

Monday, April 23, 2012.

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

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

Resolutions.

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

Resolutions (filed by Mr. Brady of Brockton) congratulating Cody S. Gymiski of Brockton upon his elevation to the rank of Eagle Scout; Cody S. Gymiski.

Resolutions (filed by Mr. Fallon of Malden and other members of the House) congratulating the Malden Catholic High School hockey team on its 2012 MIAA Super 8 tournament victory; Malden Catholic,—hockey team.

Resolutions (filed by Mr. Finn of Springfield and other members of the House) congratulating the Springfield Central High School Eagles boys varsity basketball team on its 2012 season and Division I state championship; Springfield Central,—basketball team.

Resolutions (filed by Ms. Hogan of Stow) congratulating Kenneth W. Roith on achieving the rank of Eagle Scout with the Boy Scouts of America; Kenneth W. Roith.

Resolutions (filed by Mr. Kaufman of Lexington and other members of the House) congratulating the Arlington Catholic High School girls hockey team on its 2012 season and MIAA Division I state championship; Arlington Catholic,—hockey team.

Resolutions (filed by Mr. McMurtry of Dedham) congratulating Aidan Edward Anthony Low on receiving the Eagle Award of the Boy Scouts of America; Aidan Edward Anthony Low.

Resolutions (filed by Mr. McMurtry of Dedham) honoring the Society of St. Vincent de Paul; and St. Vincent de Paul Society.

Resolutions (filed by Mr. Walsh of Boston and other members of the House) congratulating the Herren Project on establishing Project Purple; Project Purple.

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

Guests of the House.

During the session, Mr. McMurtry of Dedham briefly took the Chair, declared a brief recess, and introduced members of the Society of St. Vincent de Paul who were present in the House Chamber. St. Vincent de Paul Society.

Mr. McMurtry then read and presented to the honored guests resolutions of the House (adopted this day) recognizing the excellent work of the society and offering them the best wishes of the House of Representatives.

Papers from the Senate.

Bills

Coppinger
Bridge.

Designating a certain bridge in the city of Boston as the Honorable Francis X. Coppinger Bridge (Senate, No. 1787) (on a petition);

Charles Doyle
Bridge.

Designating a certain bridge in the city of Boston as the Honorable Charles Doyle Bridge (Senate, No. 1788) (on a petition); and

Anthony
DiDonato
Highway.

Designating a certain portion of Route 197 in the town of Dudley as the Anthony B. DiDonato, Sr. Memorial Highway (Senate, No. 2169) (on a petition);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Belmont,—
meeting
notices.

A petition (accompanied by bill, Senate, No. 2223) of William N. Brownsberger (by vote of the town) for legislation to regulate certain town meeting notices in the town of Belmont, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Lowell,—
easements.

A petition (accompanied by bill) of Eileen M. Donoghue, Thomas A. Golden, Jr., Kevin J. Murphy and David M. Nangle for legislation to authorize the city of Lowell to acquire easements over certain parcels of land, came from the Senate referred, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2233) was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.

Engrossed Bills.

Engrossed bills

Bills
enacted.

Designating a certain building in the city of Holyoke as the Raymond P. Murphy Jr. Congregate House (see House, No. 3575);

Increasing the membership of the town forest committee of the town of Natick (see House, No. 3869); and

Relative to the town of Swansea Volunteer Fire Department (see House, No. 3996, amended);

(Which severally originated in the House);

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

Orders of the Day.

General
Appropriation
Bill.

The House Bill making appropriations for the fiscal year 2013 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. 4100), was read a second time.

Pending the question on ordering the bill to a third reading, at fourteen minutes after ten o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until eleven o'clock A.M.; and at fourteen minutes after eleven o'clock the House was called to order with Mr. Donato in the Chair. Recess.

After remarks on the question on ordering the bill to a third reading (the Speaker being in the Chair), Mr. Kuros of Uxbridge moved to amend it by inserting before the effective date sections (which were subsequently renumbered) the following three sections:

“SECTION 93. Subsection (a) of section 2 of chapter 63 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 15 through 17, inclusive, the following language: ‘; provided, however, that the excise imposed hereunder shall be no less than four hundred and fifty-six dollars.’

SECTION 94. Subsection (b) of section 2 of said chapter 63, as so appearing, is hereby further amended by striking out, in lines 25 through 27, inclusive, the following:—; provided, however, that in no case shall the excise imposed under this section amount to less than \$456.

SECTION 95. Section 38B of said chapter 63, as so appearing, is hereby amended by striking out, in lines 12 and 13, and in lines 25 and 26, inclusive, the following:— or four hundred and fifty-six dollars, whichever is greater.”

The amendment was rejected.

Ms. Peisch of Wellesley then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 93. Chapter 62 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following section:—

Section 65. Every person who receives payments or distributions from an individual retirement account may choose the amount of income taxes to be withheld from such payment or distribution regardless of whether such payment is subject to federal withholding; provided, that the recipient files a form specifying said amount with the payer of the individual retirement account and the commissioner.”

The amendment was rejected.

Mr. Kaufman of Lexington and other members of the House then moved to amend the bill by inserting after section 38 the following section:

“SECTION 38A. Subsection (f) of section 1 of chapter 62 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the first sentence the following sentence:— For purposes of clause (1), the making of a financial contribution, gift, bequest, donation or any other financial instrument or pledge in any amount or the donation or loan of any object of any value, or any combination of the foregoing, qualifying for deduction as a charitable contribution under section one hundred seventy (a) of the Code to any corporation, foundation, organization or institution, which is exempt from taxation under the provisions of section five hundred and one (c)(3) of the Code, shall not be used in any manner to determine domicile in the commonwealth or any other jurisdiction.”

The amendment was adopted.

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Mr. Chan of Quincy then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 93. Section 6 of chapter 64H of the General Laws is hereby amended by adding the following paragraphs:—

(yy) sales of new plug-in hybrid electric vehicles

(1) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meaning:

‘Plug-in hybrid electric vehicle’ means a motor vehicle, as defined in Massachusetts General Laws chapter ninety, section one, which:

(i) draws propulsion using a traction battery with at least 4 kilowatt hours of capacity;

(ii) uses an external source of energy to recharge such battery;

(iii) the original use of which commences with the taxpayer;

(iv) which is acquired for use or lease by the taxpayer and not for resale, and

(v) which is made by a manufacturer.

(2) This exemption is capped at \$1,000,000 per fiscal year

(3) This exemption shall expire on December 31, 2018.”.

The amendment was rejected.

Mr. Winslow of Norfolk then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following three sections:

“SECTION 93. Section 6 of chapter 62 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following subsection:—

(r) A taxpayer may take a credit against the taxes imposed by this chapter in an amount equal to the sales tax paid by the taxpayer under chapter 64H up to \$300 per tax year.

SECTION 94. The commissioner of revenue shall promulgate regulations necessary to implement the provisions of section 100 on or before December 1, 2012.

SECTION 95. The provisions of section 100 shall be effective for any tax year beginning on or after January 1, 2012.”.

The amendment was rejected.

Mr. Webster of Pembroke and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 93. Section 6 of chapter 64H of the General Laws is hereby amended by inserting the following new section:—

(x) Allowances afforded to a purchaser in a bundled cellular telephone transaction, so-called. For the purposes of this subsection, allowances exempt from taxation shall be the difference between the amount the dealer charges for a particular telephone in a bundled transaction and the price the dealer would charge for that same telephone in an unbundled transaction.”.

The amendment was rejected.

Mr. Webster and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 93. Section 5 of chapter 59 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after clause Twenty-second C the following clause:—

Twenty-second D. Real estate of service members and their spouses who are legal residents of the commonwealth who are veterans as defined in clause forty-three of section seven of chapter four, a disabled veteran or his surviving spouse and the surviving spouse of a service member killed in the line of duty that receives benefits in chapter 58 or this chapter may transfer or convey his residence or domicile, to which the disabled veteran or his surviving spouse and surviving spouse of a service member killed in the line of duty has assigned the benefit of the tax abatement listed under said chapter 58 or this chapter to a trust or conservatorship or other legal instrument passing ownership to his legal heirs or trustees, such disabled veteran or his surviving spouse and the surviving spouse of a service member killed in the line of duty, the trust or conservators shall be entitled to lawfully retain that formerly granted tax abatement to the residence or domicile until the death of the disabled veteran or his surviving spouse or the death of the surviving spouse of a service member killed in the line of duty, providing that the aforementioned remain residing in said residence or domicile until their death.”

The amendment was rejected.

Mr. Webster of Pembroke and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 93. The town may provide, by bylaw, a freeze on the rate and valuation of taxes on real property for any person who is sixty-five (65) years or older. The property taxes must have been imposed upon a residence that was occupied by the person claiming a freeze on the rate and valuation of taxes on real property as a principal place of residence as of the time of filing. No claimant shall receive a freeze on the rate and valuation of taxes on real property on more than one residence in any year. The confinement of the person to a hospital, nursing home, boarding home, or adult family home shall not disqualify the claim of a freeze on the rate and valuation of taxes on real property if:

- (a) The residence is temporarily unoccupied (minimum 3 months);
- (b) The residence is occupied by a spouse and/or a person financially dependent on the claimant for support; or
- (c) The residence is rented for the purpose of paying nursing home, hospital, boarding home, or adult family home costs.

The person claiming a freeze on the rate and valuation of taxes on real property must have owned as a principle residence at the time of filing, in fee, as a life estate, the residence on which the property taxes have been imposed or if the person claiming a freeze on the rate and valuation of taxes on real property lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this Act, a residence owned by a marital community or owned by co-tenants shall be deemed to be owned by each spouse or co-tenant, and any lease for life shall be deemed a life estate.

The person claiming a freeze on the rate and valuation of taxes on real property must be sixty-five years of age or older on December 31st of the year in which a freeze on the rate and valuation of taxes on real property claim is filed, PROVIDED, that any surviving spouse

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of a person who was receiving a freeze on the rate and valuation of taxes on real property at the time of the person's death shall qualify if the surviving spouse is sixty years of age or older and otherwise meets the requirements of this Act.

This Act does not apply to subsequent improvements to the property in the year in which the improvements are made. Subsequent improvements to the property shall be added to the value otherwise determined under this Act at their true and fair value in the year in which they are made.

The primary residence shall not contain more than five contiguous acres of land immediately surrounding such residence.

The Assessors shall provide application forms for a freeze on the rate and valuation of taxes on real property granted by this Act which shall require such information as may be necessary to determine the initial and continuing eligibility of the owner for a freeze on the rate and valuation of taxes on real property. A claimant must not owe any delinquent taxes on the residence for previous years.”.

The amendment was rejected.

Mr. Mariano of Quincy being in the Chair,—

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

“SECTION 38H. Section 2 of chapter 64H of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the words ‘6.25 per cent’ and inserting in place thereof the following words:— 5.833 per cent.

SECTION 38I. Section 2 of said chapter 64H of the General Laws, as so appearing, is hereby amended by striking out the words ‘5.833 per cent’ and inserting in place thereof the following words:— 5.417 per cent.

SECTION 38J. Section 2 of said chapter 64H of the General Laws, as so appearing, is hereby amended by striking out the words ‘5.417 per cent’ and inserting in place thereof the following words:— 5 per cent.

SECTION 38K. Section 30A of chapter 64H is hereby amended by striking out, in each instance in which it appears, the word ‘6.25’ and inserting in place thereof, in each instance, the following figure:— 5.833.

SECTION 38L. Section 30A of said chapter 64H, as so appearing, is hereby amended by striking out, in each instance in which it appears, the figure ‘5.833’ and inserting in place thereof, in each instance, the following figure:— 5.417.

SECTION 38M. Section 30A of said chapter 64H, as so appearing, is hereby amended by striking out, in each instance in which it appears, the figure ‘5.417’ and inserting in place thereof, in each instance, the following figure:— 5.

SECTION 38N. Section 2 of chapter 64I of the General Laws is hereby amended by striking out the words ‘6.25 per cent’ and inserting in place thereof the following words:— 5.833 per cent.

SECTION 38O. Section 2 of said chapter 64I of the General Laws, as so appearing, is hereby amended by striking out the words ‘5.833 per cent’ and inserting in place thereof the following words:— 5.417 per cent.

SECTION 38P. Section 2 of said chapter 64I of the General Laws, as so appearing, is hereby amended by striking out the words ‘5.417 per cent’ and inserting in place thereof the following words:— 5 per cent.

SECTION 38Q. Section 31A of chapter 64I is hereby amended by striking out, in each instance in which it appears, the figure ‘6.25’ and inserting in place thereof, in each instance, the following figure:— 5.833.

SECTION 38R. Section 31A of said chapter 64I, as so appearing, is hereby amended by striking out, in each instance in which it appears, the figure ‘5.833’ and inserting in place thereof, in each instance, the following figure:— 5.417.

SECTION 38S. Section 31A of said chapter 64I, as so appearing, is hereby amended by striking out, in each instance in which it appears, the figure ‘5.417’ and inserting in place thereof, in each instance, the following figure:— 5.

SECTION 38T. Sections 100, 103, 106, and 109, inclusive, of this act shall be effective on July 1, 2013.

SECTION 38U. Sections 101, 104, 107, and 110, inclusive, of this act shall be effective on July 1, 2014.

SECTION 38V. Sections 102, 105, 108, and 111, inclusive, of this act shall be effective on July 1, 2015.”

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

“SECTION 38W. Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the executive office of administration and finance and the department of revenue has furnished a study of its impact on the state’s economy and 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 and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 119 members voted in the affirmative and 37 in the negative.

Further
amendment
adopted,—
yea and nay
No. 217.

[See Yea and Nay No. 217 in Supplement.]

Therefore the further amendment was adopted.

The amendment offered by Mr. Jones, 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 the following section:

“SECTION 38B. Chapter 64A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, after section 7A, the following section:—

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

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

“Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the executive office of administration and finance and the department of revenue has furnished a study of its impact on the state’s economy and 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 and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”.

Further
amendment
adopted,—
yea and nay
No. 218.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Hill of Ipswich; and on the roll call 113 members voted in the affirmative and 38 in the negative.

[See Yea and Nay No. 218 in Supplement.]

Therefore the further amendment was adopted.

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

Mr. Barrows of Mansfield and other members of the House then moved to amend the bill by inserting the following section:

“SECTION 38G. Section 1 of chapter 64H of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word ‘services.’ in line 204 the following new sentence:— In the case of the sale by a vendor of a mobile telecommunications device with mobile telecommunications services, the tax shall be imposed upon the sales price of the mobile telecommunications device.”.

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

“Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the executive office of administration and finance and the department of revenue has furnished a study of its impact on the state’s economy and 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 and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”.

Further
amendment
adopted,—
yea and nay
No. 219.

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. deMacedo of Plymouth; and on the roll call 93 members voted in the affirmative and 64 in the negative.

[See Yea and Nay No. 219 in Supplement.]

Therefore the further amendment was adopted.

The amendment offered by Mr. Barrows, et als, as amended, then also was adopted.

An Order (offered by Mr. Binienda of Worcester) was considered forthwith, there being no objection; and it was adopted, as follows:

“*Ordered*, That, Notwithstanding any rule to the contrary, a court officer shall be assigned to cast roll call votes, except quorum roll calls, for Representative Dempsey of Haverhill during deliberation on the General Appropriation Bill.”

Representative
Dempsey of
Haverhill,—
voting.

Mrs. O’Connell of Taunton and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following five sections:

“SECTION 93. Section 1. Notwithstanding any general or special law to the contrary, for the days of October 7, 2012 through October 12, 2012 inclusive, the tax imposed upon meals pursuant to chapter 64H of the General Laws, as most recently amended by section 157 of chapter 27 of the Acts of 2009, shall be suspended.

SECTION 94. Reporting requirements imposed upon restaurants by law or regulation, including, but not limited to, the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales on the days of October 7, 2012 through October 12, 2012 inclusive.

SECTION 95. On or before June 30, 2013, the commissioner of revenue shall certify to the comptroller the amount of sales tax forgone, as well as new revenue raised from person and corporate income taxes and other sources, pursuant to this Act. The commissioner shall file a report with the joint committee on revenue and the house and senate committees on ways and means detailing by fund the amounts under general and special laws governing the distribution of revenues under Chapter 64H of the General Laws which would have been deposited in each fund, without this act.

SECTION 96. The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act.

SECTION 97. No part of this act shall affect the provisions of chapter 64L of the General Laws, as most recently added by section 60 of chapter 27 of the acts of 2009.”

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 Mrs. O’Connell; and on the roll call 36 members voted in the affirmative and 117 in the negative.

Amendment
rejected,—
yea and nay
No. 220.

[See Yea and Nay No. 220 in Supplement.]

[Messrs. Fennell of Lynn and Wong of Saugus answered “Present” in response to their names.]

Therefore the amendment was rejected.

Mr. Winslow of Norfolk then moved to amend the bill by inserting the following three sections:

“SECTION 38C. Section 6 of chapter 64C of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking, in lines 3 and 11, respectively, the figure ‘100½’ and inserting in place thereof the following:— 125½.

SECTION 38D. Section 13 of chapter 64C of the General Laws, as so appearing, is hereby amended by striking, in line 54, the words ‘twenty-five’ and inserting in place thereof the following:— twelve and one half.

SECTION 38E. Section 6 of chapter 64C of the General Laws, as so appearing, is amended by adding at the end thereof:— All cigarette

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excise revenues in excess of the amount received in the fiscal year ending June 30, 2012, shall be credited to the Massachusetts Transportation Trust Fund for the purpose of subsidizing the cost of fares for the Massachusetts Bay Transportation Authority.”

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

“SECTION 38F. Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the executive office of administration and finance and the department of revenue has furnished a study of its impact on the state’s economy and 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 and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”

Further
amendment
adopted,—
yea and nay
No. 221.

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. Winslow of Norfolk; and on the roll call 122 members voted in the affirmative and 34 in the negative.

[See Yea and Nay No. 221 in Supplement.]

[Mr. deMacedo of Plymouth answered “Present” in response to his name.]

Therefore the further amendment was adopted.

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

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

“SECTION 91A. Notwithstanding any general or special law to the contrary, the department of revenue shall study the tax revenue loss incurred by establishing a deduction, under section 3 of chapter 62, similar to the deduction described in section 165(d) of the Code, to the extent, if any, that that amount of such losses occurred in gaming facilities located in Massachusetts. The department shall report its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and house of representatives and with the house and senate chairs of the joint committee on revenue not later than December 31, 2012.”

The amendment was adopted; and the bill (House, No. 4100, amended) was ordered to a third reading.

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

After remarks on the question on passing the bill, as amended, to be engrossed, Mr. Adams of Andover moved to amend it by inserting before the effective date sections (which were subsequently renumbered) the following seven sections:

“SECTION 93. Section 8A of chapter 239 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting, on line 19, after the semicolon, the words:— (1) the tenant or occupant

deposits with the clerk all rent due prior to final disposition of the plaintiff's action.

SECTION 94. Section 8A of said chapter 239, is hereby amended by striking out, on line 21, after the word 'rent', the word 'knew' and inserting in place thereof the words:— was given written notice.

SECTION 95. Section 8A of said chapter 239, is hereby amended by inserting, on line 18, after the words 'under this section' the words:— when the tenant otherwise applies rent pursuant to section one hundred twenty-seven of chapter one hundred eleven L or.

SECTION 96. Section 8A of said chapter 239, is hereby amended by striking out the word 'may' throughout fourth paragraph, lines 56 through 77, and inserting in place thereof the word:— shall.

SECTION 97. Section 8A of said chapter 239 is hereby amended by striking out, on line 59, the words, 'the tenant or occupant claiming under this section to pay to' and inserting in place thereof the words:— to pay the landlord, from the deposit required by the second paragraph.

SECTION 98. Section 8A of said chapter 239 is hereby amended by striking out, on lines 62 through 64, the words:— or to make a deposit with the clerk of such amount or such installments thereof from time to time as the court may direct, for the occupation of the premises.

SECTION 99. Section 8A of said chapter 239 is hereby amended by striking out, on line 76, the words:— or for use and occupation.”.

After debate the amendment was rejected.

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

In item 7070-0065, in line 3, by striking out the words “or independent”, in line 4, by striking out the words “, or any other approved institution furnishing a program of higher education”, in said line, by inserting after the word “nursing,” the following: “within Massachusetts or independent college, university or other approved institution furnishing a program of higher education within Massachusetts with an endowment of less than \$1,000,000,000.00 as of December 31, 2011”, and in said item by striking out the figures “86,507,756” and inserting in place thereof the figures “79,276,756”; and

In item 7100-0200, in line 8, by inserting after the word “maintenance;” the following : “provided further, that no less than \$7,231,000 be expended to provide financial assistance to Massachusetts students enrolled at the University of Massachusetts”, and in said item by striking out the figures “417,982,753” and inserting in place thereof the figures “425,213,453”.

After remarks the amendments were rejected.

Mr. Winslow of Norfolk then moved to amend it by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 93. The president of the University of Massachusetts shall prepare a report regarding the feasibility of offering a three year program of study for undergraduate degree which costs students less than a four year program of study, to reduce the cost of undergraduate education in the commonwealth. Such report shall be filed with the Clerk of the Senate and Clerk of the House no later than January 15, 2013.”.

The amendment was adopted.

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Amendment
rejected,—
yea and nay
No. 222.

Mr. Hill of Ipswich and other members of the House then moved to amend the bill in section 2, in line 7061-0012, by striking out the figures “221,575,000” and inserting in place thereof the figures “225,000,000”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Hill; and on the roll call 34 members voted in the affirmative and 121 in the negative.

[See Yea and Nay No. 222 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 before the effective date sections (which were subsequently renumbered) the following thirteen sections:

“SECTION 94. Subsection (a) of section 13 of chapter 13 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking, in line 1, the figure ‘17’ and inserting in place thereof the following figure:— 18.

SECTION 95. Subsection (a) of section 13 of said chapter 13, as so appearing, is hereby amended by striking, in line 8, the word ‘consumers.’ and inserting in place thereof the following words:— consumers; and a vocational-technical licensed practical nursing educator or administrator who shall be selected from a group of three nominees, to be nominated by the Massachusetts Association of Vocational Administrators.

SECTION 96. Section 32 of said chapter 13, as so appearing, is hereby amended by striking, in line 4, the word ‘eight’ and inserting in place thereof the following figure:— 9.

SECTION 97. Section 32 of said chapter 13, as so appearing, is hereby amended by inserting after the word ‘forty-one.’, in line 8, the following sentence:— 1 of the appointees shall be a vocational-technical electrical educator or administrator, who shall be selected from a group of three nominees, to be nominated by the Massachusetts Association of Vocational Administrators.

SECTION 98. Section 36 of said chapter 13, as so appearing, is hereby amended by striking, in line 3, the word ‘nine’ and inserting in place thereof the following figure:— 10.

SECTION 99. Section 36 of said chapter 13, as so appearing, is hereby amended by inserting, in line 16, after the word ‘systems,’ the following words:— 1 of whom shall be a vocational-technical plumbing educator or administrator who shall be selected from a group of three nominees to be nominated by the Massachusetts Association of Vocational Administrators,.

SECTION 100. Section 42 of said chapter 13, as so appearing, is hereby amended by striking, in line 2, the word ‘seven’ and inserting in place thereof the following figure:— 8.

SECTION 101. Section 42 of said chapter 13, as so appearing, is hereby amended by striking, in line 35, the word:— and.

SECTION 102. Section 42 of said chapter 13, as so appearing, is hereby amended by striking, in line 36, the word ‘cosmetology’ and inserting in place thereof the following words:— cosmetology; and (c) one member shall be a vocational-technical cosmetology educator or administrator who shall be selected from a group of three

nominees, to be nominated by the Massachusetts Association of Vocational Administrators.

SECTION 103. Section 101 of said chapter 13, as so appearing, is hereby amended by striking, in line 4, the figure '5' and inserting in place thereof the following figure:— 6.

SECTION 104. Subsection (a) of section 101 of said chapter 13, as so appearing, is hereby amended by inserting, after the word 'work,' in line 9 the following words:— , 1 of whom shall be a vocational-technical sheet metal educator or administrator who shall be selected from a group of three nominees, to be nominated by the Massachusetts Association of Vocational Administrators,.

SECTION 105. Section 1 of chapter 74 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the definition of 'service programs' contained in lines 43 to 44, inclusive, and inserting in place thereof the following definition:—

'Service programs', the preparation of students in occupational areas such as hotel and lodging, cosmetology, child care or any service occupation that by its nature is characterized as being a service, professional or non-professional. Such programs shall be in compliance with the program approval criteria regulations published by the state board.

SECTION 106. Chapter 74 of the General Laws, as so appearing, is hereby amended by inserting after section 55 the following section:—

Section 56. The district trustees shall establish a program, in collaboration with the advisory committee, the director of the department of career services and a representative of the local workforce investment board, to expand not-for-credit vocationally-oriented instruction provided through contracts with Massachusetts employers. The program shall allow interested business partners to sponsor a prospective or current employee for training provided by the vocational school at the expense of the employer. Each vocational school shall report not later than December 31, annually, to the commissioner of education on the level of not-for-credit vocationally-oriented instruction provided in the preceding fiscal year and the anticipated level of such instruction in the current fiscal year. The report shall detail enrollment levels, revenues received, sources of revenues, recruitment tools, the number of service contracts established with Massachusetts employers and such other information as the commissioner may require. The commissioner shall prepare a comprehensive report of the information and present copies of which to the board of higher education and the house and senate chairs of the joint committee on labor and workforce development not later than March 31, annually."

Pending the question on adoption of the amendment, Ms. Walz of Boston moved to amend it by adding the following section:

"SECTION 107. There is hereby established a commission on vocational-technical education in the twenty first century, to investigate and study the feasibility of authorizing public vocational-technical high schools to award post-secondary associates degrees. The commission shall consist of 14 members: the secretary of education or the secretary's designee who shall serve as chair of the commission; 2 members of the house of representatives, to be appointed by the speaker of the house; 2 members of the senate, to be appointed by the senate president; 4 members to be appointed by the Massachusetts Association of

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Vocational Administrators; 3 individuals to be appointed by the governor; the commissioner of higher education or a designee; and the commissioner of workforce development or a designee. The commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with any drafts of legislation necessary to carry out such recommendations, by filing the same with the clerks of the senate and house who shall forward the same to the chairs of the joint committee on education on or before December 31, 2013.”

The further amendment was adopted.

Amendment
adopted,—
yea and nay
No. 223.

After debate on the question on adoption of the amendment, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 154 members voted in the affirmative and 2 in the negative.

[See Yea and Nay No. 223 in Supplement.]

Therefore the amendment, as amended, was adopted.

Consolidated
amendments
(local aid
and
education).

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

In item 0640-0300, by striking out the figures “5,000,000” and inserting in place thereof the figures “6,500,000”;

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

By striking out item 3000-5075 and inserting in place thereof the following item:

“3000-5075 For the Massachusetts Universal Pre-Kindergarten Program; provided, that funds from this item shall be expended on grants to improve the quality of and expand access to preschool programs and services to children from the age of 2 years and 9 months until they are kindergarten eligible; provided further, that in awarding grant funds under this program, preference shall be given to establishing preschool classrooms in towns and cities with schools and districts at risk of or determined to be underperforming in accordance with sections 1J and 1K of chapter 69 of the General Laws, schools and districts which have been placed in the accountability status of identified for improvement, corrective action, or restructuring pursuant to departmental regulations or which have been designated commonwealth priority schools or commonwealth pilot schools pursuant to said regulations, schools or districts with a high percentage of students scoring in levels 1 and 2 on the MCAS exams or programs which serve children not less than 50 per cent of whom are from families earning at or below 85 per cent of the state median income; provided further, that funds may also be used to enhance community-wide capacity building efforts within statewide parameters established by the board; provided further, that any newly-funded programs designated as Massachusetts Universal Pre-Kindergarten Program participants shall fall within the

quality standards established by the Massachusetts Quality Rating and Improvement System; provided further, that programs receiving grant funds may use the funds to enhance teacher and staff quality and compensation, enhance program quality through participation in the Massachusetts Quality Rating and Improvement System, enhance program ability to interpret and use assessment data effectively, enhance developmentally-appropriate practices, incorporate ancillary services into the program, facilitate or provide access to wrap-around services for working families or to increase capacity to expand access to age-eligible children on the centralized waitlist maintained by the department; provided further, that preference shall be given in awarding grants to those programs which demonstrate affordability for middle class and working class parents according to standards to be developed by the department; and provided further, that any payment made under any such grant with a school district shall be deposited with the treasurer of such city, town or regional school district and held as a separate account and shall be expended by the school committee of such city, town or regional school district without municipal appropriation, notwithstanding any general or special law to the contrary.....

\$7,500,000”;

In item 3000-7000, by striking out the figures “10,185,557” and inserting in place thereof the figures “10,463,346”;

In item 3000-7050, in line 23, by inserting after “funded through this line item” the following: “the home-based, school readiness and family support program known as the parent-child home program,”;

In item 7000-9101, by adding the following: “; provided, that notwithstanding section 19A of chapter 78 of the General Laws or any other general or special law to the contrary, for the fiscal year 2013 state aid to public libraries program, the board of library commissioners shall consider that Fitchburg has met the standard of minimum hours of service as provided in section 19B of said chapter 78 and defined in 605 CMR 4.01(3) and further defined in board policies for the state aid program; provided further, that the board shall grant temporary certification to Fitchburg by August 31, 2012, upon receipt of a preliminary report showing compliance with the materials expenditure requirement during fiscal year 2012 and showing that the library has met the municipal appropriation requirement, or is likely to qualify for a waiver of said requirement, in the 2013 state aid to public libraries program; and provided further, that in order for Fitchburg to retain this certification and receive a grant award it shall successfully complete the annual certification process of the board in fiscal year 2013”;

In item 7000-9401, in line 10, by inserting after the following: “2012 distribution” the following: “; and provided further, that the board shall provide funds for the continued operation of a single regional library system to serve the different geographic regions of the commonwealth and requiring that physical locations be maintained in

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both eastern and western Massachusetts to serve the residents of those regions”, and by striking out, in said item, the figures “9,131,475” and inserting in place thereof the figures “9,231,475”;

By striking out item 7009-6400 and inserting in place thereof the following item:

“7009-6400 For grants to establish and operate high-quality, intensive and targeted programs that will rapidly increase English language learning for middle and high school students in school districts serving Gateway Cities; provided, that grant applications must provide at minimum, for after-school enrichment academies to operate during the spring of 2013; provided further, that applications may also provide for acceleration academies to be held during school vacations and/or for Saturday sessions during the spring of 2013; provided further, that funds may be set aside for the administration of these programs ; and provided further, that \$850,000 shall be set aside for English language acquisition professional development and the implementation of sheltered English immersion \$2,600,000”;

By inserting after item 7009-6400 the following item:

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

In item 7010-0005, in line 2, by inserting after the word “education” the words “; provided, that funds shall be expended for the oversight of education collaboratives”, and in said item by striking out the figures “13,036,906” and inserting in place thereof the figures “13,424,188”;

In item 7010-0012, in line 5, by inserting after the word “schools” the words “; provided further, that all grant applications submitted to and approved by the department of elementary and secondary education shall include a detailed line item budget specifying how such funds shall be allocated and expended;”, and in said item by striking out the figures “16,642,582” and inserting in place thereof the figures “18,142,582”;

By striking out item 7027-0019 and inserting in place thereof the following item:

“7027-0019 For school-to-career connecting activities; provided, that notwithstanding any general or special law to the contrary, the board of elementary and secondary education, in cooperation with the executive office of labor and workforce development and the state workforce investment board, may establish and support a public-private partnership to link high school students with economic and learning opportunities on the job as part of the school-to-career transition program; provided further, that this program may include the award of matching grants to workforce investment boards or other local public-private partnerships involving local community job commitments and work site learning opportunities for students provided further, that the grants shall require at least a 200 per cent match in wages for the students from private sector participants; provided further, that the program shall include, but not be limited to, a provision that business leaders commit resources to pay salaries to provide mentoring and instruction on the job and to work closely with teachers; provided further, that public funds shall assume the costs of connecting schools and businesses to ensure that students serve productively on the job; and provided further, that no funds shall be expended for personnel costs, prior appropriation continued \$2,770,000”;

In item 7035-0002, by adding the following: “; and provided further, that not less than \$150,000 be expended for Operation A.B.L.E. of Greater Boston to provide basic workforce and skills training, employment services and job re-entry support to older workers.”, and in said item by striking out the figures “29,173,112” and inserting in place thereof the figures “29,923,112”;

By striking out item 7035-0035 and inserting in place thereof the following item:

“7035-0035 For implementation of a competitively bid, statewide performance-based, integrated program to drive a school culture of high expectations and dramatically increase participation and performance in Advanced Placement courses, particularly among underserved populations, to prepare students for college and career success in science, technology, engineering and mathematics; provided, that these funds shall support all of the following program elements, without exception, for each school: open access to courses, equipment and supplies for new and expanded AP courses, support for the costs of AP exams and support for student study sessions; provided further, that these funds support teacher professional develop-

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ment, including a College Board endorsed AP summer institute for AP teachers; provided further, that such program shall provide a matching amount of at least \$1 million in private funding; provided further, that the program be chosen through a single competitive process and the funds dispersed by the beginning of the 2012-2013 school year to cover costs expended between August 1, 2012 and July 31, 2013; provided further, that this program shall work in conjunction with an existing, separately funded statewide pre-AP program; provided further, that all districts that participated in fiscal year 2012 shall benefit from the program with the same proportion of funds available in fiscal year 2013; and provided further, that the department shall deliver to the legislature an independent evaluation of these programs and their impact on student achievement, particularly as it relates to closing achievement gaps by January 11, 2013.....

\$1,750,000”;

By inserting after item 7061-0029 the following item:

“7061-0033 For a reserve to assist towns negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on military reservations located within the town’s limits; provided, that any grants provided under this item shall be expended by a school committee without further appropriation

\$1,300,000”;

In item 7061-0928, in line 9, by inserting after the words “General Laws” the following: “; provided further, that the department shall prepare and submit an annual report describing and analyzing the implementation of the pilot program in all participating schools to the joint committee on education, the house and senate committees on ways and means, and the office of the state treasurer on or before September 30 of each pilot year;”;

In item 7061-9404, in line 2, by striking out the year “2016” and inserting in place thereof the year “2017”, in line 21, by striking out the year “2014” and inserting in place thereof the year “2015”, in line 35, by striking out the year “2015” and inserting in place thereof the year “2016”, in line 46, by striking out the year “2016” and inserting in place thereof the year “2017”, in line 66, by striking out the year “2016” and inserting in place thereof the year “2017”, and by striking out the figures “9,094,804” and inserting in place thereof the figures “9,575,175”;

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

By inserting after item 7061-9611 the following item:

“7061-9614 For the alternative education grant program established in section 1N of chapter 69 of the General Laws; provided, that the commissioner shall allocate funds for both subsections (a) and (b) of said section 1N of said chapter 69; and

provided further, that no funds shall be expended
for personnel costs \$146,140”;

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

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

By inserting after item 7061-9804 the following item:

“7061-9810 For regional bonus aid pursuant to M.G.L. Chapter 71
Section 16(D)(g) \$251,950”;

In item 7066-0000 by inserting after the words “available to such institutions” the following: “; provided further, \$1,000,000 shall be made available for a State University Internship Incentive Program; provided further, the commonwealth shall contribute funds to each institution in an amount necessary to match private contributions in the current fiscal year to the institutions internship incentive program; provider further, that the commonwealth’s contribution shall be equal to \$1 for every \$1 privately contributed to each university’s board of trustees or foundation; provided further, that the maximum total contributions from the commonwealth shall be no greater than \$1,000,000; provided further, that funds from this program shall not result in direct or indirect reduction in the commonwealth’s appropriations to the institutions for operations, scholarships, financial aid or any state appropriation and the department shall promulgate regulations and criteria for said program”, and in said item by striking out the figures “1,728,649” and inserting in place thereof the figures “2,828,649”;

In item 7066-0024 by striking out the figures “1,300,000” and inserting in place thereof the figures “1,400,000”;

In item 7070-0065 by striking out the figures “86,507,756” and inserting in place thereof the figures “87,607,756”;

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

In item 7100-0200, in line 14, by inserting after the words “Fall River” the following: “; provided further that no less than \$75,000 be allocated for the Clemente Course in the Humanities, administered by the Massachusetts Foundation for the Humanities in partnership with the University of Massachusetts Boston and the University of Massachusetts Dartmouth and local social service agencies, which provides college-level humanities instruction and support service free of charge and for college credit to low income adults; provided, that the funds shall be contingent upon a match of not less than \$1 in federal contributions or \$1 in private or corporate contributions for every \$1 in state grant funding; and provided further, that all contributions be invested in a permanent endowment for the benefit of the Clemente Course in the Humanities and other humanities programs designed for low income communities in Massachusetts”; and in said item by striking out the figures “417,982,753” and inserting in place thereof the figures “418,057,753”;

By striking out section 87 and inserting in place thereof the following section:

“SECTION 87. The commissioner of higher education, in consultation with the presidents of the community colleges and representatives

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of the Massachusetts Teachers Association, shall develop a funding formula for the community colleges which incorporates the allocation of appropriations to the individual community colleges based, in part, on performance. In developing the system of allocations, the commissioner and community college presidents shall consider: (1) accurate enrollment data for each college and the operational goals and needs for each college; (2) institutional performance with respect to clearly defined goals and metrics; and (3) the relationship of the allocation formula to state initiatives relative to innovation and institutional action in support of workforce development, partnerships with commonwealth businesses and industry, collaboration with state universities and vocational-technical schools, and overall revenue available to each institution.

The commissioner of higher education, in consultation with the presidents of the community colleges, shall establish the goals and metrics for measuring community college performance. The goals and metrics shall include, but not be limited to: the educational goals and metrics included in the Vision Project, including those related to the improvement of graduation and student success rates and the closing of the achievement gaps for low income and moderate income students, adult students, and students requiring remediation upon entry; and alignment of degree and certificate programs with existing and emerging business and industry sectors in the commonwealth. In addition, a portion of performance funding may be utilized by the board of higher education to provide grants to community colleges based on, but not limited to, the following: coordinated procurement of goods and services among the community colleges and other public higher education institutions, including, but not limited to, consolidation of information technology platforms and services; undertaking innovative methods for delivering quality higher education that increase capacity, reduce costs, and promote student completion; engaging in statewide and regional collaborations with other public higher education institutions that reduce costs, increase efficiency, and promote quality, including, but not limited to, in the areas of academic programming and campus management; and improving student learning outcomes assessments set forth by the board of higher education under its Vision Project.

The commissioner of higher education shall submit a report including, but not limited to, the funding formula, clearly defined goals and metrics for the performance-based portion of the formula, and other recommendations relative to the promotion of stable, equitable funding of the institutions including efforts to contain the growth in student costs and borrowing. Said report shall be filed with the house and senate committees on ways and means, the joint committee on higher education, and the secretary of administration and finance on or before December 1, 2012.”; and

By inserting before the effective date sections (which were subsequently renumbered) the following two sections:

“SECTION 108. Notwithstanding any general or special law to the contrary, the division of purchase services of the operational services division which, under Section 22N of Chapter 7 of the General Laws, as most recently amended by Chapter 257 of the Acts of 2008, is responsible for determining prices for programs under chapter 71B of

the General Laws, shall authorize the annual price for out-of-state purchasers requested by a program, not to exceed a maximum price determined by the division by identifying the most recent price calculated for the program and applying the estimated rate of inflation for each year, as determined by the division pursuant to said section 22N of said chapter 7, in which the rate of inflation is frozen beginning with fiscal year 2004, in a compounded manner for each fiscal year.

SECTION 109. Notwithstanding any general or special law to the contrary, the department of education shall file a report examining the high school dropout rates for students denied entry to vocational schools with the clerks of the senate and the house of representatives who shall forward the same to the chairs of the joint committee on education and the chairs of the house and senate committees on ways and means on or before June 30, 2013.”

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Ms. Peisch of Wellesley; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 224 in Supplement.]

Therefore the amendments were adopted.

Pending the question on passing the bill, as amended, to be engrossed, at five minutes after six o'clock P.M., on motion of Mr. Donato of Medford (Mr. Mariano of Quincy being in the Chair), the House recessed until ten minutes after seven o'clock P.M.; and at sixteen minutes after seven o'clock the House was called to order with Mr. Donato in the Chair.

Mr. Kulik of Worthington and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following thirteen sections:

“SECTION 110. Chapter 44B of the General Laws is hereby amended by striking out section 2 and inserting in place thereof the following section:—

‘Acquire’, to obtain by gift, purchase, devise, grant, rental, purchase, lease or otherwise; provided, however that ‘acquire’ shall not include a taking by eminent domain, except as provided in this chapter.

‘Annual income’, a family’s or person’s gross annual income less such reasonable allowances for dependents, other than a spouse, and for medical expenses as the housing authority or, in the event that there is no housing authority, the department of housing and community development, determines.

‘Capital improvement’, reconstruction or alteration of real property that (1) materially adds to the value of the real property, or appreciably prolongs the useful life of the real property, (2) becomes part of the real property or is permanently affixed to the real property so that removal would cause material damage to the property or article itself and (3) is intended to become a permanent installation or is intended to remain there for an indefinite period of time.

‘Community housing’, low and moderate income housing for individuals and families, including low or moderate income senior housing.

‘Community preservation’, the acquisition, creation and preservation of open space, the acquisition, creation and preservation of

Amendments
(local aid
and
education)
adopted,—
yea and nay
No. 224.

Recess.

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historic resources and the creation and preservation of community housing.

‘Community preservation committee’, the committee established by the legislative body of a city or town to make recommendations for community preservation, as provided in section 5.

‘Community Preservation Fund’, the municipal fund established under section 7.

‘Historic resources’, a building, structure, vessel, real property, document or artifact that is listed on the state register of historic places or has been determined by the local historic preservation commission to be significant in the history, archaeology, architecture or culture of a city or town.

‘Legislative body’, the agency of municipal government which is empowered to enact ordinances or by-laws, adopt an annual budget and other spending authorizations, loan orders, bond authorizations and other financial matters and whether styled as a city council, board of aldermen, town council, town meeting or by any other title.

‘Low income housing’, housing for those persons and families whose annual income is less than 80 per cent of the areawide median income. The areawide median income shall be the areawide median income as determined by the United States Department of Housing and Urban Development.

‘Low or moderate income senior housing’, housing for those persons having reached the age of 60 or over who would qualify for low or moderate income housing.

‘Maintenance’, incidental repairs which neither materially add to the value of the property or appreciably prolong the property’s life, but keep the property in a condition of fitness, efficiency or readiness.

‘Moderate income housing’, housing for those persons and families whose annual income is less than 100 per cent of the areawide median income. The areawide median income shall be the areawide median income as determined by the United States Department of Housing and Urban Development.

‘Open space’, shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.

‘Preservation’, protection of personal or real property from injury, harm or destruction.

‘Real property’, land, buildings, appurtenant structures and fixtures attached to buildings or land, including, where applicable, real property interests.

‘Real property interest’, a present or future legal or equitable interest in or to real property, including easements and restrictions, and any beneficial interest therein, including the interest of a beneficiary in a trust which holds a legal or equitable interest in real property, but shall not include an interest which is limited to the following: an estate at will or at sufferance and any estate for years having a term of less than 30 years; the reversionary right, condition or right of entry for condi-

tion broken; the interest of a mortgagee or other secured party in a mortgage or security agreement.

‘Recreational use’, active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and non-commercial youth and adult sports, and the use of land as a park, playground or athletic field. ‘Recreational use’ shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.

‘Rehabilitation’, capital improvements, or the making of extraordinary repairs, to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended use, including, but not limited to, improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes. With respect to historic resources, rehabilitation shall comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68. With respect to land for recreational use, rehabilitation shall include the replacement of playground equipment and other capital improvements to the land or the facilities thereon which make the land or the related facilities more functional for the intended recreational use.

‘Support of Community housing’, shall include, but not be limited to, programs that provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for community housing, or to housing, for the purpose of making housing affordable.

SECTION 111. Section 3 of chapter 44B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding after paragraph (b) the following new paragraph:—

(b $\frac{1}{2}$) Notwithstanding the provisions of chapter 59 or any other general or special law to the contrary, as an alternative to subsection (b), the legislative body may vote to accept sections 3 to 7, inclusive, by approving a surcharge on real property of not less than 1 per cent of the real estate tax levy against real property, and making an additional commitment of funds by dedicating revenue not greater than 2 per cent of the real estate tax levy against real property; provided, however, that additional funds so committed shall come from other sources of municipal revenue, including, but not limited to, hotel excise taxes pursuant to chapter 64G, linkage fee and inclusionary zoning payments, however authorized, the sale of municipal property pursuant to section 3 of chapter 40, parking fines and surcharges pursuant to sections 20, 20A, and 20A $\frac{1}{2}$ of chapter 90, existing dedicated housing, open space and historic preservation funds, however authorized, gifts received from private sources for community preservation purposes, and provided further that additional funds so committed shall not include any federal or state funds. The total funds committed to purposes authorized under this chapter by means of this subsection shall not exceed 3 per cent of the real estate tax levy against real property, less exemptions adopted. In the event that the municipality shall no longer dedicate all or part of the additional funds to community preservation, the

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surcharge of not less than 1 per cent shall remain in effect, but may be reduced pursuant to section 16.

SECTION 112. Subsection (e) of said section 3 of chapter 44B, as so appearing, is hereby amended by inserting the following new clause:—

(4) for \$100,000 of the value of each taxable parcel of class 3, commercial property, and class four, industrial property as defined in section 2A of said chapter 59.

SECTION 113. Subsection (b) of section 5 of said chapter 44B, as so appearing, is hereby amended by inserting after the word 'preservation', in lines 23 and 24, the words:—, including the consideration of regional projects for community preservation.

SECTION 114. Said subsection (b) of said section 5 of said chapter 44B, as so appearing, is hereby further amended by striking paragraph (2) and inserting in place thereof the following paragraph:—

(2) The community preservation committee shall make recommendations to the legislative body for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created as provided in this section; provided, however, that funds expended pursuant to this chapter may not be used for maintenance. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited.

SECTION 115. Said section 5 of said chapter 44B, as so appearing, is further amended by striking out subsection (d) and inserting in place thereof the following subsection:—

(d) After receiving recommendations from the community preservation committee, the legislative body shall then take such action and approve such appropriations from the Community Preservation Fund as set forth in section 7, and such additional non-Community Preservation Fund appropriations as it deems appropriate to carry out the recommendations of the community preservation committee. In the case of a city, the ordinance shall provide for the mechanisms under which the legislative body may approve and veto appropriations made pursuant to this chapter, in accordance with the city charter.

SECTION 116. Said chapter 44B, as so appearing, is hereby amended by striking out section 6 and inserting in place thereof the following section:—

Section 6. In every fiscal year and upon the recommendation of the community preservation committee, the legislative body shall spend, or set aside for later spending, not less than 10 per cent of the annual revenues in the Community Preservation Fund for open space, not less than 10 per cent of the annual revenues for historic resources and not less than 10 per cent of the annual revenues for community housing. In each fiscal year, the legislative body shall make appropriations from the Community Preservation Fund as it deems necessary for the

administrative and operating expenses of the community preservation committee, but the appropriations shall not exceed 5 per cent of the annual revenues in the Community Preservation Fund. The legislative body may also make appropriations from the Community Preservation Fund as it deems necessary for costs associated with tax billing software and outside vendors necessary to integrate such software for the first year that a city or town implements the provisions of this chapter; provided, however, that the total of any administrative and operating expense of the community preservation committee and the first year implementation expenses do not exceed 5 per cent of the annual revenues in the Community Preservation Fund.

Funds that are set aside shall be held in the Community Preservation Fund and spent in that year or later years, but funds set aside for a specific purpose shall be spent only for the specific purpose. Any funds set aside may be expended in any city or town in the commonwealth. The community preservation funds shall not replace existing operating funds, only augment them.

SECTION 117. The second paragraph of section 7 of said chapter 44B, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The following monies shall be deposited in the fund: (i) all funds collected from the real property surcharge or bond proceeds in anticipation of revenue pursuant to sections 4 and 11; (ii) additional funds appropriated or dedicated from allowable municipal sources pursuant to subsection (b½) of section 3, if applicable; (iii) all funds received from the commonwealth or any other source for such purposes; and (iv) proceeds from the disposal of real property acquired with funds from the Community Preservation Fund.

SECTION 118. Said chapter 44B, as so appearing, is hereby amended by striking out section 10 and inserting in place thereof the following section:—

Section 10. (a) The commissioner of revenue shall annually on or before November 15 disburse monies from the fund established in section 9 to cities and towns that have accepted sections 3 to 7, inclusive, and notified the commissioner of their acceptance. The community shall notify the commissioner of the date and terms on which the voters accepted said sections 3 to 7, inclusive. The municipal tax collecting authority shall certify to the commissioner the amount the city or town has raised through June 30 by imposing a surcharge on its real property levy and shall certify the percentage of the surcharge applied. In the event a city or town accepts this act pursuant to subsection (b½) of section 3, the municipal tax collecting authority shall certify to the commissioner by October 30, the maximum additional funds the city or town intends to transfer to the Community Preservation Fund from allowable municipal sources for the following fiscal year. Once certified, the city or town may choose to transfer less than the certified amount during the following fiscal year.

(b) The commissioner shall multiply the amount remaining in the fund after any disbursements for operating and administrative expenses pursuant to section 9c by 80 per cent. This amount distributed in the first round distribution shall be known as the match distribution. The first round total shall be distributed to each city or town accepting said

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sections 3 to 7, inclusive, in an amount not less than 5 per cent but not greater than 100 per cent of the total amount raised by the additional surcharge on real property by each city or town and, if applicable, the additional funds committed from allowable municipal sources pursuant to subsection (b)¹/₂ of section 3. The percentage shall be the same for each city and town and shall be determined by the commissioner annually in a manner that distributes the maximum amount available to each participating city or town.

(c) The commissioner shall further divide the remaining 20 per cent of the fund in a second round distribution, known as the equity distribution. The commissioner shall determine the equity distribution in several steps. The first step shall be to divide the remaining 20 per cent of the fund by the number of cities and towns that have accepted said sections 3 to 7, inclusive. This dividend shall be known as the base figure for equity distribution. This base figure shall be determined solely for purposes of performing the calculation for equity distribution and shall not be added to the amount received by a participant.

(d) Each city and town in the commonwealth shall be assigned a community preservation rank for purposes of the equity distribution. The commissioner shall determine each community's rank by first determining the city or town's equalized property valuation per capita ranking, ranking cities and towns from highest to lowest valuation. The commissioner shall also determine the population of each city or town and rank each from largest to smallest in population. The commissioner shall add each equalized property valuation rank and population rank, and divide the sum by 2. The dividend is the community preservation raw score for that city or town.

(e) The commissioner shall then order each city or town by community preservation raw score, from the lowest raw score to the highest raw score. This order shall be the community preservation rank for each city or town. If more than 1 city or town has the same community preservation raw score, the city or town with the higher equalized valuation rank shall receive the higher community preservation rank.

(f) After determining the community preservation rank for each city or town in the commonwealth, the commissioner shall divide all cities or towns into deciles according to their community preservation ranking, with approximately the same number of cities or towns in each decile, and with the cities or towns with the highest community preservation rank shall be placed in the lowest decile category, starting with decile 10. Percentages shall be assigned to each decile as follows:

decile 1	140 per cent of the base figure
decile 2	130 per cent of the base figure
decile 3	120 per cent of the base figure
decile 4	110 per cent of the base figure
decile 5	100 per cent of the base figure
decile 6	90 per cent of the base figure
decile 7	80 per cent of the base figure
decile 8	70 per cent of the base figure
decile 9	60 per cent of the base figure
decile 10	50 per cent of the base figure

After assigning each city or town to a decile according to their community preservation rank, the commissioner shall multiply the percent-

age assigned to that decile by the base figure to determine the second round equity distribution for each participant.

(g) Notwithstanding any other provision of this section, the total state contribution for each city or town shall not exceed the actual amount raised by the city or town's surcharge on its real property levy, and if applicable, additional funds committed from allowable municipal sources pursuant to subsection (b $\frac{1}{2}$) of section 3.

(h) When there are monies remaining in the trust fund after the first and second round distributions, and any necessary administrative expenses have been paid in accordance with section 9, the commissioner may conduct a third round surplus distribution. Any remaining surplus in the fund may be distributed by dividing the amount of the surplus by the number of cities and towns that have accepted this chapter. The resulting dividend shall be the surplus base figure. The commissioner shall then use the decile categories and percentages as defined in this section to determine a surplus equity distribution for each participant.

(i) The commissioner shall determine each participant's total state grant by adding the amount received in the first round distribution with the amounts received in any later round or rounds of distributions, with the exception of a city or town that has already received a grant equal to 100 per cent of the amount the community raised by its surcharge on its real property levy.

(1) Only those cities and towns that adopt the maximum surcharge pursuant to subsection (b) of section 3 and those cities and towns that adopt the maximum surcharge and additional funds committed from allowable municipal sources such that the total funds are the equivalent of 3 per cent of the real estate tax levy against real property pursuant to subsection (b $\frac{1}{2}$) of section 3 shall be eligible to receive additional state monies through the equity and surplus distributions.

(2) If less than 10 per cent of the cities and towns in the commonwealth have accepted sections 3 to 7, inclusive, and imposed and collected a surcharge on their real property levy, the commissioner may calculate the state grant with only 1 round of distributions, or in any other equitable manner.

(j) After distributing the trust fund in accordance with this section, the commissioner shall keep any remaining funds in the trust for distribution in the following year.

SECTION 119. Section 12 of said chapter 44B, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:—

(a) A real property interest that is acquired with monies from the Community Preservation Fund shall be bound by a permanent restriction, recorded as a separate instrument, that meets the requirements of sections 31 to 33, inclusive, of chapter 184 limiting the use of the interest to the purpose for which it was acquired. The permanent restriction shall run with the land and shall be enforceable by the city or town or the commonwealth. The permanent restriction may also run to the benefit of a nonprofit, charitable corporation or foundation selected by the city or town with the right to enforce the restriction. The legislative body may appropriate monies from the Community Preservation Fund to pay a nonprofit organization created pursuant to chapter 180 to hold, monitor and enforce the deed restriction on said property.

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SECTION 120. Subsection (a) of section 16 of said chapter 44B, as so appearing, is hereby amended by inserting after the word ‘chapter’, in line 5, the following words:— , including reducing the surcharge to 1 per cent and committing additional municipal funds pursuant to subsection (b½) of section 3.

SECTION 121. Sections XX to XX (CPA sections) shall apply to all Community Preservation Fund appropriations approved by a city or town’s legislative body on or after the effective date of acceptance of chapter 44B of the General Laws in such city or town.

SECTION 122. (a) Notwithstanding any general or special law to the contrary, after complying with clause (a) of section 5C of chapter 29 of the General Laws, the comptroller shall beginning for fiscal year 2013 and in every fiscal year thereafter dispose of the consolidated net surplus in the budgetary funds in the following order to the extent that funds are available: (1) the comptroller shall transfer \$25,000,000 to the Massachusetts Community Preservation Trust Fund, established by section 9 of chapter 44B of the General Laws; and (2) the comptroller shall transfer the remaining balance from the General Fund to the Commonwealth Stabilization Fund.

(b) All transfers pursuant to this section shall be made from the undesignated fund balance in the budgetary funds proportionally from the undesignated fund balances; but no such transfers shall cause a deficit in any of the funds.”.

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. Kulik of Worthington; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 225 in Supplement.]

Therefore the amendments were adopted.

The Speaker being in the Chair,—

Mr. Fattman of Sutton then moved to amend the bill in section 2, in item 0411-1000, by adding the words “provided further, that no funds shall be expended from this item for promotional activities or public service announcements, as printed materials or otherwise, except in the case of a declared state of emergency”.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call (Mr. Donato of Medford being in the Chair) 34 members voted in the affirmative and 121 in the negative.

[See Yeas and Nays No. 226 in Supplement.]

Therefore the amendment was rejected.

Mr. Fattman of Sutton then moved to amend the bill in section 2, in item 0511-0000, by adding the following: “provided further, that no funds shall be expended from this item for promotional activities or public service announcements, as printed materials or otherwise, except in the case of a declared state of emergency, within 3 months of the state election”. The amendment was rejected.

Mrs. Poirier of North Attleborough and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

Amendments
adopted,—
yea and nay
No. 225.

Amendment
rejected,—
yea and nay
No. 226.

“SECTION 123. Section 39M of chapter 30 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, after the word ‘so’, on line 14, the following words:— provided, however, that at the expiration of the time for the filing thereof, if only one bid has been submitted, the awarding authority shall re-open the bidding process for time specified in the original request.”.

After remarks the amendment was rejected.

Mr. Winslow of Norfolk then moved to amend the bill by adding the following section:

“SECTION 123. No debt, account receivable or monies owed to the commonwealth shall be written off as uncollectable by any officer of the commonwealth until the Attorney General has engaged legal counsel to collect such debt, receivable or monies owed. The Attorney General shall designate such counsel as special assistant attorneys general and shall pay such counsel on a contingent fee basis only, up to 40 percent of any recovery on behalf of the commonwealth. The Attorney General shall procure such counsel by public competitive procurement among qualified counsel.”.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 37 members voted in the affirmative and 118 in the negative.

Amendment
rejected,—
yea and nay
No. 227.

[See Yea and Nay No. 227 in Supplement.]

Therefore the amendment was rejected.

Mr. Fattman of Sutton then moved to amend the bill in section 2, in item 0610-0000, by adding the following: “provided further, that no funds shall be expended from this item for promotional activities or public service announcements, as printed materials or otherwise, except in the case of a declared state of emergency, within 3 months of the state election”. The amendment was rejected.

The same member then moved to amend the bill, in section 2, in item 0640-0010, by adding the following: “provided further, that no funds shall be expended from this item for promotional activities, as printed materials or otherwise within 3 months of the state election”. The amendment was rejected.

Mr. Fattman then moved to amend the bill in section 2, in item 0710-0000, by adding the following: “provided further, that no funds shall be expended from this item for promotional activities or public service announcements, as printed materials or otherwise, except in the case of a declared state of emergency, within 3 months of the state election”. The amendment was rejected.

Mr. Fattman of Sutton then moved to amend the bill in section 2, in item 0810-0000, by adding the following: “provided further, that no funds shall be expended from this item for promotional activities or public service announcements, as printed materials or otherwise, except in the case of a declared state of emergency, within 3 months of the state election”. The amendment was rejected.

Mrs. O’Connell of Taunton and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 123. Notwithstanding any general or special law to the contrary the State Auditor is hereby directed to account for every Commonwealth funded credit card distributed by all state agencies and quasi-independent agencies.”.

Amendment
rejected,—
yea and nay
No. 228.

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 Mrs. O’Connell; and on the roll call 40 members voted in the affirmative and 115 in the negative.

[See Yea and Nay No. 228 in Supplement.]

Therefore the amendment was rejected.

Consolidated
amendments
(Constitutional
Officers
and state
administration).

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

In item 0524-0000 by striking out the figures “1,373,087” and inserting in place thereof the figures “1,873,087”;

In item 0526-0100 by inserting after the word “commission” the following: “; provided, that no less than \$50,000 shall be expended for the GAR Hall located in the City of Beverly”, and in said line item by striking out the figures “750,000” and inserting in place thereof the figures “800,000”;

In item 0900-0100 by striking out the figures “1,796,501” and inserting in place thereof the figures “1,843,501”;

In item 0920-0300 by striking out the figures “1,270,342” and inserting in place thereof the figures “1,295,342”;

In item 1599-0026 by inserting after the words “chapter 29 of the General Laws” the following words: “; provided further, that not less than \$750,000 shall be expended to fund a pilot program in Plymouth County, including projects of regionalized county government services”, and in said item by striking out the figures “5,000,000” and inserting in place thereof the figures “5,750,000”, and

In item 1201-0100 by striking out the figures “80,469,544” and inserting in place thereof the figures “82,719,544”;

In section 2E, in item 1599-6152, by striking out the figures “435,042,237” and inserting in place thereof the figures “415,042,237”.

In section 13, in line 86, by inserting after the words “with the” the words “State Secretary and the”, and, in line 88, by inserting after the word “programs” the words “and tours”;

In section 15, in line 96, by inserting after the words “with the” the words “State Secretary and the”, and, in line 98, by inserting after the word “programs” the words “and tours”; and

By inserting before the effective date sections (which were subsequently renumbered) the following seven sections:

“SECTION 123. (a) Notwithstanding any general or special law to the contrary, after complying with clause (a) of section 5C of chapter 29 of the General Laws, the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2012 in the following order to the extent that funds are available: (1) the comptroller shall transfer \$10,000,000 from the General Fund to the Massachusetts Life Sciences Investment Fund established by section 6 of chapter 23I of the General Laws; and (2) the comptroller shall transfer the remaining balance from the General Fund to the Commonwealth Stabilization Fund.

(b) All transfers pursuant to this section shall be made from the undesignated fund balances in the budgetary funds proportionally from

the undesignated fund balances; but no such transfer shall cause a deficit in any of the funds.

SECTION 124. Section 14C of chapter 7 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word ‘association’, in line 13, the following words:— a public charity holding funds subject to the provisions of section 8 of chapter 12;

SECTION 125. Said section 14C of chapter 7 of the General Laws is hereby amended by adding, at the end thereof, the following:—

(h) The searchable website shall be updated to include items in subdivisions (1) through (6) of this section, if applicable, relative to any quasi-public agency in the commonwealth by December 31, 2017. For purposes of this section, ‘quasi-public agency’ shall mean any authority or entity established by the General Court to serve a public purpose including, but not limited to, Bay State Skills Corporation; Boston Metropolitan District; Centers of Excellence Corporation; Community Economic Development Assistance Corporation; Community Development Finance Corporation; Government Land Bank; Massachusetts Bay Transportation Authority; Massachusetts Business Development Corporation; Massachusetts Convention Center Authority; Massachusetts Corporations for Educational Telecommunications; Massachusetts Educational Loan Authority; Massachusetts Health and Educational Facilities Authority; Massachusetts Horse Racing Authority; Massachusetts Housing Finance Agency; Massachusetts Industrial Finance Agency; Massachusetts Industrial Service Program; Massachusetts Port Authority; Massachusetts Product Development Corporation; Massachusetts Technology Development Corporation; Massachusetts Technology Park Corporation; Massachusetts Department of Transportation; Massachusetts Turnpike Authority; Massachusetts Water Resources Authority; Pension Reserves Investment Management Board; State College Building Authority; Southeastern Massachusetts University Building Authority; Thrift Institutions Fund for Economic Development; University of Lowell Building Authority; University of Massachusetts Building Authority; and the Water Pollution Abatement Trust.

(i) The searchable website shall be updated to include items in subdivisions (1) through (6) of this section, if applicable, relative to any city, town or municipality in the commonwealth by December 31, 2017.

SECTION 126. Said section 14C of chapter 7 of the General Laws, as so appearing, is hereby amended by adding the following subsection:—

(j) the searchable website shall allow users to search by agency if such agency provides awards to a public charity holding funds subject to the provisions of section 8 of chapter 12.

SECTION 127. Section 3 of chapter 30A of the General Laws, as appearing in the 2010 Official Edition, is amended by inserting after the 2nd paragraph the following paragraph:—

The notice shall refer to the statutory authority under which the action is proposed; give the time and place of any public hearing or state the anticipated time of agency action; state the manner in which data, views, or arguments may be submitted to the agency by any inter-

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ested person; either state the express terms or describe the substance of the proposed action; and include any additional matter required by any law.

SECTION 128. Section 19 of chapter 32B of the General Laws, as most recently amended by chapter 68 of the acts of 2011, is hereby further amended by inserting at the end thereof the following subsection:—

(j) Notwithstanding any other general or special law to the contrary, in the event that an agreement, either executed or modified, was reached by an appropriate public authority and the public employee committee to transfer all subscribers, for whom the authority provides health insurance coverage, to the commission under subsections (e) and (f) of this section, its retirees, surviving spouses and their dependents may enroll in the dental insurance plan provided by the commission to retirees, surviving spouses and their dependents insured under chapter 32A, at premium contribution ratios that requires retirees, surviving spouses and their dependents to contribute 100 per cent of the dental insurance premium and administrative fee. The commission shall provide dental insurance coverage, under its plan for retirees, surviving spouses and their dependents insured under chapter 32A, to retirees, surviving spouses and their dependents who elect the coverage under this subsection, as it so provides health insurance coverage under subsections (e) and (f) of this section. The commission may charge an administrative fee, which shall not be more than 1 per cent of the cost of total dental insurance premiums for the retirees, surviving spouses and their dependents who enroll in the dental insurance plan under this section, to be determined by the commission which shall be considered as part of the cost of coverage for purposes of determining the contributions of the political subdivision and its retirees, surviving spouses and their dependents to the cost of insurance coverage by the commission.

SECTION 129. Section 23 of chapter 32B of the General Laws is hereby amended by inserting at the end thereof the following subsection:—

(i) Notwithstanding any other general or special law to the contrary, in the event that an agreement, either executed or modified, was reached by an appropriate public authority and the public employee committee to transfer all subscribers, for whom the authority provides health insurance coverage, to the commission under this section, its retirees, surviving spouses and their dependents may enroll in the dental insurance plan provided by the commission to retirees, surviving spouses and their dependents insured under chapter 32A, at premium contribution ratios that requires retirees, surviving spouses and their dependents to contribute 100 per cent of the dental insurance premium and administrative fee. The commission shall provide dental insurance coverage, under its plan for retirees, surviving spouses and their dependents insured under chapter 32A, to retirees, surviving spouses and their dependents who elect the coverage under this subsection, as it so provides health insurance coverage under this section. The commission may charge an administrative fee, which shall not be more than 1 per cent of the cost of total dental insurance premiums for the retirees, surviving spouses and their dependents who enroll in the dental insurance plan under this subsection, to be determined by the commission which

shall be considered as part of the cost of coverage for purposes of determining the contributions of the political subdivision and its retirees, surviving spouses and their dependents to the cost of insurance coverage by the commission.”

The amendments were adopted.

Recess.

At seven minutes before nine o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until the following day at ten o'clock A.M.; and at six minutes after eleven o'clock A.M. (Tuesday, April 24, 2012) the House was called to order with Mr. Donato in the Chair.

Recess.

Tuesday, April 24, 2012 (at 11:06 o'clock A.M.).

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

Pledge of allegiance.

Silent Prayer.

During the session (Mrs. Haddad of Somerset being in the Chair), at the request of Representative Jones of North Reading, the members, guests and employees stood in a moment of silent tribute for Representative Winslow's nephew, Brody Winslow, age 20, who was killed by an alleged drunk driver while riding his bike near his college campus last week. Brody was a stand-out soccer player in school who will be sadly missed by his three sisters, his parents, family and many friends.

Brody Winslow.

Guests of the House.

During the session, the Speaker took the Chair, declared a brief recess and introduced Albert R. Herren, a former member of the House from Fall River from 1985 to 1996, inclusive, who was accompanied by his son, Chris Herren. Mr. Walsh of Boston then took the Chair and presented resolutions (adopted during the previous session) congratulating Chris and the "Herren Project" on establishing Project Purple, a program created to assist in steering youth away from substance abuse. Chris, who is a former Boston Celtic and co-author of the book "Basketball Junkie: A Memoir", then addressed the House briefly. They were the guests of the Speaker and Messrs. Walsh of Boston, Mariano of Quincy and O'Day of Worcester.

Albert R. and Chris Herren.

Orders.

The following order (filed by Mr. Walsh of Lynn) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Health Care Financing be granted until Friday, June 1, 2012, within which to make its final report on current Senate documents numbered 30, 32, 33, 44, 54, 57, 69, 70, 71, 269, 272, 273, 281,

Health Care Financing committee,—extension of time for reporting.

Health Care
Financing
committee,—
extension
of time for
reporting.

289, 292, 343, 357, 382, 455, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 504, 505, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 533, 536, 537, 538, 539, 541, 542, 543, 544, 545, 546, 547, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 733, 978, 979, 981, 982, 988, 989, 1079, 1082, 1093, 1094, 1101, 1107, 1121, 1123, 1164, 1177, 1179, 1235, 1893, 2006, 2057, 2156, 2164, 2167, 2177, 2181, 2182, 2195, 2209 and 2210 and current House documents numbered 45, 46, 47, 51, 52, 63, 64, 65, 74, 75, 76, 81, 182, 187, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 550, 554, 584, 598, 606, 623, 677, 680, 975, 984, 1100, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1418, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1428, 1431, 1433, 1435, 1467, 1472, 1478, 1488, 1492, 1494, 1498, 1500, 1501, 1507, 1513, 1514, 1518, 1519, 1521, 1523, 1530, 1543, 1856, 2039, 2079, 2080, 2081, 2084, 2085, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2316, 2333, 2342, 2362, 2373, 2375, 2452, 2682, 2683, 2685, 2765, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2876, 2880, 2900, 3104, 3105, 3106, 3134, 3354, 3367, 3480, 3543, 3627, 3696, 3904, 3984, 3995, 4023 and 4034.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Walsh of Lynn, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petitions.

Provincetown,—
charter.

Representative Peake of Provincetown presented a petition (accompanied by bill, House, No. 4054) of Sarah K. Peake (by vote of the town) relative to amending the charter of the town of Provincetown as relates to the finance committee of said town; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

MCAS,—
foreign
language.

By Ms. Andrews of Orange, a petition (subject to Joint Rule 12) of Denise Andrews that the Department of Elementary and Secondary Education shall conduct a feasibility study concerning the inclusion of foreign languages on the MCAS.

Rose
Kennedy
Greenway.

By Mr. Durant of Spencer, a petition (subject to Joint Rule 12) of Peter J. Durant and others for legislation to establish the Rose Fitzgerald Kennedy Greenway division of the Department of Conservation and Recreation.

Gas tax,—
suspension.

By Mr. Jones of North Reading (by request), a petition (subject to Joint Rule 12) of John Veinot relative to suspending the gas tax.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Transportation
improvements.

The House Bill financing improvements to the Commonwealth's transportation system (House, No. 4000, amended), came from the

Senate with the endorsement that said branch had non-concurred with the House in its further amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House, No. 4400, as amended and engrossed by the House) to the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2220.

The bill bore the further endorsement that the Senate had asked for a committee of conference on the disagreeing votes of the two branches; and that Senators McGee, Joyce and Hedlund had been appointed the committee on the part of the Senate.

Committee of conference.

On motions of Mr. Straus of Mattapoisett, the House insisted on its further amendment, concurred in the appointment of a committee of conference; and Representatives Straus, Cabral of New Bedford and Durant of Spencer were joined as the committee on the part of the House. Sent to the Senate to be noted.

Id.

Bills

Relative to rock wall climbing safeguards (Senate, No. 1217, amended in section 1, in lines 4, 7 and 11 by striking out the figures "10" and inserting in place thereof, in each instance, the figures "12"; and by inserting before the enacting clause the following emergency preamble:

Rock wall climbing.

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide rock wall climbing safeguards, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.") (on a petition);

Designating a certain bridge in the town of Barre as the Purple Heart Bridge (Senate, No. 1724) (on a petition); and

Barre, — bridge.

Designating the birthplaces of Michael Bartlett and Dr. Elliot P. Joslin in the town of Oxford (Senate, No. 2232) (on Senate bill No. 2170);

Oxford,— birthplaces.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Report of a Committee.

By Mr. Binienda of Worcester, for the committee on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the Resolve providing for an investigation and study by a special commission relative to child suicide (House, No. 3924),— and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

Child suicide,— study.

Subsequently Mr. Binienda of Worcester, for said committee reported that the foregoing Resolve providing for an investigation and study by a special commission relative to child suicide (House, No. 3924) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

By Mr. Costello of Newburyport, for the committee on Financial Services, on a petition, a Bill regulating portable electronics insurance (House, No. 3954). Read; and referred, under Rule 33, to the committee on Ways and Means.

Electronic devices,— insurance.

Hamilton,—
development
corporation.

By Mr. Wagner of Chicopee, for the committee on Economic Development and Emerging Technologies, on a recommitted joint petition, a Bill relative to Hamilton Development Corporation (House, No. 3710) [Local Approval Received]. Read; and referred, under Rule 33, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

Stephen
Gladding,—
sick leave
bank.

The engrossed Bill establishing a sick leave bank for Stephen Gladding, an employee of the Massachusetts Department of Transportation (see House, No. 3935), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 31 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Bills
enacted.

Engrossed bills

Authorizing the licensing board for the city of Boston to grant restricted airport licenses for the sale of all alcoholic beverages and for the sale of wines and malt beverages at Logan International Airport (see House, No. 99); and

Relative to the supplemental reserve fund to ensure fiscal stability in the town of Swansea (see House, No. 3950);

(Which severally originated in the House);

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

Orders of the Day.

General
Appropriation
Bill.

The House Bill making appropriations for the fiscal year 2013 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interests, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4100, amended), was considered.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Aguiar of Fall River and other members of the House moved to amend it in section 2, in item 4800-0038, by adding the following: “and provided further, that not less than \$200,000 shall be expended for the Children’s Advocacy Center of Bristol County”. The amendment was adopted.

Messrs. Walsh of Lynn and Fennell of Lynn then moved to amend the bill in section 2, in item 7004-9316, in lines 9 and 10, by striking out the words “regional non-profit agencies” and inserting in place thereof the words “existing regional HomeBASE agencies”. The amendment was adopted.

Mr. Sullivan of Fall River then moved to amend the bill in section 2 by inserting after item 7004-0108 the following item:

“7004-0109 For the Interagency Council on Housing and Home-
lessness..... \$1,000,000”.

After remarks the amendment was rejected.

Mr. Winslow of Norfolk then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 130. (a) Notwithstanding any general or special law to the contrary, the Massachusetts Housing Finance Agency, herein referred to as the agency, shall establish an enhanced mortgage refinance program for real property located in the commonwealth to provide mortgage refinance products to all eligible participants. For the purpose of this section, eligible participants shall be all persons who reside in the Commonwealth who meet the following eligibility criteria: (1) has been assigned a credit rating greater than six hundred and eighty by each of the three major credit bureaus; (2) holds no history of default; (3) holds no history of bankruptcy; and (4) is not currently in default of mortgage payments due.

(b) Notwithstanding any general or special law to the contrary, \$100 million shall be encumbered from the Commonwealth Stabilization fund, established under section 2 of chapter 29, to be pledged to the agency as a mortgage refinance guarantee.

(c) Notwithstanding any general or special law to the contrary, the agency may charge a reasonable fee, as determined by the agency, to cover the expenses of administering the program and any liability that may arise given an anticipated rate of default; provided, however, that the fee charged to each borrower for mortgage refinance product shall not exceed 10% of the difference between the annual payment on the original mortgage and that of the refinanced mortgage.

(d) Notwithstanding any general or special law to the contrary, said guarantee on a refinanced mortgage sold to a borrower by the agency shall expire upon the sale of the property, at the time the borrower has refinanced with another lender, or at such time as the amount outstanding on the mortgage falls below 80% of the real property’s assessed value.”

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

Amendment
rejected,—
yea and nay
No. 229.

[See Ye and Nay No. 229 in Supplement.]

Therefore the amendment was rejected.

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

In item 1107-2400 by striking out the figures “562,272” and inserting in place thereof the figures “586,112”;

In item 4110-0001 by striking out the words “For the office of the commissioner”, and inserting in place thereof the following: “For the operation of the Massachusetts Commission for the Blind, including the cost of sheltered workforce employee retirement benefits”;

In item 4110-1000, in line 5, by inserting after the word “network” the following: “; provided further, that not less than \$450,000 shall be expended for the deaf-blind community access network”;

In item 4120-4000 by adding the following: “; provided further that \$50,000 be expended for assistive technologies” and in said item by striking out the figures “12,229,279” and inserting in place thereof the figures “12,279,279”;

Consolidated
amendments
(housing
and social
services).

General
Appropriation
Bill.

In item 4125-0100 by striking out the figures “5,354,020” and inserting in place thereof the figures “5,390,287”;

In item 4400-1000 by striking out the figures “54,084,750” and inserting in place thereof the figures “54,584,750”;

In item 4400-1100 by striking out the figures “60,528,893” and inserting in place thereof the figures “61,528,893”;

In item 4403-2000, in line 28, by inserting after the following: “1995 or any successor statute; provided further, that a” the following: “\$40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public or subsidized housing;”, in line 29, by striking out the figures “75” and inserting in place thereof the figures “150”, and in line 78, by inserting after the word “representatives” the words “and the joint committee on children, families and persons with disabilities”;

In item 4405-2000 by inserting after the words “foster care benefit” the following: “; provided further, that not less than \$1,000,000 shall be made available for rate increases for level IV rest homes as defined in 105 CMR 150.001; provided further, that the secretary of health and human services may transfer an amount not to exceed \$1,000,000 from funds appropriated to line item 4403-2000 for said rate increase”;

In item 4408-1000 by adding the following: “; provided further, that not less than \$400,000 shall be made available for rate increases for level IV rest homes as defined in 105 CMR 150.001; provided further, that the secretary of health and human services may transfer an amount not to exceed \$400,000 from funds appropriated to line item 4403-2000 for said rate increase”;

In item 4408-1000, in line 62, by inserting after “with the clerks of the senate and house of representatives” the following: “and the joint committee on children, families and persons with disabilities”;

In item 4800-0015, in line 29, by inserting after the words “recoup amounts recommended by the state auditor” the following: “; provided further, that no later than October 31, 2012, the department shall promulgate and implement regulations which shall ensure that the department maintains an independent, timely and fair administrative hearing system; provided further, the department shall maintain and make available to the public during regular business hours all of its fair hearing decisions with identifying information removed, and a record of its fair hearings with identifying information removed, reflecting, for each hearing request, the date of the request, the date of the hearing, the length of any extensions granted to the party, the date of the hearing decision, the decision rendered by the hearing officer and the final decision rendered upon the Commissioner’s review; provided further, beginning on August 15, 2012, the department shall submit quarterly reports to the chairs of the joint committee on children, families, and persons with disabilities setting forth (a) the number of pending administrative appeals in which a decision has not been issued within 150 days of the hearing request and the number of them in which a hearing decision has been written by the hearing officer but not yet issued to the appellant, and (b) for each hearing that was requested after October 3, 2011, the date the hearing was requested, whether the hearing was held within 90 days of the request, whether the hearing officer rendered a decision within 150 days of the hearing request, and

whether the decision was issued to the appellant within 150 days of the request”;

In item 4800-0038 by adding the following: “; provided further, that funding shall be expended on children’s advocacy centers, services for child victims of sexual abuse and assault; provided further, that funds may be expended on programs that received funding in fiscal year 2012; provided further, that funding may be expended on supervised visitation programs; and provided further, that funds shall be expended for the Children’s Cove Cape and Islands Child Advocacy Center”;

In item 7004-0099, in line 42, by striking out the word “reaffirm” and inserting in place thereof the words “promulgate and uniformly enforce”, in line 52, by striking out the word “and”, and, in line 52, by inserting after the words “security requirements” the following: “; provided further, that not less than \$100,000 shall be expended to the town of Holbrook for a one-time community action grant which will fund an upgrade to town facilities; provided further, that not less than \$175,000 shall be expended annually for provision of emergency services that provide domestic violence intervention, workforce development, housing assistance, operation of food vouchers, winter coats for kids and holiday dinners operated by Community Action Programs Inter-City, Inc. for the communities specified in item 7004-0099 of section 2 of chapter 68 of the acts of 2011; and provided further, that not less than \$50,000 shall be expended for the South Worcester Neighborhood Improvement Corporation so that it can continue to provide vital services to the poorest neighborhoods in the city of Worcester”;

In item 7004-0101, in line 4, by striking out the figure “8” and inserting in place thereof the figure “9”, in lines 15 and 16, by inserting after the words “condemnation or nonpayment of rent” the following: “caused by a documented loss of income within the past 12 months directly as a result of a job loss or medical condition”, in line 17, by inserting after the words “household seeking emergency shelter” the words “and who had no knowledge of the individual’s actions that resulted in such eviction”, in lines 17 and 18, after the words “attributable to a disability” by striking out the words “caused by a documented loss of income within the past 12 months directly as a result of a job loss or medical condition”, in line 21, by inserting after the words “state sanitary code” the following: “; 105 CMR 410.750.”, in line 88, by inserting after the word “representatives” the words “and the joint committee on children, families and persons with disabilities”, in line 100, by inserting after the following: “prior 12 months” the words “and, that the report shall state the department’s assessment of the effects of benefit or eligibility changes upon recipient families, and the report shall detail the savings realized by any such changes to benefits or eligibility”, and by adding at the end of said item the words “provided further, that funds shall be expended for programs operated by Horizons for Homeless Children”;

In item 7004-0104 by striking out the figures “1,200,000” and inserting in place thereof the following figures “1,400,000”;

In item 7004-0108, in lines 4 and 5, by inserting after the words “assistance provided under this item shall include” the words “not less than”, and in lines 44 and 48, by striking out the figure “3” and inserting in place thereof, in each instance, the figure “6”;

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Appropriation
Bill.

In item 7004-3036, in line 15, after the words “consolidation of said services;” by striking out the word “and” and by adding at the end of said item the following: “; and provided further, that not less than \$100,000 shall be expended to Springfield Neighborhood Housing Services, Inc’, so-called, in Springfield”;

In item 7004-9005 by adding the following “; provided further, that not less than \$50,000 be provided for the Clinton Housing Authority for the purposes of repairs and improvements to the Church Street Senior Housing Complex, located in the town of Clinton; and provided further, that not less than \$50,000 be provided for the Clinton Housing Authority for the purpose of repairs and improvements to the Water Street Senior Housing Authority Complex, located in the town of Clinton”, and by striking out in said item the figures “62,500,000” and inserting in place thereof the figures “64,500,000”;

In item 7004-9024, in lines 78 to 84, inclusive, by striking out the following: “provided further, that these new vouchers shall only be available to families receiving benefits through line item 7004-0103; provided further, the additional vouchers shall serve as a one-time, caseload reduction mechanism and shall be targeted to families who are residing in hotels or motels as of January 1, 2012; and provided further, no vouchers beyond the amount described within shall be given to families residing within the shelter system during fiscal year 2013” and inserting in place thereof the following: “provided further, that these new vouchers shall first be available to families residing in hotels or motels provided they meet all Massachusetts Rental Voucher Program criteria necessary to be granted a voucher and the department has determined that they are ready to attempt to maintain a tenancy; provided further, that once the undersecretary certifies that as many families as possible are moved from motels, families residing in shelters shall be eligible to receive any remaining vouchers; provided further, that once a family vacates shelter, a family from motels shall be moved into the previously occupied space in order to receive maximum support services; provided further, the additional vouchers shall serve as a one-time, caseload reduction mechanism and shall be targeted to families who are residing in hotels, motels, or emergency assistance family shelters as of April 1, 2012; and provided further, no vouchers beyond the amount described within shall be given to families residing within the shelter system during fiscal year 2013”; and

In item 7004-9316, in line 12, by inserting after the words “median income” the words “subject to the department’s discretion based on data reflecting program demand and usage” and in line 47, by inserting after the words “established by the department” the following: “; provided further, the department shall submit a report to the chairmen of the house and senate committees on ways and means, the chairmen of the joint committee on housing and the secretary of administration and finance detailing the extent of involvement of regional community action programs in the administration of this line item program within the past five years; provided further, the report shall include, but not be limited to, the appropriation allocation to each community action program, the effectiveness of their services, and the estimated number of families served per year; provided further, the report shall also examine the potential for broader inclusion of community action programs

in the future administration of this program; and provided further, the department shall submit this report no later than January 1, 2013”.

After debate on the question on adoption of the amendments (Mr. Donato of Medford being in the Chair), Messrs. Fallon of Malden and Dempsey of Haverhill moved to amend them by adding the following: “; and by inserting before the effective date sections (which were subsequently renumbered) the following section:—

SECTION 130. Notwithstanding any general or special law to the contrary, the comptroller, in consultation with the Massachusetts Bay Transportation Authority, shall study and report on the feasibility of allocating funds to the fiscal year 2013 deficit of the Massachusetts Bay Transportation Authority to be applied specifically to debt service in order to reduce any anticipated fare hike increases in fiscal year 2013. The comptroller shall report its findings and recommendations by filing the same with the clerks of the house of representatives and senate, the joint committee on transportation and the house and senate committees on ways and means not later than September 1, 2012.”.

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 Honan of Boston; and on the roll call 152 members voted in the affirmative and 5 in the negative.

Amendments adopted,—
yea and nay
No. 230.

[See Yea and Nay No. 230 in Supplement.]

Therefore the amendments, as amended, were adopted.

At two minutes after two o’clock P.M. (Tuesday, April 24), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until half past two o’clock; and at four minutes before three o’clock the House was called to order with the Speaker in the Chair.

Recess.

Mr. Donato of Medford being in the Chair,—

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 131. Prior to expending any further funds for any rail expansion project, the Massachusetts Bay Transportation Authority or the state agency initiating the expansion of rail service shall conduct a cost analysis reflecting the profitability of the proposed project. This cost analysis shall include any and all costs associated with the project including debt service, construction costs, future maintenance and associated costs. The auditor of the commonwealth shall request that the administrator of the appropriate division of the Massachusetts Department of Transportation prepare the fiscal analysis, including life cycle costs, demonstrating that sufficient revenues exist or will be generated to operate and maintain in good repair the expansion. This analysis shall also be submitted to the joint legislative committee on revenue. If the cost analysis shows that the expansion is deemed unprofitable, then the expansion shall not proceed.”.

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 31 members voted in the affirmative and 124 in the negative.

Amendment rejected,—
yea and nay
No. 231.

[See Yea and Nay No. 231 in Supplement.]

Therefore the amendment was rejected.

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Appropriation
Bill.

Mr. Winslow of Norfolk then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 131. Section 13(a) of chapter 6C of the General Laws, as so appearing, is amended by inserting after the first sentence thereof the following:— “The secretary shall apply for federal approval of electronic tolling of the express lanes of interstate route 93 as soon as the secretary determines in his discretion that it practicable to so apply. On September 1, 2012 and annually thereafter, the secretary shall file a report with the Clerk of the Senate and the Clerk of the House stating the average daily volume of traffic in such express lanes by month.”

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

“SECTION 131. The Massachusetts Department of Transportation shall investigate and report on means of addressing the fiscal difficulties of the transportation system of the commonwealth. The executive of administration and finance shall provide assistance as deemed necessary by the Department of Transportation. The Department of Transportation shall report its findings and recommendations, together with drafts of legislation necessary to carry the recommendations into effect, by filing the same with the clerks of the house of representatives and senate, the joint committee on transportation and the house and senate committees on ways and means not later than December 31, 2012.”

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. Winslow of Norfolk; and on the roll call 122 members voted in the affirmative and 34 in the negative.

[See Yea and Nay No. 232 in Supplement.]

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

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2E, in item 1595-6368, by adding the following: “; provided, that not more than \$200,000 shall be expended for traffic mitigation initiatives along Rt. 28 in the town of Randolph”; in section 81, in line 1049, by inserting after the word “Authority” the following: “and the Regional Transit Authorities organized under the provisions of chapter 161B of the General Laws”, and in line 1051, by striking out the word “authority’s” and inserting in place thereof the word:— “authorities”; and by inserting before the effective date sections (which were subsequently renumbered) the following three sections:

“SECTION 132. Section 41 of chapter 161A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting at the end thereof the following subsection:—

(f) to sell electricity to the divisions within the Massachusetts Department of Transportation.

SECTION 133. The Greenbush Station in the Town of Scituate shall henceforth be referred to as the ‘Frank M. Hynes Station at Greenbush.’ The Massachusetts Bay Transportation Authority shall expend a one-time disbursement of funds to be used for the creation of signs at

Further
amendment
adopted,—
yea and nay
No. 232.

Consolidated
amendments
(transportation).

the station which shall display the new name. The Massachusetts Bay Transportation Authority may continue to abbreviate the station as 'Greenbush' on all Massachusetts Bay Transportation Authority and Massachusetts Department of Transportation materials.

SECTION 134. Notwithstanding any rule or regulation of the Massachusetts Department of Transportation highway division to the contrary, the Bridge B-12-012, spanning the Massachusetts Bay Transit Authority rail line in the town of Billerica shall be designated and known as the William G. Greene Bridge in honor of the Commonwealth's former state representative and dedicated public servant. The highway division shall erect suitable markers bearing this designation in compliance with the standards of the division and any existing historic preservation guidelines or statutes."

The amendments were adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, Mr. Peterson of Grafton and other members of the House moved to amend it in section 2, in item 2310-0200, by striking out the figures "9,965,083" and inserting in place thereof the figures "10,465,083". The amendment was adopted.

Messrs. Turner of Dennis and Atsalis of Barnstable then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

"SECTION 135. Notwithstanding any general or special law, rule or regulation or performance standard to the contrary, and in order to increase access to the Yarmouth waterfront; to promote the increase, preservation and restoration of salt water marshes, wetlands and wetland vegetation; to provide quicker public safety response, to provide the area's first permanent boat waste pump-out facility, to reduce fuel spills by providing the area's first fully contained fuel station; to educate the public in habitat restoration and creation, and provide other improvements beneficial to the public interest, the legislature finds that the Yarmouth Marina Project located on Parker's River at the site of the former drive-in theater on Route 28 in the Town of Yarmouth demonstrates an overriding public interest and shall be exempt from any Department of Environmental Protection review under the Wetlands Protection Act and a Water Quality Certification under the Massachusetts Clean Waters Act (401 Water Quality Certification Program) provided that the town shall mitigate any disturbance of wetland vegetation by aggressive attempts at restoration or rehabilitation of an area or areas of distressed wetland vegetation of a total area of not less than twice the area of wetland vegetation disturbed."

The amendment was adopted.

Mr. Winslow of Norfolk then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

"SECTION 136. Section 1F of chapter 164 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, at the end thereof, the following language:—

(10) No municipality shall be prohibited from requiring utility lines located within the publicly-owned right of way to be kept clear of trees and branches as a condition of the use of such public property by utility companies."

Amendment
rejected,—
yea and nay
No. 233.

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 38 members voted in the affirmative and 119 in the negative.

[See Yea and Nay No. 233 in Supplement.]

Therefore the amendment was rejected.

Consolidated
amendments
(energy and
environmental
affairs).

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

In item 2200-0100 by striking out the figures "24,923,735" and inserting in place thereof the figures "25,323,735";

In item 2200-0107 by striking out the figures "275,000" and inserting in place thereof the figures "375,000";

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

In item 2260-8870 by adding the following: "provided, that no less than \$90,000 shall be provided for Brownfield redevelopment in the City of Lynn";

In item 2300-0101 by striking out the figures "394,391" and inserting in place thereof the figures "416,974";

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

In item 2511-0100 by adding the following: "; provided, that no less than \$200,000 shall be expended to enhance the buy local effort in western, central, northeastern and southern Massachusetts; provided further, that no less than \$35,000 shall be spent for the purposes of operating the statewide seasonal apiary inspections; and provided further, that no less than \$100,000 shall be available to supplement existing larvicide control projects in Plymouth and Bristol counties", and in said item by striking out the figures "4,192,811" and by inserting in place thereof the following figures "4,527,811";

In item 2511-0105 by striking out the figures "12,500,000" and inserting in place thereof the figures "13,000,000";

In item 2800-0100, in lines 16 and 17, by inserting after the words "administration of the department" the words "; provided further, that funds shall be expended for the cleanup of *Pilayella* algae";

In item 2800-0700 by striking out the figures "299,778" and inserting in place thereof the figures "349,778";

In item 2810-0100, in line 16, by inserting after the words "full rink season" the following: "; provided further, that no less than \$100,000 shall be expended for the operation of the Gardner Heritage State Park in the City of Gardner; provided further, that no less than \$250,000 shall be expended for the development and maintenance of a pedestrian river walk in Lowell along Route 110; provided further, that no less than \$200,000 shall be expended for open space improvements in the

City of Lowell; provided further, that no less than \$50,000 shall be expended for the maintenance and improvement of the Fellsmere Pond Reservoir in the City of Malden; provided further that no less than \$75,000 shall be expended for the Let's Row Boston Program administered by Community Rowing, Inc. of the city of Boston", and in said item by striking out the figures "40,624,861" and inserting in place thereof the figures "41,799,861";

In item 2810-2041 by striking out the figures "9,000,000" and inserting in place thereof the figures "10,000,000", and

In item 2820-2000 by adding the following: "; and provided further, that no less than \$5,000 shall be expended for a pilot program utilizing low energy street lighting in the town of Natick", and in said item by striking out the figures "3,060,000" and inserting in place thereof the figures "3,065,000";

In section 37, in line 674, by inserting after the word "source" the words "and to include without limitation any investment earnings on fund monies", in line 678, by inserting after the word "grants" the words "or loans", and in line 695, by inserting after the word "applicant." the following sentence: "Any repayment by borrowers of loans of financial assistance from fund monies shall be credit to the fund."; and

By inserting before the effective date sections (which were subsequently renumbered) the following three sections:

"SECTION 136. Chapter 20 of the General Laws is hereby amended by inserting after section 31 the following section:—

Section 32. There shall be established and set upon the books of the commonwealth a separate fund to be known as the Agricultural Inspection and Infrastructure Trust Fund, consisting of revenues received pursuant to section 3B of chapter 7; chapters 128, 129, 132B; poultry testing fees for services established by 330 CMR 5.00 et seq.; interest or investment earnings on such monies; and all other monies credited or transferred thereto from any other fund or service.

Monies in the Agricultural Inspection and Infrastructure Trust Fund may be expended without further appropriations on programs and costs related to the following: (1) sections 32 to 38 inclusive of chapter 128; (2) the integrated pest management program established by chapter 132B and by chapter 85 of the acts of 2000; (3) spay and neuter programs and animal rescue and shelter programs established under section 2 of chapter 129; (4) poultry testing programs established by 330 CMR 5.00 seq; and (5) the Agricultural Innovation Center.

Any unexpended balance in the fund at the end of the fiscal year, not to exceed \$200,000, shall not revert to the General Fund but shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year.

SECTION 137. Section 144 of chapter 122 of the acts of 2006 is hereby amended by striking out, in lines 4 to 6, inclusive, the words "; provided, however, that no waiver or exemption shall be granted without the written approval of the secretary of administration and finance".

SECTION 138. The second sentence of section 1 of chapter 65 of the acts of 2010 is hereby amended by inserting after the words

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Bill.

‘Boston University Sailing Pavilion in the city of Boston;’ the following words:— the Northeastern University Henderson Boat House in the city of Boston.”

The amendments were adopted.

Mr. Straus of Mattapoisett then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 139. Section 15F of chapter 138 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:—

(b). A special license under this section may be granted by the local licensing authorities for a portion of premises that are licensed under §12 of this chapter provided that: (a) the special licensee documents the legal basis for use of the §12 licensed premises; (b) the area in which a special license is approved must be physically delineated from the area remaining under the control of the §12 license-holder; (c) the holder of the special license and not the §12 licensee, shall be solely liable for all activities that arise out of the special license; and (e) the special license holder shall not pay any consideration, directly or indirectly, to the §12 license holder for the access to or use of the §12 licensee’s premises.”

The amendment was adopted.

Recess.

At three minutes after six o’clock P.M. (Tuesday, April 24), on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until five minutes after seven o’clock; and at that time the House was called to order with Mr. Donato in the Chair.

Consolidated
amendments
(veterans
and
soldiers’
homes).

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

In item 1410-0010, in line 2, by inserting after the words “from this item” the following: “; provided further, that no less than \$10,000 shall be expended for maintenance services for the Korean War memorial located in the Charlestown navy yard; provided further, that no less than \$100,000 shall be expended for restoration grants for Civil War Veterans Monuments, Memorials, and other significant sites across the Commonwealth in conjunction with the Massachusetts Foundation for the Humanities; provided further, that no less than \$10,000 shall be expended for the transportation of a decommissioned tank, approved by the Department of Defense, from the North Carolina National Guard to the Johnny Ro Veterans Memorial Park in Leominster; provided further, that not less than the amount allocated in item 1410-0010 of section 2 of chapter 182 of the acts of 2008 shall be expended for the purpose of maintaining and rehabilitating Massachusetts Vietnam Veterans memorials; provided further, that no less than \$30,000 shall be expended for the Veteran’s Oral History Project at the Morse Institute Library in Natick” and in said item by striking out the figures “2,440,839” and inserting in place thereof the figures “2,615,839”;

In item 1410-0012, in line 4, by inserting after the words “agent orange” the following: “; provided further, that the department shall not reduce the amount allocated to a program or its successor listed in this item as appearing in section 2 of chapter 68 of the acts of 2011”;

In item 1410-0018 by striking out the figures “300,000” and inserting in place thereof the figures “350,000”.

By inserting after said item 1410-0018 the following two items:

- “1410-0075 For the purpose of the Train Vets to Treat Vets program; provided, that the department shall work in conjunction with the Massachusetts School of Professional Psychology to administer a behavioral health career development program for returning veterans \$125,000;
- 1410-0100 For the revenue maximization project of the executive office of elder affairs to identify individuals eligible for veterans’ pensions who are currently receiving home health care services \$96,500”.

In item 1410-0250 by adding the following: “; provided, that the department shall not reduce the amount allocated to a program or its successor listed in this item as appearing in section 2 of chapter 68 of the acts of 2011”;

By striking out item 1410-0300 and inserting in place thereof the following item:

- “1410-0300 For the payment of annuities to certain disabled veterans and the parents and un-remarried spouses of certain deceased veterans; provided, that the payments shall be made under sections 6A, 6B and 6C of chapter 115 of the General Laws \$21,400,000”;

In item 1410-0400, in line 5, by inserting after the words “soldiers’ home” the words “, homeless shelter, or transitional housing facility” and in said item by striking out the figures “43,988,726” and inserting in place thereof the figures “44,208,485”, and

In item 1410-0630 by striking out the figures “1,007,160” and inserting in place thereof the figures “1,014,825”; and

By inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 140. Chapter 15A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, after section 41, the following new section:—

Section 42. (a) The board shall coordinate and adopt a uniform policy requiring each public institution of higher education to award educational credits to a student who is enrolled in such an institution and who is also a veteran, as defined in clause forty-third of section 7 of chapter 4, for the student’s military occupation, training and experience relevant to the occupation, and courses that were a component of the student’s military training or service; provided, that the occupation, training, experience, or courses meet the standards of the American Council on Education or equivalent standards for awarding academic credit; provided further, that the award of educational credit is based upon an institution’s admissions standards and is consistent with the mission of the commonwealth’s system of public higher education, as defined by the board, pursuant to section 1 of chapter 15A.

(b) The board shall consult and collaborate with the boards of trustees in implementing the policy set forth in subsection (a) and the policy adopted by the board shall, to the greatest extent possible, provide for consistent application by all the commonwealth’s public institutions of higher education and promote accurate and complete academic counseling.

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(c) The board shall adopt all necessary rules, regulations and procedures to implement the provisions of this section, effective beginning January 1, 2013 and continuing thereafter.”

Pending the question on adoption of the amendments, Mr. D’Emilia of Bridgewater moved to amend them by striking out proposed section 140 and inserting in place thereof the following section:

“SECTION 140. Chapter 15A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, after section 41, the following new section:—

Section 42. (a) The board shall develop and adopt a written policy requiring each public institution of higher education to develop a set of policies and procedures governing the evaluation of a student’s military occupation(s), and military training, coursework, and experience, for purposes of determining whether academic credit will be awarded by the institution for the evaluated experience, training, and coursework; provided, that the occupation(s), training, experience, or courses meet the standards of the American Council on Education or equivalent standards for awarding academic credit; provided further, that the award of educational credit is based upon each institution’s admissions standards and is consistent with the mission of the commonwealth’s system of public higher education, as defined by the board, pursuant to section 1 of chapter 15A. Each public institution of higher education shall designate a single point of contact for a student who is enrolled in such an institution and who is also a veteran, as defined in clause 43 of section 7 of chapter 4 to initiate and pursue such an evaluation and determination.

(b) The board shall consult and collaborate with the boards of trustees in implementing the policy set forth in subsection (a) and the policy adopted by the board shall, to the greatest extent possible, provide for consistent application by all the commonwealth’s public institutions of higher education and promote accurate and complete academic counseling.

(c) The board shall adopt all necessary rules, regulations, and procedures to implement the provisions of this section, effective beginning March 1, 2013 and continuing thereafter.”

The further amendment was adopted.

After remarks 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. Hill of Ipswich; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 234 in Supplement.]

Therefore the amendments, as amended, were adopted.

Representatives Poirier of North Attleborough and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 141. Chapter 127 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, after section 48A, the following section:—

Section 48B. The commissioner and the sheriffs for the various counties may institute a schedule of fees and assess said fees to inmates in their custody as follows:—

Amendments
(veterans
and
soldiers’
homes)
adopted,—
yea and nay
No. 234.

1. A daily cost of custodial care fee not to exceed \$5;
2. A medical sick call visit fee not related to a condition pre-existing at the time of incarceration not to exceed \$5;
3. A dental sick call visit fee not to exceed \$5;
4. A pair of prescription eyeglasses fee not to exceed \$5;
5. A pharmacy prescription fee not to exceed \$3 per prescription.

Any penal facility assessing fees shall establish a procedure for inmates to appeal any such assessment.

Notwithstanding the above, the following services shall be exempt from fee assessment: admission health screening, 14 day health assessment, emergency health care, hospitalization or infirmary care, prenatal care, lab and diagnostic care, follow-up visits approved by health services, contagious disease care and chronic disease care.

No inmate shall be denied access to medical or dental care because of an inability to pay any fee. Indigent inmates shall have the above fees and costs assessed and debited against the inmate's money account which, if not paid, shall remain due and payable as a charge to the inmate after his release from custody. If the inmate is not incarcerated within 2 years of his release from custody, this debt shall be forgiven.

This section shall not apply to federal inmates, detainees or regional lock-up inmates. The commissioner and the sheriffs of the various counties shall promulgate rules and regulations for the implementation of this section."

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

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 provisions of said rule; and on the roll 121 members voted in the affirmative and 34 in the negative.

Rule 1A suspended,—yea and nay No. 235.

[See Ye and Nay No. 235 in Supplement.]

Therefore Rule 1A was suspended.

After further remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mrs. Poirier; and on the roll call 44 members voted in the affirmative and 112 in the negative.

Amendments rejected,—yea and nay No. 236.

[See Ye and Nay No. 236 in Supplement.]

Therefore the amendment was rejected.

Mr. Winslow of Norfolk then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following one hundred sections:

“SECTION 141. The first sentence of section 1 of chapter 23K of the General Laws, as appearing in section 16 of chapter 194 of the acts of 2011, is hereby amended by inserting after the words ‘gaming establishments’ the following words:— and internet card rooms.

SECTION 142. Said chapter 23K is hereby further amended by inserting after section 1 the following section:—

Section 1A. The General Court finds and declares that: (1) since the advent of the internet and despite the enactment of the federal law entitled Unlawful Internet Gambling Enforcement Act of 2006 (‘UIGEA’),

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31 U.S.C. §§ 5361-5367 (2006), hundreds of thousands of Massachusetts consumers have been playing internet poker through websites controlled by illegal off-shore businesses; (2) to the detriment of the commonwealth and its residents, these illegal off-shore businesses take tens of millions of dollars from residents on an annual basis, without paying any Massachusetts or federal taxes and without being subject to any oversight that would otherwise protect consumers from the dangers of underage gambling, compulsive gambling, cheating and swindling and unfair or deceptive acts or practices; (3) without regulatory oversight of internet poker, these illegal off-shore businesses will continue to harm the commonwealth and its residents, and public confidence in the integrity of legal gaming in the commonwealth will be critically undermined; (4) a rigorous regulatory and licensing scheme for internet poker will bolster the purposes of chapter 23K by providing millions of dollars in additional annual revenue and aid to local communities, creating over a thousand high-paying jobs in the technology sector, providing essential consumer protections to vulnerable individuals, promoting local business, enhancing the performance of the state lottery and aiding law enforcement; (5) pursuant to 31 U.S.C. § 5362(10)(B) (2006), this Act establishing limited internet gaming in the commonwealth constitutes a lawful exemption to the UIGEA, whereby the commission may authorize gaming licensees to conduct lawful internet gambling within the borders of the commonwealth; (6) pursuant to a formal opinion rendered by United States Department of Justice, Office of Legal Counsel, on December 23, 2011, the conduct authorized by this Act establishing limited internet gaming in the commonwealth is not proscribed by the Wire Act, 18 U.S.C. § 1084 (2006), because it does not relate to a 'sporting event or contest;' and (7) the conduct authorized by the provisions of this Act establishing limited internet gaming in the commonwealth is not proscribed by any federal statute, including the following: the Interstate Horseracing Act of 1978, 15 U.S.C. 3001 et seq.; the Professional and Amateur Sports Protection Act, 28 U.S.C. 3701 et seq.; the Gambling Devices Transportation Act, 15 U.S.C. 1171 et seq.; and the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq.

SECTION 143. Section 2 of said chapter 23K, as so appearing, is hereby amended by inserting the following seventeen paragraphs:—

'Category 3 license', a license issued by the commission that permits the licensee to operate an internet card room subject to the regulatory oversight of the commission under this chapter.

'Domain name', a name consisting of a sequence of letters, numbers and hyphens used to identify a website and locate the server hosting that website.

'Internet', the international system of interoperable packet switched data networks, including any additional electronic data distribution methods or channels approved by the commission.

'Internet card room', the collective proprietary and non-proprietary technology, including hardware, software, related websites and gaming devices, controlled and used by a category 3 licensee for the purposes of offering internet poker games to registered players and facilitating internet gaming thereon.

‘Internet gaming’, the placing, receiving or transmitting of a wager on an internet poker game where the wager is initiated and received or otherwise made within the borders of the commonwealth or, in the case of another state, within the borders of that state.

‘Internet gaming account’ or ‘account’, a formal electronic ledger managed by an internet gaming operator for the purpose of recording a registered player’s deposits, withdrawals, amounts wagered, winnings and other financial activity related to the operator’s cashless wagering system and the player’s use of the operator’s internet card room for internet gaming.

‘Internet gaming account agreement’, a contractual agreement between a registered player and an internet gaming operator which governs the terms and conditions of the player’s internet gaming account and the player’s use of the operator’s internet card room for internet gaming.

‘Internet gaming operator’ or ‘operator’, a category 3 licensee or category 3 license applicant that is engaged or seeks to engage in the business of operating an internet card room.

‘Internet gaming operator premises’, a facility approved by the commission from which a category 3 licensee may conduct business related to operating an internet card room under this chapter.

‘Internet poker game’, any of the percentage card games historically known as poker played by two or more individuals for money or credit, including, but not limited to, Texas hold’em, Omaha, stud poker and draw poker, which the commission has authorized a category 3 licensee to offer, at least in part through the internet, to registered players.

‘Internet protocol address’, a numerical identifier attached to each computer that communicates with other computers through internet.

‘Internet service provider’, a person that provides other persons with access to the internet.

‘Proprietary technology’, any information that is protectable as intellectual property under state law, federal law or foreign law, including any information that can be patented or registered under any applicable patent, copyright, trademark or trade secret laws.

‘Registered player’ or ‘player’, an individual who has registered with an internet gaming operator to engage in internet gaming through the operator’s internet card room.

‘Website’, one or more related web pages.

‘Web page’, an internet accessible document that may contain text, video, audio and images and is hosted on at least one web server.

‘Web server’, the hardware and related software that is used to deliver content, store data and run applications through the internet.

SECTION 144. Said section 2 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words ‘gaming licensee’, in line 179, the following words:— , excluding a category 3 licensee,.

SECTION 145. Said section 2 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words ‘gaming establishment’, in line 208, the following words:— and on an internet card room.

SECTION 146. Said section 2 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words ‘gaming establishment’, in line 240, the following words:— and an internet gaming operator.

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SECTION 147. Said section 2 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words 'gaming establishment', in line 241, and in line 243, each time it appears, the following words:— or an internet card room.

SECTION 148. Said section 2 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words 'gaming establishment', in line 249, the following words:— or an internet card room.

SECTION 149. Said section 2 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words 'gaming establishment', in line 253, the following words:— or an internet gaming operator.

SECTION 150. Said section 2 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words 'gaming establishment', in line 316, the following words:— or an internet gaming operator.

SECTION 151. Said section 2 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words 'gaming establishment', in line 317, the following words:— or internet card room.

SECTION 152. Section 4 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming operation', in line 586, the following words:— or an internet gaming operator.

SECTION 153. Said section 4 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words 'gaming establishment', in line 621, the following words:— and internet gaming operator premises.

SECTION 154. Said section 4 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words 'gaming establishment', in line 627, the following words:— or internet gaming operator premises.

SECTION 155. Said section 4 of said chapter 23K, as so appearing, is hereby further amended by striking out, in line 659, the words 'internet gaming' and inserting in place thereof the following words:— interstate internet gambling.

SECTION 156. Said section 4 of said chapter 23K, as so appearing, is hereby further amended by inserting after the word 'commonwealth', in line 670, the following words:— and with any state that has expressly authorized lawful internet gaming.

SECTION 157. Clause (11) of subsection (a) of section 5 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 702, the following words:— or for an internet gaming operator.

SECTION 158. Clause (14) of said subsection (a) of said section 5 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment' in line 710, the following words:— and an internet card room.

SECTION 159. Clause (17) of said subsection (a) of said section 5 of said chapter 23K, as so appearing, is hereby amended by striking out, in line 716, the word:— and.

SECTION 160. Clause (18) of said subsection (a) of said section 5 of said chapter 23K, as so appearing, is hereby amended by striking out, in lines 717 and 718, the words 'gaming establishment.' and inserting in place thereof the following words:— gaming establishment and in an internet card room; and.

SECTION 161. Said chapter 23K, as so appearing, is hereby amended by inserting after section 5 the following section:—

Section 5A. (a) In addition to the regulations required by section 5, with regard to category 3 licenses, the commission shall promulgate regulations for the implementation, administration and enforcement of this chapter including, without limitation, regulations that: (1) prescribe age and location verification requirements reasonably designed to block access to persons under the age of 21, persons located outside of the commonwealth and persons whose names appear on a list of excluded persons or are otherwise prohibited from gambling at a gaming establishment or on an internet card room under this chapter; (2) prescribe appropriate data security and geolocation requirements to prevent unauthorized access to an internet card room by any person whose age and current physical location has not been verified in accordance with this chapter, including requirements that internet gaming operators use innovative data encryption software and geolocation software that identifies a player's internet protocol address and precisely determines the country, state and city where a player is located at all times relevant to determining whether an individual may access areas of an internet card room that are restricted to registered players; (3) prescribe requirements that an applicant or the proposed affiliate internet gaming operator of the applicant shall have a principal place of business and be domiciled in the commonwealth and in good standing with the secretary of state and state treasurer; (4) prescribe requirements that all gaming vendors transacting business with internet gaming operators shall have a principal place of business and be domiciled in the commonwealth and in good standing with the secretary of state and state treasurer; (5) prescribe the information to be furnished by an applicant to determine whether an applicant and any affiliate of the applicant and predecessor in interest of an applicant has accepted a wager related to any form of internet gambling from a person in the United States after October 13, 2006, the date when the UIGEA was enacted; (6) prescribe the information to be furnished by an applicant to determine whether an applicant and any affiliate and institutional investor of an applicant has ever contemptuously defied or refused to submit to or comply with the jurisdictional, investigative or enforcement authority of any judicial, executive or legislative body of any state or of the United States when such body was adjudicating, investigating or prosecuting alleged illegal conduct relating to gambling or internet gambling; (7) prescribe player registration requirements, including procedures reasonably designed to ensure that an internet gaming operator accurately verifies a player's identity, date of birth, place of residency, social security number if the player is a United States resident, eligibility to engage in internet gaming and absence from the list of excluded persons, and that a player has read and assented to an operator's internet gaming account agreement and consents to the jurisdiction of the commonwealth to resolve all disputes arising out of internet gaming; (8) prescribe requirements related to a registered player's internet gaming account, including requirements for recording the date and time of all account activity and ensuring that all adjustments made by an operator to a player's account are consistent with the player's internet gaming activity, as well as requirements that a registered player has only one account, individuals are unable to create accounts

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under fictitious names, a player is physically located in the commonwealth while logged into his or her account, an operator only accepts account deposits in the form of debits from a debit or credit card, personal checks, cashier's checks, wire transfers, money orders or other forms of payment approved by the commission, a player is prevented from transferring funds into the account of any other player, operators accurately credit a player's winnings to the player's account and are prevented from extending credit or otherwise transferring funds into player accounts where those funds are derived from any person besides the operator; (9) prescribe requirements delineating the types of permissible charges by internet gaming operators to registered players engaging in internet poker games, including the amounts of per-hand charges, the amounts of tournament charges and precise charge information that shall be conspicuously posted and continuously updated on each player's computer screen throughout each authorized game and tournament; (10) prescribe standards reasonably designed to protect the privacy and security of registered players who engage in internet gaming, including requirements that credit card, password and all other data transmitted between a player and an internet gaming operator is encrypted using technology tested and approved by the commission and that access to internet gaming account information by gaming employees and gaming service employees is strictly controlled and recorded; (11) prescribe technical standards to guide the commission's approval of proposed software, hardware and other gaming devices that internet gaming operators may use to conduct internet gaming, including mechanical, electrical, security and reliability standards, and requirements to ensure that no software, hardware or other gaming devices shall be used to conduct internet gaming prior to being tested and approved by the commission or tested and certified by an independent testing laboratory authorized by the commission; (12) prescribe requirements reasonably designed to ensure that the internet poker games offered by an internet gaming operator are legal, fair and played exclusively by live individuals, that wagering and internet poker game rules are conspicuously made available to all registered players and that the software that powers the internet poker games uses a sophisticated random number generator, which shall be tested and approved by the commission to ensure that each electronic hand of cards is unpredictable and entirely random; (13) prescribe standards reasonably designed to ensure that an internet gaming operator maintains a system of internal controls to protect the security and integrity of all financial transactions, wagers and internet poker games occurring on the applicant's proposed internet card room, including requirements that an internet gaming operator make all data related to its software, credit card transactions, distribution of funds, transactions with gaming vendors, registered player wagering histories and internal controls related to player fraud and cheating and swindling available to an independent auditor approved by the commission; (14) prescribe requirements reasonably designed to enable an internet gaming operator to detect and prevent transactions that may be associated with money laundering, fraud and other criminal activities in violation of Massachusetts and federal law; (15) prescribe administrative, accounting and auditing procedures reasonably designed to determine an internet gaming operator's license fee and gross gaming revenue payment liability and

maintain the commission's control over the operator's internal financial affairs; (16) prescribe standards reasonably designed to ensure that all gaming devices, facilities and internet gaming operator premises related to an internet card room are located, arranged and maintained in a manner promoting appropriate security related to internet gaming, including requirements that an operator maintain a closed circuit visual monitoring system and institute protocols for restricting access in accordance with directives issued by the commission; (17) prescribe enforcement powers by which the commission may commence an in rem deactivation of the domain names associated with an internet gaming operator's internet card room where the commission determines that the operator has engaged in unlawful internet gambling or has otherwise offered or conducted internet poker games in violation of this chapter; (18) prescribe rules that shall effectively immunize internet service providers from criminal and civil liability for hosting an internet card room operating in violation of this chapter or federal law or a website otherwise engaging in unlawful internet gambling, unless the internet service provider has actual knowledge that the internet card room or website in question is currently violating this chapter, federal law or is otherwise engaging in unlawful internet gambling; (19) prescribe requirements appropriately limiting the types of agreements that internet gaming operators may enter into with third parties for marketing or advertising purposes, including requirements prohibiting internet gaming operators from displaying the trademark, service mark, business or brand name, business information or any information directly or indirectly acquired or derived from or supplied by or any person that has accepted a wager related to any form of internet gambling from persons in the United States after October 13, 2006. (20) prescribe factors to be considered by the commission in determining whether an applicant has demonstrated sufficient history of internet gaming competence, experience, technological expertise, technological quality, financial integrity and regulatory compliance to justify the award of a category 3 license.

SECTION 162. Subsection (f) of section 6 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in lines 752 and 753, the following words:— and an internet card room.

SECTION 163. Said subsection (f) of said section 6 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 761, the following words:— and an internet card room and an internet gaming operator.

SECTION 164. Subsection (a) of section 8 of said chapter 23K, as so appearing, is hereby amended by inserting after the word and figure 'category 2', in line 761, the following words:— and category 3.

SECTION 165. Clause (6) of subsection (a) of section 9 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 814, the following words:— or internet card room.

SECTION 166. Clause (7) of said subsection (a) of said section 9 of said chapter 23K, as so appearing, is hereby amended by inserting after the word 'facilities', in line 816, the following words:— or internet card room and internet gaming operator premises.

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SECTION 167. Clause (8) of said subsection (a) of said section 9 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 818, the following words:— or an internet card room.

SECTION 168. Clause (12) of said subsection (a) of said section 9 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 836, the following words:— or by the internet gaming operator.

SECTION 169. Clause (13) of said subsection (a) of said section 9 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment's', in line 839, the following words:— or internet card room's.

SECTION 170. Said clause (13) of said subsection (a) of said section 9 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words 'gaming establishment', in line 846, the following words:— or internet card room.

SECTION 171. Clause (16) of said subsection (a) of said section 9 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 856, the following words:— and, with regard to the proposed internet card room, the type and number of internet poker games to be conducted.

SECTION 172. Said chapter 23K, as so appearing, is hereby amended by inserting after section 11 the following section:—

Section 11A. (a) The commission shall not set a minimum capital investment for a category 3 license; provided, however, that a category 3 licensee's internet gaming operator premises and gaming equipment, including but not limited to, computers, servers, monitoring rooms, hubs and storage systems, shall be located in the commonwealth, unless the commission permits otherwise.

(b) The commission shall determine the minimum licensing fee for a category 3 licensee, which shall not be less than \$10,000,000 to be paid within 30 days after the award of the license; provided, however, that this licensing fee shall be credited against the category 3 licensee's daily gross gaming revenue payment liability for the first two years of operation. Once the license fee credit is exhausted, the commission shall direct the category 3 licensee to commence monthly gross gaming revenue payments to the commonwealth in accordance with this chapter.

(c) A category 3 licensee who fails to begin internet gaming operations within 30 days after the award of the category 3 license shall be subject to suspension or revocation of the gaming license by the commission and shall, after being found by the commission after a hearing to have acted in bad faith in delaying commencement of internet gaming operations, be assessed a fine of no less than \$25,000,000.

SECTION 173. Subsection (a) of section 14 of said chapter 23K, as so appearing, is hereby amended by inserting after the word 'establishment', in line 986, the following words:— or an internet card room.

SECTION 174. Subsection (e) of said section 14 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in lines 1019 and 1020, the following words:— or internet card room.

SECTION 175. Section 15 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in lines 1045, 1046 and 1064, the following words:— or internet card room.

SECTION 176. Said section 15 of said chapter 23K, as so appearing, is hereby amended further by inserting after the word ‘that’, in line 1088, the following words:— , except in the case of a category 3 license applicant.

SECTION 177. Said section 15 of said chapter 23K, as so appearing, is hereby amended further by inserting after the word ‘license’, in line 1095, the following words:— , unless the applicant is applying for a category 3 license.

SECTION 178. Section 16 of said chapter 23K, as so appearing, is hereby amended by inserting after subsection (b) the following subsection:—

(c) The commission shall deny with prejudice an application for a category 3 license under this chapter, if the applicant, an affiliate of the applicant, an institutional investor of the applicant, a person directly or indirectly holding a financial interest in the applicant or any affiliate of the applicant, a predecessor in interest of the applicant, a key gaming employee of the applicant, a third party who has previously contracted with the applicant for advertising or marketing purposes or any person who has purchased any assets related to an internet gambling operator: (i) has accepted a wager related to any form of internet gambling from a person in the United States after October 13, 2006; or (ii) has ever contemptuously defied or refused to submit to or comply with the jurisdictional, investigative or enforcement authority of any judicial, executive or legislative body of any state or of the United States when such body was adjudicating, investigating or prosecuting alleged illegal conduct relating to any form of gambling or internet gambling.

SECTION 179. Section 18 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘following objectives’, in line 1232, the following words:— , insofar as they are relevant to the applicant’s license category.

SECTION 180. Said section 18 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words ‘gaming establishment’, in line 1281, the following words:— or internet gaming operator premises.

SECTION 181. Said section 18 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words ‘slot machines’, in line 1286, the following words:— and gaming devices, including hardware and software.

SECTION 182. Said section 18 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words ‘gaming establishment’, in line 1287, the following words:— or internet gaming operator premises.

SECTION 183. Subsection (b) of section 19 of said chapter 23K, as so appearing, is hereby amended by inserting after the word ‘that’, in line 1331, the following words:— , except for a category 3 license.

SECTION 184. Said chapter 23K, as so appearing, is hereby amended by inserting after section 20 the following section:—

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Section 20A. (a) The commission may issue not more than 3 category 3 licenses; provided, however, that a category 3 license shall only be issued to an applicant who is qualified under the criteria set forth in this chapter as determined by the commission. If the commission is not convinced that there are applicants that have both met the eligibility criteria and provided convincing evidence that the applicant will provide value to the commonwealth, no category 3 licenses shall be awarded.

(b) A category 3 license issued pursuant to this chapter shall not be transferrable or assignable without the approval of the commission; provided, however, that for 3 years after the initial issuance of a category 3 license, the commission shall only approve such a transfer if: (i) the licensee experiences a change in ownership; or (ii) the licensee fails to maintain suitability or other circumstances which the commission may consider, which, in the opinion of a majority of the members of the commission, impacts a licensee's ability to successfully operate an internet gaming card room.

(c) A category 3 license issued pursuant to this chapter shall be valid for an initial period of 10 years. The commission shall establish procedures for the renewal of a category 3 license, including renewal fee, and submit to the clerks of the senate and house of representatives any legislative recommendations that may be necessary to implement those procedures, not less than 180 days before the expiration of the first category 3 license granted pursuant to this chapter.

SECTION 185. Subsection (a) of section 21 of said chapter 23K, as so appearing, is hereby amended by inserting after the word 'made', in line 1405, the following words:— , except in the case of a category 3 licensee.

SECTION 186. Said subsection (a) of said section 21 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words 'gaming establishment', in line 1413, the following words:— or internet card room or internet gaming operator premises.

SECTION 187. Said subsection (a) of said section 21 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words 'gaming establishment', in lines 1435, 1436 and 1441, the following words:— or internet gaming operator premises.

SECTION 188. Said subsection (a) of said section 21 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words 'gaming area', in line 1450, the following words:— or on all web pages of an internet card room.

SECTION 189. Said subsection (a) of said section 21 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words 'gaming establishment', in line 1469, the following words:— or internet gaming operator.

SECTION 190. Subsection (d) of said section 21 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming licensee', in line 1516, the following words:— , except for a category 3 licensee.

SECTION 191. Subsection (a) of section 23 of said chapter 23K, as so appearing, is hereby amended by inserting after the word and figure 'category 2', in line 1534, the following words and figure:— and category 3.

SECTION 192. Subsection (c) of said section 23 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘establishment’, in line 1553, the following words:— or an internet card room.

SECTION 193. Said subsection (c) of said section 23 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 1565, the following words:— and an internet card room.

SECTION 194. Subsection (a) of section 25 of said chapter 23K, as so appearing, is hereby amended by inserting after the word ‘gaming’, in line 1586, the following words:— or internet gaming.

SECTION 195. Said subsection (a) of said section 25 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words ‘gaming establishment’, in lines 1592 and 1593, the following words:— or internet operator premises.

SECTION 196. Subsection (b) of said section 25 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in lines 1597 and 1598, the following words:— or internet card room.

SECTION 197. Subsection (e) of said section 25 of said chapter 23K, as so appearing, is hereby amended by inserting after the word ‘dealer’, in line 1637, the following words:— at a gaming establishment.

SECTION 198. Subsection (h) of said section 25 of said chapter 23K, as so appearing, is hereby amended by inserting after the word ‘wager’, in line 1644, the following words:— in an internet card room.

SECTION 199. Said subsection (h) of said section 25 of said chapter 23K, as so appearing, is hereby amended further by inserting after the word ‘gaming’, in line 1648, the following words:— or internet gaming.

SECTION 200. Subsection (i) of said section 25 of said chapter 23K, as so appearing, is hereby amended by inserting after the word and figure ‘category 2’, in line 1651, the following words:— or category 3.

SECTION 201. Said subsection (i) of said section 25 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 1653, the following words:— or internet gaming operator premises.

SECTION 202. Subsection (a) of section 27 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘auditing purposes.’, in line 1707, the following words:— A category 3 licensee shall not issue credit to a registered player.

SECTION 203. Section 29 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in lines 1774, 1775, 1779, 1781 and 1786, the following words:— or internet gaming operator.

SECTION 204. Subsection (c) of section 30 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in lines 1805 and 1807, the following words:— or internet gaming operator premises.

SECTION 205. Subsection (e) of said section 30 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 1819, the following words:— or internet card room.

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SECTION 206. Subsection (f) of said section 30 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 1825, the following words:— or internet gaming operator.

SECTION 207. Subsection (a) of section 34 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 1981, the following words:— or internet card room.

SECTION 208. Subsection (d) of said section 34 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 1997, the following words:— This subsection shall not apply to internet card rooms and internet gaming operator premises.

SECTION 209. Subsection (e) of section 35 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 2030, the following words:— or internet card room.

SECTION 210. Section 36 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in lines 2046 and 2057, the following words:— or internet card room.

SECTION 211. Section 37 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in lines 2139 and 2150, the following words:— or internet card room.

SECTION 212. Section 39 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in lines 2170, 2171 and 2197, the following words:— or internet card room.

SECTION 213. Subsection (b) of section 40 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in lines 2208 and 2211, the following words:— or internet gaming operator premises.

SECTION 214. Section 41 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 2215, the following words:— or internet card room.

SECTION 215. Section 43 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in lines 2226, 2230 and 2237, the following words:— or internet card room.

SECTION 216. Subsection (a) of section 45 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 2243, the following words:— or internet card room.

SECTION 217. Subsection (c) of said section 45 of said chapter 23K, as so appearing, is hereby amended by inserting after the word 'establishment', in lines 2256 and 2257, the following words:— or internet gaming operator.

SECTION 218. Said subsection (c) of said section 45 of said chapter 23K, as so appearing, is hereby amended further by inserting after the word 'premises', in line 2257, the following words:— or internet card room.

SECTION 219. Subsection (f) of said section 45 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gam-

ing establishments', in lines 2278 and 2285, the following words:— and internet card rooms.

SECTION 220. Said subsection (f) of said section 45 of said chapter 23K, as so appearing, is hereby amended further by inserting after the word 'gaming establishment', in line 2282, the following words:— or in an internet card room.

SECTION 221. Said subsection (f) of said section 45 of said chapter 23K, as so appearing, is hereby amended further by inserting after the word 'establishment', in each instance in line 2286, the following words:— or an internet gaming operator.

SECTION 222. Said subsection (f) of said section 45 of said chapter 23K, as so appearing, is hereby amended further by inserting after the word 'premises', in line 2287, the following words:— or internet card room.

SECTION 223. Subsection (g) of said section 45 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishments', in line 2288, the following words:— and internet card rooms.

SECTION 224. Subsection (h) of said section 45 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 2293, the following words:— and an internet gaming operator.

SECTION 225. Said subsection (h) of said section 45 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words 'gaming establishments', in lines 2294 and 2295, the following words:— and an internet gaming operators.

SECTION 226. Subsection (i) of said section 45 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishments', in line 2305 and 2314, the following words:— and internet card rooms.

SECTION 227. Subsection (j) of said section 45 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 2316 and 2318, the following words:— and an internet card room.

SECTION 228. Section 47 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 2334, the following words:— or internet gaming operator premises.

SECTION 229. Subsection (a) of section 49 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 2344, the following words:— and an internet gaming operator premises.

SECTION 230. Said subsection (a) of said section 49 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words 'gaming establishments', in lines 2346, 2347, 2349 and 2350, the following words:— and internet gaming operator premises.

SECTION 231. Subsection (b) of said section 49 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 2352, the following words:— and internet gaming operator premises.

SECTION 232. Subsection (a) of section 55 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'category 1 licensee', in line 2408, the following words:— and a category 3 licensee.

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SECTION 233. Subsection (c) of section 56 of said chapter 23K, as so appearing, is hereby amended by inserting after the word ‘establishments’, in line 2428, the following words:— and internet card rooms.

SECTION 234. Said subsection (c) of said section 56 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words ‘gaming establishment’, in line 2431, the following words:— and at each internet card room.

SECTION 235. Subsection (e) of said section 56 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 2439, the following words:— and employed by each internet gaming operator.

SECTION 236. Subsection (1) of section 59 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘category 2 licensee’, in line 2490, the following words:— and a category 3 licensee.

SECTION 237. Section 66 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘slot machines’, in line 2655, the following words:— , software, hardware, gaming devices.

SECTION 238. Section 5A of chapter 62 of the General Laws, as appearing in section 27 of chapter 194 of the acts of 2011, is hereby amended by inserting after the words ‘gaming establishment’, in line 2893, the following words:— or an internet card room.

SECTION 239. Section 93 of chapter 194 of the acts of 2011 is hereby amended by inserting after the words ‘category 2’, in lines 3412 and 3414, the following words:— or category 3.

SECTION 240. Section 97 of chapter 194 of the acts of 2011 is hereby amended by inserting after the words ‘gaming establishment’, in line 3474, the following words:— and internet gaming operators.”.

Mr. Kulik of Worthington thereupon raised a point of order that the amendment offered by the gentleman from Norfolk was improperly before the House because it violated the provisions of the 4th paragraph of House order numbered 4099, which prohibits amendments that amend or notwithstanding Chapter 23K of the General Laws.

The Chair (Mr. Donato) ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Mr. Frost of Auburn and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 141. Notwithstanding the provisions of chapter 173 of the Acts of 2008, the commonwealth shall reimburse any city or town for the personal property tax revenue lost as a result of a business conforming with federal entity classification rules.”.

The amendment was rejected.

Ms. Coakley-Rivera of Springfield and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 141. (a) It shall be unlawful for any employer to ask any employee or prospective employee to provide any password or other related account information in order to gain access to the employee’s or prospective employee’s account or profile on a social networking website or electronic mail. No employee or prospective employee shall be required to provide access to an employer for a social networking site.

Point of
order.

(b) It shall be unlawful for any public or private institution of higher education to ask any student or prospective student to provide any password or other related account information in order to gain access to the student's or prospective student's account or profile on a social networking website or electronic mail. No student or prospective student shall be required to provide access to a public or private institution of higher education for a social networking site.

(c) For the purposes of this section, 'Social networking site' means an internet-based service that allows individuals to: (1) construct a public or semi-public profile within a bounded system created by the service; (2) create a list of other users with whom they share a connection within the system; and (3) view and navigate their list of connections and those made by others within the system.

(d) This section shall not apply to any employer who obtains information about a prospective employee or an employee that is in the public domain or obtained in compliance with this section.

(e) This section shall not limit an employer's right to promulgate and maintain lawful workplace policies governing the use of the employer's electronic equipment, including policies regarding internet use, social networking site use, and electronic mail use.

(f) The Department of Labor shall make rules and regulations and investigations necessary for the enforcement of subsections (a), (d) and (e) of this act.

(g) The Board of Higher Education shall make rules and regulations and investigations necessary for the enforcement of subsection (b) of this act."

The amendment was rejected.

Mr. Moran of Boston then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

"SECTION 141. Notwithstanding any special or general law to the contrary, the Department of Revenue shall accept as timely submitted state tax returns of Brenda M. Ginsberg for the years 2006 and 2007."

The amendment was rejected.

Mr. Levy of Marlborough and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

"SECTION 141. Section 26 of chapter 149 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 19, the word "The" and inserting in place thereof the following:— For projects costing more than \$100,000, the."

The amendment was rejected.

Mr. Frost of Auburn and other members of the house then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:—

"SECTION 141. A special commission is hereby established to study the revenue impact on cities and towns of businesses conforming with federal entity classification rules. The commission shall consider the amount of personal property tax revenue lost by individual cities and towns, the amount of revenue gained by the state, and ways to incentivize businesses to become domestic corporations while cities and towns are held harmless. The commission shall consist of 11 members,

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as follows: the chairs of the joint committee on revenue, who shall chair the commission; the commissioner of revenue, or her designee; 1 designee appointed by the governor; the house chair of ways and means, or his designee; the senate chair of ways and means, or his designee; the secretary of administration and finance, or his designee; the auditor, or her designee; the treasurer or his designee; the house minority leader, or his designee; and the senate minority leader, or his designee. Said commission shall report its findings, together with drafts of any legislation it recommends, to the senate and house clerks no later than July 1, 2013.”

After remarks the amendment was adopted.

Consolidated
amendments
(mental
health).

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

In item 5046-0000, in line 6, by inserting after the words “care at department facilities” the following: “; provided further, that the department shall allocate \$500,000 for clubhouses above fiscal year 2012 expenditures for clubhouses; provided further, that funds shall be expended at the same level as the prior fiscal year for jail diversion programs in municipalities that provide equal matching funds from other public or private sources”, and in said item by striking out the figures “342,668,578” and inserting in place thereof the figures “343,168,578”;

In item 5055-0000 by striking out the figures “8,097,163” and inserting in place thereof the figures “8,297,163”;

[A] In item 5095-0015, in line 13, by inserting after the words “received at the closed facility” the following: “; provided further, the department shall maintain the capacity for 30 vendor operated continuing care inpatient beds in the southeastern region of Massachusetts; provided further the department of mental health shall file a report including but not limited to: 1) a comprehensive review and evaluation of the commonwealth’s inpatient mental healthcare system, 2) the statewide network of community based services and supports and 3) the continuum of care in all regions of Massachusetts; provided further, that prior to filing said report the department shall solicit testimony and recommendations from organizations including but not limited to: 1) the chairs of the joint committee on mental health and substance abuse, 2) the Association for Behavioral Healthcare, 3) the Massachusetts Psychiatric Society, 3) the Massachusetts Nurses Association, 4) the National Alliance on Mental Illness of Massachusetts, 5) and the Massachusetts Society for the Prevention of Cruelty to Children; provided further, said report shall be filed with the joint committee on mental health and substance abuse and the house and senate committees on ways and means, no later than December 28th 2012”, and in said item by striking out the figures “152,988,321” and inserting in place thereof the figures “161,488,321”;

In item 5911-1003 by striking out the figures “62,084,732” and inserting in place thereof the figures “62,284,732”;

In item 5920-3010, in line 13, by inserting after the word “that” the words “the waiver program is fully enrolled and”.

[B] Pending the question on adoption of the amendments, the same member moved that they be amended by striking out [at “A”] the proposed amendment to item 5095-0015 and inserting in place thereof the following:—

In item 5095-0015, in line 13, by inserting after the words “received at the closed facility” the following: “; provided further, the department shall maintain the capacity for 30 vendor-operated continuing care inpatient beds in the southeastern region of Massachusetts”, and in said item by striking out the figures “152,988,321” and inserting in place thereof the figures “161,488,321”; and by adding at the end of said amendments [at “B”] the following:—

By inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 142. There shall be hereby established a special commission to conduct a comprehensive review and evaluation of the commonwealth’s inpatient mental healthcare system including, but not limited to, the statewide network of community-based services and support and the continuum of care in all regions of Massachusetts.

The commission shall consist of 9 members, 1 of whom shall be appointed by the speaker of the house of representatives, who shall serve as co-chair; 1 of whom shall be appointed by the president of the senate, who shall serve as co-chair; 1 of whom shall be appointed by the minority leader of the house of representatives; 1 of whom shall be appointed by the minority leader of the senate; 1 of whom shall be appointed by the Governor; 1 of whom shall be a representative of the Arc of Massachusetts; 1 of whom shall be a representative of the Association of Behavioral Health Systems; 1 of whom shall be a representative of the Disability Law Center; and 1 of whom shall be a representative of the Massachusetts Psychiatric Society.

The department of mental health shall provide any information requested by the commission in order to further the purposes of the commission; provided, however, that such information shall not be provided to the commission if the information would violate the federal Health Insurance Portability and Accountability Act of 1996.

The commission shall file a report of their findings, together with recommendations for legislation, if any, with the joint committee on mental health and substance abuse and the house and senate committees on ways and means, no later than December 28, 2012.”.

The further amendments were adopted.

After debate the amendments, as amended, then also were adopted.

Recess.

At eighteen minutes after eleven o’clock P.M. (Tuesday, April 25), on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until the following day at ten o’clock A.M.; and six minutes after ten o’clock the House was called to order with Mr. Donato in the Chair. Recess.

Wednesday, April 25, 2012 (at 10:06 o'clock A.M.).

Pledge of
allegiance.

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

Statement of Representative Creedon of Brockton.

A statement of Mrs. Creedon of Brockton, submitted subsequent to the session, was spread upon the records of the House, as follows:

Statement of
Mrs. Creedon
of Brockton.

MR. SPEAKER: I would like to call to the attention of the House the fact that due to a personal commitment, and unaware that a vote would be taken on the E.B.T. issue, I departed from the State House during the evening of April 25, prior to the vote on the further amendment to amendment number 804, relative to E.B.T. cards. Had I been present for Yea and Nay No. 242, I would have voted in the affirmative, since this is an issue of which I have deep concern. My missing of roll calls that night was due entirely to the reason stated.

Guests of the House.

Norwood
High School
cheerleaders.

During the session, Mr. Rogers of Norwood took the Chair, declared a recess, and acknowledged the return of Senator Rush of Boston from his duties overseas as an officer in the United States Navy. Mr. Rogers then introduced the state champion Norwood High School cheerleaders. They were the guests of Representative Rogers, Scaccia of Boston and Coppinger of Boston and Senator Rush.

Orders.

The following order (filed by Ms. Peisch of Wellesley) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Education
committee,—
extension
of time for
reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Education be granted until Monday, July 2, 2012, within which to make its final report on current Senate document numbered 2197 and current House documents numbered 4003.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Ms. Peisch of Wellesley, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Resolutions.

Rosemary
Rimkus.

Resolutions (filed with the Clerk by Ms. Hogan of Stow) congratulating Rosemary Rimkus on receiving the Good Scout Award from the Knox Trail Boy Scouts, were referred, under Rule 85, to the committee on Rules.

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

Resolutions (filed with the Clerk by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Daniel Rea on receiving the Eagle Award of the Boy Scouts of America, were referred, under Rule 85, to the committee on

Daniel Rea.

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

Monthly Report.

A monthly report of the Executive Office of Labor and Workforce Development (under Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for March, 2012, was placed on file.

Unemployment Trust Fund.

Petitions.

Mr. Basile of Boston presented a petition (subject to Joint Rule 12) of Carlo Basile and others relative to home modification benefits for certain disabled veterans; and the same was referred, under Rule 24, to the committee on Rules.

Veterans,—
home
modification
benefits.

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

By Mr. Frost of Auburn (by request), an additional petition (having been deposited with the Clerk previous to five o'clock in the afternoon on Friday, January 21, 2011) (accompanied by bill, House, No. 4055) of Robert Steinmetz relative to establishing an animal abuse registry, was presented; and it was referred, under Rule 24 and Joint Rule 13, to the committee on the Judiciary. Sent to the Senate for concurrence.

Animal
abuse,—
registry.

Reports of Committees.

By Mr. Binienda of Worcester, for the committee on Rules and the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Joint petition (accompanied by bill) of John J. Binienda and Michael O'Moore for legislation to prohibit the towing of certain motor vehicles containing an unsupervised animal; and

Vehicle
towing,—
animals.

Petition (accompanied by bill) of John J. Binienda for legislation to prevent illegal drug dealing near recreational facilities;

Recreational
facilities,—
drug dealing.

Severally to the committee on the Judiciary.

Joint petition (accompanied by bill) of Jennifer E. Benson and Jennifer L. Flanagan for legislation to establish a sick leave bank for Mark Lewis, an employee of the Department of Developmental Services. To the committee on Public Service.

Mark
Lewis,—
sick leave.

Under suspension of the rules, on motion of Mr. Barrows of Mansfield, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Recess.

Recess.

At seventeen minutes after ten o'clock A.M. (Wednesday, April 25), on motion of Mr. Humason of Westfield (Mr. Donato of Medford being in the Chair), the House recessed until a quarter before eleven o'clock; and seventeen minutes before one o'clock P.M. the House was called to order with Mrs. Haddad of Somerset in the Chair.

Orders of the Day.

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The House Bill making appropriations for the fiscal year 2013 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interests, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4100, amended), was considered.

After debate on the question on passing the bill, as amended, to be engrossed, Ms. Gobi of Spencer moved to amend it in section 2, in item 9110-1900, by adding the words “; provided, that funds shall be expended for the senior farm share program”, and in said item by striking out the figures “6,325,328” and inserting in place thereof the figures “6,375,328”. The amendments were adopted.

Consolidated
amendments
(health and
human services
and elder
affairs).

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

In item 1108-5200 by striking out the figures “1,133,002,702” and inserting in place thereof the figures “1,228,002,702”;

In item 4000-0050 by striking out the figures “167,192” and inserting in place thereof the figures “235,485”;

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

“4000-0300 For the operation of the executive office of health and human services, including the operation of the managed care oversight board; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office 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 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 inter-agency interaction; provided further, that the executive office shall continue to develop and implement the common client identifier; pro-

vided 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 in this item shall be expended for administrative and contracted services related to the implementation and operation of programs authorized by chapter 118E of the General Laws; provided further, that in consultation with the 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 the rates that are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that expenditures for the purposes of each item appropriated for programs authorized by chapter 118E of the General Laws shall be accounted for in the Massachusetts management accounting and reporting system not more than 10 days after the expenditures have been made by the Medicaid management information system; provided further, that no expenditures shall be made that are not federally reimbursable, including those related to Titles XIX or XXI of the Social Security Act or the MassHealth demonstration waiver approved under section 1115(a) of said Social Security Act or the community first section 1115 demonstration waiver, whether made by the executive office or another commonwealth entity, except as specifically authorized herein, or unless made for cost containment efforts, the purposes and amounts of which have been submitted to the executive office of administration and finance and the house and senate committees on ways and means 30 days prior to making such expenditures; provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient services at acute care pediatric hospitals 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 equal to or greater than 5 shall be at least equal to 85 per cent of the expenses incurred in providing services to those children; provided further, that the executive office of health and human services may continue to recover provider overpayments made in the current and prior fiscal years through the Medicaid management information system, and that these recoveries shall be considered current fiscal year expenditure

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refunds; provided further, that funds shall be provided in an amount not less than the total appropriated in item 1599-2009 in section 2 of chapter 182 of the acts of 2008; provided further, that the executive office may collect directly from a liable third party any amounts paid to contracted providers under chapter 118E of the General Laws for which the executive office later discovers another third party is liable if no other course of recoupment is possible; 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, the executive office shall not set further limitations for acute care hospital inpatient and outpatient case-mix appeals than those in effect as of February 1, 2012; 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 executive office shall maintain the fiscal year 2012 overall reimbursement rate for the commonwealth's only medical respite program for the homeless; 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 funds may be expended for the operation of the office of health equity within the executive office of health and human services; provided further, that not later than January 18, 2013 the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing the methodology used to project caseload and utilization in fiscal year 2012 and fiscal year 2013; provided further, that funds shall be expended to support the functions of the office of performance management in carrying out the executive order known as 'Improving the Performance of State Government by Implementing a Comprehensive Strategic Planning and Performance Management Framework in the Executive Departments'; provided further, that any projection of deficiency in item 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0950, 4000-0990, 4000-1400 or 4000-1405 shall be reported to the house and senate committees on ways and

means not less than 90 days before the projected exhaustion of funding; and provided further, that any unexpended balance in these accounts shall revert to the General Fund on June 30, 2013 \$87,222,963”;

In item 4000-0600, in line 15, by striking out the words “up to” and inserting in place thereof the word “of”;

In item 4000-0640, in line 8, by inserting after the word “policy” the following: “; provided further, that effective July 1, 2012 for the fiscal year ending June 30, 2013, the division of health care finance and policy shall establish nursing facility MassHealth rates that fully recognize the Medicaid share of the nursing home assessment established by section 25 of chapter 118G of the General Laws, and fund continuation of the Fiscal Year 2012 Add-On provision in section 6.06(13) of the division of health care finance and policy’s 114.2 CMR 6.00: Standard Payments to Nursing Facilities, enacted on September 1, 2011; provided further, that not less than \$2,800,000 shall be expended as incentive payments to nursing facilities meeting the criteria determined under the MassHealth Nursing Facility Pay-for-Performance Program and that have established and participated in a cooperative effort in each qualifying nursing facility between representatives of employees and management that is focused on implementing that criteria and improving the quality of services available to MassHealth members; and provided further that the MassHealth agency shall adopt regulations and procedures necessary to carry out section”, and in said item by striking out the figures “288,500,000” and inserting in place thereof the figures “318,500,000”;

In item 4000-0700 by striking out the figures “1,939,680,126” and inserting in place thereof the figures “1,954,480,126”;

In item 4000-1602 by striking out the figures “500,000” and inserting in place thereof the figure “1,000,000”;

In item 4401-1000, in line 5, by striking out the figures “3,000,000” and inserting in place thereof the figures “4,000,000” and at the end of said item by striking out the figures “7,109,035” and inserting in place thereof the figures “8,109,035”;

In item 9110-1500 by striking out the figures “47,289,340” and inserting in place thereof the figures “47,789,340”;

In item 9110-1660 by striking out the figures “1,610,617” and inserting in place thereof the figure “1,717,616”;

In item 9110-1700 by striking out the figures “136,000” and inserting in place thereof the figures “186,000”, and

In item 9110-9002, in line 5, by inserting after the words “established by the secretary of elder affairs” the following: “; provided further, that not less than \$100,000 shall be spent for the Needham Senior Center located in the town of Needham”, and in said item by striking out the figures “8,060,177” and inserting in place thereof the figures “8,534,177”;

In section 2E, in item 1595-5819, by striking out the figures “795,022,286” and inserting in place thereof the figures “741,278,955”; and

By inserting before the effective date sections (which were subsequently renumbered) the following six sections:

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“SECTION 143. Chapter 118E of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 62 the following new section:—

Section 63. Auto-Assignment for Medicaid Beneficiaries.

Beginning October 1, 2012, and until such time as the Managed Care Advisory Committee, established pursuant to Section 178 of Chapter 131 of the Acts of 2010 has filed its report with the legislature, the division shall make provisions to enroll those MassHealth beneficiaries who did not affirmatively select a managed care option into a Medicaid managed care organization that has contracted with the Commonwealth to deliver managed care services to eligible MassHealth beneficiaries, provided that the division shall give the Primary Care Clinician plan no greater preference than any single MCO in such assignment process and shall divide said assigned members equally among the Primary Care Clinician Plan and individual Medicaid managed care organizations on a rotating basis.

SECTION 144. Notwithstanding any general or special law to the contrary, the executive office of health and human services shall conduct a procurement to select an entity or entities to conduct an analysis of the children with complex care needs in the MassHealth program. The goal of the procurement shall be to identify a suitable vendor to partner with the Executive Office to identify all children with complex care needs in the MassHealth program, understand the services, service providers and medical resources utilized and current costs of serving these children; and to analyze the suitability of their current primary or majority care settings relative to the goals of the Commonwealth’s Patient-Centered Medical Home Initiative and the goal of providing the highest quality care most efficiently by managing care and utilization of services. The analysis conducted pursuant to the procurement shall group the patients by primary diagnosis, including mental health diagnoses, or other clinical profile characteristics and assess the current medical home capabilities of primary care providers for the relevant patients in each category, by geographic region. The office shall not award any money or other compensation with the contract. The request for proposals shall be released by October 1, 2012 and the vendor shall be selected by November 30, 2012.

The chosen entity or entities shall produce a report of its findings to the executive office of health and human services, the division of insurance, the joint committee on health care finance, the house and senate committees on ways and means and the house and senate clerks, for public availability, no later than August 31, 2013. Such report shall include the following: (a) recommendations for how children with complex care needs could be served in keeping with the goals of the Commonwealth’s Patient Centered Medical Home Initiative; (b) recommendations for appropriate quality benchmarks for their care or recommendations regarding the development of such metrics; (c) an analysis of potential federal and external funding sources; and (d) an analysis of care models and financial arrangements used for children with complex care needs in other states.

SECTION 145. Notwithstanding any general or special law to the contrary, the executive office of health and human services shall conduct an investigation of all federal and state assistance programs to

determine which have eligibility requirements within the requirements of MassHealth and which could feasibly share data with the MassHealth program for purposes of renewing eligible children and their eligible parents in MassHealth through the express-lane eligibility option created under the Children's Health Insurance Program Reauthorization Act of 2009 (PL 111-3). The office shall submit a report on the results of that investigation to the house and senate committees on ways and means, the joint committee on health care financing, the joint committee on children and families and persons with disabilities and the house and senate clerks not later than April 1, 2013.

SECTION 146. Notwithstanding any general or special law to the contrary, there shall be a special commission for the purpose of studying and making recommendations concerning services for unaccompanied homeless youth age 22 and under, with the goal of ensuring a comprehensive and effective response to the unique needs of this population. The focus of the commission's work shall include, but not be limited to, an analysis of the barriers to serving unaccompanied youth who are gay, lesbian, bisexual, and transgender; an analysis of the barriers to serving unaccompanied youth under 18 years of age; an assessment of the impact of mandated reporting requirements on unaccompanied youths' access to services; the state's ability to identify and connect with unaccompanied youth; and recommendations to reduce identified barriers to serving this population, including, but not limited to, extending the time for certain categories of mandated reporters to file reports and establishing special licensure provisions to allow service providers to serve homeless youth under 18 years of age. The commission, in formulating its recommendations, shall take account of best practices and policies in other states and jurisdictions.

The commission shall include, the secretary of health and human services, the commissioner of the department of children and families, the commissioner of the department of elementary and secondary education, the commissioner of the department of public health, the commissioner of the department of mental health, the commissioner of MassHealth, the commissioner of the department of transitional assistance, the undersecretary of housing and community development, 2 members of the senate, appointed by the senate president, 2 members of the house of representatives, appointed by the speaker of the house, 3 youth who have experienced homelessness, appointed by the office of the child advocate, and a representative from each of the following organizations: Massachusetts Coalition for the Homeless, Task Force on Youth aging Out, Massachusetts Appleseed Center for Law and Education, MassEquality, Massachusetts Housing and Shelter Alliance, Massachusetts Transgender Political Coalition, the Boston Alliance of Gay, Lesbian Bisexual and Transgender Youth, and three persons to be named by the Governor.

The commission shall submit a report to the Governor, the speaker of the house of representatives and the president of the senate, the joint committee on children, families and persons with disabilities and the office of the child advocate no later than March 31, 2013, setting forth the commission's findings, together with any recommendations for regulatory or legislative action with a timeline for implementation, cost estimates and finance mechanisms. Thereafter, the commission shall

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submit a report annually by December 31st of each year to the Governor, the speaker of the house of representative and the president of the senate, the joint committee on children, families and persons with disabilities, the clerks of the house of representatives and the senate and the office of the child advocate, detailing the extent of homelessness among unaccompanied youth within the commonwealth and the progress made toward implementing the commission's recommendations along with other efforts to address the needs of this population.

SECTION 147. Notwithstanding any general or special law to the contrary, the department of revenue, in conjunction with the executive office of health and human services, shall investigate and report on the feasibility and costs of implementing a sales tax exemption for any medical equipment deemed medically necessary and prescribed by a physician. The department of revenue shall report its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the house of representatives and senate, the joint committee on revenue and the house and senate committees on ways and means not later than December 31, 2012."

The Speaker being in the Chair,—

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mrs. Wolf of Cambridge; and on the roll call (Mrs. Haddad of Somerset being in the Chair) 150 members voted in the affirmative and 5 in the negative.

[See Yea and Nay No. 237 in Supplement.]

Therefore the amendments were adopted.

Amendments
(health and
human services
and elder
affairs)
adopted,—
yea and nay
No. 237.

Recess.

At two minutes after two o'clock P.M. (Wednesday, April 25), on motion of Mr. Hill of Ipswich (Mrs. Haddad of Somerset being in the Chair), the House recessed until three o'clock; and at twenty-one minutes after three o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following four sections:

"SECTION 148. Section 24 of chapter 138 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding, in line 17, after the words 'quantities thereof', the following:— ; provided, further, that no regulation promulgated as a result of this section shall prohibit the practice of selling, offering to sell or delivering to any person or group of persons any drinks at a price less than the price regularly charged for such drinks for a period longer than 48 hours, except at private functions not open to the public.

SECTION 149. Notwithstanding any general or special law to the contrary, the alcoholic beverages control commission shall, 1 year after the effective date of section 176, conduct an investigation and study as to of the impacts of said section. The commission shall report the results of its investigation and study, together with drafts of legislation, if any, necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives, who shall forward the same to the joint committee on consumer protection and professional licensure on or before December 31, 2013.

SECTION 150. Section 106 of chapter 194 of the acts 2011 is hereby amended by inserting after the second sentence the following sentence:— In addition, the alcohol beverages control commission shall also investigate and report on the possibility of promulgating regulations allowing for the practice of selling, offering to sell or delivering to any person or group of persons any drinks at a price less than the price regularly charged for such drinks for period longer than 48 hours, except at private functions not open to the public.

SECTION 151. Said section 106 of said chapter 194 is hereby further amended by striking out the words ‘June 30, 2013’ and inserting in place thereof the following words:— October 1, 2012.”.

The amendment was adopted.

Ms. Peisch of Wellesley then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following two sections:

“SECTION 152. Section 3A of chapter 60 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following subsection:—

(e) The collector may issue an electronic bill or notice for any other tax, excise, betterment or assessment committed by the assessors under a voluntary electronic billing program established for such tax, excise, betterment or assessment in the manner set forth in subsection (c). The electronic bill or notice issued under the program must meet the standards required by law for such tax, excise, betterment or assessment bills or notices.

SECTION 153. Section 2 of chapter 60A of the General Laws, as appearing the 2010 Official Edition, is hereby amended by striking the following sentence in lines 28-31:— All tax notices sent to owners of vehicles notifying said owners of the amount of excise tax due and the due date shall indicate the owner’s license to operate number as appearing on the registration application, renewal application or amended registration as provided in section two of chapter ninety.”.

The amendment was adopted.

Mr. D’Emilia of Bridgewater and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following three sections:

“SECTION 154. Section 10 of chapter 132 of the acts of 2009 is hereby repealed.

SECTION 155. Chapter 112 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, after section 1A, the following new section:—

Section 1B. (a) The director and each of the boards of registration and examination under the director’s supervision, shall upon presentation of satisfactory evidence by an applicant for certification or licensure, accept education, training, or service completed by an individual as a member of the armed forces, as defined in clause 43 of section 7 of chapter 4; or the United States military reserves toward the qualifications required to receive the license or certification in question.

(b) The commissioner of public health and each of the boards of registration and examination under the commissioner’s supervision, shall upon presentation of satisfactory evidence by an applicant for certification or licensure, accept education, training, or service

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completed by an individual as a member of the armed forces, as defined in clause 43 of section 7 of chapter 4, or the United States military reserves toward the qualifications required to receive the license or certification in question.

(c) Notwithstanding any general or special law to the contrary, if a licensee or certificate holder, pursuant to chapter 112, is engaged in active service in the armed forces of the United States, as defined in clause 43 of section 7 of chapter 4, the license or certification held by a licensee or certificate holder shall remain valid until the licensee or certificate holder is released from active duty and for a period of not less than 90 days following said release.

(d) Notwithstanding any general or special law to the contrary, the commissioner of public health and each of the boards of registration and examination under the supervision of the commissioner, shall upon presentation of satisfactory evidence by an applicant for certification or licensure, expedite the issuance of a license or certification to a person: (i) who is certified or licensed in a state other than Massachusetts, (ii) whose spouse is a member of the armed forces in the United States; (iii) whose spouse is a the subject of a military transfer to Massachusetts; and (iv) who left employment to accompany the person's spouse to Massachusetts. The procedure shall include, but shall not be limited to: (v) issuing the person a license or certificate, if, in the opinion of the department, the requirements for licensure or certification of such other state are substantially equivalent to that required in Massachusetts; or (vi) issuing the person a temporary license or certificate to allow the person to perform services while completing any specific requirements that may be required in Massachusetts but were not required in the state in which the person was licensed or certified.

(e) Notwithstanding any general or special law to the contrary, the director and each of the boards of registration and examination under the supervision of the director, shall upon the presentation of satisfactory evidence by an applicant for certification or licensure, expedite the issuance of a license or certification for a person: (i) who is certified or licensed in a state other than Massachusetts; (ii) whose spouse is a member of the armed forces in the United States; (iii) whose spouse is the subject of a military transfer to Massachusetts; and (iv) who left employment to accompany their spouse to Massachusetts. The procedure shall include, but not be limited to: (i) issuing said person a license or certificate, if, in the opinion of the department, the requirements for licensure or certification of such other state are substantially equivalent to those required in Massachusetts; or (ii) issuing said person a temporary license or certificate to allow said person to perform services while completing any specific requirements that may be required in Massachusetts but were not required in the state in which said person was licensed or certified.

(f) The director and each of the boards of registration and examination under the director's supervision shall adopt all necessary rules, regulations, and procedures to implement the provisions of this section, effective beginning January 1, 2013.

(g) The commissioner and each of the boards of registration and examination under the commissioner's supervision shall adopt all necessary rules, regulations, and procedures to implement the provisions of this section, effective beginning January 1, 2013.

SECTION 156. Chapter 147 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 61 the following new section:—

Section 62. (a) The commissioner shall coordinate and adopt a uniform policy within the department to accept, upon presentation of satisfactory evidence by an applicant for certification or licensure under the authority of the department, education, training, or service completed by an individual as a member of the armed forces, as defined in clause 43 of section 7 of chapter 4, or the United States military reserves toward the qualifications required to receive the license or certification in question.

(b) Notwithstanding any general or special law to the contrary, if a licensee or certificate holder, who received a license or certificate under the authority of the department, is engaged in active service in the armed forces of the United States, as defined in clause 43 of section 7 of chapter 4, the license or certification held by a licensee or certificate holder shall remain valid until the licensee or certificate holder is released from active duty and for a period of not less than ninety days following said release.

(c) Notwithstanding any general or special law to the contrary, the commissioner shall establish a procedure within the department to, upon the presentation of satisfactory evidence by an applicant for certification or licensure under the authority of the department, expedite the issuance of a license or certification for a person: (i) who is certified or licensed in a state other than Massachusetts; (ii) whose spouse is a member of the armed forces in the United States; (iii) whose spouse is the subject of a military transfer to Massachusetts; and (iv) who left employment to accompany their spouse to Massachusetts. The procedure shall include, but not be limited to: (i) issuing said person a license or certificate, if, in the opinion of the department, the requirements for licensure or certification of such other state are substantially equivalent to those required in Massachusetts; or (ii) issuing said person a temporary license or certificate to allow said person to perform services while completing any specific requirements that may be required in Massachusetts but were not required in the state in which said person was licensed or certified.

(d) The commissioner and the department shall adopt all necessary rules, regulations, and procedures to implement the provisions of this section, effective January 1, 2013.”

The amendment was adopted.

Mr. Brady of Brockton and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 157. Notwithstanding chapter 128C of the General Laws or any other general or special law or rule or regulation to the contrary, the greyhound meeting licensees located in Bristol county shall receive a credit of \$75,121.20 for unreimbursed Promotional Fund projects which credit shall be applied against said licensees payment obligation to the Racing Stabilization Fund established pursuant to section 20 of chapter 167 of the acts of 2009, as amended by section 14 of chapter 86 of the acts of 2010.”

The amendment was rejected.

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Representatives Orrall of Lakeville and Turner of Dennis then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 157. Section 25 of Chapter 151A, as so appearing, is hereby amended by adding at the end thereof the following (k) employees terminated for and proven; stealing from their place of employment or for illegal drug use while at work or drunkenness while at work.”.

The amendment was adopted.

Mr. O’Day of West Boylston then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 158. Section 3 of chapter 32 of the General Laws as appearing in the 2006 Official Edition is hereby amended in line 252 by inserting after the word prisoners the following words: employees of the department of children and families holding the title of social worker A/B, C, or D or successive titles who have been employed in such titles for 10 years or more.”.

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following two sections:

“SECTION 159. Section 8F of chapter 12 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking, in line 135, the figure ‘\$5,000’ and inserting in place thereof the following figure:— \$10,000.

SECTION 160. Said section 8F of chapter 12 is hereby amended by adding, at the end thereof, the following:—

A public charity, or an officer or agent of a public charity, who knowingly makes, executes or files a report false in any material representation shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment.”.

The amendment was adopted.

Mr. Rogers of Norwood and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 161. Chapter 10 of the General Laws is hereby amended by striking out section 66, as appearing in the 2010 Official Edition, and inserting in place thereof the following section:—

Section 66. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Victims of Drunk Driving Trust Fund. The fund shall consist of monies paid to the courts pursuant to the third paragraph of subparagraph (1) of paragraph (a) of subdivision (1) of section 24 of chapter 90, together with any interest or earnings accrued on such monies through investment or deposit. The state treasurer shall be the custodian of the fund and shall receive, deposit and invest all monies transmitted to him under this section in accordance with sections 34, 34A and 38 of chapter 29 in such a manner as to secure the highest rate of return available consistent with the safety of the fund, and shall credit interest and earnings on the trust fund corpus to the trust fund. The state treasurer shall transfer funds from the income and receipts of the fund to the victim and witness

assistance board, as established in section 4 of chapter 258B, from time to time, at the request of the board. The board shall administer grants from the fund, without further appropriation, and may award them to community-based programs and public agencies in the commonwealth to provide counseling and support services to victims, witnesses, and their family members of crashes caused by persons driving under the influence of drugs or alcohol. The board may also permit the allocation of funds for the purposes of impaired driving prevention, education, and training services. The board shall develop, in conjunction with the department of public health's bureau of substance abuse and the Massachusetts chapter of Mothers Against Drunk Driving, written criteria for the awarding of grants and other funding allocations, which shall be evaluated and, if necessary, revised on an annual basis. For the purposes of this section, the words 'victim,' 'witness,' and 'family member' shall have the same meaning as defined in section 1 of said chapter 258B.

The board shall file a report detailing the amount of funds collected and expended from the fund along with a copy of the written criteria used to expend the funds to the house and senate committees on ways and means not later than February 28 of each calendar year. An amount not to exceed 5 per cent of the total funds deposited in the fund may be expended by the board for administrative costs directly attributable to the grants and programs funded by the fund, including, but not limited to, the costs of clerical and support personnel. Any unexpended balance of monies in the fund at the end of the fiscal year shall not revert to the General Fund but shall remain available for expenditure from such fund in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year."

The amendment was adopted.

Ms. Balser of Newton and other members of the House then moved to amend the bill in section 2, in item 4512-0225, by striking out the figures "1,000,000" and inserting in place thereof the figures "1,830,000". The amendment was adopted.

Mr. Dempsey of Haverhill and others then moved to amend the bill in section 2

By inserting after item 4408-1000 the following item:

Consolidated amendments (public health).

"4510-0020 For the department of public health, which may expend not more than \$375,000 in revenues collected from fees charged by the food protection programs for program costs of the department's food protection program; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system \$375,000";

In item 4510-0110 by adding the following: "; and provided further, that no less than \$100,000 shall be expended for the South Boston Community Health Center for the implementation of the South Boston

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Leadership Initiative pilot program” and in said item by striking out the figures, “965,634” and inserting in place thereof the figures “1,065,634”;

In item 4510-0600, in line 13, by adding the following: “; and provided further, that \$150,000 shall be expended for a 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 incidence of childhood cancer in the town of Wilmington”, and in said item by striking out the figures “3,163,711” and inserting in place thereof the figures “3,313,711”;

In item 4510-0725 by striking out the figures “232,382” and inserting in place thereof the figures “273,383”;

In item 4512-0103 by striking out the figures “31,597,810” and inserting in place thereof the figures “32,097,810”;

In item 4512-0200 by adding the following: “; provided further, that not less than \$125,000 shall be expended for Self Esteem Boston’s substance abuse direct service prevention and provider training programs; provided further, that not less than \$200,000 shall be expended to fund the Gavin Foundation, Inc.’s Speakers for Hope program; and provided further, that not less than \$300,000 shall be expended for integrated treatment and stabilization services for individuals and families living with co-occurring substance use and mental health disorders”, and in said item by striking out the figures “76,539,595” and inserting in place thereof the figures “77,539,595”;

In item 4512-0201 by striking out the figures “2,800,000” and inserting in place thereof the figures “4,800,000”;

By inserting after item 4512-0201 the following item:

“4512-0203 For family intervention and care management services programs, a young adult treatment program, and early intervention services for individuals who are dependent on or addicted to alcohol or controlled substances or both alcohol and controlled substance \$1,500,000”;

In item 4512-0500 by adding the following: “; and provided further, that funds shall be expended for the Forsyth Institute’s Center for Children’s Oral Health”;

In item 4513-1000 by striking out the figures “4,563,911” and inserting in place thereof the figures “4,763,911”;

In item 4513-1020 by striking out the figures “25,723,610” and inserting in place thereof the figures “27,023,610”;

By inserting after item 4513-1020 the following item:

“4513-1023 For the universal newborn hearing screening program; provided, that funds appropriated in this item shall be expended for the notification of and follow through with affected families, primary care providers and early intervention programs upon the department’s receipt of data indicative of potential hearing disorders in newborns \$68,938”;

By inserting after item 4513-1026 the following item:

“4513-1098 For the provision of statewide support services for survivors of homicide victims, including outreach services, burial assistance, grief counseling, and

other support services; provided, that funds shall be expended as grants in the aggregate amount of \$125,000 to the Louis D. Brown Peace Institute, a community-based support organization dedicated to serving families and communities impacted by violence \$125,000”;

By striking out item 4513-1111 and inserting in place thereof the following item:

“4513-1111 For the promotion of health and disease prevention including, but not limited to, the following programs: breast cancer prevention; diabetes screening and outreach; ovarian cancer screening; a statewide STOP stroke program and ongoing stroke prevention and education; hepatitis C prevention and management; multiple sclerosis screening, information, education and treatment programs and the Multiple Sclerosis Home Living Navigating Key Services program administered by the Central New England Chapter of the National Multiple Sclerosis Society; colorectal cancer prevention; prostate cancer screening, education and treatment with a particular focus on African American males; osteoporosis education; maintenance of the Amyotrophic Lateral Sclerosis registry created pursuant to section 25A of chapter 111 of the General Laws; and maintenance of the statewide lupus database; provided further, that funds may be expended for the operation of the Betsy Lehman Center for patient safety; and provided further, that \$50,000 shall be expended for education and support of patients diagnosed with PKU or related disorders and their families through a grant to NECPAD \$3,400,000”;

In item 4513-1130 by adding the following: “; and provided further, that funds may be expended for classroom-based domestic violence prevention education programs administered in item 0340-0900 in fiscal year 2009”;

In item 4518-0200 by striking out the figures “466,904” and inserting in place thereof the figures “616,904”;

In item 4590-0250, in line 1, by inserting after the word “public” the following: “and non-public”, and in said item by striking out the figures “11,132,301” and inserting in place thereof the figures “11,332,301”;

In item 4590-0300 by adding the following: “; and provided further, that not less than \$100,000 shall be expended for the Massachusetts Model of Community Coalitions”, and in said item by striking out the figures “4,150,703” and inserting in place thereof the figures “4,400,703”;

In item 4590-0912 by striking the figures “16,457,488” and inserting in place thereof the figures “16,953,548”;

In item 4590-0915 by striking out the figures “139,768,772” and inserting in place thereof the figures “144,090,926”;

In item 4590-1506 by striking out the figures “1,000,000” and inserting in place thereof the figures “1,500,000”, and

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In item 4590-1507 by adding the following: “; provided further, that each organization previously included in the youth-at-risk grants shall receive in fiscal year 2013 a grant amount not less than that received in fiscal year 2012; and provided further, that funds granted to the Massachusetts Alliance of Boys & Girls Clubs must be distributed equally between said recipient’s member organizations”, and in said item by striking out the figures “1,800,000” and inserting in place thereof the figures “1,900,000”;

By striking out section 46 and inserting in place thereof the following section:

“SECTION 46. Chapter 111N of the General Laws is hereby repealed.”; and

By inserting before the effective date sections (which were subsequently renumbered) the following six sections:

“SECTION 162. Section 5 of chapter 112 of the General Laws is hereby amended by striking out paragraphs 6 through 8, inclusive, and inserting in place thereof the following four paragraphs: —

The board shall collect the following information reported to it to create individual profiles on licensees and former licensees, in a format created by the board that shall be available for dissemination to the public: (a) a description of any criminal convictions for felonies and serious misdemeanors as determined by the board. For the purposes of this subsection, a person shall be deemed to be convicted of a crime if he pleaded guilty or if he was found or adjudged guilty by a court of competent jurisdiction; (b) a description of any charges for felonies and serious misdemeanors as determined by the board to which a physician pleads nolo contendere or where sufficient facts of guilt were found and the matter was continued without a finding by a court of competent jurisdiction; (c) a description of any final board disciplinary actions; (d) a description of any final disciplinary actions by licensing boards in other states; (e) a description of revocation or involuntary restriction of privileges by a hospital, clinic or nursing home under the provisions of chapter 111, or of any employer who employs physicians licensed by the board for the purpose of engaging in the practice of medicine in the commonwealth, for reasons related to competence or character that have been taken by the governing body or any other official of the hospital, clinic or nursing home or employer who employs physicians licensed by the board for the purpose of engaging in the practice of medicine in the commonwealth after procedural due process has been afforded, or the resignation from or nonrenewal of medical staff membership or the restriction of privileges at a hospital, clinic or nursing home or employer who employs physicians licensed by the board for the purpose of engaging in the practice of medicine in the commonwealth taken in lieu of or in settlement of a pending disciplinary case related to competence or character in that hospital, clinic or nursing home or of any employer who employs physicians licensed by the board for the purpose of engaging in the practice of medicine or employer who employs physicians licensed by the board for the purpose of engaging in the practice of medicine in the commonwealth; (f) all medical malpractice court judgments and all medical malpractice arbitration awards in which a payment is awarded to a complaining party and all settlements of medical malpractice

claims in which a payment is made to a complaining party. Dispositions of paid claims shall be reported in a minimum of three graduated categories indicating the level of significance of the award or settlement. Information concerning paid medical malpractice claims shall be put in context by comparing an individual licensee's medical malpractice judgment awards and settlements to the experience of other physicians within the same specialty. Information concerning all settlements shall be accompanied by the following statement: 'Settlement of a claim may occur for a variety of reasons which do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred.'

Nothing herein shall be construed to limit or prevent the board from providing further explanatory information regarding the significance of categories in which settlements are reported. Pending malpractice claims shall not be disclosed by the board to the public. Nothing herein shall be construed to prevent the board from investigating and disciplining a licensee on the basis of medical malpractice claims that are pending. (g) names of medical schools and dates of graduation; (h) graduate medical education; (i) specialty board certification; (j) number of years in practice; (k) names of the hospitals where the licensee has privileges; (l) appointments to medical school faculties and indication as to whether a licensee has a responsibility for graduate medical education within the most recent ten years; (m) information regarding publications in peer-reviewed medical literature within the most recent ten years; (n) information regarding professional or community service activities and awards; (o) the location of the licensee's primary practice setting; (p) the identification of any translating services that may be available at the licensee's primary practice location; (q) an indication of whether the licensee participates in the Medicaid program.

The board shall provide individual licensees with a copy of their profiles prior to release to the public. A licensee shall be provided a reasonable time to correct factual inaccuracies that appear in such profile. A physician may elect to have his profile omit certain information provided pursuant to clauses (l) to (n), inclusive, concerning academic appointments and teaching responsibilities, publication in peer-reviewed journals and professional and community service awards. In collecting information for such profiles and in disseminating the same, the board shall inform physicians that they may choose not to provide such information required pursuant to said clause (l) to (n), inclusive. For physicians who are no longer licensed by the board, the board shall continue to make available the profiles of such physicians, except for those who are known by the board to be deceased.

The board shall maintain the information contained in the profiles of physicians no longer licensed by the board as of the date the physician was last licensed, and include on the profile a notice that the information is current only to that date.

SECTION 163. Section 3 of chapter 175H of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding, at the end thereof, the following two paragraphs:—

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This section shall not apply to a discount, rebate, free product voucher or other reduction in out-of-pocket expenses, including but not limited to co-payments and deductibles on a prescription drug, biologic or vaccine provided by a pharmaceutical manufacturing company that is made available to an individual, if such is provided directly or electronically to the individual or through a so-called 'point of sale' or 'mail-in' rebate, or through similar means; provided however, that a pharmaceutical manufacturing company shall neither exclude nor favor any individual pharmacy or restricted network of pharmacies in the design of such discount, rebate, free product voucher or other expense reduction offer to an individual; provided further, that this section does not negate the need for a written prescription as otherwise required by law, nor is it intended to constrain a carrier or a health maintenance organization, as defined in chapter 118G, with regard to how its plan design will treat such discounts, rebates, free product voucher or other reduction in out of pocket expenses, including but not limited to co-payments and deductibles.

For purposes of the Federal Health Insurance Portability and Accountability Act of 1996 and regulations issued there under, nothing in this section shall be deemed to require or allow the use or disclosure of health information in any manner that does not otherwise comply with such Act or such regulations.

SECTION 164. Section 54 of chapter 288 of the acts of 2010 is hereby amended by striking the second paragraph in its entirety and replacing it with the following new language:—

The department of public health shall convene a statewide advisory committee which shall recommend to the department by November 1, 2012 the Standard Quality Measure Set. The statewide advisory committee shall consist of the commissioner of health care finance and policy or the commissioner's designee, who shall serve as the chair; and up to 8 members, including the executive director of the group insurance commission and the Medicaid director, or the directors designees; and up to 6 representatives of organizations to be appointed by the Governor including at least 1 representative from an acute care hospital or hospital association, 1 representative from a provider group or medical association or provider association, 1 representative from a medical group, 1 representative from a private health plan or health plan association, 1 representative from the Massachusetts Association of Health Plans, 1 representative from an employer association and 1 representative from a health care consumer group.

SECTION 165. The second paragraph of section 181 of chapter 68 of the acts of 2011 is hereby amended by striking out the figure '2012' and inserting in place thereof the following figure:— 2013.

SECTION 166. Notwithstanding any general or special law to the contrary there is hereby established a special commission for the purpose of conducting an investigation and study of strategies to promote public awareness and increase knowledge of the causes of chronic obstructive pulmonary disease (COPD), the importance of early diagnosis, effective prevention strategies, and disease management. Said special commission shall determine what existing resources are currently being utilized, if there exists a solid scientific base of knowledge concerning COPD through surveillance, epidemiology, and research,

and whether there is a need for improving the quality and accessibility of existing community-based COPD services. Said special commission shall consist of the chairs of the joint committee on public health, or their designees; the commissioner of the department of public health, or a designee; the secretary of the executive office of elder affairs, or a designee; a representative of the American Lung Association; and 4 members appointed by the Governor, from the following populations: a patient representative; a pulmonologist; a respiratory therapist; and a representative of the health insurance industry. Said special commission shall report, in writing the results of said study together with its recommendations, if any, not later than December 31, 2013.

SECTION 167. (a) Current positions and employees of the Massachusetts Office of Victims Assistance in the Sexual Assault Nurse Examiner Program shall be transferred to the Department of Public Health for the purposes of operating the Sexual Assault Nurse Examiner Program pursuant to Section 220 of Chapter 111 of the Massachusetts General Laws.

(b) Notwithstanding Chapter 150E of the Massachusetts general laws, these employees shall maintain salary and benefits in effect prior to the transfer and shall not be subject to collective bargaining agreements within the Department of Public Health. Nothing in this section shall confer upon any employee of the Department's Sexual Assault Nurse Examiner Program any right not held immediately before the date of the transfer.

(c) The Department may fill vacancies in positions transferred pursuant to section 1, notwithstanding Chapter 150E of the General Laws, provided that the salaries and benefits of individuals hired into vacant positions are comparable to the salaries and benefits of individuals transferred into the same or similar positions within the Department's Sexual Assault Nurse Examiner Program.

(d) Subsections (b) and (c) of this act shall expire as of June 30, 2013."

Pending the question on adoption of the amendments, Mr. Dempsey of Haverhill moved to amend them by striking out proposed section 163 and inserting in place thereof the following four sections:

"SECTION 163. Section 3 of chapter 175H of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting before the word 'Any', in line 1, the following:— (a).

SECTION 163A. Said section 3 of said chapter 175H, as so appearing, is hereby further amended by inserting after word 'rebate', in line 7, the following words:— , except as provided in subsection (b).

SECTION 163B. Said section 3 of said chapter 175H, as so appearing, is hereby further 7 amended by adding the following 3 subsections:—

(b)(1) This section shall not apply to any discount or free product vouchers that a retail pharmacy provides to a consumer in connection with a pharmacy service, item or prescription transfer offer or to any discount, rebate, product voucher or other reduction in an individual's out-of-pocket expenses, including co-payments and deductibles, on (i) any biological product as defined in section 351 of the Public Health Service Act, 42 USC 262, or (ii) any prescription drug provided by a pharmaceutical manufacturing company, as defined in section 1 of chapter 111N, that is made available to an individual if the discount,

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rebate, product voucher or other reduction is provided directly or electronically to the individual or through a point of sale or mail-in rebate, or through similar means; provided, however, that a pharmaceutical manufacturing company shall not exclude nor favor any pharmacy in the redemption of such discount, rebate, product voucher or other expense reduction offer to a consumer.

(2) Pharmaceutical manufacturing companies are prohibited from offering any discount, rebate, product voucher or other reduction in an individual's out-of-pocket expenses, including co-payments and deductibles, for any prescription drug that has an AB rated generic equivalent as determined by the Food and Drug Administration.

(c) Subsection (b) shall not: (i) restrict a pharmaceutical manufacturing company with regard to how it distributes a prescription drug, biologic or vaccine; or (ii) restrict a carrier or a health maintenance organization, as defined in section 1 of chapter 118G, with regard to how its plan design will treat such discounts, rebates, product voucher or other reduction in out-of-pocket expenses; or (iii) affect in any way the obligations of practitioners and pharmacists pursuant to the generic substitution statute as defined in section 12D of chapter 112.

(d) For purposes of the federal Health Insurance Portability and Accountability Act of 1996, hereinafter referred to as HIPAA, and regulations promulgated under HIPAA, nothing in this section shall be deemed to require or allow the use or disclosure of health information in any manner that does not otherwise comply with HIPAA or regulations promulgated under HIPAA.

SECTION 163C. By no later than December 31, 2015, the division of health care finance and policy, in consultation with the department of public health, shall conduct and complete an analysis of the impact on health care costs of the use of discounts, rebate, product voucher or other reduction for biological products and prescription drugs authorized pursuant to this Act. The report shall include, but not be limited to, a comparison of any change in utilization of generic versus brand name prescription drugs, the affect on patient adherence to prescribed drugs, patient access to innovative therapies, and an analysis of the impact on commercial health insurance premiums and on premiums associated with the group insurance commission. The division shall file a report of its findings with the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on health care financing.”

The further amendment was adopted.

The amendments, as amended, then also were adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 168. There shall be a special commission to conduct an investigation and study of the activities and efficacy of the adjudication of unemployment insurance claims by the department of unemployment assistance under the executive office of labor and workforce development. The commission shall consist of 11 members: 2 members who shall be appointed by the state auditor, both of whom shall have experience with the adjudication of unemployment disputes, and 1 of whom shall serve as chair; 2 members of the senate, 1 of whom

shall be appointed by the senate president and 1 of whom shall be appointed by the minority leader of the senate; 2 members of the house of representatives, 1 of whom shall be appointed by the speaker of the house and 1 of whom shall be appointed by the minority leader of the house; the director of the department of unemployment assistance, or a designee; the president of the Massachusetts taxpayer's foundation, or a designee; the executive vice-president of the AFL-CIO, or a designee; the executive vice-president of associated industries of Massachusetts, or a designee; and the executive director of the Massachusetts municipal association, or a designee.

The study shall include, but not be limited to, an analysis of: (1) the number of claims received by the department quarterly since January 1, 2008 and the resulting status of all claims, including any information pertinent to the description of the status of said claims, including, but not limited to (i) the results of all initial determinations of claims, (ii) the results of any appeals resulting from said initial determination, (iii) the number of rulings reversed through the appeals and review process, (iv) the number of claims arising from the provisions of subdivisions (1) and (2) of subsection e of section 25 of chapter 151A, and (v) the number of claims settled in favor of the claimant and in favor of the employer; (2) the average length of time of the appeals and review process of a claim from initial determination to final disposition; (3) the procedures through which the department hires and trains new employees to implement the provisions of sections 39 through 41, inclusive, of chapter 151A, including a determination as to whether or not employment procedures have been followed pursuant to section 9K of chapter 23.

The study shall also include the recommendations of the commission relative to: (1) procedures through which the department may produce a quarterly report, to be posted on the department's website, of the number of active claims and the status of said claims; (2) procedures through which any current backlog of cases may be fairly and efficiently resolved and avoided in future department proceedings; (3) procedures through which oversight and quality control principles may be implemented to ensure the continuing prompt, equitable, and transparent application of current law by the commissioner and the board of review; (4) a complete review of current statute and regulations relative to the implementation of chapter 151A and any recommendations as to possible legislative reform and streamlined procedures, including, but not limited to, recommendations and procedures for the uniform and effective implementation of section 25 of chapter 151A.

The commission may request from all state agencies such information and assistance as the commission may require. The commission shall report the results of its investigation and study, together with drafts of legislation, if any, necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives, who shall forward the same to the joint committee on economic development and emerging technologies and the house and senate committees on ways and means on or before December 31, 2013."

The amendment was adopted.

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Mr. Winslow of Norfolk then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following four sections:

“SECTION 169. Subsection (c) of Section 8C of Chapter 23G of the General Laws, as appearing in the 2008 official edition, is hereby amended by inserting after the word ‘obligation’ in line 110, the following new words:— provided, however, that such fixed annual charges and fees and expenses charged by the Agency may be paid from the proceeds of the qualified bonds or of any temporary notes in anticipation of the sale of the bonds.

SECTION 170. Subsection (c) of Section 8C of Chapter 23G of the General Laws, as so appearing, is hereby amended by inserting after the word ‘Agency’ in line 127, the following new words:— provided, further, that annual revenues within a city or town’s Community Preservation Fund, acquired pursuant to chapter 44B shall be assurance satisfactory to the agency for purposes of this section unless the agency determines it cannot issue special obligation bonds of the agency secured by such city or town’s Community Preservation Fund revenues.

SECTION 171. Section 3 of Chapter 44A of the General Laws, as so appearing, is hereby amended by inserting after the word ‘bonds’ in line 4, the following new words:— provided, however, that the board shall by resolution authorize such city or town, with the approval of the community preservation committee, to issue such qualified bonds when the bonds are secured with revenues within the city or town’s Community Preservation Fund, acquired pursuant to chapter 44B.

SECTION 172. Section 11 of Chapter 44B of the General Laws, as so appearing, in the 2008 official edition, is hereby amended by inserting after the word ‘principal’ in line 18, the following new paragraph:—

A city or town or multiple municipalities acting as a public body that accepts sections 3 to 7, inclusive, may through the Massachusetts Development Finance Agency request financing through subsection (c) section 8 of chapter 23G.”

The amendment was adopted.

Messrs. Lyons of Andover and Levy of Marlborough then moved to amend the bill inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 173. Chapter 211D of the General Laws is hereby amended by striking section 2A in its entirety, and inserting in place thereof the following:

Section 2A. (a) A person claiming indigency under section 2 shall execute a waiver authorizing the court’s chief probation officer, or the officer’s designee, to obtain the person’s wage, tax and asset information from the department of revenue, department of transitional assistance and the registry of motor vehicles that the court may find useful in verifying the person’s claim of indigency. The waiver shall authorize the chief probation officer, or the officer’s designee, to conduct any further reassessment required by this section.

(b) It shall be the responsibility of the chief probation officer assigned to each court to ensure that a person claiming to be indigent meets the definition of indigency under section 2. A person seeking the appointment of counsel shall be interviewed by the chief probation

officer or the officer's designee prior to the appointment of counsel. The person conducting the interview shall explain to the person seeking appointment of counsel: (1) the definition of indigency; (2) the process used to verify the person's information with other state agencies; and (3) the penalties for misrepresenting financial information in applying for the appointment of counsel, including possible civil penalties and criminal prosecution. The officer or the officer's designee conducting the interview shall prepare a written indigency intake report that shall record the results of the interview and state a recommendation on whether or not the person seeking appointment of counsel is indigent. The person seeking appointment of counsel and the officer or the officer's designee conducting the interview shall sign the indigency intake report. In signing the report, the person seeking appointment of counsel shall certify under the pains and penalties of perjury that the information contained therein is true and that the person has not concealed any information relevant to the person's financial status. The intake report shall clearly and conspicuously state in bold type directly above the signature area that penalties for misrepresentation include fines and criminal prosecution. All statements contained in the report shall be deemed material statements. The completed report shall be presented to a judge who may adopt or reject the recommendations in the report, either in whole or in part.

(c) Appointment of counsel by a court shall, at all times, be subject to verification of indigency by the chief probation officer assigned to each court. The chief probation officer or the officer's designee shall, within 7 business days of appointment of counsel, complete a final report of the financial circumstances of the person for whom counsel was appointed containing wage, tax and asset information. In preparing the final report, the chief probation officer or the officer's designee shall access, through electronic sharing of information pursuant to a memorandum of understanding, wage, tax and asset information in the possession of the department of revenue and the department of transitional assistance, and any other information relevant to the verification of indigency in the possession of the registry of motor vehicles. These departments shall provide this information to the chief probation officer or the officer's designee upon request, within 3 business days from the date of request. The chief probation officer shall sign the final report, certifying that the person for whom counsel was appointed either continues to meet or no longer meets the definition of indigency. Thereafter, the report shall be filed with the case papers and shall be presented to the judge presiding at the person's next court appearance; provided, however, that if a person for whom counsel was appointed is found to not meet the definition of indigency, a court appearance shall be scheduled as soon as feasible prior to the person's next court appearance if the next court appearance is more than 2 weeks from the date the final report is completed. If, upon receipt of the report, a judge finds that the person for whom counsel was appointed no longer meets the definition of indigency, the judge shall revoke the appointment of counsel and allow such person a reasonable continuance to obtain new counsel.

Not later than 6 months after the appointment of counsel, and every 6 months thereafter, the chief probation officer or the officer's designee

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shall conduct a further reassessment of the financial circumstances of the person for whom counsel was appointed to ensure that the person continues to meet the definition of indigency. The chief probation officer or the officer's designee shall prepare, sign and file a written report certifying that the person either continues to meet, or no longer meets, the definition of indigency.

Upon request of the department of children and families, the commissioner of probation shall provide to the department a copy of a person's indigency intake form, final assessment of financial circumstances, and any report certifying that the person either continues to meet or no longer meets the definition of indigency prepared by the chief probation officer in accordance with this section. The department shall only use these forms, assessments and reports for the purpose of completing eligibility determinations under Title IV-E of the Social Security Act. The commissioner of probation and the commissioner of children and families shall jointly determine the process by which the department of children and families shall obtain and maintain these forms, assessments and reports. The department of children and families shall not disseminate, and shall prohibit dissemination of, such information for any purpose other than those set forth in this paragraph.

(d) If a criminal defendant is charged with a second or further offense while continuing to be represented by court-appointed counsel for a previously charged offense, the court in its discretion shall determine whether any further determination of indigency, other than the bi-annual reassessments required by the defendant's representation for the first offense, need be undertaken. Upon completion of a reassessment, the chief probation officer shall prepare a written report of the officer's findings. The chief probation officer shall sign the report, certifying that the defendant either continues to meet or no longer meets the definition of indigency. The report shall be filed with the case papers and shall be presented to the judge presiding at the defendant's next court appearance. If, upon receipt of the report, a judge finds that the defendant no longer meets the definition of indigency, the judge shall revoke the appointment of counsel and allow the defendant a reasonable continuance to obtain new counsel.

(e) If the court finds that a person has materially misrepresented or omitted information concerning the person's property or assets for purposes of determining indigency and that the person does not meet the definition of indigency, the court shall immediately terminate any assignment or appointment of counsel made under this chapter and shall assess a fine of not less than \$1,000 against the person. A person assessed such fine who fails or neglects to pay the fine within 30 days shall be punished by imprisonment in the house of correction for not more than 90 days. The chief probation officer shall refer each matter arising under this subsection to the district attorney for the appropriate county.

(f) A person provided counsel under this chapter shall be assessed a counsel fee of \$150 to be paid within 90 days of the date of appointment. The court may only grant a waiver to a person who has made a written request to the chief probation officer for such waiver. The court shall hold a hearing to determine the person's inability to pay the counsel fee. The facts the judge uses to support findings shall include the person's inability to pay such \$150 within 180 days. If a waiver is

granted pursuant to this subsection the judge shall include written findings of fact and a written statement of the reasons for waiver. If, upon the biannual reassessment of the person's indigency, the court concludes that the person is able to pay the \$150 counsel fee of which the person obtained a waiver, the court shall revoke the waiver and reimpose the \$150 counsel fee. The fee shall be in addition to any reduced fee required pursuant to section 2.

(g) The court may authorize a person for whom counsel was appointed to perform community service in lieu of payment of the counsel fee. A person seeking to work off a counsel fee in community service shall perform 10 hours of community service, in a community service program administered by the administrative office of the trial court, for each \$100 owed in legal counsel fees, which may be prorated. Notwithstanding any general or special law to the contrary, a court proceeding shall not be terminated and the person shall not be discharged if the person owes any portion of the legal counsel fee imposed by this section. The clerk shall not release any bail posted on such court proceeding until the legal counsel fee is satisfied in accordance with this chapter. Community service shall be verified by the chief probation officer or the officer's designee through a report to the court which shall include the nature of the community service, the recipient organization of the community service, the number of hours and identification of the source of verification. The chief probation officer or the officer's designee shall file a copy of the verification report with the clerk of the court. Community service shall be completed within 60 days of the authorization, unless an extension under the provisions of subsection (h^{1/2}) is granted.

(h) The clerk of the court shall, within 60 days of appointment of counsel, report to the department of revenue, the department of transitional assistance and the registry of motor vehicles the amount of any legal counsel fee owed by the person for whom counsel was appointed under this chapter. The department of revenue shall intercept payment of such fee from tax refunds due to persons who owe all or a portion of such fee. The registry of motor vehicles shall not issue or renew a person's driver's license or motor vehicle registration for any vehicle subsequently purchased by such person until it receives notification from the clerk of the court that the fee has been collected or worked off in community service. If payment of the counsel fee has not been made within 90 days, and there has been no extension granted by the court, the registry of motor vehicles shall suspend a person's driver's license until it receives notification from the clerk of the court that the fee has been collected or worked off in community service.

(h^{1/2}) The court may only grant an extension of the time to pay or complete community service to a person who has made a written request to the chief probation officer for such extension. The court shall hold a hearing to determine the person's necessity for such extension. If an extension is granted pursuant to this subsection the judge shall include written findings of fact and a written statement of the reasons for the extension. Extensions may not exceed 30 days and no more than two extensions may be granted. If the judge fails to make a written finding, and the payment period has expired, the clerk of the court shall make the notifications required by subsection (h).

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(i) The office of the commissioner of probation shall submit quarterly reports to the house and senate committees on ways and means that shall include, but not be limited to: (a) the number of individuals claiming indigency who are determined to be indigent; (b) the number of individuals claiming indigency who are determined not to be indigent; (c) the number of individuals found to have misrepresented wage, tax or asset information; (d) the number of individuals found to no longer qualify for appointment of counsel upon any re-assessment of indigency required by this section; (e) the total number of times an indigent misrepresentation fine was collected and the aggregate amount of indigent misrepresentation fines collected; (f) the total number of times indigent counsel fees were collected and waived and the aggregate amount of indigent counsel fees collected and waived; (g) the average indigent counsel fee that each court division collects; (h) the total number of times an indigent but able to contribute fee was collected and waived and the aggregate amount of indigent but able to contribute fees collected and waived; (i) the highest and lowest indigent but able to contribute fee collected in each court division; (j) the number of cases in which community service in lieu of indigent counsel fees was performed; and (k) other pertinent information to ascertain the effectiveness of indigency verification procedures. The information within such reports shall be delineated by court division, and delineated further by month.”.

Quorum.

Pending the question on adoption of the amendment, Mr. Hill of Ipswich asked for a count to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), 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. 238.

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 Yea and Nay No. 238 in Supplement.]

Therefore a quorum was present.

Suspension
of Rule 1A.

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

Rule 1A
suspended,—
yea and nay
No. 239.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 123 members voted in the affirmative and 34 in the negative.

[See Yea and Nay No. 239 in Supplement.]

Therefore Rule 1A was suspended.

Amendment
rejected,—
yea and nay
No. 240.

After further debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Lyons of Andover; and on the roll call 36 members voted in the affirmative and 120 in the negative.

[See Yea and Nay No. 240 in Supplement.]

Therefore the amendment was rejected.

Mr. Winslow of Norfolk then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 173. Notwithstanding any special or general law to the contrary, any corporation engaged in the business of building or repairing boats may attach a single license plate registered and issued by the registry of motor vehicles to any trailer owned by such corporation for use to transport boats on public ways.”.

The amendment was adopted.

Mr. Mariano of Quincy being in the Chair,—

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 174. Chapter 180 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 3A the following section:—

Section 3B. A public charity, which received more than \$5,000,000 in gross support and revenue during the fiscal year covered by its report, shall establish an audit committee appointed by the board of directors. Members shall be appointed for 5 year staggered terms. The audit committee may include persons who are not members of the board of directors, but no member of the audit committee shall be a member of the staff of the public charity, including the president or chief executive officer and the treasurer or chief financial officer. If the public charity has a preexisting finance committee, it must be separate from the audit committee. Members of the finance committee may serve on the audit committee; provided, however, that the chairperson of the audit committee shall not be a member of the finance committee; and provided further, that members of the finance committee shall constitute less than one-half of the membership of the audit committee. Members of the audit committee shall not receive any compensation for their services on the board in excess of the compensation, if any, received by members of the board of directors and shall not have a material financial interest in any entity doing business with the corporation.

Subject to the supervision of the board of directors, the audit committee shall be responsible for making recommendations to the board of directors relative to the retention and termination of an independent auditor and may negotiate the independent auditor’s compensation on behalf of the board of directors. The audit committee shall: confer with the independent auditor to satisfy its members that the financial affairs of the public charity are in order; review and determine whether to accept the audit; ensure that any nonaudit services performed by the auditing firm conform to standards for auditor independence referred to in the first paragraph of this section; and approve the performance of nonaudit services by the auditing firm. If the public charity required to establish audit committee pursuant to this section is under the control of another corporation, the members of the audit committee may be members of the board of directors of the controlling corporation.

The audit committee shall establish procedures for the receipt, retention, and treatment of complaints received by an employee of the public charity regarding questionable accounting practices; internal accounting controls; or auditing matters.

Public charities required to submit a financial statement audited or reviewed by an independent certified public accountant shall be

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prohibited from retaining or using the same auditor or auditing firm for more than five consecutive years”.

The amendment was adopted.

Mr. Durant of Spencer and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 175. The office of the inspector general shall study and report on the feasibility of setting limits on the annual compensation of the executive staff of a nonprofit corporation or public charity that receives any public funds from the commonwealth equal to or greater than 30 per cent of such nonprofit corporation or public charity’s yearly budget. The office of the inspector general shall report its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the house of representatives and senate and the house and senate committees on ways and means not later than December 31, 2012.”

The amendment was adopted.

Consolidated
amendments
(Judiciary and
public safety).

After debate on the question on passing the bill, as amended, to be engrossed, Mr. Dempsey of Haverhill and other members of the House moved to amend the bill in section 2

In item 0321-1600 by striking out the figures “11,000,000” and inserting in place thereof the figures “12,000,000”;

In item 0321-2000 by striking out the figures “781,177” and inserting in place thereof the figures “806,177”;

In item 0321-2100 by striking out the figures “902,016” and inserting in place thereof the figures “981,810”;

In item 0330-0300, in line 12, by inserting after the word “commonwealth” the following: “provided further, that not less than \$20,000 shall be spent for the ‘Grandparents Raising Grandchildren Project’ to provide legal services to such grandparents in the areas of family law and public benefits and further requiring the chief justice of administration and management to make a report to the Legislature no later than January 2013 of all the above grandparents who requested legal services, were eligible for legal services and were denied because of insufficient resources, including the legal problem for which they sought assistance”, and in said item by striking out the figures “203,775,080” and inserting in place thereof the figures “209,775,080”;

In item 0332-0100, in lines 2 to 9, inclusive, by striking out the following: “provided, that notwithstanding the provisions of any general or special law to the contrary, the district court of Chelsea shall be the permanent location for the northern trial session to handle 6 person jury cases; provided further, that all personnel within said district court whose duties related to said northern trial session shall report to the clerk magistrate of said district court; and provided further, that the clerk magistrate shall utilize whatever space within the facility-at-large he deems necessary to comply with S.J.C. Rule 3:12, Canon 3(A)6”, and in said item by striking out the figures “55,552,336” and inserting in place thereof the figures “54,442,152”;

In item 0335-0001, by adding the following: “provided further that the district court of Chelsea shall be known as ‘the Chelsea division of the Boston municipal court department held at Chelsea; Chelsea and

Revere' ”, and in said item by striking out the figures “8,538,726” and inserting in place thereof the figures “9,648,910”;

In item 0337-0002 by inserting after the word “department” the following: “provided that in fiscal year 2013 the department shall not reduce the amount allocated to the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, 0337-0700 of section 2 of chapter 182 of the acts of 2008 by more than 5 per cent”, and in said item by striking out the figures “14,642,982” and inserting in place thereof the figures “15,039,221”;

In item 0340-0100 by striking out the figures “16,378,860” and inserting in place thereof the figures “16,442,761”;

In item 0340-0200 by striking out the figures “13,875,497” and inserting in place thereof the figures “14,023,058”;

In item 0340-0300 by striking out the figures “8,755,092” and inserting in place thereof the figures “8,615,961”;

In item 0340-0400 by striking out the figures “9,468,939” and inserting in place thereof the figures “9,105,742”;

In item 0340-0500 by striking out the figures “8,064,395” and inserting in place thereof the figures “8,198,688”;

In item 0340-0600 by striking out the figures “5,004,655” and inserting in place thereof the figures “5,104,790”;

In item 0340-0700 by striking out the figures “8,445,028” and inserting in place thereof the figures “8,399,821”;

In item 0340-0800 by striking out the figures “7,189,887” and inserting in place thereof the figures “7,286,097”;

In item 0340-0900 by striking out the figures “7,553,290” and inserting in place thereof the figures “7,580,803”;

In item 0340-1000 by striking out the figures “3,716,007” and inserting in place thereof the figures “3,705,545”;

In item 0340-1100 by striking out the figures “3,619,864” and inserting in place thereof the figures “3,608,246”;

In item 8000-0106, in line 5, by inserting after the words “municipal police departments” the following: “; provided further, that \$200,000 shall be used for the recording and processing for DNA samples pursuant to Chapter 22E of the General Laws”, and in said item by striking out the figures “15,074,646” and inserting in place thereof the figures “15,530,646”;

By striking out item 8000-0600 and inserting in place thereof the following item:

“8000-0600 For the office of the secretary, including the administration of the office of grants and research and the highway safety division, to provide matching funds for a federal planning and administration grant pursuant to 23 U.S.C. section 402; provided, that local police departments, sheriff departments, the department of state police, the department of correction and other state agencies, authorities and educational institutions with law enforcement functions as determined by the secretary that receive funds for the cost of replacement of bulletproof vests through the office of the secretary may expend without further appropriation such funds to purchase additional vests in the

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fiscal year in which they receive the reimbursements; provided further, that the office of the secretary shall, in consultation with the Massachusetts sheriffs' association, develop a report on recidivism rates for all pretrial, county sentenced and state sentenced inmates utilizing data provided by the department of correction and sheriff departments; provided further, that funds under this item may be expended by office of the secretary to facilitate the sheriffs, in consultation with the Massachusetts sheriffs' association, in determining a standardized definition of recidivism for Massachusetts sheriffs and analyzing relevant data to provide above required recidivism reporting; provided further, that the department shall submit these reports to the executive office for administration and finance, the house and senate committees on ways and means and the joint committee on public safety on a quarterly basis starting October 1, 2012, due no later than 30 days after the last day of each quarter; and provided further, that the executive office of public safety and security shall conduct a study in collaboration with the department of mental health on the potential benefits and viability of a Jail Diversion Community Safety Initiative that promotes programs focused on mental health treatment for persons facing arrest; provided further, that said initiative would focus on (a) support for regional, multidisciplinary approaches to promote access to mental health treatment rather than arrest or jail, (b) provide resources to communities to develop programs for prevention and intervention and technical assistance and information to support local planning and training efforts; provided further, the executive office of public safety and security shall submit said report to the house and senate committees on ways and means no later than January 15, 2013; provided further, that not less than \$50,000 shall be expended for public safety improvements in the town of Braintree; and provided further, that \$75,000 shall be expended for the commission created in section 189 of Chapter 68 of the Acts of 2011

\$2,212,797”;

In item 8100-0111, in line 32, by inserting after the date “December 15, 2012” the following: “; provided further, funds from this item shall not be used for police or law-enforcement overtime pay; provided further, that the Executive Office of Public Safety and Security must submit a report that details the distribution of grant funds to the executive office for administration and finance and the house and senate committees on ways and means within 60 days of the distribution of said funds”, and in said item by striking out the figures “2,000,000” and inserting in place thereof the figures “5,500,000”;

In item 8100-1001, in line 29, by inserting after the words “performed by state police officers” the following: “; provided further, that

not less than \$1,000,000 shall be expended for the payroll costs of the state police directed patrols; provided further, that subject to appropriation communities receiving funds for directed patrols in fiscal year 2008 shall receive an equal disbursement of funds in proportion to the current appropriation in fiscal year 2013; provided further, that the Town of Randolph shall receive no less than \$50,000 for the payroll costs of the state police directed patrols; provided further, that the Town of Milton shall receive no less than \$50,000 for the payroll costs of the state police directed patrols”, and in said item by striking out the figures “243,119,033” and inserting in place thereof the figures “244,119,033”;

In item 8200-0200, in line 4, by inserting after the following “charged to item 8200-0222” the following: “; provided further, towns in Worcester County hosting municipal police training academies shall not receive less than the amount appropriated in section 2 of chapter 68 of the acts of 2011; provided further, in fiscal year 2013 no less than \$20,000 shall be provided for the manufacture and presentation of medals of recognition for Korean War Veterans”, and in said item by striking out the figures “2,500,378”, and inserting in place thereof the figures “2,520,378”;

In item 8311-1000, in line 22, by inserting after the word “operated” the words “; provided further, that the board of building regulations and standards shall expend funds from this item for the purpose of providing for the limited use of first-class mail to send Construction Supervisor License notifications to those who are unable to access notifications via e-mail”;

In item 8324-0000, in line 8, by inserting after the words “the split days option” the following: “; provided further, that the amount allocated for the regional dispatch center listed in item 8234-0000 of section 2 of chapter 182 of the acts of 2008 shall be allocated in fiscal year 2013; provided further, that \$1,296,000 shall be provided for the Commonwealth’s Hazardous Material Response Teams; provided further, that \$1,200,000 shall be allocated by the department for the Student Awareness Fire Education program; provided further, that \$75,000 shall be allocated by the department for Critical Incident Stress Management program; provided further, \$100,000 shall be allocated by the department for the Gardner On-Site Critical Incident Stress Management Residential Services”, and in said item by striking out the figures “13,218,884” and inserting in place thereof the figures “15,989,884”;

By striking out item 8900-0001 and inserting in place thereof the following item:

“8900-0001 For the operation of the commonwealth’s department of correction; provided, that all correctional facilities that were active in fiscal year 2012 shall remain open in fiscal year 2013; provided further, the commissioner of correction and the secretary of public safety and security shall report to the house and senate committees on ways and means and the joint committee on public safety and homeland security before January 1 of each year on the point score compiled by the department of correction’s objective classification system for all

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prisoners confined in each prison operated by the department; provided further, that the amount allocated to the municipality housing MCI-Cedar Junction shall be not less than the amount allocated in 8900-0001 of section 2 of chapter 61 of the acts of 2007 relative to MCI-Cedar Junction; provided further, that the amount allocated for programs for incarcerated mothers in item 8900-0001 of section 2 of chapter 131 of the acts of 2010 shall be allocated to the program in fiscal year 2013; provided further, that the department shall expend not less than \$1,000,000 for cities and towns hosting department of corrections facilities; provided further, the department of correction may expend \$412,000 for the operation of the Western Massachusetts Regional Women’s Correctional Center; provided further that the department of correction may expend \$412,000 to transfer male inmates with less than 2 years left on their sentence to the Hampden Sheriff’s Department; provided further, that the amount allocated for the Dismas House in Worcester in item 8900-0001 of section 2 of chapter 182 of the acts of 2008 shall be allocated to the program in fiscal year 2013; and provided further, that this item shall pay for the operation of the Massachusetts Alcohol and Substance Abuse Center

\$545,951,881”;

By inserting after item 8910-0188 the following item:

“8910-0288 For the Franklin Sheriff’s office, which may expend for the operation of the office an amount not to exceed \$350,000 from revenues received from federal reimbursements for transportation of federal detainees; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system

\$350,000”;

In line item 8910-1000 by striking out the figures “2,251,900” and inserting in place thereof the figures “2,388,300”;

By inserting after item 8910-1112 the following item:

“8910-1127 For the Hampshire Sheriff’s office, which may expend for the operation of the office an amount not to exceed \$250,000 from revenues received from federal inmate reimbursements; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system

\$250,000”;

In item 8910-8610 by striking out the figures “1,116,000” and inserting in place thereof the figures “2,500,000”;

In item 8950-0001 by striking out the figures “17,197,436” and inserting in place thereof the figures “17,497,436”;

By inserting before the effective date sections (which were subsequently renumbered) the following eleven sections:

“SECTION 176. Chapter 18A of the General Laws is hereby amended by adding the following section:—

Section 10. Whenever a caseworker or other employee of the department of youth services charged with the care, custody or supervision of a youthful or juvenile offender, any volunteer or employee of a contractor of the department of youth services charged with the care, custody or supervision or any duly authorized employee of the department of youth services engaged in the transportation of a youthful or juvenile offender for any lawful purpose the department of youth services of the commonwealth notifies their immediate supervisor that an assault on said employee has been committed by a juvenile or youthful offender in the care and custody of the department of youth services, the department of youth services shall forthwith notify the nearest state police unit and the district attorney for the county in which such assault occurred. Upon notification the department shall immediately provide said district attorney and state police official with any and all documentation pertaining to said assault including but not limited to video and audio recordings, written reports and any other evidence in the possession of the department of youth services.

SECTION 177. Chapter 37 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting the following section:—

Section 26. The sheriff shall issue to every full-time deputy employed by the sheriff an identification card bearing the deputy’s photograph and identifying information. The secretary of public safety and security may adopt regulations relative to the form, content and issuance of identification cards and to the carrying thereof by deputies.

SECTION 178. Section 38B of chapter 127 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the words ‘house of correction’, in line 5, the following words:— trial court detention facility.

SECTION 179. Said section 38B of said chapter 127 of the General Laws, as so appearing, is hereby further amended by inserting after the words ‘house of correction’, in line 15, the following words:— trial court detention facility

SECTION 180. Section 1 of chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in line 231, the words ‘The district court of Chelsea, held at Chelsea; Chelsea, and Revere’ and inserting in place thereof the following words:— The Chelsea division of the Boston municipal court department, held at Chelsea; Chelsea and Revere.

SECTION 181. Section 108 of chapter 231 of the General Laws, as so appearing, is hereby amended by striking out, in lines 18 to 19, the words ‘district court of Chelsea’ and inserting in place thereof the following words:— the Chelsea division of the Boston municipal court department.

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SECTION 182. Section 3 of chapter 258B of the General Laws, as so appearing, is hereby amended by inserting after paragraph (v) the following paragraph:—

(w) Where the victim or witness is an employee of the department of youth services, no law enforcement agency, prosecutor, defense counsel, or parole, probation or corrections official may disclose or state the residential address, telephone number, or place of employment or school of the victim, a victim's family member, or a witness, except as otherwise ordered by the court. The court may enter such other orders or conditions to maintain limited disclosure of the information as it deems appropriate to protect the privacy and safety of victims, victims' family members and witnesses.

SECTION 183. Section 189 of chapter 68 of the acts of 2011 is hereby amended by striking out the words 'March 31, 2012' and inserting in place thereof the following words:— March 31, 2013.

SECTION 184. The Quincy district courthouse in the city of Quincy shall be designated and known as the Francis X. Bellotti Courthouse. The division of capital asset management and maintenance shall erect and maintain suitable markers bearing the designation in compliance with the standards of the division.

SECTION 185. Notwithstanding any general or special law to the contrary, the department of fire services is hereby authorized and directed to establish rules and regulations for the safety and flammability of schools buses in the commonwealth. Such rules and regulations shall, at a minimum, address the flammability of plastic components contained in the engine compartment and occupant seating.

In developing said rules and regulations relative to the flammability of plastic components contained in the engine compartment, the department shall ensure that such rules and regulations: (i) conform with the standards set forth in Underwriters Laboratories incorporated standard 94, standard for safety of flammability of plastic materials for parts in devices and appliances testing, so-called, as that standard may be modified from time to time, and (ii) include a requirement that the plastic components contained in an engine compartment must meet a V-0 classification in the standards.

In developing said rules and regulations relative to the flammability of occupant seating, the department shall ensure that any such rules and regulations conform to either of the following: (i) the standard adopted by ASTM international designated as ASTM E2574 - standard test method for fire testing of schools bus seat assemblies, using pass-or-fail criteria established in section X3, as the standard may be modified from time to time, or (ii) standards adopted by the national congress on school transportation in the school bus seat upholstery fire block test, as those standards may be modified from time to time, that are established in the national school transportation specifications and procedures. The department shall implement rules and regulations on or before January 1, 2014 to ensure no person, school board, municipality, or government entity shall contract for school bus transportation services or purchase a new school bus that is not in compliance with the provision of this section [A].

SECTION 186. Notwithstanding any general or special law to the contrary, the executive office of public safety and security shall provide an analysis detailing the costs of collecting DNA evidence during

felony arrests. The report shall be filed with the clerks of the senate and house of representatives no later than January 1, 2013.”;

Pending the question on adoption of the amendments, Mr. Winslow of Norfolk moved to amend them by inserting, in proposed section 185, by inserting after the words “the provision of this section” [at “A”] the following: “; provided however, the provisions of this section shall not apply any school bus purchased or leased prior to January 1, 2014”. The further amendment was rejected.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. O’Flaherty of Chelsea; and on the roll call 156 members voted in the affirmative and 0 in the negative.

Amendments
(Judiciary and
public safety)
adopted,—
yea and nay
No. 241.

[See Yea and Nay No. 241 in Supplement.]

[Mr. Petrolati of Ludlow answered “Present” in response to his name.]

Therefore the amendments were adopted.

Mr. Webster of Pembroke and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following three sections:

“SECTION 187. This act shall be known and may be cited as the ‘Massachusetts Security and Immigration Compliance Act.’

SECTION 188. The General Laws, as appearing in the 2006 Official Edition, are hereby amended by inserting after chapter 117A the following new chapter:—

**CHAPTER 117B.
Restrictions on Public Benefits.**

Section 1. Definitions.

As used in this chapter the following terms shall have the following meanings unless the context clearly requires otherwise:—

‘Emergency Medical Condition,’ the same meaning as provided in section 1396b (v) (3) of Title 42 of the United States Code.

‘Federal Public Benefits,’ the same meaning as provided in section 1611 of Title 8 of the United States Code.

‘State Public Benefits,’ the same meaning as provided in section 1621 of Title 8 of the United States Code”

Section 2. (a) Except as otherwise provided in subsection (3) of this section or where exempted by federal law, on and after January 1, 2013, each agency or political subdivision of the commonwealth shall verify the lawful presence in the United States of every natural person eighteen years of age or older who applies for state public benefits or for federal public benefits which are for the benefit of the applicant.

(b) This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

(c) Verification of lawful presences in the United States shall not be required:

For any purpose for which lawful presence in the United States is not required by law, ordinance, or rule;

For obtaining health care items and services that are necessary for the treatment of an emergency medical condition of the person involved and are not related to an organ transplant procedure;

For short-term, non-cash, in-kind emergency disaster relief;

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For public health assistance for immunization with respect to diseases and for testing and treatment of symptoms of communicable diseases;

For programs, services, or assistance, such as soup kitchens, crisis counseling and intervention, and short-term shelter specified by Federal laws or regulations that:

Deliver in-kind services at the community level, including services through public or private nonprofit agencies;

Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and

Are necessary for the protection of life or safety or;

For parental care.

(d) An agency or a political subdivision shall verify the lawful presence in the United States of each applicant eighteen years of age or older for federal public benefits or state public benefits by requiring the applicant to:

(1) Produce:

A valid Massachusetts driver license or a Massachusetts identification card, issued pursuant to section 8 of chapter 90 of the General Laws, and 540 Code of Massachusetts Regulation (CMR) 2.06 (3) (b);

A United States military card or military dependent's identification card; or

A United States Coast Guard Merchant Mariner card; or

A Native American tribal document.

(2) If such documentation as required in subparagraph (1) of subsection (d) of this section cannot be lawfully produced, execute a notarized affidavit stating:

That he or she is a United States citizen or legal permanent resident; or That he or she is otherwise lawfully present in the United States pursuant to federal law.

(e) Notwithstanding the requirements of subparagraph (1) of subsection (d) of this section, the Commissioner of the Department of Revenue may issue emergency rules, to be effective until January 1, 2014, providing for additional forms of identification or a waiver process to ensure that an individual seeking benefits pursuant to this section proves lawful presence in the United States. This subsection and all emergency rules authorized hereunder shall cease to be effective as of January 1, 2014.

(f) A person who knowingly makes a false, fictitious, or fraudulent statement or representation in an affidavit executed pursuant to subsection (4) of this section shall pay a fine of not less than \$1,000 and not more than \$5,000, or shall be sentenced to serve not less than 6 months nor more than 1 year in the House of Corrections. Each time that a person receives a public benefit based upon such a statement or representation they make shall constitute a separate violation of this section.

(g) (1) For an applicant who has executed an affidavit stating that he or she is an alien lawfully present in the United States, verification of lawful presence for federal public benefits or state or local public benefits shall be made through the Federal Systematic Alien Verification for Entitlement program, referred to in this section as the 'SAVE program', operated by the United States Department of Homeland

Security. Until such verification of lawful presence is made, the affidavit may be presumed to be proof of lawful presence for purposes of this section.

(2) The secretary of each executive office of the commonwealth shall promulgate regulations to ensure that each agency or political subdivision has access to the SAVE program by way of the executive office under which it is organized. Each executive office shall be responsible for the verification through the SAVE program of all its sub agencies. Each executive office shall enter into a memorandum of understanding or any other requirement pursuant to the SAFE program in order to streamline the verification process. Each executive office shall keep account of all applications submitted through its subdivisions and transfer back to its subdivisions any costs on an annual basis.

(h) Agencies or political subdivisions of the commonwealth may adopt variations of the requirements of paragraph (b) of subsection (4) of this section to improve efficiency or reduce delay in the verification process or to provide for adjudication of unique individuals circumstances in which the verification procedures in the section would impose unusual hardship on a legal resident of the commonwealth; provided, that the variations shall be no less stringent than the requirements of this section, including provisions to timely execute notarized affidavits.

(i) It shall be unlawful for an agency or political subdivision of the commonwealth to provide a federal public benefit or state or local public benefit in violation of this section. Each agency or department that administers a program that provides state or local public benefits shall provide an annual report with respect to its compliance with this section to the auditor and to the House and Senate chairs of the joint committee on state administration and regulatory oversight.

(j) Errors and significant delays by the SAVE program shall be reported to the United States Department of Homeland Security which monitors the SAVE program and its verification application errors and significant delays and report yearly on such errors and delays, to ensure that the application of the SAVE program is not wrongfully denying benefits to legal residents of the State.

SECTION 189. If any provision of this act or the application thereof to any person or circumstance is held by any court to be unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of the section are declared to be severable.”

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

“SECTION 187. The first paragraph of section 2 of chapter 90 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the second and third sentences and inserting in place thereof the following sentences:—

If the owner is a corporation or business entity, the application shall contain the name of the corporation or business entity, the full address, including the street, city or town, state and zip code, a federal tax identification number or social security number if the business entity is a

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sole proprietorship and does not have a federal tax identification number. If the applicant is a natural person, the application shall contain the name of the applicant, full residential address, date of birth, license number or identification card number issued by the registrar and such other particulars as the registrar may require. Except as otherwise provided in this chapter or in regulations adopted by the registrar, no registration shall be issued for a motor vehicle or trailer owned or leased by a natural person unless one of its registering owners or lessees holds a valid license, social security card issued by Social Security Administration, a federal tax identification number or other proof of legal presence. The registrar shall provide by regulation for exemptions for out-of-state students, military personnel, senior citizens and disabled persons.

SECTION 188. Section 12 of said chapter 90, as so appearing, is hereby amended by striking subsections (a) and (b) and inserting in place thereof the following subsections:—

(a) Whoever knowingly employs for hire as a motor vehicle operator any person not licensed in accordance with this chapter shall be punished by a fine of not more than \$1,000 for a first offense, or, for a second or subsequent offense by a fine of not less than \$1,000 nor more than \$2,000 or imprisonment in the house of correction for not more than 1 year, or both such fine and imprisonment.

(b) Whoever knowingly permits a motor vehicle owned by him or under his control to be operated by a person who is unlicensed or whose license has been suspended or revoked shall be punished by a fine of not more than \$1,000 or imprisonment in a house of correction for not more than 1 year for a first offense, or, for a second or subsequent offense by a fine of not less than \$1,000 nor more than \$2,000 or imprisonment in the house of correction for not more than 2½ years, or both such fine and imprisonment.

SECTION 189. Section 20 of said chapter 90, as so appearing, is hereby amended by striking out, in line 10, the words ‘of not less than \$100 nor more than \$1,000’ and inserting in place thereof the following:— by a fine of not more than \$500 for a first offense, by a fine of not less than \$500 nor more than \$1,000, for a second offense, by a fine of not less than \$1,000 nor more than \$2,000, for any subsequent offense.

SECTION 190. Section 24B of chapter 90 of the general laws is hereby amended by inserting, after the first paragraph, the following paragraph:—

Whoever falsely makes forges or counterfeits a learner’s permit, a license to operate motor vehicles or an identification card issued under section 8E with the intent to distribute such learner’s permit, license to operate motor vehicles or identification card or assists another to do so shall be punished as follows: (i) for the above acts involving 1 to 5 documents, by a fine of not more than \$2,500 or by imprisonment in a house of correction for not more than 2½ years, or both such fine and imprisonment; (ii) for acts involving 5 to 10 documents, by a fine of not more than \$5,000 or by imprisonment in state prison for not more than 5 years, or both such fine and imprisonment; (iii) for acts involving more than 10 documents, by a fine of not more than \$25,000 or by imprisonment in state prison for not more than 10 years or both such fine and imprisonment.

SECTION 191. The registrar of motor vehicles shall investigate and report on any compliance issues with the implementation of the federal REAL ID Act of 2005 occurring on January 15, 2013, as it pertains to the issuance of licenses to operate motor vehicles. The registrar shall file the report, accompanied by any legislative recommendations, with the clerks of the house of representatives and senate and the chairs of the joint committee on public safety on or before October 1, 2012.

SECTION 192. (a) Notwithstanding any general or special law to the contrary, the MassHealth program within the executive office of health and human services shall: (i) continue to implement the state option provided by section 1902(ee) of the Social Security Act, 42 U.S.C. section 1396a(ee), to verify the citizenship or nationality of individuals declaring to be United States citizens or nationals; and (ii) continue to use the federal Systematic Alien Verification for Entitlements, or SAVE system, to verify the immigration status of applicants presenting an alien admission number or alien file number.

Consistent with federal and state law and notwithstanding (a)(ii) of this section, the SAVE system may be incorporated into a system for the executive office of health and human services and all agencies organized therein, to determine common eligibility standards for applicants. Nothing in this section shall be construed to prevent the development of a system of common eligibility standards that includes additional agencies outside the executive office of health and human services, provided that such system shall include the use of the SAVE system.

(b) Annually, on or before February 1, or as further developments warrant, the executive office of health and human services or the executive office of administration and finance shall report to the senate and house committees on ways and means the status of efforts to implement a system to determine common eligibility standards for applicants.

(c) Annually, on or before February 1, the executive office of health and human services shall report to the senate and house committees on ways and means and the executive office for administration and finance the amount of money recovered from recipients, providers or other vendors who fraudulently received benefits or payments under chapter 118E of the General Laws.

SECTION 193. Notwithstanding any general or special law to the contrary, to prevent fraud and misuse of public assistance benefits, the department of transitional assistance shall continue to:

(1) consistent with federal and state law, require all applicants for benefits to declare in writing under penalty of perjury whether the individual is a citizen of the United States and if not whether the individual meets applicable immigration status requirements; provided, however, that noncitizens shall be required to provide documentation from the United States Department of Homeland Security or such other documents as the department determines constitutes reasonable evidence of required immigration status; provided further, that consistent with federal and state law, the state shall provide a reasonable opportunity to submit evidence of required immigration status and will not delay, deny, reduce or terminate benefits on the basis of immigration status until such verification is provided; provided further, that the department of transitional assistance shall use the federal Systematic Alien Verification for Entitlements or SAVE system to verify the immigra-

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tion status of any noncitizen whose documentation includes an alien registration number to determine whether the individual meets noncitizen requirements for benefit eligibility purposes and shall verify the social security number of each individual seeking benefits, citizens as well as noncitizens, in accordance with procedures established by the Social Security Administration;

(2) implement data matching with the department of revenue, the department of children and families, the division of unemployment assistance and any other relevant state agencies to verify financial and categorical eligibility criteria;

(3) cooperate fully with the food and nutrition service of the United States Department of Agriculture in pursuing and prosecuting vendor fraud;

(4) refer all credible reports of fraud received from its fraud hotline or any other source to the bureau of special investigations for investigation in accordance with protocols for prioritizing cases;

(5) pursue, to the fullest extent possible, consistent with protocols for prioritizing cases, administrative disqualification penalties for instances of Supplemental Nutrition Assistance Program and cash assistance fraud; and

(6) report annually to the senate and house committees on ways and means and the executive office for administration and finance the amount of money recovered by the department from those who received benefits fraudulently and the number of recipients who were issued partial or lifetime disqualifications.

SECTION 194. Consistent with federal and state law, and to prevent fraud and misuse of unemployment benefits, the division of unemployment assistance shall continue to:

(1) maintain interagency agreements with the United States Social Security Administration and the United States Citizenship and Immigration Service within the Department of Homeland Security to utilize a primary verification system to determine citizenship or work authorization at the time of new claim filings through the SAVE system;

(2) require noncitizen claimants to provide their alien registration number; provided, however, that the division of unemployment assistance shall verify claimant information and alien registration number with the United States Citizenship and Immigration Service within the Department of Homeland Security;

(3) require noncitizen claimants who cannot provide an alien registration number during the new claim process to send copies of any official documents they have that authorize them to work in the United States to the division of unemployment assistance;

(4) institute a secondary verification process for claims for which a non-citizen does not have an alien registration number or if primary verification does not establish satisfactory status, using division staff to review the documents and transmit pertinent information from the documents for verification with the United States Citizenship and Immigration Service within the Department of Homeland Security;

(5) flag expiration dates of work authorizations or in the unemployment insurance system if such dates exist; and

(6) report annually to the senate and house committees on ways and means and the executive office for administration and finance the

amount of money recovered by the division of unemployment assistance from those who received benefits fraudulently as well as the numbers of recipients who were issued disqualifications.

SECTION 195. (a) Notwithstanding any general or special law to the contrary, an applicant for the MassGrant program administered by the department of higher education office of grant assistance shall complete the Free Application for Federal Student Aid or other federal student loan program that verifies both financial and citizenship eligibility.

(b) The secretary of education shall continue to report annually to the senate and house committees on ways and means and the executive office for administration and finance the amount of money recovered by the department of education from those who received assistance fraudulently and the number of recipients who were issued partial or lifetime disqualifications.

SECTION 196. (a)(1) Notwithstanding any general or special law to the contrary, the department of housing and economic development shall continue to direct local housing authorities to:

(i) require an applicant to provide the local housing authority with access to reliable and reasonably obtainable documentation verifying the accuracy of information provided by an applicant on an application form or otherwise necessary at the time of determining final eligibility and qualification; provided, however, that income of applicants shall be verified by the procedure set forth in paragraph (2); provided further, that if the local housing authority has verified any information when making a preliminary determination of eligibility for the applicant, the local housing authority shall reverify that information on its final determination of eligibility and qualification; and provided further, that nonreceipt of requested documentation, without good cause established by the applicant, shall be cause for determining that the applicant is unqualified;

(ii) require an applicant to provide the names and current addresses of all landlords or housing providers for the applicant and the applicant's household members during the 5 years immediately preceding the application to the date of the final determination; provided, however, that if after request the local housing authority has failed to receive a reference from a landlord or a housing provider, it shall notify the applicant of nonreceipt and the local housing authority shall request that the applicant use his best efforts to cause his landlord or housing provider to submit the reference to the local housing authority; provided further, that in the event that the applicant uses his best efforts but is unsuccessful, the applicant shall cooperate with the local housing authority in securing information from other sources relative to the tenancy; and provided further, that nonreceipt of a reference from a landlord or housing provider shall be cause for determining an applicant unqualified unless the applicant can show that he has used best efforts to secure the reference and that he has complied with reasonable requests for cooperation in securing other information;

(iii) obtain criminal offender record information for each applicant and, if necessary, check public records, credit reports, other sources of public information and other reliable sources; provided, however, that the local housing authority may conduct a home visit, which shall be scheduled reasonably in advance; and provided further, that observa-

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tions by the person making such a visit shall be promptly reduced to writing and placed in the applicant's file; and

(iv) obtain information regarding eligibility or qualification from interviews with the applicant and with others from telephone conversations, letters or other documents and from other oral or written materials; provided, however, that all such information received shall be recorded in the applicant's file, including the date of its receipt, the identity of the source and the person receiving the information.

(2) The local housing authority shall assess financial eligibility by reviewing the applicant's net household income. In reviewing the applicant's financial status, the local housing authority shall assess net household income pursuant to regulations and guidelines promulgated by the department of housing and community development.

(b) The secretary of housing and economic development shall report annually to the senate and house committees on ways and means and the executive office for administration and finance the amount of money recovered by the department from those who received assistance fraudulently and the number of recipients who were issued partial or lifetime disqualifications.

SECTION 197. (a) Notwithstanding any general or special law to the contrary, the house and senate committees on post audit and oversight shall conduct a joint hearing during each session of the General Court to consider the operation of, and compliance with, citizenship verification measures for the receipt of public assistance benefits. The committees may invite the secretaries of health and human services, administration and finance, education, labor and workforce development and housing and economic development, and any other relevant agency representative, to testify as to the agency's activity, including, but not limited to, (1) compliance with the federal Systematic Alien Verification for Entitlements, or SAVE system; (2) development of a system of common eligibility standards; (3) prevention of fraud and misuse of public benefits, including the amount of money recovered from those who received benefits fraudulently and the number of recipients who were issued disqualifications; (5) the status of interagency agreements; (6) and areas of difficulty in enforcing citizenship verification measures, including the net cost of such measures. The committee shall inform the membership of the General Court of the findings of the hearing by filing a report with the clerks of the house and senate.

(b) Notwithstanding any general or special law to the contrary, the house and senate committees on post audit and oversight shall, on or before July 31, 2012, conduct a joint hearing to consider the Commonwealth's participation in the Secure Communities program, a program established by the U.S. Department of Homeland Security Immigration and Customs Enforcement to share data between the Federal Bureau of Investigations and Immigration and Customs Enforcement, which program the federal government plans to deploy nationwide by 2013 and which it stated, in August 2011, requires no memorandum of agreement with any state or local jurisdiction in order to implement. The committees shall invite testimony from the attorney general; the secretaries of administration and finance, public safety and security, and health and human services; the chief information officer of the Com-

monwealth; the director of the office for refugees and immigrants; the director of the division of local mandates within the office of the auditor; representatives of the Massachusetts Sheriff's Association; Massachusetts District Attorney's Association; the Massachusetts Office for Victim Assistance and other individuals or organizations with expertise in the administration of federal policies related to immigration, public safety and civil rights. The committees shall evaluate the steps Massachusetts and local governments would need to take, if any, to prepare for the federal government's planned universal deployment of Secure Communities in 2013 and the potential impact on state and local governments of participation in the Secure Communities program, in the areas of (1) costs associated with participation in the program, including but not limited to, potential costs related to personnel, equipment, technology upgrades, training, detention, and community education, (2) administration and functioning of the law enforcement and criminal justice systems, (3) outreach and communications strategies between law enforcement and local communities, impact on community policing initiatives and immigrants, willingness to report domestic violence and other crimes, and (4) access to public services for impacted populations, including but not limited to, children, including children placed in foster care or otherwise separated from parents following deportation of one or more their parents under the program, victims of domestic and sexual violence, seniors and persons with disabilities. The committees shall additionally request from the Department of Homeland Security (1) a report on the status of implementation of the recommendations by the Homeland Security Advisory Council Task Force on Secure Communities, contained in its report of September 2011, 'Task Force on Secure Communities: Findings and Recommendations,' including an explanation for the failure to implement any recommendations and (2) data on (i) the number of persons nationwide and in Massachusetts since the Secure Communities program's inception who were deported under the Secure Communities program following that person's reporting of a domestic violence incident or other crime, including those who may on that basis have been eligible to apply for documented status, (ii) the number of U.S. citizen and other children, nationwide and in Massachusetts since the Secure Communities program's inception who were separated from a parent deported under the Secure Communities program, and (iii) the number of the aforementioned child population placed in foster care as a result of separation from one or both parents. The committees shall inform the membership of the General Court of the findings of the hearing by filing a report with the clerks of the house and senate no later than August 31, 2012.

(c) Notwithstanding any general or special law to the contrary, the executive office of administration and finance shall prepare a report no later than September 1, 2012 on the total amount of MassHealth spending in fiscal year 2012 on individual, family, and other benefits for citizens of the United States who are residents and non-residents of Massachusetts: qualified immigrants; aliens with special status; and persons who have provided no documentation to fit into other categories. In calculating the amounts described herein, the executive office of administration and finance shall use generally accepted

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accounting principles encompassing all state spending. Said report shall be filed with the chairs and ranking minority members of the house and senate committee on ways and means and the clerks of the house of representatives and senate.”

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

Mr. Webster of Pembroke and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 198. Chapter 149 of the General Laws is hereby amended by striking Section 19C in its entirety and inserting in its place the following:—

Section 19C. It shall be unlawful for any employer knowingly to employ any alien in the commonwealth, who is a student or visitor or, who has not been admitted to the United States for permanent residence, except those who are admitted under a work permit, or unless the employment of such alien is authorized by the attorney general of the United States. An employer shall not be deemed to have violated this section if he has made a bona fide inquiry whether a person hereafter employed or referred by him is a citizen or an alien, and if an alien, whether he is lawfully admitted to the United States for permanent residence, or admitted under a work permit, or is authorized by the attorney general of the United States to accept employment.

An inquiry into the employment status and identity of an alien shall be deemed bona fide if an employer verifies the work eligibility status of each newly hired employee through the federal electronic employment authorization verification program known as E-Verify or any successor program created pursuant to 8 U.S.C. 1324a.

a) Each employer in Massachusetts shall apply to participate in the program for the purpose of verifying the work eligibility status of each of the employer’s newly hired employees by the following dates:

(1) An employer with two hundred (200) or more employees shall apply to participate in the program no later than January 1, 2013;

(2) An employer with at least fifty (50) employees but fewer than two hundred (200) employees shall apply to participate in the program no later than July 1, 2013; and

(3) An employer with fewer than fifty (50) employees shall apply to participate in the program no later than January 1, 2014.

b) Any employer who violates any provision of this section shall be punished by a fine of not more than five thousand nor less than five thousand dollars. An employer convicted of a second or subsequent offence shall be punished by imprisonment in the House of Corrections for not less than six months.

c) ‘Employer’ as used in this section shall include any person acting in the interest of an employer directly or indirectly.”

The amendment was rejected.

Mr. Lyons of Andover then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 198. (a) Notwithstanding any general or special law to the contrary, the executive office of administration and finance shall prepare a report on the following: 1) the total amount of the state bud-

get that is being used to fund individual, family, and other benefits or expenditures on behalf of citizens of the United States who are residents of the Commonwealth of Massachusetts; 2) the total amount of the state budget that is being used to fund individual, family, and other benefits or expenditures on behalf of persons holding Green Cards who are residents of the Commonwealth of Massachusetts; 3) the total amount of the state budget that is being used to fund individual, family, and other benefits or expenditures on behalf of citizens of the United States whose residence in the Commonwealth of Massachusetts cannot be established; and 4) the total amount of the state budget that is being used to fund individual, family, and other benefits and expenditures on behalf of all other persons.

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

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

(d) Said report shall be filed with to the chair and ranking minority member of the house committee on ways and means, the chair and ranking minority member of the senate committee on ways and means, and the clerks of the house of representatives and senate no later than October 15, 2012.”

The amendment was rejected.

The same member then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 198. (a) Notwithstanding any general or special law to the contrary, the executive office of administration and finance shall prepare a report on detailing the total amount of the Health Safety Net program that is being used to fund benefits on behalf of each of the following categories: 1) Citizens of the United States; 2) Qualified Immigrants; 3) Aliens with Special Status; and 4) Persons who have provided no documentation to fit in the other categories.

(b) Said report shall also separately identify all other costs with respect to the Health Safety Net program, including but not limited to: cost to taxpayers; cost shifting to other payers, agencies or insurers; and cost to hospitals, clinics, and other health-care providers.

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

(d) Said report shall be filed with to the chair and ranking minority member of the house committee on ways and means, the chair and ranking minority member of the senate committee on ways and means, and the clerks of the House of Representatives and senate no later than October 15, 2012.”

The amendment was rejected.

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Mr. Lyons then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 198. The General Laws are hereby amended by inserting after chapter 117A the following new chapter:—

**CHAPTER 117B.
Residency Requirements for Public Benefits.**

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

The amendment was rejected.

The same member then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 198. (a) Definitions. As used in this section, the following terms shall have the following meanings unless the context clearly requires otherwise:—

‘Federal Public Benefits,’ the same meaning as provided in section 1611 of Title 8 of the United States Code.

‘State Public Benefits,’ the same meaning as provided in section 1621 of Title 8 of the United States Code.

(b) Except as where otherwise provided for by federal, general, or special law, all state public benefits and all federal public benefits shall only be received by individuals who are citizens of the commonwealth and for persons who are residents of the commonwealth and have proper verifiable documents or identification from their country of origin.”

The amendment was rejected.

Mrs. O’Connell of Taunton and other members of the House then moved to amend the bill by striking out section 35 and inserting in place thereof the following two sections:

“SECTION 35. Chapter 18 of the General laws, as most recently amended by chapter 84 of the acts of 2011, is hereby amended by striking out sections 5I and 5J and inserting in place thereof the following sections:—

Section 5I. (a) As used in sections 5I through 5J, inclusive, the following terms shall, unless the context clearly requires otherwise, have the following meanings:—

‘Access device’, a card, code, or other means of access including an automated teller machine or point of sale terminal that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods or other things of value, or that can be used to initiate a transfer of funds under the federal Food Stamp Act, 7 U.S.C. § 2011 et seq., or regulations issued pursuant to the federal Food Stamp Act.

‘Cosmetics’, includes (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for beautifying, promoting attractiveness, or altering appearance, and (2) articles intended for use as a component of any such articles; provided, however, that cosmetics shall not include soap, shampoo, deodorant, toothpaste, or other personal hygiene products.

‘Department’, the department of transitional assistance.

‘Direct cash assistance’, any manner of cash assistance provided by the department of transitional assistance, including, but not limited to, temporary aid to families with dependent children, wherein the assistance is provided directly to the recipient, rather than a vendor.

‘Drinking establishment’, any tavern or club licensed to sell alcoholic beverages, wines, or malt beverages pursuant to chapter 138 that derives more than 50 per cent of the establishment’s profit from the sales of alcoholic beverages, wines, or malt beverages.

‘Electronic benefit transfer card’, a card that provides benefits through an electronic benefit transfer.

‘Electronic benefit transfer’, a system for the food stamp program as an alternative to issuing food stamp coupons. An electronic benefit transfer system is a computer-based system in which the benefit authorization is received through a point of sale terminal. Eligible households utilize plastic cards in lieu of food stamp coupons to purchase food items at authorized food retailers. This type of benefit may also be used to issue other types of public welfare benefits.

‘Eligible recipient’, a person who meets the nonfinancial, financial and categorical requirements that the department of transitional assistance utilizes to determine, upon application or review, whether a person is entitled to direct cash assistance, barring any evidence of an outstanding default or arrest warrant issued by any court of the commonwealth.

‘Liquor Store’, any establishment licensed to sell alcoholic beverages, wines, and malt beverages not to be drunk on the premises pursuant to section 15 of chapter 138, and excluding any food store as defined pursuant to section 184B of chapter 94.

‘Performance’, any play, dance, concert, exhibit, including movies, simulcasts, any such entertainment at an establishment which displays live nudity for patrons, as defined pursuant to section 9A of chapter 40A, or any such entertainment performed before one or more persons, excluding performances offered by, at or through any pre-school, school, college, university, public library, church or nonprofit organization.

‘Performance venue’, any place at which a performance is conducted, including, but not limited to a: sports arena, stadium, ball park, race track, movie theatre, or establishment which display live nudity for patrons, as defined pursuant to section 9A of chapter 40A.

‘Person’, a natural person, corporation, association, partnership or other legal entity.

‘Travel services’, furnishing or facilitating interstate or foreign travel, including transportation and vacation services.

(b) No person shall knowingly use or accept direct cash assistance funds held on electronic benefit transfer cards or access devices for the purchase or sale of the following services or products, without limitation: (1) alcoholic beverages as defined pursuant to section 1 of chapter 138; (2) lottery tickets; (3) tobacco products as defined pursuant to section 1 of chapter 64C; (4) any visual material intended to create or simulate sexual conduct or sexual excitement as defined pursuant to section 31 of chapter 272; (5) firearms or ammunition as defined pursuant to section 121 of chapter 140; (6) admission to any perfor-

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mances; (7) cosmetics; (8) professional services, excluding medical care, provided by any member of the bar or any person licensed pursuant to chapter 112; (9) travel services; (10) services, excluding childcare services, or memberships provided by health clubs as defined pursuant to section 78 of chapter 93; (11) tattoos for the marking of the human body or other body art or piercings; (12) jewelry; (13) for the rental of goods or real property; (14) for the payment to the commonwealth or any political subdivision thereof of any tax, fee or penalty, including restitution or bail or bail bonds ordered by a court; or (15) gambling as defined pursuant to section 2 of chapter 23K.

(c) Any business that offers for sale the services or products defined by subsection (b), and excluding businesses defined by subsection (e), shall display in an area conspicuous patrons a sign containing the following statement: "Massachusetts law (M.G.L. c.18, §51) prohibits the use of EBT or direct cash assistance for the purchase of the following products and services: alcoholic beverages; tobacco products; lottery tickets; sexually explicit material; firearms or ammunition; admission to performances; cosmetics; professional services; travel services; health club memberships or services; tattoos, body art, or piercings; jewelry; rental goods or property; payment of any tax, fee, or penalty including bail or bail bonds; and gambling. Violators will be punished to the full extent of the law. If you witness EBT benefit fraud, please report it, toll-free, by calling: 1-800-FRAUD-99 (1-800-372-8399).

The department shall maintain a downloadable template of the sign on the department's website. Business associations may also maintain a downloadable template of the sign on their websites.

(d) No eligible recipient shall use electronic benefit transfer cards at access devices housed within the following types of businesses: (1) liquor stores; (2) gaming establishments licensed pursuant to chapter 23K; (3) performance venues; (4) adult bookstores or adult paraphernalia stores, as defined pursuant to section 9A of chapter 40A; (5) firearms dealers licensed pursuant to section 122 of chapter 140 and ammunition dealers licensed pursuant to section 122B of chapter 140; (6) tattoo parlors; (7) beauty shops, barber shops, manicure shops or aesthetic shops registered pursuant to chapter 112; (8) health clubs as defined pursuant to section 78 of chapter 93; (9) rent-to-own furniture, electronics, or appliance stores; (10) jewelry stores; and (11) drinking establishments; (12) cruise ships.

(e) The following types of businesses shall not house access devices that accept electronic benefit transfer cards: (1) liquor stores; (2) gaming establishments licensed pursuant to chapter 23K; (3) performance venues; (4) adult bookstores or adult paraphernalia stores, as defined pursuant to section 9A of chapter 40A; (5) firearms dealers licensed pursuant to section 122 of chapter 140 and ammunition dealers licensed pursuant to section 122B of chapter 140; (6) tattoo parlors; (7) beauty shops, barber shops, manicure shops or aesthetic shops registered pursuant to chapter 112; (8) health clubs as defined pursuant to section 78 of chapter 93; (9) rent-to-own furniture, electronics, or appliance stores; (10) jewelry stores; and (11) drinking establishments; (12) cruise ships.

Upon request, any state agency that, in the regular course of business, regulates retail stores shall cooperate with law enforcement

regarding potential violations of this section. At minimum, the department shall identify all violators on a monthly basis and direct the appropriate vendor to technologically prohibit the respective access device from accepting electronic benefit transfer cards. Any business or store owner who knowingly houses an access device that accepts electronic benefit transfer cards in violation of this section shall be punished by a fine of not less than \$1,000 for the first offense; not less than \$3,000 for the second offense and not less than \$10,000 for the third or subsequent offense.

(f) Any business defined by subsection (e), shall display in an area conspicuous to patrons a sign containing the following statement: 'Massachusetts law (M.G.L. c.18, §5J) prohibits this store from accepting EBT cards or direct cash assistance and Massachusetts law (M.G.L. c.18, §5I) prohibits customers from purchasing products in this store with EBT cards or direct cash assistance.

Violators will be punished to the full extent of the law. If you witness EBT benefit fraud, please report it, toll-free, by calling: 1-800-FRAUD-99 (1-800-372-8399).'

The department shall maintain a downloadable template of the sign on the department's website. Business associations may also maintain a downloadable template of the sign on their websites.

(g) Any eligible recipient of direct cash assistance who knowingly makes a purchase in violation of this section shall reimburse the department for such purchase and shall be disqualified from the direct cash assistance program for a period of 3 months for the first offense and permanently, for the second offense.

(h) Any person, excluding any eligible recipient, who knowingly violates subsection (b), subsection (c), or subsection (f) of this section shall be punished by a fine of not more than \$500 for the first offense, a fine of not less than \$500 nor more than \$1,000 for the second offense and a fine of not less than \$10,000 for the third or subsequent offense.

Section 5J. (a) No person shall knowingly transfer, acquire, alter or possess an electronic benefit transfer card or access device in any manner not authorized by the federal Food Stamp Act, the federal Social Security Act, 42 U.S.C. 608(a) et seq., or this chapter.

(b) No person shall present for payment or redemption an electronic benefit transfer card or access device that has been illegally received, transferred, or altered.

(c) Any person who is found to have knowingly violated subsection (a) or subsection (b), if such benefits are of an aggregate value of less than \$100, shall, upon the first conviction thereof, be fined not more than \$1,000 or be imprisoned in a jail or house of correction or the state prison for not more than 1 year, or both, and upon the second and any subsequent conviction thereof, shall be fined not more than \$1,000 or imprisoned in a jail or house of correction or the state prison for not more than 2½ years, or both.

Any person who is found to have knowingly violated subsection (a) or subsection (b), if such benefit has an aggregate value of more than \$100 but less than \$5,000, shall, upon the first conviction thereof, be fined not more than \$10,000 or be imprisoned in a jail or house of correction or in the state prison for not more than 3 years, or both, and,

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upon the second and any subsequent conviction thereof, shall be fined not more than \$10,000 or be imprisoned in a jail or house of correction or in the state prison for not more than 5 years or both.

Any person who is found to have knowingly violated subsection (a) or subsection (b), if such benefits are of an aggregate value of \$5,000 or more shall be fined not more than \$250,000 or be imprisoned in a jail or house of correction or the state prison for not more than 20 years, or both.

(d) Any person who is found to have knowingly violated subsection (a) or subsection (b) shall forfeit to the commonwealth all property, real and personal, used in connection with the violation or any proceeds traceable to the violation.

The proceeds from any sale of forfeited property and any monies forfeited under this subsection shall be used by the commonwealth to reimburse the bureau of special investigations in the office of the state auditor, established under section 16 of chapter 11, or any other state or local agency for any cost incurred in the investigative effort resulting in the forfeiture.

No interest in property shall be forfeited under this subsection as the result of any act or omission established by the owner of the interest to have been committed or omitted without the knowledge or consent of the owner.

(e) The alcoholic beverages control commission may suspend or revoke the license of any person who is found to have knowingly violated subsection (a) or subsection (b) of this section or subsection (b) or subsection (e) of section 5L.

(f) The state lottery commission may suspend or revoke the license of any person who is found to have knowingly violated subsection (a) or subsection (b) of this section or subsection (b) or subsection (e) of section 5L.

SECTION 35A. Chapter 18 of the General Laws, as so appearing, is hereby amended by inserting after section 5K the following new sections:—

Section 5L. Notwithstanding any general or special law to the contrary, the department shall charge all eligible recipients of direct cash assistance a fee of \$10 for the first requested replacement of an electronic benefit transfer card and a fee of \$25 for any additional replacement of an electronic benefit transfer card. All fees for replacement cards shall be deducted directly from the recipient's direct cash assistance.

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

Section 5N. Notwithstanding any general or special law to the contrary, the department shall implement a vendor payment system for the non-cash payment of rent and electric and gas utility bills for all eligible recipients of direct cash assistance. The department shall have 50 per cent of all direct cash assistance recipients enrolled in the vendor payment system by July 31, 2012, and shall have the remaining 50 per cent of recipients enrolled in the vendor payment system by November 30, 2012. Beginning on July 31, 2012, all recipients of direct cash assistance shall be enrolled in the vendor payment system upon admittance into the direct cash assistance program.

Section 5O. Notwithstanding any general or special law to the contrary, by November 30, 2012, all eligible recipients of direct cash assistance shall access monthly direct cash assistance through the department's vendor payment system or point of sale payments, provided however, that eligible recipients shall not withdraw cash assistance from a point of sale transaction. Beginning on November 30, 2012, eligible recipients of direct cash assistance shall not have access to monthly direct cash assistance through automatic teller machines.

Section 5P. Notwithstanding any general or special law to the contrary, the department shall solicit, in writing, a cost estimate from the department's current vendor and at least one other vendor for the costs associated with requiring the department to include, on the front of each newly issued, re-issued, and existing electronic benefit transfer card, a photograph of the cardholder. The department shall submit a final cost estimate by filing the same with the clerks of the house and the senate not later than November 30, 2012."

Pending the question on adoption of the amendment, Ms. Walz of Boston moved to amend it by striking out proposed sections 35 and 35A and inserting in place thereof the following four sections:

"SECTION 35. Chapter 18 of the General laws, as amended by chapter 84 of the acts of 2011, is hereby amended by striking out sections 5I through 5J, inclusive, and inserting in place thereof the following 2 sections:—

Section 5I. (a) As used in sections 5I through 5J, inclusive, the following terms shall, unless the context clearly requires otherwise, have the following meanings:—

'Access device', a card, code, or other means of access that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods or other things of value, or that can be used to initiate a transfer of funds under the federal Food Stamp Act, 7 U.S.C. § 2011 et seq., or regulations issued pursuant to the federal Food Stamp Act.

'Cosmetics', includes (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles; provided, however, that cosmetics shall not include soap, shampoo, deodorant, toothpaste, or other personal hygiene products.

'Automatic teller machine', a machine allowing for cash withdrawals of direct cash assistance.

'Department', the department of transitional assistance.

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‘Direct cash assistance’, any manner of cash assistance provided by the department of transitional assistance, including, but not limited to, temporary aid to families with dependent children, wherein the assistance is provided directly to the recipient, rather than a vendor.

‘Drinking establishment’, a business licensed to sell alcoholic beverages pursuant to chapter 138 that derives more than 50 per cent profit from the sale of alcoholic beverages.

‘Electronic benefit transfer card’, a card that provides benefits through an electronic benefit transfer.

‘Electronic benefit transfer’, a system for the food stamp program as an alternative to issuing food stamp coupons. An electronic benefit transfer system is a computer based system in which the benefit authorization is received through a point of sale terminal. Eligible households utilize plastic cards in lieu of food stamp coupons to purchase food items at authorized food retailers. This type of benefit may also be used to issue other types of public welfare benefits.

‘Eligible recipient’, a person who meets the nonfinancial, financial and categorical requirements that the department of transitional assistance utilizes to determine, upon application or review, whether a person is entitled to direct cash assistance, barring any evidence of an outstanding default or arrest warrant issued by any court of the commonwealth.

‘Immediate family’, the recipient and his spouse, and their parents, children, brothers and sisters.

‘Liquor Store’, an establishment licensed to sell alcoholic beverages not to be drunk on the premises pursuant to section 15 of chapter 138 excluding any food store as defined pursuant to section 184B of chapter 94.

‘Performance’, any commercially offered play, dance, concert, exhibit, including movies or simulcasts, any such entertainment at an establishment which displays live nudity for patrons as defined pursuant to section 9A of chapter 40A, or any such entertainment performed before 1 or more persons, excluding performances offered by, at or through any preschool, school, college, university, public library, church or nonprofit organization.

‘Performance venue’, any place at which a performance is conducted, including, but not limited to, a sports arena, stadium, ball park, race track, or establishment which display live nudity for patrons, as defined pursuant to section 9A of chapter 40A.

‘Person’, a natural person, corporation, association, partnership or other legal entity.

‘Travel services’, furnishing or facilitating interstate travel for vacation or foreign travel, except in the case of the death of a family member or family emergency.

(b) (1) No person shall knowingly use or accept direct cash assistance funds held on electronic benefit transfer cards or access devices for the purchase or sale of the following services or products: (1) alcoholic beverages as defined in section 1 of chapter 138; (2) lottery tickets; (3) tobacco products as defined in section 1 of chapter 64C; (4) any visual material or performance intended to create or simulate sexual conduct or sexual excitement as those terms are defined pursuant to section 31 of chapter 272; (5) firearms or ammunition as defined in section 121 of chapter 140; (6) admission to any perfor-

mances; (7) cosmetics; (8) professional services, excluding medical care, provided by any member of the bar or any person licensed pursuant to chapter 112 professional services provided by any member of the bar or any person licensed pursuant to chapter 112, but excluding health care services and services provided for haircutting or funeral or final disposition; (9) travel services; (10) services, excluding childcare services, programs at a community center or similar nonprofit facility or memberships, provided by health clubs as defined pursuant to section 78 of chapter 93; (11) tattoos for the marking of the human body or other body art or piercings; (12) jewelry; (13) for the rental of goods or real property, except for rent paid for a primary residence; (14) for the payment to the commonwealth or any political subdivision thereof of any, fee, fine or penalty, including restitution or bail or bail bonds ordered by a court; or (15) gambling as defined pursuant to section 2 of chapter 23K.

(2) No person shall knowingly use an access device or automatic teller machine to access direct cash assistance funds held on electronic benefit transfer cards at: (1) liquor stores; (2) gaming establishments licensed pursuant to chapter 23K; (3) performance venues; (4) adult bookstores or adult paraphernalia stores, as defined pursuant to section 9A of chapter 40A; (5) firearms dealers licensed pursuant to section 122 of chapter 140 and ammunitions dealers licensed pursuant to section 122B of chapter 140; (6) tattoo parlors; (7) manicure shops or aesthetic shops registered pursuant to chapter 112; (8) (9) rent-to-own furniture, electronics, or appliance stores; (10) jewelry stores; (11) drinking establishments; (12) on cruise ships.

(3) No person shall permit the use of an access device or automatic teller machine to access direct cash assistance funds held on electronic benefit transfer cards at: (1) liquor stores; (2) gaming establishments licensed pursuant to chapter 23K; (3) performance venues; (4) adult bookstores or adult paraphernalia stores, as defined pursuant to section 9A of chapter 40A; (5) firearms dealers licensed pursuant to section 122 of chapter 140 and ammunitions dealers licensed pursuant to section 122B of chapter 140; (6) tattoo parlors; (7) manicure shops or aesthetic shops registered pursuant to chapter 112; (9) rent-to-own furniture, electronics, or appliance stores; (10) jewelry stores; and (11) drinking establishments; or (12) cruise ships.

(c) The following types of businesses shall not house access devices or automatic teller machines that accept electronic benefit transfer cards: (1) liquor stores; (2) gaming establishments licensed pursuant to chapter 23K; (3) performance venues; (4) adult bookstores or adult paraphernalia stores, as defined pursuant to section 9A of chapter 40A; (5) firearms dealers licensed pursuant to section 122 of chapter 140 and ammunitions dealers licensed pursuant to section 122B of chapter 140; (6) tattoo parlors; (7) manicure shops or aesthetic shops registered pursuant to chapter 112; (8) rent-to-own furniture, electronics, or appliance stores; (10) jewelry stores; and (11) drinking establishments; (12) cruise ships.

(d) Any business that offers for sale the services or products defined by subsection (b), excluding businesses defined by subsection (e), shall display in an area conspicuous to patrons a sign advising patrons of the excluded products.

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The department shall develop the sign and make a downloadable form available on the department's website. Business associations may also maintain a downloadable form of the sign on their websites.

(e) Any business identified in subsection (b), shall display in an area conspicuous to patrons a sign instructing patrons that the business is prohibited from accepting electronic benefit transfer cards.

The department shall develop the sign and make a downloadable form available on the department's website. Business associations may also maintain a downloadable form of the sign on their websites.

(f) No person shall knowingly access, or provide access to, direct cash assistance funds held on electronic benefit transfer cards or access devices to an eligible recipient from outside the commonwealth, except for states that immediately border the commonwealth; provided, however, that the department may permit direct cash assistance funds held on electronic benefit transfer cards or access devices to an eligible recipient to be accessed outside of the commonwealth or states along its border for a family or medical emergency or other such emergency purpose as approved by the department; and provided further, that an electronic benefit transfer card or access device shall be authorized to access federal Supplemental Nutrition Assistance Program benefits in any manner authorized by federal law.

(g) Any eligible recipient of direct cash assistance who knowingly makes a purchase in violation of this section shall reimburse the department for such purchase and shall be disqualified from the direct cash assistance program for a period of 3 months for the first offense and permanently for the second offense.

(h) Any person, except an eligible recipient, who knowingly violates clause 1 of subsection (b), subsection (c) or subsection (d) of this section shall be punished by a fine of not more than \$500 for the first offense, a fine of not less than \$500 nor more than \$1,000 for the second offense and a fine of not less than \$10,000 for the third or subsequent offense.

At minimum, the department shall identify all violators on a monthly basis and direct the appropriate vendor to technologically prohibit the respective access device from accepting electronic benefit transfer cards.

(i) Any person, except an eligible recipient who knowingly violates clause 2 or clause 3 of subsection (b) shall be punished by a fine of not less than \$1,000 for the first offense; not less than \$3,000 for the second offense and not less than \$10,000 for the third or subsequent offense.

(j) The alcoholic beverages control commission may suspend or revoke the license of any person who is found to have knowingly violated subsection (b) or subsection (c).

(k) The state lottery commission may suspend or revoke the license of any person who is found to have knowingly violated subsection (b) or subsection (c).

Section 5J. (a) No person shall knowingly, transfer, acquire, alter or possess an electronic benefit transfer card or access device in any manner not authorized by the federal Food Stamp act or this chapter.

(b) No person shall present for payment or redemption an electronic benefit transfer card or access device that has been illegally received, transferred, or altered.

(c) A person who is found to have knowingly violated subsection (a) or subsection (b), if such benefits are of an aggregate value of less than \$100, shall, upon the first conviction thereof, be imprisoned in a jail or house of correction for not more than 1 year or fined not more than \$1,000, or both, and upon the second and any subsequent conviction thereof, shall be imprisoned in a jail or house of correction for not more than 2½ years or fined not more than \$1,000, or both.

A person who is found to have knowingly violated subsection (a) or subsection (b), if such benefit has an aggregate value of more than \$100 but less than \$5,000, shall, upon the first conviction thereof, be imprisoned in a jail or house of correction or in the state prison for not more than 3 years or be fined not more than \$10,000, or both, and, upon the second and any subsequent conviction thereof, shall be imprisoned in a jail or house of correction or in the state prison for not more than 5 years or be fined not more than \$10,000, or both.

A person who is found to have knowingly violated subsection (a) or subsection (b), if such benefits are of an aggregate value of \$5,000 or more, shall be imprisoned in a jail or house of correction or the state prison for not more than 20 years or be fined not more than \$250,000, or both.

(d) Any person who is found to have knowingly violated subsection (a) or subsection (b) shall forfeit to the commonwealth all property, real and personal, used in connection with the violation or any proceeds traceable to said violation.

The proceeds from any sale of forfeited property and any monies forfeited under this subsection shall be used by the commonwealth to reimburse the bureau of special investigations in the office of the state auditor, established under section 16 of chapter 11, or any other state or local agency for any cost incurred in the investigative effort resulting in the forfeiture.

No interest in property shall be forfeited under this subsection as the result of any act or omission established by the owner of the interest to have been committed or omitted without the knowledge or consent of the owner.

(e) The alcoholic beverages control commission may suspend or revoke the license of any person who is found to have knowingly violated subsection (a) or subsection (b).

(f) The state lottery commission may suspend or revoke the license of any person who is found to have knowingly violated subsection (a) or subsection (b).

Section 5K. Whoever embezzles, steals or obtains by fraud any funds, assets or property provided by the department and whoever receives, conceals or retains such funds, assets or property for his own interest knowing such funds, assets or property have been embezzled, stolen or obtained by fraud shall, if such funds, assets or property are of a value of \$100 or more, be punished by a fine of not more than \$25,000 or by imprisonment in a jail or house of correction for not more than 2½ years, or imprisonment in the state prison for not more than 5 years, or both such fine and imprisonment, or if such funds, assets or property are of a value of less than \$100, by a fine of not more than \$1,000 or by imprisonment in a jail or house of correction for not more than 1 year, or both such fine and imprisonment.

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Section 5L. The department shall charge all eligible recipients of direct cash assistance a fee of \$5 for each requested replacement card. All fees for replacement cards shall be deducted directly from the recipient's direct cash assistance.

SECTION 35A. Notwithstanding any general or special law to the contrary, the department of transitional assistance benefits in the form of vendor payments with respect to rent and utilities, whenever a determination is made that the grant has not been used in the best interests of the child or the assistance unit or other chronic misuse of benefits is occurring, provided that implementation of vendor payments will not increase the risk of homelessness, decrease the ability to escape domestic abuse or impair the assistance unit's ability to withhold payment as a reasonable exercise of consumer or tenant rights when there is a legitimate dispute as to whether terms of an agreement have been met. The department of transitional assistance may presume mismanagement of benefits whenever shelter costs, including, but not limited to, rent, heat, fuel, utilities, have regularly not been met without reasonable cause. At eligibility determinations and redeterminations, the department shall screen households to determine if they have chronically failed to pay rent and utilities to determine if vendor payments are appropriate and shall refer households to the housing consumer education centers and community based resources for assistance in meeting their expenses.

SECTION 35B. Notwithstanding any general or special law to the contrary, the department of transitional assistance and the Massachusetts Bay Transit Authority shall coordinate to ensure that by June 30, 2013, direct cash assistance funds held on electronic benefit transfer cards be accepted for payment of public transportation fares at electronic fare vending machines.

SECTION 35C. Notwithstanding any general or special law to the contrary, there shall be an independent commission to study and report on the development of a cashless payment system in using electronic benefit transfer, or EBT, cards. The commission shall consist of the following 9 members: the commissioner of transitional assistance, or a designee, who shall serve as chair; the inspector general, or a designee; the state auditor, or a designee; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be appointed by the minority leader; and 2 persons representing eligible recipients as appointed by the governor. The commission shall research, assess and develop recommendations to implement a cashless payment system and investigate and report on the feasibility of expanding the direct vendor payment system for rent and utility payments for all eligible recipients. The commission shall hire an independent consultant to conduct the research and assist with the preparation of any recommendations. The report shall include, but shall not be limited to, the following: (1) the costs associated with and any technological improvements necessary to implement and the time frame required for the expansion; (2) the implementation of a vendor payment system for the non-cash payment of rent and utility bills for all eligible recipients of direct cash assistance; and (3) the feasibility of placing fluctuating limitations on the percentage allocated to direct

cash assistance and point of sale use. The commission shall submit a final report of its findings and recommendations, together with drafts of legislation necessary to implement those recommendations, by filing the same with the clerks of the senate and house on or before December 31, 2012.”.

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. Holmes of Boston; and on the roll call 123 members voted in the affirmative and 33 in the negative.

Further amendment adopted,—yea and nay No. 242.

[See Yea and Nay No. 242 in Supplement.]

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

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

Consolidated amendments (business and economic development).

In item 7002-0012 by striking out the figure: “6,915,087” and inserting in place thereof the figures “8,609,158”;

In item 7002-0017 by striking out the figures “2,796,246” and inserting in place thereof the figures “2,952,761”;

In item 7003-0100 by striking out the figures “429,961” and inserting in place thereof the figures “758,649”;

In item 7003-0200 by striking out the figures “1,283,716” and inserting in place thereof the figures “2,026,178”;

In item 7003-0803 by striking out the figures “4,480,122” and inserting in place thereof the figures “4,752,323”;

In item 7003-1206 by inserting after the word “organizations” the following: “; provided, that not less than \$250,000 shall be expended for the New England Farm Workers Council; provided further, that the Urban League of Eastern Massachusetts shall receive 50 per cent of the amount appropriated in chapter 68 of the acts of 2011 and that the remainder of said amount be expended for the Urban League of Springfield, Massachusetts; and provided further, that not less than \$25,000 shall be expended for programs supporting and promoting cultural heritage diversity, and education in the city of Boston that were in item 7007-0900 in chapter 182 of the acts of 2008”, and in said item by striking out the figures “500,000” and inserting in place thereof the figures “1,525,000”;

By inserting after item 7006-0071 the following item:

“7007-0150 For the Massachusetts office of business development for contracts with regional economic development organizations under the program established by section 3J and 3K of chapter 23A of the General Laws	\$850,000”;
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In item 7007-0300 by striking out the words “including the Mass-Works Capital Infrastructure Program,”

In item 7007-0800 by inserting after the words “technical assistance services within said center” the following: “; provided further, that no less than \$25,000 each shall be expended for the Winthrop and Revere Chambers of Commerce, respectively, for the purpose of small business development”, and in said item by striking out the figures “1,204,286” and inserting in place thereof the figures “1,254,286”;

By inserting after item 7007-0800, the following item:

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“7007-0801 For microlending grants of up to \$100,000, to be issued to established Community Development Financial Institutions and Community Advantage Lenders making direct microenterprise and small business loans to borrowers on a regional basis, as well as providing technical assistance to applicants and borrowers in order to foster business establishment and success, provided that the funds will be used to support eligible organization’s lending and technical assistance activities \$200,000”;

In item 7007-0952 by striking out the figures “3,500,000 and inserting in place thereof the figures “3,750,000”;

In item 7008-0900, in line 3, by inserting after the word “commonwealth” the following: ”; provided further, that no less than \$200,000 shall be expended as grants for the Bay State Games; provided further, that no less than \$250,000 shall be expended as matching grants to the Plymouth 400th Committee for the commemoration of the town of Plymouth’s 400th anniversary; provided further that no less than \$25,000 shall be expended as grants for business assistance organizations in the city of Haverhill that were in item 7007-0900 in chapter 182 of the acts of 2008; provided further, that no less than \$250,000 shall be expended for a matching grant program to the Enrichment Center located in Mattapan; provided further that no less than \$50,000 shall be provided to the Grand Army of the Republic Historical Museum in Lynn; provided further, that no less than \$200,000 shall be expended for opening the 11 Visitor Information Centers from Memorial Day to Columbus Day; provided further, that no less than \$75,000 shall be expended for the Waltham Tourism Council; provided further, that no less than \$30,000 shall be expended for a child safety grant in the town in Saugus; provided further, that no less than \$100,000 shall be expended for a senior safety grant in the town of Newburyport; provided further, that not less than \$25,000 shall be expended for the Town of Pembroke’s 300th Anniversary; provided further, that not less than \$25,000 shall be expended for the Town of Duxbury’s 375th Anniversary”, and in said item by striking out the figures “1,822,454” and inserting in place thereof the figures “3,052,454”, and

In item 7008-1000 by striking out the figures “4,000,000” and inserting in place thereof the figures “6,000,000”;

By inserting before the effective date sections (which were subsequently renumbered) the following three sections:

“SECTION 198. Chapter 23A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 10A the following new section:—

Section 10B. (a) There shall be established and set upon the books of the commonwealth a separate fund to be known as the Student Entrepreneurial Development and Economic Investment Fund, hereinafter referred to as the Student Investment Fund, to which shall be credited any appropriations, bond proceeds, or other monies authorized by the general court and specifically designated to be credited thereto and additional funds designated for deposit to the student investment fund, including any pension funds, federal grants or loans, or private donations made available to the secretary of economic development.

The secretary of economic development shall hold the student investment fund in an account separate from other funds or accounts. Amounts credited to the student investment fund shall be available to the investment board as established in subsection (b) to carry out the purposes of subsection (c).

(b) The investment board shall consist of the following members: the secretary of economic development or his designee, who shall serve as the chairperson of the board; the chairman of the board of higher education or his designee, who shall serve as the vice-chairperson of the board; the president of the Massachusetts technology development corporation, or his designee; the executive director of commercial ventures and intellectual property, or his designee; two private Massachusetts-based investors to be chosen by the chairperson in consultation with the president of the Massachusetts technology development corporation; one student representative selected by the university of Massachusetts representative to the board of higher education; one student representative selected by the state college representative to the board of higher education; and one student representative selected by the community college representative to the board of higher education. The chairman of the board of higher education shall establish a student application program to aid the representatives of the board of higher education in the selection of student members to the board.

Five members of the board shall constitute a quorum and the affirmative vote of five members shall be necessary for any action taken by the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board.

(c) The purpose of the student investment fund shall be to provide an opportunity for interested students to gain experience in entrepreneurialism and early-stage business development while fostering an economic environment that will attract students to the commonwealth and forge a relationship between the public higher education system and the Massachusetts business community with the intent of driving economic growth. Funds made available to the student investment board from the student investment fund shall be used for a grant program administered by the board for prototype funding of Massachusetts' student ideas in early development stages; provided however, that the development of such ideas, plans, or business occur within the commonwealth. The secretary of economic development shall promulgate rules regarding the enforcement and penalties for recipients who relocate outside of the commonwealth. The board shall not be limited in the number of grants distributed to students in any 1 year; provided however, that the total monetary amount of all grants distributed by the board in a fiscal year shall not exceed 20 per cent of the fund's first year balance. The board shall hold periodic hearings to allow selected students, who have submitted a statement of interest and initial business plan, the opportunity to present a comprehensive business plan describing characteristics and proprietary positions of the student's product or services; present and future markets for such products or services; potential strategies for the future development and funding of the prototype product or service; a statement of amount, timing and

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projected use of the capital sought by the student; and a statement of the projected growth in employment or other positive economic impacts. Comprehensive business plans may be written and reviewed in consultation with the Massachusetts technology transfer center at the University of Massachusetts.

(d) The board shall, by January 1 of each year, submit a report of its activities for the preceding fiscal year to the governor, the joint committee on economic development and emerging technologies, and the clerks of the house of representatives and senate. Each report shall set forth a complete financial statement covering its operation during the year and shall also include any requests for additional appropriations.

SECTION 199. Section 1 of chapter 30B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 87 through 88, paragraph (31) of subsection (b) in its entirety.

SECTION 200. Section 2 of chapter 354 of the acts of 2008 is hereby amended by striking the figure '2012' and inserting in place thereof the figure:— 2016.”

The amendments were adopted.

Mr. Dempsey of Haverhill moves to amend the bill in section 2

In item 1599-0026, in lines 4 to 7, inclusive, by striking out the following: “provided further, that the competitive grant program shall include only those local education authorities whose chapter 70 aid in fiscal year 2013, as a percentage of foundation budget, is less than that local education authorities. target aid share for fiscal year 2013” and inserting in place thereof the following: “provided further, that no less than \$200,000 be expended for the purpose of funding a 20% regional grant match for the Fire Chiefs Association of Plymouth County to develop and upgrade the emergency radio communications system in Plymouth County”, and in said item by striking out the figures “5,750,000” (inserted by amendment) and inserting in place thereof the figures “5,950,000”.

In item 2300-0100, in line 8, by inserting after the words “budgetary costs” the following: “; provided, further, that no more than \$10,000 shall be expended for costs incurred relating to the transfer of a parcel of land by the commonwealth in the town of Halifax to the town”, and in said item by striking out the figures “645,902” and inserting in place thereof the figures “655,902”;

In item 3000-7050, in line 11, by inserting after the words “shall include, but not be limited to” the following: “; the home-based, school readiness and family support program known as the parent-child home program”, and in line 23, after the word “item”, by striking out the words “the home-based, school readiness and family support program known as the parent-child home program” (inserted by amendment);

In item 7003-1206, in line 3, by inserting after the following: “chapter 182 of the acts of 2008” (inserted by amendment) the following: “; provided further, that no less than \$100,000 shall be provided for financial support of the MA Latino Chamber of Commerce”, and in said item by striking out the figures “1,525,000” (inserted by amendment) and inserting in place thereof the figures “1,625,000”;

In item 7061-0928, in line 10, by striking out the word “department” and inserting in place thereof the words “department’s advisory

committee”, and in line 13, by striking out the date “January 4, 2013” and inserting in place thereof the date “December 31, 2013”;

In section 81, in line 1050, by inserting after the word “services” the word “personal”;

In section 90, in line 1359, by inserting after the word “co-chairs” the words “; the secretary of elder affairs, or a designee”, and in line 1369, by striking out the following: “and 4 members” and inserting in place thereof the following: “the president of the Alzheimer’s Association, or a designee; and 3 members”;

In section 91, in line 1393, by inserting after the word “contrary” the words: “, in the case of community colleges;

By inserting before the effective date sections (which were subsequently renumbered) the following two sections:

“SECTION 201. Section 5K of chapter 59 of the General Laws is hereby amended by inserting, in line 5 and line 7, after the phrase ‘age of 60’ the following:— and veterans, as defined in clause forty-third of section 7 of chapter 4.

SECTION 202. Notwithstanding any general or special law to the contrary the Department of Public Health is prohibited from raising licensing fees for food vending machines greater than 100% in a calendar year.”.

The amendments were adopted (the effective date sections then were renumbered to become sections 203 to 208, inclusive).

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 152 members voted in the affirmative and 4 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 243.

[See Yea and Nay No. 243 in Supplement.]

Therefore the bill (House, No. 4101, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at the hour of eleven o’clock A.M.

Next
sitting.

At two minutes after twelve o’clock A.M. (Thursday, April 26), on motion of Mr. Peterson of Grafton (Mr. Mariano of Quincy being in the Chair), the House adjourned, to meet the following Monday at eleven o’clock A.M., in an Informal Session.