the commonwealth for these purposes in the current fiscal year, as determined by the appropriate building authority, verified by the chancellor of higher education and approved by the secretary of administration and finance; and provided further, that \$1,000,000 shall be expended for the Massachusetts Nursing and Allied Health Workforce Development Initiative, to develop and support strategies that increase the number of Massachusetts public higher education faculty members and students who participate in programs that support careers in fields related to nursing and allied health 3,169,793”;

In item 7066-0009 by striking out the figures “350,000” and inserting in place thereof the figures “367,500”;

In item 7070-0065, in lines 53, 54 and 55, by striking out the following: “provided further, that not more than \$1,589,945 shall be expended on the administration of the scholarship program” and inserting in place thereof the following: “provided further, that not more than \$1,689,945 shall be expended on the administration of the scholarship program” and by striking out the figures “94,614,095” and inserting the figures “94,714,095”;

In item 7080-0200, in line 39, by striking out the following: “2008” and inserting in place thereof the following: “2009”;

By striking out item 7100-0200 and inserting in place thereof the following item:

“7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding any general or special law to the contrary, the university may establish and organize auxiliary organizations, subject to policies, rules and regulations adopted by the board, to provide essential functions which are integral to the educational mission of the university; provided further, that notwithstanding any general or special law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance; provided further, that not less than \$500,000 shall be expended in fiscal year 2008 for the University of Massachusetts at Amherst Cranberry Station at Wareham; provided further, that such funds shall be expended under a plan reviewed and recommended by the University of Massachusetts at Amherst Cranberry Experiment Station Board of Oversight; provided further, that not less than \$500,000 shall be expended for the Center for Portuguese Studies to operate at the University of Massachusetts at Dartmouth; provided further, that not less than \$50,000 shall be expended for the

UMASS Dartmouth Center for Business Research; provided further, that the sum expended for the UMass Extension in fiscal year 2008 shall be adjusted only in direct proportion to university budget adjustments to other academic programs of the University of Massachusetts at Amherst; provided further, that such funds shall be expended in accordance with a plan reviewed and recommended by the UMass Extension Board of Public Overseers; provided further, that not less than \$50,000 shall be expended for the 4-H program; provided further, that not less than \$250,000 shall be expended for the Future of Work Initiative at the University of Massachusetts Labor Centers at Amherst, Boston, Dartmouth and Lowell campuses; provided further, that not less than \$368,000 shall be expended for the Maurico Gaston Institute for Latino Community Development and Public Policy at the University of Massachusetts at Boston; and provided further, that not less than \$350,000 shall be expended for the William Monroe Trotter Institute at the University of Massachusetts at Boston 469,012,776”;

In item 7100-0300, in line 3, by inserting after the word “laws” the following: “; provided further that not less than \$250,000 shall be expended for research on breast cancer prevention performed in collaboration with the University of Massachusetts at Lowell, the Silent Spring Institute and the Massachusetts Breast Cancer Coalition” and by striking out the figures “1,533,379” and inserting the figures “1,783,379”; and

By adding the following section:

“SECTION 48. Notwithstanding any general or special law to the contrary, the board of higher education is hereby authorized and directed for a two year pilot program for out of state tuition retention at the Massachusetts College of Liberal Arts; provided further, that said regulations shall ensure that no resident of Massachusetts is denied admission to the Massachusetts College of Liberal Arts as a result of said tuition retention project. The board shall issue a report on the progress of said initiative no later than February 1, 2009 to the house and senate chairs of the joint committee on education, arts and humanities, and the chairs of the house and senate ways and means committees. Said report shall include the number of out of state students attending said college, the amount of tuition retained under said program, and the programs or initiatives funded with said retained revenue.”

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 Mrs. Haddad of Somerset; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 64 in Supplement.]

Therefore the amendments were adopted.

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early education,
education,
higher education,
local aid adopted,—
yea and nay No. 64.

Recess.

Recess.

At eighteen minutes after nine o'clock P.M. (Tuesday, April 24), on motion of Mr. Puppolo of Springfield (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past eleven o'clock A.M. on Wednesday, April 25; and at that time, the House was called to order with Mr. Donato of Medford in the Chair.

Wednesday, April 25, 2007 (at 11:30 o'clock A.M.).

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

Prayer.

God, Our Creator, we offer this prayer to You in thanksgiving for the material and spiritual blessings which we receive daily. We are grateful, too, for the love of our family, for the warm friendship of friends and associates and for the freedoms which we enjoy as citizens of this country and commonwealth. Help us to make our communities family-friendly, safe and prosperous for all so that we will face the future with hope, confidence and enthusiasm. As we carry out our legislative responsibilities, inspire us to keep all issues in perspective and to be fair and honorable in making different choices in selecting our priorities.

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

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.

Resolutions.

Ms. Kaprielian of Watertown being in the Chair,—

Ronald and Joan Arcand.

Resolutions (filed with the Clerk by Messrs. Golden of Lowell and Murphy of Lowell) congratulating Mr. and Mrs. Ronald Arcand on the occasion of their fiftieth wedding anniversary, were referred, under Rule 85, to the committee on Rules.

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

Papers from the Senate.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Wellesley,—
MWRA
easement.

Petition (accompanied by bill, Senate, No. 2219) of Cynthia S. Creem, Alice Hanlon Peisch and Scott P. Brown for legislation relative to certain easements held by the Commonwealth of Massachusetts and the Massachusetts Water Resources Authority in the town of Wellesley. To the committee on Bonding, Capital Expenditures and State Assets.

Petition (accompanied by bill, Senate, No. 2218) of Joan M. Menard for legislation relative to child care providers. To the committee on Children, Families and Persons with Disabilities. Child care providers.

Reports of Committees.

By Mr. Correia of Fall River, for the committee on Elder Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 717) of Bruce J. Ayers relative to providing for an income tax credit for families caring for relatives at home who are elderly or victims of Alzheimer's disease,— and recommending that the same be referred to the committee on Revenue; Alzheimer's disease,— home care.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration

Of the joint petition (accompanied by bill, House, No. 869) of Robert P. Spellane and others relative to public disclosure of quality indicators for the developmentally disabled,— and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities; and Developmentally disabled.

Of the petition (accompanied by bill, House, No. 870) of Robert P. Spellane and Joyce A. Spiliotis relative to administrative simplification under the health consumer protection law,— and recommending that the same be referred to the committee on Financial Services. Health insurance,— protection.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Sharon (Senate, No. 2212) be scheduled for consideration by the House. Walpole and Sharon,— MWRA.

Under suspension of Rule 7A, on motion of Mr. Kafka of Stoughton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Foxborough (Senate, No. 2213) be scheduled for consideration by the House. Walpole and Foxborough,— MWRA.

Under suspension of Rule 7A, on motion of Mr. Kafka of Stoughton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Wellesley to convey a certain parcel of land (printed in House, No. 3748) be scheduled for consideration by the House. Wellesley,— land conveyance.

Under suspension of Rule 7A, on motion of Mr. Kafka of Stoughton, the bill was read a second time forthwith; and it was ordered to a third reading.

Recesses.

Recesses.

At twenty-five minutes before twelve o'clock noon (Wednesday, April 25), on motion of Mr. Festa of Melrose (Ms. Kaprielian of Watertown being in the Chair), the House recessed until twelve o'clock noon; and at twenty-one minutes before one o'clock P.M. the House was called to order with Ms. Kaprielian in the Chair.

The House thereupon took a further recess, on motion of Mrs. Canavan of Brockton, until a quarter after one o'clock; and at twenty-five minutes after one o'clock the House was called to order with Ms. Kaprielian in the Chair.

Quorum.

Quorum.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Speaker then took the Chair; and, having determined that a quorum was not in attendance, directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,—
yea and nay
No. 65.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 153 members were recorded as being in attendance.

[See Yea and Nay No. 65 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

Discrimination
commission,—
regulate.

The engrossed Bill further regulating the Massachusetts Commission Against Discrimination (see House, No. 3967, changed) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) (for message, see House, No. 3979), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by His Excellency be considered in the following form:

By striking out section 5 and inserting in place thereof the following section:

“SECTION 5. Notwithstanding any general or special law to the contrary, the terms of the present commissioners of the Massachusetts Commission Against Discrimination shall expire 30 days after the effective date of this act. The governor shall initially appoint 1 commissioner for a term of 1 year, 1 commissioner for a term of 2 years, and 1 commissioner for a term of 3 years.”.

The report was accepted.

The House then refused to adopt the amendment recommended by the Governor.

Mr. Rushing of Boston then moved that the bill be amended by striking out section 3; and the amendment was adopted.

Sent to the Senate for its action.

General
Appropriation
Bill.

The House Bill making appropriations for the fiscal year 2008 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. 4000, amended) was considered.

Pending the question on passing the bill, as amended, to be engrossed, Mr. DeLeo of Winthrop and other members of the House moved to amend it in section 2, in item 0320-0010 by striking out the figures "1,188,510" and inserting in place thereof the figures "1,208,522";

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amendments,—
Judiciary and
Public Safety.

In item 0321-1600 by striking out the figures "9,470,424" and inserting in place thereof the figures "9,670,424";

In item 0321-2000 by striking out the figures "753,248" and inserting in place thereof the figures "773,248";

In item 0321-2100 by striking out the figures "820,000" and inserting in place thereof the figures "840,000";

In item 0330-0102 by striking out the figures "20,048,415" and inserting in place thereof the figures "20,568,427";

In item 0330-0103 by striking out the figures "6,464,067" and inserting in place thereof the figures "6,645,269";

In item 0330-0104 by striking out the figures "760,943" and inserting in place thereof the figures "916,789";

In item 0330-0105 by striking out the figures "3,743,635" and inserting in place thereof the figures "3,911,242";

In item 0330-0106 by striking out the figures "1,277,548" and inserting in place thereof the figures "1,307,375";

In item 0330-0107 by striking out the figures "5,177,161" and inserting in place thereof the figures "5,310,427";

In item 0330-0300 by striking out the figures "131,912,460" and inserting in place thereof the figures "134,412,460";

By striking out item 0330-0410 and inserting in place thereof the following item:

"0330-0410 For alternative dispute resolution services for the trial court; provided, that the services shall be made available to the extent possible in connection with child care, protection and custody proceedings in juvenile and probate courts; provided further, that not less than \$75,000 shall be expended for the Housing Services and Mediation Program operated by the Berkshire County Regional Housing Authority in Pittsfield; provided further that not less than \$60,000 shall be expended for North Central Court Services, Inc.; provided further, that not less than \$65,000 shall be expended for the North Shore Community Mediation Program in Salem; provided further, that not less than \$65,000 shall be expended for Metropolitan Mediation Services; provided further, that not less than \$62,811 shall be expended for Mediation Works, Inc; provided further, that not less than \$50,000 shall be expended for Quabbin Mediation in Athol; provided further, that not less than \$50,000 shall be expended for the Mediation and Training Collaborative of Franklin County in Greenfield; provided further, that not less than \$65,000 shall be expended for Framingham Court Mediation Services; provided further, that not less than \$60,000 shall be expended for the Cape Cod Dispute Resolution Center; provided further,

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Judiciary and
Public Safety.

that not less than \$65,000 shall be expended for the Community Dispute Settlement Center, Inc., of Cambridge; provided further, that not less than \$50,000 shall be expended for the Greater Brockton Center for Dispute Resolution; provided further, that not less than \$48,031 shall be expended for the Somerville Mediation Program; provided further, that not less than \$65,000 shall be expended for the Middlesex Multi-door Court House Program; and provided further, that not less than \$40,000 shall be expended for the Martha’s Vineyard Mediation Program; and provided further, that not less than \$42,737 shall be expended for Dispute Resolution Services, Inc. in the city of Springfield; and provided further, that not less than \$50,000 shall be expended for Community Mediation of Worcester

967,326”;

In item 0330-3200 by striking out the figures “59,614,924” and inserting in place thereof the figures “63,614,924”;

In item 0330-3333 by striking out the following: “; provided further, that of said \$20,000,000, \$4,000,000 may be transferred to line item 0330-3200 for the operation of the court security program”;

In item 0331-3400 by striking out the figures “1,940,875” and inserting in place thereof the figures “1,890,875”;

By striking out item 0331-3404;

In item 0332-4200 by striking out the figures “296,888” and inserting in place thereof the figures “405,888”;

In item 0332-7500 by striking out the figures “275,209” and inserting in place thereof the figures “384,209”;

In item 0333-0900 by striking out the figures “3,377,715” and inserting in place thereof the figures “3,310,161”;

In item 0337-0300 by adding the following: “; provided further, that \$145,841 shall be expended for the CASA program in the Springfield Juvenile Courts”;

In item 0337-0400 by adding the following: “; provided further, that \$72,920 shall be expended for the CASA program in the Worcester Juvenile Court”;

In item 0337-0600 by adding the following: “; provided further, that \$100,000 shall be expended for the CASA program in the Lawrence Juvenile Court”;

In item 0337-0700 by adding the following: “; provided further, that \$77,478 shall be expended for the Franklin/Hampshire CASA program, including the Northampton, Greenfield, Orange, and Ware District Courts”;

In item 0337-0800 by adding the following: “; provided further, that \$72,920 shall be expended for the CASA program in the Plymouth County Juvenile Courts”;

In item 0337-0900 by adding the following: “; provided further, that \$54,690 shall be expended for a Berkshire CASA program, in the Berkshire County Juvenile Courts”;

In item 0339-1001, in line 25, by inserting after the word “Laws” the following: “; provided further, that not less than \$100,000 shall be expended for the Central Massachusetts Probation Training Academy located in the town of Clinton for the purpose of maintaining current

staffing levels and/or providing additional staff at the discretion of the Commissioner” and in said item by striking out the figures “129,049,842” and inserting in place thereof the figures “133,921,389”;

In item 0339-1003 by striking out the following: “; provided, that not less than \$170,000 shall be expended for the relocation expenses of the Middlesex Community Corrections Center” and in said item by striking out the figures “5,862,043” and inserting in place thereof the figures “6,392,000”;

In item 0339-1004 by adding at the end thereof the following: “; provided, that not less than \$170,000 shall be expended for the relocation expenses of the Middlesex Community Corrections Center” and in said item by striking out the figures “16,199,621” and inserting in place thereof the figures “17,115,205”;

In item 0339-2100 by striking out the figures “2,310,457” and inserting in place thereof the figures “2,610,457”;

In item 0340-0100 by adding the following: “; provided further, that not less than \$150,000 shall be expended for additional support of the Gun Prosecution Task Force, otherwise known as the Gun Court; and provided further, that office shall submit a report to the house and senate committees on ways and means not later than March 1, 2008 detailing the number of cases prosecuted pursuant to said Gun Court” and in said item by striking out the figures “15,755,297” and inserting in place thereof the figures “15,905,297”;

In item 0340-0200 by striking out the figures “12,335,911” and inserting in place thereof the figures “12,355,911”;

By striking out item 0340-0900 and inserting in place thereof the following item:

“0340-0900 For the Bristol district attorney’s office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2007 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15(d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008 detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) total number of personnel from private law firms participating in the program; (2) name and address of the law firms;

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(3) duties performed by the personnel; and
(4) benefits and cost savings associated with the program; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2008 detailing the office’s use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) amount of the funds deposited into the office’s special law enforcement trust fund in fiscal years 2005, 2006 and 2007; (b) how the funds were used in those fiscal years; and (c) balance of the trust fund as of January 1, 2008; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer; and provided further, that not less than \$150,000 shall be expended for the purpose of establishing a pilot program for the purpose of providing classroom based educational programs in Bristol County schools to help prevent relationship violence which shall be administered by the Bristol district attorney 6,979,913”;

In item 0340-1000 by adding the following: “; and provided further, that not more than \$20,000 be expended for Cape & Islands Child Advocacy Center at Children’s Cove in Hyannis”;

In item 0340-1100 by adding the following: “; and provided further, that \$150,000 shall be expended for the operation and management of the Berkshire County Drug Task Force”;

In item 0340-2100 by striking out the figures “1,935,056” and inserting in place thereof the figures “1,985,056”;

In section 2 by striking out item 8000-0000 and inserting in place thereof the following item:

“8000-0000 For the office of the secretary, including the administration of the committee on criminal justice and the highway safety bureau to provide matching funds for a federal planning and administration grant pursuant to 23 U.S.C. section 402; provided, that not less than \$300,000 shall be expended for the purpose of a targeted control substance interdiction pilot program to be administered by the chiefs of police for the city of Revere and the town of Winthrop 2,669,090
General Fund15.0%
Highway Fund85.0%”;

By inserting after item 8000-0010 the following item:

“8000-0011 For a grant program to be known as the ‘Senator Charles E. Shannon, Jr. Community Safety Initiative’, to be administered by the executive office of public safety, to support regional, multi-disciplinary approaches to combat gang violence through coordinated programs for prevention and intervention; coordinated law enforcement, including regional gang task forces and regional crime mapping strategies; focused prosecutions; and reintegration strategies for ex-convicts; provided, that the secretary of public safety shall distribute grant funds through a competitive grant program that gives preference to applications that: (1) demonstrate high levels of youth violence, gang problems and substance abuse in a region; (2) demonstrate a commitment to regional, multi-jurisdictional strategies to deal with those community safety issues, including written commitments for municipalities, law enforcement agencies, community-based organizations and government agencies to work together; (3) clearly outline a comprehensive plan for municipalities to work with law enforcement, community-based organizations and government agencies to address gang activity; (4) make a written commitment to match grant funds with a 25 per cent match provided either by municipal or private contributions; and (5) identify a local governmental unit to serve as fiscal agent; provided further, that clusters of municipalities, in partnership with nonprofit organizations and other agencies, including district attorneys’ offices, shall be eligible to apply for these funds; provided further, that those funds shall be considered one-time and grants awarded to public agencies shall not annualize in fiscal year 2007; provided further, that administrative costs for successful grant applications shall not exceed 3 per cent of the value of the grant; provided further, that no grants shall be awarded to the department of state police; provided further, that no grant funds shall be expended on food or beverages; provided further that the executive office of public safety shall publish guidelines and an application for the competitive portion of the grant program not later than August 15, 2007 and that awards shall be made to applicants not later than December 15, 2007; provided further, that the executive office of public safety may expend not more than \$100,000 of the sum appropriated in this item for its costs in administering this program; provided further, that recipients of grants distributed from this item in fiscal year 2006 or fiscal year 2007 shall receive at least that amount in fiscal year 2008; provided further, that

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\$2,500,000 shall be expended for municipal public safety grants; provided further, that said municipal public safety grants shall be expended for, but not limited to, targeted police hiring and training; provided further, that grant recipients shall be determined by the secretary of public safety; provided further, that the executive office of public safety shall submit quarterly reports to the house and senate committees on ways and means detailing the amount of the grants awarded to recipients and descriptions of the grants; and provided further, that each grant recipient shall provide the executive office of public safety with a comprehensive list of the best practices that have been instituted as a result of these grants

13,500,000”;

By inserting after item 8000-0040 the following item:

“8000-0050 For the firefighting equipment grant program for fire departments of every city, town, fire district and authority of the commonwealth to be administered by the executive office of public safety; provided that grants shall be distributed to municipalities according to a formula giving equal weight to each municipalities population; provided further, that eligible fire safety equipment under this program shall include, but is not limited to, turnout gear, hand-held power lights, communication devices, telephones, personal alert safety systems, so- called, air packs, tanks, compressors, thermal imaging devices and computerized personnel accountability systems, but shall exclude firefighter apparatus and vehicles; provided further that grants awarded by said executive office to a municipality under said program shall not be utilized for the purpose of personnel costs unless such costs constitute 50 percent or less of the total grant award; provided further that no grant shall be awarded to the department of fire services; provided further that not later than February 1, 2008, the executive office of public safety shall submit a report to the house and senate committees on ways and means and to the secretary for administration and finance detailing the amount of grants awarded to said grant recipients and descriptions of said grants and each municipality will provide the executive office of public safety with a comprehensive list of the best-practices that have been instituted as a result of these grants

2,500,000”;

In item 8000-0110 by striking out the figures “6,335,012” and inserting in place thereof the figures “6,435,012”;

By inserting after item 8000-0202 the following item:

“8000-0619 For the distribution of grants for city and fire district student awareness of fire education programs, to be known as S.A.F.E. programs, which shall include information about the fire

risks caused by smoking; provided, that funds may be expended by the department of fire services for the purpose of performing grant related services and training	1,500,000
General Fund	50.0%
Highway Fund	50.0%”;

By striking out item 8200-0200 and inserting in place thereof the following item:

“8200-0200 For the operation of veteran, reserve and in-service training programs conducted by the municipal police training committee; provided, that the committee shall expend not less than \$250,000 in accordance with chapter 30B of the General Laws, for training and technical assistance for chiefs of police and administrative or command personnel by: a) a combination of training manuals, seminars, computer based training and distance learning; b) research, drafting and mailing of monthly articles and presentations on legal and administration topics; c) training presentations during and following monthly meetings of policy chiefs; d) e-mail, toll- free consultation to chiefs on administrative issues and follow-up on seminar topics; e) a state-wide 3 day training conference on management, legal and leadership issues; provided further, that under no circumstances shall any expenditures authorized by this item be charged to item 8200-0222; provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth’s obligation for the purpose of this item to exceed the amount appropriated in this item; and provided further, that not less than \$25,000 be provided for the purpose of additional rental and utility payments to the town of Boylston 3,339,036”;

By striking out item 8311-1000 and inserting in place thereof the following item:

“8311-1000 For the administration of the department of public safety, including the board of building regulations and standards and the architectural access board; provided, that the department may charge fees for permitting the operation of amusement devices and to support the department’s participation in the National Council for Amusement and Recreational Equipment Safety; provided further, that not less than \$150,000 shall be expended to the University of Massachusetts Lowell Environmental Health and Safety Department for the use of fire resistant intumescent/refractory paint; provided further, that the department may charge fees for amusement operator certification; and provided further, that the salaries of the commissioner and the deputy commissioner of the department of public safety shall be paid from this item 1,341,542”;

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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 and the Massachusetts firefighting 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 notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the administration of the department of fire services, the state fire marshal’s office and the Massachusetts firefighting academy 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 receiving notice of such assessment from the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the operation of the hazardous materials emergency response program 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 notwithstanding any general or special law to the contrary, funds scheduled in the PP object class, pursuant to section 27 of chapter 29 of the General Laws for this item in fiscal year 2008 shall not be transferred to any other object class in said fiscal year; provided further, that not more than 10 per cent of the amount designated for the arson prevention program shall be expended for the administrative cost of the program; provided further, that \$100,000 shall be expended to Norfolk County to maintain and improve services of the Norfolk County Regional Fire and Rescue Dispatch Center; provided further, that not less than \$100,000 shall be expended for the administration of a statewide program to provide for critical incident stress intervention for the fire departments of the cities, towns, and fire districts of the commonwealth including, but not limited to, consultant services, training, equipment and supplies; provided further, that the expenses of the board of fire prevention regulations, under section 4 of chapter 22D of the

General Laws, shall be paid from this item; provided further, that the expenses of the fire safety commission shall be paid from this item 11,422,852”;

In section 2 by striking out item 8800-0300 and inserting in place thereof the following item:

“8800-0300 For environmental monitoring of the nuclear power plant in Seabrook, New Hampshire including a continuous real-time radiological monitoring system for Massachusetts cities and towns located within the emergency planning zone of the nuclear power plant; provided, that the cost of this item, including any applicable fringe benefits and indirect costs, shall be assessed on electric companies in Massachusetts which own, in whole or in part, or purchase power from the Seabrook nuclear power plant; provided further, that the department of telecommunications and energy shall develop an equitable method of apportioning such assessments among the licensees; provided further, that such assessments shall be paid during the current fiscal year as provided by the department; provided further, that for the purposes of said item, electric companies shall be defined as all persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth; provided further, that the term ‘electric companies’ shall not include municipalities or municipal light plants; provided further, that not less than \$75,000 shall be expended for Phase 3 of the monitoring update for C-10 of Newburyport; provided further, that this expense shall be apportioned according to the formula stated above; and provided further, that the department shall report to the house and senate committees on ways and means not later than March 1, 2008 the results of the monitoring project between the department and the citizens monitoring group, including but not limited to, the reasons for increases and decreases in radiation levels 165,356”;

In section 2 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 the department shall expend not less than \$1,010,500 to cities and towns hosting facilities; provided further, that one-half of the number of inmates incarcerated at Souza Baranowski correctional center shall be deemed to be incarcerated within a correctional facility in the town of Shirley and one-half shall be deemed to be incarcerated within a correctional facility in the town of Lancaster; provided further, that before

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closing any correctional facility, the commissioner of corrections and the secretary of public safety shall report to the house and senate committees on ways and means and public safety on the per-inmate cost of incarceration in the closing facility, and the per-inmate cost in the facilities to which inmates will be moved; provided further, the commissioner of corrections and the secretary of public safety shall report to the house and senate committees on ways and means and public safety before January 1 of each year 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 the department may expend funds appropriated in this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the military division, the parole board and the sex offender registry board; provided further, that the department shall expend not less than \$750,000 to the community hosting the facility at Cedar Junction; provided further, that not less than \$150,000 shall be expended to the Black Men of Greater Springfield, Inc., so-called, in Springfield to act as the lead agency for programs to reduce incarcerations, recidivism, gang-violence, and promote good citizenship; provided further, that not less than \$80,000 shall be provided for the Dismas House so-called, in the city of Worcester; provided further, that not less than \$192,000 shall be expended to the community that hosts the Bay State Correctional Center; provided further, that not less than \$200,000 shall be provided for the Aid to Incarcerated Mothers organization 473,918,601”;

By striking out item 8900-1100 and inserting in place thereof the following item:

“8900-1100 For re-entry programs at the department of corrections intended to reduce recidivism rates; provided, that said programs shall be in addition to those provided in fiscal year 2006; and provided further, that not less than \$200,000 be expended for the operation of SPAN, Inc. 1,200,000”;

By striking out item 8910-0000 and inserting in place thereof the following item:

“8910-0000 For a reserve to fund county correctional programs; provided, that funds appropriated in this item shall be distributed among the sheriffs departments of Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth and Suffolk counties by the county government finance review board upon prior notification to the house and senate committees on ways and means; provided further,

that funds appropriated in this item shall be in addition to and contingent on item 1599-7092; provided further, that funds made available to Plymouth county may be expended for operating and debt service costs associated with state inmates housed in the Plymouth county facility, pursuant to clauses 3 and 4 of the Memorandum of Agreement signed May 14, 1992; provided further, that funds distributed from this item shall be paid to the treasurer of each county who shall place the funds in a separate account within the treasury of each such county; provided further, that the treasurer shall authorize temporary transfers into this account for operation and maintenance of jails and houses of correction in advance of receipt of the amount distributed by the commonwealth under this item; provided further, that upon receipt of the state distribution, the treasurer may transfer out of such account an amount equal to the funds so advanced; provided further, that all funds deposited in such accounts and any interest accruing thereto shall be used solely for the functions of the sheriffs' departments of the various counties including, but not limited to, maintenance and operation of jails and houses of correction, without further appropriation; provided further, that the sheriff's department of each county shall reimburse the county treasurer of each county for personnel-related expenses, with the exception of salaries, attributable to the operations of the sheriff's department of each county heretofore paid by the county including, but not limited to, the cost of employee benefits; provided further, that the spending plans required by this item shall be developed by the county government finance review board, in consultation with the Massachusetts Sheriffs' Association; provided further, that in accordance with section 247 of chapter 38 of the acts of 1995, all spending plans shall be detailed by object class and object code in accordance with the expenditure classification requirements promulgated by the comptroller; provided further, that such spending plans shall be accompanied by a delineation of all personnel employed by each county correctional facility including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that such spending plans shall be accompanied by a delineation of all vehicles leased, owned or operated by each county sheriff; provided further, that no sheriff shall purchase any new vehicles or major equipment in fiscal year 2008 unless such purchase is made pursuant to a multicounty or regionalized collaborative procurement arrangement or unless such purchase

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is directly related to significant population increase or is otherwise necessary to address an immediate and unanticipated public safety crisis and is approved by the county government finance review board and the executive office of public safety; provided further, that notwithstanding the other provisions in this item, sheriffs may purchase 'marked' prisoner transportation vans, upon notification to the county government finance review board; provided further, that notwithstanding any special law to the contrary, no county treasurer shall retain revenues derived by the sheriffs from commissions on telephone service provided to inmates or detainees; provided further, that the revenues shall be retained by the sheriffs not subject to further appropriation for use in a canteen fund; provided further, that the county government finance review board and the executive office of public safety shall identify and develop county correction expenditures which shall be reduced through shared contracts, regionalized services, bulk purchasing and other centralized procurement savings programs; provided further, that the daily count sheet for county facilities, compiled by the executive office of public safety, shall be filed with the Massachusetts Sheriffs' Association not less than monthly; provided further, that all revenues including, but not limited to, revenue received from housing federal prisoners, United States Marshals, canteen revenues, inmate industries and work-crew revenues shall be tracked and reported quarterly to the house and senate committees on ways and means and the Massachusetts Sheriffs' Association; provided further, that on or before August 15, 2007, each county sheriff shall submit a final spending plan for fiscal year 2008 to the county government finance review board and the house and senate committees on ways and means detailing the level of resources deemed necessary for the operation of each county correctional facility and the expenditures which shall be reduced to remain within the appropriation; provided further, that failure by a county sheriff to comply with any provision of this item shall result in a reduction of subsequent quarterly payments to amounts consistent with a rate of expenditure of 95 per cent of the rate of expenditure for fiscal year 2007, as determined by the county government finance review board; provided further, that each sheriff shall submit to the executive office of public safety and the house and senate committees on ways and means copies of such spending plans not later than August 15, 2007; provided further, that \$60,000 shall be expended for the operation of the Barnstable County Sheriff's Office Reentry

Program; provided further, that on or before September 15, 2007, the county government finance review board shall have approved final fiscal year 2008 county correction budgets; provided further, that the county government finance review board shall provide the executive office of public safety and the house and senate committees on ways and means with copies of such approved budgets not later than October 15, 2007; provided further, that such budgets shall include distribution schedules for the final two quarters of fiscal year 2008 and such plans shall be used to make all subsequent quarterly distributions; provided further, that services shall be provided to the extent determined to be possible within the amount appropriated in this item and each sheriff shall make all necessary adjustments to ensure that expenditures do not exceed the appropriation; provided further, that each county shall expend during fiscal year 2008, for the operation of county jails and houses of correction and other statutorily authorized facilities and functions of the office of the sheriff, in addition to the amount distributed from this item, not less than 102.5 per cent of the amount expended in fiscal year 2007 for such purposes from own-source revenues, which shall not be less than 5 per cent of total county revenues including, but not limited to, amounts levied pursuant to sections 30 and 31 of chapter 35 of the General Laws and amounts provided pursuant to sections 11 to 13, inclusive, of chapter 64D of the General Laws; provided further, that in fiscal year 2008, those counties which have not met maintenance of effort obligations in prior fiscal years shall expend not less than the minimum contribution, as defined above from own-source revenues; provided further, that notwithstanding the provisions stated in this item, the maintenance of effort obligations for Suffolk county shall be 4 per cent of the total fiscal year 2008 Suffolk county correction operating budget as approved by the county government finance review board; provided further, that notwithstanding any general or special law to the contrary, the deputy commissioner of local services shall certify on or before May 15, 2008 that all municipalities have appropriated and transferred to their respective county treasuries, not less than 102.5 per cent of the municipality's prior year obligations or minimum contributions as defined above, whichever is greater, for county corrections; provided further, that if a municipality fails to transfer such obligation, the deputy commissioner shall withhold an amount equal to the shortfall in the obligation due to the county from such municipality's fourth quarter

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local aid ‘cherry sheet’ distribution, authorized from item 0611-5500 of section 2 and from funds made available from the State Lottery Fund distribution in section 3; provided further, that on or before August 1, 2007, the deputy commissioner shall report all such withholdings to the house and senate committees on ways and means; provided further, that in fiscal year 2008, notwithstanding section 20A of chapter 59 of the General Laws, any county except Suffolk and Nantucket may increase its county tax for the fiscal year by an additional amount if the total amount of such additional county tax is approved by two- thirds of the cities and towns in the county, in towns by a majority vote of the town meeting or town council, and in cities by a majority vote of the city council or board of aldermen, with the approval of the mayor or manager; and provided further, that each sheriff funded from this item shall report on a monthly basis to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than September 30, 2007 150,408,130”;

and in item 8910-7101 by striking out the figures “294,975” and inserting in place thereof the figures “344,400”; and

By adding the following two sections:

“SECTION 49. Section 16A of chapter 221 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the second sentence thereof.

SECTION 50. Section 28D of chapter 278 of the General Laws, as appearing in the 2004 Official Edition, is hereby repealed.”.

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 Ms. St. Fleur of Boston; and on the roll call 158 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 66 in Supplement.]

Therefore the amendments were adopted.

At eight minutes after two o’clock P.M. (Wednesday, April 25), on motion of Ms. Khan of Newton (Ms. Kaprielian of Watertown being in the Chair), the House recessed until half past three o’clock; and at twenty-two minutes after four o’clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Subsequently, Mr. Tobin of Quincy being in the Chair, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Tobin), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 156 members were recorded as being in attendance.

[See Yeas and Nays No. 67 in Supplement.]

Therefore a quorum was present.

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yea and nay
No. 66.

Recess.

Quorum.

Quorum,—
yea and nay
No. 67.

Mr. Hynes of Marshfield then moved to amend the bill in section 34, in line 8, by striking out the figure “3” and inserting in place thereof the figure “3.3”; and after remarks the amendment was rejected.

At five minutes after six o’clock P.M. (Wednesday, April 25), on motion of Mr. Kane of Holyoke (Mr. Tobin of Quincy being in the Chair), the House recessed until the hour of seven o’clock P.M.; and at twenty-three minutes before eight o’clock the House was called to order with Mr. Tobin in the Chair.

Recess.

After remarks Mr. Jones of North Reading and other members of the House moved to amend the bill by inserting after section 8C (inserted by amendment) the following section:

Return of unused medication.

“SECTION 8D. Chapter 111 of the General Laws, as appearing the 2004 Official Edition, is hereby amended by striking out section 25I and inserting in place thereof the following section:—

Section 25I. The commissioner shall promulgate regulations requiring that either a resident or consultant pharmacist in a health care facility shall return to the pharmacy from which it was purchased all unused medication; provided that such medication is sealed in unopened, individually packaged units and within the recommended period of shelf life, and provided that such medication is not a schedule I or II controlled substance as defined in chapter 94C. Such pharmacies shall accept all such unused medications regardless of whether such medications are included on any list of unit-dose drugs issued by the department or the division of medical assistance. Any rules and regulations issued by the commissioner shall permit the pharmacy to which such medication is returned to restock and redistribute such medication. The pharmacy shall be required to reimburse or credit the purchaser for any such returned medication.”.

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. Rogeness of Longmeadow; and on the roll call 28 members voted in the affirmative and 130 in the negative.

Return of unused medication amendment rejected,—yea and nay No. 68.

[See Yea and Nay No. 68 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 2 by inserting after item 0810-0013 the following two items:

Executive Office of Energy Affairs,—reorganization.

“0810-0014	For the operation of public utilities proceedings unit, pursuant to section 11E of chapter 12 of the General Laws	1,611,701
0810-0017	For the expenses related to judicial proceedings relevant to the fuel charge pursuant to section 94G of chapter 164 of the General Laws and such other proceedings as may be reasonably related to the section; provided, that the assessment levied for such expense shall be credited to the General Fund	73,500”;

Executive Office of Energy Affairs,—reorganization.

By inserting after item 2030-1004 the following three items:

“2100-0012	For the operations of the department of public utilities; provided, that notwithstanding the second sentence of the first paragraph of section 18 of chapter 25 of the General Laws, the assessment levied for fiscal year 2008 under that paragraph shall be made at a rate sufficient to produce	6,261,233
2100-0013	For the operation of the transportation division	584,812
2100-0014	The department of public utilities may expend for the operations of the energy facilities siting board an amount not to exceed \$75,000 from application fees collected in fiscal year 2008 and prior fiscal years from utility companies	75,000”;

By striking out items 2900-0100, 2900-0200, 2900-0300, 2900-0400, 2900-0500 and 6200-0100;

By inserting after item 7006-0068 the following item:

“7006-0071	For the operation of the department of telecommunications and cable	2,446,137”;
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and by inserting after item 7006-0110 the following three items:

“7006-1001	For the operation of the division of energy resources	1,002,472
7006-1002	For the operation of the residential conservation service program pursuant to chapter 465 of the acts of 1980	199,330
7006-1003	For the operation of the division of energy resources; provided, that notwithstanding any general or special law to the contrary, the amount assessed under section 11H of chapter 25A of the General Laws shall be equal to the amount expended from this item	441,404”.

Executive Office of Energy Affairs reorganization amendments rejected,—yea and nay No. 69.

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. Jones; and on the roll call 30 members voted in the affirmative and 128 in the negative.

[See Yea and Nay No. 69 in Supplement.]

Therefore the amendments were rejected.

Suspension of Rule 1A.

The Chair (Mr. Tobin of Quincy) 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,—yea and nay No. 70.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 135 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 70 in Supplement.]

Therefore Rule 1A was suspended.

Renewable energy portfolio standard.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 6 the following three sections:

“SECTION 6A. Section 3 of chapter 25A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by insert-

ing after the term ‘Energy management services’ the following definition:—

‘Incremental new hydroelectric generation’, the percentage increase in average annual electricity production attributable to efficiency improvements or additions to capacity placed in service at a hydroelectric facility after December 31, 2000, as certified by the division relative to the historical generation for each eligible hydroelectric facility; provided, however, that historical generation for each eligible hydroelectric facility shall be calculated by the division based on the average electricity generated annually at the facility during the 10 years prior to the capacity addition or efficiency improvements, or the life of the facility, whichever is shorter. In no event shall an energy generation which would have existed in the absence of efficiency improvements or additions to capacity be considered incremental new hydroelectric generation for the purpose of this chapter.

SECTION 6B. Section 11F of said chapter 25A, as so appearing, is hereby amended by striking out in lines 15 through 17, inclusive, the words ‘and (iii) an additional 1 per cent of sales every year thereof until a date determined by the division of energy resources’ and inserting in place thereof the following:—

‘(ii) an additional 1 percent of sales every year thereof until December 31, 2011; (iv) an additional 2 percent of sales every year thereof until December 31, 2016; and (v) an additional 3 percent of sales every year thereof until December 31, 2019. Beginning January 1, 2008 the division of energy resources shall submit to the clerk of the senate and the house of representatives an annual report regarding the status of the renewable energy portfolio standard outlining the division’s legislative recommendations needed to advance the production of renewable energy generating sources in the Commonwealth. The division of energy resources shall increase the scheduled minimum percentage of kilowatt-hours sales to end-use customers, outlined in clauses (i) through (v), inclusive, if it is determined by the division that such percentages are easily obtained and may be increased without an increased cost to the end-use customers of the Commonwealth.’

SECTION 6C. Section 11F of said chapter 25A, as so appearing, is hereby amended, in line 33, by inserting after the words ‘clauses (vi) and (vii) herein’, the following:—, but shall include incremental new hydroelectric generation which does not involve pumped storage of water or any new impoundment or diversion of water, and where such facility meets the requirements for classification as low impact hydropower as certified by the Low Impact Hydropower Institute or as certified by the division in accordance with comparable environmental certification standards.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 25 members voted in the affirmative and 133 in the negative.

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

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 4 the following section:

Renewable energy portfolio standard amendment rejected,—yea and nay No. 71.

Energy efficiency emission reduction.

Energy efficiency emission reduction.

“SECTION 4A. Section 43F½ of chapter 7 of the General Laws, as so appearing the 2004 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following:—

The division of capital asset management and maintenance shall evaluate the potential for increasing the energy efficiency and reduction emissions in each building owned by an authority or state agency, or leased by such authority or agency for at least a ten year period. The division shall report on its findings biannually to the legislature beginning January 1, 2008. Energy efficiency emission reduction measures, as used by this section shall include, but not limited to, heating, air-conditioning, lighting, water, and electric systems powered by coal, electricity, natural gas, and oil. Where energy cost savings resulting from the implementation of energy saving improvements would exceed the cost of installing said improvements within five years of installation, the agencies and authorities shall install such improvements no later than July first of that year; provided however, that all buildings owned by an authority or state agency, or leased by such authority or agency for a period of at least ten years, and heated by a petroleum heating-oil boiler shall use a minimum fuel blend of five percent biodiesel and 95 percent petroleum heating-oil by December 31, 2009.”; and by inserting after section 7 the following section:

“SECTION 7A. Section 36 of chapter 30 of the General Laws, as so appearing, is hereby amended by adding after the first paragraph the following new paragraph:—

Such regulations shall include the use of alternative fuels, as defined by section 3 of chapter 25A, by appropriate state-owned motor vehicles. The commissioner shall also establish regulations determining the appropriate alternative fuel for each vehicle according to the following schedule: (i) a minimum fuel blend of five percent biodiesel and 95 percent petroleum diesel shall be used by all diesel-powered vehicles owned by the state by fiscal year 2008; and (ii) a minimum fuel blend of 20 percent biodiesel and 80 percent petroleum diesel shall be used by all diesel-powered vehicles and a minimum fuel blend of 85 percent ethanol and 15 per cent gasoline be shall be used by all gasoline-powered or flex-fuel vehicles owned by the commonwealth by fiscal year 2010; provided however, that an office, department, board, commission or institution may apply for a waiver during the winter months exempting the vehicle from fuel requirements if it can be proven that the required fuel blend will alter the performance of the vehicle. For the purpose of this section, ‘appropriate state-owned vehicles’ shall mean any vehicle owned by the commonwealth that may be fueled by an alternative fuel or alternative fuel blend, without altering the performance of the vehicle.”.

The amendments were rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following twenty-six sections:

“SECTION 51. Chapter 7, as appearing in the 2004 Official Edition, is hereby amended by adding the following new section:—

Section 22N. Notwithstanding the provisions of section 22 of this chapter, when purchasing new motor vehicles, the commonwealth shall purchase hybrid or alternative fuel vehicles to the maximum

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feasible extent at a rate of not less than 5 percent annually for all new motor vehicle purchases in order that, taking into account the existing number of such vehicles owned and operated by the commonwealth, not less than 50 percent of the motor vehicles owned and operated by the commonwealth are hybrid or alternative fuel vehicles by the year 2010. The division of operational services shall forward to the division of energy resources all requests for motor vehicle acquisitions by agencies of the commonwealth. The division shall thereafter report to the division of operational services regarding the availability of a hybrid or alternative fuel vehicle that will feasibly achieve the intended use designated by the requesting agency. The division shall develop a system of protocols for reporting to the division of operational services for the acquisition of alternative fuel vehicles and hybrids, including identifying the potential for acquisition of heavy, medium and light-duty vehicles, based on the anticipated mileage and usage of such vehicles, and the effectiveness of single fuel or dual fuel alternative fuel vehicles for the particular purpose identified. The division shall submit in writing to the secretary of administration and finance, the clerks of the senate and house of representatives and the joint committee on state administration and regulatory oversight an annual statement detailing the progress, as well as any additional information relevant to the acquisition of hybrid or alternative fuel vehicles by the commonwealth.

SECTION 52. Section 3 of chapter 25A of the General Laws, as so appearing, is hereby amended by inserting in their appropriate alphabetical sequence the following definitions:

‘Aftermarket conversion’, a converted vehicle originally designed to operate on gasoline that has been altered to run on an alternative fuel exclusively or in combination with gasoline.

‘Alternative fuel refueling station’, any platform that provides for the delivery of alternative fuels.

‘Alternative fuel vehicle’, a vehicle powered by alternative fuel. An alternative fuel vehicle shall have the following attributes: (1) the capability of operating only on an alternative fuel; (2) original use commencing with the taxpayer; and (3) acquisition by the taxpayer for use or lease, but not for resale.

‘Alternative fuels’, biodiesel, electricity, ethanol, hydrogen, methanol, natural gas and propane.

‘Biodiesel’, renewable fuel that can be manufactured from vegetable oils, animal fats, or recycled restaurant greases, including both biodiesel blends and pure forms, including B20 20 percent neat biodiesel and 80 percent petroleum diesel.

‘Electricity’, transportation fuel to power battery electric and fuel cell vehicles.

‘Ethanol’, an alcohol-based alternative fuel produced by fermenting and distilling starch crops that have been converted into simple sugars. Specifically, blends such as 85 percent ethanol and 15 percent gasoline, E85, shall be considered an alternative.

‘Heavy duty vehicle’, a vehicle with a gross vehicle weight rating, GVWR, equal to or greater than 40,001 pounds GVWR.

‘Hybrid vehicle’, (1) a vehicle which draws propulsion energy from onboard sources of stored energy which are both: (i) an internal combustion or heat engine using combustible fuel; and (ii) a rechargeable

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energy storage system; (2) a vehicle which, in the case of a passenger automobile, medium duty passenger vehicle or light truck: (i) for 2002 and later model vehicles, has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year; (ii) for 2004 and later model vehicles, has received a certificate that the vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle; and (iii) and achieves an increase of 10 percent fuel efficiency as compared to the average vehicle of its class as defined by the federal Environmental Protection Agency.

'Hydrogen', a fuel which is in a gaseous state at atmospheric pressure and ambient temperatures containing low levels of carbon monoxide and carbon dioxide for use in combustion engines and fuel cell electric vehicles.

'Light duty vehicle', a vehicle with a gross vehicle weight rating, GVWR, of 0 to 10,000 pounds.

'Medium duty vehicle,' a vehicle with a gross vehicle weight rating, GVWR, of 10,001 to 40,000 pounds.

'Methanol', a wood alcohol used as an alternative fuel in flexible fuel vehicles that run on M85, a blend of 85 percent methanol and 15 percent gasoline.

'Natural gas', applications as stored onboard a vehicle as compressed natural gas, CNG, at 3,000 or 3,600 pounds per square inch or as liquefied natural gas, LNG, at typically 20 to 150 pounds per square inch.

'Propane' liquefied petroleum gas, LPG.

'Regional transit authority', as established pursuant to chapter 161 and chapter 161B.

SECTION 53. Chapter 21A of the General Laws, as so appearing, is hereby amended by adding the following section:—

Section 3F. The commissioner shall annually, on or before November 15, publish a list of vehicles sold within the commonwealth which are eligible to receive an exemption from certain percentages of the sales tax and the percentage reduction in the sales tax assessed under section 2 of chapter 64H to which they shall be entitled in the following taxable year. The commissioner shall establish a list and provide a schedule of sales tax exemptions for vehicles based upon their fuel mileage ratings as determined by the United States Environmental Protection Agency, based on a formula annually updated which reflects: (a) a vehicle's mileage relative to other vehicles within its passenger seating class; and (b) the percentage of the vehicle that is American-made. The commissioner shall provide exemptions for the following classes of vehicles: 2 and 4-passenger vehicles, 5-passenger vehicles and vehicles that seat 6 or more passengers. The commissioner shall design the list so that no vehicle which is less than 60 percent as efficient, for 2 to 4 and 5-passenger vehicles, and 70 percent as efficient, for 6-passenger and more vehicles, as the best vehicle in its respective class receives the sales tax exemption. The commissioner may, after issuing a draft determination and holding a public hearing,

raise the level below which a vehicle shall not qualify for benefits. The list shall be made available for public comment not later than November 1 of each year and the commissioner shall determine what shall be included on the final list. The final list shall be distributed to boards of assessors and tax collectors within each municipality.

SECTION 54. Said chapter 25A, as so appearing, is hereby amended by inserting after section 11F the following new section:—

Section 11F½. (a) The division of energy resources shall establish a renewable fuel standard for all fuel distributors, as defined by section 1 of chapter 64A, selling fuel in the commonwealth. By December 31, 2007, the division shall determine the actual percentage of fuel sales in the commonwealth which contains alternative fuels. Every distributor shall provide a minimum percentage of alternative fuels to retail suppliers in the commonwealth, according to the following schedule: (i) an additional two percent of sales by December 31, 2009, or one calendar year from the final day of the first month in which the average cost of any alternative fuel is found to be within five percent of the overall spot-market price per gallon for fuel sold in the commonwealth, whichever is sooner; (ii) an additional one percent of all sales each year thereafter until December 31, 2013; (iii) an additional two percent of all sales each year thereafter until December 31, 2017, (iv) an additional two percent of all sales each year thereafter until December 31, 2019, and (v) beginning January 1, 2020, an additional percentage to be determined by the division for each subsequent year.

(b) Beginning January 1, 2008 the division of energy resources shall submit to the clerk of the senate and the house of representatives an annual report regarding the status of the renewable fuel standard outlining the division's legislative recommendations needed to advance the production of alternative fuel in the commonwealth. The division shall increase the scheduled minimum percentage of alternative fuel sales, outlined in clauses (i) through (v), inclusive, if it is determined by the division that such percentages are easily obtained and may be increased without an increased cost to the end-use customers of the commonwealth.

SECTION 55. Said chapter 25A, as so appearing, is hereby further amended by inserting after section 11I the following 2 sections:—

Section 11J. There shall be established and set up on the books of the commonwealth an Energy Independence Grant Fund to be used, subject to appropriation for the purpose of encouraging the purchase, lease, aftermarket conversion and use of hybrid and alternative fuel vehicles, including heavy, medium and light duty vehicles that use either a single fuel or dual fuels, by cities and towns, school districts and regional transit authorities. The grants may be used for the purpose of matching federal grants. In addition, the grants may be expended pursuant to cooperative purchasing agreements with other entities. Funds expended shall, to the extent possible, maximize reimbursement from federal or other sources. The fund shall consist of any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited to it. The fund shall encourage, support and foster the development of hybrid and alternative fuel vehicles in order to promote increased autonomy from fossil fuels, to

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mitigate the fiscal impact of the high cost of fuel on cities and towns and to provide environmental benefits through the reduction of carbon dioxide and carbon monoxide emissions.

Section 11K. (a) The division shall receive applications for grants from the fund from cities and towns, school districts and regional transit authorities and award grants to assist any of them in the purchase or lease of hybrid and alternative fuel vehicles or for the aftermarket conversion of conventional fuel vehicles for municipal or regional transit purposes. The division shall develop a scoring system to serve as the basis for the evaluation and the determination of awarding grants pursuant to this section. The scoring system shall determine the maximum grant amount available for a specific application. The scoring system shall be based upon the type of vehicle being acquired or retrofitted, the cost, the type of use anticipated, fuel economy, range and the anticipated useful life of a vehicle and shall employ the federal standards set forth in the Corporate Average Fuel Economy provision of the Energy Policy Conservation Act of 1975 and any other applicable federal standards. The scoring system shall designate the amount of assistance available to a municipality, school district or regional transit authority based upon those factors and the division may award grants up to that amount commensurate with said factors. In awarding grants, the division shall give consideration to applications from cities and towns, school districts and regional transit authorities from diverse geographic regions. A city or town, school district or regional transit authority which is awarded a grant under this program shall submit an annual report to the division identifying and detailing: (1) the type of the hybrid or alternative fuel vehicle purchased, leased or converted; (2) the usage and any cost savings to the city or town, school district or regional transit authority associated with the reduction of use of standard gasoline from the use of the vehicle; and (3) any environmental benefits from, but not limited to, the reduction in emissions. (b) A city or town, school district or regional transit authority shall apply for a fund grant in the manner specified by the commissioner. (c) The division shall promulgate policies, rules and regulations to implement this section. The commissioner shall file the policies, rules and regulations with the joint committee on state administration and regulatory oversight for review and comment not later than 30 days before the effective date of any policies, rules and regulations. (d) Not less than \$100,000 shall be expended from the fund for the Massachusetts Maritime Academy for a pilot program to utilize wind energy technology to create on-site, hydrogen-based electricity to reduce the high cost of energy at public institutions of higher education. The academy shall use the funds to develop a hydrogen-based, fuel cell powered tug boat.

SECTION 56. The General Laws, as so appearing, are hereby amended by inserting after chapter 21I the following new chapter:—

CHAPTER 21L.

Section 1. For the purposes of this chapter, the following terms have the following meanings:

‘Department’, the department of environmental protection.

'Consumer information requirement', point-of-sale information or signs that are conspicuously displayed, readily accessible, and written in a manner that can be easily understood by the consumer. 'Consumer information requirement' shall not include mandatory labeling, imprinting, or other marking, on an individual tire by the tire manufacturer or the tire retailer.

'Cost effective', the cost savings to the consumer resulting from a replacement tire subject to an energy efficiency standard that equals or exceeds the additional cost to the consumer resulting from the standard, taking into account the expected fuel cost savings over the expected life of the replacement tire.

'Replacement tire', a tire sold in the state that is designed to replace a tire sold with a new passenger car or light-duty truck. 'Replacement tire' shall not include any of the following tires:

- (1) A tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually.
- (2) A deep tread, winter-type snow tire, a space-saver tire, or a temporary use spare tire.
- (3) A tire with a nominal rim diameter of 12 inches or less.
- (4) A motorcycle tire.
- (5) A tire manufactured specifically for use in an off-road motorized recreational vehicle.

Section 2. On or before July 1, 2008, the department shall develop and adopt all of the following:

(a) A database of the energy efficiency of a representative sample of replacement tires sold in the state, based on test procedures adopted by the department.

(b) Based on the data collected pursuant to subdivision (a), a rating system for the energy efficiency of replacement tires sold in the state that will enable consumers to make more informed decisions when purchasing tires for their vehicles.

(c) Based on the test procedures adopted pursuant to subdivision (a) and the rating system established pursuant to subdivision (b), requirements for tire manufacturers to report to the department the energy efficiency of replacement tires sold in the state.

(d) If another state has created identical programs, the department may work with that state to adopt those programs for Massachusetts.

Section 3. On or before July 1, 2010, the department shall, after appropriate notice and workshops, adopt and implement, on or before July 1, 2011, a tire energy efficiency program of statewide applicability for replacement tires, designed to ensure that all replacement tires sold in the state are at least as energy efficient as tires sold in the state as original equipment on new passenger cars and light-duty trucks.

Section 4. (a) The program described in Section 3 shall include all of the following:

(1) The development and adoption of minimum energy efficiency standards for replacement tires, except to the extent that the department determines that it is unable to do so in a manner that complies with subparagraphs (A) to (D), inclusive. Energy efficiency standards adopted pursuant to this paragraph shall meet all of the following conditions:

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- (A) Be technically feasible and cost effective.
- (B) Not adversely affect tire safety.
- (C) Not adversely affect the average tire life of replacement tires.
- (D) Not adversely affect the management of scrap tires in the commonwealth.

(2) The development and adoption of consumer information requirements for replacement tires for which standards have been adopted pursuant to paragraph (1).

(b) The energy efficiency standards established pursuant to paragraph (1) of subdivision (a) shall be based on the results of laboratory testing and, to the extent it is available and deemed appropriate by the department, an on road fleet testing program developed by tire manufacturers in consultation with the department, conducted by tire manufacturers, and submitted to the department on or before January 1, 2009.

(c) If the department finds that tires used to equip an authorized emergency vehicle are unable to meet the standards established pursuant to paragraph (1) of subdivision (a), the department shall authorize an operator of an authorized emergency vehicle fleet to purchase for those vehicles tires that do not meet those standards.

(d) The department shall review and revise the program including any standards adopted pursuant to the program, as necessary, but not less than once every three years. The department may not revise the program or standards in a way that reduces the average efficiency of replacement tires.

SECTION 57. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out clause forty-fifth, and inserting in place thereof the following clause:—

‘Forty-fifth, Any renewable energy source, as defined by subsection (b) of section 11F of chapter 25A, which is being utilized as a primary or auxiliary power system for the purpose of heating or otherwise supplying the energy needs of property taxable under this chapter; provided however, that the exemption under this clause shall be allowed only for a period of twenty years from the date of the installation of such source.’

SECTION 58. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby further amended by adding after clause Forty-fifth A, the following new clause:—

‘Forty-fifth B. In determining the valuation, for city and town tax purposes, of any property taxable under this section, the value of improvements on or to the property due to the installation of a biofuel blending or storage tank shall not be included; provided however, that the exemption under this clause shall be allowed only for a period of twenty years from the date of the installation of such blending or storage tanks and that such biofuel blended or stored in such tanks shall not be available for resale. The division of local services, in consultation with the division of energy resources, shall promulgate regulations regarding the implementation of this clause, including the definitions for qualifying biofuel blending and storage tanks.’

SECTION 59. Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as so appearing, is hereby amended by inserting after subparagraph 9 the following subparagraph:—

(9½) For taxable years beginning on or after January 1, 2007, in the case of an individual who purchases a hybrid or alternative fuel vehicle, as those terms are defined in section 3 of chapter 25A, there shall be a deduction in the amount of \$2,000 for a single person, for a person who qualifies as a head of household under section 2(b) of the Code or for a husband and wife in the taxable year in which the purchase is made. The department of revenue may require a proof of purchase to be submitted with a return in order to be eligible for the deduction.

SECTION 60. Section 31A of chapter 63 of the General Laws, as so appearing, is hereby amended by inserting after the word 'fishing', in lines 4 and 24, the following words:— or a corporation primarily engaged in the development, construction or operation of an alternative fuel refueling station, and the development of alternative fuels, as those terms are defined in section 3 of chapter 25A.

SECTION 61. Said chapter 63, as so appearing, is hereby further amended by inserting after section 31C the following 2 sections:—

Section 31C½. A corporation which maintains a motor vehicle fleet equal to or in excess of 50 vehicles, including those of carriers licensed pursuant to chapter 159B, and purchases, leases or performs an aftermarket conversion, as that term is defined in section 3 of chapter 25A, of a conventional fuel vehicle to an alternative fuel vehicle, as that term is defined in said section 3 of said chapter 25A, and maintains the alternative fuel vehicle, and which corporation is a domestic or foreign corporation under subparagraph 1 or 2 of section 30, may receive a credit against its excise due under this chapter. The amount of the credit shall be equal to 50 percent of the difference between the purchase price or the cost of the aftermarket conversion of the alternative fuel vehicle and the listed purchase price of a gasoline-powered vehicle of like quality during the taxable year of the purchase. A corporation which does not maintain at least 10 percent of its fleet as alternative fuel vehicles or hybrid vehicles, as those terms are defined in said section 3 of said chapter 25A, shall not be eligible for the credit.

Section 31C¾. A corporation, licensed as a common carrier of passengers under chapter 159A, which maintains a motor vehicle fleet equal to or in excess of 25 vehicles and purchases, leases or performs an aftermarket conversion, as that term is defined in section 3 of chapter 25A, of a conventional fuel vehicle to an alternative fuel vehicle, as that term is defined in section 3 of chapter 25A, and maintains the alternative fuel vehicle, and which corporation is a domestic or foreign corporation under subparagraph 1 or 2 of section 30, may receive a credit against its excise due under this chapter. The amount of the credit shall be equal to fifty percent of the difference between the purchase price or the cost of the aftermarket conversion of the alternative fuel vehicle and the listed purchase price of a gasoline-powered vehicle of like quality during the taxable year of the purchase, as hereinafter provided. A corporation which does not maintain at least 10 percent of its fleet as alternative fuel vehicles or hybrid vehicles, as those terms are defined in said section 3 of said chapter 25A, shall not be eligible for the credit.

SECTION 62. Section 6 of chapter 64H of the General Laws, as so appearing, is hereby amended by striking out subsection (dd) in its entirety and inserting in place thereof the following:—

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‘Sales of equipment directly relating to the construction of any renewable energy source, as defined by subsection (b) of section 11F of chapter 25A; or heat pump system, which is being utilized as a primary or auxiliary power system for the purpose of heating or otherwise supplying the energy needs of an individual’s principal residence in the commonwealth.’

SECTION 63. Section 6 of chapter 64H, as most recently amended by chapter 260 of the acts of 2006, is hereby further amended by adding at the end thereof the following new paragraph:—

‘(xx) Sales of all alternative fuel vehicles, as defined by section 3 of chapter 25A.’

SECTION 64. Section 4 of chapter 64E of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 9 and 10, the words ‘19.1 percent of the average price computed to the nearest tenth of one percent per gallon’ and inserting in place thereof the following words:— 25 percent less than the rate on fuel set forth in chapter 64A.

SECTION 65. Section 2 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the tenth paragraph the following paragraphs:—

‘Upon application, the registrar shall furnish an energy independence placard or sticker bearing a designation to be determined by the registrar to any person who is the title or lease holder of a qualified hybrid or alternative fuel vehicle, as those terms are defined in section 3 of chapter 25A, and who meets the requirements of this paragraph. The placard or sticker shall be of a size and design to be determined by the registrar and shall be numbered and contain identifying features and specifications as the registrar considers appropriate. The authorized user shall permanently affix the placard or sticker to the vehicle so as to be readily visible in accordance with instructions provided by the registrar from time to time. The registrar may impose a reasonable fee for the costs associated with the processing of applications and the issuance of placards or stickers. The Massachusetts Turnpike Authority shall make available to all holders of placards Fast Lane toll transponders and shall waive the initial application fee associated with the acquisition of the transponder. A city or town may, by by-law or ordinance, grant municipal parking at a reduced rate or without charge to holders of the energy independence placard or sticker.’

SECTION 66. Section 7A of said chapter 90, as so appearing, is hereby amended by inserting after the fifth paragraph the following paragraph:—

The emissions and maintenance inspection programs provided for in this section shall not apply to a qualified hybrid or alternative fuel vehicle or clean alternative fuel if the vehicle obtains a rating from the United States Environmental Protection Agency of at least 50 miles per gallon during city fuel economy tests unless remote sensing devices indicate the hybrid or alternative fuel vehicle may not meet current emissions standards. The commissioner shall promulgate such regulations as may be required to implement this exemption.

SECTION 67. Section 142M of chapter 111 of the General Laws, as so appearing, is hereby amended by inserting before the definition of ‘Commissioner’ the following definition:—

'Clean alternative fuel vehicle' shall mean natural gas, hydrogen or electricity when used as a motor vehicle fuel or propane when used as a motor vehicle fuel if such a vehicle meets the federal fleet emissions standards under the federal Clean Air Act or any emissions standards adopted by the commissioner of environmental protection as part of the commonwealth's implementation plan under the Clean Air Act.

SECTION 68. (a) There shall be established at the University of Massachusetts, the Commonwealth Alternative Fuels Institute, for the purpose of researching and developing hybrid and alternative fuel vehicles and alternative fuels and any related technology and components involved in the production, conversion, operation and maintenance of hybrid and alternative fuel vehicles and hybrids. (b) The Institute shall have among its primary goals the development and commercialization of the vehicles, fuels, equipment and technology for the purposes of deriving environmental benefits, reducing dependence on conventional fossil fuels and facilitating economic growth. (c) The Institute shall be governed by policies and operating procedures developed and maintained by the president of the university and its board of trustees, together with the governing bodies of each subdivision of the university assigned to engage in the operations of the Institute. (d) Subject to appropriation, the Institute shall engage in projects as determined to be feasible by its advisory board, and may issue requests for proposals and enter into cooperative research agreements in carrying out this act. (e) There shall be an advisory board of the Institute, comprised of: the president of the University of Massachusetts or his designee, who shall also serve as the chairperson; the secretary of environmental affairs or his designee; the secretary of economic affairs or his designee; the secretary of transportation or his designee; the general manager of the Massachusetts Bay Transportation Authority or his designee; a representative of the regional transit authorities; 3 members to be appointed by the governor, 1 of whom shall represent the business community, 1 of whom shall have expertise in environmental issues and 1 of whom shall represent consumers; 2 members appointed by the president of the university, each having expertise in relevant science and technology; 1 member of the senate and 1 member of the house of representatives. Each appointed member shall serve for a term of 3 years, and shall be eligible to be appointed for consecutive terms. (f) The Institute shall undertake a comprehensive industry needs assessment, in consultation with the advisory board, of businesses engaged in the research, development or production of alternative fuel vehicles and hybrids, alternative fuels and related components and technologies. The assessment, which shall be completed not later than 6 months after the effective date of this act, shall include, but not be limited to the following: (1) the identities of industry participants and a characterization of their business activities involving hybrid and alternative fuel vehicles and related technologies and components; (2) current or projected impediments to the growth and development of industry participants; (3) feasible means by which state government, including the commonwealth's institutions of higher education, may assist industry participants; (4) potential collaborative efforts between the commonwealth and industry participants, including industry-sponsored research and development and the securing of public and private

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research funds; (5) potential sources and uses of federal government funding for research and development including, but not limited to, funding opportunities contained in any federal renewable or alternative energy legislation.

SECTION 69. The Massachusetts Turnpike Authority shall develop a plan, in consultation with the executive office of transportation, for the availability of alternative fuel at each fueling facility or service terminal on the Massachusetts Turnpike. The plan shall provide for availability not later than January 1, 2012. Should the authority determine that facilitating the availability is not feasible, it shall report the findings, together with the reasons therefore, to the house and senate committees on ways and means and the joint committee on transportation not later than January 31, 2008.

SECTION 70. (a) The commissioner of energy resources, in consultation with the secretary of administration and finance, the secretary of transportation, the general manager of the Massachusetts Bay Transportation Authority, a representative of the regional transit authorities, the secretary of economic affairs, the secretary of environmental affairs, and the operation services division, shall develop a statewide master plan for the advancement of hybrid and alternative fuel vehicles and related technology. (b) The plan shall encompass a 10-year period beginning in 2008, and shall be divisible in increments of not less than 5 years. The plan shall take into account the geographic diversity of the commonwealth, its present and projected demographics, present and projected transportation needs and infrastructure, and current, emerging and foreseeable alternative fuel and vehicle technologies. (c) The plan may establish goals for areas such as the purchase and use of hybrid and alternative fuel vehicles and hybrids by the commonwealth, its political subdivisions, private commercial fleets and citizens, the development of fueling facilities, and technologies, and the production, import action or distribution of alternative fuels. (d) In addition, the plan shall identify strategies and corresponding methods of achieving its identified goals together with necessary administration and legislative actions. The plan shall be reported to the clerks of the senate and house of representatives not later than 18 months following the effective date of this act.

SECTION 71. The secretary of administration and finance through the division of operational services, in consultation with the commissioner of energy resources, shall enter into contracts and agreements with the manufacturers or providers of hybrid or alternative fuel vehicles as may be necessary for the purchase or lease of the vehicles, or aftermarket conversion equipment or technologies in order to comply with this act.

SECTION 72. The commissioner of energy resources shall annually develop a directory of alternative fuel vehicles, equipment and services available for purchase by public entities. The directory shall include vehicles available for heavy, medium and light duty usage, as well as the spectrum of alternative fuels available, as defined in section 3 of chapter 25A of the General Laws, and the appropriate applications, estimated costs, and positive and negative aspects of each vehicle and fuel. To the extent possible, the directory shall contain photographs of the available vehicles. The directory shall be produced and promul-

gated in a manner reasonably devised to assist in promoting awareness and the utilization of alternative fuel vehicles by the commonwealth and its political subdivisions and shall be made available to municipalities and agencies of the commonwealth to assist in the identification and acquisition of hybrid and alternative fuel vehicles. The catalog shall be made available to nongovernmental entities but the commissioner may impose a reasonable fee consistent with the cost of producing the catalog.

SECTION 73. The secretary of economic affairs, in consultation with the executive office of transportation and the division of energy resources, shall evaluate the feasibility and desirability of any methods which could be utilized by the commonwealth in order to provide incentive for or incubate the production of alternative fuel vehicles and equipment within its borders. The evaluation shall include, but not be limited to, the potential economic benefits of the production, including job growth, and the potential environmental benefits associated with the production and increased distribution of alternative fuel vehicles and equipment in the commonwealth. The secretary shall report the findings of the evaluation, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, to the clerks of the senate and house of representatives not later than 1 year after the effective date of this act.

SECTION 74. Not later than December 31 of each year, the Massachusetts Bay Transportation Authority shall file with the clerks of the senate and house of representatives and the joint committee on economic development and emerging technologies a report indicating its utilization of hybrid and alternative fuel vehicles and related technologies. The report shall include, but not be limited to, the increased costs or savings, if any, associated with the use of the vehicles, the amount of fuel used and conserved by the use of the vehicles, the emissions rates for the vehicles and other vehicles in the fleet and the positive and negative factors, if any, associated with their use. The report shall identify any impediments to the use of the vehicles and technologies and shall include any legislative recommendations to address those impediments.

SECTION 75. The operational services division, in consultation with the executive office of transportation, the secretary of administration and finance, the division of energy resources, the Massachusetts Bay Transportation Authority and regional transit authorities, shall study the feasibility of developing and implementing a system to facilitate the mass purchase of alternative fuel vehicles by the commonwealth and its political subdivisions. The study shall include, but not be limited to, the potential cost savings to be derived from the system, the cost of its administration, appropriate purchasers to participate in the system and the probability of its utilization by those purchasers. The operational services division shall report the findings of the study, and its recommendations if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerks of the senate and house of representatives not later than 1 year after the effective date of this act.

SECTION 76. There shall be a special commission to report on the expanded use of biodiesel fuel in the commonwealth. The commission

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shall consist of 1 member to be appointed by the department of environmental protection; 1 member to be appointed by the department of telecommunications and energy; 1 member to be appointed by the division of energy resources; 2 members to be appointed by the senate president; 1 member to be appointed by the senate minority leader; 2 members to be appointed by the speaker of the house of representatives; 1 member to be appointed by the minority leader of the house of representatives; and members to be appointed by the governor to provide appropriate consumer, environmental, and industry representation. The commission shall submit a report and recommendations to the secretary of environmental affairs; office of commonwealth development; the joint committee on telecommunications, utilities, and energy; the joint committee on environment, natural resources and agriculture; the joint committee on state administration and regulatory oversight; and the house and senate clerks by June 30, 2008. The commission shall conduct a study of the current impediments in state and federal law and regulation to the certification, licensure and availability for sale in the commonwealth of highly efficient diesel passenger vehicles under the California LEV II standards and potential methods to address such impediments. It shall also examine barriers and opportunities for widespread use of biodiesel and low- sulfur biodiesel fuels for motor vehicles, heating, and other appropriate uses in the commonwealth. From this study the commission shall submit a plan for the expanded use of biodiesel and low-sulfur biodiesel fuels in the commonwealth and proposals for new regulations and laws to expand the use of biodiesel where feasible and appropriate.”

Alternative fuel development amendment rejected,—yea and nay No. 72.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 19 members voted in the affirmative and 139 in the negative.

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

Therefore the amendment was rejected.

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

“SECTION 51. Notwithstanding any general or special law to the contrary, there shall be a special commission to study ethanol gasoline, also known as ‘E85’, and the feasibility of utilizing a portion of the Massachusetts gasoline tax to assist independent gasoline station owners in the installation of these pumps for use by the general public. Said commission shall also study the usage of ‘E85’ in all commonwealth-owned vehicles. The commission shall consist of the chairs of the joint committee on telecommunications, utilities and energy, who shall co-chair the commission, one member appointed by the speaker of the house, one member appointed by the senate president, one member appointed by the minority leader of the house, one member appointed by the minority leader of the senate, the secretary of energy and environmental affairs, or his designee, the commissioner of the department of public utilities, or his designee, the commissioner of the division of energy resources, or his designee, and two members in the business of producing, distributing, or selling ethanol gasoline appointed by the co-chairs of the commission. The commission shall report its findings and its recommendations, including any

proposed legislation, to the clerks of the senate and house not later than December 31, 2007.”.

The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended in section 43, in line 13, by inserting after the word “designee” the words “the House minority leader, or his designee, the Senate minority leader, or his designee”; and the amendment was adopted.

Mr. DeLeo of Winthrop and other members of the House then moved to amend the bill in section 2 by striking out item 0511-0270 and inserting in place thereof the following item:

Consolidated amendments,—
Constitutional Officers, state administration, state finance, legislation non-budget.

“0511-0270 The Secretary of State may contract with the UMass Donahue Institute for not less than \$800,000 to provide the Commonwealth with assistance on US Census Data and prepare annual population estimates 800,000”;

By striking out item 0640-0005 and inserting in place thereof the following item:

“0640-0005 For the costs associated with the continued implementation of the monitoring of games; provided, that any sums expended on promotional activities shall be limited to point of sale promotions and agent newsletters; and provided further, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery Fund to the General Fund 1,293,311”;

In item 0640-0300 by striking out the following: “that not less than \$300,000 shall be allocated to increase” and inserting in place thereof the following: “; provided further, that the Local Cultural Council Grant Program provide for a minimum grant of \$5,000 per municipality”;

By striking out item 0810-0000 and inserting in place thereof the following item:

“0810-0000 For the office of the attorney general, including the administration of the local consumer aid fund, the operation of the anti-trust division, all regional offices, a high-tech crime unit and the victim and witness compensation program; provided, that the victim and witness compensation program shall be administered in accordance with chapters 258B and 258C of the General Laws; provided further, that the attorney general shall submit to the general court and the secretary for administration and finance a report detailing the claims submitted to the state treasurer for payment under item 0810-0004 indicating both the number and costs for each category of claim; and provided further, that not more than \$240,000 shall be expended for the operation of a child protection unit; provided further, that not more than \$250,000 shall be expended for a safe neighborhood initiative

Consolidated amendments,—
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program in the Grove Hall area of Boston; provided further, that not more than \$250,000 shall be expended from the funds appropriated in this item for a safe neighborhood initiative pilot program in the Bowdoin/Geneva area of the Dorchester district of the city of Boston; and provided further, that \$50,000 shall be expended for the City-Wide Dialogues on Boston’s Ethnic & Racial Diversity, a program that provides a safe venue for honest, respectful discussions across racial and ethnic lines, including neighborhood diversity dialogues and youth-police dialogues 26,405,871”;

In item 0840-0101, by striking out the figures “720,116” and inserting in place thereof the figures “780,116”;

In item 1108-5200, by adding at the end thereof the following: “; and provided further, that the group insurance commission may pay premium and plan costs for municipal employees and retirees who are enrolled in the group insurance commission’s health plans pursuant to the commission’s regulations”;

In item 1201-0100, by adding at the end thereof the following: “; provided that no less than \$75,000 be granted to the town of Mansfield for the completion of a regional sewer study” and in said item by striking out the figures “116,512,215” and inserting in place thereof the figures “116,587,215”;

In item 1231-1000, by striking out the figures “20,000,000” and inserting in place thereof the figures “25,000,000”;

By striking out item 1599-0093 and inserting in the place thereof the following item:

“1599-0093 For contract assistance to the water pollution abatement trust for debt service obligations of the trust, pursuant to sections 6, 6A, and 18 of Chapter 29C of the General Laws 64,166,198”;

and by adding the following four sections:

“SECTION 51. Section 146 of chapter 204 of the Acts of 1996, as so appearing, is amended in paragraph (g) by striking the word ‘ten’ and inserting in place thereof the word ‘twenty’.

SECTION 52. Notwithstanding any general of special law to the contrary, the Department of Fish and game is hereby authorized to collect an administrative handling charge for all electronic transactions processed through online licensing and registration systems for the sole purpose of defraying the expenses of issuing said licenses and permits.

SECTION 53. (a) There is hereby established a task force which make an investigation and comprehensive study of chronic kidney disease and its complications and how it affects the citizens of the Commonwealth. The Chronic Kidney Disease Task Force shall be comprised of 14 members, 1 of whom shall be the Secretary of the Executive Office of Health and Human Services, or his designee, who shall serve as chair; 1 of whom shall be the Commissioner of the Department of Public Health, or his designee; and the following 12 members who shall be appointed as follows: (i) The Speaker and Senate President each shall appoint 3 physicians licensed to practice

medicine in the Commonwealth, 2 of whom shall be family practitioners, 2 of whom shall be nephrologists and 2 of whom shall be pathologists; (ii) The Speaker shall appoint 2 members who represent the state affiliate of the National Kidney Foundation, 1 of whom shall be an advocate on dialysis or a transplant recipient and 1 whom shall represent the Department of Nephrology at the University of Massachusetts Medical Center; (iii) The Senate President shall appoint 1 member who shall represent a health care services plan provider and 1 member who shall represent the Massachusetts Association of Health Plans; (iv) The Governor shall appoint 1 member who shall represent owners and operators of clinical laboratories in the Commonwealth and 1 member who shall represent the Massachusetts Hospital Association.

(b) The duties of the Chronic Kidney Disease Task Force shall include, but not be limited to: developing a plan to educate health care professionals about the advantages and methods of early screening, diagnosis and treatment of chronic kidney disease and its complications based on the K/DOQI Clinical Practice Guidelines for Chronic Kidney Disease or other medically recognized clinical practice guidelines; developing a plan to educate health care professionals about the advantages of End Stage Renal Disease (ESRD) modality education; and making recommendations on the implementation of a cost-effective plan for early screening, diagnosis and treatment of chronic kidney disease for the Commonwealth's population.

(c) The Chronic Kidney Disease Task Force shall submit a report to the House and Senate Chairs of the joint committee on public health, the joint committee on health care financing and the house and senate committees on ways and means no later than June 30, 2008.

SECTION 54. Notwithstanding any general or special law to the contrary, the Secretary of the Executive Office of Housing and Economic Development shall investigate and study the efficacy of consolidating the Massachusetts Cultural Council and the Massachusetts Office of Travel and Tourism into a new Department of Tourism, Arts & Cultural Development within said executive office.

The secretary shall report his findings to the General Court together with legislation, if any, no later than January 1, 2008."

After remarks Mr. DeLeo moved that the amendment proposed in item 0640-0300 be further amended by striking out the following: "that not less than \$300,000 shall be allocated to increase" and inserting in place thereof the following: "; provided further, that not less than \$300,000 shall be allocated to increase the Local Cultural Council Grant Program to provide for a minimum grant of \$4,000 per municipality". The further amendment was 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. Festa of Melrose; and on the roll call 158 members voted in the affirmative and 0 in the negative.

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

Therefore the amendments, as amended, were adopted.

Consolidated amendments,—
Constitutional Officers, state administration, state finance, legislation non-budget adopted,—
yea and nay
No. 73.

Smart Growth Housing Trust Fund.

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

“SECTION 55. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer \$5,000,000 from the General Fund to the Smart Growth Housing Trust Fund established pursuant to section 35AA of chapter 10 of the General Laws.”

Smart Growth Housing Trust Fund amendment rejected,—yea and nay No. 74.

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 20 members voted in the affirmative and 138 in the negative.

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

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 2, in item 6010-0002, in lines 4, 5 and 6, by striking out the following: “June 30, 2010, shall phase into the budgetary appropriation all personnel costs transferred to capital authorizations since June 30, 2002” and inserting in place thereof the following: “June 30, 2012, shall phase into the budgetary appropriation all personnel costs transferred to capital authorizations since June 30, 2002; provided further, the department shall complete an overview of the employment levels paid by capital authorizations since June 30, 2002, and the anticipated number of employees scheduled to be transferred to budgetary appropriations each fiscal year through June 30, 2012; provided further, such plan shall be submitted to the house and senate committees on ways and means and the clerks of the house and senate committees on ways and means and the clerks of the house and senate by December 31, 2007”.

After debate the amendment was rejected.

Consolidated amendments,—transportation and housing.

Mr. DeLeo of Winthrop and other members of the House then moved to amend the bill in section 2 by striking out item 6005-0015 and inserting in place thereof the following item:

“6005-0015 For certain assistance to the regional transit authorities, including operating grants and reimbursements to increase the accessibility of transit provided to the elderly and disabled under the mobility assistance program, the regional transit authority program, and the inter-city bus capital assistance program; provided, that the commonwealth, acting by and through the executive office for administration and finance, for the period beginning July 1, 2007 and ending June 30, 2008, may enter into contracts with the authorities; provided further, that notwithstanding section 152A of chapter 161, and section 23 of chapter 161B of the General Laws, the amount shall be at least 50 per cent and up to 75 per cent of the net cost of service of each authority incurred in fiscal year 2007 shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities; provided further, that the share assessed upon

the cities and towns shall by at least 25 per cent of the net cost of service; provided further, that in the event that 25 per cent of the net cost of service of each authority exceeds 102.5 per cent of the previous year's local assessment, excluding payments made by cities and towns for the costs of new service, for which the cities and towns have not previously been assessed, as allowed by chapter 580 of the acts of 1980, the regional transit authority shall reduce its operating expenses or increase its revenues to meet the difference; provided further, that operating expenditures of each of the regional transit authorities for fiscal year 2008 shall not exceed 102.5 per cent of its operating expenditures for fiscal year 2007; provided further, that for the purposes of this item, operating expenditures shall not include federal, private or additional municipal non-state revenue sources or any expenses arising from the provision of services required by the Americans with Disabilities Act, or new services implemented after July 1, 1999 in an amount not to exceed a total of \$3,613,905 for the 15 regional transit authorities; provided further, that the new services must have first received approval of the appropriate regional transit authority advisory board; provided further, that not less than 25 per cent of the net cost of service of the new services shall be assessed to the cities and towns of the appropriate transit authority, as detailed previously in this item; provided further, that each regional transit authority which provides the new services must file a report with the house and senate committees on ways and means and the joint committee on transportation, detailing the total costs and revenues associated with the new service; provided further, that the cost of the new services shall not annualize to more than \$3,613,905; provided further, that not later than January 1, 2008, each of the 15 regional transit authorities shall submit to the house and senate committees on ways and means a report detailing any and all revenues collected as a result of services provided under item 4401-1000; provided further, that the executive office of transportation shall work cooperatively with the authorities and other public and private funding sources to maximize new revenues sources to expand transit services; provided further, that the authorities and the executive office of transportation shall develop processes and procedures for contracts for services with other state agencies; provided further, that the executive office of transportation and the authorities shall develop a 5-year transit plan for operational and capital objectives that the

Consolidated amendments,— transportation and housing.

parties may measure against and plan toward and shall file the plan with the house and senate committees on ways and means no later than April 1, 2008; provided further, that the executive office of transportation and the authorities shall work cooperatively to implement multi-year contracting for regional transit authority capital projects, particularly for construction projects and other multi-year commitments of the authorities; provided further, that the regional transit authorities shall implement structural, managerial and administrative reforms in order to achieve cost savings in services provided by the authorities; provided further, that the reforms shall include, but not be limited to, improved financing procedures for capital needs, approved plans for short and long-term service, a coordinated program of mass transportation for the regional transit authorities that provides standards of service for the authorities for types of service, passenger miles, hours of service, cost of service by route and mile and passenger, non-transportation revenue and system revenue generating options including, but not limited to, fare revenue and advertising revenue, assessments on member cities and towns, net operating investment per passenger-mile ratio and service quality standards; provided further, that the program shall involve an approach to service coordinated with the Massachusetts Bay Transportation Authority and other transit providers in order to achieve maximum efficiency of regional transit authority service routes; provided further, that all regional transit authorities shall achieve the fare and/or revenue recovery ratio of 40 per cent within 9 months from the effective date of this act; and provided further, that the Massachusetts Association of Regional Transit Authorities shall, on or before January 15, 2008, report to the joint committee on transportation and the house and senate committees on ways and means on the operations of the authorities in the first half of fiscal year 2008, and focus the report on the reforms and improvements 52,254,572”;

In item 6010-0002, by striking out the figures “20,364,845” and inserting in place thereof the figures “20,564,845”;

By striking out item 7004-0099 and inserting in place thereof the following item:

“7004-0099 For the operation of the department of housing and community development; provided, that notwithstanding any general or special law to the contrary, the department may make expenditures for the purposes of the department against federal grants for certain direct and indirect costs under a cost overhead allocation plan

approved by the comptroller; provided further, that the comptroller shall maintain an account on the Massachusetts management accounting and reporting system for the purpose of making these expenditures; provided further, that expenditures made against the account shall not be subject to appropriation and may include the cost of personnel; provided further, that notwithstanding any general or special law, rule, or regulation to the contrary, the department of housing and community development may conduct annual verifications of household income levels based upon state tax returns for the purposes of administering the state and federal housing subsidy programs funded in items 7004-9005, 7004-9009, 7004-9014, 7004-9019, 7004-9020, 7004-9024, 7004-9030, 7004-9033 and 7004-9316; provided further, that as a condition of eligibility or continued occupancy by an applicant or a tenant, the department may require disclosure of the social security number of an applicant or tenant and members of the applicant's or tenant's household for use in verification of income eligibility; provided further, that the department may deny or terminate participation in subsidy programs for failure by an applicant or a tenant to provide a social security number for use in verification of income eligibility; provided further, that the department may also consult with the department of revenue, the department of transitional assistance or any other state or federal agency which it considers necessary to conduct this income verification; provided further, that notwithstanding any general or special law to the contrary, these state agencies shall consult and cooperate with the department and furnish any information in the possession of the agencies including, but not limited to, tax returns and applications for public assistance or financial aid; provided further, that for the purposes of conducting this income verification, the director of the department may enter into an interdepartmental service agreement with the commissioner of revenue to utilize the department of revenue's wage reporting and bank match system for the purpose of verifying the income and eligibility of participants in federally assisted housing programs and that of members of the participants' households; provided further, that for the purposes of clarification only, notwithstanding section 12 of chapter 490 of the acts of 1980, the department may authorize neighborhood housing services corporations to retain, re-assign, and reloan funds received in repayment of loans made under the neighborhood housing services rehabilitation program; provided further that not less than \$200,000 shall be expended to the Springfield

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Neighborhood Housing Services, Inc., so-called, in Springfield to prevent foreclosures, assist first-time home buyers, and to create jobs; provided further that not less than \$200,000 shall be expended for the Springfield Technical Assistance Program to be operated by the Affiliated Chambers of Commerce of Springfield; provided further, that not less than \$100,000 shall be expended for the Safe Neighborhood Initiative Pilot Program in the Grove Hall area of Roxbury and Dorchester; provided further, that not less than \$25,000 be expended for Marlborough Community Development Corporation; provided further, that not less than \$10,000 shall be expended for the Turning Point Day Resource Center for the Homeless in the town of Wareham; provided further, that not less than \$100,000 shall be expended for the Indian Orchard Main Street Partnership; provided further, that not less than \$125,000 shall be expended for the Hungry Hill Development Corporation in the city of Springfield; provided further that \$61,200 shall be expended for the Worcester housing program; provided further, that not less than \$25,000 shall be expended for the Allston-Brighton Community Development Corporation's continued operation of a grant program to enhance housing quality standards; provided further, that not less than \$75,000 shall be expended for the continued operation of computer technology centers at the Commonwealth Housing Development, the Jackson Mann Community Center and the Power Up Center at Brighton High School; provided further, that \$100,000 shall be expended for ABCD North End elderly program; provided further, that not less than \$100,000 shall be expended for the Pleasant Street Neighborhood Network Center in Worcester; provided further, that not less than \$100,000 shall be expended for Neighbors in Need in Lawrence; provided further, that not less than \$25,000 shall be expended for the Beverly Affordable Housing Coalition; provided further, that \$150,000 shall be provided to World is Our Classroom, Inc. serving the towns of Holyoke, Westfield, Chicopee, and Greenfield; provided further, that not less than \$95,000 shall be expended for the Boston Housing Authority for a program to provide certain tenant services for the West Broadway Task Force; provided further, that funds appropriated herein shall be obligated for expenditure by the West Broadway Task Force for the purposes of tenant services provided by said Task Force; provided further, that funds appropriated herein shall not be expended by the Boston Housing Authority for discretionary purposes provided further, that not less than

\$75,000 shall be expended for Methuen-Arlington Neighborhood, Inc.; provided further that not less than \$75,000 shall be expended for the Worcester Housing Authority; provided further, that no less than \$150,000 shall be expended for 2 computer centers operated by the Cambridge housing authority; provided further, that not less than \$105,000 shall be expended for Food for the World Pantry in Lawrence; and provided further, that not less than \$75,000 shall be expended for the Greater Gardner Community Development Corporation 9,913,166”;

By striking out item 7004-3036 and inserting in place thereof the following item:

“7004-3036 For housing services and counseling; provided, that not less than \$1,600,000 shall be expended as grants for the operation of 9 regional housing consumer education centers operated by the regional nonprofit housing authorities; provided further, that the grants shall be through a competitive application process under criteria created by the department; provided further, that the department shall submit annual reports to the secretary of administration and finance, the house and senate committees on ways and means and the joint committee on housing detailing all expenditures of said program including for each regional housing consumer education center the total number of persons who received information and referral services, the costs for such services rendered per consumer and the identification of consumer issues and trends; provided further, that said department shall report to the house and senate committees on ways and means no later than March 1, 2008 on possible savings and efficiencies through consolidation of said services and counseling; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; provided further, that \$141,000 shall be expended for the Just A Start Corporation to administer a housing stabilization and conflict management services program to prevent homelessness; provided further, that not less than \$80,925 shall be expended for the Central Massachusetts Housing Alliance Inc. Donations Clearinghouse Program 1,821,925”;

In item 7004-9315, in line 2, by striking out the figures “2,200,000” and inserting in place thereof the figures “2,334,014”;

In item 7004-9317 by striking out the figures “500,000” and inserting in place thereof the figures “600,000”;

By striking out sections 15 and 16 (as printed) and inserting in place thereof the following two sections:

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“SECTION 15. Section 4 of chapter 161B of the General Laws, as so appearing, is hereby amended by striking, in line 6, the following words: ‘fourteen; and’ and inserting in place thereof the following:— fourteen; provided, further, that no individual shall be appointed as an administrator unless said individual possess senior level management experience in 1 or more of the following areas: engineering, construction, business, public transit, public or private finance, or transportation.

SECTION 16. Section 8 of said Chapter 161B of the General Laws, as so appearing, is hereby amended by striking subsection (h) and inserting in place thereof the following new section:—

(h) All current expenses of the authority shall be in accordance with an annual budget prepared by the administrator and submitted to the advisory board, the secretary, the secretary of administration and finance, the chairs of the joint committee on transportation, and the chairs of the house and senate committees on ways and means no later than February first of each year for the ensuing fiscal year. On or before June first the advisory board shall approve said budget as submitted or subject it to such itemized reductions therein as the advisory board shall deem appropriate. After the advisory board has approved said budget the secretary of transportation shall approve said budget as submitted. An administrator must receive approval from the secretary for any additional costs after the budget has been approved by the advisory board; provided, however, that any additional costs which the secretary may approve shall be assessed at 75 per cent upon the cities and towns constituting the authority and 25 per cent shall be assessed upon the Commonwealth.”;

By striking out section 41 (as printed); and

By adding the following section:

“SECTION 55. Chapter 161B of the General Laws, as so appearing, is hereby further amended by striking section 4 and inserting in place thereof the following section:—

Section 4. The affairs of an authority shall be managed by an administrator who shall be appointed by and serve at the pleasure of the advisory board of the authority established pursuant to section five; provided, however, that for the purpose of appointing an administrator the secretary of the executive office of transportation shall be entitled to 1 vote and, notwithstanding the provisions of section 5, each city and town shall have 1 vote in said appointment; provided, further, that the administrator shall not be appointed until the board has provided the notification required by clause (c) of section fourteen; provided, further, that no individual shall be appointed as an administrator unless said individual possess senior level management experience in 1 or more of the following areas: engineering, construction, business, public transit, public or private finance, or transportation; and provided, further, that the administrator shall not hold any elective office, except that of town meeting member, in any city or town within the jurisdiction of such authority. The administrator shall be the chief executive officer of the authority and shall receive such annual salary as shall be determined by said advisory board. Upon his appointment, the administrator shall give the state treasurer a bond for the faithful performance

of his official duties in such penal sum and with such sureties as may be approved by the advisory board.”.

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. Stanley of Waltham; and on the roll call 157 members voted in the affirmative and 0 in the negative.

Consolidated amendments,— transportation and housing adopted,— yeas and nays No. 75.

[See Yeas and Nays No. 75 in Supplement.]

Therefore the amendments were adopted.

Recess.

At two minutes before eleven o'clock P.M. (Wednesday, April 25), on motion of Mr. Galvin of Canton (Mr. Tobin of Quincy being in the Chair), the House recessed until the hour of twelve o'clock noon on Thursday, April 26; and at that time, the House was called to order with Ms. Kaprielian of Watertown in the Chair.

Recess.

Thursday, April 26, 2007 (at 12:00 o'clock noon).

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

Gracious God, in addressing the items on today's legislative calendar, House No. 4000, we look to You for guidance in our effort to make the correct and right legislative choices and decisions. Help us to comprehend and to meet the realistic expectations and needs of constituents and of today's society. Your always available assistance enables us to keep our legislative and personal priorities and goals clear in our minds. In carrying out our responsibilities, teach us to work together and to respect the views and rights of all, even when we disagree with others in our discussions. Grant us the courage and self-confidence to remain faithful to our traditional principles and our personal human and spiritual values.

Prayer.

Bestow Your blessings on the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Ms. Kaprielian), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Pledge of allegiance.

Resolutions.

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

Resolutions (filed by Mr. Atsalis of Barnstable and other members of the House) congratulating Stu Peoples on the occasion of his retirement;

Stu Peoples.

Resolutions (filed by Mr. Barrows of Mansfield) congratulating Nicholas J. Britton on receiving the Eagle Award of the Boy Scouts of America;

Nicholas J. Britton.

Resolutions (filed by Representatives Barrows of Mansfield, Poirier of North Attleborough and D'Amico of Seekonk) congratulating Jared M. Ide on receiving the Eagle Award of the Boy Scouts of America;

Jared M. Ide.

Joseph
Angelino
Canha.

Resolutions (filed by Mr. Cabral of New Bedford) congratulating Joseph Angelino Canha on the occasion of his retirement and seventieth birthday celebration; and

Saint Anthony
Band Club.

Resolutions (filed by Mr. Correia of Fall River) congratulating the Saint Anthony Band Club on the occasion of inaugurating its new band club headquarters;

Mr. Scaccia of Boston, 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. Marzilli of Arlington, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Reports of Committees.

Wellesley,—
land
conveyance.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Wellesley to exchange certain property with James and Pamela Broderick (House, No. 3954) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Tobin of Quincy, the bill was read a second time forthwith; and it was ordered to a third reading.

Provincetown,—
playground
land.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to certain playground land in the town of Provincetown (House, No. 3754) [Local Approval Received].

Provincetown,—
High Pole
Hill.

By the same member, for the same committee, on a petition, a Bill relative to the relocation and alteration of the layout of High Pole Hill Road in the town of Provincetown (House, No. 3755) [Local Approval Received].

Chatham,—
leases.

By the same member, for the same committee, on a joint petition, a Bill authorizing the town of Chatham to lease certain buildings (House, No. 3952) [Local Approval Received].

Orleans,—
land lease.

By the same member, for the same committee, on House, No. 3953, a Bill authorizing the town of Orleans to lease certain town land (House, No. 3990). [Local Approval Received].

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

Engrossed Bill.

Bill
enacted.

The engrossed Bill establishing a sick leave bank for Dennis McNamara, an employee of the Department of Fish and Game (see House, No. 3940, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Recesses.

Recesses.

At thirteen minutes after twelve o'clock noon (Thursday, April 26), on motion of Mr. Peterson of Grafton (Ms. Kaprielian of Watertown being in the Chair), the House recessed until half past one o'clock

P.M.; and at that time the House was called to order with Mr. Donato of Medford in the Chair.

The House thereupon took a further recess, on motion of Mrs. Walrath of Stow, until the hour of two o'clock; and at eighteen minutes before three o'clock the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Flynn of Bridgewater, until the hour of three o'clock; and at twenty-three minutes before four o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

The House thereupon took a further recess, on motion of Mr. Driscoll of Braintree, until a quarter after four o'clock; and at twenty minutes after five o'clock the House was called to order with Mr. Petrolati in the Chair.

Quorum.

Mr. Donato of Medford thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow) 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 157 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 76.

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

Therefore a quorum was present.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2008 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. 4000, amended) was considered.

General
Appropriation
Bill.

Pending the question on passing the bill, as amended, to be engrossed, Mr. DeLeo of Winthrop moved to amend it in section 2, in item 0710-0225, by striking out the figures "655,434" and inserting in place thereof the figures "805,434";

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In item 0810-0021, by striking out the figures "2,820,358" and inserting in place thereof the figures "2,970,358";

By striking out item 4000-0300 and inserting in place thereof the following item:

"4000-0300 For the operation of the executive office, 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 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, and housing on said islands; provided further, that the executive

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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 continue to develop and implement the common client identifier; 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 funds appropriated herein shall be expended for the administrative, contracted services and non-personnel systems costs related to the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and section 16C of chapter 118E of the General Laws; provided further, that such costs shall include, but not be limited to, pre-admission screening, utilization review, medical consultants, disability determination reviews, health benefit managers, interagency service agreements, the management and operation of the central automated vendor payment system, including the recipient eligibility verification system, vendor contracts to upgrade and enhance the central automated vendor payment system, the medicaid management information system and the recipient eligibility verification system MA21, costs related to the information technology chargebacks, contractors responsible for system maintenance and development, personal computers and other information technology equipment; provided further, that 50 per cent of the cost of provider point of service eligibility verification devices purchased shall be assumed by the providers utilizing the devices; provided further, that the executive office shall assume the full cost of provider point of service eligibility verification devices utilized by any and all participating dental care providers; provided further, that in consultation with the division of health care finance and policy, 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 such rates as 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 said executive office shall not reduce the outpatient rates for any specialty hospital which limits its admissions to patients under active diagnosis and treatment of the

eyes, ears, nose, and throat, below that which was granted during hospital fiscal year 2005; provided further, that a new methodology shall be established for rates reimbursed by the commonwealth through the division of health care finance and policy and the executive office of health and human services to cover the cost of care provided by any health care facility licensed by the department of public health as a non-acute chronic hospital with no fewer than 500 licensed beds as of June 30, 2007, with no fewer than 150,000 Medicaid patient days in the state fiscal year ended June 30, 2007, and with an established geriatric teaching program for physicians, medical students, and other health professionals, as follows: (1) the rate for any such facility shall be developed collaboratively through an agreement among the office of Medicaid, the division of health care finance and policy, and any such health care facility; provided that the process for development of this rate shall include a mechanism to adjust the rate to account for costs outside the reasonable control of the facility that may arise after the rate has been established; (2) the reimbursement methodology shall incorporate the following components: (a) utilization of the payment methodology in effect during fiscal year 2006 together with the most recent 403 cost report filed with the division of health care finance and policy, (b) a per diem rate shall be established which reimburses the full cost, including capital, for both acute and administratively necessary services, (c) a separate per diem rate shall be established which reimburses the full cost, including capital, for long term care services, (d) both rates shall include the full cost, not otherwise reimbursed, of teaching and research activities, and (e) rates shall be inflated over the base year period by the applicable medicare market basket inflation factors; (3) until such time as the new reimbursement methodology is established pursuant to this section, the per diem rates for any such facility shall be increased by at least 13 dollars per day over the rates in effect on April 1, 2007, for the year starting July 1, 2007, and by 5 percent annually for each subsequent year; provided that, notwithstanding this section or any contractual or other provision of law, such facility shall have the right to an increase to the rate then in effect to account for costs outside the reasonable control of such facility that may arise; and (4) notwithstanding any other provision of law, in no event will the rates of payment be lower than the highest rate in effect for such facility in the previous state fiscal year; provided further, that in calculating rates of

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payment for children enrolled in MassHealth receiving inpatient services at acute care pediatric hospitals and pediatric subspecialty units as defined in section 1 of chapter 118G of the General Laws, the executive office shall make a supplemental payment, if necessary, sufficient to assure that inpatient SPAD and outlier payments for discharges with a case mix acuity greater than 5.0 shall be at least equal to 85 per cent of the expenses incurred in providing services to those children; provided, further, that \$1.7 million shall be expended for a primary care workforce development and loan forgiveness program at community health centers, for the purpose of enhancing recruitment and retention of primary care physicians and other clinicians at community health centers throughout the Commonwealth, to be administered by the Massachusetts League of Community Health Centers in consultation with the secretary of the executive office of health and human services and relevant member agencies; and provided, further, that said funds shall be matched by other private or public funds; and provided, further, that the League shall work with said secretary and said agencies to maximize all sources of public and private funds; provided further, that expenditures for the purposes of each item appropriated for the purpose of programs authorized by chapter 118E of the General Laws shall be accounted for according to such purpose on the Massachusetts management accounting and reporting system not more than 10 days after such expenditures have been made by the medicaid management information system; provided further, that no expenditures shall be made for the purpose of such programs that are not federally reimbursable, except as specifically authorized herein, or unless made for cost containment efforts the purposes and amounts of which have been submitted to the house and senate committees on ways and means 30 days prior to making such expenditures; provided further, that notwithstanding section 1 of chapter 118G of the General Laws or any general or special law to the contrary, for fiscal year 2008 the definition of a pediatric specialty unit shall include an acute care hospital with a burn center verified by the American Burn Center and the American College of Surgeons and a level 1 trauma center for pediatrics verified by the American College of Surgeons; provided further that a pediatric specialty unit as defined in this item shall be exempt from the inpatient and outpatient efficiency standards being applied to their rate methodology; provided further, that the executive office may continue to recover provider overpayments made in the current and

prior fiscal years through the medicaid management information system, and that such recoveries shall be deemed current fiscal year expenditure refunds; 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; provided further, that no funds shall be expended for the purpose of funding 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, that the federal financial participation received from claims filed for the costs of outreach and eligibility activities performed at certain hospitals or by community health centers which are funded in whole or in part by federally permissible in-kind services or provider donations from the hospitals or health centers, shall be credited to this item and may be expended without further appropriation in an amount specified in the agreement with each donating provider hospital or health center; provided further, that notwithstanding any general or special law to the contrary, the executive office shall require the commissioner of mental health to 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, that said executive office, in fiscal year 2008, shall not eliminate payment to hospital outpatient departments for primary care provided to MassHealth members; provided further, that the secretary shall ensure that supplemental Medicaid rates required pursuant to section 128 chapter 58 of the acts of 2006 are implemented in fiscal year 2008; provided further, that the secretary shall ensure that all medicaid benefit restorations, program expansions, and rate increases required pursuant to chapter 58 of the acts of 2006 are implemented in fiscal year 2008; provided further, the executive office shall include smoking and tobacco use cessation treatment and information within Mass Health covered services pursuant to section 108 of chapter 58 of the acts of 2006; provided further, that the executive office shall develop a process whereby all participating providers who have signed the Virtual Gateway Services

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Agreement shall have access to the contents of the consolidated summary of any individual’s application submitted through the virtual gateway; provided further, that said information access shall comply with all HIPPA requirements and state privacy laws; and provided further, that any projection of deficiency in item 4000-0320, 4000-0430, 4000-0500, 4000-0600, 4000-0620, 4000-0700, 4000-0860, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0891, 4000-0895, 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 that any unexpended balance in these accounts shall revert to the General Fund on June 30, 2008 143,773,307”;

By striking out item 4000-0301 and inserting in place thereof the following item:

“4000-0301 For the costs of MassHealth provider and member audit and utilization review activities including, but not limited to eligibility verification, disability evaluations, provider financial and clinical audits and other initiatives intended to enhance program integrity 2,200,000”;

By striking out item 4000-0352 and inserting in place thereof the following item:

“4000-0352 For MassHealth, enrollment outreach grants to public and private nonprofit groups to be administered by the executive office; provided further, that grants shall be awarded to groups statewide, including areas in which the United States Census deems a high percentage of uninsured individuals and areas in which there are limited health care providers; provided further, that funds shall be awarded as grants to community and consumer-focused public and private nonprofit groups to provide enrollment assistance, education and outreach activities directly to consumers who may be eligible for MassHealth or subsidized health care coverage, and who may require individualized support due to geography, ethnicity, race, culture, immigration or disease status and representative of communities throughout the commonwealth; provided further, that funds shall be allocated to provide informational support and technical assistance to recipient organizations and to promote appropriate and effective enrollment activities through the statewide health access network; provided further, that the cost of information support and technical assistance shall not exceed 10 per cent of the appropriation and shall not be used to defray current state obligations to provide this assistance; provided further, that in awarding said grants, the execu-

tive office of health and human services, in consultation with the division of medical assistance, shall provide written guidance to selected grantees with specific strategies of how to expend funds in the most efficient manner to target populations and avoid duplication of activities, including examples of best practices among prior year outreach grant recipients and provided further, that the secretary shall report to the house and senate committees on ways and means on the exact amounts distributed in fiscal year 2008 by March 1, 2008 and the extent to which any portion of resulting expenditures are eligible for federal reimbursement 750,000”;

By striking out item 4000-0500 and inserting in place thereof the following item:

“4000-0500 For health care services provided to medical assistance recipients under the executive office’s primary care clinician/mental health and substance abuse plan or through a health maintenance organization under contract with the executive office; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that said executive office shall ensure that actuarially sound rates for a publicly-operated entity pursuant to section 122 of chapter 58 of the acts of 2006 are implemented in fiscal year 2008; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; provided further, that the secretary of health and human services and the commissioner of mental health shall report quarterly to the house and senate committees on ways and means relative to the performance of the managed care organization under contract with the executive office to administer the mental health and substance abuse benefit; provided further, that such quarterly reports shall include, but not be limited to, analyses of utilization trends, quality of care and costs across all service categories and modalities of care purchased from providers through the mental health and substance abuse program, including those services provided to clients of the department of mental health; provided further, that not less than \$10,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric specialty hospitals and units; provided further that \$11,700,000 shall be expended on disproportionate share payments to high public payer hospitals; provided further, that in con-

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junction with the new medicaid management information system project, said executive office shall continue to study the feasibility of modifying its claim payment system, in collaboration with the MassHealth behavioral health contractor, to routinely process for payment valid claims for medically necessary covered medical services to eligible recipients with psychiatric and substance abuse diagnoses on a timely basis in an effort to avoid delay and expenses incurred by lengthy appeals processes; and provided further, that said secretary shall report to the house and senate committee on ways and means any proposed modifications to said payment system, and a timeline of steps to be taken to implement said modifications 2,711,969,860”;

In item 4000-0600 by adding the following: “; and provided further, that effective July 1, 2007 for the fiscal year ending June 30 2008, the division of health care finance and policy shall establish Mass Health nursing facility rates that result in payments to nursing facilities that are not less than \$80,000,000 above the payments made to said facilities in fiscal year 2007” and in said item by striking out the figures “1,907,632,048” and inserting in place thereof the figures “1,918,632,048”;

By striking out item 4000-0640 and inserting in place thereof the following item:

“4000-0640 For nursing facility Medicaid rates; provided, that notwithstanding any general or special law to the contrary, in fiscal year, 2008 the division of health care finance and policy shall establish nursing facility Medicaid rates that cumulatively total \$288,500,000 more than the annual payment rates established by the division under the rates in effect as of June 30, 2002, as mandated under section 1 of chapter 42 of the acts of 2003; provided further, that the division shall adjust per diem rates to reflect any reductions in Medicaid utilization; provided further, that the payments made pursuant to this line item shall be used in a manner that complies with 42 U.S.C Section 1903 (w)(3)(A) and allocated in the following manner in fiscal year 2008: (1) effective July 1, 2007, an annual amount of \$99,000,000 in the aggregate to fund the use of 2000 base year cost information for rate determination purposes; provided, that \$9,000,000 of this amount shall be expended for purposes of reimbursing nursing facilities for up to 10 bed hold days for patients of the facility on medical and non-medical leaves of absence; (2) effective July 1, 2007, an annual amount of \$122,500,000 for enhanced payment rates to nursing homes; (3) effective July 1, 2007, an annual amount of \$50,000,000 to fund a rate add-on for wages, hours and benefits and related employee costs of direct care staff of

nursing homes; provided further, that as a condition for such a rate add-on, the division shall require that each nursing home document to the division that such funds are spent only on direct care staff by increasing the wages, hours and benefits of direct care staff, increasing the facility's staff-to-patient ratio, or by demonstrably improving the facility's recruitment and retention of nursing staff to provide quality care, which shall include expenditure of funds for nursing facilities which document actual nursing spending that is higher than the median nursing cost per management minute in the base year used to calculate Medicaid nursing facility rates; provided further, that a facility's direct care staff shall include all nursing personnel including registered nurses, licensed practical nurses, and certified nurses' aides hired by the facility from any temporary nursing agency or nursing pool registered with the department of public health, provided further, that the division shall credit wage increases that are over and above any previously collectively bargained wage increases; provided further, that in monitoring compliance for this rate add-on, the division's regulations shall adjust any spending compliance test to reflect any Medicaid nursing facility payment reductions, including, but not limited to, rate reductions imposed on or after October 1, 2002; provided further, that the expenditure of these funds shall be subject to audit by the division in consultation with the department of public health and the executive office of health and human services; provided further, that in implementing this section, the division shall consult with the Nursing Home Advisory Council; (4) effective July 1, 2007, an annual amount of \$16,450,000 (a) to fund rate adjustments for reasonable capital expenditures by nursing homes, giving priority to nursing homes located or constructed in under-bedded areas as determined by said executive office, in consultation with the division, that meet quality standards established by the executive office of health and human services in conjunction with the department of public health and the division for the purposes of encouraging the upgrading and maintenance of quality of care in nursing homes; and (b) to fund rate adjustments to eligible nursing homes that meet utilization standards established by the executive office of health and human services in consultation with the division for the purpose of reducing unnecessary nursing home admissions and facilitating the return of nursing home residents of non-institutional settings; provided further, that to the extent that the annual amount of \$17 million in this clause is not fully allocated, the division

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shall first provide operating or capital rate adjustments for publicly operated, urban and geographically-isolated nursing homes; (5) \$300,000 for the purposes of an audit of funds distributed under clause (3); provided further, that the division, in consultation with the department of public health and with the assistance of the executive office of health and human services, shall establish penalties sufficient to deter noncompliance to be imposed against any facility that expends any or all monies in violation of clause (3), including but not limited to recoupment, assessment of fines or interest; provided further, that the division shall report to the house and senate committees on ways and means not later than October 1, 2007 a preliminary analysis of funds expended under this subsection in fiscal year 2007 and a description and timeline for auditing of these funds; (6) \$250,000 to fund expenses of the division related to the implementation and administration of section 25 of chapter 118G of the General Laws; and (7) an amount sufficient to implement section 622 of chapter 151 of the acts of 1996; and provided further, that any additional funds that may become available through this item due to decreased Medicaid utilization shall first fund a per-diem rate add-on for large Medicaid providers as specified in 114.2 CMR 6.06 (10)(a), as in effect on September 1, 2003 and then fund further enhanced rates to nursing homes 288,500,000”;

In item 4000-0700, by striking out the figures “1,492,425,551” and inserting in place thereof the figures “1,507,225,551”;

In section 2, by striking out item 4100-0060 and inserting in place thereof the following item:

“4100-0060 For the operation of the division; provided, that notwithstanding any general or special law to the contrary, the assessment to acute hospitals authorized pursuant to section 5 of chapter 118G for the estimated expenses of the division shall include in fiscal year 2008, the estimated expenses, including indirect costs, of the division and shall be equal to the amount appropriated in this item less amounts projected to be collected in fiscal year 2008 from: (1) filing fees; (2) fees and charges generated by the division’s publication or dissemination of reports and information; and (3) federal financial participation received as reimbursement for the division’s administrative costs; provided further, that the assessed amount shall not be less than 65 per cent of the total expenses appropriated for the division and the health safety net office; provided further, that the division shall promulgate regulations requiring all

hospitals receiving payments from the health safety net trust established pursuant to section 57 of 118E to report to the division the following utilization information: the number of inpatient admissions and outpatient visits by age category, income category, diagnostic category and average charge per admission; provided further, that the division shall submit quarterly to the house and senate committees on ways and means a summary report compiling said data; provided further, that the division, in consultation with the executive office of health and human services, shall not promulgate any increase in medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act or any successor federal statute to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that the division shall meet the reporting requirements of section 25 of chapter 203 of the acts of 1996; provided further, that funds may be expended for the purposes of a survey and study of the uninsured and underinsured in the commonwealth, including the health insurance needs of the residents of the commonwealth; provided further, that said study shall examine the overall impact of programs administered by the executive office of health and human services on the uninsured, the underinsured, and the role of employers in assisting their employees in affording health insurance pursuant to section 23 of chapter 118G of the General Laws; provided further, that the division shall publish annual reports on the financial condition of hospitals and other health care providers through the Health Benchmarks project website, in collaboration with the executive office of health and human services, the office of the attorney general, and the University of Massachusetts; provided further, that the division shall submit to the house and senate committees on ways and means and the joint committee on health care financing not later than December 6, 2007 a report detailing utilization of the health safety net trust fund; provided further, that the report shall include: (1) the number of persons in the commonwealth whose medical expenses were billed to said trust in fiscal year 2007; (2) the total dollar amount billed to the said trust in fiscal year 2007; (3) the demographics of the population using said trust and (4) the types of services paid for out of the trusts' funds in fiscal year 2007; provided further, that the division shall include in the report an analysis on hospitals'

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responsiveness to enrolling eligible individuals into the MassHealth program upon the date of service rather than charging said individuals to the health safety net trust; provided further, that the division shall include in the report possible disincentives the state could provide to hospitals to discourage such behavior; provided further, that notwithstanding any general or special law or rule or regulation to the contrary, the division shall not allow any exceptions to the usual and customary charge defining rule as defined in 114.3 CMR 31.02, for the purposes of drug cost reimbursement to eligible pharmacy providers for publicly aided and industrial accident patients; provided further, that the division is hereby authorized to change the pricing standard used by said division when determining the rate of payment to pharmacy providers for prescribed drugs for publicly-aided or industrial accident patients if such a change would financially benefit the commonwealth; provided further, that the division shall prepare a report on the savings realized by the MassHealth Pharmacy Program, for the first 3 months of fiscal year 2008, as a result of the reimbursement rate reductions for multiple source drugs for which upper limits have been set by the federal Centers for Medicare and Medicaid Services; provided further, that using said data, the division shall also estimate the program savings for fiscal year 2008; provided further, that the division shall forward a copy of this report to the Secretary of Administration and Finance, and to the House and Senate Committees on Ways and Means no later than November 15, 2007; and provided further the division, after consultation with the Secretary and the Chairpersons of the Ways and Means committees, may adjust pharmacy dispensing fees for multiple source prescription drugs to compensate for any reduction as a result of the upper limits implemented under the Deficit Reduction Act of 2005 13,979,008”;

In item 4100-2008, by striking out the figures “209,292” and inserting in place thereof the figures “800,000”;

By striking out item 9110-1455 and inserting in place thereof the following:

“9110-1455 For the costs of the drug insurance program authorized by section 39 of chapter 19A of the General Laws; provided, that amounts received by the executive office of elder affairs’ vendor as premium revenue for this program may be retained and expended by the vendor for the purposes of the program; provided further, that notwithstanding any general or special law to the contrary, unless otherwise prohibited by

state or federal law, prescription drug coverage or benefits payable by the executive office of elder affairs, and the entities with which it has contracted for administration of the subsidized catastrophic drug insurance program pursuant to section 39 of said chapter 19A, shall be the payer of last resort for this program for eligible persons with regard to any other third-party prescription coverage or benefits available to such eligible persons; provided further, that this program is subject to appropriation and expenditures shall not exceed in fiscal year 2008 the amount authorized in this item; provided further, the department shall allow those who meet program eligibility criteria to enroll in the program at any time during the year; provided further, that not less than \$600,000 shall be made available for the operation of the pharmacy outreach program established by Section 4C of Chapter 19A of the Massachusetts General Laws; provided further, that the executive office shall take steps for the coordination of benefits with the Medicare prescription drug benefit created pursuant to the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, to ensure that Massachusetts residents take advantage of said benefit; and provided further, that the department shall provide assistance for prescription drug costs to enrollees who qualify for Medicare Part D as well as assistance for premiums, deductibles, payments, and co-payments required by the Part D or Medicare Advantage plans; or by other plans which provide creditable prescription drug coverage as defined by section 104 of said Medicare Modernization Act, and which provide coverage of the cost of prescription drugs actuarially equal to or better than that provided by Medicare Part D 63,783,128”;

In item 9110-1500, by striking out the figures “43,410,832” and inserting in place thereof the figures “44,910,832”;

In item 9110-1630, by striking out the figures “104,974,938” and inserting in place thereof the figures “105,224,938”;

In item 9110-1636, by striking out the figures “14,218,896” and inserting in place thereof the figures “14,468,896”;

In item 9110-1640, by striking out the figures “350,000” and inserting in place thereof the figures “425,000”;

By striking out item 9110-1660, and inserting in place thereof the following item:

“9110-1660 For congregate and shared housing services for the elderly provided further that the amount \$75,000 shall be expended for the Jewish Family Services of Western Massachusetts to implement the Aging-Well at Home Program in Springfield, provided further, that \$150,000

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shall be used to fully fund a supportive senior housing program at Edward F Doolan Apartments in the city of Fall River; provided further, that no less than \$75,000 shall be expended to fund the aging-in-place pilot project operated by the Jewish Family Service of the North Shore in Swampscott; provided further, that not less than \$216,000 shall be allocated to the Helping Elders at Risk Through Homes (HEARTH) program; provided further that no less than \$50,000 be expended for the Tuttle House facility in Dorchester; and provided further, that \$375,000 shall be expended for an aging-in-place pilot project operated by of Jewish Family & Children’s Service of Greater Boston (JF&CS) in Brookline and Malden, and by Jewish Family Service of Metrowest (JFS/MW) in Framingham 2,947,800”;

In item 9110-1700, by striking out the figures “250,000” and inserting in place thereof the figures “300,000”;

By striking out item 9110-1900 and inserting in place thereof the following item:

“9110-1900 For the elder lunch program and provided further, that not less than \$40,000 shall be expended for a youth/elder outreach position at the Roche Family Community Center in West Roxbury 5,935,303”;

and in item 9110-9002, by striking out the figures “7,575,000” and inserting in place thereof the figures “7,825,000”;

In section 13, in line 11, by striking out the following: “section 60” and inserting in the place thereof the following: “section 39” and in said section by inserting after line 239 the following paragraph:

“(c) The office shall enter into an interdepartmental service agreement with the office of Medicaid to develop and implement a plan to achieve the improvements in the operations, management, payment processes and data integrity of the health safety net trust fund, consistent with, but not limited to, the provisions of subclauses (ii) through (v) of subsection (b). Said plan shall include, but not be limited to: (i) a review and analysis of free care and emergency bad debt claims submitted in the most recent 3-year period to determine the patterns most appropriate and promising for targeted audits and reviews; (ii) a cost effective approach to maximizing the identification of all sources of third party liability for patients receiving free care or emergency services; (iii) a cost-effective approach to establishing an ongoing claims and utilization review system for uncompensated care claims that is effective in identifying and disallowing inappropriate claims, but also takes into consideration the practicality of said approach considering the small volume of claims relative to other payers that make routine use of claims and utilization review systems, and (iv) an approach that maximizes the use of existing eligibility determination and review systems, coordination of benefits, claims review and provider integrity systems, ISAs and related program and provider integrity contracts available to the office of Medicaid for achieving the management improvements required under this section. Said plan, and a proposed timeline for implementation of all components of the plan, shall be

submitted to the joint committee on health care financing and the house and senate committees on ways and means no later than October 30, 2007. The office and the office of Medicaid shall jointly submit a report to joint committee on health care financing and the house and senate committees on ways and means no later than March 15, 2009, outlining the results of the management improvements implemented pursuant to said plan and provisions of this section and making any necessary recommendations for further improvements and reforms of the health safety net trust fund and its operations.”;

By striking out section 21 and inserting in place thereof the following section:

“SECTION 21. Chapter 58 of the acts of 2006 is hereby amended by striking out section 128 and inserting in place thereof the following section:—

Section 128. Notwithstanding any general or special law to the contrary, and in accordance with section 13B of chapter 118E of the General Laws, in fiscal year 2007, \$90,000,000 shall be made available from the Commonwealth Care Trust Fund, established pursuant to section 2000 of chapter 29 of the General Laws, to pay for an increase in the Medicaid rates paid to acute hospitals, as defined in section 1 of chapter 118G of the General Laws, and physicians, provided that not less than 15 per cent of the increase shall be allocated to rate increases for physicians; provided further, that for fiscal year 2008, an additional \$90,000,000 for a total of \$180,000,000, shall be made available from the Commonwealth Care Trust Fund in accordance with the provisions of this section, to pay for an increase in the Medicaid rates paid to acute hospitals, as defined in section 1 of said chapter 118G, and physicians, provided that not less than 15 per cent of the increase shall be allocated to rate increases for physicians. In fiscal year 2009, an additional \$90,000,000, for a total of \$270,000,000, shall be made available to pay for an increase in the Medicaid rates paid to acute hospitals, as defined in said section 1 of said chapter 118G, and physicians, provided that not less than 15 per cent of the increase be allocated to rate increases for physicians. For purposes of payments to hospital pursuant to this section, fiscal year shall mean the hospital fiscal year, and for purposes of any payments to physicians pursuant to this section, fiscal year shall mean the state fiscal year.”;

By striking out section 24 and inserting in place thereof the following section:

“SECTION 24. Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the office of the state treasurer, the executive office for administration and finance, and the executive office of health and human services, develop a schedule and make a series of transfers not to exceed \$346,000,000 from the General Fund to the MassHealth provider payment account in the Medical Assistance Trust Fund established pursuant to section 2QQQ of chapter 29 of the General Laws. Any increase in payment made from said trust that results in the cumulative payments from said trust totaling an amount greater than \$251,000,000 in fiscal year 2008 shall be made only after: (i) the provisions of sections 130 and 131 of chapter 58 of the Acts of 2006 have been satisfied; and (ii) the secretary of the executive office of health and human services certifies that any said increase in payments from said trust shall not exceed the negotiated

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limit for section 1115 waiver spending. The secretary of health and human services shall notify, in writing, the house and senate committees on ways and means and joint committee on healthcare financing of said certification within 15 days.”;

In section 40, in line 3, by inserting after the words “acts of 2004” the following: “from the Uncompensated Care Trust Fund, or any successor fund.”; and

By adding the following section:

“SECTION 56. Notwithstanding the provisions of section 128 of chapter 58 of the acts of 2006, as amended by section 21 of this act, and in accordance with section 135 of said chapter 58, to the extent applicable under this section payment of \$20,000,000 shall be made available to acute hospitals under said section 58 to pay for increases in Medicaid rates to such hospitals in state fiscal year 2008 shall be contingent on hospital adherence to quality standards and achievement of performance benchmarks, including the reduction of racial and ethnic disparities in the provision of health care, in accordance with section 13B of chapter 118E of the General Laws; provided further, that for purposes of implementing the provisions of this section, for state fiscal year 2008, any such performance benchmarks shall be limited to and defined by reference to the reporting of measures to be reported by hospitals to the federal Centers for Medicare & Medicaid Services for Reporting Hospital Quality Data for Annual Payment Update, to the Joint Commission on Accreditation of Healthcare Organizations for core measures, or to the MassHealth Program pursuant to appendix G of the contract between MassHealth and acute hospitals for Rate Year 2007. For state fiscal year 2008, each acute hospital subject to this section and to section 128 of said chapter 58 of the acts of 2006 shall report the data provided for in this section quarterly, and 1/4 of the amount withheld from payment to such hospital pursuant to this section shall be paid upon receipt of said quarterly reports.”.

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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 Ms. St. Fleur of Boston; and on the roll call 158 members voted in the affirmative and 0 in the negative.

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

Therefore the amendments were adopted.

Recess.

At five minutes after six o’clock P.M. (Thursday, April 26), on motion of Ms. Coakley-Rivera of Springfield (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past seven o’clock; and at eight minutes after eight o’clock the House was called to order with Mrs. Canavan of Brockton in the Chair.

Quorum.

Mr. Scaccia of Boston thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Canavan), 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. 78.

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) 158 members were recorded as being in attendance.

[See Yea and Nay No. 78 in Supplement.]

Therefore a quorum was present.

After debate the Speaker 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.

Suspension of Rule 1A.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 135 members voted in the affirmative and 21 in the negative.

Rule 1A suspended,—yea and nay No. 79.

[See Yea and Nay No. 79 in Supplement.]

Therefore Rule 1A was suspended.

Recesses.

At six minutes after nine o'clock P.M. (Thursday, April 26), on motion of Mr. Petrolati of Ludlow (the Speaker being in the Chair), the House recessed until half past nine o'clock; and at five minutes before twelve o'clock midnight the House was called to order with the Speaker in the Chair.

Recesses.

Subsequently, at fourteen minutes after twelve o'clock midnight (Friday, April 27), there being no objection, on motion of Mr. DeLeo of Winthrop (the Speaker being in the Chair), the House recessed until the hour of ten o'clock A.M.; and at that time, the House was called to order with Mr. O'Flaherty of Chelsea in the Chair.

Friday, April 27, 2007 (at 10:00 o'clock A.M.)

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

Pledge of allegiance.

Recesses.

At one minute after ten o'clock A.M. (Friday, April 27), the Chair (Mr. O'Flaherty) declared a recess subject to the call of the Chair; and at twenty-seven minutes after eleven o'clock the House was called to order with Mr. Bosley of North Adams in the Chair.

Recesses.

The House thereupon took a further recess, on motion of Mr. Peterson of Grafton, until the hour of twelve o'clock noon; and at a quarter after twelve o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Quorum.

Mr. Petrucci of Boston thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), 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 152 members were recorded as being in attendance.

Quorum,—yea and nay No. 80.

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

Therefore a quorum was present.

Message from the Governor.

Gun violence,— reduce.

A message from His Excellency the Governor recommending legislation relative to reducing gun violence (House, No. 3991) was filed in the office of the Clerk on Thursday, April 12.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Judiciary. Sent to the Senate for concurrence.

Orders of the Day.

Senate bills

Third reading bills.

Authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Sharon (Senate, No. 2212); and

Authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Foxborough (Senate, No. 2213);

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

House bills

Id.

Authorizing the town of North Reading to convey and acquire land (House, No. 1954); and

Authorizing the town of North Reading to convey and acquire land (House, No. 1955);

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

General Appropriation Bill.

The House Bill making appropriations for the fiscal year 2008 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. 4000, amended) was considered.

Recess.

After remarks on the question on passing the bill, as amended, to be engrossed, at twenty-two minutes before one o'clock P.M. (Friday, April 27), the Speaker took the Chair; and, on motion of Mr. DeLeo of Winthrop, the House recessed until a quarter after one o'clock. At twenty-nine minutes after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Quorum.

Mr. Flynn of Bridgewater thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), 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. 81.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 153 members were recorded as being in attendance.

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

Therefore a quorum was present.

Mr. Fallon of Malden and other members of the House then moved to amend the bill in section 2, in item 2820-0100, by adding the following: “; provided further that \$75,000 shall be expended for improvements to the Holland Pool located in the City of Malden.”

After debate the amendment was rejected.

Mr. Casey of Winchester then moved to amend the bill in section 2, after item 0526-0100, by inserting the following item:

“0526-0910 For a program of grants through the Massachusetts Historical Commission to units of municipal governments and to private, nonprofit organizations for the preservation of historic properties, landscapes and sites; provided, that \$200,000 be expended for the historic preservation and maintenance of the Sanborn House in the town of Winchester 200,000”.

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 the same member; and on the roll call 7 members voted in the affirmative and 147 in the negative.

Winchester Sanborn House amendment rejected,—yea and nay No. 82.

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

Therefore the amendment was rejected.

Mr. Quinn of Dartmouth and other members of the House then moved to amend the bill in section 2, after item 2511-3002, by inserting the following item:

“2511-4000 For the State Reclamation and Mosquito Control Board for use by local mosquito control districts for preemptive targeted aerial mosquito spraying; provided further that preference shall be given to Bristol and Plymouth Counties 500,000”.

After remarks the amendment was rejected.

Mr. DeLeo of Winthrop and other members of the House then moved to amend the bill in section 2, by striking out item 2000-0100 and inserting in place thereof the following item:

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“2000-0100 For the office of the secretary, including the water resources commission, the hazardous waste facility site safety council, the coastal zone management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws, the mosquito-borne disease vector control chapter program, and a central data processing center for the secretariat; provided, that the secretary of environmental affairs may enter into interagency agreements with any line agency within the secretariat, whereby the line agency may render data processing services to said secretary; provided further, that the comptroller may allocate the costs for such data processing services to the several state and other funds to which items of appropriation of such agencies are charged; provided further, that not less than \$150,000 shall be expended for a

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coastal shore water testing program administered by the Coalition for Buzzards Bay; provided further, that not less than \$100,000 shall be expended for a one to one matching grant to the Cape Cod Bay sanctuary program; provided further, that said secretary shall file a plan with the house and senate committees on ways and means 20 days before entering into any interdepartmental service agreements with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the secretary shall file a plan with the house and senate committees on ways and means and to the joint committee on environment, natural resources and agriculture 90 days prior to the initiation of any proposal or plan that would consolidate any function with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the plan shall include, but not be limited to the following: (1) an identification of the employees that would be affected by consolidation and the item of appropriation that they are paid from, (2) the savings or efficiencies to be realized, (3) the improvements to the services expected, and (4) the source and amount of funding necessary to accomplish the consolidation; and provided further, that the secretary shall provide a 90 day notice prior to the implementation of any memorandum of understanding, interagency service agreements, or other contacts, or agreements that would enable such consolidation of services to take

6,483,412”;

By striking out item 2030-1000 and inserting in place thereof the following item:

“2030-1000 For the operation of the office of environmental law enforcement; provided, that officers shall provide monitoring pursuant to the National Shellfish Sanitation Program; provided further, that the department shall maintain and operate the boat registration and titling offices in Hyannis and Fall River; provided, that not less than \$150,000 shall be expended for the cost of patrols performed by environmental law enforcement officers within properties controlled by the department of conservation and recreation

10,801,950”;

By striking out item 2200-0100 and inserting in place thereof the following item:

“2200-0100 For the operation of the department of environmental protection, including the environmental

strike force, the office of environmental results and strategic planning, the bureau of resource protection, the Senator William X. Wall experimental station, and a contract with the University of Massachusetts for environmental research; provided, that the provisions of section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; provided further, that \$200,000 shall be expended for the for the administration and enforcement of the mercury management act; provided further, that not less than \$60,000 shall be expended for wetlands protection near the department of public works in the town of Millis; provided further, that \$168,000 shall be expended for sediment control in Lake Webster; provided further, that not less than \$50,000 shall be expended for the Buzzards Bay National Estuary Municipal Grant Program; provided further, that not less than \$145,000 shall be provided to the City of Revere under the provisions of chapter 351 of the Acts of 1996; provided further, that not less than \$50,000 shall be expended to install and maintain a twenty-four hour canister ambient air quality monitoring system around the Allegheny Rodney Strip Division and Brittany Dyeing and Printing Corporation facilities in the City of New Bedford; provided further, that not less than \$90,000 shall be provided for Brownfield redevelopment in the City of Lynn; provided further, that not less than \$150,000 shall be expended to the University of Massachusetts Agricultural Department to continue a program to control and eliminate the Winter Moth worm; and provided further, that not less than \$100,000 shall be expended for site contamination services associated with the Caryville Mill Senior Housing Program 34,799,730”;

By striking out item 2330-0100 and inserting in place thereof the following item:

“2330-0100 For the operation of the division of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program, including coastal area classification, mapping and technical assistance, and for the operation of the Newburyport shellfish purification plant and shellfish classification program; provided, that \$300,000 shall be expended on a recreational fisheries program to be reimbursed by federal funds; provided further, that not less than \$45,000 shall be expended for shellfish

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propagation on the islands of Martha’s Vineyard and Nantucket to be administered jointly by the state aquaculture coordinator, the Martha’s Vineyard Shellfish Group, Inc. and Nantucket County; provided further, that not less than \$90,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and Barnstable County Department of Health and the Environment; and provided further, that the sum expended for the School for Marine Science and Technology for research to minimize the economic impact of new fisheries management regulations shall not be reduced from fiscal year 2007 levels except in proportion to adjustments consistent with the department’s budget adjustments 4,106,365”;

By striking out item 2511-0100 and inserting in place thereof the following item:

“2511-0100 For the operation of the department of agricultural resources, including the office of the commissioner, the expenses of the board of agriculture, the division of dairy services, and the division of regulatory services and animal health, including a program of laboratory services at the University of Massachusetts at Amherst, the expenses of the pesticides board, and the division of agricultural development and fairs; provided further, that not less than \$200,000 shall be expended to enhance the buy local effort in western, central, northeastern, and southeastern Massachusetts 4,783,183”;

By striking out item 2800-0101 and inserting in place thereof the following item:

“2800-0101 For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the department and the office of water resources in the department of conservation and recreation; provided, that \$500,000 shall be paid to the town of Clinton, under section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided further, that the amount of the payment shall be charged to the General Fund and shall not be included in the amount of the annual determination of fiscal year charges to the Massachusetts Water Resources Authority assessed to the authority under the General Laws; and provided further, that \$48,000 shall be expended for the flood control activities undertaken by the Thames river valley communities of Massachusetts in conjunction with the state of Connecticut; provided further, that not less than \$25,000 shall be expended for stormwater remediation and erosion control at

Farm Pond in Sherborn; provided further, that not less than \$20,000 shall be expended for a water quality project to Eel Pond in the town of Mattapoisett; provided further, that not less than \$400,000 shall be expended for sediment control in Crystal Lake and Elginwood Pond in the city of Peabody, including but not limited to: \$15,000 for a phosphorus study including algae and weed control and abatement, \$14,000 for plant inventory and monitoring, and \$38,000 for a bathymetry study to determine the exact volume and ascertain the circulation and water quality and appropriate pond level and height for water quality and recreational use in Crystal Lake and Elginwood Pond in the city of Peabody; provided further, that not less than \$100,000 shall be expended for the town of Hopkinton for the operation of North Pond Dam / Lake Maspenock Dam located in the towns of Hopkinton, Milford; provided further, that not less than \$75,000 shall be expended for the Blackwater River in Salisbury; provided further, that not less than \$50,000 shall be expended for Pine Tree Brook in the town of Milton; provided further, that not less than \$200,000 shall be expended for the water plant in Reading

2,266,297”;

By striking out item 2800-0500 and inserting in place thereof the following item:

“2800-0500 For the freshwater and saltwater beaches under the control of the department of conservation and recreation; provided, that all beaches shall remain open and staffed from Memorial Day through Labor Day; provided further, that the beaches shall have their full amount of required maintenance and upkeep; provided further, that not less than \$2,000,000 shall be expended for the purchase of new equipment to provide better maintenance to the Metropolitan Beaches and the personnel necessary to use said equipment; provided further, that not less than \$150,000 shall be expended for maintaining, trash removal, maintenance and up keep for Nantasket Beach in the town of Hull; provided further, that not less than \$100,000 shall be allocated for the Jones River Watershed Association of Kingston for program support; provided further, that not less than \$35,000 shall be expended for the cleanup of Pilyella algae on the Nahant Beach Reservation; provided further, that not less than \$50,000 shall be expended for the cleanup of Pilyella algae on Kings Beach and Long Beach in Lynn; provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 15, 2007 that shall include, but not be limited to,

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the following: (1) the amount of funding provided to each beach under the control of the department in fiscal years 2006 and 2007; (2) a breakdown of how the funds were spent for each beach and the services that were provided; (3) the items of appropriation used to provide funding; (4) the amount of funding to be provided for each beach in fiscal year 2008 from this item; and (5) a list of the services or materials for each beach that will be provided from this item

5,170,000”;

By striking out item 2800-0700 and inserting in place thereof the following item:

“2800-0700 For the office of dam safety; provided, that the department shall, in collaboration with the department of environmental protection and the department of fish and game, establish and maintain a comprehensive inventory of all dams in Massachusetts, and develop a coordinated permitting and regulatory approach to dam removal for stream restoration and public safety; provided further, that not less than \$75,000 shall be expended for repairs to Manns Pond Dam in Sharon; provided further, that not less than \$100,000 shall be expended for a study of the pumping capacity of the Amelia Earhart Dam on the Mystic River; provided further, that not less than \$100,000 shall be expended for the repairs of the dam in the town of Millbury; provided further, that not less than \$125,000 shall be expended for the dam on the Squannacook River known as the Squannacook Dam, and jointly owned by the towns of Groton and Shirley and provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 15, 2007 that shall include, but not be limited to, the following: (1) the number of staff that are assigned from this item and their job title, (2) the number of dam inspections that are scheduled for fiscal year 2008, and (3) the number of dams that are in need of repairs, or need to be replaced

1,446,698”;

In item 2800-9004 by striking out the figures “375,000” and inserting in place thereof the figures “400,000”;

By striking out item 2810-0100 and inserting in place thereof the following item:

“2810-0100 For the operations of the division of state parks and recreation; provided, that funds appropriated in this item shall be used to operate all of the division’s parks, heritage state parks, reservations, campgrounds, beaches and pools and for the oversight of rinks, to protect and manage the division’s lands and natural resources including the forest and parks conservation services and

the bureau of forestry development; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the department may issue grants to public and nonpublic entities from this item; and provided further, that the level of funding for the beaches and pools from this item in fiscal year 2008 shall not be reduced from fiscal year 2007; provided further, that not less than \$250,000 shall be expended for the town of Holbrook; provided further, that not less than \$185,000 shall be expended for the Schooner Ernestina Commission; provided further, that not less than \$250,000 shall be expended by the department of conservation and recreation to hire additional state licensed foresters; provided further, that not less than \$25,000 shall be expended for the Heritage State Park in the city of Fall River; provided further, that not less than \$350,000 shall be expended to monitor and control water and wastewater systems in the town of Medfield; provided further, that not less than \$100,000 shall be expended for the Camp Marion Recreation Program; provided further, that not less than \$100,000 shall be expended for Nashawannuck Pond in Easthampton 23,330,308”;

By striking out item 2820-0100 and inserting in place thereof the following item:

“2820-0100 For the administration, operation and maintenance of the division of urban parks and recreation, including for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, flood control activities of the division, purchase of all necessary supplies and related equipment, and the civilianization of crossing guards located at division intersections where state police previously performed such duties; provided further, that the parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation; provided further, that no funds from this item shall be made available for payment to true seasonal employees; and provided further, that the rinks under the control of the department shall remain open and staffed for the full rink season; provided further, that not less than \$50,000 shall be provided for safety improvements by the ponds at Lake Street in the Town of Acushnet; provided further, that not less than \$450,000 shall be expended to the city of

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Lowell; provided further, that not less than \$75,000 shall be expended for the Herter Center in the Christian A. Herter Park located in Allston-Brighton for the purpose of preserving educational and cultural materials that benefit the Commonwealth; provided further, that not less than \$50,000 shall be provided to the Lake Singletary Watershed Association for services related to water quality and conservation improvements; provided further, that not less than \$75,000 shall be expended for staffing, management, and maintenance, on the esplanade in Boston; provided further that not less than \$75,000 shall be expended for the Library Park in the city of Woburn; provided further that not less than \$50,000 shall be expended for public safety on the Deerfield and upper Connecticut River; provided further that \$40,000 shall be expended for aquatic nuisance control in Sluice Pond and Flax Pond in the city of Lynn; provided further that not less than \$50,000 shall be expended for the maintenance of the Fellsmere Pond Reservoir in the City of Malden; provided further, that not less than \$225,000 shall be expended for maintenance, and horticulturalist personnel for the southwest corridor park; provided further, that not less than \$100,000 shall be expended for the Heritage State Park located in the Roxbury section of the city of Boston; provided further, that not less than \$60,000 shall be expended for the Martha's Vineyard Commission; provided further, that not less than \$25,000 shall be provided to the Veterans' Memorial Park in Blackstone; provided further, that not less than \$55,000 shall be expended for the maintenance of Red Rock Park on Lynn Shore Drive in the town of Lynn, including \$5,000 for the replacement of dead vegetation in the park; provided further, that not less than \$125,000 shall be expended for the athletic fields located on Robinson Street and Hancock Street in the town of Hanson; provided further, that \$250,000 shall be expended for the linked trail system for local and state parks along the Back River in the towns of Weymouth and Hingham; provided further, that not less than \$75,000 shall be expended for the Eugene Lovely field in Andover; provided further, that not less than \$100,000 shall be expended for park located in Suffolk County on parcel 2102442005; provided further, that not less than \$3,900 shall be expended on additional school crossing guards for the corner of Mystic avenue and Shore drive in the city of Somerville; provided further, that the school crossing guards for the corner of Mystic avenue and Shore drive in the city of Somerville shall be named the Senator Charles E.

Shannon Crossing Guard Corps; provided further, that not less than \$100,000 shall be expended for the sole purpose of restoring, operating, maintaining and ongoing support of the department of conservation and recreation park rangers mounted unit in the Blue Hills Reservation, existing as of January 1, 2004, which shall be located, sited and operated from a stable and facilities in the Blue Hill Reservation; provided further, that not later than December 28, 2007, the department of conservation and recreation shall file with the house and senate committees on ways and means an annual report detailing the actual expenditures of funds; provided further, that any funds not so expended solely for this purpose shall be reimbursed to said department of conservation and recreation park rangers mounted unit from the funds allocated for the operation of the office of the secretary of the executive office of environmental affairs fiscal year 2007 budget allocation, retroactively; provided further, that the secretary of the executive office of environmental affairs is hereby directed to request and obtain the return of all animals, equipment, including: tack and trailers, and personnel of the department of conservation and recreation park rangers mounted unit within their control, custody and possession as of January 1, 2004; provided further, that should additional horses of a comparable or better quality as such horses in said mounted unit as of January 1, 2004 need to be obtained by gift or purchase, that said office of the secretary of the executive office of environmental affairs shall incur said costs; provided further, that the secretary of environmental affairs is hereby directed to commence an investigation and study relative to forming a public/private partnership to assist in the maintenance and care of the unit, including: but not limited to, fundraising, operating and maintaining the horses, stables and other facilities in connection with said department of conservation and recreation mounted ranger unit; provided further, that not less than \$250,000 shall be expended for public safety along Nonantum Road in Watertown; provided further, that not less than \$297,000 shall be expended for the Curley Recreation Center in South Boston; provided further, that not less than \$40,000 shall be expended on Havey Beach in West Roxbury; provided further, that not less than \$75,000 shall be expended for the costs associated with the clean up of the Charles River lakes district; provided further, that not less than \$150,000 shall be expended for improvements to the Hill Park and the William G. Reinstein Recreation

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Complex in the City of Revere; provided further, that not less than \$75,000 shall be expended for electronic flood gates at the Furnace Brook/Black’s Creek on Quincy Shore Drive; and provided further that \$15,000 be expended for aquatic weed control for Winter Pond in Winchester 29,082,482”;

In item 7002-0012, in line 5, by inserting after the word “programs” the following: “; provided further, that not less than \$100,000 shall be expended for an at-risk juvenile program at the Boys and Girls Club of The Lower Merrimack Valley in Salisbury” and in said item by striking out the figures “5,700,000” and inserting in the place thereof the figures “5,950,000”;

In item 7003-0605, by striking out the figures “850,000” and inserting in place thereof the figures “950,000”;

By striking out item 7003-0702 and inserting in place thereof the following item:

“7003-0702 For grants to be administered by the department of workforce development; provided further; that not less than \$75,000 shall be expended for the International Institute to provide long-term case management and employment training for highly skilled legal immigrants; provided, that not less than \$500,000 shall be expended for education, career development and employment service programs operated by the Urban League of Massachusetts; provided further, that not less than \$250,000 shall be expended for the Jackson-Appleton-Middlesex plan in the City of Lowell; provided further, that not less than \$250,000 shall be expended for a health center skilled training program on the Lower and Outer Cape Cod; provided further, that not less than \$15,000 shall be expended by WE CAN of Cape Cod for workforce training and career mentoring for women in transition; provided further, that not less than \$95,000 shall be expended for the Mature Workers Program of the Cape and Islands Workforce Investment Board; provided further, that \$15,000 shall be awarded to the Draper Complex Reuse Committee in Hopedale; provided further, that \$50,000 shall be expended for the Allston-Brighton Vocational Center (VAC) for the continued operation of a job training and placement center; provided further, that not less than \$200,000 shall be expended for the Women’s Career Mentoring Program operated by the Jewish Vocational Service’s Center for Careers and Lifelong Learning and Crittenton Women’s Union Woman to Woman Program; provided further, that not less than \$250,000 shall be expended for the Massachusetts Career Development Institute in Springfield to provide job training, employability development and career counseling to the unemployed and underem-

ployed; provided further, that not less than \$350,000 shall be expended to fund need-based workforce development related to continuing education grants administered by the Access Program of Boston; provided further, that not less than \$50,000 shall be expended to The Town of Reading for a feasibility study and preliminary design of a downtown parking garage as part of the town's smart growth initiative to concentrate development in the downtown area; provided further, that not less than \$100,000 shall be provided to the Workforce Investment Association of MA, Inc. for the purpose of providing technical assistance and assisting administrators, career center directors, and fiscal agents; provided further, that not less than \$100,000 be expended for the Lower Pioneer Valley Education Collaborative for the purpose of expanding their existing programs and services to better serve students with disabilities; provided further, that not less than \$7,500 shall be provided for the Bonnie Brae Day Camp in Gardner; provided further, that not less than \$250,000 shall be expended to the New England Farm Workers Council; provided further, that not less than \$100,000 shall be expended for Springfield Technical Assistance Program to be operated by the Affiliated Chambers of Commerce of Greater Springfield; provided further, that not less than \$60,000 shall be expended to continue the economic development project operated by the Arlington Neighborhood Association in the city of Lawrence; provided further, that not less than \$25,000 be expended for the International Institute of the Merrimack Valley; provided further, that not less than \$50,000 shall be expended for a human service academy pilot program to be operated by People Inc. of Fall River; provided further, that not less than \$50,000 shall be expended for Merrimack Valley Community Service Corps; provided further, that not less than \$125,000 shall be expended for the 1199SEIU Training and Upgrading Fund to provide a job training initiative for participating health care institution; provided further, that not less than \$100,000 shall be expended for the operation and programs of AWAKE (Alive with Awareness, Knowledge, and Empowerment) in Springfield; provided further, that not less than \$150,000 shall be expended for Puerto Rican Cultural Center of Springfield; provided further, that not less than \$100,000 shall be expended for Centro Las Americas to provide workforce training, educational services and other transitional services in the city of Worcester; provided further, that not less than \$750,000 shall be expended

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for a high school science program in biotechnology by Commonwealth Corporation, in consultation with the Massachusetts Biotechnology Council, including teacher and guidance counselor training, biotechnology lab equipment, and biotechnology lab supplies evaluation and technical assistance; provided further, that not less than \$500,000 shall be expended on the Commonwealth Corporation; provided further, that not less than \$300,000 shall be expended for a hospital skill training program operated by the Commonwealth Corporation; provided further, that not less than \$250,000 shall be expended for the Charles E. Shannon Jr. At-Risk Youth Project, operated by the Center for Teen Empowerment Inc., for the community of Somerville; provided further, that not less than \$100,000 shall be expended to Inquilinos Boricuas en Accion (IBA) for the Pathways to Technology Initiative; provided further, that not less than \$105,000 shall be expended for the operation of the E-Team Machinist Program of the North Shore; provided further, that not less than \$195,000 shall be expended for rapid response labor specialists at the Massachusetts AFL-CIO and not less than \$135,000 shall be expended for worker coordinators at the Massachusetts AFL-CIO; provided further, that not less than \$150,000 shall be expended for the Martin Luther King, Jr. Business Empowerment Center in the City of Worcester; provided further, that not less than \$250,000 shall be expended for the Center for Women & Enterprise; provided further, that not less than \$150,000 shall be provided to Lazarus House for the continued operation of a job training program; provided further, that not less than \$150,000 shall be expended for the Latino After-School Initiative (LASI) Youth Development Project; provided further, that not less than \$50,000 shall be expended for both the Reunion Center in the city of Easthampton and the Easthampton Youth Entrepreneurship Project; provided further, that \$200,000 shall be expended for the Boston Health Care and Research Training Institute; provided further, that not less than \$100,000 shall be expended for Centro Latino de Chelsea to provide workforce training, educational services, and other transitional services in the city of Chelsea; provided further, that not less than \$900,000 shall be expended on the Massachusetts Service Alliance for the operation of the youth, senior service and conservation corps program; provided further, that not less than \$10,000 shall be expended for the Medical Assistant Certificate Program in Fall River; provided further,

that not less than \$400,000 shall be expended to provide employment, training and job placement by Year Up, Inc. of Boston; provided further, that not less than \$139,500 shall be expended for Just-a-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed, underemployed or displaced workers, or persons receiving benefits from transitional aid to families with dependent children; provided further, that not less than \$250,000 shall be expended to support the Technology Initiative of the Metro South/West Regional Employment Board for the development of the Technology Centers of Excellence serving the region's youth and business, and said grant shall require a 200 per cent match from the private sector; provided further, that not less than \$127,000 shall be expended for the employee involvement and ownership program; provided further, that not less than \$200,000 shall be expended for the Western Massachusetts Enterprise fund; provided further, that not less than \$5,000 shall be expended for a youth employment program in Methuen

8,734,000”;

In item 7003-0803, by striking out the figures “4,000,000” and inserting in place thereof the figures “6,000,000”;

By inserting after said item 7003-0803 the following item:

“7003-1641 For a grant for the Small Business Association of New England for the layoff aversion through management assistance program for consultant and technical assistance to manufacturing companies in Massachusetts to prevent business closure and employee displacement; provided, that the expenditure of the layoff aversion through management program as provided for in this item shall leverage at least \$1 in matching funds for every \$1 granted pursuant to this item; provided further, the president of the Small Business Association of New England shall file a quarterly report with the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development on the number of employees and manufacturing-based companies that have received financial assistance through this item, a detailed description of the services provided to manufacturing companies in the commonwealth through the layoff aversion through management program, and a detailed account of the expenditures of the layoff aversion program, including administrative costs

250,000”;

By inserting after item 7007-0300 the following item:

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“7007-0334 For the operation of the office of small business and entrepreneurship and for grants to community development corporations, community development financial institutions or non-profit community-based organizations for the purpose of providing technical assistance or training programs to businesses with 20 employees or fewer 1,500,000”;

In item 7007-0500 by adding the following: “; and provided further, that not less than \$60,000 shall be expended to the City of Lynn to promote a Biotechnology incubator space within the city’s Smart Growth District” and in said item by striking out the figures “700,000” and inserting in place thereof the figures “760,000”;

By inserting after said item 7007-0500 the following item:

“7007-0515 For economic development grants to be administered by the department of business and technology; provided, that \$200,000 shall be expended for the operation of the Massachusetts Fisheries Recovery Commission; provided further, that not less than \$350,000 shall be expended to the Massachusetts Alliance for Economic Development for the purpose of enhancing economic development related services, including but not limited to implementation of a statewide online site finder to assist business growth; provided further, that not less than \$250,000 shall be expended for a grant to the south shore tri-town development corporation established pursuant to chapter 301 of the acts of 1998; provided further, that not less than \$300,000 be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce 1,100,000”;

By striking out item 7007-0900 and inserting in place thereof the following item:

“7007-0900 For the operation and administration of the office of travel and tourism; provided, that performance-based standards shall be incorporated in all contracts executed by said office for the procurement of tourism marketing and advertising services; provided further, that not less than \$1,250,000 of the amount appropriated herein shall be expended for the operation and administration of the Massachusetts Sports and Entertainment Commission; provided, however, that the Massachusetts Sports and Entertainment Commission shall be the official and lead agency to facilitate and attract major sports events and championships in the Commonwealth; provided further, that the Massachusetts Sports and Entertainment Commission shall establish a division within the Commission which shall be the official and lead agency to facilitate motion picture production and devel-

opment within the Commonwealth; provided further, that not less than \$50,000 shall be provided for the restoration and repairs of the Historical Asa Waters Mansion in the Town of Millbury; provided further, that not less than \$300,000 shall be expended for the Sturbridge Heritage and Preservation Partnership; provided further, that \$200,000 be expended for costs associated with the Tewksbury Center expansion project on Chandler Street in the town of Tewksbury; provided further, that not less than \$170,000 shall be expended for the Bourne Financial Development Corporation, to complete re-development projects in Buzzards Bay and to begin a re-development analysis of MacArthur Boulevard in Bourne; provided further, that not less than \$100,000 shall be expended for the Buzzards Bay Village Association, to implement the Greenbelt Pathway Project, and to advance to the second phase of a master plan for the Bridge Park along Main Street in Buzzards Bay; provided further, that not less than \$9,000 shall be expended for operating expenses for the Route 195 Visitor Information Center in Wareham; provided further, that not less than \$100,000 shall be expended for the Pilgrim Hall Museum; provided further, that not less than \$150,000 shall be expended for an environmental program in the Wachusett Regional School District; provided further, that \$100,000 for small business program in Everett; provided further, that not less than \$50,000 shall be expended for the New Bedford Art Museum for tourism production; provided further that not less than \$175,000 be expended for the Lake Street Recreation project in the Town of Shrewsbury; provided further that not less than \$70,000 be expended for improvements to the Jordan Pond area and the creation of a walking trail around Jordan Pond in the Town of Shrewsbury; provided further, that not less than \$50,000 shall be expended for the Louis D. Brown Peace Institute; provided further, that not less than \$50,000 shall be expended for the historic Jenney Grist Mill in Plymouth; provided further, that not less than \$30,000 shall be expended for the Northampton Chamber of Commerce to support the marketing and planning of cultural tourism and related hospitality industry events in the city of Northampton; provided further, that not less than \$78,700 shall be expended for the Arsenal Center for the Arts; provided further, that not less than \$20,000 shall be expended to the Berkshire Theater Festival in Stockbridge; provided further, that not less than \$200,000 shall be expended to the Mahaiwe Performing Arts

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Center in Great Barrington; provided further, that not less than \$200,000 shall be expended to The Boston Symphony Orchestra at Tanglewood; provided further, that not less than \$150,000 shall be expended for a child safety grant in the Town of Hamilton; provided further, that not less than \$100,000 shall be expended for the Cape Cod Economic Development Council; provided further, that not less than \$25,000 shall be expended to operate the Cape Cod Junior Technology Council; provided further, that not less than \$80,000 shall be expended as a grant for the Pioneer Valley Visitors and Tourist Information Center in Greenfield; provided further, that not less than \$50,000 shall be expended for Framingham Downtown Renaissance economic, tourism and cultural development programs; provided further, that not less than \$50,000 shall be expended for the START Partnership in Framingham; provided further, that not less than \$150,000 shall be expended for a child safety program in the town of Winthrop; provided further, that not less than \$250,000, subject to a 100 per cent matching fund, shall be available for the Berkshire Economic Development Corporation; provided further, that not less than \$75,000 shall be expended for the Samuel Harrison House in the City of Pittsfield; provided further, that not less than \$100,000 shall be expended for The Berkshire Museum, in the City of Pittsfield; provided further that not less than \$100,000 shall be expended to create a post-secondary nursing degree and certification program at the Blackstone Valley Vocational Regional School in partnership with Quinsigamond Community College; provided further, that not less than \$30,000 be expended for the implementation of the Fitchburg Regional Crime Recording Project; provided further, that not less than \$200,000 shall be expended for the City Stage of Springfield; provided further, that not less than \$175,000 shall be expended for the Springfield Business Improvement District (SBID) for the central business district area of the City of Springfield; provided further, that not less than \$200,000 shall be expended for the Spirit of Springfield; provided further, that not less than \$25,000 shall be expended for the Springfield Symphony Orchestra; provided further, that \$100,000 shall be expended for a public safety program in the town of Dudley; provided further, that not less than \$50,000 shall be expended for the Russian Community Association in Springfield; provided further, that not less than \$100,000 shall be expended for Battleship Cove in Fall River in order to assist the commonwealth's official

World War II and 9/11 memorials educational and tourism endeavors; provided further, that not less than \$250,000 shall be expended for the SouthCoast Development Partnership; provided further, that not less than \$75,000 shall be expended for patrols in Wompatuck state park in the town of Hingham; provided further, that not less than \$250,000 shall be expended for the Medway Public Library; provided further, that not less than \$250,000 shall be expended for the establishment of a law enforcement technology fund in the Town of Franklin; provided further, that \$100,000 shall be expended for the Old Provincial State House; provided further, that not less than \$50,000 shall be expended to the Merry-Go-Round at Heritage State Park in Holyoke; provided further, that not less than \$50,000 shall be expended by the Massachusetts Sports and Entertainment Commission for support of film festivals on the Cape and Islands; provided further, that not less than \$200,000 shall be expended for the continuation of the publication Massachusetts Great Escapes that markets Massachusetts as a tourism destination throughout the northeast region of the country; provided further, that not less than \$1,500,000 shall be expended for a promotional program by the Massachusetts Office of Travel and Tourism to enhance the international tourism market share of the Commonwealth, said program to include but not be limited to the countries of Canada, Argentina, Brazil, Great Britain, Ireland, Italy, France, Germany, Japan and Spain; provided further, that not less than \$50,000 shall be expended for Plimoth Plantation, Inc. to establish the Cultural Coast program, to develop and market itineraries and web-based planning tools to encourage visitor exploration of the Commonwealth's coastal region from Quincy to Provincetown; provided further, that not less than \$125,000 shall be expended for New England Puerto Rican Association; provided further, that not less than \$75,000 shall be expended for Partners for a Healthier Community, Inc. to provide the BEST Oral Health Pilot Program in Hampden County; provided further, that not less than \$75,000 shall be expended for the renovation of the Bing Theatre; provided further, that not less than \$75,000 be expended for the installation of street lights in the Forest Park area of Springfield; provided further, that not less than \$75,000 shall be expended for the Multicultural Alzheimer's Services Project of Springfield; provided further, that not less than \$185,000 shall be expended for the International Trade Assistance Center in Fall River; provided further, that \$50,000 shall be

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expended for the Grand Army of the Republic (GAR) Museum in the city of Lynn; provided further, that not less than \$250,000 be expended for the North Central Massachusetts Development Corporation; provided further, that not less than \$150,000 shall be expended for the historic Chevalier auditorium in Medford; provided further, that not less than \$150,000 shall be expended for a child safety program in the city of Revere; provided further, that not less than \$50,000 shall be expended for a public safety grant in Hanover, Norwell, and Rockland; provided further, that not less than \$50,000 shall be expended for a youth sports grant to Reading memorial high school in the town of Reading; provided further, that not less than \$75,000 shall be expended to Boston City Lights; provided further, that not less than \$10,000 shall be expended from this item for a public-private match for the Joshua Eaton clock tower in Reading; provided further, that not less than \$100,000 shall be expended for Chinatown Tourism and Trust in the City of Boston; provided further, that \$50,000 shall be expended for youth sports program in Reading; provided further, that not less than \$10,000 shall be made available to the Town of Dalton for the historic Hoose House; provided further, that not less than \$50,000, shall be made available to the Jacob's Pillow Dance Festival; provided further, that not less than \$35,000 shall be expended for engineering studies and plans at the landfill in the town of Seekonk; provided further, that not less than \$100,000 shall be expended to the Basketball Hall of Fame in Springfield; provided further, that not less than \$200,000 shall be expended as grants for the Bay State Games; provided further, that not less than \$50,000 shall be expended for the economic development project at the Salisbury Chamber of Commerce; provided further, that not less than \$25,000 shall be expended for the Sandwich Glass Museum for the purposes of promoting the education of the glass blowing industry in Massachusetts history; provided further, that not less than \$50,000 shall 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 not less than \$35,000 shall be expended for a public safety grant in the town of Berlin; provided further, that not less than \$250,000 shall be expended for the 495/Metrowest Corridor Partnership; provided further, that not less than \$75,000 be expended for the Head of the Charles Regatta; provided further, that not less than \$200,000 shall be expended for a grant for

From the Top, Inc.; provided further, that not less than \$75,000 shall be expended for the Captain Gerald F. DeConto program in Sandwich; provided further, that not less than \$75,000 shall be expended for the Spectacle of Lights at Heritage Museums and Gardens in Sandwich; provided further, that not less than \$30,000 be expended for the Korean War Memorial in the city of Haverhill; provided further, that not less than \$25,000 shall be expended for the John Greenleaf Whittier birthplace; provided further, that not less than \$25,000 shall be expended for the Winnekenni Castle Foundation; provided further, that not less than \$25,000 be expended for the Stevens-Bennett Home in the city of Haverhill; provided further, that \$100,000 shall be expended for the North End Visitor Center; provided further, that not less than \$75,000 shall be expended for the Cultural Center of Cape Cod; provided further, that not less than \$90,000 shall be expended for the Cape Cod Maritime Museum located in Hyannis; provided further, that not less than \$10,000 shall be expended to the Centerville Veteran's Association in the Town of Barnstable as a one-time matching grant to erect a statue honoring Veteran's of Foreign Wars in the village of Centerville; provided further, that not less than \$300,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that not less than \$8,000 shall be expended for the Friends of the Quabbin, Inc.; provided further, that \$10,000 shall be expended to the Templeton Historical Society in the Town of Templeton; provided further, that not less than \$35,000 shall be expended to the Heritage Landscape Inventory Program in partnership with the Towns of Spencer, North Brookfield, East Brookfield, Brookfield, West Brookfield and Warren; provided further, that not less than \$50,000 shall be expended for infrastructure repairs for TheatreZone Chelsea; provided further, that not less than \$50,000 shall be expended to continue and expand the triage counseling services in the Needham Public Schools; provided further, that not less than \$150,000 shall be expended by the western Massachusetts Economic Development Council for development, marketing, and advertising purposes; provided further, that not less than \$100,000 shall be expended for the Grandview Farm in Burlington; provided further, that not less than \$25,000 shall be expended for the River House in Beverly; provided further, that not less than \$350,000 shall be expended for the Free Shakespeare Company, a program of The Citi Performing Arts Center, for production support for performances

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offered for free to the public and for a pilot program to expand performances to Springfield and other cities; provided further, that not less than \$75,000 shall be expended for Girls, Inc. in the city of Lynn for improvements to their program as approved by the Board of Directors of said organization; provided further, that not less than \$100,000 shall be expended for the Russian Community Association of Massachusetts (RCAM) in Boston; provided further, that not less than \$50,000 shall be expended for the historic Academy Building in Attleboro; provided further, that not less than \$100,000 in appropriated funds shall be made available to the Fisher Street Bridge in the town of North Attleboro; provided further, that not less than \$40,000 funds shall be expended for a school safety grant in the town of North Attleboro; provided further, that not less than \$50,000 shall be expended for the Enterprise Center at Salem State College for the purposes of furthering the creative economy and economic development on the North Shore; provided further, that \$100,000 shall be expended for the Essex National Heritage Commission Cooperative Agreement; provided further, that not less than \$250,000 shall be expended for the program to combat mental retardation in children suffering from a genetic effect causing phenylketonuria created by section 4E of chapter 111 of the General Laws to be appropriated to the Commonwealth's metabolic disorder clinic programs for the purpose of patient education and support or anything else deemed necessary by said clinic programs; provided further, that not less than \$50,000 shall be expended for the Johnny Appleseed Visitors' Center; provided further, that not less than \$50,000 shall be expended for the Fort Devens Museum; provided further, that not less than \$1,000,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2008 for the highway information centers operating year-round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both of the City of Boston and the Adams Visitor Center in Adams; provided further, that not less than \$100,000 shall be appropriated to the Waltham Tourism Council; provided further, that not less than \$200,000 shall be expended to the historic registry in Stoneham; provided further, that not less than \$150,000 shall be expended for the Massachusetts Advocates for the Arts, Sciences, and Humanities to support the rehabilitation of cultural and heritage facilities across the Com-

monwealth and the fostering of economic opportunity through arts, culture and tourism in the Commonwealth through public education; provided further, that not less than \$50,000 shall be expended for the Urban Art Institute and the Massachusetts College of Art for the Peter's Park Art Wall program; provided further, that not less than \$100,000 shall be expended for the Kwong Kong Chinese School in Boston; provided further, that not less than \$50,000 shall be expended for ROCA Inc. for programs in Bowdoin/Geneva and the Upham's Corner/North Dorchester sections of Boston; provided further, that not less than \$100,000 shall be expended for an economic development grant in the Town of Braintree; provided further, that not less than \$150,000 shall be expended for the purpose of hyporheic and sub-hyporheic zone modification in the town of Westport; and provided further, that not less than \$75,000 shall be expended for the Assabet River Wildlife Refuge in Sudbury

24,566,477";

In item 7007-0951, by adding the following: “; provided further, that \$250,000 be expended on a matching program to encourage private and corporate donations to support the Franklin Park Zoo and Stone Zoo; provided further, that not less than \$50,000 shall be expended for the operation of the Zoo in Forest Park; and provided further, that not less than \$50,000 shall be expended for the Buttonwood Park Zoological Society to establish educational programs, exhibits, and other enhancements” and in said item by striking out the figures “6,850,000” and inserting in place thereof the figures “6,950,000”; and

By striking out item 7007-1300 and inserting in the place thereof the following item:

“7007-1300 For the operation of the Massachusetts International Trade Council, for the purpose of enhancing global market penetration for product exports, service exports and technology transfer by Massachusetts businesses and institutions, and for the promotion of Massachusetts as a location for foreign direct investment; provided, that not more than \$100,000 shall be used for trade show programs enhancing regional small and medium enterprise participation at foreign trade shows in concert with regional economic development agencies; provided further, that not more than \$60,000 shall be applied as a 25% match to the European Commission’s Research and Innovation Fund for the operation of a technology commercialization center in Massachusetts; provided further, not more than \$100,000 shall be used for the establishment of two additional foreign trade representative agency offices; provided further, not more than \$120,000 shall be spent toward the establishment of a Foreign Direct Investment Foundation to coordinate the resources of public and

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private institutions in promoting Massachusetts as a location for foreign direct investment; provided further, that not more than \$180,000 shall be used to plan and implement two Massachusetts foreign trade missions to be coordinated with Massachusetts based industry councils or associations; provided further, that not more than \$50,000 shall be spent for a trade mission coordinator and industry council liaison; provided further, that not more than \$30,000 will be transferred to the Donahue Institute at the University of Massachusetts to study the feasibility of establishing a Center for International Trade at the University in conjunction with United States Department of Education programs; provided further, that not more than \$25,000 shall be used for the implementation of bilateral technology transfer programs with foreign regional economic development entities; and provided further, that not more than \$120,000 to be transferred to the Massachusetts Export Center to develop and implement a regionally based support program to assist high potential export industry clusters 1,560,000”;

By striking out section 27 and inserting in place thereof the following section:

“SECTION 27. Notwithstanding any general or special law to the contrary, the comptroller shall, no later than June 30, 2008, transfer \$325,000,000 to the General Fund from the Commonwealth Stabilization Fund established pursuant to section 2H of chapter 29 of the General Laws.”; and

By adding the following section:

“SECTION 57. Notwithstanding any other general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer \$4,000,000 from the General Fund to the Massachusetts Science, Technology, Engineering and Mathematics Grant Fund established pursuant to section 2MMM of chapter 29 of the General Laws.”.

Quorum.

After remarks on the question on adoption of the amendments, Mr. DeLeo of Winthrop asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 152 members were recorded as being in attendance.

[See Ye and Nay No. 83 in Supplement.]

Therefore a quorum was present.

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. DeLeo; and on the roll call 155 members voted in the affirmative and 1 in the negative.

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

Therefore the amendments were adopted.

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After debate 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. DeLeo of Winthrop; 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. 85.

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

Therefore the bill, as amended, was passed to be engrossed. Mr. DeLeo moved that this vote be reconsidered; and the motion to reconsider was considered forthwith; and it was negatived. The bill (House, No. 4001, printed as amended) then was sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

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

Next
sitting.

At twenty minutes before four o'clock P.M. (Friday, April 27), on motion of Mr. Mariano of Quincy (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.