

## JOURNAL OF THE HOUSE.

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Monday, April 24, 2006.

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

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

God, Our Creator, at the beginning of this new workweek, we pray for guidance as we take up and discuss House Bill 4900. During our deliberations, Your assistance enables us to be fair and just in dealing with the concerns of constituents, patient and thoughtful in the process of resolving complex and sensitive issues and determined to seek and discover truth at all times. Teach us to reflect on the impact and consequences of today's decisions on the future of the people and the Commonwealth. Inspire us to remain faithful to our own ideals and goals as we together, as a society, try to build communities in which the rights of all are recognized and equal opportunities in all areas of life are a reality.

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

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

### *Statement Concerning Representative Scaccia of Boston.*

During the session, a statement of Mrs. Parente of Milford concerning Mr. Scaccia of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Mr. Scaccia of Boston, will not be present in the House Chamber for today's sitting due to the recent death of his mother, Constance J. Scaccia. Any roll calls that he may miss today or for the next several days will be due entirely to the reason stated.

### *Resolutions.*

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

Resolutions (filed by Ms. Provost of Somerville and other members of the House) recognizing the observance of North American Occupational Safety and Health Week;

Resolutions (filed by Mrs. Teahan of Whitman) honoring the Vietnam Veterans' Day in Abington, Massachusetts; and

Resolutions (filed by Mrs. Walrath of Stow) recognizing the week of April 30th-May 6th in the year 2006 as Sarcoma Awareness Week;

Mrs. Harkins of Needham, 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. Fagan of Taunton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Orders.*

The following order (filed by Mrs. Walrath of Stow) 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 Thursday, June 1, 2006, the time within which to report on all matters referred to them.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mrs. Walrath, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Rodrigues of Westport) 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 Labor and Workforce Development be granted until Wednesday, May 31, 2006, the time within which to report on current House document numbered 4750.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Rodrigues, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Ms. Kaprielian of Watertown) 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 Municipalities and Regional Government be granted until Monday, July 31, 2006, the time within which to report on current Senate documents numbered 2415, 2445 and 2446.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Ms. Kaprielian, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

*Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Binienda of Worcester, petition (subject to Joint Rule 12) of John J. Binienda and others relative to the payment of certain tax title charges by owners of condominiums.

By Ms. Blumer of Framingham, petition (subject to Joint Rule 12) of Deborah D. Blumer for legislation to prohibit grocery stores from

retaliating against customers for filing complaints against such food stores.

By Mr. Casey of Winchester, petition (subject to Joint Rule 12) of Robert Sansone that the Department of Highways be directed to designate Route 28 as "Glory Road" in celebration of racial harmony, diversity and tolerance.

By Mr. Coughlin of Dedham, petition (subject to Joint Rules 12 and 7A) of Robert K. Coughlin and Marian Walsh that employees of the Dedham-Westwood Water District be eligible for membership in the retirement system of Norfolk County.

By Mr. Fallon of Malden, petition (subject to Joint Rule 12) of Christopher G. Fallon for legislation to authorize the Governor of the Commonwealth to designate an additional justice of the peace for the solemnization of marriages in the city of Malden.

By Mr. Fresolo of Worcester, petition (subject to Joint Rule 12) of John P. Fresolo for legislation to increase the annual benefits of veterans retired from public service under the non-contributory pension system.

By Mr. Hynes of Marshfield, petition (subject to Joint Rule 12) of Frank M. Hynes that the Registrar of Motor Vehicles be authorized to issue a distinctive motor vehicle registration plate to certain veterans awarded the "Legion of Merit".

By Mr. Mariano of Quincy, petition (subject to Joint Rule 12) of Ronald Mariano and Andrea F. Nuciforo, Jr., relative to home service contracts under the jurisdiction of the Commissioner of Insurance.

By Mr. Marzilli of Arlington, petition (subject to Joint Rule 12) of J. James Marzilli, Jr., that the Department of Environmental Protection be authorized to adopt rules and regulations for participation by the Commonwealth in the regional greenhouse gas initiative and mandatory emissions reporting program.

By Mr. Scibak of South Hadley, petition (subject to Joint Rule 12) of John W. Scibak and others for legislation to establish a sick leave bank for Kathreen Tessier, an employee of the Department of Revenue. Severally, under Rule 24, to the committee on Rules.

*Papers from the Senate.*

An order came from the Senate with the endorsement that it had been adopted by said branch, as follows:

*Ordered.* That notwithstanding the provisions of Joint Rule 10, the committee on Bonding, Capital Expenditures and State Assets be granted until Thursday, May 1, 2006, within which time to make its final report on current Senate documents numbered 2344 and 2421.

Under suspension of the rules, on motion of Mr. Flynn of Bridgewater, the order (having been reported by the committee on Rules of the two branches, acting concurrently) was considered forthwith; and it was adopted, in concurrence.

An order came from the Senate with the endorsement that it had been adopted by said branch, as follows:

*Ordered.* That notwithstanding the provisions of Joint Rule 10, the committee on Public Safety and Homeland Security be granted

Route 28, Glory Road .

Dedham-Westwood Water District.

Malden, justice of the peace.

Retirement, non-contributory.

Legion of Merit, plate.

Home service contracts, insurance.

Carbon dioxide emissions, reduction.

Kathreen Tessier, sick leave.

Bonding, Capital Expenditures and State Assets committee, extension of time for reporting.

Public Safety and Homeland Security committee,

Health Care Financing committee, extension of time for reporting.

Labor and Workforce Development committee, extension of time for reporting.

Municipalities and Regional Government committee, extension of time for reporting.

Condominiums, tax titles.

Food stores, consumers.

extension  
of time for  
reporting.

until Sunday, May 14, 2006, within which time to make its final report on current Senate documents numbered 1334 and 1338.

Under suspension of the rules, on motion of Mr. Coakley-Rivera of Springfield, the order (having been reported by the committee on Rules of the two branches, acting concurrently) was considered forthwith; and it was adopted, in concurrence.

#### Reports

Hospital  
trust fund,  
establish.

Of the committee on Health Care Financing, asking to be discharged from further consideration Of the petition (accompanied by bill, Senate, No. 713) of Richard T. Moore and Edward G. Connolly for legislation to establish the public health hospital trust fund;

Health care  
technology.

Of the petition (accompanied by bill, Senate, No. 717) of Richard T. Moore, Shirley Gomes, Edward G. Connolly and Bruce E. Tarr for legislation to provide for capital outlays for the acquisition, upgrading, development and implementation of health care technology in the Commonwealth.

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

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

Correctional  
facilities,  
inspection  
reports.

Reports of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities, as follows:

Of the Berkshire County House of Correction and Jail, in the city of Pittsfield;

Of the Dedham Alternative Center, in the town of Dedham; and

Of the Massachusetts Correctional Institution, in the town of Concord;

Severally were spread upon the records of the House; and returned to the Senate.

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

Automotive  
Mechanics  
Board.

Petition (accompanied by bill, Senate, No. 2497) of Daniel J. Hallissy for legislation to create a board of registration of automotive mechanics. To the committee on Consumer Protection and Professional Licensure.

Gambling  
losses,  
state tax  
deduction.

Petition (accompanied by bill, Senate, No. 2496) of Donna J. O'Leary for legislation relative to state tax deductions for gambling losses. To the committee on Revenue.

#### *Reports of Committees.*

Anthony  
Annino  
Bridge.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Anthony Cataldo and Paul J. Donato for legislation to designate a certain bridge in the city of Medford as the Anthony Annino Bridge. Under suspension of the rules, on motion of Mr. Donato of Medford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition

(accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing a task force within the Board of Registration in Medicine to study medical spas (Senate, No. 2191, amended) be scheduled for consideration by the House.

Medical  
spas.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the licensure of massage therapists in Massachusetts (Senate, No. 2258) be scheduled for consideration by the House.

Message  
therapists.

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

Report of the committee on State Administration and Regulatory Oversight, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4600) of Geoffrey D. Hall and others for the issuance of an annual proclamation by the Governor establishing December fifteenth as Bill of Rights Day.

Weston,  
community  
preservation  
fund.

Under suspension of the rules, on motion of Mr. Hall of Westford, the report was considered forthwith.

Pending the question on acceptance of the report, the same member moved that it be amended by substitution of the Bill proclaiming December 15 annually as Bill of Rights Day (House, No. 4600), which was read.

The amendment was adopted; and, under suspension of the rules, on further motion of the same member, the substituted bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on House, Nos. 1468 and 2706, a Bill further regulating the issuance of death certificates (House, No. 1468).

Death  
certificates.

By the same member, for the same committee, on a petition, a Bill relative to mail order contact lenses (House, No. 2611).

Contact  
lenses.

By the same member, for the same committee, on a petition, a Bill prohibiting medical or scientific experiments in state facilities (House, No. 2621).

Hospitals,  
experiments.

By the same member, for the same committee, on a petition, a Bill providing for long term ombudsmen in hospital (House, No. 2627).

Hospitals.

By the same member, for the same committee, on a petition, a Bill relative to the access to epinephrine in schools (House, No. 2637).

Schools,  
epinephrine.

By the same member, for the same committee, on a petition, a Bill providing medical interpretor services in physician offices (House, No. 2638).

Physicians,  
interpreters.

By the same member, for the same committee, on a petition, a Bill relative to health care records (House, No. 2654).

Health care  
records.

By the same member, for the same committee, on Senate, No. 1219 and House, No. 2666, a Bill further regulating hospitals (House, No. 2666).

Hospitals,  
services.

Amblyopia and strabismus.

By the same member, for the same committee, on a petition, a Bill relative to amblyopia and strabismus (House, No. 2671).

Long-term care facilities.

By the same member, for the same committee, on a petition, a Bill relative to the voluntary closure of long-term care facilities (House, No. 2675).

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

*Emergency Measure.*

Northern Berkshire, industrial development.

The engrossed Bill amending the law establishing the Northern Berkshire Industrial Park and Development Corporation (see House, No. 4376, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

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

*Engrossed Bill.*

Bill enacted.

The engrossed Bill establishing voting districts in the town of Lee (see House, No. 4536) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Recess.*

Recess.

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

*Quorum.*

Quorum.

Ms. Coakley-Rivera thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum, yea and nay No. 382.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 145 members were recorded as being in attendance.

**[See Yea and Nay No. 382 in Supplement.]**

Therefore a quorum was present.

*Resolutions.*

Revenue forecast.

Resolutions (filed this day by Mr. DeLeo of Winthrop) forecasting the amount of tax revenue for fiscal year 2007 (House, No. 4899) were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia of Boston, for said committee, reported recommending that the resolutions ought to be adopted.

Under suspension of the rules, on motion of Mr. DeLeo, the resolutions were considered forthwith.

After debate the resolutions were adopted.

*Orders of the Day.*

The House Bill making appropriations for the fiscal year 2007 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. 4900) was read a second time.

General Appropriation Bill.

After remarks on the question on ordering the bill to a third reading, Mr. Jones of North Reading and other members of the House moved that it be amended by adding at the end thereof the following two sections:

“SECTION 28. Chapter 64A of the General Laws, as appearing in the 2004 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.

SECTION 29. Chapter 64E of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting, after section 4, the following section:—

Section 4A. The sale of special 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.”

Pending the question on adoption of the amendment, Mr. Binienda of Worcester moved that it be amended by adding at the end thereof 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 department of revenue has furnished a study of their impact on the state's economy and the revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the Joint Committee on Revenue.”

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 128 members voted in the affirmative and 24 in the negative.

Further amendment adopted, yea and nay No. 383.

**[See Yea and Nay No. 383 in Supplement.]**

Therefore the further amendment was adopted.

The amendment, as amended, then also was adopted.

Mr. Linsky of Natick and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 30. Section 165 of said chapter 352 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— For income tax years beginning on or after

General  
Appropriation  
Bill.

January 1, 2006, there shall be deducted from Part B taxable income, under chapter 62 of the General Laws, amounts expended by an individual for tolls paid for through a Fast Lane account or for weekly or monthly transit commuter passes for MBTA transit or commuter rail, not including amounts reimbursed by an employer or otherwise.”.

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended by adding at the end thereof the following three sections:

“SECTION 31. Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended by striking out subparagraph (13) and inserting in place thereof the following subparagraph:—

(13) An amount equal to the amount of the charitable contribution deduction allowed or allowable to the taxpayer under section 170 of the Code; provided, however, that, in taxable years beginning on or after January 1, 2004, no such deduction shall be allowed in any taxable year unless the personal exemptions provided in clause (A) of subparagraph (1), of clause (A) of subparagraph (1A), and clause (A) of subparagraph (2) of paragraph (b) of Part B for such taxable year are the maximum allowable amounts set forth in said clauses; and provided further, that notwithstanding said section 170 of the Code, no deduction shall be allowed for contributions of household goods or used clothing, as those items are recognized under said section 170 of the Code. All requirements, conditions and limitations applicable to charitable contributions under the Code shall apply for purposes of determining the amount of the deduction under this subparagraph, except that taxpayers shall not be required to itemize their deductions in their federal income tax returns.

SECTION 32. Section 4 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:—

(b) Part B taxable income shall be taxed at the rate of 5.15 per cent and shall apply to taxable years beginning on or after January 1, 2007 but before January 1, 2008.

SECTION 33. Said section 4 of said chapter 62, as so appearing, is hereby further amended by striking out paragraph (b) and inserting in place thereof the following paragraph:—

(b) Part B taxable income shall be taxed at the rate of 5.0 per cent and shall apply to taxable years beginning on or after January 1, 2008.”.

Pending the question on adoption of the amendment, Mr. Binienda of Worcester moved that it be amended by adding at the end thereof 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 department of revenue has furnished a study of their impact on the state’s economy and the revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the Joint Committee on Revenue.”.

After remarks on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 129 members voted in the affirmative and 22 in the negative.

**[See Ye and Nay No. 384 in Supplement.]**

Therefore the further amendment was adopted.

The amendment, as amended, then also was adopted; and the bill (House, No. 4900, amended) was ordered to a third reading.

Further  
amendment  
adopted,  
yea and nay  
No. 384.

*Recess.*

At seventeen minutes after three o’clock P.M., on motion of Mr. Falzone of Saugus) (Mr. Petrolati of Ludlow being in the Chair), the House recess until the hour of ten o’clock A.M. on Tuesday, April 25; and at that time, the House was called to order with Mr. Donato of Medford in the Chair.

Recess.

**Tuesday, April 25, 2006 (at 10:00 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.

*Message from the Governor.*

A message from His Excellency the Governor recommending legislation relative to making appropriations for the fiscal year 2006 to provide funding for a nanotechnology research center (House, No. 4897) was filed in the office of the Clerk on Monday, April 24.

Nanotechnology  
Research  
Center.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

*Statement of Representative Peterson of Grafton.*

During the session, a statement of Mr. Peterson of Grafton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the final roll call of yesterday’s sitting due to medical reasons. Had I been present for the taking of said roll call No. 384, I would have voted in the negative.

Statement of  
Representative  
Peterson of  
Grafton.

*Paper from the Senate.*

A petition (accompanied by bill, Senate, No. 2495) of James E. Timilty and Scott P. Brown (with the approval of the mayor and city council) for legislation to increase the expenditure limit on revolving funds in the city of Attleboro, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Attleboro,  
revolving  
funds.

*Reports of Committees.*

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Election Laws to make an investigation and study of certain House documents concerning

Campaigns,  
electronic  
communications.

Campaigns,  
electronic  
communications.

campaign finance, voter registration and other related matters (House, No. 4837) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 96) of Bradley H. Jones, Jr., and others for legislation to further regulate the use of electronic communications in campaigns for public office,— and recommending that the same be recommitted to the committee on Election Laws. Under Rule 42, the report was considered forthwith; and it was accepted.

Medway,  
fiscal  
stability.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the financial condition of the town of Medway (House, No. 4790) [Local Approval Received] [Representatives Pope of Wayland and Coppola of Foxborough dissenting]. Read; and referred, under Rule 33, to the committee on Ways and Means.

Mr. DeLeo of Winthrop, for said committee, reported that the bill ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Sandwich,  
health  
insurance.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill restricting health insurance coverage for paid elected officials in the town of Sandwich (Senate, No. 2300) be scheduled for consideration by the House.

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

School  
employees,  
insurance.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill to clarify eligibility for health insurance for school employees (House, No. 518) be scheduled for consideration by the House.

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

Long-term  
care.

By Mr. Correia of Fall River, for the committee on Elder Affairs, on a petition, a Bill regarding choice of long-term care setting (House, No. 2898).

Assisted  
living.

By the same member, for the same committee, on House, No. 2915, a Bill relative to services offered in assisted living facilities (House, No. 4895).

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By the same member, for the same committee, on House, No. 2916, a Bill relative to assisted living residences (House, No. 4896).

Prescription  
drugs.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on a petition, a Bill establishing the Massachusetts Prescription Drug Fair pricing program (House, No. 2683).

Counterfeit  
drugs.

By the same member, for the same committee, on a petition, a Bill to prevent the distribution of counterfeit drugs (House, No. 2691).

By the same member, for the same committee, on Senate, No. 1306 and House, No. 2695, a Bill relative to patient safety (House, No. 2695).

By the same member, for the same committee, on Senate, No. 1289 and House, No. 2698, a Bill to improve timely payments and quality, delivery and access to physician care in the Commonwealth (House, No. 2698).

By the same member, for the same committee, on a petition, a Bill relative to patients' rights (House, No. 2724).

By the same member, for the same committee, on House, Nos. 2726 and 2727, a Bill relative to creating a program to reward doctors and nurses who administer help in certain health facilities (House, No. 2726).

By the same member, for the same committee, on a petition, a Bill relative to hearings of the Division of Medical Assistance (House, No. 2681, changed in section 1, in line 9, by inserting after the word "another", the words "safe and").

By the same member, for the same committee, on a petition, a Resolve establishing a special commission to study and recommend improvements in the delivery of prescription drug benefits for the citizens of the Commonwealth (House, No. 2725, changed in line 11, by striking out the figure "5" and inserting in place thereof the figure "7" and in line 17 by inserting after the word "Pharmacists" the words "one of whom shall be a representative of the Board of Registration of Pharmacy, one of whom shall be a representative of the Massachusetts Association of Health Plans").

By the same member, for the same committee, on Senate No. 1308 and House, Nos. 2729, 2743, 2745 and 2746, a Bill relative to hospital infections disclosure (House, No. 2729, changed by striking out section 6.).

By the same member, for the same committee, on a petition, a Bill relative to healthy schools and public buildings (House, No. 4766).

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

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Resolve relative to the study on methods to reduce incidents of suicide (House, No. 2697) ought to pass with certain amendments in line 10, by striking out the words "health care" and inserting in place thereof the words "mental health and substance abuse", in line 13, by striking out the words "health care" and inserting in place thereof the words "public health", and in line 28, by striking out the figures: "2003" and inserting in place thereof the figures: "2007". Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently with the amendments pending.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on a petition, a Resolve providing for an investigation and study by a special commission relative to noise pollution (House, No. 3896). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Emergency  
rooms.

Physicians,  
timely  
payments.

Patients  
rights.

Doctor  
rewards.

Nursing  
facilities.

Prescription  
drug  
benefits,  
study.

Hospitals,  
infections.

Schools  
and public  
buildings.

Suicide,  
study.

Noise  
pollution  
study.

Nursing home residents, spouse assets.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on Senate, No. 703 and House, No. 1500 reports recommending that the Bill to protect assets of the spouse of a nursing home resident (House, No. 1500) ought to pass with an amendment substituting therefor a Bill with the same title (House, No. 4898) [Cost: \$1,000,000.00]. Referred, under Rule 33, to the committee on Ways and Means with the amendment pending.

Nursing homes, spousal income.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill to correct income calculation for spouses of nursing home residents (House, No. 1493) ought to pass [Cost: \$15,000,000.00]. Referred, under Rule 33, to the committee on Ways and Means.

Winthrop.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on House, No. 4789, a Bill authorizing the conveyance of a certain parcel of land in the town of Winthrop (House, No. 4905).

Somerville.

By the same member, for the same committee, on House, No. 4799, a Bill authorizing the Division of Capital Asset Management to release a portion of an easement in the city of Somerville (House, No. 4902).

MassHealth.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on a petition, a Bill to streamline audits of providers rendering services to persons eligible for MassHealth benefits (House, No. 2780) [Cost: \$500,000.00].

Asset transfer penalties.

By the same member, for the same committee, on Senate, No. 688 and House, No. 2786, a Bill to prohibit harsh asset transfer penalties (House, No. 2786) [Cost: \$1,000,000.00].

Nursing homes.

By the same member, for the same committee, on a petition, a Bill regarding nursing home relocations (House, No. 2893) [Cost: \$15,000,000.00].

Health services.

By the same member, for the same committee, on House, No. 2775, a Bill to ensure adequate adult day health services (House, No. 4903) [Cost: \$5,000,000.00].

Hospitals, psychiatric patients.

By the same member, for the same committee, on House, Nos. 2889 and 2891, a Bill to require the Division of Medical Assistance to reimburse hospitals for the costs of psychiatric patients on medical units (House, No. 4904) [Cost: \$1,615,928.00].

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

*Engrossed Bills.*

Municipal appropriations, transfers.

The engrossed Bill further regulating municipal transfers of appropriations (see Senate, No. 2192, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Pending the question on passing the bill to be enacted, Ms. Kaprielian of Watertown moved that Rule 40 be suspended; and the motion prevailed.

The same member then moved that the bill be amended by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further regulate forthwith municipal transfers of appropriations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendment was adopted. Sent to the Senate for concurrence.

*Engrossed bills*

Changing the membership of the Historic District Commission of the town of Sudbury (see House, No. 4390); and

Bills enacted.

Establishing a post employment health insurance liability fund in the town of Sudbury (see House, No. 4391);

(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.

*Recesses.*

At seven minutes after ten o'clock A.M. (Tuesday, April 25), on motion of Mr. O'Flaherty of Chelsea (Mr. Donato of Medford being in the Chair), the House recessed until half past ten o'clock; and at ten minutes before eleven o'clock the House was called to order with Mr. Donato in the Chair.

Recesses.

The House thereupon took a further recess, on motion of Mr. Petrolati of Ludlow, until five minutes after eleven o'clock; and at half past eleven o'clock the House was called to order with Ms. Candaras of Wilbraham in the Chair.

Mr. Petrolati of Ludlow being in the Chair,—

Mr. Jones of North Reading thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 146 members were recorded as being in attendance.

Quorum, yea and nay No. 385.

**[See Yea and Nay No. 385 in Supplement.]**

Therefore a quorum was present.

*Orders of the Day.*

The House Bill making appropriations for the fiscal year 2007 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. 4900, amended) (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

General Appropriation Bill.

Pending the question on passing the bill to be engrossed, Mr. DeLeo of Winthrop and other members of the House moved that it be amended in section 2, in item 1107-2400, by striking out the figures “678,456” and inserting in place thereof the figures “703,456”.

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

“4110-1000 For the community services program; provided, that the Massachusetts commission for the blind shall work in collaboration with the Massachusetts commission for the deaf and hard of hearing to provide assistance and services to the deaf-blind community through the deaf-blind community access network; and provided further, that not less than \$450,000 shall be expended for the deaf-blind community access network ..... 4,067,118”;

In item 4110-3010, by striking out the figures “2,661,326” and inserting in place thereof the figures “2,711,326”; by striking out item 4120-2000 and inserting in place thereof the following item:

“4120-2000 For vocational rehabilitation services operated in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally-reimbursed state employees; provided further, that the commissioner, in making referrals to service providers, shall take into account the client’s place of residence and the geographic proximity of the nearest provider to the residence; provided further, that not less than \$100,000 shall be expended for services provided by the Life Focus Center in the Charlestown neighborhood of Boston; and provided further, that not less than \$100,000 shall be expended on special projects in the Charlestown neighborhood of Boston for people with disabilities ..... 7,526,911”;

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

“4120-3000 For employment assistance services; provided, that vocational evaluation and employment services for severely disabled adults may, subject to appropriation, be provided; provided further, that not less than \$200,000 shall be expended for waitlist reduction for the community based employment program; provided further, that not less than \$100,000 shall be expended for the Charlestown Navy Yard Project for disabled adults in the Charlestown neighborhood of Boston; and provided further, that not less than \$100,000 shall be expended on special projects in the Charlestown neighborhood of Boston for people with disabilities ..... 8,263,481”;

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

“4120-4000 For independent living assistance services; provided, that not less than \$200,000 shall be expended for the Society for Human Advancement through Rehabilitation Engineering (SHARE Foundation,

INC); provided further, that not less than \$100,000 shall be expended for the Joseph F. Timilty Adult Day Health and Memory Loss Center; and provided further, that not less than \$25,000 will be used to assist the Living Independently for Equality, Inc. of Brockton ..... 9,522,668”;

By striking out item 4120-6000 and inserting in place thereof the following item:

“4120-6000 For head injured services; provided, that the commission shall work with the executive office of health and human services to maximize federal reimbursement for clients receiving head injured services; and provided further, that not less than \$100,000 shall be expended for the Cape Cod Head Injury Program located in Hyannis ..... 8,971,110”;

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

“5046-0000 For adult mental health and support services; provided, that the department shall allocate funds in an amount not to exceed \$5,000,000 from item 5095-0015, to this item, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving care at department facilities; provided further, that not less than \$3,000,000 shall be expended for services for clients of the department who are aging into the adult system from the child/adolescent mental health system or other systems of care if the clients meet the clinical eligibility criteria of the department; provided further, that the department shall report to the house and senate committees on ways and means no later than February 16, 2007 on the use of any funds expended for this purpose; provided further, that the department shall report to the house and senate committees on ways and means on the distribution of funds per adult and child planning population and the types of services received in each region for fiscal year 2007 not later than February 1, 2007; provided further, that not less than \$2,750,000 shall be expended for services for clients who are chronically homeless; provided further, that \$100,000 shall be expended for a jail diversion program in Framingham; provided further, that not less than \$75,000 shall be expended on expansion of employment support services at the Fairwinds Clubhouse in Falmouth; provided further, that not less than \$1,900,000 shall be expended on mental health research; and provided further, that not less than \$300,000 shall be expended to help create a pre-arrest jail diversion grant program at the Department of Mental Health to fund five (5) new programs ..... 302,860,833”;

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

“5046-2000 For homelessness services; provided, that not less than \$90,000 shall be expended for the provision of health services to the homeless and uninsured by Primary Care and Mental Health, Inc. located in the city of Lynn ..... 22,337,091”;

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

“5920-2000 For vendor-operated community-based residential adult services, including intensive individual supports; provided, that \$9,520,000 shall be expended in annualized funding for turning 22 clients who began receiving the services in fiscal year 2006 pursuant to item 5920-5000 of section 2 of chapter 45 of the acts of 2005; provided further, that \$8,250,000 shall be expended for the fiscal year 2006 annualized cost of the settlement agreement Rolland vs. Cellucci, so-called, and \$5,000,000 shall be expended for the fiscal year 2007 cost of the settlement; provided further, that the commissioner of the department of mental retardation shall transfer funds from this item to item 5920-2010, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of said funds to be transferred and which said commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; provided further, that not more than \$5,000,000 shall be transferred from this item in fiscal year 2007; provided further, that not less than \$100,000 shall be allocated for Special Olympics for the purpose of unified sports; provided further, that not less than \$500,000 shall be expended for Best Buddies Massachusetts; and provided further, that not less than \$50,000 shall be expended for the Advocacy Resource Center in New Bedford to provide critical family support services in the area of community-based resident education for special needs children ..... 524,509,583”;

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

“5920-2025 For community-based day and work programs for adults and for \$2,720,000 in annualized funding for Turning 22 clients who began receiving services in fiscal year 2006 pursuant to item 5920-5000 of section of chapter 149 of the acts of 2004; provided, that not less than \$100,000 shall be expended for the Life Focus Center in the Charlestown section of the City of Boston ..... 117,434,430”;

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

“5920-3010 For contracted support services for families with autistic children through the autism division at the department of mental retardation; provided, that not less than \$200,000 shall be expended for the purposes of a contract with Melmark New England to provide training and support to families, educational collaboratives and public school districts on methods for coping with behavioral challenges associated with children who have autism spectrum disorders ..... 2,200,000”;

In item 5930-1000, by striking out the figures “171,863,458” and inserting in place thereof the figures “\$172,013,458”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Sannicandro of Ashland; and on the roll call 155 members voted in the affirmative and 1 in the negative.

**[See Ye and Nay No. 386 in Supplement.]**

Therefore the amendments were adopted.

*Recesses.*

At twenty-five minutes before one o'clock P.M. (Tuesday, April 25), on motion of Mr. Jones of North Reading (Mr. Petrolati of Ludlow being in the Chair), the House recessed until ten minutes after one o'clock; and at that time the House was called to order with Mr. Petrolati in the Chair.

The House thereupon took a further recess, on motion of Ms. Fox of Boston, until half past one o'clock; and at that time the House was called to order with Mr. Petrolati in the Chair.

The House thereupon took a further recess, on motion of Mr. Murphy of Weymouth, until two o'clock; and at seven minutes after two o'clock the House was called to order with Mr. Petrolati in the Chair.

*Quorum.*

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

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

**[See Ye and Nay No. 387 in Supplement.]**

Therefore a quorum was present.

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

MR. SPEAKER: During the taking of the above quorum roll call, I was not notified that a quorum roll call had been ordered. For that reason I was not present to be recorded.

Amendments  
adopted,  
yea and nay  
No. 386.

Recesses.

Quorum.

Quorum,  
yea and nay  
No. 387.

Statement of  
Representative  
Peterson of  
Marblehead.

Reports of Committees.

The Speaker then took the Chair and, there being no objection, interrupted the pending matter and placed before the House the following reports of committees:

Health care access, vetoes.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4857), returning with his objections thereto in writing sections 29, 47, 113 and 134 contained in the engrossed Bill promoting access to affordable, quality, accountable health care (see House, No. 4479, amended), reported that said sections stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, then reported that said sections be scheduled for consideration by the House, the question, in each instance, being on passing said section, notwithstanding the objections of the Governor.

Under suspension of the rules, in each instance, on motion of Mr. Rogers of Norwood, said sections were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

Section 29 MassHealth Optional Services passed over veto, yea and nay No. 388.

After debate, the question on passing section 29, notwithstanding said objections, was taken by yeas and nays, as required by the Constitution; and on the roll call 147 members voted in the affirmative and 10 in the negative.

[See Yea and Nay No. 388 in Supplement.]

Therefore section 29 passed, notwithstanding the objections of the Governor. Sent to the Senate for concurrence.

Section 113 Behavioral Health Procurement Report passed over veto, yea and nay No. 389.

After remarks, the question on passing section 113, notwithstanding said objections, was taken by yeas and nays, as required by the Constitution; and on the roll call 139 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 389 in Supplement.]

Therefore section 113 passed, notwithstanding the objections of the Governor. Sent to the Senate for concurrence.

Section 47 Fair Share Assessment passed over veto, yea and nay No. 390.

After debate, the question on passing section 47, notwithstanding said objections, was taken by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 390 in Supplement.]

Therefore section 47 passed, notwithstanding the objections of the Governor. Sent to the Senate for concurrence.

Section 134 Fair Share Assessment Impact passed over veto, yea and nay No. 391.

After debate, the question on passing section 134, notwithstanding said objections, was taken by yeas and nays, as required by the Constitution; and on the roll call (Mr. Petrolati of Ludlow being in the Chair) 138 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 391 in Supplement.]

Therefore section 134 passed, notwithstanding the objections of the Governor. Sent to the Senate for concurrence.

Recess.

Ms. Candaras of Wilbraham being in the Chair,—

At seven minutes after four o'clock P.M. (Tuesday, April 25), on motion of Mr. Verga of Gloucester, the House recessed until half past four o'clock P.M.; and at twelve minutes after five o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recess.

Quorum.

Mr. Festa of Melrose thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

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

Quorum, yea and nay No. 392.

[See Yea and Nay No. 392 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2007 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. 4900, amended) was considered.

General Appropriation Bill.

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

"1410-0010 For the operation of the department of veterans' services; provided, that the department may fund a housing specialist from this item; provided further, that the department may expend funds for the Glory 54th Brigade; and provided further, that not less than \$10,000 shall be expended for the Korean War Veterans Committee of Massachusetts for the purpose of maintaining the Massachusetts Korean War Memorial located in the shipyard park of the Charlestown Navy Yard ..... 1,992,187";

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

"1410-0012 For services to veterans, including the maintenance and operation of outreach centers; provided, that the centers shall provide counseling to incarcerated veterans and to Vietnam era veterans and their families who may have been exposed to agent orange; provided further, that not less than \$80,000 shall be expended to United Veterans of America for the purpose of providing services to homeless veterans in

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Berkshire County; provided further, that not less than \$30,000 shall be expended for the Veterans' Oral History Project at the Morse Institute Library in Natick; provided further, that not less than \$25,000 shall be expended for the Middleboro Veterans Outreach Center; provided further, that not less than \$30,000 shall be obligated for North Shore Veterans Counseling Services Inc. for Transitional Housing for homeless Veterans; provided further, that not less than \$292,480 shall be obligated for a contract with the Montachusett Veterans Outreach Center in the city of Gardner; provided further, that not less than \$100,000 shall be obligated for a contract with NamVets of the Cape and Islands in the town of Hyannis; provided further, that not less than \$90,000 shall be expended for the Veterans Association of Bristol County in Fall River; provided further, that not less than \$140,000 shall be expended for the Puerto Rican Veterans Association of Massachusetts, Inc., in the city of Springfield; provided further, that not less than \$25,000 shall be expended to the Mason Square Area Veterans Outreach Center, so-called, in the city of Springfield; provided further, that not less than \$84,453 shall be obligated for a contract with the Metrowest/Metrosouth Outreach Center in the town of Framingham; provided further, not less than \$100,000 shall be expended for veterans' services to be administered by the Cape Cod Free Clinic and Community Health Center; and provided further, that not less than \$228,771 shall be obligated for a contract with the Veterans Benefit Clearinghouse in the Roxbury section of Boston ..... 1,225,704”;

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

“1410-0250 For homelessness services; provided, that not less than \$42,000 shall be obligated for a contract with the Turner House located in the town of Williamstown; provided further, that not less than \$200,000 shall be obligated for a contract with the United Veterans of America shelter located in the town of Leeds; provided further, that not less than \$199,405 shall be obligated for a contract with Unity House in the city of Gardner; provided further, that not less than \$28,350 shall be obligated for a contract with the Homestead located in the town of Hyannis; provided further, that not less than \$25,000 shall be expended for transitional services at Our Neighbor's Table in Amesbury; provided further, that not less than \$75,000 shall be expended for the Transition House located in the city of Springfield; provided further, that not less than \$51,975 shall be expended for a

contract with the Springfield bilingual veteran outreach center for the operation and maintenance of a transitional housing unit at the YMCA of Springfield; provided further, that not less than \$200,000 shall be obligated for contracts with the Veterans Hospice Homestead in the city of Leominster and the Veterans Hospice in the town of Fitchburg; provided further, that not less than \$475,105 shall be obligated for a contract with the Central Massachusetts Shelter for Homeless Veterans located in the city of Worcester; provided further, that not less than \$44,888 shall be obligated for a contract with the Mansion located in the city of Haverhill; provided further, that not less than \$190,000 shall be expended for a contract with Habitat P.L.U.S. in the city of Lynn; provided, that not less than \$100,350 shall be obligated for a contract with Veterans Benefits Clearinghouse located in Dorchester; provided further, that not less than \$73,350 shall be obligated for a contract with the Veterans Benefits Clearinghouse located in Roxbury; and provided further, that not less than \$352,395 shall be expended for the Southeastern Massachusetts Veterans Transition Housing Program, Inc., located in the city of New Bedford ..... 2,057,818”;

In item 4400-1000 by adding at the end thereof the following:

“; provided further, that a full-scale DTA office may remain in Cambridge or Somerville in a location that is accessible by public transportation; and provided further, that said office shall be located by the department with due consideration to comparable size, space and rental agreement”;

In item 4400-1000 by adding at the end thereof the following:

“; provided further, that the department may expend funds from this item to improve phone systems to more effectively conduct phone communications including the interviews required for successful processing of initial food stamp applications; provided further, that the department may expend funds from this item to develop a system for more effective management of documents required for program eligibility including a system of electronic document imaging; and provided further, that the department may not require re-verification of eligibility factors previously verified and not subject to change”;

In item 4403-2000, by adding at the end thereof the following:

“; provided further, that not less than \$418,074 shall be expended for the purposes of the operation of the Transportation Assistance Program operated by Traveler's Aid Family Services; and provided further, that not less than \$150,000

shall be expended for the Lift Transportation Program operated by the Traveler's Aid Family Services";

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

"0403-2120 For certain expenses of the emergency assistance program as follows: (i) contracted family shelters; (ii) transitional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes and Nantucket counties; (iv) residential education centers for single mothers with children; (v) intake centers; and (vi) voucher shelters; provided, that eligibility shall be limited to families with income at or below 130 per cent of the federal poverty level; provided, however, that any family whose income exceeds 130 per cent of the federal poverty level while the family is receiving assistance funded by this item shall not become ineligible for assistance due to exceeding the income limit for a period of 6 months from the date that the 130 per cent level was exceeded; provided further, that the department shall establish reasonable requirements for such families to escrow some or all of the portion of their income which exceeds 130 per cent of the federal poverty level; provided further, that any such escrowed funds shall be exempt from otherwise applicable asset limits; provided further that the family shall be allowed to withdraw the amount placed in escrow upon transition to permanent housing or losing eligibility for shelter services; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States; provided further, that the department shall take all steps necessary to enforce regulations to prevent abuse in the emergency assistance program; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized; provided further, that eligible households shall be placed in shelters as close as possible to their home community unless a household requests otherwise; provided further, if the closest available placement is not within 20 miles of the household's home community, the household shall be transferred to an appropriate shelter within 20 miles of its home community at the earliest possible date unless the household requests otherwise; provided further, that eligibility for shelter by an otherwise eligible family shall not be impaired by prior receipt of any non-shelter benefit; provided further, that the department shall make every effort to insure that children receiving

services from this item shall continue attending school in the community in which they lived prior to receiving services funded from this item; provided further, that not less than \$50,000 shall be expended for the Weymouth Youth and Family Services Teen Center to provide for advocacy, social service programs and to promote growth and social welfare; provided further, that notwithstanding any other general or special law to the contrary, the department shall immediately provide shelter for up to 30 days to families who appear to be eligible for such shelter based on statements provided by the family and any other information in the possession of the department but who need additional time to obtain any third-party verifications reasonably required by the department; provided further, that the department shall not impose unreasonable requirements for third-party verification and shall accept verifications from the family whenever reasonable; provided further, that in promulgating, amending or rescinding regulations with respect to eligibility or benefits under this program, the department shall take into account the amounts available to it for expenditure in this item so as not to exceed the amount appropriated in this item; provided further, that notwithstanding any general or special law to the contrary, 30 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that all of this item shall be subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated by this item; provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels, except to the extent that such changes are needed to avoid a deficiency in this item; provided further, that the department shall report quarterly to the house and senate committees on ways and means an unduplicated count of families who apply for emergency assistance funded family shelter during the fiscal year; provided further that the report shall include the total number of applications received, the number of families approved for shelter, the number of families denied shelter along with reasons for denials, the number of families who

are approved for shelter benefits within 12 months of an initial denial, the home community of families receiving shelter, the number of families receiving shelter within each home community, the number of available shelter slots within each home community, the income level of families receiving shelter, the number of families receiving shelter who had previously accessed state-funded programs to reduce homelessness and the programs that had been accessed, the composition of families receiving shelter, the reason that the household is seeking emergency family shelter, the reasons that families exit shelters by type of reason, including reasons for voluntary departure and termination, exiting families' housing plans by type of plan, including type of housing arrangements, subsidy status, monthly rent, and gross monthly income, and any other information that the department determines to be necessary in evaluating the operation of the emergency assistance family shelters program; provided further, that the report shall also include information, by type of shelter, on average length of stay, average cost per household served, average number of shelter slots not used either as the result of no placement being made or of a placed family not making use of shelter, and an analysis of this data, including an analysis of causes relating to any significant differences in the data for each type of shelter; and provided further, that the report shall also include a status report on the outcomes of department-funded homelessness prevention initiatives, providing information on the nature and total cost of each such initiative, the number of families served by each such initiative, the average cost per family of each such initiative, the affordability and stability of housing or alternative shelter placements for prevention program recipients, including type of housing arrangement, subsidy status, monthly rent, and gross monthly income, and any other information that the department determines to be necessary in evaluating the operation of state-funded homeless prevention programs ..... 73,650,000”;

In item 4406-3000 by adding at the end thereof the following:

“; and provided further, that not less than \$100,000 shall be expended for a contract with the St. Francis Samaritan House in Taunton”;

In item 4408-1000, in line 58, by striking out the following: “30 days” and inserting in place thereof the following: “60 days”; by striking out item 4800-0038 and inserting in place thereof the following item:

“4800-0038 For stabilization, unification, reunification, permanency, adoption, guardianship, and foster care services provided by the department of social

services; provided, that services funded through this item shall include shelter services, substance abuse treatment, family reunification networks, young parent programs, parent aides, education and counseling services, family preservation services, foster care, adoption and guardianship subsidies, tiered reimbursements used to promote the foster care placement of children with special medical and social needs, assessment of the appropriateness of adoption for children in the care of the department for more than 12 months, protective services provided by partnership agencies, targeted recruitment and retention of foster families, respite care services, post-adoption services, support services for foster, kinship and adoptive families; provided further, that \$250,000 shall be expended for juvenile firesetter programs; provided further, that any child who would have been eligible for a clothing benefit under regulations in place on January 1, 2005 shall receive a clothing benefit in fiscal year 2007; provided further, that the department shall report to the house and senate committees on ways and means and the joint committee on children and families by March 15, 2007 on the utilization of the transitional funds and the progress of the implementation of the department's reprocurd system of care; provided further, that not less than \$500,000 shall be expended on the recruitment and retention of foster parents; provided further, that not less than \$200,000 shall be expended to support the family center component of the Greater Lowell Family Resource Center; provided further, that not less than \$348,000 shall be expended for Casa Esperanza; provided further, that not less than \$200,000 shall be expended for a statewide contract with Northeastern University for violence prevention and conflict resolution program; provided further, that not less than \$100,000 shall be expended for the Families United for Teens' Health; provided further, that not less than \$45,000 shall be expended for a contract with Big Brothers and Sisters of Cape Cod and the Islands; provided further, that not less than \$130,000 be expended to Children's Cove for medical and support services for pediatric victims of sexual and physical assault; provided further, that not less than \$100,000 shall be expended for Alive With Awareness, Knowledge, and Empowerment of Springfield, Massachusetts; provided further, that not less than \$50,000 shall be expended for Multicultural Alzheimer's Services Project of Springfield, Massachusetts; provided further, that not less than \$250,000 shall be expended for the operation of a juvenile firesetters program to be

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Appropriation  
Bill

operated by the Massachusetts Coalition for Juvenile Firesetters Intervention Programs; provided further, that not less than \$100,000 shall be expended for North End Outreach Network of Springfield, Massachusetts; provided further, that not less than \$104,000 shall be expended for the Teen Parenting program at Framingham High School; provided further, that not more than \$140,000 shall be expended for the Comprehensive School Age Parenting Program, Inc. for maintaining and expanding its year-round school based program in Boston high schools, middle schools, pilot schools and small schools education complexes for pregnant teens, young mothers and fathers and other youth at high risk for school drop out; provided further, that not less than \$50,000 shall be expended for Family Service, Inc. of Lawrence; provided further, that not less than \$60,000 shall be expended by the Framingham office of the Department of Social Services for the Metrowest Campership program operated by the Ashland youth advisory board in partnership with said department; provided further, that not less than \$50,000 shall be expended for the purpose of providing case management services for the Amity Transitional Housing Program in the city of Lynn; provided further, that not less than \$20,000 shall be expended for the Massachusetts Association of Portuguese Speakers in Cambridge; provided further, that no less than \$298,000 be allocated for alternative schools for students aged 14-16 inclusive who are placed before the court on Children in need of services petitions (CHINS); provided further, that not less than \$300,000 shall be expended for Summerhill House in Norwood; provided further, that not less than \$25,000 shall be expended for the Concilio Hispano in Somerville; provided further, that not less than \$20,000 shall be expended for the Haitian Coalition of Somerville; provided, that not less than \$150,000 shall be expended for a contract with Julie's Family Learning Program in the South Boston section of the City of Boston; provided further, that not less than \$257,000 shall be expended for a contract with the Laboure Center for an integrated family services team in region 6; provided further, that not less than \$25,000 shall be expended for Centro Presente of Cambridge; provided further, that not less than \$125,000 shall be expended for a family re-unification program operated by Aid to Incarcerated Mothers to maintain strong parent-child relationships during a mother's incarceration; and provided further, that not later than February 17, 2007, the department shall provide to the house and senate com-

mittees on ways and means a recommendation on whether or not to discontinue any program, including earmarked programs, the cost of which, per unit of service or service outcomes, do not fall within a reasonable standard ..... 280,779,773”;

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

“4800-1400 For shelters and support services for people at risk of domestic violence; provided, that the department shall pursue the establishment of public-private partnership agreements established for family stabilization services funded from sources other than the commonwealth; provided further, that services shall include supervised visitation programs, certified batterer intervention programs for indigent batterers and their families, and scattered site transitional housing programs, including programs to assist victims of domestic violence in finding and maintaining permanent housing; provided further, that participants in battered women's programs shall be provided with information regarding local transitional housing resources; provided further, that funding shall be made available to enhance counseling services for children who have witnessed domestic violence; provided further, that funding shall be made available for emergency shelters for substance abusing battered women; provided further, that funding shall be made available for a statewide domestic violence hotline; provided further, that the department shall continue to provide any match funding required by federal program regulations; provided further, that domestic violence prevention specialists shall be funded from this item; provided further, that not less than \$90,000 shall be expended for the New England Learning Center for Women in Transition Survivor's Project in Berkshire, Hampden, Franklin and Hampshire Counties; provided further, that not less than \$10,000 shall be expended for the Melrose Alliance Against Violence; provided further, that not less than \$15,000 shall be expended for the Words not Weapons mentoring project in Saugus; provided further, that not less than \$100,000 shall be expended for a contract with Sylvia's Haven at Devens to provide transitional housing to pregnant and parenting women and girls; and provided further, that not less than \$75,000 shall be expended for a domestic violence prevention program called 'Teens-At-Risk', operated by Portal To Hope for the communities of Everett, Lynn, Malden and Medford without the need of approval by the commissioner of public health .....

21,088,691”.

Pending the question on adoption of the amendments, Mrs. Paulsen of Belmont and other members of the House moved that they be amended by inserting after "4403-2000" the following: "in line 26, by inserting after the following: 'September 2006' the words ' provided further, that notwithstanding any general or special law to the contrary, the department shall provide an increment in assistance for each additional child in the family regardless of when the child was born or conceived' and by striking out the figures '296,824,488' and inserting in place thereof the figures '309,032,349'."

After debate the further amendments were rejected.

On the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Hynes of Marshfield; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Ye and Nay No. 393 in Supplement.]**

Therefore the amendments were adopted.

#### *Recess.*

At twenty minutes before six o'clock P.M. (Tuesday, April 25), on motion of Mr. Jones of North Reading (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past seven o'clock; and at nine minutes after eight o'clock the House was called to order with the Speaker in the Chair.

#### *Quorum.*

Mr. Jones of North Reading thereupon asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

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

**[See Ye and Nay No. 394 in Supplement.]**

Therefore a quorum was present.

#### *Reports of Committees.*

There being no objection, the Speaker interrupted the pending matter and placed before the House the following reports of committees:

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4857), returning with his objections thereto in writing sections 5, 27, 112 and 137 contained in the engrossed Bill promoting access to affordable, quality, accountable health care (see House, No. 4479, amended), reported that said sections stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, then reported that said sections be scheduled for consideration by the House, the ques-

tion, in each instance, being on passing said section, notwithstanding the objections of the Governor.

Under suspension of the rules, in each instance, on motion of Mr. Rogers of Norwood, said sections were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

After debate, the question on passing section 112, notwithstanding said objections, was taken by yeas and nays, as required by the Constitution; and on the roll call 131 members voted in the affirmative and 19 in the negative.

**[See Ye and Nay No. 395 in Supplement.]**

Therefore section 112 passed, notwithstanding the objections of the Governor. Sent to the Senate for concurrence.

After remarks, the question on passing section 5, notwithstanding said objections, was taken by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 19 in the negative.

**[See Ye and Nay No. 396 in Supplement.]**

Therefore section 5 passed, notwithstanding the objections of the Governor. Sent to the Senate for concurrence.

The question on passing section 137, notwithstanding said objections, was taken by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 19 in the negative.

**[See Ye and Nay No. 397 in Supplement.]**

Therefore section 137 passed, notwithstanding the objections of the Governor. Sent to the Senate for concurrence.

The question on passing section 27, notwithstanding said objections, was taken by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 19 in the negative.

**[See Ye and Nay No. 398 in Supplement.]**

Therefore section 27 passed, notwithstanding the objections of the Governor. Sent to the Senate for concurrence.

#### *Suspension of Rule 1A.*

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

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 128 members voted in the affirmative and 28 in the negative.

**[See Ye and Nay No. 399 in Supplement.]**

Therefore Rule 1A was suspended.

Amendments  
adopted,  
yea and nay  
No. 393.

Recess.

Quorum.

Quorum,  
yea and nay  
No. 394.

Health care  
access,  
vetoes.

Section 112  
Waivers and  
federal  
financial  
participation  
passed  
over veto,  
yea and nay  
No. 395.

Section 5  
Public Health  
Council  
passed  
over veto,  
yea and nay  
No. 396.

Section 137  
Terms of  
Public Health  
Council  
passed  
over veto,  
yea and nay  
No. 397.

Section 27  
MassHealth  
eligibility  
passed  
over veto,  
yea and nay  
No. 398.

Suspension  
of Rule 1A.

Rule 1A  
suspended,  
yea and nay  
No. 399.

Orders of the Day.

General Appropriation Bill.

The House Bill making appropriations for the fiscal year 2007 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. 4900, amended) was considered.

Pending the question on passing the bill to be engrossed, Mr. DeLeo of Winthrop and other members of the House moved that the bill be amended in section 2, in item 7066-0015, by striking out the figures "2,100,000" and inserting in place thereof the figures "2,300,000", in item 7070-0065, in line 37, by striking out the figures "170,940" and inserting in place thereof the figures "200,000", in said item, in line 78, by striking out the figures "800,000" and inserting in place thereof the figures "850,000", and in said item by striking out the figures "89,788,646" and inserting in place thereof the figures "89,867,706", in item 7080-0200, by striking out the figures "1,000,000" and inserting in place thereof the figures "1,500,000", by striking out item 7100-0200 and inserting in the place thereof the following item:

"7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding any general or special law to the contrary, the university may establish and organize auxiliary organizations, subject to policies, rules and regulations adopted by the board, to provide essential functions which are integral to the educational mission of the university; provided further, that notwithstanding any general or special law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance; provided further, that not less than \$500,000 shall be expended for the Center for Portuguese Studies to operate at the University of Massachusetts at Dartmouth; provided further, that not less than \$50,000 shall be expended for the UMASS Dartmouth Center for Marketing Research; provided further, that the sum expended for the UMass Extension in fiscal year 2007 shall be adjusted only in direct proportion to university budget adjustments to other academic programs of the University of Massachusetts at Amherst; provided further, that such funds shall be expended in accordance with a plan reviewed by the UMass Extension board of public overseers; provided further, that not less than \$50,000 shall be expended for the 4-H program; provided further, that not less than \$250,000 shall be expended for labor studies programs at the Amherst, Boston, Dartmouth and Lowell campuses; provided further, that not less than \$368,000 shall be expended for the Maurico Gaston Institute for Latino Community Development and Public Policy at the University of Massachusetts at Boston; and

provided further, that not less than \$60,000 shall be expended for the Grace Grossman Inner-City Youth Collaborative at the University of Massachusetts Field Station on Nantucket ..... 436,648,832";

and in item 7506-0100, by adding at the end thereof the following:

“; provided further, that \$75,000 shall be expended for the operation of the Adult and Family Literacy Center at the Multi-Modal Transportation facility in Holyoke”.

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. Murphy of Lowell; and on the roll call 156 members voted in the affirmative and 0 in the negative.

Amendments adopted, yea and nay No. 400.

[See Yea and Nay No. 400 in Supplement.]

Therefore the amendments were adopted.

Recess.

At thirteen minutes after nine o'clock P.M. (Tuesday, April 25), on motion of Mr. Mariano of Quincy) (the Speaker being in the Chair), the House recess until the hour of one o'clock P.M. on Wednesday, April 26; and at that time, the House was called to order with Ms. Gobi of Spencer in the Chair.

Recess.

Wednesday, April 26, 2006 (at 1:00 o'clock P.M.).

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

Pledge of allegiance.

Papers from the Senate.

An order came from the Senate with the endorsement that it had been adopted by said branch, as follows:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until May 1, 2006 within which to make its final report on current House documents numbered 270, 336, 530, 1939, 2888, 3986 and 4518, and Senate documents numbered 1245, 1358 and 2372.

Public Service committee, extension of time for reporting.

Under suspension of the rules, on motion of Mr. Kaufman of Lexington, the order (having been reported by the committee on Rules of the two branches, acting concurrently) was considered forthwith; and it was adopted, in concurrence.

Reports of Committees.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill to clarify eligibility for health insurance for school employees (House, No. 4654) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

School employees.

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

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

Glen Echo  
Lake,  
motorboats.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill increasing the speed limit for boating within the Narrows in Glen Echo Lake (Senate, No. 2238, changed) be scheduled for consideration by the House.

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

Limited  
purpose  
trust  
company.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the establishment of a limited purpose trust company subject to the supervision of the Commissioner of Banks (House, No. 4792) be scheduled for consideration by the House.

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

Amesbury,  
Lieutenant  
Hines Bridge.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill designating a bridge in the city of Amesbury as the First Lieutenant Derek S. Hines Memorial Bridge (House, No. 4803) be scheduled for consideration by the House.

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

Tax  
relief.

By Mr. Binienda of Worcester, for the committee on Revenue, on House, Nos. 1672 and 1741, an Order relative to authorizing the committee on Revenue to make an investigation and study of certain House documents concerning the corporate excise tax imposed on utilities and property tax relief for senior citizens (House, No. 4906).

Motion  
picture  
industry,  
study.

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, on Senate, Nos. 1842 and 1843, an Order relative to authorizing the committee on Tourism, Arts and Cultural Development to make an investigation and study of certain Senate documents concerning the motion picture industry in Massachusetts (House, No. 4907).

Tourism,  
study.

By the same member, for the same committee, on House, Nos. 1688 and 3536, an Order relative to authorizing the committee on Tourism, Arts and Cultural Development to make an investigation and study of certain House documents concerning tourism in Massachusetts (House, No. 4908).

Indian  
Affairs,  
study.

By the same member, for the same committee, on House, Nos. 3528, 3532, 3534, 3540 and 3646, an Order relative to authorizing the committee on Tourism, Arts and Cultural Development to make an investigation and study of certain House documents concerning the representation and membership of Indian Affairs (House, No. 4909).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

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

By Mr. Koutoujian of Waltham, for the committee on Public Health, on a petition, a Bill to establish a commission on health literacy (House, No. 2631). Read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

Health  
literacy.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill to assess the impact of the public welfare system on the health and well-being of children (House, No. 3863, changed) ought to pass with an amendment substituting therefor a Bill with the same title (House, No. 4910). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

Children,  
well-being.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on a petition, a Bill establishing the state pharmacy council (House, No. 2722).

State  
pharmacy  
council.

By the same member, for the same committee, on a petition, a Bill relative to Medicare supplement insurance plans (House, No. 2754).

Medicare.

By the same member, for the same committee, on a petition, a Bill regarding equality in the MassHealth program (House, No. 2759) [Cost: \$50,000.00].

MassHealth.

By the same member, for the same committee, on House, Nos. 3100 and 3104, a Bill relative to nursing facility and long term care claims (House, No. 3100).

Nursing  
facilities.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a message from His Excellency the Governor, a Bill relative to the department of public works in the town of Hopkinton (printed in House, No. 4747).

Hopkinton,  
public works.

By the same member, for the same committee, on a petition, a Bill relative to sewer betterment assessments in the town of Richmond (House, No. 4753) [Local Approval Received].

Richmond,  
sewer  
assessments.

By the same member, for the same committee, on a petition, a Bill establishing the Sherwood Greens Road Improvement and Maintenance District in the town of Becket (House, No. 4811) [Local Approval Received].

Becket,  
Sherwood  
Greens.

By the same member, for the same committee, on a petition, a Bill designating a custom parcel of land in the city of Boston as the Frank Jordan Memorial Rose Garden (House, No. 4815).

Frank  
Jordan  
garden.

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

#### *Recesses.*

At three minutes after one o'clock P.M. (Wednesday, April 26), the Chair (Ms. Gobi of Spencer) declared a recess until two o'clock; and at that time the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recesses.

Recesses.

The House thereupon took a further recess, on motion of Mr. Petrucci of Boston, until half past two o'clock; and at twenty minutes before three o'clock the House was called to order with Mr. Fennell of Lynn in the Chair.

The House thereupon took a further recess, on motion of Mr. Festa of Melrose, until three o'clock; and at that time the House was called to order with Mr. Petrolati in the Chair.

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

Orders of the Day.

General Appropriation Bill.

The House Bill making appropriations for the fiscal year 2007 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. 4900, amended) was considered.

Pending the question on passing the bill to be engrossed, Mr. DeLeo of Winthrop then moved that the bill be amended in section 2,

In item 0321-1510, by striking out the following: "section 12" and inserting in place thereof the following: "section 11";

In item 0321-2100, by striking out the figures "800,000" and inserting in place thereof the figures "820,000";

In item 0330-0300, in line 15, by striking out the date "November 1, 2006" and inserting in the place thereof the date "April 1, 2007" and in line 18 by inserting after the words "said date" the following: "; provided further, that the chief justice for administration and management shall, in consultation with the chief justice of the juvenile court department and the commissioner of the department of capital asset management, submit a report on or before October 1, 2006 assessing the feasibility of expanding the leased space currently utilized by the Dedham Session of the Norfolk County Division of the Juvenile Court Department at 55 Allied Drive in Dedham and renegotiating the existing lease for such premises; provided further, that notwithstanding any general or special law to the contrary, on or before January 1, 2007 the chief justice for administration and management shall, in consultation with the division of capital asset management, secure suitable facilities to locate and operate the third district court of Essex at Ipswich within the town of Ipswich; provided further, that in the event that said chief justice for administration and management is unable to locate and secure such suitable facilities within the town of Ipswich by January 1, 2007, the chief justice shall submit a report to the house and senate committees on ways and means and the joint committee for the judiciary not later than February 1, 2007, detailing a plan to equitably redistribute all civil and criminal business and personnel of the third district court of Essex at Ipswich to other district courts within Essex County";

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

"0330-0410 For alternative dispute resolution services for the trial court; provided, that the services shall be made available to the extent possible in connection with child care, protection and custody proceedings in juvenile and probate courts; provided further, that not less than \$25,863 shall be expended for the Housing Services and Mediation Program operated by the Berkshire County Regional Housing Authority in Pittsfield; provided further, that not less than \$29,558 shall be expended for Berkshire Mediation Services Inc.; provided further that not less than \$44,337 shall be expended for North Central Court Services, Inc.; provided further, that not less than \$40,000 shall be expended for the North Shore Community Mediation Program in Salem; provided further, that not less than \$48,032 shall be expended for Metropolitan Mediation Services; provided further, that not less than \$62,811 shall be expended for Mediation Works, Inc; provided further, that not less than \$50,000 shall be expended for Quabbin Mediation in Athol; provided further, that not less than \$50,000 shall be expended for the Mediation and Training Collaborative of Franklin County in Greenfield; provided further, that not less than \$50,000 shall be expended for Framingham Court Mediation Services; provided further, that not less than \$50,000 shall be expended for the Cape Cod Dispute Resolution Center; provided further, that not less than \$50,000 shall be expended for the Community Dispute Settlement Center, Inc., of Cambridge; provided further, that not less than \$50,000 shall be expended for the Greater Brockton Center for Dispute Resolution; provided further, that not less than \$48,031 shall be expended for the Somerville Mediation Program; provided further, that not less than \$48,032 shall be expended for the Middlesex Multi-door Court House Program; and provided further, that not less than \$30,000 shall be expended for the Martha's Vineyard Mediation Program; and provided further, that not less than \$42,737 shall be expended for Dispute Resolution Services, Inc. in the city of Springfield; and provided further, that not less than \$50,000 shall be expended for Community Mediation of Worcester ..... 842,737";

In item 0330-0441 by striking out the figures "476,598" and inserting in place thereof the figures "540,000";

By inserting after item 0331-3404 the following item:

"0331-3404 For an education and community outreach pilot program to be administered in the Suffolk superior court ..... 178,902";

General  
Appropriation  
Bill

In item 0332-6300, by striking out the figures "804,083" and inserting in place thereof the figures "831,083";

In item 0333-1313, by striking out the figures "191,719" and inserting in place thereof the figures "250,000";

In item 0333-1411, by striking out the figures "169,362" and inserting in place thereof the figures "189,362";

In item 0337-0300, by adding at the end thereof the following:

“; provided further, that \$145,841 shall be expended for the CASA program in the Springfield Juvenile Courts”;

In item 0337-0400, by adding at the end thereof the following:

“; provided further, that \$72,920 shall be expended for the CASA program in the Worcester Juvenile Court”;

In item 0337-0600, by adding at the end thereof the following:

“; provided further, that \$100,000 shall be expended for the CASA program in the Lawrence Juvenile Court”;

In item 0337-0700, by adding at the end thereof the following:

“; provided further, that \$77,478 shall be expended for the Franklin/Hampshire CASA program, including the Northampton, Greenfield, Orange and Ware District Courts”;

In item 0337-0800, by adding at the end thereof the following:

“; provided further, that \$72,920 shall be expended for the CASA program, in Plymouth County Juvenile Courts”;

In item 0337-0900, by adding at the end thereof the following:

“; provided further, that \$54,690 shall be expended for a Berkshire CASA program, in the Berkshire County Juvenile Courts”;

By striking out item 0339-1001 and inserting in the place thereof the following item:

“0339-1001 For the office of the commissioner of probation; provided, that notwithstanding the any general or special law, rule or regulation to the contrary, the commissioner, subject to appropriation, shall have exclusive authority to appoint, dismiss, assign and discipline probation officers, associate probation officers, probation officers-in-charge, assistant chief probation officers and chief probation officers; provided further, that the associate probation officers shall only perform in-court functions and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service subject to collective bargaining agreements to perform intensive, community-based supervision of probationers, including the provisions of intensive

supervision and community restraint services as described in item 0339-1004; provided further, that no funds shall be expended from this line item to cover the costs of building leases; provided further, that notwithstanding any general or special law, rule or regulation to the contrary, probation officer personnel and probation clerical support staff assigned to the courts shall be provided with suitable office space in their current location in and around the various divisions and departments of the trial court, as the case may be, or in suitable office space as appropriate, with the advice and consent of the commissioner; provided further, that there shall be two regional program managers funded from this item who shall be responsible for the oversight of the management and daily operation of the probation electronic monitoring program; provided further, that the office shall enter into an interagency service agreement with the department of revenue to verify income data and to utilize the departments wage reporting and bank match system for the purpose of weekly tape-matching, so-called, for the purposes of determining an individual's eligibility for appointment of indigent counsel, as defined in chapter 211D of the General Laws; provided further, that not less than \$100,000 shall be expended for the purpose of funding the position an academy coordinator (1) and custodial staff (1), at the Central Massachusetts Probation Training Academy located in the town of Clinton; provided further, that the office shall submit quarterly reports to the house and senate committees on ways and means detailing the progress of eligibility verification with the department; and provided further, that the report shall include, but not be limited to, the number of individuals to be found misrepresenting assets, revenue generated through collection of indigent client fees, the average indigent client fee that each court division collects per case since the effective date of this act, recommendations on improvements in verifying eligibility for counsel and other pertinent information to ascertain the effectiveness of verification ..... 129,049,842”;

In item 0339-1003, by striking out the figures "5,787,043" and inserting in place thereof the figures "5,862,043”;

In item 0340-0100, in line 26; in item 0340-0200, in line 26; in item 0340-0300, in line 18; in item 0340-0400, in line 26; in item 0340-0500, in line 26; in item 0340-0600, in line 26; in item 0340-0700, in line 26; in item 0340-0800, in line 26; in item 0340-0900, in line 26; in item 0340-1100, in line 26; in item 0340-0200, in line 26 and in item 0340-0300, in line 26, by striking out the figures "35,000" and inserting in place thereof, in each instance, the figures "40,000”;

General  
Appropriation  
Bill

In item 0340-1000, in line 28, by striking out the figures "35,000" and inserting in place thereof the following: "40,000; and provided further that \$20,000 may be expended to the Cape and Islands Child Advocacy Center";

In item 1599-5100, by striking out the figure "1,375,998" and inserting in place thereof the figures: "1,775,998";

By striking out item 8000-0000 and inserting in place thereof the following two items:

"8000-0000 For the office of the secretary, including the administration of the committee on criminal justice and the highway safety bureau to provide matching funds for a federal planning and administration grant pursuant to 23 U.S.C. section 402; provided, that \$500,000 shall be expended for the distribution of grants for city and town student awareness of fire education programs, to be known as S.A.F.E programs, which shall include information about the fire risks caused by smoking; and provided further, that not less than \$150,000 shall be expended for the purpose of a targeted control substance interdiction pilot program to be administered jointly by the district attorney for Suffolk county and the chiefs of police for the city of Revere and the town of Winthrop ..... 2,798,049

General Fund ..... 15.0%  
Highway Fund ..... 85.0%

8000-0050 For the firefighting equipment grant program for fire departments of every city, town, fire district and authority of the commonwealth to be administered by the executive office of public safety, provided that grants shall be distributed to municipalities according to a formula giving equal weight to each municipalities population; provided further, that eligible fire safety equipment under this program shall include, but is not limited to, turnout gear, hand-held power lights, communication devices, telephones, personal alert safety systems, so-called, air packs, tanks, compressors, thermal imaging devices and computerized personnel accountability systems, but shall exclude firefighter apparatus and vehicles; provided further that grants awarded by said executive office to a municipality under said program shall not be utilized for the purpose of personnel costs unless such costs constitute 50 percent or less of the total grant award; provided further that no grant shall be awarded to the department of fire services; provided further that not later than February 1, 2007, the executive office of public safety shall submit a report to the house and senate committees on ways and means and to the secretary for administration and finance detailing the amount of grants awarded to said grant recipients and descriptions of said grants and each municipi-

pality will provide the executive office of public safety with a comprehensive list of the best-practices that have been instituted as a result of these grants ..... 2,500,000";

By striking out item 8000-0110 and inserting in place thereof the following item:

"8000-0110 For the operation of the criminal history systems board; provided, that the board shall fund 1 administrative assistant who shall be employed in the victim services unit of the board for the continued and enhanced operation of the post-conviction victim and witness certification program operated pursuant to chapter 258B and clause (c) of the first paragraph of section 172 of chapter 6 of the General Laws; provided further, that said victim services position shall be in addition to any such positions approved as of February 1, 1998; provided further, that not more than \$75,000 shall be expended for the purpose of enabling local housing authorities access to criminal offense information when qualifying applicants for state-assisted housing; provided further, that the board shall, not later than September 30, 2006, adopt regulations to: a) assure that the distribution of criminal offender record information relates to the individual for whom the request has been made; b) afford practical assistance in corrections to a criminal offender record information report to an individual who submits evidence to the board that any charges in a criminal offender record information report distributed by the board and purportedly relating to that individual, in fact, do not relate to that individual; c) limit the distribution of criminal offender record information to conviction data and data regarding any pending criminal charge, except as otherwise authorized by law; and d) require that any entity other than a criminal justice agency that receives a criminal offender record information report from the board as to an individual and, as a result of that report is inclined to make an adverse decision as to the individual, shall, before making a final decision, afford the individual an opportunity to dispute the accuracy and relevance of the criminal offender record information report; and provided further, that not later than January 1, 2007, the board shall file a report with the house and senate committees on ways and means detailing the steps the board has taken to implement the preceding proviso and the success of those steps in improving the accuracy of the criminal offender record information system ..... 3,176,130

General Fund ..... 50.0%  
Highway Fund ..... 50.0%";

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

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

By striking out item 8324-0000 and inserting in place thereof the following item:

“8324-0000 For the administration of the department of fire services, including the state fire marshal’s office, the hazardous materials emergency response program and the Massachusetts firefighting academy, including the Massachusetts fire training council certification program, municipal and non-municipal fire training, and expenses of the council; provided, that the fire training program shall use the split days option; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the administration of the department of fire services, the state fire marshal’s office and the Massachusetts firefighting academy shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of such assessment from the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the operation of the

hazardous materials emergency response program shall be assessed upon insurance companies writing commercial multiple peril, non-liability portion, policies on property situated in the commonwealth and commercial auto liability policies as referenced in line 5.1 and line 19.4, respectively, in the most recent annual statement on file with the commissioner of insurance; provided further, that \$100,000 shall be expended to Norfolk County for the purpose of the establishment of the Norfolk County dispatch center; provided further, that notwithstanding any general or special law to the contrary, funds scheduled in the PP object class, pursuant to section 27 of chapter 29 of the General Laws for this item in fiscal year 2007 shall not be transferred to any other object class in said fiscal year; provided further, that not more than 10 per cent of the amount designated for the arson prevention program shall be expended for the administrative costs of the program; provided further, that the expenses of the board of fire prevention regulations, pursuant to section 4 of chapter 22D of the General Laws, shall be paid from this item; and provided further, that not less than \$100,000 be expended for the administration of a statewide program to provide for critical incident stress intervention for the fire departments of the cities, towns, and fire districts of the commonwealth including, but not limited to, consultant services, training, equipment, and supplies ..... 10,927,047”;

In item 8800-0300 by adding at the end thereof the following:

“; provided further that not less than \$75,000 shall be expended for the phase two of the C-10 monitoring project in Newburyport”;

and, in said item, by striking the figures “90,356” and inserting in place thereof the figures “165,356”;

By striking out item 8900-0001 and inserting in place thereof the following item:

“8900-0001 For the operation of the commonwealth’s department of correction; provided, that the department shall expend not less than \$1,010,500 to cities and towns hosting facilities; provided further, that one-half of the number of inmates incarcerated at Souza Baranowski correctional center shall be deemed to be incarcerated within a correctional facility in the town of Shirley and one-half shall be deemed to be incarcerated within a correctional facility in the town of Lancaster; provided further, that not less than \$192,000 shall be expended for the Community that host the Bay State Correctional Center; provided further, that before closing any correctional facility, the commissioner of

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corrections and the secretary of public safety shall report to the house and senate committees on ways and means and public safety on the per-inmate cost of incarceration in the closing facility, and the per inmate cost in the facilities to which inmates will be moved; provided further that not less than \$40,000 shall be provided for the Dismas House, so-called, in the city of Worcester; provided further, the commissioner of corrections and the secretary of public safety shall report to the house and senate committees on ways and means and public safety before January 1 of each year the point score compiled by the department of correction's objective classification system for all prisoners confined in each prison operated by the department; provided further that not less than \$100,000 shall be expended to the Black Men of Greater Springfield, Inc., so-called, in Springfield to act as the lead agency for programs to reduce incarcerations, recidivism, gang-violence, and promote good citizenship; provided further, that the department shall expend not less than \$600,000 to the community hosting the facility at Cedar Junction; and provided further, that not less than \$200,000 shall be provided for the Aid to Incarcerated Mothers organization ..... 452,485,340";

In item 8910-0110 by striking the figures "11,309,721" and inserting in place thereof the figures "12,005,793", and

In item 8900-1100 by adding at the end thereof the following:

"; and provider further that not less than \$200,000 shall be expended for the operation of SPAN, Inc."

Quorum.

After remarks on the question on adoption of the amendments, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum, yea and nay No. 401.

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

**[See Yea and Nay No. 401 in Supplement.]**

Therefore a quorum was present.

After further remarks on the question on adoption of the amendments, Mr. DeLeo of Winthrop moved that they be amended in the proposed amendment to item 030-0300, by striking out the words "town of Ipswich; provided further, that in the event that said chief justice for administration and management is unable to locate and secure such suitable facilities within the town of Ipswich" and inserting in place thereof the words "territorial jurisdiction of said district court; provided further, that in the event that said chief justice for administration and management is unable to locate and secure such suitable facilities within the territorial jurisdiction of said district court"; and

By inserting after proposed item 8000-0110 the following: "In item 8100-0000, in line 27, by inserting after the word 'Worcester' the following:— ; provided, further, that the department may also expend money to curb gang-related activities in other communities as deemed necessary by the department".

The further amendments then were adopted.

After debate on the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays, at the request of Ms. Coakley-Rivera of Springfield; and on the roll call 148 members voted in the affirmative and 6 in the negative.

Amendments adopted, yea and nay No. 402.

**[See Yea and Nay No. 402 in Supplement.]**

[Messrs. Costello of Newburyport and Petrolati of Ludlow answered "Present" in response to their names.]

Therefore the amendments, as amended, were adopted.

At three minutes after six o'clock P.M. (Wednesday, April 26), on motion of Ms. Reinstein of Revere, the House recessed until a quarter after seven o'clock; and at twenty minutes before nine o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recess.

Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2,

In item 1599-6901, by striking out the figures "20,000,000" and inserting in place thereof the figures "28,000,000";

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

- "4000-0112 For matching grants to boys' and girls' clubs, YMCA and YWCA organizations, nonprofit community centers, and youth development programs; provided, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization; provided further, that the secretary shall report to the house and senate committees on ways and means on the exact amount distributed in fiscal year 2007 by March 1, 2007; provided further, that not less than \$2,000,000 shall be expended for the Massachusetts Alliance of Boys and Girls Clubs; provided further, that an amount not to exceed \$25,000 shall be provided in a matching grant to the Merrimack Valley YMCA; provided further, that not less than \$150,000 shall be expended for nonprofit Youth Services in Andover; provided further, that not less than \$80,000 shall be expended for the young parents program of the Newton Community Service Centers; provided further, that not less than \$25,000 shall be expended for youth and family programs and improvements at the West Suburban YMCA; provided further, that not less than \$100,000 shall be expended for the YWCA of Newburyport; provided further, that not less than \$50,000 shall be expended to the Chelsea YMCA; provided further, that not less than

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\$125,000 shall be expended for the Greater Worcester YMCA Youth Programs; provided further, that not less than \$100,000 shall be expended for the Springfield Day Nursery; provided further, that not less than \$50,000 shall be expended to the Franklin Community Action Corporation for youth services; provided further, that \$100,000 shall be expended for the Nazzaro Recreation Center; provided further, that not less than \$50,000 shall be expended for programs at the YWCA of Haverhill; provided further, that not less than \$50,000 be expended for health and wellness programming at the YWCA of Greater Lawrence; provided further, that not less than \$50,000 shall be expended for the Operation of Girls Incorporated in Holyoke drop- in center; provided further, that \$75,000 shall be expended for an aging-in-place pilot project operated by Jewish Family & Children's Service of Greater Boston (JF&CS) in Brookline and Malden, and by Jewish Family Service of Metrowest (JFS/MW) in Framingham; provided further, that not less than \$25,000 shall be expended to the YMCA of greater Lynn; provided further, that not less than \$40,000 shall be expended for the public partnership program between the greater Lynn YMCA and YWCA and the public partnership program between the town of Saugus and the Saugus YMCA and YWCA; provided further, that not less than \$25,000 shall be expended for programs at the Fishing Academy, Incorporated; provided further, that not less than \$50,000 shall be expended for the Oak Square YMCA that will service teens from ages 13 to 17; provided further, that not less than \$50,000 shall be provided to the Uxbridge Youth Center; and provided further, that not less than \$1,000,000 shall be expended for the YMCA of Greater Boston to facilitate projects approved by the board of directors of the YMCA including, but not limited to, projects in the town of Norwood, the West Roxbury area of Boston, East Boston, Woburn, Bedford and in other cities and towns within the greater Boston area ..... 4,220,000

4000-0280 For a program to alleviate and prevent hunger; provided, that the secretary of health and human services shall contract with Project Bread-The Walk for Hunger, Inc., which shall be solely responsible for administering a comprehensive, community-based program to alleviate and prevent hunger and to expand participation in federal nutrition programs; provided further, that Project Bread shall focus on communities in Massachusetts with the highest rates of hunger as defined by the United States Census Bureau; provided further, that Project Bread shall develop

a strategic plan to alleviate hunger; provided further, that Project Bread shall support research relative to the prevention and effect of hunger; provided further, that Project Bread shall file a report with the clerk of the House of Representatives, the clerk of the Senate, the President of the Senate, the Speaker of the House, the chairs of the Joint Committee on Education, the chairs of the Joint Committee on Children and Families, the chairs of the Joint Committee on Public Health and the chairs of the House and Senate Committees on Ways and Means not later than March 1, 2007 detailing hunger prevention strategies that have been developed and implemented, including, but not limited to, an evaluation of said strategies; and provided further, that Project Bread shall file with the clerk of the House of Representatives and the clerk of the Senate an annual report on the status of hunger in the Commonwealth not later than December 1, 2006 ..... 1,500,000

4003-0122 For a Citizenship for New Americans Program to assist legal permanent residents in our Commonwealth in becoming citizens of the United States; provided, that the office for refugees and immigrants be charged with administering such program; provided further, that said program shall be provided through community-based organizations to the maximum extent possible as determined by the office for refugees and immigrants; provided further, that the program funded by this item provide assistance to persons who are within three years of eligibility to become citizens of the United States; and provided further, that services shall be designed to include: ESOL/civics classes, citizenship application assistance, interview preparation and support services such as interpretation and referral services ..... 500,000";

By striking out item 4200-0010 and inserting in place thereof the following item:

"4200-0010 For the administration of the department of youth services; provided, that the department shall continue to collaborate with the department of education in order to align curriculum at the department of youth services with the statewide curriculum frameworks and to ease the reintegration of youth from facilities at the department of youth services into regular public school settings; provided further, that the commissioner of youth services, in conjunction with the department of education, shall submit a report on progress made to the house and senate committees on ways and means by December 1, 2006; and provided further, \$50,000 shall be expended for the City-Wide Dialogues on

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Boston's Ethnic & Racial Diversity, a program that provides a safe venue for honest, respectful discussions across racial and ethnic lines, including neighborhood diversity dialogues and youth-police dialogues ..... 5,206,483”;

In item 4510-0100 by striking out the figures “16,770,277” and inserting in place thereof the figures “17,051,539”;

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

“4510-0600 For an environmental and community health hazards program, including control of radiation and nuclear hazards, consumer products protection, food and drugs, lead poisoning prevention in accordance with chapter 482 of the acts of 1993, lead-based paint inspections in day care facilities, inspection of radiological facilities, licensing of x-ray technologists and the administration of the division of environmental epidemiology and toxicology for the purposes of chapter 470 of the acts of 1983, the ‘Right-to-Know’ law; provided, that the expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of 100 per cent of the amounts so expended; provided further, that \$100,000 shall be expended for a renal disease program administered by the National Kidney Foundation of Massachusetts, Rhode Island and Vermont for nutritional supplements and early intervention services for those affected by renal disease and those at risk of renal disease; provided further, that not less than \$100,000 shall be expended for the purposes of research and prevention activities associated with Lyme Disease, so called, to be conducted by the Barnstable County Department of Health and the Environment; provided further, that not less than \$81,000 shall be expended for the maintenance of a statewide lupus database; provided further, that not more than \$14,800 shall be allocated to the Franklin Regional Council of Governments for costs associated with the regional public health program; provided further, that \$150,000 shall be expended for the ALS registry created by section 26 of chapter 140 of the acts of 2003; provided further, that \$195,000 shall be expended for the purpose of the director of the bureau of environmental health assessment of the department of public health to continue an environmental risk assessment of the health impacts of the General Lawrence Logan Airport in the East Boston section of the city of Boston on any community that is located within a 5 mile radius of the airport and is potentially impacted by the airport;

provided further, that the assessment may include, but not be limited to, examining incidences of respiratory diseases and cancers and performing medical and laboratory tests and examinations of residents of these communities; and provided further, that no funds appropriated in this item shall be expended for the purpose of siting or locating a low-level radio-active waste facility in the commonwealth ..... 3,509,106”;

By striking out items 4510-0810 and 4510-0820 and inserting in place thereof the following item:

“4510-0810 For a statewide sexual assault nurse examiner program and a statewide pediatric sexual assault nurse examiner program for the care of victims of sexual assault; provided, that the programs shall be established by the department to operate under specific statewide protocols and by an on-call system of nurse examiners; provided further, that \$2,572,111 shall be expended for the sexual assault nurse examiners program; and provided further, that \$1,000,000 shall be expended for the pediatric sexual assault nurse examiner program ..... 3,572,111”;

In item 4512-0103 by adding at the end thereof the following:

“; provided further, that not less than \$100,000 shall be expended for the Springfield Public Health Department; provided further, that not less than \$35,000 shall be expended for the Immigrants Assistance Center, Inc., in New Bedford for its unique bilingual AIDS education”;

By striking out items 4512-0200 and 4512-0201 and inserting in place thereof the following two items:

“4512-0200 For the division of substance abuse services, including a program to reimburse driver alcohol education programs for services provided for court adjudicated indigent clients; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that not less than \$90,000 shall be appropriated for Franklin Medical Center’s Beacon Recovery Program at The Orange Recovery House; provided further that not less than \$150,000 shall be expended to Northern Educational Services, Inc., so-called, in Springfield, to operate the Youth Zone Program; provided further that not less than \$100,000 shall be expended to the Springfield Public Health Department for drug prevention outreach and education; provided further, that \$75,000 shall be expended to preserve an Opiate Abuse Prevention and Intervention Program for Youth in the City of Melrose; provided further, that not less than \$833,000 shall be expended for the Volunteers of America Rebound Youth Resi-

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dential Recovery Program at Long Island Hospital in the city of Boston for substance abuse and rehabilitation services to youths with addictions; provided further, that not less than \$50,000 shall be expended for the Louis D. Brown Peace Institute; provided further, that not less than \$100,000 shall be expended for Self Esteem Boston's substance abuse direct service prevention programs and provider training programs; provided further, that not less than \$150,000 shall be expended to the Berkshire County Youth Development Project for youth intervention services; provided further, that not less than \$100,000 shall be expended for the Winchester Substance Abuse Coalition in the town of Winchester; provided further, that not less than \$100,000 shall be expended for a contract with Bay Cove Human Services, Inc. for the purposes of establishing an independent licensed halfway house in the Charlestown neighborhood of Boston, in collaboration with the Charlestown Recovery House, Inc. for persons in recovery from alcoholism and chemical dependency; provided further, that not less than \$45,000 shall be expended in grants for the Framingham Coalition for the Prevention of Drug and Alcohol abuse; provided further, that not less than \$250,000 shall be expended for the Latino After School Initiative; provided further, that \$500,000 shall be expended for an opiate education and counseling competitive grant program in Suffolk county; provided further, that not less than \$200,000 shall be expended for the Link House, Inc. in the town of Salisbury for purposes of establishing transitional housing for women in recovery from substance abuse; provided further, that not less than \$100,000 shall be expended for the Russian Teens-at-Risk program operated by the Jewish Family Children's Service in the cities of Boston and Lynn and the town of Brookline; provided further, that not less than \$150,000 shall be expended for the New Beginnings program; provided further, that not less than \$50,000 shall be expended for teens through programs provided by the Ashland Recreational Department; provided further, that no less than \$60,000 shall be provided to Project COPE, Inc. in Lynn for the prevention and education of the problems associated with OxyContin and Heroine use; provided further, that not less than \$99,925 shall be expended for Latinas y Ninos to provide a full-time child advocate parent educator specialist to attend to the needs of Latino women in recovery with a focus on pregnant women, new parents and mothers recently reunified with their children; provided further, that not less than \$125,000 shall be

expended for the operation of the Barnstable Action for New Directions (BAND) program facilitated by Gosnold Society of Cape Cod Inc. in conjunction with the Barnstable district court and the Cape and Islands district attorney; provided further, that not less than \$961,324 shall be expended to Gavin Foundation for a male adolescent residential facility for substance abuse and rehabilitation services and for an adjoining female adolescent residential facility for substance abuse and rehabilitation services, totaling twenty-eight beds located in the South Boston section of the city of Boston; provided further, that not less than \$319,500 shall be expended for a contract with Gavin Foundation, Inc. to provide a Total Immersion Program in conjunction with the Probation Department of the South Boston Division of the district courts, the Somerville Division of the district courts, the Hingham Division of the district courts, the Brighton Division of the district courts, and other district courts and that the funding shall be expended for the maintenance of a training program by the Gavin Foundation for a statewide Total Immersion Program; provided further, that the Gavin Foundation shall be contracted to provide Total Immersion Programs stated herein; provided further, that \$750,350 shall be expended for a contract with STEP, Inc., for sobriety treatment, education and prevention; provided further, that not less than \$155,000 shall be expended for the maintenance and operation of the Intensive Outpatient Program at the South Boston Collaborative for the purposes of responding to adolescent suicide clusters and drug abuse in the South Boston section of the city of Boston; and provided further, that not less than \$75,000 shall be expended for the Tynan Community Centers Adolescence Wellness Program in the South Boston section of City of Boston .....

59,222,392

4512-0201 For substance abuse step-down recovery services, otherwise known as level B beds and services, and other critical recovery services with severely reduced capacity; provided, that no funds shall be expended in the AA object class for any personnel-related costs; and provided further, that the department shall submit quarterly to the house and senate committees on ways and means a report on the number of individuals served by the step-down recovery services program ..... 5,000,000";

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

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

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expended in the AA object class for any personnel-related costs; provided further, that not less than \$5,451,356 shall be expended for comprehensive family planning services, including HIV counseling and testing, community based health education and outreach services, provided by agencies certified as comprehensive family planning agencies, family planning clinics and primary care services for women and children; provided further, that of \$5,451,356, \$150,000 shall be allocated for a statewide hotline and other efforts to implement chapter 91 of the acts of 2005; provided further, that not less than \$300,000 shall be expended for ROCA, Inc. for outreach and youth development for at-risk youth and young adults in Chelsea, Revere, and East Boston; provided further, that not less than \$100,000 of said funds shall be expended for such programs in the Bowdoin/Geneva and the Uphams Corner/North Dorchester sections of Boston; and provided further, that not less than \$50,000 shall be expended for Falmouth Family Planning ..... 5,901,356”;

In item 4513-1020 by adding at the end thereof the following:

“; provided further, that not less than \$1,000,000 shall be expended for the provision of cost reimbursement funding to certified Early Intervention programs”;

and in said item by striking out the figures “32,466,250” and inserting in place thereof the figures”32,966,250”;

In item 4513-1113 by striking out the figures “185,000” and inserting in place thereof the figures “240,000”;

In item 4513-1114 by striking out the figures “562,876” and inserting in place thereof the figures “662,876”;

By striking out item 4513-1130 and inserting in place thereof the following item:

“4513-1130 For the domestic violence and sexual assault prevention and treatment program; provided, that of the amount appropriated in this item, funds shall be expended for rape prevention and victim services, including the statewide Spanish language hotline for sexual abuse and statewide suicide and violence prevention outreach to gay and lesbian youth; provided further, that not less than \$158,000 shall be expended for the public health model of community engagement and intervention services and crisis housing for sexual violence and intimate partner violence in the GLBT community ..... 5,027,066”;

In item 4516-1000 by adding at the end thereof the following:

“; provided further, that not less than \$240,000 shall be expended for the maintenance of the statewide rabies control program coordinated by the department of public health providing

assistance to cities, towns and the public, and for the interagency collaboration through the rabies advisory committee, the 24-hour epidemiological and clinical consultation for rabies exposures, and the rapid laboratory diagnostic services; provided further, that of the \$240,000, not less than \$150,000 shall be expended for the continuation of the Oral Rabies Vaccine Project on Cape Cod operated through a contract with Tufts University School of Veterinary Medicine in collaboration with the federal Centers for Disease Control and Prevention”;

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

“4530-9000 For teenage pregnancy prevention services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that applications for such funds shall be administered through the department upon receipt and approval of coordinated community service plans to be evaluated in accordance with guidelines issued by the department; provided further, that portions of the grants may be used for state agency purchases of designated services identified by said community service plans; provided further, that the department shall contract directly with vendors of teenage pregnancy prevention services; provided further, that \$100,000 shall be expended for teen pregnancy prevention services in the Town of Orange; and provided further, that not less than \$15,000 shall be provided to Girls, Inc. of Lynn for teen pregnancy prevention ..... 2,000,000”;

In item 4570-1500 by adding at the end thereof the following:

“; provided further, that not less than \$107,500 shall be expended for Phase III of Silent Spring Institute’s Household Exposure and Environmental Breast Cancer Study to operate through the University of Massachusetts at Lowell”;

and in said item by striking out the figures “3,255,268” and inserting in place thereof the figures “3,362,768”;

In item 4580-1000, by striking out the figures “34,871,508” and inserting in place thereof the figures “36,771,508”;

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

“4590-0250 For school health services and school-based health centers in public and non-public schools; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that services shall include, but not be limited to: (1) strengthening the infrastructure of school health services in the areas of personnel and policy development, programming, and interdisciplinary collabora-

tion; (2) developing linkages between school health services programs and community health providers; (3) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services; and (4) incorporating obesity prevention programs, including nutrition and wellness programs in school curricula to address the nutrition and lifestyle habits needed for healthy development; provided further, that the services shall meet standards and eligibility guidelines established by the department of public health in consultation with the department of education; provided further, that not less than \$300,000 shall be expended for mental health and substance abuse services in school-based health centers; provided further, that not less than \$350,000 shall be expended for the governor's commission on gay and lesbian youth; provided further, that not less than \$200,000 shall be expended for the North Quabbin Community Coalition for support and implementation of four model community coalitions and community capacity building activities; provided further, that not less than \$100,000 shall be expended to the H.E.L.P. program so-called, for black males health; provided further, that not less than \$15,000,000 shall be expended for school nurses and school based health centers; provided further, that \$150,000 shall be expended for the Childhood Obesity - School Nutrition Pilot Project, within the department of public health; provided further, that the purpose of the pilot program is to encourage food and service providers contracting with public schools to initiate or maintain school lunch programs focused on diminishing the epidemic of childhood obesity; provided further, that food service providers, working with public schools, wishing to institute or maintain a school nutrition program designed to reduce childhood obesity, may submit an application to the department of public health for a grant, not to exceed \$10,000 per school per annum; provided further, that eligible programs must focus on providing healthier choices for lunch programs and providing information and incentives to make healthier meal choices on a daily basis in a school lunch line; provided further, that the application will indicate the name and qualifications of the food service provider, the school or schools receiving the program, a letter of support from the school or school system using the program, a description of the program, sample menus with nutritional backup, educational outreach and awareness materials and methods for measuring results; provided further, that one or more schools may be included in

an application; and provided further, that grant applications and other appropriate criteria will be determined and reviewed by the department ..... 16,110,309";

and in section 2D, in the preamble, by striking out the following: "fiscal year 2006" and inserting in place thereof the following: "fiscal year 2007".

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

**[See Ye and Nay No. 403 in Supplement.]**

Therefore the amendments were adopted.

The engrossed Bill further regulating meetings of municipal boards (see House, No. 4489, amended) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) (for message, see House, No. 4716), was considered.

The amendment recommended by His Excellency the Governor then was adopted in the following form (as approved by the committee on Bills in the Third Reading):

By striking out all after the enacting clause and inserting in place thereof the following:

"Chapter 39 of the General Laws is hereby amended by inserting after section 23C the following section:—

Section 23D. Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received; provided, however, that prior to any such vote, the member must certify in writing that he has examined all evidence received at the missed session, or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supercede applicable quorum requirements."

Sent to the Senate for concurrence.

House bills

Relative to the charter of the town of Truro (House, No. 4104); and

Relative to the membership of the town meeting of the town of Shrewsbury (House, No. 4206);

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

The Senate Bill relative to health insurance coverage for paid elected officials in the town of Sandwich (Senate, No. 2300) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time, under suspension of the rules, on motion of Mr. Golden of Lowell; and it was passed to be engrossed, in concurrence.

Amendments  
adopted,  
yea and nay  
No. 403.

Municipal  
boards,  
meetings.

Truro.  
Shrewsbury.

Sandwich,  
health  
insurance.

Medway,  
fiscal  
stability.

The House Bill relative to the financial condition of the town of Medway (House, No. 4790), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of the rules, on motion of Mr. Golden of Lowell; and it was passed to be engrossed. Sent to the Senate for concurrence.

*Recess.*

Recess.

At eight minutes after nine o'clock P.M. (Wednesday, April 26), on motion of Mr. Bosley of North Adams) (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of ten o'clock A.M. on Thursday, April 27; and at that time, the House was called to order with Mr. Donato of Medford in the Chair.

**Thursday, April 27, 2006 (at 10:00 o'clock A.M.).**

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

Prayer.

God of Goodness and Forgiveness, we begin the day with the intention of serving You and constituents conscientiously and thoughtfully. Inspire us to use our personal talents, experiences and Your assistance wisely as we address this day's budget items. With limited available financial resources, help us to select the most reasonable, beneficial and creative legislative choices which are open to us, at the present time, and serve the best interests of the people. In this changing world, may our hearts and minds be filled with confidence and hope in You and in our ability to cope with and to manage skillfully the many opportunities and challenges in the years ahead. Let our traditional, human and spiritual values remain constant in our daily living and decision making process.

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

Pledge of  
allegiance.

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

*Silent Prayer.*

Lance  
Corporal  
Michael L.  
Ford.

At the request of Messrs. Cabral of New Bedford, Quinn of Dartmouth, Canessa of New Bedford and Koczera of New Bedford, the members, guests and employees stood in a moment of silent prayer in memory of Lance Corporal Michael L. Ford of New Bedford, age 19, who died Wednesday, April 26, in Iraq. Michael was a life-long resident of New Bedford.

*Guests of the House.*

Kevin H.  
White.

During the session, the Speaker took the Chair, declared a brief recess, and introduced former Secretary of the Commonwealth and Mayor of the city of Boston, Kevin H. White. He was the guest of the entire Boston delegation.

During the session, Mr. Turkington of Falmouth took the Chair, declared a brief recess, and introduced members of the American Association of Museums. Mr. Turkington then presented them with Resolutions of the House, adopted this day, honoring the association on the occasion of its one hundredth anniversary.

American  
Museum  
Association.

*Resolutions.*

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

Resolutions (filed by Representatives Atkins of Concord, Eldridge of Acton, Kaufman of Lexington, Smizik of Brookline and Stanley of Waltham) honoring State Park employees and volunteers on Arbor Day;

State Park  
employees and  
volunteers.

Resolutions (filed by Ms. Callahan of Sutton) congratulating Emile Johnson on his six hundred wins while coaching baseball;

Emile  
Johnson.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Thomas R. Gray on receiving the Eagle Award of the Boy Scouts of America;

Thomas R.  
Gray.

Resolutions (filed by Mr. Hargraves of Groton) congratulating Joseph J. Errico on the occasion of the celebration of his one hundredth birthday;

Joseph J.  
Errico.

Resolutions (filed by Messrs. Kafka of Stoughton and Galvin of Canton) honoring George L. Dolinsky for his distinguished service to the youth of Stoughton;

George L.  
Dolinsky.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Dan Brogan on receiving the Eagle Award of the Boy Scouts of America;

Dan  
Brogan.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Edna Glass on being named Senior Woman of the Year by the Natick Council on Aging;

Edna  
Glass.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Frederick Glass on being named Senior Man of the Year by the Natick Council on Aging;

Frederick  
Glass.

Resolutions (filed by Mr. Linsky of Natick) congratulating Peter Liffiton on his retirement from the Sherborn Board of Health;

Peter  
Liffiton.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Dylan T. Merry on receiving the Eagle Award of the Boy Scouts of America;

Dylan T.  
Merry.

Resolutions (filed by Mr. Nyman of Hanover) congratulating Rena Mary Ceci on her ninetieth birthday;

Rena Mary  
Ceci.

Resolutions (filed by Messrs. O'Brien of Kingston and Hynes of Marshfield) congratulating Dennis Michael Scollins, Jr. on receiving the Eagle Award of the Boy Scouts of America;

Dennis Michael  
Scollins, Jr.

Resolutions (filed by Mr. Pignatelli of Lenox) on the occasion of the retirement of EMT Mark Tondel from the Lenox Volunteer Ambulance Squad;

Mark  
Tondel.

Resolutions (filed by Mr. Ross of Wrentham) congratulating J. Michael "Mick" Janelli on his retirement from the Wrentham Public Schools;

J. Michael  
Janelli.

Resolutions (filed by Representatives Ross of Wrentham and Poirier of North Attleborough) congratulating Superintendent Michael Malone on the occasion of his retirement;

Michael  
Malone.

Resolutions (filed by Representatives Sannicandro of Ashland and Blumer of Framingham) honoring Helen L. Heineman on her retirement as President of Framingham State College;

Resolutions (filed by Mr. Turkington of Falmouth) honoring the American Association of Museums;

Resolutions (filed by Mrs. Walrath of Stow) congratulating Scott M. Sacra on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mrs. Walrath of Stow) congratulating Geoffrey F. Tyler on receiving the Eagle Award of the Boy Scouts of America;

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

#### *Papers from the Senate.*

The engrossed Bill further regulating municipal transfers of appropriations (see Senate, No. 2192, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendment inserting an emergency preamble with a further amendment striking out all after the enacting clause and inserting in place there of the text contained in Senate document numbered 2505.

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

The House Bill relative to the city of Peabody Municipal Light Plant (House, No. 4462) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Notwithstanding section 129C of chapter 149 of the General Laws, linemen and troublemen employed by the city of Peabody municipal light plant may work on live wires, electrical equipment or other energized electrical conductors in excess of 15,000 volts phase-to-phase or 8,500 volts phase-to-ground directly with rubber gloves, when de-energizing is not feasible and only when following the applicable provisions of the NFPA 70E, Standard for Electrical Safety in the Workplace, 2004 Edition, Articles 110, 120 and 130, concerning proper safe work practices, personal protective equipment and clothing.

SECTION 2. This act shall take effect upon its passage.”

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

#### *Reports of Committees.*

By Mr. Rodrigues of Westport, for the committee on Labor and Workforce Development, on House, Nos. 15, 18, 19, 3664, 3723, 3770, 3788, 3792, 3796, 3808, 3810, 3822 and 3943, an Order relative to authorizing the committee on Labor and Workforce Development to make an investigation and study of certain House documents concerning labor standards, unemployment insurance, worker’s compensation and other related matters (House, No. 4911).

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 1969, 1985, 1993, 1994, 2003, 2022, 2023, 2024, 2028, 2031, 2034, 2039, 2040, 2048, 2053, 2070, 2082, 2138, 2144, 2145, 2146, 2162, 2179, 2197, 2237, 2239, 3226, 3623, 4589 and 4590, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning motor vehicle operations and highway safety (House, No. 4912).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

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

#### *Recess.*

At eight minutes after ten o’clock A.M. (Thursday, April 27), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until eleven o’clock; and at twenty minutes before twelve o’clock noon the House was called to order with Mr. Donato in the Chair.

#### *Emergency Measure.*

The engrossed Bill further regulating municipal transfers of appropriations (see Senate, No. 2192, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 10 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

#### *Engrossed Bills.*

Mr. Petrolati of Ludlow being in the Chair,— engrossed bills

Helen L.  
Heineman.

American  
Association of  
Museums.  
Scott M.  
Sacra.

Geoffrey F.  
Tyler.

Municipal  
appropriations,  
transfers.

Peabody,  
municipal  
light plant.

Labor,  
study.

Motor  
vehicle  
safety,  
study.

Recess.

Municipal  
appropriations,  
transfers.

Bill  
enacted.

Bills  
enacted.

Relative to health insurance coverage for paid elected officials in the town of Sandwich (see Senate, No. 2300);

Authorizing the issuance of certain bonds by the Manchester Essex Regional School District (see Senate, No. 2383);

(Which severally originated in the Senate); and

Relative to the financial condition of the town of Medway (see House, No. 4790) (which 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.

*Recess.*

Recess.

At twenty-seven minutes after twelve o'clock noon, on motion of Mr. Hynes of Marshfield (Mr. Petrolati of Ludlow being in the Chair), the House recessed until one o'clock P.M.; and at seven minutes after one o'clock the House was called to order with Mr. Correia of Fall River in the Chair.

*Orders of the Day.*

Third  
reading  
bill.

The Senate Bill authorizing the issuance of certain bonds by the Manchester Essex Regional School District (Senate, No. 2383), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

H

The House Bill designating a bridge in the city of Amesbury as the First Lieutenant Derek S. Hines Memorial Bridge (House, No. 4803), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of the rules, on motion of Mr. Costello of Amesbury; and it was passed to be engrossed. Sent to the Senate for concurrence.

H

The House Bill to relative to eligibility for health insurance for school employees (House, No. 4654) (its title having been changed by the committee on Bills in the Third Reading) was read a third time, under suspension of the rules, on motion of Mrs. Walrath of Stow.

Said committee reported recommending that the bill be consolidated with the House Bill to clarify eligibility for health insurance for school employees (House, No. 518), likewise referred to the committee on Bills in the Third Reading; and the report was accepted.

The bill (House, No. 4654) then was passed to be engrossed. Sent to the Senate for concurrence.

General  
Appropriation  
Bill.

The House Bill making appropriations for the fiscal year 2007 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. 4900, amended) was considered.

Pending the question on passing the bill to be engrossed, Mr. DeLeo of Winthrop and other members of the House moved that it be amended in section 2, as follows:

By striking out item 1599-1500;

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

"4000-0300 For the operation of the executive office, including the operation of the managed care oversight board; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office and its agencies, when contracting for services on the islands of Martha's Vineyard and Nantucket, shall take into consideration the increased costs associated with the provision of goods, services, and housing on said islands; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by all agencies under the purview of the secretariat, and shall ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction; provided further, that the executive office shall continue to develop and implement the common client identifier; provided further, that the executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that funds appropriated herein shall be expended for the administrative, contracted services and non-personnel systems costs related to the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and sections 16B and 16C of chapter 118E of the General Laws; provided further, that such costs shall include, but not be limited to, pre-admission screening, utilization review, medical consultants, disability determination reviews, health benefit managers, interagency service agreements, the management and operation of the central automated vendor payment system, including the recipient eligibility verification system, vendor contracts to upgrade and enhance the central automated vendor payment system, the medicaid management information system and the recipient eligibility verification system MA21, costs related to the information technology chargebacks, contractors responsible for system maintenance and development, personal computers and other information technology equipment; provided further, that 50 per cent of the cost of provider point of service eligibility verification devices purchased shall be assumed by the providers utilizing the devices; provided further, that the executive office shall assume the full cost of

provider point of service eligibility verification devices utilized by any and all participating dental care providers; provided further, that in consultation with the division of health care finance and policy, no rate increase shall be provided to existing medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that expenditures for the purposes of each item appropriated for the purpose of programs authorized by chapter 118E of the General Laws shall be accounted for according to such purpose on the Massachusetts management accounting and reporting system not more than 10 days after such expenditures have been made by the medicaid management information system; provided further, that no expenditures shall be made for the purpose of such programs that are not federally reimbursable, except as specifically authorized herein, or unless made for cost containment efforts the purposes and amounts of which have been submitted to the house and senate committees on ways and means 30 days prior to making such expenditures; provided further, that the executive office may continue to recover provider overpayments made in the current and prior fiscal years through the medicaid management information system, and that such recoveries shall be deemed current fiscal year expenditure refunds; provided further, that the executive office shall report quarterly to the house and senate committees on ways and means the amounts of said expenditure refunds credited to each item of appropriation; provided further, that the executive office shall report quarterly to the house and senate committees on ways and means the amount of hand generated payments, to providers by item of appropriation from which said payments were made; provided further, that the executive office may collect directly from a liable third party any amounts paid to contracted providers under chapter 118E of the General Laws for which the executive office later discovers another third party is liable if no other course of recoupment is possible; provided further, that no funds shall be expended for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement, with the office of civil rights or any other office, group or entity; provided further, that interpretive services currently provided shall not give rise to enforceable

legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that notwithstanding any general or special law to the contrary, for fiscal year 2007 the definition of a rural hospital shall mean an acute care hospital as defined under section twenty-five B of chapter 111 of the General Laws and licensed under said chapter 111, which: (1) has been designated by the executive office as a rural hospital based on bed size, city or town population, and population density of the city, town, service area or county as determined by the executive office through regulation; or (2) is a hospital currently designated as a Critical Access Hospital by the Federal Department of Health and Human Services in accordance with federal regulations and state requirements; provided further, that the federal financial participation received from claims filed for the costs of outreach and eligibility activities performed at certain hospitals or by community health centers which are funded in whole or in part by federally permissible in-kind services or provider donations from the hospitals or health centers, shall be credited to this item and may be expended without further appropriation in an amount specified in the agreement with each donating provider hospital or health center; provided further, that the federal financial participation received from claims filed based on in-kind administrative services related to outreach and eligibility activities performed by certain community organizations, under the so-called 'covering kids initiative' and in accordance with the federal revenue criteria in 45 CFR 74.23 or any other federal regulation which provides a basis for federal financial participation, shall be credited to this item and may be expended, without further appropriation, on administrative services including those covered under an agreement with the organizations participating in the initiative; provided further, that a hospital with a unit designated as a pediatric specialty unit or which maintains a level 1 burn and trauma center for pediatrics as defined in this item shall be exempt from the inpatient and outpatient efficiency standards being applied to their rate methodology; provided further, that notwithstanding section 1 of chapter 118G of the General Laws or any general or special law to the contrary, for fiscal year 2007 the definition of a 'pediatric specialty unit' shall mean a level 1 burn and trauma center for pediatrics or a pediatric unit of an acute care hospital in which the ratio of licensed pediatric beds to total licensed hospital beds as of July 1, 1994, exceeded 0.20; provided further, that in calcu-

lating that ratio, licensed pediatric beds shall include the total of all pediatric service beds, and the total of all licensed hospital beds shall include the total of all licensed acute care hospital beds, consistent with Medicare's acute care hospital reimbursement methodology as put forth in the Provider Reimbursement Manual Part 1, Section 2405.3G; provided further, that notwithstanding the provisions of 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 federal reimbursements received for administrative expenditures made pursuant to this item shall be credited proportionally to the General Fund and the Children's and Seniors' Health Care Assistance Fund, established under section 2FF of chapter 29 of the General Laws, in the same percentages as expenditures are made from this item; provided further, that not less than \$35,000,000 shall be expended for comprehensive dental benefits for adults within its MassHealth covered services which were in effect on January 1, 2002; provided further, that not less than \$18,200,000 shall be expended for MassHealth covered services which were in effect on January 1, 2002 for children below 300 percent of the federal poverty level; provided further, that not less than \$6,000,000 shall be expended for eyeglass benefits for adults within its MassHealth covered services which were in effect on January 1, 2002; provided further, that not less than \$1,000,000 shall be expended for chiropractic services for adults within its MassHealth covered services which were in effect on January 1, 2002; provided further, that not less than \$100,000 shall be expended for prosthetics benefits for adults within its MassHealth covered services which were in effect on January 1, 2002; provided further, that in determining inpatient rates for any acute hospitals the executive office shall utilize the same payment methodology, including all exemptions, rate adjustments and passthrough payments, as was in effect on July 1, 2003, except as provided in item 4000-1401; provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient services at acute care pediatric hospitals and pediatric subspecialty units as defined in M.G.L. c.118G, section 1, the Executive Office of Health and Human Services shall make a supplemental payment, if necessary, sufficient to assure that inpatient rate payments for dis-

charges with a case mix acuity greater than 5.0 shall be at least equal to 85% of the expenses incurred in providing services to those children; provided further, that notwithstanding any general or special law or regulation to the contrary the executive office of health and human services shall expend an amount not less than \$2,662,200 for a one time payment to a municipality in Essex County to defray the debt resulting from the operation of a former municipally owned hospital; provided further, that in determining outpatient rates for any acute hospitals the executive office shall utilize the same payment methodology, including all exemptions and rate adjustments, as was in effect on October 1, 2003; provided further, that said executive office shall not reduce the supplement to chronic disease and rehab hospitals administrative day rate below that which was granted during hospital fiscal year 2005; provided further, that a new methodology shall be established for rates reimbursed by the commonwealth through the division of health care finance and policy and the executive office of health and human services to cover the cost of care provided by any health care facility licensed by the department of public health as a non-acute chronic hospital with no fewer than 500 licensed beds as of June 30, 2005, with no fewer than 150,000 Medicaid patient days in the state fiscal year ended June 30, 2006, and with an established geriatric teaching program for physicians, medical students, and other health professionals, as follows: (1) the rate for any such facility shall be developed collaboratively through an agreement among the office of Medicaid, the division of health care finance and policy, and any such health care facility; provided that the process for development of this rate shall include a mechanism to adjust the rate to account for costs outside the reasonable control of the facility that may arise after the rate has been established; (2) the reimbursement methodology shall incorporate the following components: (a) utilization of the payment methodology in effect during fiscal year 2006 together with the most recent 403 cost report filed with the division of health care finance and policy, (b) a per diem rate shall be established which reimburses the full cost, including capital, for both acute and administratively necessary services, (c) a separate per diem rate shall be established which reimburses the full cost, including capital, for long term care services, (d) both rates shall include the full cost, not otherwise reimbursed, of teaching and research activities, and (e) rates shall be inflated over the base year period by the applic-

General  
Appropriation  
Bill

able medicare market basket inflation factors; (3) until such time as the new reimbursement methodology is established pursuant to this section, the per diem rates for any such facility shall be increased by at least 34 dollars per day for the year starting July 1, 2006, and by 5 percent annually for each subsequent year; provided that, notwithstanding this section or any contractual or other provision of law, such facility shall have the right to an increase to the rate then in effect to account for costs outside the reasonable control of such facility that may arise; and (4) notwithstanding any other provision of law, in no event will the rates of payment be lower than the highest rate in effect for such facility in the previous state fiscal year; provided further, that said executive office in fiscal year 2007 shall not eliminate payment to hospital outpatient departments for primary care provided to MassHealth members; provided further, that not later than September 1, 2006, the executive office shall submit a report to the house and senate committees on ways and means detailing reasons for increases in chargebacks between fiscal years 2006 and 2007 for all 17 executive office cluster agencies including, but not limited to, service rates used in determining each charge type, number of staff hours per agency per service type, and a subsequent explanation as to how the increases result in a cost savings for each agency and the commonwealth, and why there is no subsequent decrease in either the cluster agency's or the executive office's administrative costs; provided further, that the report shall provide a detailed explanation and crosswalk of the transition of both funding and staff members from each agency to the executive office in fiscal years 2006 and 2007 for consolidation of centralized services; provided further, that the executive office, in consultation with the division of health care finance and policy, shall submit a report on the implementation of the 'virtual gateway' project; provided further, that the report shall include, but not be limited to: (i) a list of providers that used the virtual gateway system in hospital fiscal year 2006; (ii) a list of providers who are scheduled to receive the virtual gateway system in hospital fiscal year 2007 (iii) an assessment of the current capability of the virtual gateway to screen eligibility for multiple health and human services benefits; (iv) the number of applications for MassHealth filed through the virtual gateway delineated by provider and MassHealth program; (v) the approval rate of MassHealth applications filed through the virtual gateway compared to applications filed through other

means and the impact on overall MassHealth enrollment; (vi) the average time required for approval of applications filed through the virtual gateway; (vii) an assessment of the impact of the virtual gateway system on free care costs at participating providers compared to non-participating providers in hospital fiscal year 2007; (viii) a survey of participating hospitals measuring the decreased or increased administrative costs for hospital staff; and (ix) the total state cost of the virtual gateway project in state fiscal years 2006 and 2007 and the amount of expected federal participation received for those expenditures; provided further, that the executive office shall submit its report to the chair of the house and senate committees on ways and means, and the chair of the joint committee on health care financing not later than February 1, 2007; provided further, that by October 1, 2006 the executive office shall develop a process whereby all participating providers who have signed the Virtual Gateway Services Agreement shall have access to the contents of the consolidated summary of an individual's application submitted through the virtual gateway; provided further, that notwithstanding any general or special law to the contrary, the executive office shall adopt regulations which increase premiums or cost sharing, or restrict eligibility and covered services only after public notice and hearing; and provided further that, notwithstanding any general or special law to the contrary, the secretary of the executive office of health and human services shall expend not less than \$150,000 for the purpose of identifying resources and establishing any interagency agreements within the secretariat, the departments or the commissions operating under the secretary for the purpose of opening access to an array of community-based services for citizens with adult-onset disorders, including information and referral for services available to said population ..... 208,507,515

General Fund ..... 85.84%  
 Children's and Seniors' Health  
 Care Assistance Fund .... 14.16% ”;

By striking out item 4000-0430 and inserting in place thereof the following item:

“4000-0430 For the commonwealth program to provide primary and supplemental medical care and assistance to disabled adults and children under sections 9A, 16 and 16A of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that the executive office shall

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maximize federal reimbursement for state expenditures made on behalf of such adults and children; provided further, that children shall be determined eligible for the medical care and assistance if they meet the disability standards as defined by the executive office, which standards shall be no more restrictive than the standards in effect on July 1, 1996; provided further, that the executive office shall process commonhealth applications within 45 days of receipt of a completed application or within 90 days if a determination of disability is required; and provided further, that the secretary is hereby authorized to increase the enrollment cap for this program from 14,000 to 15,600 in fiscal year 2007..... 68,032,473”;

By striking out item 4000-0600 and inserting in place thereof the following item:

“4000-0600 For health care services provided to medical assistance recipients under the executive office of elder affairs’ senior care plan; provided, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that not less than \$9,240,000 shall be expended for a demonstration project known as the ‘community choices’ initiative; provided further, that under the demonstration, eligible MassHealth enrollees in the section 2176 elder care waiver shall be covered for any needed community services, including case management, from among those services available under the waiver or under the commonwealth’s Title XIX state plan, for the purpose of delaying or preventing an imminent nursing home admission; provided further, that elders enrolled in the waiver at risk of imminent nursing home admission shall be provided information about the availability of such services; provided further, that for elders who have been determined to be at such imminent risk, have chosen to remain in the community, and for whom community care is medically appropriate, the executive office shall establish a funding level that, on a monthly average basis, is equal to 50 per cent of the median monthly per capita expenditure made by the executive office for nursing facility services provided to elders; provided further, that such funding level may include the costs of needed waiver services or other needed community services available to the elders under the state plan; provided further, that the executive office shall enter into an agreement with each aging service access point

participating in the demonstration, which shall describe a system to be followed by each aging service access point, in accordance with state law and requirements under Title XIX of the Social Security Act, for coordination of both waiver and non-waiver community services needed by such eligible elders; provided further, that each aging services access point receiving funds under the demonstration project shall submit monthly reports to the executive office of health and human services and to the executive office of elder affairs on the care provided and the service expenditures made under the 2176 elder care waiver and such other information as specified by said executive offices; provided further, that the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing the projected costs and the number of individuals served by the ‘community choices’ initiative in fiscal year 2007 delineated by federal poverty level; provided further, that the report shall be submitted not later than February 1, 2007; provided further, that notwithstanding any general or special law to the contrary, for any nursing home or nonacute chronic disease hospital that provides kosher food to its residents, the executive office of elder affairs, in consultation with the division of health care finance and policy, in recognition of the unique special innovative program status granted by the executive office, shall for any nursing home or nonacute chronic disease hospital that provides kosher food to its residents, continue to make the standard payment rates established in fiscal year 2006 to reflect the high dietary costs incurred in providing kosher food; provided further, that the executive office shall in correlation with the senior care options program explore options for enrolling the senior care population into managed care programs through federal waivers or other necessary means; provided further, that the secretary of elder affairs may transfer not more than 3 per cent of funds appropriated in this item to item 4000-0620; provided further, that the executive office shall provide written notice to the house and senate committees on ways and means not less than 30 days prior to any transfer; provided further, that not less than \$2,000,000 shall be expended for the purpose of a housing with services demonstration project known as the ‘Caring Homes’ initiative designed to delay or prevent nursing home placement by providing caregiving services to an elder; provided further, that under said demonstration project, eligible MassHealth enrollees shall be able to live in the home of an individual or relative, with

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the exception of spouses and dependent children, to provide for their long term supports, pursuant to regulations promulgated by said executive office; provided further, that notwithstanding any general or special law to the contrary, \$1,000,000 shall be utilized from this item for rate mitigation to help offset the impact of changes in the rate methodology calculation for fiscal year 2007; and provided further, that \$1,000,000 shall be expended for a one-time rate add-on for wages, compensation and/or salary and associated employee-related costs to personnel providing homemaker and personal care homemaker services to elderly clients under items 9110-1500, 9110-1630, and 4000-0600..... 1,719,886,562”;

By striking out item 4000-0880 and inserting in place thereof the following item:

“4000-0880 For MassHealth benefits under clause (c) of subsection (2) of section 9A and section 16C of chapter 118E of the General Laws for children and adolescents whose family incomes as determined by the executive office are above 150 per cent of the federal poverty level; provided, that funds may be expended from this item for health care services provided to the children and adolescents in prior fiscal years; provided further, that the secretary is hereby authorized to increase the enrollment cap from 1,050 to 1,300 for HIV positive adults during fiscal year 2007; provided further, that children who have aged out of the custody of the Department of Social Services shall be eligible for these benefits until they reach age twenty; and provided further, that all federal reimbursements received for expenditures from this item under Title XXI of the Federal Social Security Act shall be credited to the Children’s and Seniors’ Health Care Assistance Fund..... 80,162,969  
Children’s and Seniors’ Health  
Care Assistance Fund.... 100.0%”;

By striking out item 4000-0890 and inserting in place thereof the following item:

“4000-0890 For the cost of health insurance premium subsidies paid to employees of small businesses participating in the insurance reimbursement program pursuant to the provisions of section 9C of chapter 118E of the General Laws; provided, that fiscal year 2007 eligibility for said program shall not exceed 300 percent of the federal poverty level; provided further, that all federal reimbursements received for expenditures from this item pursuant to the provisions of Title XIX and Title XXI of the federal Social Security Act shall be credited to the Children’s and

Seniors’ Health Care Assistance Fund; and provided further, that expenditures made for the purposes of this item shall not exceed the amount appropriated herein ..... 45,011,915  
Children’s and Seniors’  
Health Care  
Assistance Fund ..... 100.0%”;

By striking out item 4000-1405 and inserting in place thereof the following item:

“4000-1405 For the operation of a program of preventive and primary care for chronically unemployed persons who are not receiving unemployment insurance benefits and who are not eligible for medical assistance but who are determined by the executive office of health and human services to be long-term unemployed; provided, that such persons shall meet the eligibility requirements established under the MassHealth program as established in section 9A of chapter 118E of the General Laws; provided further, that the income of such persons shall not exceed 100 per cent of the federal poverty level; provided further, that said eligibility requirements shall not exclude from eligibility persons who are employed intermittently or on a non-regular basis; provided further, that the provision of care to such persons under this program may, taking into account capacity, continuity of care, and geographic considerations, be restricted to certain providers; provided further, that funds may be expended from this item for health care services provided to recipients in prior fiscal years; provided further, that the secretary is hereby authorized to limit or close enrollment if necessary in order to ensure that expenditures from this item do not exceed the amount appropriated herein; provided further, that the secretary is hereby authorized to seek federal approval to increase the enrollment cap from 44,000 to 60,000 for this program during fiscal year 2007; provided further that notwithstanding subsection (3) of section 16D of chapter 118E of the General Laws or any other general or special law to the contrary, a person who is not a citizen of the United States but who is either a qualified alien within the meaning of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 or is otherwise permanently residing in the United States under color of law shall be eligible to receive benefits under this item if such individual meets the categorical and financial eligibility requirements pursuant to this item; provided further, that such individual is either age 65 or older or age 19 to 64 and disabled; provided further, that any such individual shall not be subject to

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sponsor income deeming or related restrictions; and provided further, that funds from this item for health care services for said noncitizens may be expended as of the effective date of this act ..... 305,262,512”;

In item 9110-0100 by adding at the end thereof the following: “; provided further, that \$300,000 shall be expended to operate the Senior Information Management System” and, in said item, by striking out the figures “2,208,089” and inserting in place thereof the figures “2,508,089”;

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

“9110-1455 For the costs of the drug insurance program authorized by section 39 of chapter 19A of the General Laws; provided, that amounts received by the executive office of elder affairs’ vendor as premium revenue for this program may be retained and expended by the vendor for the purposes of the program; provided further, that notwithstanding any general or special law to the contrary, unless otherwise prohibited by state or federal law, prescription drug coverage or benefits payable by the executive office, and the entities with which it has contracted for administration of the subsidized catastrophic drug insurance program pursuant to section 39 of chapter 19A, shall be the payer of last resort for such program for eligible persons with regard to any other third party prescription coverage or benefits available to such eligible persons; provided further, that said program is subject to appropriation and expenditures shall not exceed in fiscal year 2007 the amount authorized herein; provided further, that the executive office shall take steps for the coordination of benefits with the Medicare prescription drug benefit created pursuant to the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, to ensure that Massachusetts residents take advantage of said benefit; provided further, that there shall be an open enrollment period, lasting not less than 1 month and not more than 2 months, that will begin April 15, 2007; provided, that the open enrollment shall be preceded by at least 30 days of advance public notice and marketing; provided further, that during the open enrollment period, individuals shall be enrolled in the program in the order in which the program receives their completed application; provided further, that not less than \$600,000 shall be made available for the operation of the pharmacy outreach program established by section 4C of said chapter 19A; provided further, that a person will also be eligible to enroll in the program at any time within a year of reaching age 65; and

provided further, that the executive office may provide assistance for prescription drug costs to enrollees who qualify for Medicare Part D as well as assistance for premiums, deductibles, payments, and co-payments required by other plans which provide creditable prescription drug coverage as defined by section 104 of said Medicare Modernization Act, and which provide coverage of the cost of prescription drugs actuarially equal to or better than that provided by Medicare Part D..... 62,672,979”;

In item 9110-1500 by striking out the figures “42,831,919” and inserting in place thereof the figures “43,331,919”;

In item 9110-1630, by adding at the end thereof the following: “; provided further, that not less than \$50,000 shall be made available for a pilot program for home health care to be administered by Community Parish Nursing in the town of Reading” and, in said item, by striking out the figures “102,920,113” and inserting in place thereof the figures “102,970,113”;

In item 9110-1636, in line 3, by striking out the figures “495,000” and inserting in place thereof the figures “800,000” and, in said item, by striking out the figures “13,656,546” and inserting in place thereof the figures “13,961,546”;

By inserting after said item 9110-1636 the following two items:

“9110-1640 For the Geriatric Mental Health Services program, including residential care, case management, and day treatment services, to deinstitutionalize or divert elders with serious and persistent mental illness from institutionalized settings ..... 350,000

9110-1650 For the family caregivers program ..... 500,000”;

In item 9110-1660, by adding at the end thereof the following: “; and provided further, that not less than \$150,000 shall be allocated to the Helping Elders at Risk Through Homes (HEARTH) program” and, in said item, by striking out the figures “1,341,283” and inserting in place thereof the figures “1,491,283”;

In item 9110-1900, by striking out the figures “5,237,000” and inserting in place thereof the figures “5,487,000”; and

In item 9110-9002, in line 6, by inserting after the word “secretary” the following: “; provided that not less than \$50,000 shall be provided to the LGBT Aging Project” and, in said item, by striking out the figures “7,500,000” and inserting in place thereof the figures “7,550,000”;

By inserting after section 11 (as printed) the following section:

“SECTION 16A. Section 18 of said chapter 118G, as so appearing, is hereby amended by adding the following subsection:—

(q) Within the Medical Assistance Trust Fund as established in section 2QQQ of chapter 29, there is hereby established a Mass Health provider payment account, administered by the secretary of the executive office of health and human services. Subject to the availability of federal financial participation, funds may be expended from this account for supplemental Medicaid payments to qualifying providers pursuant to an approved state plan or federal

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waiver. All Title XIX federal financial participation revenue generated by hospital payments funded by the Medical Assistance Trust Fund, whether the payments are made by the division of health care finance and policy or the executive office of health and human services, shall be credited to the General Fund.”; and by adding at the end thereof the following eight sections:

“SECTION 34. Section 128 of chapter 58 of the acts of 2006 is hereby amended by striking out said section and inserting in place thereof the following new section:—

Section 128. Notwithstanding any general or special law to the contrary, in fiscal year 2007, \$100,000,000 shall be made available from the Commonwealth Care Trust Fund, established by section 2000 of chapter 29 of the General Laws, to pay for an increase in the Medicaid rates paid to acute hospitals, as defined in section 1 of chapter 118G of the General Laws, physicians, and community health centers, provided that not less than 15 per cent of the increase be allocated to rate increases for physicians; provided further, that in fiscal year 2008, an additional \$90,000,000, for a total of \$190,000,000, shall be made available from the Commonwealth Care Trust Fund to pay for an increase in the Medicaid rates paid to acute hospitals, as defined in section 1 of chapter 118G of the General Laws, and physicians, provided that not less than 15 per cent of the increase be allocated to rate increases for physicians; and provided further, that in fiscal year 2009, an additional \$90,000,000, for a total of \$280,000,000, shall be made available from the Commonwealth Care Trust Fund to pay for an increase in the Medicaid rates paid to acute hospitals, as defined in said section 1 of said chapter 118G, and physicians, provided that not less than 15 per cent of the increase be allocated to rate increases for physicians.

SECTION 35. The Comptroller shall, in consultation with the office of the state treasurer, the executive office for administration and finance, and the executive office of health and human services, develop a schedule and make a series of transfers not to exceed \$251,000,000 from the General Fund to the MassHealth provider payment account in the Medical Assistance Trust Fund.

SECTION 36. Notwithstanding any general or special law to the contrary, the president of the university of Massachusetts, upon the recommendation of the chancellor of the Worcester campus that resources are available from the unrestricted non-appropriated revenues received by said campus from the license agreements and services it provides to third parties, may make a payment to the General Fund of an amount representing all or part of the support provided by the commonwealth for the fringe benefits of university employees paid from state appropriated funds as such were determined for the Worcester campus for the fiscal years 1993 and 1994 under the September 22, 1992 memorandum of understanding between the secretary of administration and finance and said chancellor. These amounts may include support of the benefits provided by the state retirement system and/or the group insurance commission. The president shall notify the comptroller of the university’s commitment to make such payments and these payments shall become obligations of the university upon notification.

SECTION 37. Notwithstanding any general or special law to the contrary, the president of the university of Massachusetts, upon the recommendation of the chancellor of the Worcester campus that resources are available from the unrestricted non-appropriated revenues received by said campus for the services it provides to third parties, may make a payment to the General Fund of an amount representing all or part of the capital appropriations made available to the university by the commonwealth in the prior fiscal year. The president shall notify the comptroller of the university’s commitment to make such payments and such payments shall become obligations of the university upon such notification.

SECTION 38. Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the state treasurer, the secretary of administration and finance and the secretary of health and human services, develop a schedule for transferring not less than \$750,000,000 from the General Fund to the Commonwealth Care Trust Fund. This schedule shall make the transfers in increments considered appropriate to meet the cash flow needs of the General Fund and the Commonwealth Care Trust Fund. The transfers shall not begin before July 1, 2006 and shall be completed on or before June 30, 2007.

SECTION 39. Item 1599-1499 of section 2A of chapter 101 of the acts of 1999 as amended by section 1 of chapter 47 of the acts of 2003 is hereby amended by striking out ‘2007 and ending in fiscal year 2010’ and inserting in place thereof the following:— 2008 and ending in fiscal year 2011.

SECTION 40. Notwithstanding any general or special law to the contrary, notwithstanding a member’s coverage type or enrollment in a managed care organization, the division shall provide coverage for all emergency ambulance calls which result in a transport and shall provide coverage for all medically necessary non-emergency ambulance and wheelchair van trips. Provided, that medical necessity for non-emergency ambulance service shall be established by the completion of a medical necessity form signed by a physician, physician’s designee, physician assistant, nurse midwife, dentist, nurse practitioner, managed care representative, or registered nurse. The member’s record must support the information given on the Medical Necessity Form. The transportation provider is responsible for the completeness of Medical Necessity Forms. The completed Medical Necessity Form must be kept by the transportation provider as a record for four years from the date of service.

SECTION 41. Notwithstanding any general or special law to the contrary, the comptroller, in consultation with the secretary of health and human services, shall develop a schedule for transferring not less than \$38,000,000 from the Commonwealth Care Trust Fund to the Essential Community Provider Trust Fund established in section 2PPP of chapter 29 of the General Laws for the purpose of making payments to hospitals and community health centers in fiscal year 2007. The secretary shall authorize expenditures from the fund without further appropriation for the purpose of a grant program to improve and enhance the ability of acute hospitals and community health centers to serve populations in need more efficiently

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and effectively, including, but not limited to, the ability to provide community-based care, clinical support, care coordination services, disease management services, primary care services, and pharmacy management services through a grant program. The office shall consider applications from acute hospitals and community health centers in awarding the grants, provided that the office shall publicize the existence of the grant program to eligible providers and shall award grants no later than March 31, 2007. The criteria for selection shall include, but not be limited to, the following criteria:— (i) the financial performance of the provider as determined, in the case of applications from acute hospitals, quarterly by the division of health care finance and policy and by consulting other appropriate measurements of financial performance; (ii) the percentage of patients with mental or substance abuse disorders served by a provider; (iii) the numbers of patients served by a provider who are chronically ill, elderly, or disabled; (iv) the payer mix of the provider, with preference given to acute hospitals where a minimum of 63 per cent of the acute hospital’s gross patient service revenue is attributable to Title XVIII and Title XIX of the federal Social Security Act or other governmental payors, including reimbursements from the Health Safety Net Fund; (v) the percentage of total annual operating revenue that funding received in fiscal years 2005 and 2006 from the Distressed Provider Expendable Trust Fund comprised for the provider; and (vi) the cultural and linguistic challenges presented by the populations served by the provider.”.

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. Candaras of Wilbraham; and on the roll call (Mr. Petrolati of Ludlow being in the Chair) 156 members voted in the affirmative and 1 in the negative.

[See Yeas and Nays No. 404 in Supplement.]

Therefore the amendments were adopted.

At the hour of three o’clock P.M. (Thursday, April 27), on motion of Mr. Vallee of Franklin (Mr. Petrolati being in the Chair), the House recessed until four o’clock; and at that time the House was called to order with Mr. Petrolati in the Chair.

The House thereupon took a further recess, on motion of Mr. Donato of Medford, until half past four o’clock; and at twenty-three minutes before five o’clock the House was called to order with Mr. Donato in the Chair.

Mr. Petrolati thereupon took the Chair; and, on motion of Mr. Donelan of Orange, the House took a further recess, on motion of Mr. Donelan of Orange, until the hour of five o’clock; and at twenty minutes after six o’clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Pending the question on passing the bill to be engrossed, Mr. DeLeo of Winthrop and other members of the House moved that it be amended in section 2, as follows:

In item 1232-0100, by adding at the end thereof the following: “; provided that not less than \$1,500,000 will be expended to the Town of Westford for the cleanup and remediation of number 4 fuel oil at the Abbot School located in the Town of Westford” and, in

Amendments adopted, yeas and nays No. 404.

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said item, by striking out the figures “18,200,000” and inserting in place thereof the figures “19,700,000”;

In item 0511-0000, in line 7, by inserting after the words “ways and means” the following: “; provided further, no less than \$1,500,000 shall be expended for the Commonwealth Museum located at the Massachusetts Archives in Dorchester to renovate existing space of the Museum that will exhibit many treasures of the Commonwealth including the original 1692 Charter of Province of Massachusetts Bay, the Massachusetts Constitution, the Bill of Rights, the Declaration of Independence” and, in said item, by striking out the figures “6,902,837” and inserting in place thereof the figures “8,402,837”;

By inserting after item 0511-0260 the following item:

“0511-0360 The Secretary of State shall contract with the UMass Donahue Institute for not less than \$100,000 to provide the Commonwealth with technical assistance on US Census Data and prepare annual population estimates ..... 100,000”;

In item 0521-0000, in line 5, by inserting after the word “Worcester” the following: “; provided further, that not less than \$43,700 shall be expended for establishment of the Lawrence Election Monitoring Program”;

By inserting after item 0610-0100 the following item:

“0610-0140 For the purpose of funding administrative, transactional and research expenses associated with maintaining and increasing the interest earnings on the Commonwealth’s General Stabilization Fund Investments ..... 25,000”;

In item 0640-0300 by adding at the end thereof the following: “; provided further, that not less than \$300,000 shall be allocated to increase the Local Cultural Council Grant Program to provide for a minimum grant of \$4,000 per municipality; and provided further, that not less than \$350,000 shall be expended to establish the Cultural Tourism Initiative under the Massachusetts Cultural Council, which shall provide matching funds for marketing programs created through regional or local partnerships between tourism professional and non-profit cultural organizations through four pilot programs to be created in four different regions of the state” and, in said item, by striking out the figures “8,000,000” and inserting in place thereof the figures “8,650,000”;

In item 0810-0000, by adding at the end thereof the following: “; provided further, that \$250,000 shall be expended from the funds appropriated in this item for a safe neighborhood initiative-pilot program in the Bowdoin/Geneva area of Dorchester” and, in said item, by striking out the figures “22,437,962” and inserting in place thereof the figures “22,687,962”;

In item 0640-0351 by striking out the figures “1,500,000” and inserting in place thereof the figures “1,750,000”;

In item 0840-0100 by striking out the figures “426,996” and inserting in place thereof the figures “596,766”;

By adding at the end thereof the following one hundred ninety-five sections:

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“SECTION 42. Not later than 10 days after the effective date of this act, the comptroller shall transfer \$2,000,000 from the General Fund to the Affordable Housing Trust Fund established by chapter 121D of the General Laws, and notwithstanding any general or special law to the contrary, said funds shall be used as grants or low-interest loans solely to reduce the price paid by purchasers of affordable homeownership units built with other state and federal housing production resources and provided further that such funds shall be expended for down payment assistance and technical assistance for the purchase and preservation of multi-family housing developments which are or were subject to final payment, prepayment or termination of a state or federally assisted mortgage or which has received or currently receives assistance and such assistance is expiring under any of the following programs:— (1) Section 8 of the United States Housing Act of 1937, as amended, 42 U.S.C. Section 1437f; as it applies to new construction, substantial rehabilitation, moderate rehabilitation, property disposition and loan management set-aside programs, or any other program providing project-based rental assistance; (2) Section 42 of the Internal Revenue Code, as amended, 26 U.S.C. Section 42, the federal Low-Income Housing Tax Credit Program; (3) Section 101 of the Housing and Urban Development Act of 1965, as amended, 12 U.S.C. Section 1701s as it applies to programs for rent supplement assistance thereunder; (4) Section 202 of the Housing Act of 1959, as amended, 12 U.S.C. Section 1701q; (5) Section 221(d)(3) of the National Housing Act of 1934, as amended, 12 U.S.C. Section 17151(d)(3) or (5), the below market interest rate program; (6) Section 221(d)(4) of the National Housing Act, as amended, 12 U.S.C. Section 17151(d)(4), to the extent the project’s rents are regulated pursuant to a government agreement; (7) Section 236 of the National Housing Act, as amended 12 U.S.C. Section 1715z-1; (8) Section 515 of the Housing Act of 1949, as amended, 42 U.S.C. Section 1485; (9) Section 521 of the Housing Act of 1949, as amended, 42 U.S.C. Section 1490a; (10) The federal Urban Development Action Grant, ‘UDAG’, as amended, 42 U.S.C. Section 5318, to the extent project’s rents are regulated pursuant to a government agreement; (11) The federal Housing Development Action Grant, ‘HODAG’ as amended, 42 U.S.C. Section 1437o, to the extent project’s rents are regulated pursuant to a government agreement; (12) Chapter 121A of the general laws, to the extent project’s affordability of dwelling units is regulated; or (13) Section 13A of Chapter 708 of the Acts of 1966.

SECTION 43. Section 10 of chapter 152 of the acts of 1997 is hereby amended by striking out subsection (c), as most recently amended by section 64 of chapter 352 of the acts of 2004, and inserting in place thereof the following subsection:—

(c) In order to increase the marketability of special obligation bonds described in section 11 and any other bonds issued by the commonwealth which are payable from amounts held in the Convention Center Fund and thereby ensure the issuance of such bonds at the lowest possible cost to the commonwealth, the special receipts deposited in the Convention Center Fund in accordance with this subsection are hereby impressed with a trust for the benefit of the

owners from time to time of such bonds and special receipts shall be applied by the state treasurer without further appropriation to the payment of principal, including sinking fund payments and premium, if any, and interest on such bonds, to the maintenance of, or provisions for, the Capital Reserve Fund described in said section 11, to the payment of the costs of issuance of such bonds and to the payment of the cost of, and the satisfaction of the obligations of the commonwealth under, any surety bond, insurance policy or other form of credit enhancement required or provided for in any trust of security agreement or credit enhancement agreement entered into pursuant to this act to secure such bonds. The state treasurer, with the concurrence of the secretary of administration and finance, shall determine that sufficient amounts are held in the Convention Center Fund to meet debt service payments and compliance with any applicable restrictions relating thereto including, without limitation, any coverage requirements contained in any such trust or security agreement or credit enhancement agreement. If the state treasurer and the secretary of administration and finance determine that the balance of the Convention Center Fund exceeds the amount necessary to satisfy the requirement of sufficiency, then the Authority may make expenditures from the Convention Center Fund, in an amount not to exceed such surplus, for the following purposes: (i) to pay costs, not exceeding \$50,000,000, of the heating, ventilating and air conditioning systems for the project if the Authority deems it in the best interest of the Authority to fund such costs in whole or in part from amounts held in the Convention Center Fund rather than through a lease or lease purchase agreement for such systems; (ii) to pay start-up costs, not exceeding \$2,000,000, of the project; (iii) to pay costs, not exceeding \$2,000,000, of engineering and construction of surface parking facilities within the convention center development area as defined in section 2 without completion of an antecedent facility study and engineering study as provided in section 38N of chapter 190 of the acts of 1982; (iv) to provide for, and maintain, any reserve for capital and current expenses of the project and other facilities of the Authority as the Authority shall deem necessary to appropriate; provided, however, that the Authority shall receive written approval from the secretary of administration and finance; (v) to defray the net cost of operations, at an amount not to exceed \$23,000,000 in Fiscal Year 2004 and that the same amount in each fiscal year thereafter, of the Authority as defined in section 32 of said chapter 190.

SECTION 44. Clause 16 of section 3 of chapter 23G of the General Laws, as appearing in the Official 2004 Edition, is hereby amended by adding the following at the end thereof:— ; provided, however, the Agency shall be required to remit to the General Fund annually an amount of not less than five hundred thousand Dollars from revenues received by the Agency.

SECTION 45. Clause 23 of said section 3 of said chapter 23G is hereby amended by adding the following at the end thereof:— ; provided, however, that the Agency, upon the land owned or operated by the Agency that was previously operated by or on behalf of the federal government as ‘Fort Devens,’ shall at all times be required to

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provide for the maintenance, full use, and enjoyment of transitional or permanent housing facilities for the homeless, or those at risk of being homeless, to be operated by Applicants whose application for the use of buildings, facilities, and/or land at the former Fort Devens was allowed, granted, and/or approved by the United States Department of Housing and Urban Development, the United States Department of Defense, or any other agency of the United States Government, and such housing facilities and services are to be provided within or on the land, buildings, residential units, administrative offices, and playground facilities identified in the applications submitted by such Applicants. If such land, buildings, residential units, administrative offices, and playground facilities identified in the applications submitted by such Applications are not habitable because of environmental contamination, the Agency shall provide the equivalent land, buildings, residential units, administrative offices, and playground facilities elsewhere in the property formerly known as Fort Devens. The Agency shall not assess against or collect from such Applicants any rental payments, taxes, user fees, education fees, or any other form of charge payable to the Agency or any third party, except for the actual costs paid or incurred by the Agency in connection with the provision of utilities to Applicants or their residents, but only if separately and individually metered by residential or administrative unit. The Agency shall not interfere with the management, programs or any other aspect of the operations of the Applicants' housing facilities or services. For the purposes of this subsection, 'Applicants' shall mean each and every applicant who submitted an application to the United States Department of Housing and Urban Development, the United States Department of Defense, or any other agency of the United States Government for the use of any land, building, office, playground, or other property at the former Fort Devens, including such applicants' successors and assigns.

SECTION 46. Section 10 of said chapter 23G is hereby amended in line 2 by striking the word 'biennial' and inserting in place thereof the word 'annual'; and is further amended by adding at the end thereof the following:— ; provided, however, that the Agency shall at all times be required to maintain detailed books and records of all legal and other professional fees and expenses incurred by outside counsel or other professionals retained by or on behalf of the Agency, including (i) copies of all invoices for fees and expenses, which invoices shall include detailed entries for all time incurred by such outside counsel or other professionals and (ii) a written disclosure of any personal or professional relationships between said outside counsel or other professionals and any officer, director, or employee of the Agency; such books and records shall be subject to review immediately upon request of the house or senate committees on ways and means.'

SECTION 47. Section 17 of said chapter 23G is hereby amended by adding at the end of the second paragraph therein the following:— Prior to the disposition of any state surplus lands or any interest therein acquired by the Agency, the Agency shall file with the house and senate committees on ways and means a written dis-

closure detailing with specificity any personal or professional relationships between any officer, director, or employee of the Agency and any party involved with said disposition, including any purchaser, outside counsel or other professional involved with the disposition. The Agency shall, within thirty days of any request by the house or senate committees on ways and means, provide such committees with a detailed summary of all legal and other professional fees and expenses incurred by outside counsel or other professionals retained by or on behalf of the Agency in connection with any such disposition.'

SECTION 48. Section 34 of said chapter 23G is hereby amended by adding the following at the end thereof:— Such annual report shall also include (i) a detailed summary of all legal, state and federal lobbying, and other professional fees and expenses incurred by outside counsel or other professionals retained by or on behalf of the Agency and (ii) a written disclosure of any personal or professional relationships between said outside counsel, lobbyists, or other professionals and any officer, director, or employee of the Agency.'

SECTION 49. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2006, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in said appropriation acts, for the several purposes and subject to the conditions specified in this act or in said appropriation acts and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2007. The sums in said section 2 shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

**JUDICIARY.**

*Committee for Public Counsel Services.*

0321-1510	.....	20,000,000
0321-1520	.....	1,800,000

*Berkshire County District Attorney.*

0340-1100	.....	150,000
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**OFFICE OF THE STATE COMPTROLLER.**

1000-0001	.....	500,000
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**EXECUTIVE OFFICE FOR  
ADMINISTRATION AND FINANCE.**

*Division of Human Resources.*

1750-0111	.....	80,000
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**EXECUTIVE OFFICE OF  
ENVIRONMENTAL AFFAIRS.**

*Department of Fish and Game.*

2300-0100	.....	50,000
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<b>EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.</b>		
4000-1405	Provided however that not less than \$25,000 shall be expended for funding of the Commission on Veterans' Employment Opportunities, as established by Chapter 355 of the Acts of 2004.....	25,000,000
	<i>Department of Transitional Assistance.</i>	
4400-1000	.....	125,000
	<i>Department of Public Health.</i>	
4510-0100	.....	318,000
4510-0150	.....	1,650,000
<b>EXECUTIVE OFFICE OF TRANSPORTATION.</b>		
	<i>Department of Highways.</i>	
6010-0001	.....	100,000
<b>EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT.</b>		
	<i>Department of Housing and Community Development.</i>	
7004-0099	.....	200,000
7004-9005	.....	7,200,000
	<i>Department of Workforce Development.</i>	
7003-0702	.....	1,450,000
	<i>Department of Business and Technology.</i>	
7007-0900	Provided, that not less than \$150,000 shall be expended for the MetroWest/495 Corridor Partnership, as successor to the I-495 Technology Initiative .....	400,000
<b>EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.</b>		
	<i>Office of the Secretary.</i>	
8000-0000	.....	150,000
	<i>Registry of Motor Vehicles.</i>	
8400-0001	.....	400,000
	<i>Department of Correction.</i>	
8900-0001	.....	875,000

SECTION 50. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise, for the several purposes and subject to the conditions specified in this section, and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2007. The sums shall be in addition

to any amounts previously appropriated and made available for the purposes of these items.

**JUDICIARY.**

*Committee for Public Counsel Services.*

0321-1513	For additional costs of the public defender division pursuant to sections 5 and 7 of chapter 54 of the acts of 2005; provided, that no funds from this appropriation shall support existing costs associated with line item 0321-1500 .....	4,560,649
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**SECRETARY OF THE COMMONWEALTH.**

0521-0000	For the cost associated with conducting the three House Special Elections caused by vacancies in the following districts; 1st Bristol District, 27th Middlesex District and the 2nd Worcester District .....	67,465
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**EXECUTIVE OFFICE FOR  
ADMINISTRATION AND FINANCE.**

*Reserves.*

1599-7800	For a reserve to meet the fiscal year 2006 costs of salary adjustments for justices of the supreme judicial court, appeals court and trial court, and certain other employees pursuant to sections 77, 78, and 79 of this act .....	6,998,409
2200-0100	For an ongoing study conducted by the University of Massachusetts at Amherst's Agricultural Department, of the Winter Moth worm and methods to minimize and or eliminate its damage .....	75,000

**EXECUTIVE OFFICE OF  
ECONOMIC DEVELOPMENT.**

*Department of Housing and Community Development.*

7004-1000	For a one-time state supplement to the federal Low Income Home Energy Assistance program for the purpose of assisting low-income elders, working families and other households with the purchase of heating oil, propane and natural gas and electricity, and other primary or secondary heating sources; provided, that expenditure of these funds shall be made in accordance with the state plan submitted by the department of housing and community development in accordance with the federal program; provided further, that \$5,000,000 shall be made immediately available for expenditure for all eligible households; provided further, that \$15,000,000 shall be available for expenditure for said program after federal funds available for said purpose have been expended for said purpose; provided further, however, that such assistance awarded	
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by said program shall be expended in the following order of priority: (1) all eligible households not previously awarded assistance by said federal program; and (2) households previously awarded federally funded assistance in fiscal years 2005 and 2006; provided further, that the department may increase maximum assistance for which a household is eligible to reflect the needs of such households; and provided further, that any federal funds allocated to said program received during fiscal year 2006 shall be expended prior to any expenditures from this item ..... 20,000,000

*Division of Energy Resources.*

7006-1003 For the operation of the division on energy resources ..... 1,056,404

**BOARD OF HIGHER EDUCATION.**

*State Colleges.*

7066-0115 For the purposes of implementing section 15E of chapter 15A of the General Laws to encourage private fundraising by the commonwealth's public institutions of higher education for the endowments and capital outlay programs of said institutions; provided, that funds shall be disbursed on a quarterly basis in proportion to the amount of funds raised by each institution; provided further, that the board of higher education shall implement this program in a manner which ensures that each institution shall have an equal opportunity to secure matching funds from this item ..... 8,000,000

**LEGISLATURE.**

*Joint Legislature Expenses.*

9700-0200 For costs associated with providing interpreter services for the deaf and hard of hearing at State House public hearings ..... 12,000

SECTION 51. To provide for certain unanticipated obligations of the commonwealth, to provide for certain other activities and projects and to meet certain requirements of law, the sums set forth herein are hereby appropriated from the General Fund for the several purposes and subject to the conditions specified therein, and subject to the provisions of law regulating the disbursement of public funds; provided, that notwithstanding the provisions of any general or special law to the contrary, appropriations made herein shall not revert and be available for expenditure until June 30, 2008.

**SECRETARY OF THE COMMONWEALTH.**

0526-0910 For a program of grants to units of municipal governments and to private, nonprofit organizations for the preservation of historic properties, land-

scapes and sites; provided, that \$40,000 be expended for the West End Museum in the City of Boston; provided further, that \$100,000 shall be expended for the historic preservation repairs at the Bacon Free Library in Natick; provided further, that \$40,000 shall be expended for the historic preservation of the Winthrop Library Museum; provided further, that \$200,000 shall be expended for the historic preservation and maintenance of a public building on the Historic Registry in the town of Stoneham; provided further, that \$100,000 shall be expended for historic preservation at the Lenox Library in the town of Lenox; and provided further, that not less than \$200,000 to be expended for the purpose of restoring the Old Indian Meeting House, in the town of Mashpee; provided further, that \$5,000 shall be expended for the historic preservation repairs to markers at the Brookfield Cemetery; provided further, that not less than \$75,000 shall be expended for the historic preservation of the Ipswich Public Library; and provided further, that said amount shall be matched one hundred per cent by said town of Ipswich; provided further, that \$75,000 shall be expended for historic preservation of Atheneum Hall in the town of Framingham; provided further, that no less than \$30,000 be expended for the purpose of further restorations to the Whitman Town Park designed by Frederick Law Olmstead; provided further, that \$100,000 shall be expended for handicap accessibility at the Needham Historical Society ..... 965,000

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

*Office of the Secretary of Administration and Finance.*

1599-3748 For a reserve to fund capital projects at state and community colleges; provided, that funds expended from this item shall be prioritized to address the rehabilitation, renovation and maintenance of infrastructure identified as posing an immediate hazard to public safety; and provided further, that the secretary of administration and finance shall file a report with the house and senate committees on ways and means and the house and senate committees on higher education on or before December 1, 2006 detailing the list of projects scheduled to receive prioritized funding through this reserve ..... 50,000,000

1599-3749 To fund costs at the University of Massachusetts associated with planning, and studies, the preparation of plans and specifications, construction, renovation, reconstruction, improvement, demolition, expansion, repair, including furnishings and equipment and related administrative expenses at the University of Massachu-

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setts for campus facilities and grounds capital projects; provided, that funds expended from this item shall be prioritized to address the rehabilitation, renovation and maintenance of infrastructure identified as posing an immediate hazard to public safety; and provided further, that funds appropriated herein shall be transferred by the comptroller to the University of Massachusetts Building Authority based upon a report submitted by the president of the University of Massachusetts detailing the list of projects scheduled to receive prioritized funding through these funds; and provided further that 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, 2006 .....

50,000,000

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

*Department of Conservation and Recreation.*

2800-0108

For maintenance of the Commonwealth's park and beach system, including improvements to public access; provided, that \$50,000 shall be expended for Apponagansett Bay in the town of Dartmouth; provided further, that \$150,000 shall be expended for the towns of Brewster and Harwich to address a phosphorus imbalance in Long Pond; provided further, that \$100,000 shall be expended for the design and construction of a boardwalk along Salisbury Beach; provided further, that \$300,000 shall be expended for improvements to Ambrose Park in the city of Revere; provided further, that \$100,000 shall be expended for repairs to a boat ramp at Pamet River in the town of Truro; provided further, that \$350,000 shall be expended for the Kernwood Marina in the city of Salem; provided further, that \$50,000 shall be expended for a feasibility study to extend the Ashuwillticook Bike Trail from its ending point at the Pittsfield- Lanesborough line for an additional two miles into the city of Pittsfield; provided further, that \$100,000 shall be expended to the town of Medway for storm damage; provided further, that not less than \$1,000,000 shall be expended for capital improvements and maintenance costs for Revere Beach in the city of Revere; provided further, that \$250,000 shall be expended to the town of Grafton for costs associated with the Lake Ripple dredging project; provided further, that \$100,000 shall be expended for the restoration of Merrymount Park in the city of Quincy; provided further, that \$30,000 shall be expended for the restora-

tion and conservation of Furnace Pond in the town of Pembroke; provided further, that \$300,000 shall be expended for improvements to Frederick's Park in the city of Revere; provided further, that \$250,000 shall be expended to the town of Wakefield for the cleanup of Lake Quannapowitt, including its shoreline, bank, buffer zone, and land in the vicinity thereof; provided further, that \$150,000 shall be expended for the Jordan Pond Project in the town of Shrewsbury; provided further, that \$10,000 shall be expended for the Lake Singleary Watershed Association; provided, further, that \$100,000 shall be expended to the Town of Holliston for costs and expenses relative to storm and flood damage, a water emergency situation, and other extraordinary or emergency items as determined by the Holliston Board of Selectmen; and provided further, that \$200,000 shall be expended to rehabilitate the Choate Park Dam in Medway; provided further, that \$125,000 shall be expended for the cleanup and maintenance of the Fellsmere Pond in the City of Malden; provided further, that \$65,000 shall be expended for the cleanup of the Oak Grove culvert in the City of Malden; provided further, that \$100,000 shall be expended for improvements in maintenance costs for the Fells reservation area in the cities of Medford, Melrose and Stoneham; provided further, that not less than \$500,000 shall be made available for the construction of a bath house at Constitution Beach in the East Boston section of the City of Boston; provided further, that \$20,000 shall be expended for improvements to Warren Manning Park in the Town of Billerica; provided further, that not less than \$75,000 shall be expended for construction of handicap accessible raised public access walkway along the Great Brook in the Town of Southwick; provided further, that not less than \$75,000 be expended for design of a handicap accessible public access trail at Pynchon Point in the city known as the Town of Agawam; provided further, that \$100,000 shall be expended for improvements to the Vietnam Veterans park in the Town of Billerica; provided further, that \$40,000 shall be expended to rehabilitate Havey Beach Reservation in West Roxbury; provided further, that not less than \$85,000 shall be expended for reconstruction of a boat launching ramp at Magansett Harbor in North Falmouth; provided further, that \$100,000 shall be expended for the dredging of Nashawannuck Pond in Easthampton; provided further, that \$75,000 be expended for design and construction of Paka-choag Meadows in Auburn; provided further

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that \$250,000 be expended for the athletic fields in the town of Saugus, including a track located on Dow Street in the town of Saugus; provided further, that \$25,000 shall be expended for the Indian Lake Watershed Association; provided further, that \$150,000 be expended for sidewalk construction and improvement on the Lynn Fells Parkway in the town of Saugus between the Main Street intersection and the Saugus/Melrose line; provided further, that \$100,000 shall be expended for improvements to the William A. Meaney Playground in Dorchester; provided further, that \$75,000 be expended for the design of Traffic signals at the intersection of Route 44 and Plymouth Mobile Estates; provided further, that \$30,000 shall be expended for improvements to Tercentennial Park in the town of Framingham; provided further, that \$35,000 shall be expended for emergency repairs to the Oak Grove Playground in Millis; provided further, that not less than \$75,000 shall be expended for costs associated with the design and construction of the Charles River skatepark in the City of Cambridge; provided further, that \$800,000 shall be expended to the Town of Holliston towards acquisition and/or other improvement costs in connection with the rail trail from the Town of Sherborn through a portion of the Town of Holliston; provided further, that \$100,000 be expended for the improvement of Saxton J. Foss Park in the city of Somerville; provided further, that \$150,000 be expended for a traffic light at a pedestrian crosswalk at Hawthorne Street Extension in Cambridge; provided further, that \$250,000 be expended to enhance the park land and construct the boat ramp at the land on Route 110 Methuen as the 'Beas' site'; provided further, that \$90,000 shall be expended for park renovations in Stone park in the town of Ashland; provided further, that not less than \$18,500 shall be expended for the costs associated with the Honor Roll Memorial in the Town of Southbridge; provided that no less than \$45,000 shall be expended for safety repairs to the dam and herring ladder located on the Mattapoissett River at Route 6; provided further, that \$100,000 shall be expended for the maintenance programs and supplies for Squantum Point Park .....

7,243,500

2800-0610 For design and engineering services related to the renovation of the Department of Conservation and Recreation's community pools deemed to be in critical condition or very poor condition in the Department's 'Key Components Assessment Summary' conducted in 2004 and further provided that design and facility operation

plans shall be developed in partnership with the local community ..... 1,500,000

2850-1511 For a grant program to fund the rehabilitation, reconstruction and construction of sea walls; provided, that preference of funding for the renovation and construction of said sea walls shall be given to those areas that pose an immediate hazard to public safety ..... 5,000,000

**EXECUTIVE OFFICE OF TRANSPORTATION.**

*Department of Highways.*

6005-0030 To provide for transportation improvements, to include road, pedestrian and infrastructure projects; provided, that \$336,000 shall be expended for the Bolivar Street project in the town of Canton; provided further, that \$40,000 shall be expended for flood control on Forest Road in Millis; provided further, that \$25,000 shall be expended for the Woburn Nelco Roadway construction; provided further, that \$350,000 shall be expended for the reconstruction and repaving of Route 133 in Boxford from the Georgetown /Boxford town line to West Boxford Center; provided further, that \$200,000 shall be expended for the installation of a stop light and related road construction at the Winter Street and Route 53 intersection in the town of Duxbury; provided further, that \$500,000 shall be expended for the Route 97 intersection project in the town of Wenham; provided further, that \$200,000 shall be expended for traffic signals and roadway improvements at the intersection of Bolton Street and Rockdale Avenue located in the south end of New Bedford; provided further, that \$125,000 shall be expended for the replacement of a culvert on Bridge Street in the town of Dennis; provided further, that \$45,000 shall be expended for improvements to the sidewalk on North Main Street in Sherborn to meet the standards of the Americans with Disabilities Act; provided further, that \$200,000 shall be expended for the construction of a new highway barn and salt shed in the town of Medway; provider further, that \$100,000 shall be expended for the Old Center/Common project in North Andover; provided further, that \$100,000 shall be expended for design and construction of sidewalks on Green Street in the town of Lynnfield; provided further, that \$100,000 for platform repairs in the town of Stoughton; provided further, that \$800,000 shall be expended for the Chicopee Riverwalk and Bikeway project; provided further, that \$100,000 shall be expended for the rehabilitation of the Fisher Street Bridge in the town of North Attleboro; provided further, that

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\$30,000 shall be expended for a feasibility study conducted by the towns of Wakefield and Lynnfield for recreational pathways abutting Reedy Meadow; provided further, that \$200,000 shall be expended to restore and expand 2B Oak Street in the Town of Medway; provided further, that \$125,000 shall be expended for emergency road repairs as the result of heavy rains in the town of Bernardston; provided further, that \$325,000 shall be expended for sidewalks on Franklin Street in the town of Reading; provided further, that \$100,000 shall be expended for the redesign and engineering of the intersection of Chestnut Street and Route One in the town of North Attleboro; provided further, that \$900,000 shall be expended for the fourth phase of the East Street renovation project in the town of Ludlow; provided further, that \$200,000 shall be expended for road improvements on Acushnet Avenue and Braley Road in the city of New Bedford; provided further, that \$50,000 shall be provided to the city of Northampton for a study and preparation of plans to correct drainage problems in the Federal Street and Bernache Street areas of said city; provided further, that \$250,000 shall be expended for improvements to traffic flow in Billerica center; provided further, that \$20,000 shall be expended for the construction of a salt shed in the Town of Brookfield; provided further, that \$50,000 shall be expended for road improvements to Route 101 in the Town of Templeton; provided further, that 80,000 dollars be allocated for the construction of a crosswalk along the border of the Town of Lexington and the City of Waltham; provided further, that not less than \$50,000 shall be expended for the Gateway to the Manor project in the town of Dedham; provided further, that \$70,000 shall be expended for emergency road and infrastructure repairs as the result of the heavy rains of July 18, 2005 in the town of Whately; provided further, that not less than \$50,000 shall be expended to the Town of Bellingham for restoration and preservation of historic buildings; provided further, that not less than \$20,000 be provided to the Town of Sutton for the study and design of the Manchaug Village tourism streetscape plan; provided further, that not less than \$300,000 shall be expended for the installation of a traffic signal to allow for U-turns on Route 1 in the town of Westwood; provided further, that \$40,000 shall be expended to the town of Littleton for signalization lighting at the Littleton High School entrance located on King Street in the town of Littleton as part of the Route 2A/Route 110

Traffic Improvements, Littleton High School Turn Lane project as shown on a plan prepared for the Massachusetts Highway Department by the Berkshire Design Group, Inc. dated May 10, 2004; provided further, that \$400,000 shall be expended for the renovation of the Rockland Street Bridge in the Town of Wellesley; provided further, that not less than \$25,000 shall be expended for said department to conduct a feasibility study on erecting sound barriers along Route I-93 in Somerville; provided further, that \$100,000 shall be appropriated for emergency repairs to bridges, culverts, and waterways caused by floodwaters in the town of Mendon; provided further, that \$50,000 shall be expended to the town of Littleton for right of way acquisitions on two parcels located at 62-64 King Street in the town of Littleton as part of the Route 2A/Route 110 Traffic Improvements, Littleton High School Turn Lane project as shown on a plan prepared for the Massachusetts Highway Department by the Berkshire Design Group, Inc. dated May 10, 2004; provided further, that \$100,000 shall be appropriated for emergency repairs to bridges, culverts, and waterways caused by floodwaters in the town of Hopedale; provided further, that \$400,000 shall be appropriated for emergency repairs to bridges, culverts, and waterways caused by floodwaters in the town of Milford; provided further, that not less than \$100,000 be expended for improvements to the Memorial Bridge Rotary in West Springfield; provided further, that \$85,000 shall be expended for improvements to the sidewalks on North Main Street in the town of Andover; provided further, that not less than \$200,000 shall be expended for design and development of Quinebaug Valley Rail Trail; provided further, that \$250,000 shall be expended for roadway and infrastructure improvements on Essex Street from Danvers Road to the Lynn line in Swampscott; provided further, that \$90,000 shall be expended for sidewalk construction in the town of Ashland; and provided further, that \$100,000 shall be expended for the repaving of Paradise Road in Swampscott .....

7,981,000

6033-0592

For construction and reconstruction projects on town and county ways as described in subdivision (a) of clause (2) of section 34 of chapter 90 of the General Laws; provided, however, that all funds appropriated pursuant to this account shall be in addition to all capital funds otherwise allocated or obligated and said appropriation shall not operate to reduce or replace any capital funds required to be made available for chapter 90 purposes; provided further, that

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notwithstanding chapter 29 of the General Laws or any other general or special law to the contrary, all funds appropriated herein shall be used exclusively to reimburse chapter 90 capital expenses arising out of prior capital authorizations and that all funds appropriated herein shall be used prior to using existing capital funds for reimbursements; provided further, that all funds appropriated herein shall be distributed based on the formula used by the highway department to distribute capital funds made available pursuant to chapter 90 in fiscal year 2006; provided further, that a city or town shall comply with the procedures established by the highway department; provided further, that any such city or town is hereby authorized to appropriate for such projects amounts not in excess of the amount provided to such city or town under this item; provided further, that said appropriation shall be made as an available fund upon approval of the commissioner of revenue pursuant to section 23 of chapter 59 of the General Laws; and provided further, that the commonwealth shall reimburse said city or town under this item within 30 days of receipt by the department of a request for reimbursement from such city or town, which request shall include certification by such city or town that actual expenses have been incurred on projects eligible for reimbursement under this item, and that the work has been completed to the satisfaction of such city or town according to the specifications of said project and in compliance with applicable law and said procedures established by the department .....

55,000,000

6033-0593 For critical roadways, streetscape, and handicap access improvements to the Sears Rotary, Ipswich Street, Maitland Street, the Honorable Philip Grigs Bowker Interchange, and Yawkey Way in the city of Boston .....

12,500,000

**EXECUTIVE OFFICE OF  
ECONOMIC DEVELOPMENT.**

*Department of Housing and Community Development.*

7004-0097 For economic grants to municipalities; provided further, that not less than \$150,000 shall be expended for improvements to the Sevens Library in North Andover; provided, that \$40,825 shall be expended for the Rockland Community Center; provided further, that \$50,000 shall be expended to the Salisbury Historical Society to complete a historic building restoration and create a town history museum and visitors center at Parson's Corner in Salisbury; provided further, that \$500,000 shall be expended for the Mohawk Theatre, subject to a

100 percent funding match; provided further, that \$16,000 shall be expended for emergency flood remediation in the town of Athol; provided that \$500,000 shall be expended in the City of Peabody for a one time matching funds for the North River flood control project; provided further, that \$200,000 shall be expended for dredging and flood mitigation in the Aberjona River in the town of Winchester; provided further, that \$1,100,000 shall be expended to the town of Norwood for a one-time matching grant for the elderly population growth project; provided further, that \$40,000 shall be expended to the Woburn Redevelopment Authority for improvements to an elevator to meet the standards of the Americans with Disabilities Act; provided further, that \$1,500,000 shall be expended for the state contribution for a recreational complex in the town of Wrentham; provided further, that \$100,000 shall be expended for the renovation of the Bing Theatre in Springfield; provided further, that \$125,000 shall be expended for the renovation of municipal infrastructure in the town of Webster; provided further, that \$68,000 shall be expended for the North Adams Airport; provided further, that \$200,000 shall be expended for revitalization of the Weymouth landing area in the town of Weymouth; provided further, that \$50,000 shall be expended for an economic development project in the town of New Bedford at the Elco Dress Factory; provided further, that \$15,000 shall be expended for the WWII monument in the town of Hamilton; provided further, that \$400,000 shall be expended for costs associated with the Tewksbury Center expansion project on Chandler Street in the town of Tewksbury; provided further, that \$50,000 shall be expended for the destruction of old army bunkers located on the Division of Fisheries and Wildlife land in the town of Hingham; provided further, that \$250,000 shall be expended for new seating in the historic Chevalier Auditorium in Medford; provided further, that \$200,000 shall be expended to assist the town of Burlington for the renovation and expansion of the Grand View Farm; provided further, that \$50,000 shall be expended for the Cambridge Housing Authority Work Force Program; provided further, that \$50,000 shall be expended for the destruction of old army bunkers located on Mass Highway land in the town of Hingham; provided further, that not less than \$1,000,000 shall be expended for Our House Family Learning Center of the Merrimack Valley; provided further, that \$75,000 shall be provided to World is Our Classroom, Inc. serving the towns of Holyoke, Westfield, Chicopee and Green-

field; provided further, that \$250,000 shall be expended for the improvement of recreational sites in the town of West Bridgewater; provided further, that not less than \$2,000,000 shall be expended for the purpose of expanding the groundwater monitoring system in the city of Boston; provided further, that \$50,000 shall be expended for the Amesbury Carriage Alliance in the Amesbury lower milliard to preserve and renovate an existing building into a carriage museum, visitors center and artisans center; provided further, that \$1,430,000 shall be expended for renovations and upgrades for Winthrop recreational areas; provided further, that \$40,000 shall be expended to assist the city of Newton with a smart growth development plan for Newton Center; provided further, that \$1,000,000 shall be expended for pollution prevention at the Tri-Town landfill in Heath; provided further, that \$225,000 shall be expended to the town of Wayland for a generator for the purpose of emergency evacuation; provided further, that \$205,000 shall be expended for the Major Taylor Memorial in Worcester; provided further, that \$300,000 shall be expended for the McPherson Youth Center in the town of Beverly; provided further, that \$200,000 shall be expended to reconstruct the parks and fields in the town of Medway; provided further, that \$100,000 shall be expended for an economic development project in the town of Braintree; provided further, that \$1,500,000 shall be expended for the Blackstone River Bikeway and Visitor Center including, but not limited to, engineering, design, construction and permitting; provided further, that the department of conservation and recreation shall be responsible for the Blackstone River Bikeway and may enter into agreements with local communities, as well as, private non profit organizations for the construction, care and maintenance of the Blackstone River Bikeway; provided further, that \$1,600,000 shall be expended for commonwealth contribution funds related to the Route 146 Connector project in the city of Worcester; provided further, that \$175,000 shall be expended for the Greenwood Memorial Bathhouse; provided further, that \$280,000 shall be expended for a park renovations at the Municipal Youth Center in the town of Beverly; provided further, that \$200,000 shall be expended for a matching contribution for the enhancement of recreational sites in the town of Reading; provided further, that \$75,000 shall be expended to the Hyannis Athletic Association for field improvements to McKeon Field in Hyannis; provided further that \$75,000 shall be expended to the town of Barnstable J.F.K.

Statute Committee as a one-time matching grant to erect a statue honoring President John F. Kennedy at the J.F.K. Museum located in the village of Hyannis; provided further, that \$200,000 shall be expended for the design and construction of a senior center in the town of Hanover; provided further, that not less than \$250,000 be expended for a joint housing rehabilitation project in the City of Gardner and the Town of Templeton; provided further, that \$100,000 shall be provided to Lilly Library in the Florence section of the city of Northampton for historic preservation, reconstruction, window installation and brick re-pointing and cleaning, said funds to supplement any funds provided by the board of library commissioners; provided further, that \$75,000 shall be expended for roof and stairway repairs on the Danforth building in the town of Framingham; provided further, that \$150,000 shall be expended to the town of Belmont for a one-time matching grant for the construction of a Senior Citizen Center; provided further, that \$200,000 shall be expended for the Town of Kingston Senior Center; provided further, that \$2,000,000 shall be expended for the reconstruction of the Manning Bowl in the city of Lynn; provided further, that not less than \$250,000 shall be expended for a Community Action Grant associated with improvements to the site of the 1999 Worcester Cold Storage Warehouse fire in the city of Worcester; provided further, that \$40,000 shall be expended for the maintenance and upkeep of Plympton Town Hall; provided further, that not less than \$100,000 shall be expended for the Worcester County Convention and Visitor's Bureau located in the City of Worcester; provided further, that \$175,000 shall be expended to the Worcester Educational Development Foundation; provided further, that not less than \$1,000,000 shall be expended for the renovation of the Haverhill Stadium and that not less than \$200,000 shall be expended for the renovation of the Cawley Stadium in Lowell; provided further, that not less than \$10,000 be provided to the Millville Senior Center for food service and maintenance equipment; provided further, that \$1,000,000 shall be expended for the demolition, design and reconstruction of the Bellegarde Boat House in the city of Lowell; provided further, that the Town of Halifax shall receive not less than \$50,000 for the Monoponsett Pond Weed; provided further, that \$200,000 shall be expended for the design of a Senior Center in the Town of Plymouth; provided further, that \$400,000 shall be expended for the construction of the Springfield Public

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Market; provided further, that no less than \$200,000 shall be provided for Brownfield redevelopment projects in the City of Lynn; provided further, that \$100,000 shall be expended for the Central Square Theater project; provided further, that \$75,000 shall be expended for safety upgrades in the town of Franklin; provided further, that \$100,000 shall be expended for the revitalization of downtown Hingham; provided further that not less than \$100,000 be allocated for the repairs and renovation of the Charles River Landing at Water-town Square; provided further, that \$100,000 shall be expended for the design and construction of a permanent bandstand or gazebo on the ground of sunset lake in the town of Braintree; provided further, that \$500,000 shall be expended for the conversion of Korean War microfilm and all remaining paper records of veterans and members of the Massachusetts National Guard to an electronic format to enhance compliance with Chapter 33 section 15 pertaining to the Adjutant General maintaining a roster of all veterans by city and town; provided further, that \$160,000 be expended for the Sharon Community Center to be utilized for federal ADA compliance projects therein.....

24,169,825

**BOARD OF HIGHER EDUCATION.**

*State Colleges.*

7116-0102 For a matching grant for improvements to Rockwood Field located at Worcester State College; provided, that said match shall be one dollar of private funds for every dollar of state funds raised through alumni contributions; provided, that no funds shall be expended until an equal or greater amount has been raised through alumni contribution and committed by Worcester State College Foundation for said project; and provided further, that said college shall work with the City of Worcester ..... 250,000

*Community Colleges.*

7509-0102 For the one-time maintenance on the fields and recreational sites at the Mount Wachusett Community College ..... 100,000

**LEGISLATURE.**

*House of Representatives.*

9700-0201 For funding to repair the camera equipment used to television legislative sessions of the House of Representatives ..... 2,000.

SECTION 52. Section 1 of chapter 6 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by

striking out, in line one, the figure ‘\$135,000’ and inserting in place thereof the following figure:— \$140,535.

SECTION 53. Section 2 of chapter 6 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended in line 1 by striking out the figure ‘\$120,000’ and inserting in place thereof the following figure:— \$124,920.

SECTION 54. Section 3 of said chapter 6, as so appearing, is hereby amended by striking out, in line 1, the figure ‘\$25,000’ and inserting in place thereof the following figure:— \$26,025.

SECTION 55. Section 1 of chapter 9 of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the figure ‘\$120,000’ and inserting in place thereof the following figure:— \$124,920.

SECTION 56. Section 1 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the figure ‘\$120,000’ and inserting in place thereof the following figure:— \$124,920.

SECTION 57. Section 1 of chapter 11 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the figure ‘\$120,000’ and inserting in place thereof the following figure:— \$124,920.

SECTION 58. Section 1 of chapter 12 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the figure ‘\$122,500’ and inserting in place thereof the following figure:— \$127,523.

SECTION 59. Chapter 15A of the General Laws is hereby amended by striking out section 15E, as so appearing, and inserting in place thereof the following section:—

Section 15E. It is hereby declared to be the policy of the commonwealth to encourage private fundraising by the state university and public colleges and to assist such fundraising through a matching program to be known as the public higher education endowment incentive and capital outlay contribution program which shall not result in direct or indirect reductions in the commonwealth’s appropriations to such institutions for operations or for capital support.

Subject to appropriation, the commonwealth shall contribute funds to each institution’s recognized foundation in an amount necessary to match private contributions in the current fiscal year to the institutions or a foundation’s endowment or capital outlay program based on the following matching formula. Subject to appropriation, the commonwealth’s contribution shall be equal to \$1 for every \$2, or \$1 for such greater number of dollars as may be established by the board of higher education, privately contributed to the university’s board of trustees or a foundation, provided that the maximum total contributions from the commonwealth shall be \$50,000,000; \$1 for every \$2, or \$1 dollar for such greater number of dollars as may be established by the board of higher education, privately contributed to each state college’s board of trustees or foundation, provided that the maximum total contributions from the commonwealth shall be \$5,000,000 for each institution; \$1 for every \$2, or \$1 for such greater number of dollars as may be established by the board of

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higher education, privately contributed to each community college's board of trustees or foundation, provided that the maximum total contributions from the commonwealth shall be \$2,000,000 for each institution.

Private contributions to the endowment or capital outlay program for purposes of these matching grant programs shall be limited to donations to an endowment for academic purposes including, but not limited to, scholarships and endowed chairs or contributions to a capital outlay program in support of academic facility construction and maintenance approved by the appropriate board of trustees.

Said program shall terminate for the university when its foundation has received \$50,000,000 in appropriated matching funds according to the formula prescribed above, or on July 1, 2010, whichever is sooner. Said program shall terminate for any state college when its foundation has received \$5,000,000 in appropriated matching funds according to the formula prescribed above or on July 1, 2010, whichever is sooner. Said program shall terminate for any community college when its foundation has received \$2,000,000 in appropriated matching funds according to the formula prescribed above or on July 1, 2010, whichever is sooner.

For each institution, the program shall be administered by its foundation, as defined in section 37, in accordance with procedures established by the board of trustees and filed with the house and senate committees on ways and means, the joint committee on higher education, and the secretary of administration and finance no later than 30 days from the time of adoption. Any further amendments to said procedures shall also be filed within 30 days of adoption with the house and senate committees on ways and means, the joint committee on higher education, and the secretary of administration and finance. Such procedures shall include a method for each board of trustees to certify to the house and senate committees on ways and means, the joint committee on higher education, and the secretary of administration and finance the actual amount received in private contributions to the endowment or capital outlay program in each fiscal year. Such procedures shall also include safeguards for protecting the anonymity of donors who indicate their desire not to be identified. For the state university, such procedures shall also provide that the allocation of all matching funds from the commonwealth shall be subject to prior approval by the president of the university.

SECTION 60. Chapter 21A of the General Laws is hereby amended by inserting after section 7 the following section:—

Section 7B. The chancellor of the University of Massachusetts Amherst in consultation with the secretary of the executive office of environmental affairs and department of geosciences shall appoint a professional geologist to be state geologist. The state geologist shall perform research on the land, mineral, and water resources of the state; coordinate and facilitate research and communication among various agencies, researchers and stakeholders; collect, compile, analyze and preserve data pertaining to the geologic environment; disseminate the findings of such research to the public through maps, reports, and other publications; and, direct the Massachusetts

Geological Survey. The state geologist shall advise all other branches of state and local government, concerning the geologic character of the state and its implications for both economic and scientific needs in conjunction with all existing and future environmental factors relating to the geology of the state. The state geologist shall maintain liaison with federal and other state geological surveys, and academic institutions. The state geologist shall have a term limit of 5 years at which time the appointment can be reviewed, revoked or renewed.

SECTION 61. Section 64 of chapter 29 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

The state treasurer, on behalf of the commonwealth, may contract with an employee to defer a portion of that employee's compensation and may, for the purposes of funding a deferred compensation program for said employee, established in accordance with the U.S. Internal Revenue Code, (the 'Code'), invest the deferred portion of the employee's income in a life insurance or annuity contract, mutual fund, a bank investment trust, and/or such additional investment alternatives as may be made available under the program. The treasurer shall, before making any such investment, solicit bids from fund managers, investment managers, and insurance companies authorized to conduct business within the commonwealth pursuant to chapter 175, mutual fund managers, and banks, which bids shall be sealed, and opened at a time and place designated by the treasurer. Any bid submitted by an insurance company, mutual fund, bank investment trust or other fund manager or investment manager, to fund the deferred compensation program shall, where applicable, clearly indicate the interest rate which shall be paid on the deferred funds, any commissions which will be paid to the salesmen, any load imposed for the purpose of administering the funds, mortality projections, expected payouts, tax implications for participating employees and such other information as the treasurer may require. Any contract entered into between an employee and the commonwealth pursuant to this section shall include all such information in terms the employee can reasonably be expected to understand.

SECTION 62. Chapter 32 of the General Laws is hereby amended by striking out section 90C<sup>3</sup>, as appearing in the 2002 Official Edition, and inserting in place thereof the following section:—

Section 90C<sup>3</sup>. A former state or metropolitan district police officer, retired prior to July 1, 1992, who has been retired under any provision of this chapter or similar provision or earlier law on account of superannuation after having served in the state or metropolitan district police force for a period of not less than 20 years shall have his retirement allowance increased to an amount not exceeding one-half the rate of regular compensation payable to state police officers holding similar positions, at the time of increasing such allowance, in the comparable grade or classification occupied by such former officer at the time of his retirement.

SECTION 63. Section 20 of chapter 44 of the General Laws, as so appearing, is hereby amended by adding the following sentence:— The

provisions of the preceding 2 sentences shall not apply to bond premiums received on or before July 31, 2003.

SECTION 64. Section 57 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:— A real estate tax bill sent out for fiscal year 2008 or any subsequent period pursuant to this section shall contain a statement that there exists a delinquency if any tax, betterment assessment or apportionment thereof, water rater, annual sewer use, or other charge which may constitute a lien is overdue more than 90 days.

SECTION 65. The seventh paragraph of section 57C of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:— A real estate tax bill sent out for fiscal year 2008 or any subsequent period pursuant to this section shall contain a statement that there exists a delinquency if any tax, betterment assessment or apportionment thereof, water rate, annual sewer use, or other charge which may constitute a lien is overdue more than 90 days.

SECTION 66. Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended by striking out subparagraph (13) and inserting in place thereof the following subparagraph:—

(13) An amount equal to the amount of the charitable contribution deduction allowed or allowable to the taxpayer under section 170 of the Code; provided, however, that, in taxable years beginning on or after January 1, 2004, no such deduction shall be allowed in any taxable year unless the personal exemptions provided in clause (A) of subparagraph (1), of clause (A) of subparagraph (1A), and clause (A) of subparagraph (2) of paragraph (b) of Part B for such taxable year are the maximum allowable amounts set forth in said clauses; and provided further, that notwithstanding said section 170 of the Code, no deduction shall be allowed for contributions of household goods or used clothing, as those items are recognized under said section 170 of the Code. All requirements, conditions and limitations applicable to charitable contributions under the Code shall apply for purposes of determining the amount of the deduction under this subparagraph, except that taxpayers shall not be required to itemize their deductions in their federal income tax returns.

Notwithstanding any special or general law to the contrary, this section shall not take effect until such time as the department of revenue has furnished a study of their impact on the state's economy and the revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the joint committee on revenue, and, without the further approval of the general court.

SECTION 67. Section 4 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the following subsection:—

(b) Part B taxable income shall be taxed at the rate of 5.0 per cent for the taxable year beginning on January 1, 2006.

Notwithstanding any special or general law to the contrary, this section shall not take effect until such time as the department of revenue has furnished a study of their impact on the state's economy and the revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the joint committee on revenue, and, without the further approval of the general court.

SECTION 68. Section 16 of chapter 62C of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out, in lines 18 and 26 the words 'number of cigarettes' and inserting in place thereof, in each instance, the following words:— quantity of tobacco products.

SECTION 69. Said section 16 of said chapter 62C, as so appearing, is hereby further amended by striking out, in lines 22 and 25, the word 'cigarettes' and inserting in place thereof, in each instance, the following words:— tobacco products.

SECTION 70. Section 1 of chapter 64C of the General Laws, as so appearing, is hereby amended by inserting after the word 'commonwealth', in line 6, the following words:— 'tobacco products' shall mean cigarettes, smokeless tobacco, cigars and smoking tobacco.

SECTION 71. Said section 1 of said chapter 64C, as so appearing, is hereby further amended by striking out, in lines 8, 9, 13, 15, 16, lines 20 and 21, lines 24, 28, 31 and 41, the word 'cigarettes' and inserting in place thereof, in each instance, the following words:— tobacco products.

SECTION 72. Said section 1 of said chapter 64C, as so appearing, is hereby further amended by striking out, in lines 53 to 55, inclusive, the words ', unless the context otherwise requires, the word 'cigarette' shall include within its meaning smokeless tobacco'.

SECTION 73. Section 2 of said chapter 64C, as so appearing, is hereby amended by striking out, in lines 1 and 8, the word 'cigarettes' and inserting in place thereof the following words:— tobacco products.

SECTION 74. Section 5 of said chapter 64C, as so appearing, is hereby amended by striking out, in lines 3, 7, 8, 11, 13, 17, 19, 25, 26, 37, 38, 43, 45, lines 47 and 48, and in line 50, the word 'cigarettes' and inserting in place thereof the words:— tobacco products.

SECTION 75. Chapter 90 of the General Laws is hereby amended by inserting after section 32G the following section:—

Section 32G½. The registrar shall promulgate rules and regulations relative to the certification and operation of advanced driver training programs offered within the commonwealth. No person or entity shall engage in the business or provide instruction in an advanced driver training program without being certified by the registrar pursuant to any such rules and regulations. The registrar may refuse to issue such certification to any individual or entity if the individual or any employee of an entity has: (a) made a material false statement or concealed a material fact in connection with a certification application; (b) has been the holder of a driving school or driving school instructor's license issued pursuant to section 32G

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that was revoked or suspended by the registrar; (c) has been convicted of a felony, or any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude; or (d) if the registrar determines that any individual or entity had failed to furnish satisfactory evidence of good character, reputation, and fitness.

SECTION 76. Section 51M of said chapter 90, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:—

Notwithstanding any general or special law to the contrary, no building or structure for the operation of such business or system shall be newly constructed within 1,000 feet of a residential dwelling without completion of an environmental impact review in accordance with section 62B of chapter 30.

SECTION 77. Section 22 of chapter 211 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The chief justice shall receive a salary of \$151,239 and each associate justice shall receive a salary of \$145,984 and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice the amount of expenses incurred by each of them in the discharge of his duties.

SECTION 78. Section 2 of chapter 211A of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The chief justice shall receive a salary of \$140,358 and each associate justice shall receive a salary of \$135,087 and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice the amount of expenses incurred by each of them in the discharge of his duties.

SECTION 79. Section 4 of chapter 211B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the first three paragraphs and inserting in place thereof the following three paragraphs:—

The salaries of the justices of the trial court shall be paid by the commonwealth. Each associate justice shall receive a salary of \$129,694.

The chief justice of the several departments shall receive a salary of \$135,124.

The chief administrative justice shall receive a salary of \$140,358.

SECTION 80. Sections 1 to 13B, inclusive, of chapter 208 of the acts of 2000 are hereby repealed.

SECTION 81. The last paragraph of section 363 of chapter 149 of the acts of 2004 is hereby amended by striking out the word 'November 24, 2004' and inserting in place thereof the following word:— June 30, 2006.

SECTION 82. Paragraph (a) of section 364 of said chapter 149 is hereby amended by striking out the word 'April 1, 2005' and inserting in place thereof the following word:— April 1, 2006.

SECTION 83. Item 0321-1520 of section 2 of chapter 45 of the acts of 2005 is hereby amended by striking out the words ' ; provided, that not more than \$500,000 of the sum appropriated in this item may be expended for services rendered before fiscal year 2006'.

SECTION 84. Item 0340-0100 of said section 2 of said chapter 45 is hereby amended by striking out the words 'provided further, that not less than \$150,000 shall be expended for the purpose of a targeted control substance interdiction pilot program to be administered jointly by the district attorney for Suffolk county and the chiefs of police for the city of Revere and the town of Winthrop'.

SECTION 85. Item 0340-1100 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; and provided further, that \$150,000 shall be expended for the operation and management of the Berkshire County Drug Task Force.

SECTION 86. Item 1750-0111 of said section 2 of said chapter 45 is hereby amended by striking out the figure '\$250,000' and inserting in place thereof the following figure:— \$330,000.

SECTION 87. Item 2330-0100 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; provided further, that \$50,000 in matching funds shall be provided to the national marine life center for wetland restoration.

SECTION 88. Item 2330-0100 of said section 2 of said chapter 45 is hereby amended by striking out the figure '\$4,010,725' and inserting in place thereof the following:— \$4,160,725.

SECTION 89. Item 2310-0200 of said section 2 of said chapter 45 is hereby amended by striking out the words 'provided further, that \$50,000 in matching funds shall be provided to the National Marine Life Center for wetland restoration', and by striking out the figure '\$8,700,000' and inserting in place thereof the following figure:— \$8,650,000

SECTION 90. Item 2800-0100 of said section 2 of said chapter 45 is hereby amended by striking out the following words 'provided further, that not less than \$100,000 shall be expended within thirty days of receipt of said funds, for the maintenance of the facility and animal upkeep of the mounted unit in the Blue Hills Reservation, which are not subject to said reimbursement to the department;' and inserting in place thereof the following:— provided further, that not less than \$100,000 shall be expended within thirty days of receipt of said funds for the sole purpose of restoring, operating, maintaining and ongoing support of the department of conservation and recreation park rangers mounted unit in the Blue Hills Reservation, existing as of January 1, 2004, which shall be located and operated from the stable and adjacent facilities in the Blue Hills Reservation; provided further, that the Secretary of the Executive Office of Environmental Affairs is hereby directed to request and obtain the return of all animals, equipment, including tack and trailers, and personnel of the departments park rangers mounted unit within their control, custody, and possession as of January 1, 2004; provided further, that not later than December 30, 2006 the department shall file a report with the house and senate committees on ways and means detailing the actual expenditure of funds for the maintenance of the mounted unit in the Blue Hills Reservation.;

SECTION 91. Item 4000-1405 of said section 2 of said chapter 45 is hereby amended by striking out the words 'provided further, the executive office of health and human services shall seek

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federal approval by October 1, 2005 in order to enroll the maximum number of possible enrollees allowable within this appropriation in this program during fiscal year 2006' and inserting in place thereof the following words:— provided further, that said executive office shall seek federal approval by December 15, 2005 in order to enroll an additional 10,000 enrollees, for a maximum total of 54,000 enrollees; and provided further, that said executive office shall certify that said increased enrollment shall not result in a deficiency in said program in fiscal year 2006.

SECTION 92. Item 4400-1000 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; provided further, that \$100,000 shall be expended for the Horizon Housing Program located in Mattapan; and provided further, that \$25,000 shall be expended for the Pettengill House of Salisbury.

SECTION 93. Item 4510-0100 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; provided further, that \$158,000 shall be expended for the Haitian Multi-Service Center; provided further, that \$100,000 shall be expended for Massachusetts Cervical Cancer Commission; provided further, that \$50,000 shall be expended for youth services at the youth center in Uxbridge; and provided further, that \$40,000 shall be expended for the Dismas House at the Worcester County House of Correction.

SECTION 94. Item 4510-0150 of said section 2 of said chapter 45 is hereby amended by adding the following words:— provided further, that \$150,000 shall be expended for the Harvard Street health center located in the North Dorchester section of the city of Boston; provided further, that \$200,000 shall be expended for Roxbury Comprehensive Community Health Center (RoxComp) to mitigate health care disparities; provided further, that \$1,500,000 shall be expended to the Massachusetts League of Community Health Centers for the purchase and implementation of electronic medical records; and provided further, that said funds shall be matched with private or federal funds.

SECTION 95. Item 6010-0001 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; and provided further, that \$100,000 shall be expended for the SCM Community Transportation.

SECTION 96. Item 7003-0702 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; and provided further, that \$1,250,000 shall be expended for the 1:1 Wireless Initiative at the New Boston Pilot Middle School; provided further, that not less than \$200,000 shall be expended for a pilot program to provide employment training and job placement by the Center for Adaptive Learning and Programs; provided further, that the contribution of said funds shall be matched by contributions from private entities equal to 1 times the expenditures from this item.

SECTION 97. Item 7004-0099 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; provided further, that \$100,000 shall be expended for the Partners for Community Corporation; and provided further, that \$100,000 shall be expended for the Puerto Rican Cultural Center in Springfield.

SECTION 98. Item 7006-1000 of said section 2 of said chapter 45 is hereby amended by striking out the figure '\$1,441,404' and inserting in place thereof the following figure:— \$400,000.

SECTION 99. Item 8000-0000 of said section 2 of said chapter 45 is hereby amended by adding the following:— provided further, that not less than \$150,000 shall be expended for the purpose of a targeted control substance interdiction pilot program to be administered jointly by the district attorney for Suffolk county and the chiefs of police for the city of Revere and the town of Winthrop; provided further, that not less than \$130,000 shall be expended for the Salem Harbormaster in the City of Salem for the purpose of purchasing an additional patrol boat.

SECTION 100. Item 8400-0001 of said section 2 of said chapter 45 is hereby amended by striking out the words 'may operate a full service office in the town of Milford to be operated 5 days a week;' and inserting in place thereof the following words:— shall operate a full service office in the town of Milford to be operated 5 days a week; provided further, that \$400,000 shall be expended for a study and evaluation of the automated license and registration system;.

SECTION 101. Item 8900-0001 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; and provided further, that \$875,000 shall be expended for an emergency safety equipment grant to the town of Bridgewater.

SECTION 102. Item 7004-0022 of section 2 of chapter 53 of the acts of 2005, is hereby amended by striking out the words 'section 4' and inserting in place thereof the following word:— section 7.

SECTION 103. Section 37 of chapter 45 of the acts of 2005 is hereby amended by adding at the end thereof the following:— Said commission shall also require that electronic roll call machines in the House of Representatives be shown during live cable television coverage of any legislative session and provide recommendations to the house and senate committees on ways and means on the cost of such a requirement.

SECTION 104. Notwithstanding section 15E of chapter 15A of the General Laws, the procedures established by the boards of trustees of public higher education to administer the public higher education endowment incentive and capital outlay contribution program established by said section 15E shall be adopted on or before January 15, 2006.

SECTION 105. Notwithstanding any general or special law or regulation to the contrary, the state comptroller shall grant a permanent waiver or exemption from any and all applicable charges or assessments made against the Water Supply Protection Trust by the Office of the Comptroller pursuant to its authority under sections 5D and 6B of chapter 29 of the General Laws. Any charges or assessments made against the Water Supply Protection Trust pursuant to the aforementioned sections shall be refunded to the Trust forthwith.

SECTION 106. Notwithstanding any general or special law to the contrary not less than 10 days after effective date of this act, the comptroller shall transfer the balance of Transitional Escrow Fund, established by section 16 of chapter 106 of the acts of 2005, to the

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General Fund. Any amount exceeding the expenditures required by this act shall remain in the Transitional Escrow Fund.

SECTION 107. Sections 52, 53, 54, 55, 56, 57 and 58 shall take effect as of July 1, 2005.

SECTION 108. Sections 77, 78 and 79 shall take effect on January 1, 2006.

SECTION 109. Item 7004-9024 of section 2 of chapter 45 of the acts of 2005, is hereby amended, in line 43, by striking out after the words 'costs of administering the program' the following:— ; provided further, that the costs of administration shall not exceed 6 per cent of the appropriation provided in this item; provided further, that the 6 per cent shall include, but not be limited to, all expenditures which may be made by the department to conduct or otherwise contract for rent voucher program inspections; and in line 64, by striking out after the words 'set forth herein' the following:— ; provided further, that ceiling rents shall not be enforced by the department.

SECTION 110. Section 2 of Chapter 45 of the acts of 2005 is hereby amended in item 4510-0110 by adding the following:— provided, further, that not less than \$13,622 shall be expended for repair of the kitchen facilities at Lawrence Senior Center.

SECTION 111. Item 1599-0042 as appearing in Section 2 of Chapter 45 of the Act of 2005 is hereby amended in line 7 by inserting after the word 'care' the following, 'formerly purchased by the Office of Child Care Services' and further amended in line 12 by deleting the word 'may' and inserting in place thereof the following, 'shall'.

SECTION 112. Item 7004-0097 of section 2 of chapter 45 is amended by inserting the following:— provided further, that the department shall be expended to the Town of Randolph for a one-time grant in the amount of \$100,000 for the Joseph J. Zapustas Arena for capital improvements.

SECTION 113. Item 4403-2120 of section 2 of chapter 45 of the acts of 2005 is hereby amended by inserting after the words 'provided further, that notwithstanding any other general or special law to the contrary, the department shall immediately provide shelter for up to 30 days to families who appear to be eligible for such shelter based on statements provided by the family and any other information in the possession of the department but who need additional time to obtain any third-party verifications reasonably required by the department;' the following words:— provided further, that shelter benefits received under the preceding proviso shall not render a family ineligible under any regulation providing that a family who previously received shelter is ineligible for further shelter benefits for a period of 12 months; provided further, that families receiving such shelter benefits who are found not to be eligible for continuing shelter benefits shall be eligible for aid pending a timely appeal pursuant to section 16 of chapter 18 of the General Laws;

SECTION 114. Item 8000-0010 as appearing in Section 2 of Chapter 45 of the Act of 2005 is hereby amended in line 45 by inserting after the word 'Sandwich' the following:— provided further, that not less than \$40,000 shall be expended for police protection at Five Corners intersection during the Summer of 2006 by the Town of Tisbury,.

SECTION 115. Item 7004-9005 of section 2 of chapter 45 of the acts of 2005 is hereby amended by adding the following:— and provided further that \$7,200,000 shall be expended for funds owned to local housing authorities for prior operating subsidy deficiencies.

SECTION 116. Item 4512-0200 of section 2 of Chapter 45 of the Acts of 2005 is hereby amended by adding the following:— ; provided further that \$100,000 shall be expended for the prevention of substance abuse in the town of Saugus.

SECTION 117. Item 7007-1200 of said section 2 of said chapter 45 of the Acts of 2005 is hereby amended by inserting after the word 'Initiative' in line 21 the following:— and provided further that \$150,000 shall be provided to the North Central Chamber of Commerce to develop the Mass Plastics Medical Device Connection Initiative'; and in said item by striking out the figures '500,000' and inserting in place thereof the figures '650,000'.

SECTION 118. Said section 2 of said chapter 45, as so appearing, is hereby further amended in line item 2000-0100, by deleting the words 'for Salisbury Beach' after 'new flood insurance rate maps' and inserting in place thereof the words, 'as a grant to the Town of Salisbury.'

SECTION 119. Notwithstanding any general or special law to the contrary, the temporary tax amnesty program authorized by Chapter 4, Section 73 of the Acts of 2003 and Chapter 46, Section 113 of the Acts of 2003, which the Town of Salisbury adopted by vote of Town Meeting on October 27, 2003 is hereby extended for the Town of Salisbury until June 30, 2006.

SECTION 120. Item 4510-0100 of Section 2 of chapter 45 of the acts of 2005 is hereby amended by inserting at the end thereof the following:— provided further, that \$120,000 shall be expended for a study for home and community based services and an economic profile of individuals and families with neurologically and physically disabled adults under 65; and provided further, that said study shall be one-time in nature and shall not result in any annualization in fiscal year 2007 and is hereby further amended by striking the figure '\$19,537,533' and inserting in place thereof the following:— \$19,657,533.

SECTION 121. Item 4800-0038 of said section 2 of said chapter 45 is hereby amended by inserting the following:— Provided further, that not less than \$100,000 shall be expended for the Just-A-Start Teen Living Program and Young Parent's Education Program; and item 4800-0038 is further amended by striking out '\$272,741,996' and inserting in place thereof the following:— \$272,841,996.

SECTION 122. Chapter 149 of the Acts of 2004 is hereby amended by striking out section 232 and inserting in place thereof the following section:—

Section 232. Section 1A of chapter 152 of the acts of 1997 is hereby amended by inserting after item 1100-7985 the following item:—

1599-0018	For a grant to the town of Wakefield for the cleanup of Lake Quannapowitt, its shoreline, bank, buffer zone, and land in the vicinity thereof .....	500,000.
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SECTION 123. Section 2 of Chapter 45 of the acts of 2005 is hereby amended by inserting after item 7035-0002 the following item:

7035-0004	For a grant to the Greater Lawrence Community Action Council, Inc's Spanish Community Services Program.....	66,000.
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SECTION 124. Chapter 45 of the acts of 2005 is hereby amended in line item 3000-5000 by adding after the words 'general laws' the following:— provided further such funding shall be for Head Start programs that were delivering services in fiscal year 2005 through MA DOE salary enhancement and/or expansion grants; and provided further any increased revenue appropriated in said line item shall be awarded to existing grantees to support the federal state funding match and the continuation of said services.

SECTION 125. Notwithstanding any general or special law to the contrary, the secretary of administration and finance shall report to the house and senate committees on ways and means no later than December 15, 2006 on the extent of the damages to public property throughout the commonwealth as the result of severe flooding since the beginning of fiscal year 2006.

SECTION 126. Item 2100-2012 of chapter 236 of the acts of 2002 is hereby amended by deleting at line 29 the words 'that \$1,200,000 shall be expended for capital repairs and improvements to the Vietnam Veterans Skating Rink in the town of North Adams' and inserting in place thereof the following:— the department of conservation and recreation is hereby authorized to grant to a lessee procured in accordance with the authorization of section 30 of chapter 88 of the acts of 2001 up to \$900,000 as a reimbursement grant on a \$2 to \$1 ration for every dollar invested by said lessee in improvements and replacements to the skating rink.

SECTION 127. Notwithstanding any general or special law to the contrary, the chief justice for administration and management shall report to the house and senate committees on ways and means not later than March 31, 2006 on the cost of reestablishing the trial court child care program.

SECTION 128. Item 4510-0150 of said section 2 of said chapter 45 is hereby amended by adding the following:— provided further, that not less than \$250,000 shall be expended for the Manet Community Health Center in Quincy.

SECTION 129. Item 4180-0100 of said section 2 of said chapter 45 is hereby amended by inserting at the end thereof the following:— and provided further, that \$25,000 shall be expended for maintenance uses at Malone park of the Chelsea Soldiers' Home' and by striking the figure '\$23,600,532' and inserting in place thereof the following '23,625,532'.

SECTION 130. Notwithstanding any general or special law to the contrary, the state comptroller shall grant a permanent waiver and/or exemption from any and all applicable charges or assessments made against the Natural Heritage and Endangered Species Fund by the Office of the Comptroller pursuant to its authority under chapter 29 of the General Laws; Provided that no waiver and/or exemption shall be granted without the written approval of the secretary of administration and finance.

SECTION 131. To provide for programs that encourage economic investment in the commonwealth, the sums set forth in this act for the several purposes and subject to the conditions specified in this act are hereby made available subject to the provisions of law regulating the disbursement of public funds and approval thereof.

SECTION 132. The sum set forth in this section shall provide funds for site remediation, preparation and ancillary infrastructure improvement projects in order to improve economic opportunities in the commonwealth.

**EXECUTIVE OFFICE FOR  
ADMINISTRATION AND FINANCE.**

*Office of the Secretary.*

1100-8000	For the Massachusetts Opportunity Relocation and Expansion Jobs Capital Program related to site remediation, preparation and ancillary infrastructure improvement projects; provided that the local executive government body and for-profit entity involved in the project shall jointly submit a request for funding to the secretary of economic development. All such requests to the secretary shall include sufficient documentation, including but not limited to, a project plan with specific goals and objectives that fully documents the proposed project and either that (a) the businesses associated with the project will generate substantial sales from outside the Commonwealth and will result in the creation of a net increase of at least 100 new permanent full-time jobs in Massachusetts within 24 months upon receipt of a grant and commits that the jobs are to be maintained herein for at least a five year period or (b) documents an economic benefit that the secretary determines is sufficiently exceptional. The secretary shall, not later than December 1, 2006, promulgate regulations or issue guidelines regarding the proposed program described herein; provided further, that annually on or before December 31, the secretary shall issue a written report to the clerk of the house of representatives and the clerk of the senate, which shall include detailed descriptions of any infrastructure improvement projects funded pursuant to this program and all funds expended for this purpose .....	200,000,000.
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SECTION 133. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out the provisions of section 2, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, \$200,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Economic Investment Act of 2005, and shall be issued for a maximum term of years, not exceeding 20 years, as the governor may

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recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2030. All interest and payments on account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 134. Chapter 7 of the General Laws, is hereby amended by inserting after section 23A the following section:—

Section 23B. (a) Notwithstanding any general or special law to the contrary, and to the extent permitted by federal law, a state agency or authority shall when purchasing products of agriculture as defined in section 1A of chapter 128, including but not limited to, fruits, vegetables, eggs, dairy products, meats, crops, horticultural products or products processed into value added products as part of a Massachusetts farm operation, prefer products grown in the commonwealth or products produced using products grown in the commonwealth as well as fish, seafood, and other aquatic products.

(b) To effectuate such a preference for such products of agriculture grown or produced using locally grown products, the state purchasing agent responsible for procuring such products on behalf of a state agency or authority shall: (i) in advertising for bids, contracts or otherwise procuring products of agriculture, make reasonable efforts to facilitate the purchase of such products of agriculture grown or produced using products grown in the commonwealth; and (ii) purchase such products of agriculture grown or produced using products grown in the commonwealth, unless the price of such goods exceeds, by more than 10 per cent, the price of products of agriculture grown or produced using products grown outside of the commonwealth.

SECTION 135. Section 35J of chapter 10 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 23 and 24, the words: 'Regional Tourism Facility Fund, established pursuant to section 42 of chapter 23G' and inserting in place thereof the following words:— Massachusetts Cultural Facilities Fund.

SECTION 136. Chapter 15A of the General Laws is hereby amended by inserting after section 4 the following section:—

Section 4A. Within the board of higher education, there shall be established the Robert H. Goddard Council on Science, Technology, Engineering and Mathematics Education, hereinafter referred to as the council. The council shall be comprised of the following members: the commissioner of the department of education or his designee; the commissioner of the department of early education and care or his designee; the director of the office of workforce development or his designee; the President of the Massachusetts Teachers Association or a designee; a chief executive officer of a life- science firm; a chief executive officer of a technology firm; a chief executive officer of a health care corporation; a chief executive officer of a consulting engineering firm; a representative of a minority-or-female led firm; the chair of the board of higher education or his designee; a chancellor of a state university or college; a president of

a state college or his designee; a president of a community college or his designee; a superintendent of a Massachusetts public school system or his designee; the President of the Technology Education Association of Massachusetts or his designee; the executive director of the Massachusetts Technology Collaborative or his designee; the executive director of the Massachusetts Development Finance Agency or his designee; the president of Associated Industries of Massachusetts or his designee; the president of the Massachusetts Federation of Teachers or his designee; 3 members of the senate, 1 of whom shall serve as co-chair and 1 of whom shall be a member of the minority party; and three members of the house of representatives, 1 of whom shall serve as co-chair and 1 of whom shall be a member of the minority party.

The council shall: (i) annually evaluate and make recommendations to the chancellor of higher education regarding programs supported by the pipeline fund, so-called, as established by section 2MMM of chapter 29; (ii) investigate, study and make recommendations to the general court on maintaining a specialized workforce to support and expand the science, technology, engineering and mathematics sectors in the commonwealth and prepare students for the demands of a knowledge-based economy of the future and attract and retain students entering the science, technology, engineering and mathematics fields of study; (iii) investigate and make recommendations to the chancellor of higher education regarding similar programs throughout the state so as to eliminate duplication and provide for one coordinated, consolidated statewide network of science, technology, engineering and mathematics programs for Massachusetts students; and (iv) investigate and pursue alternative funding services for the advancement of these disciplines. The council shall also investigate the public college and university system, including community colleges, to determine the feasibility of establishing job training programs specifically geared toward creating science, technology, engineering and mathematics employment opportunities and to identify and establish career ladders within science, technology, engineering and mathematics employment opportunities. The council shall also investigate the impact of changing demographics on the state and make recommendations on ways to incorporate such changes in order to enhance the state's capacity to build a strong and competitive workforce. The council shall submit quarterly reports on the fund's progress and shall, not later than December 31, submit a cumulative annual report, together with any recommendations, to the clerk of the senate, the clerk of the house of representatives, the chair of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, the chairs of the joint committee on labor and workforce development, the chairs of the joint committee on higher education, and the chairs of the joint committee on education; provided further, that said reports shall include: (i) a list of grant recipients from the pipeline fund; (ii) the amount of each grant; (iii) the amounts of non-state funding credited to the pipeline fund; (iv) the purposes of grants from the pipeline fund; (v) an annual statement of cash inflows and outflows detailing the sources and

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uses of the funds; (vi) a forecast of future payments based on current binding obligations; and (vii) a detailed breakdown of the purposes and amounts of administrative costs charged to the fund.

SECTION 137. Section 2 of chapter 23A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:— (h) To increase access to affordable and reliable broadband services across the commonwealth.

SECTION 138. Said chapter 23A is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:—

Section 3. (a) MOBD shall contain the following 4 divisions: business services, entrepreneurial and small business development, broadband development and manufacturing development. Each division shall be under the charge of a director subject to the direction, control and supervision of the director of economic development. Each director shall be a person of skill and experience in the field of his appointment and shall be appointed and may be removed by the executive director, with the approval of the secretary, and shall serve until so removed. The position of director shall not be subject to the provisions of section 9A of chapter 30 or chapter 31. Each director shall devote his full time during business hours to the duties of his office. The MOBD executive director may authorize any director to exercise in his name any power, or to discharge in his name any duty, assigned to him by law, and he may at any time revoke such authority.

(b) The function of the director of broadband development created pursuant to subsection (a) shall be to increase the presence of affordable, state-of-the-art broadband access across the commonwealth. The director of broadband development shall, in cooperation with the broadband access oversight council established pursuant to paragraph (b) of section 4F of chapter 40J, develop a state telecommunications plan to ensure extensive broadband access for businesses in every community within the commonwealth. The duties of the director shall include, but not be limited to, the following: (i) identifying communities that lack affordable and competitive broadband service; (ii) identifying areas where, due to geographic remoteness, sparsity of population or other considerations, private-sector capital investment for broadband facilities deployment is not sufficient to meet the present and future needs of the area, and in such areas (a) develop strategies, including but not limited to, public-sector partnerships, including aggregation of demand, as a means to increase the presence of affordable, state-of-the-art broadband access; and (b) facilitate the development of private, joint public-private, or public initiatives which afford open, competitive, content-neutral broadband services accessible via multiple carriers; (iii) examining and identifying the best practices of other states relative to achieving broadband connectivity in underserved areas, including, but not limited to, the creation of public entities to facilitate the introduction of broadband services to underserved areas; (iv) identifying state-of-the-art technologies that are well-suited to bring broadband service into underserved communities; (v) conducting a survey and analysis of all state owned lands to identify specific state lands that, if made available for such purpose, would

facilitate the deployment of broadband technologies and services to achieve service in underserved areas; (vi) working in conjunction with the executive office of transportation and construction, the division of capital asset management and maintenance and other appropriate state, regional and municipal agencies, develop a plan to ensure that each state construction project, including but not limited to, buildings, roads and bridges shall include access for broadband infrastructure or enable future deployment of broadband infrastructure, including appropriate design for placement of wires, wireless arrays, and poles and pole attachments; (vii) investigating the development of wireless broadband systems for downtown areas, commencing with areas of high growth, and working in collaboration with the Massachusetts Technology Collaborative to develop demonstration projects to facilitate wireless access in small-to-mid sized communities; (viii) investigating ways to financially support increased broadband connectivity, including a state universal service fund for said purpose; (ix) examining the feasibility of establishing a universal statewide right of way fee to reduce the time from permit application to local approval, in order to promote broadband facilities deployment; (x) identifying any state law or regulation that hampers the expansion of broadband services or provides unreasonable competitive advantages to regulated, telecommunications carriers or cable operators, including access to, or use of, municipal or other facilities or rights-of-way; (xi) working with the department of telecommunications and energy and other appropriate state agencies and private parties to identify the locations of dark fiber and telecommunications tower access areas owned by telecommunications companies in the commonwealth; (xii) identifying federal regulations and statutes that impede the deployment of broadband facilities and services, and advocating to the United States Congress and the Federal Communications Commission for appropriate amendment of these federal policies; (xiii) taking other actions deemed necessary to fulfill the goal of establishing a competitive broadband market within the commonwealth. The director of broadband development shall work in collaboration with the broadband access oversight council.

Notwithstanding the requirements of subsection (a), the director of broadband development shall have extensive experience in the broadband, telecommunications or data communications industry, including, but not limited to, the utilization of market-based strategies to induce broadband deployment, the creation of public entities to facilitate broadband deployment, and a demonstrated knowledge of state-of-the-art technologies that bring broadband to underserved areas, including, but not limited to, wireless technologies.

The director of broadband development shall, no later than December 31, submit an annual report, including any recommendations for legislation, to the director of the department of business and technology, the chairman of department of telecommunications and energy, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies and the chairs of the joint committee on telecommunications, utilities and energy.

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SECTION 139. Said chapter 23A is hereby further amended by striking out section 56, as so appearing, and inserting in place thereof the following section:—

Section 56. (a) There shall be within the department of economic development a Massachusetts quasi-public corporation and public purpose agency planning council, hereinafter referred to as the council, which shall not be subject to the control of the department except as provided in this section. The purpose of said council shall be to ensure regular communication and coordination between the quasi-public corporations and public purpose agencies as to their economic development projects, programs and plans. Said council shall consist of the chief executive officers or their designees from each of the following agencies: the executive office of economic development, whose designee shall serve as chair of the council; the office of business and technology; the Commonwealth Corporation; the department of workforce development; the Massachusetts Community Development Finance Corporation; the Massachusetts Development Finance Agency; the Massachusetts Health and Educational Facilities Authority; the Massachusetts Technology Development Corporation; the Massachusetts Technology Park Corporation; the Economic Stabilization Trust; the Massachusetts Port Authority; the office of international trade and investment; the office of travel and tourism; the Massachusetts Business Development Corporation; the University of Massachusetts; the board of higher education; the Massachusetts Workforce Investment Board; and the Massachusetts Small Business Development Center. The chairs of the joint committee on economic development and emerging technologies shall serve as ex-officio advisory members of the council. The council shall meet from time to time, but not less frequently than monthly. The secretary of economic development shall appoint personnel necessary to coordinate the activities of the council and to provide administrative support to the council, as requested. Said agencies shall be required to submit to the department, in a form and manner prescribed by the department, any and all information detailing any debt or equity investment; the nature and amount of any investments; any real estate or working capital loans; any funds or technical assistance provided to businesses; any other forms of financing or financial assistance provided to businesses, students or employees; the number of businesses created or enhanced as a result of such investments or assistance; and the number of jobs created as a result of such investments or assistance. The department shall aggregate all such data and shall, not later than December 31, submit an annual report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, the joint committee on small business and community development and the joint committee on higher education. The council shall, from time to time, review and determine whether the present quasi-public corporations subject to this section are appropriately serving the goals of the council in establishing and implementing a more coordinated economic development policy. The council shall, in its annual report, make recom-

mendations to the joint committee on economic development and emerging technologies recommending changes to the composition of the council, streamlining agencies on the council through the consolidation or elimination of duplicative services performed by quasi-public agencies, or creating new quasi-public agencies that would serve on said council; provided, however, that the council shall maintain not more than eight regional offices through the expansion of offices already in operation or by establishing new offices. Each such office shall be responsible for the implementation of the coordinated plans, programs and projects in its region of the state.

(b) In order to fully utilize all appropriate measures to provide risk capital to small businesses in the commonwealth the Massachusetts Community Development Finance Corporation, the Commonwealth Corporation, the Massachusetts Development Finance Agency and the Massachusetts Technology Development Corporation shall establish one or more small business investment corporations (sbic) or special small business investment corporations (ssbic) as provided by the Small Businesses Equity Enhancement Act of 1992, Title iv of U.S. Public Law 102-366.

SECTION 140. Section 27 of chapter 23G of the General Laws, as so appearing, is hereby amended by striking out, in line 55, the word 'sources.' and inserting in place thereof the following:— sources; (4) to provide matching grants in the field of marine science technology for Massachusetts companies that receive small business innovation research or small business technology transfer grants from the small business administration. The matching award amount shall be the lesser of \$20,000 or 15 per cent of the small business innovation research or small business technology transfer grant. There shall be a maximum of \$60,000 available per Massachusetts company, including affiliates, per calendar year allocated on a competitive basis, contingent upon the availability of funds. The matching funds shall be used for product development and commercialization.

SECTION 141. Said section 27 of said chapter 23G, as so appearing, is hereby further amended by inserting after the word 'biotechnology,' in line 66, the following words:— , marine science technology.

SECTION 142. Said section 27 of said chapter 23G, as so appearing, is hereby further amended by inserting after the word 'loans', in line 75, the following words:— , working capital and contract based loans.

SECTION 143. Section 29A of said chapter 23G, as so appearing, is hereby amended by striking out, in line 67, the figure '\$50,000' and inserting in place thereof the following figure:— \$100,000.

SECTION 144. Said chapter 23G is hereby further amended by striking out section 42, as so appearing, and inserting in place thereof the following section:—

Section 42. (a) It is in the best public interest of the commonwealth to promote the prosperity and general welfare of all citizens by enhancing the attractiveness of all regions of the commonwealth for cultural activities by partially financing the acquisition, construction, expansion, renovation and repair of cultural facilities that may

stimulate further investment in the arts, heritage, entertainment, humanities and interpretive sciences and may result in increased employment or entrepreneurial opportunities for the citizens of the commonwealth or increased tourism to the region where the facility is located, including tourism from outside the commonwealth.

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

‘Agency’, the Massachusetts Development Finance Agency.

‘Applicant’, a cultural organization as defined in this section that has submitted an application for financial assistance from the fund.

‘Cultural facility’, a building, structure, or site that is, or will be, owned, leased or otherwise used by one or more cultural organizations and that is accessible to the public and exempt from income taxation pursuant to section 501 (c)(3) of Title 28 of the Internal Revenue code. The term cultural facility may include, but shall not be limited to, museums, historical sites, zoos, aquariums, nature/science centers, theaters, concert halls, exhibition spaces, classrooms, and auditoriums suitable for presentation of performing or visual arts. Public or private institutions of higher education may qualify if they demonstrate that their cultural facility provides service and open access to the community and the general public outside of the regular educational mission of the public or private institute of higher education and demonstrates financial need; provided, further that any municipally owned building, structure or site which is a minimum of fifty thousand square feet in size and fifty percent or more of which is used as a cultural facility.

‘Cultural organization’, a nonprofit public or private, civic, educational or professional organization or educational foundation which is primarily concerned with the arts, humanities, interpretive sciences or local arts and which is exempt from income taxation pursuant to section 501 (c)(3) of Title 28 of the Internal Revenue Code. Public or private institutions of higher education may qualify if they demonstrate that their cultural facility provides service and open access to the community and the general public outside of the regular educational mission of the public or private institute of higher education demonstrates and financial need.

‘Director’, the executive director of the Massachusetts Development Finance Agency.

‘Eligible project’, the acquisition, design, construction, repair, renovation, rehabilitation or other capital improvement or deferred maintenance of a cultural facility which furthers the purposes of this section.

‘Feasibility and technical assistance grant’, a direct grant of monies from the fund subject to matching grant requirements, to an applicant for payment of the costs and expenses related to the undertaking and completion of a planning and feasibility study for a proposed eligible project; provided, however, that no such grant shall exceed \$50,000. The agency may award a feasibility and technical assistance grant only upon its finding that: (i) if undertaken, the proposed project would qualify as an eligible project; and (ii) there is local support for the proposed project.

‘Fund’, the Massachusetts Cultural Facilities Fund.

‘Grant’, a direct grant of monies from the fund to an applicant for payment of the costs of an eligible project, except that the amount of any single grant awarded from the fund shall not exceed \$5,000,000.

‘Loan’, a direct loan of monies from the fund to an applicant to finance a portion of the cost of an eligible project, except that the amount of any single loan awarded from the fund shall not exceed \$5,000,000.

‘Massachusetts Cultural Council’, a public instrumentality created pursuant to section 52 of chapter 10 of the General Laws.

‘Matching funding’, private or public monies donated or appropriated to an eligible project in the proportions to the qualified investment as set forth in subsection (c) No grant shall be made pursuant to this section without the required matching funding.

‘Public body’, the commonwealth and any body politic and corporate of the commonwealth, including any political subdivision thereof, or any consortium of any contiguous subdivisions and any federal agency.

‘Qualified investment’, a grant, including a feasibility grant, loan, guarantee or other financing or credit enhancement device provided under said fund for an eligible project.

(2) There is hereby established and placed under the control of the agency the Massachusetts Cultural Facilities Fund, hereinafter referred to as the fund, to which shall be credited, subject to appropriation, for any fiscal year in which revenues deposited into the Massachusetts Tourism Fund, established pursuant to section 35J of chapter 10, exceed the amounts deposited into said Massachusetts Tourism Fund in the previous fiscal year, 50 per cent of the increase in revenues beyond amounts received in the prior fiscal year by said Massachusetts Tourism Fund from the tax imposed by section 3 of chapter 64G, section 22 of chapter 546 of the acts of 1969 or any appropriation made pursuant to section 35J of chapter 10. In addition to the funds set forth in the preceding sentence, the fund shall be credited, subject to appropriation, in each fiscal year after the first appropriation to the fund, an additional amount not less than the previous fiscal year’s appropriation. The fund shall also be credited in each fiscal year, subject to annual appropriation, an amount equal to the funds previously appropriated annually for payment of principal and interest on obligations issued for the rehabilitation, operation and maintenance of the Hynes Convention Center in budget line item 1599-0035, or in no case less than \$13,000,000 per annum. Notwithstanding the foregoing provisions, the fund shall also be credited with all bond proceeds, federal funds, private contributions, loans or other monies lawfully made available to said fund. The purpose of said fund shall be to make grants, and loans when appropriate, to finance eligible projects.

Applicants may apply to the fund for a feasibility and technical assistance grant, a grant or a loan for the acquisition, construction, expansion, renovation or repair of cultural, entertainment, public venues or other commercial facilities, and the agency may make a qualified investment in such a project upon its finding that: (i) the project is an eligible project; (ii) there is a demonstrated need for the project; (iii) the project will benefit tourism in the local area;

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(iv) there is a demonstrated financial need for the grant or loan; and (v) there is local support for the project. The agency shall hold said fund in a separate account, segregated from all other agency funds.

Except as hereinafter provided, the agency may invest and reinvest said fund and the income thereon (i) in the making of qualified investments; (ii) in the investment of funds not required for immediate disbursement in the purchase of such securities as may be lawful investments for fiduciaries in the commonwealth; (iii) for the payment of binding obligations associated with the qualified investments which are secured by said fund as the same become payable; (iv) for the payment of principal and interest on qualified investments secured by said fund or the payments of any redemption premium required to be paid when such obligations are redeemed prior to maturity; and (v) the reasonable costs of administering the fund; provided said administrative costs shall not exceed 7.5 per cent of the total loans or grants made annually.

(3) To the extent feasible, the agency may issue bonds on behalf of the fund. Bond proceeds shall be used for the purposes authorized by this section. Said bonds shall be issued as 'revenue' bonds and shall be recourse only to the funds appropriated or otherwise contributed under this section and such reserve funds as may be expressly created to guarantee the same. Such bonds shall not be general obligations of either the agency or the commonwealth. Bonds issued in furtherance of this section, if any, shall not be subject to or, otherwise included in, the principal amount of debt obligations issued under section 29.

(4) The agency shall adopt by-laws or rules necessary to establish a minimum reserve to be maintained by the fund for the purpose of ensuring the fulfillment of any obligations incurred as a result of any bonds issued by the agency on behalf of the fund. No qualified investment may be made where said expenditure would reduce the fund's assets to an amount below the minimum reserve.

(5) The agency shall be reimbursed from the fund for all reasonable and necessary direct costs and expenses incurred in any fiscal year associated with its bond issuance, administration, management and operation of the fund, including reasonable staff time and out-of-pocket expenses and the reasonable and approved administrative costs incurred by the Massachusetts Cultural Council or such other qualified organization which the agency may contract for services. The agency is authorized to establish a minimum reserve, in addition to such reserve established pursuant to subsection (2), to be maintained by the fund for the purpose of ensuring the satisfaction of the agency's and its agents' administrative costs.

(c) The fund may make qualified investments in eligible projects. The fund may make grants to applicants for eligible projects; provided, however, that the amount of any single grant, other than a feasibility and technical assistance grant awarded from the fund, shall not exceed \$5,000,000 per annum; provided, further, that grants for a total value:—

(i), less than \$1,000,000 shall be subject to a matching funding requirement of dollar for dollar of the amount of the grant;

(ii) in excess of \$1,000,000 and less than \$2,500,000 shall be subject to a matching funding requirement of at least twice the amount of the grant;

(iii) in excess of \$2,500,000 but less than \$4,000,000 shall be subject to a matching funding requirement of at least three times the amount of the grant;

(iv) in excess of \$4,000,000 and not more than \$5,000,000 shall be subject to a matching funding requirement of at least four times the amount of the grant.

Notwithstanding any general or special law to the contrary, as a condition of accepting a grant from the fund, an applicant shall agree that, whenever ownership of any property which was acquired or improved with a grant from the fund, is transferred to a for-profit entity, or to an unrelated non-profit entity which ceases operating the property as a cultural facility, the full amount of such grant shall be repaid immediately to the fund. The agency may take a security interest or such other interest in the eligible project as may be necessary to secure its potential repayment rights.

(d) Notwithstanding any general or special law to the contrary, the agency shall enter into a contract with the Massachusetts Cultural Council or another qualified organization to manage some or all of the grant administration process on behalf of the agency; provided, however, that the agency may only enter into a contract with another qualified organization to manage some or all of the grant administration process should the Massachusetts Cultural Council fail to adequately perform its duties under a duly executed contract, cease to exist, or for just cause; provided further, that should the agency enter into a contract with another qualified organization, the agency shall submit, in writing, the reasons for the termination of its contract with the Massachusetts Cultural Council to the chairs of the joint committee on economic development and emerging technologies and the chairs of the joint committee on tourism, arts and cultural development. A contract executed pursuant to this section shall include, but not be limited to, proposing rules and guidelines for the fund, providing technical assistance to potential applicants, reviewing and evaluating applications and providing findings and recommendations to the committee as to which grant applications should be approved and awarded and which should be denied. The agency shall establish rules relative to the fund, with the advice of the committee. Copies of said rules, and any modifications or amendments thereto, shall be delivered to the clerk of the house of representatives, the clerk of the senate, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, and the chairs of the joint committee on tourism, arts, and cultural development.

(e) The agency shall annually, not later than December 31, submit a report on the fund's progress to the clerk of the house of representatives, the clerk of the senate, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, and the chairs of the joint committee on tourism, arts and cultural development. Said

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annual report shall include: (i) a list of grant or loan recipients from the fund; (ii) the associated amounts received by each recipient; (iii) the amount of non-state funding leveraged by the fund; (iv) the purpose of the grants or loans from the fund; (v) an annual statement of cash inflows and outflows detailing the sources and uses of the fund; (vi) a forecast of future payments based on current binding obligations; and (vii) a detailed breakdown of the purposes and amounts of administrative costs charged to the fund.

SECTION 145. Said chapter 23G, as so appearing, is hereby further amended by striking out section 43, and inserting in place thereof the following section:—

There shall be established a cultural facilities fund advisory committee, in this section called the committee. The functions of the committee shall be strictly advisory to the Agency in connection with the management and operation of the Massachusetts Cultural Facilities Fund. The committee shall be comprised of the following members: the director of the Massachusetts Cultural Council or his designee; the director of the Office of Travel and Tourism or his designee; and the Director of the Agency or his designee; and six members to be appointed by the Governor, one of whom shall have expertise in fundraising; one of whom shall have expertise in finance; and one of whom shall have expertise in construction; provided further, in appointing members, the governor shall ensure that each of the following geographic regions of the commonwealth shall be represented: the central area, the greater Boston area, the MetroWest area, the northeast area, the southeast area and the western area. Members shall be appointed for a term of five years, may be reappointed, and shall serve without compensation, but may be reimbursed from the fund for ordinary and reasonable in-state travel expenses. The committee may meet as often as the members may determine, but shall meet at least bi-annually or at such other intervals as may be established by the Agency in order to review recommendations made by the Massachusetts Cultural Council, or such other qualified organization with which the agency contracts, with respect to the fund and to make any advisory recommendations with respect thereto to the Agency. The provisions of subsections (d), (f) to (i), inclusive, and subsection (1) of section 2 of this chapter shall apply to the members and affairs of the committee. All applications for grants or loans recommended by the Massachusetts Cultural Council, or other such organization with whom the Agency may contract, shall be reviewed by the committee. The committee shall then issue findings and recommendations to the Agency as to which applications should be approved. Only those applications that are recommended by the committee for approval shall be considered by the Agency's board of directors for final approval. If the Agency's board of directors votes to deny any recommended approval the Agency shall, within 30 days of such action, provide the applicant with a written explanation for such denial.

SECTION 146. Section 11F of chapter 25A of the General Laws, as so appearing, is hereby amended by striking out, in lines 26 to 27, inclusive, the words 'naturally flowing water and hydroelectric' and inserting in place thereof the following words:— naturally flowing

water and run-of-the-river hydroelectric units located in the commonwealth and operating under the jurisdiction of the Federal Energy Regulatory Commission, provided that such facility is a vintage generation unit as that term is defined by the division, has a generating capacity of not more than five megawatts and does not utilize a dam constructed subsequent to December 31, 1997.

SECTION 147. Said section 11F of said chapter 25A, as so appearing, is hereby further amended by striking out, in line 33, the words 'clauses (vi) and (vii) herein.' And inserting at the end thereof the following words:— clause (vi) herein; provided, however, that notwithstanding the provisions of subsection (a) the division shall on an annual basis determine the actual percentage of kilowatts generated in the commonwealth by naturally flowing water and run of the river hydroelectric facilities and adjust the minimum percentage of kilowatt hours sales to end use customers in the commonwealth from new renewable generating sources accordingly.

SECTION 148. Section 1 of chapter 29 of the General Laws, as so appearing, is hereby amended by inserting after the definition of 'Consolidated net surplus in the budgetary funds' the following definition:—

'Council', the Robert H. Goddard council on Science, Technology, Engineering and Mathematics Education established pursuant to section 4A of chapter 15A.

SECTION 149. Said chapter 29, as so appearing, is hereby further amended by striking out section 2SS and inserting in place thereof the following section:—

Section 2SS. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Workforce Competitiveness Trust Fund, hereinafter called the fund. The fund shall be administered by the department of workforce development which shall contract with the commonwealth corporation to administer the fund. The objectives of the fund shall include, but shall not be limited to, the following: supporting, in conjunction with other private, public and philanthropic resources, the development and implementation of employer and worker responsive programs to enhance worker skills, incomes, productivity and retention and to increase the quality and competitiveness of Massachusetts firms; training and helping the unemployed find suitable employment; improving employment opportunities for low income individuals and low wage workers; improving wages to a level sufficient to support a family or place individuals on a career path leading to such employment and wages; training vulnerable youth to master basic academic skills including the attainment of a high school degree and encouraging students to advance educationally and receive post-secondary degrees at colleges or post-secondary vocational schools, or beyond; developing occupational skills, and becoming employed in jobs that have career potential; and training older workers for new occupations. The department of workforce development shall utilize these projects to improve the workforce development system by integrating employer and worker needs more fully in program design and delivery, and shall support, through grants, partnership programs and planning, grant applica-

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tions from the following eligible applicants to provide an integrated continuum of education and training: employers and employer associations; local workforce investment boards; labor organizations; community based organizations, including adult basic education providers; institutions of higher education; vocational education institutions; one-stop career centers; local workforce development entities; and non-profit education, training or other service providers.

The fund shall leverage employer, public, philanthropic and other contributions, and shall be available as a state match for federal funds that meet the requirements of the fund. The fund shall be an expendable trust fund and not subject to appropriation. Grants from the fund shall be offered on a competitive basis for a maximum of 3 years, and shall not exceed \$500,000.

(b) The director of the office of workforce development shall appoint an advisory committee, hereinafter referred to as the committee. Said committee shall represent significant constituencies and beneficiaries of the fund, including, but not limited to, high growth or critical industries; the workforce development system; public education; adult basic education; the department of transitional assistance; public higher education; labor; community based organizations and non-profit education, training or other service providers; and advocates of customer populations including representatives of education, training and the one-stop career center provider coalitions, including a minimum of 2 labor representatives selected by the President of the Massachusetts AFL-CIO, and 2 representatives of the Massachusetts Workforce Board Association. The director of the office of workforce development shall serve as chair of the committee. The committee shall supply constituent focused labor market information, review general programmatic parameters and guidelines, assist with the identification of issues and barriers to the fund's efficiency and effectiveness and the dissemination of relevant information about the fund, and support the general oversight of the fund's implementation. The committee shall meet from time to time, but not less frequently than quarterly.

(c) The commonwealth corporation shall be the administrator of the fund, and shall maintain the fund as a separate fund, and shall cause it to be audited by an independent accountant on an annual basis in accordance with generally accepted accounting principles.

(d) There shall be credited to the fund any revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund, and any gifts, grants, private contributions, investment income earned on the fund's assets, and all other sources. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(e) Partnership programs may include costs for support services including, but not limited to, transportation and childcare, to eliminate barriers to participation in the training program. For any unionized employer participating as a partner in a grant application, the impacted union must be an active participant in the design and implementation of the grant.

(f) A competitive grant program shall be established that provides support to partnerships and eligible applicants as described above,

and that leverages applicant co-investment of at least 30 per cent of the grant amount, from employers, philanthropic, and public or private organizations. The period of grant operations may be up to 3 years in duration. Grants may be targeted to specific populations, such as educationally or economically disadvantaged youth, low-income, low-skilled and low-wage workers, disabled citizens, or industries that are deemed to be of critical consequence to the commonwealth. Special grant programs and funding allocations will be determined by the committee and shall be distributed via a regionally-based competitive bid process, which will require the defining of economic regions of the Commonwealth based on labor market factors as determined by the committee. Every municipality in the commonwealth shall be accounted for in a designated region. A formula for regional distribution shall be created, and competition for formula grant funds shall occur within each identified region, and shall be subject to the rules and regulations established by the committee in consultation with regional partners. Respondents to the local competitions must notify, in writing, the region's workforce investment board of their intent to respond to this request for proposals. A planning grant may be offered to define employer needs; to make necessary curriculum and other programmatic improvements to align with employer and worker needs; to determine the feasibility of a proposed workforce development intervention; to plan for, and coordinate strong partnerships among stakeholders; to identify educational and skill needs of workers and program participants; to link training initiatives with employer-based career ladders; and to develop case management and additional support services that would address barriers to participation.

(g) A portion of the grant fund shall be used to support the current and future labor force needs of the Commonwealth's healthcare industry. This portion of the fund shall support projects that address barriers and gaps in the healthcare workforce development pipeline. Small planning and needs assessment grants may be offered. A project grant program will be designed by commonwealth corporation in consultation with a Healthcare subcommittee of the fund committee, which shall include at a minimum appointments made by the following organizations: the Massachusetts Hospital Association; the Massachusetts Extended Care Federation; the Home and Health Care Association of Massachusetts; the Massachusetts Workforce Board Association; and the Massachusetts AFL-CIO, as well as representatives of the other mandatory advisory committee constituencies.

(h) A portion of the grant fund shall be used to support the current and future labor force needs of the Commonwealth's travel and tourism industry. This portion of the grant fund shall be used to support the development of career ladder and wage improvement strategies, including employee ownership and profit-sharing strategies, within Massachusetts' travel and tourism industry. Small planning and needs assessment grants may be offered. A project grant program will be designed by commonwealth corporation in consultation with the Travel and Tourism Advisory Committee, which must include the primary industry associations that represent the industry in Massachusetts, or in their absence, a cohort of relevant industry

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employers, as well as representatives of the other mandatory advisory committee constituencies.

(i) Project grants shall be for a maximum of 3 years, competitively based and shall not exceed \$500,000. The committee shall determine how to apportion the grant fund between the healthcare industry, the travel and tourism industry and the general grant program; provided, however, that no more than 7.5 percent of the funds appropriated herein may be expended for the administration of each grant.

(j) The director of the department of workforce development shall annually, not later than December 31, report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on community development and small business, the joint committee on education, arts and humanities, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development, and the joint committee on public health on the status of grants awarded under this section, including the number of educational and eligible service providers receiving grants; the number of participants receiving services; the number of participants placed in employment; the salary and benefits that participants receive post placement; the cost per participant; and job retention or promotion rates one-year after training ends.

(k) The establishment of the Workforce Competitiveness Trust Fund, or any other worker training fund, shall not be determined to replace, displace or serve as a substitute for the Workforce Training Fund as established by section 2RR.

SECTION 150. Said chapter 29 is hereby further amended by striking out section 2MMM, as appearing in the 2004 Official Edition and inserting in place thereof the following section:—

Section 2MMM. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Massachusetts Science, Technology Engineering, and Mathematics Grant Fund, hereinafter referred to as the Pipeline 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 any additional funds designated by the corporation for deposit to the Pipeline Fund, including any pension funds, federal grants or loans, or private donations made available to the chancellor of higher education for the purpose of deposit into the fund. The board of higher education shall hold the Pipeline Fund in an account or accounts separate from other funds or accounts. Amounts credited to the pipeline fund shall be used by the chancellor of higher education, in consultation with the Massachusetts Development Finance Agency, the Massachusetts Technology Park Corporation and the Robert H. Goddard Council on Science, Technology Engineering, and Mathematics Education, established pursuant to section 4A of chapter 15A.

(b) The public purpose of the Pipeline Fund shall be to increase the number of Massachusetts students who participate in programs that support careers in fields related to science, technology, engineering and mathematics. In furtherance of this public purpose, and in a manner consistent with the recommendations of the council, the

chancellor of higher education, in consultation with the commissioner of the department of education and the president of the University of Massachusetts, shall employ the pipeline fund through grants and other disbursements and activities that are calculated to increase the number of qualified science, technology, engineering and mathematics teachers in the commonwealth and to improve the science, technology, engineering and mathematics educational offerings available in public and private schools. The grants and other disbursements and activities may involve, without limitation, the University of Massachusetts, state and community colleges, business and industry partnerships, workforce investment boards, private colleges and universities, and public and private school districts to further the purposes of the pipeline fund. The grants and other disbursements and activities may support, without limitation: (i) the development and use of innovative curricula, courses and programs in science, technology, engineering and mathematics for new teachers and in-service teachers that provide appropriate science, technology, engineering and mathematics content, and instruction in innovative ways to teach science, technology, engineering and mathematics, including but not limited to, the use of hands on, experiential learning and e-learning, that are consistent with the Massachusetts standards and curriculum frameworks established pursuant to sections 1D and 1E of chapter 69; (ii) the development of a science, technology, engineering and mathematics network to create, implement, share and make broadly and publicly available the best practices and innovative programs relative to science, technology, engineering and mathematics instruction and expanding and maintaining student interest in science, technology, engineering and mathematics studies and careers; (iii) effective ways to teach science, technology, engineering and mathematics; and (iv) give priority to grants that provide effective course and curricula for in-service teachers in low income schools or school districts; provided further, that not more than 20 per cent of the fund may be awarded to any 1 single institution.

(c) The board of higher education shall, in consultation with the council, promulgate policies, rules and regulations for the administration and implementation of subsections (a) and (b). The chancellor of higher education shall file any such policies, rules, and regulations with the joint committee on education, arts, and humanities, the joint committee on higher education, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development for review and comment at least 30 days before the effective date of the policies, rules, or regulations.

(d) The chancellor of higher education shall file a quarterly report with the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, the joint committee on education, and the joint committee on higher education on the following: (i) a list of grant recipients, (ii) the associated grant amounts, (iii) the amounts of non-state funding leveraged as a result of the grants, (iv) the purposes of the grants, (v) an annual

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statement of cash inflows and outflows detailing the sources and uses of funds, (vi) a forecast of future payments based on current binding obligations, and (vii) a detailed breakdown of the purposes and amounts of administrative costs charged to the fund.

SECTION 151. Said chapter 29 is hereby further amended by inserting after section 2NNN the following section:—

Section 2000. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Educational Rewards Grant Program Fund, hereinafter referred to as the fund. The fund shall provide grants to students in accredited post-secondary certificate or vocational technology programs or associate degree programs in targeted high-demand occupations. The department of workforce development and the board of higher education in consultation with the Massachusetts Workforce Board Association, the state workforce investment board, the reach higher initiative and the workforce accountability task force shall determine the eligible high demand occupations. If a Bachelor's degree program is needed for a profession in critical demand, it may be added to the eligible programs. Of the appropriation for grants, up to 1/3 may be used for students enrolled as full-time students and at least 2/3 of the total grant amount shall be reserved for students enrolled 1/2 time or less. Grant recipients shall be limited to dislocated workers or those with incomes at or below 200 per cent of the federal poverty level or other standards or criterion as may be established by the department and the board of higher education in consultation with the workforce accountability task force. Grants from the program fund shall be a maximum of \$3,000 and shall be used to fund tuition, fees, and books; provided, however, that up to 30 per cent of the grant amount may be applied to fund living expenses. The grant program shall serve as a last resort, after other federal and state grants have been exhausted. The department of workforce development and the board of higher education shall jointly administer the grant program.

SECTION 152. Section 1G of chapter 15 of the General Laws, as so appearing, is hereby amended by inserting after line 31, the following:—

The Commissioner of Education, in consultation with the Chairman of the Board of Higher Education, shall direct the global education advisory council to explore international opportunities for learning, exchange programs and the availability of curriculum materials for students, teachers, administrators and educational policy makers. Said global education advisory council shall:

(a) Investigate and compile information concerning international education programs and opportunities. The council shall make recommendations to the commissioner on the expansion of international education programs and opportunities and shall consider ways to encourage participation in such programs. The council shall advise the Department of Education and the joint committee on education on international program opportunities and the availability of federal or nonprofit agency grants or other funding sources for such programs. The department shall provide information on international education opportunities to local and regional boards of education and to institutions of higher education.;

(b) Develop guidelines and standards to aid local and regional school districts in the establishment of programs of international studies. Such guidelines and standards shall describe the essential components of a quality educational program incorporating international education concepts. The council shall submit such guidelines and standards to the Department of Education for review and approval;

(c) Develop criteria for what constitutes a sister school partnership program between a public school of this state and a foreign school. Such criteria shall provide a process for recognition of such partnership. The council shall submit such criteria to the Department of Education for review and approval;

(d) Advise the Department of Education on possible incentives to encourage the formation of partnerships that meet criteria established in accordance with the provisions of subsection (c) of this subsection. Such incentives may include, but need not be limited to, cooperation between sister partnership schools in teacher certification, student assessment programs and recognition of student course credit, participation in summer programs and in other areas where the state could recognize the value of the sister school partnership relationships with minimal cost.

(e) Conduct an assessment of current practices regarding international education in elementary and secondary public schools in the Commonwealth. The global education advisory council's assessment of current practices shall include, but not be limited to, information gathering through public hearings.

SECTION 153. Chapter 15 of the General Laws, as so appearing, is hereby amended at the end thereof by adding the following new section:—

Section 66. The Department of Education may recognize a school that meets the standards for international education programs developed by the global education advisory council.

The Commissioner of Education shall, annually, subject to appropriation, award grants not to exceed ten thousand dollars to local or regional school districts which operate schools recognized pursuant this section. Such board shall use the funds to support the international education programs at such schools.

The Department of Education may recognize sister school partnership programs between public schools of the Commonwealth and foreign. Within available appropriations, participation in such partnership shall allow the foreign school access to state programs of professional development and technical assistance programs under the same terms and conditions as for public schools of this state with reciprocity for participation in such programs.

It shall be the policy of the Commonwealth to encourage students, teachers, administrators and educational policy makers to participate in international studies, international exchange programs and other activities that advance cultural awareness and promote mutual understanding and respect for the citizens of other countries.

State agencies, including the educational institutions, may exchange a limited number of professional personnel and students with institutions of other states and other countries and may pay the

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salaries of such personnel and may assign scholarships and grants-in-aid to the exchanges. The authorized exchange of personnel and students need not be parallel and simultaneous nor specific with regard to the assignment of persons between institutions. If a vacancy exists on the staff of any state agency, including the educational institutions, because a leave of absence without pay has been granted, such agency may engage the services of professional personnel of other countries, and may pay such personnel so engaged from the funds which otherwise would have been paid to such staff members on leave of absence without pay.'

SECTION 154. Chapter 6 of the General Laws, as so appearing, is hereby amended by inserting after Section 12XX, the following new section:—

Section 12YY. The Governor shall proclaim the third week of November of each year, or such other week if in conjunction with a federally recognized international education week, to be 'International Education Week' for the purpose of encouraging schools to participate in programs of international education.

SECTION 155. There is herein established an international education and foreign language grant program fund. Hereinafter referred to as the international education fund. The international education fund shall be administered by the commissioner of education, the chairman of the board of higher education and the global education advisory council, provided that said funding be spent in elementary and secondary schools to establish foreign language and two-way bi-lingual classes, teacher training, and curriculum development to encourage students, teachers, administrators and educational policy makers to participate in international studies, international exchange programs and other activities that advance cultural awareness and including the awarding of grants to local or regional school districts that use the funds to support international education programs and promote the study of foreign languages.

SECTION 156. Section 1 of chapter 30A of the General Laws, as so appearing, is hereby amended by striking out paragraph (6) and inserting in place thereof the following paragraphs:—

(6) 'Regulatory impact statement' means a statement by the promulgating authority which shall, to a reasonable degree of completeness: (i) identify the statutory change, problem, issue or deficiency addressed by the proposed regulation; (ii) identify specifically who is affected and to what extent by the proposed regulation; (iii) identify when such regulation becomes effective, when such regulation will be changed, if known, and how and when the regulation will be reviewed in the future, if at all; (iv) identify costs and/or benefits, including, without limitation, impacts on businesses and jobs in the commonwealth and the impact to the protection of natural resources and public health, if any. Any data, including written information or material, statistics, measurements, calculations or other information used as the basis for the regulation, including any such information provided to the agency by a consultant, vendor or other third party, shall be part of the record and available to the public upon request.

SECTION 157. Section 2 of said chapter 30A, as so appearing, is hereby further amended by inserting after the third paragraph the following paragraph:—

Every agency promulgating rules and regulations shall maintain a notification list of persons and groups who are interested in the agency's rulemaking and who request preliminary notification of agency rulemaking, with such request being renewed annually by said persons or groups. Not later than 30 days prior to the notice of a hearing described above, the agency conducting the hearing shall send a preliminary notification of agency rulemaking to each person or group who has requested preliminary notification of rulemaking and to the appropriate committee of the general court that has jurisdiction for the rule issuing agency, to the house and senate committees on ways and means and to the small business advisory council. The preliminary notification of rulemaking shall: (a) identify the rule to be noticed for hearing and the scope of the proposed rule; (b) provide the statutory authority for such proposed rulemaking; (c) identify the person within the agency responsible for the rulemaking and who can be contacted for more information; and (d) state the purpose for proposing the new regulations or change of regulation and generally, the goal or goals to be obtained.

SECTION 158. Said section 2 of said chapter 30A, as so appearing, is hereby further amended by inserting after the fifth paragraph the following paragraph:—

Agencies may initiate emergency regulatory actions under relevant sections of this chapter without prior compliance with sections 1, 2, 3, and 5; provided, however that compliance shall be initiated as soon as practicable following the emergency action and, in any event, prior to making any emergency action permanent.

SECTION 159. Section 3 of said chapter 30A, as so appearing, is hereby further amended by inserting after the second paragraph the following paragraph:—

Every agency promulgating rules and regulations shall maintain a notification list of persons and groups interested in the agency's rulemaking and who request preliminary notification of agency rulemaking, with such request being renewed annually by said persons and groups. Not later than 30 days prior to the notice described above the agency shall send a preliminary notification of agency rulemaking to each person or group who has requested preliminary notification of agency rulemaking and to the appropriate committee of the general court that has jurisdiction for the rule issuing agency, to the house and senate committees on ways and means and to the small business advisory council. The preliminary notification shall: (a) identify the rule to be noticed and the scope of the proposed rule; (b) provide the statutory authority for such proposed rulemaking; (c) identify the person within the agency responsible for the rulemaking and who can be contacted for further information; and (d) state the purpose for proposing the new regulations or change of regulation and generally, the goal or goals to be obtained.

SECTION 160. Section 5 of said chapter 30A, as so appearing, is hereby amended by striking the first sentence of the second paragraph and inserting in place thereof the following:— No rule or regulation so filed with the state secretary, except those filed for the purpose of setting rates, issuing grants or providing loans, and except those filed by the department of telecommunications and

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energy or the division of insurance, shall become effective until a regulatory impact statement has been completed, made public during the hearing process described above and is filed with the state secretary. The secretary of the enforcing agency shall review all regulatory impact statements prior to their filing with the state secretary to ensure and certify that a proper methodology and approach was used by the agency submitting said impact statement and to certify that the impact statement as submitted complies with the definition of 'regulatory impact statement' as set forth in section 1 of chapter 30A within 90 days of receipt. In addition, no rule or regulation so filed, except those filed for the purpose of setting rates, issuing grants or providing loans, and except those filed by the department of telecommunications and energy or the division of insurance, shall become effective until the promulgating agency has filed with the state secretary a statement verifying that said rule or regulation does not conflict with, overlap or duplicate other agencies' rules or regulations.

SECTION 161. Section 4 of chapter 30B of the General Laws, as so appearing, is hereby amended by inserting after the word 'to', in line 1, the following words:— this section and.

SECTION 162. Said section 4 of said chapter 30B, as so appearing, is hereby further amended by adding the following paragraph:—

(d) A procurement officer may award a contract valued at less than \$25,000 for the procurement of products of agriculture as defined in section 1A of chapter 128, including but not limited to, fruits, vegetables, eggs, dairy products, meats and crops horticultural products or products processed into value added products as part of a Massachusetts farm operation, that are grown or produced using products grown in the commonwealth as well as fish, seafood, and other aquatic products, without seeking quotations as required under paragraph (a), provided, however, that the officer shall follow generally accepted business practices.

SECTION 163. Said chapter 30B, is hereby further amended by adding the following two sections:—

Section 20. (a) Notwithstanding the provisions of any general or special law to the contrary, and to the extent permitted by federal law, a governmental body may, by a majority vote, establish a preference for products of agriculture as defined in section 1A of chapter 128, including but not limited to fruits, vegetables, eggs, dairy products, meats, crops, horticultural products or products processed into value added products as part of a Massachusetts farm operation as well as fish, seafood, and other aquatic products.

(b) Wherever a governmental body by a majority vote establishes a preference for the procurement of such products of agriculture grown or produced using products grown in the commonwealth, the procurement officer responsible for procuring agricultural products on behalf of said governmental body shall effectuate such preference in (i) advertising for bids, contracts, or otherwise, and making reasonable efforts to facilitate the purchase of such products of agriculture grown or produced using products grown in the commonwealth; and (ii) purchasing such products of agriculture grown or produced using products grown in the commonwealth, unless the price of such goods exceeds, by more than 10 per cent, the price of agricultural products grown or produced outside of the commonwealth.

Section 21. The general court finds and declares that:—

(a) only the general court has the authority to agree to bind the commonwealth to the rules of an international trade agreement, or to give consent to the federal government for the commonwealth to be bound to such an agreement;

(b) the commonwealth will not consent to be bound by the government procurement, services, or investment rules of any international trade or investment agreement, or any other provisions of international trade agreement which affect existing state laws or regulatory authority reserved to the commonwealth absent a specific, explicit act of the general court authorizing such consent;

(c) two state legislative points of contact shall be appointed at the beginning of each legislative session; one by the president of the senate, and 1 by the speaker of the house of representatives. The purposes of these contacts is to: (i) serve as the commonwealth's official legislative liaisons with the federal government on trade-related matters; (ii) serve as the designated recipients of federal requests for the commonwealth to agree to be bound by investment, procurement, services or other provisions of international trade agreements which encroach on state law or regulatory authority reserved to the commonwealth; and (iii) inform all members of the general court on a regular basis about ongoing trade negotiations and dispute settlement proceedings with implications for existing state laws or state regulatory authority more generally;

(d) any requests from the United States Trade Representative seeking the commonwealth's consent to be bound by future international trade agreements shall be received by the state legislative points of contact. Said points of contact shall immediately refer the request to the clerk of the house and the clerk of the senate who shall promptly refer the matter to the appropriate legislative committee;

(e) the committee having jurisdiction shall draft a resolution granting or disallowing consent and shall report it to the general court no later than 30 days after receipt. A public hearing shall occur before the general court votes on the request. The state legislative points of contact shall immediately notify the United States Trade Representative of the outcome of any legislative action.

SECTION 164. Section 3 of chapter 40A of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

No zoning ordinance or by-law shall regulate or restrict the use of materials, or methods of construction of structures regulated by the state building code, nor shall any such ordinance or by-law prohibit, unreasonably regulate, or require a special permit for, the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture; nor prohibit, unreasonably regulate, or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture, including those facilities for the sale of produce, wine and dairy products; provided that either during the months of June, July, August, and September of every

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year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 per cent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located, and at least an additional 50 per cent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land, other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture, whether by the owner or lessee of the land on which the facility is located or by another; except that all such activities may be limited to parcels of 5 acres or more in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture. For such purposes, land divided by a public or private way or a waterway shall be construed as one parcel. No zoning ordinance or bylaw shall exempt land or structures from flood plain or wetlands regulations established pursuant to general law. For the purposes of this section, the term agriculture shall be as defined in section 1A of chapter 128, and the term horticulture shall include the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises.

SECTION 165. Section 4F of chapter 40J of the General Laws, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:—

(b) There shall be a broadband access oversight council within the Massachusetts Technology Park Corporation for the purpose of increasing broadband services in underserved communities. The council shall be comprised of 12 members, 1 of whom shall be designated by the Franklin-Hampshire Connect; 1 of whom shall be designated by the Berkshire Connect; 1 of whom shall be designated by the Massachusetts Association of Regional Planning Agencies; 1 of whom shall be designated by the Massachusetts Municipal Association; 1 of whom shall be the secretary of economic affairs; 1 of whom shall be the chairman of the commonwealth development council; 1 of whom shall be the chairman of the department of telecommunications and energy; and 5 of whom shall be appointed by the governor, 1 of whom shall be a representative from the telecommunications industry; 1 of whom shall be a representative from the cable television telecommunications industry; 1 of whom shall be a representative of a small- to-medium sized local exchange carrier; 1 of whom shall have expertise in state and federal law concerning telecommunications technology; and 1 of whom shall be a member of the public. The council shall develop and recommend short and long-term strategies to achieve broadband expansion in every community in the commonwealth. Specifically, the council shall: (i) identify communities that lack broadband service and leverage the telecommunications purchasing power of the commonwealth and the private sector to bring broadband service to every

community in the commonwealth; (ii) identify appropriate technologies and strategies to bring broadband service into underserved communities; (iii) identify specific state properties that, if made available, would facilitate the deployment of these technologies to achieve service in under-served areas; (iv) identify technologies to create wireless downtowns, so-called, as a means of promoting economic development; (v) investigate new technologies in order to ensure that Massachusetts is a leader in the adoption of telecommunications technologies; and (vi) take other action considered necessary to fulfill the goal of broadband marketplace choice in underserved communities. The council shall annually submit any recommendations and make periodic reports on progress being made towards achieving these objectives to the department of business and technology, the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, and the joint committee on telecommunication, utilities and energy.

SECTION 166. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after the word ‘corporation’, in lines 247, 249 the first time it appears, in line 269, and in line 270, the following words:— or a domestic research and development corporation.

SECTION 167. Paragraph (3) of clause Sixteenth of said section 5 of said chapter 59, as so appearing, is hereby amended by adding the following sentence:— This clause, as it applies to a domestic research and development corporation as defined in section 38C of chapter 63 or a foreign research and development corporation as defined in section 42B of said chapter 63, shall take effect upon its acceptance by any city or town.

SECTION 168. Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting in after the word ‘manufacturing’, in lines 285, 288 and in line 292, the following words:— or research and development.

SECTION 169. Paragraph (1) of subsection j of section 6 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

A taxpayer or nonprofit organization which commences and diligently pursues an environmental response action on or before August 5, 2010 and who achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the regulations promulgated pursuant thereto which includes an activity and use limitation shall, at the time such permanent solution or remedy operation status is achieved, be allowed a base credit of 25 per cent of the net response and removal costs incurred between August 1, 1998 and January 1, 2012 for any property it owns or leases for business purposes and which is located within an economically distressed area as defined in section 2 of chapter 21E. Such costs shall not be less than 15 per cent of the assessed value of the property prior to remediation and the site shall be reported to the department of environmental protection. A credit of 50 per cent of such costs shall be allowed for any such taxpayer or non-profit orga-

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nization who achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the Massachusetts Contingency Plan at 310 CMR 40.00, as amended, which does not include an activity and use limitation. Only a taxpayer that is an eligible person, as defined by section 2 of chapter 21E, and not subject to any enforcement action brought pursuant to chapter 21E shall be allowed a credit.

SECTION 170. Said subsection (j) of said section 6 of said chapter 62, as so appearing, is hereby further amended by adding the following paragraph:—

(5) All or any portion of tax credits issued in accordance with the provisions of this subsection may be transferred, sold, or assigned to taxpayers or non-profit organizations eligible pursuant to the provisions of paragraph (1). A taxpayer or nonprofit organization desiring to make a transfer, sale, or assignment shall submit to the commissioner a statement which describes the amount of the Massachusetts environmental response action tax credit for which such transfer, sale, or assignment of Massachusetts environmental response action tax credit is eligible. The taxpayer or non-profit organization shall provide to the commissioner appropriate information so that the environmental response action tax credit can be properly allocated. The commissioner shall issue a certificate to the party receiving the environmental response action tax credit reflecting the amount of the tax credit received, a copy of which shall be attached by the party receiving the environmental response action tax credit to each tax return in which the tax credits are used.

(6) The commissioner shall annually, not later than September 1, file a report with the house and senate committees on ways and means the chairs of the joint committee on community development and small businesses and the chairs of the joint committee on economic development and emerging technologies, identifying the total amount of tax credits claimed pursuant to this subsection and the total amount of tax credits transferred, sold, or assigned pursuant to paragraph (5) for the preceding fiscal year.

SECTION 171. Said chapter 62 is hereby further amended by inserting after section 6 the following section:—

Section 6½. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:—

‘Department’, the department of revenue.

‘Medical device’, an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including a component part or accessory, which is recognized in the official National Formulary, or the United States Pharmacopoeia, or any supplement thereto, intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in humans or other animals, and which does not achieve any of its primary intended purposes through chemical action within or on the body of a human or other animals and which is not dependent upon being metabolized for the achievement of any its primary intended purposes.

‘Medical device company’, a sole proprietorship, partnership, limited liability company, corporate trust, corporation or other business (i) the income of which is taxed directly to such business or its owners under this chapter; and (ii) that has a facility located in the commonwealth which develops or manufactures medical devices.

‘Medical device tax credit’, the tax credit established pursuant to this section that a medical device company generated but was unable to claim as of the close of the last taxable year for which a return was filed because of limited tax liability.

‘User fees’, the monetary amount actually paid by a medical device company to the United States Food and Drug Administration during the taxable year for pre-market approval to market new technologies developed or manufactured in the commonwealth, or for a 510(k) clearance to market upgrades, changes or enhancements to existing technologies that are developed or manufactured in the commonwealth as stipulated in United States Public Law 107-250, the Medical Device User Fee and Modernization Act.

(b) There shall be allowed to any medical device company as a credit against any tax liability imposed pursuant to this chapter, an amount equal to 100 per cent of the cost of user fees paid by such medical device company during the taxable year for which the tax is due.

(c) The department shall establish a medical device tax credit transfer program to allow medical device companies doing business in the commonwealth with unused medical device tax credits to transfer such credits for use by a purchasing company in exchange for private financial assistance to be provided by such company to assist in the funding of costs incurred by the medical device companies.

Said private financial assistance shall be used to fund expenses incurred in connection with the operation of the medical device company in the commonwealth, including costs associated with fixed assets, such as the construction and acquisition and development of real estate, materials, start-up, tenant fit-out, working capital, salaries, research and development expenditures, and any other expenses determined by the department to be necessary to carry out the purposes of the program. A medical device company that wishes to participate in the program shall file an application with the department, on a form prescribed by the department that sets forth the medical device tax credit amounts eligible for transfer, the use to which the medical device company intends to put the private financial assistance to be provided, the identity of the purchasing company, the amount of the financial assistance to be provided, and such other information as the department may require. No such medical device tax credits may be surrendered unless the purchasing company provides financial assistance in an amount equal to at least 75 per cent of the medical device tax credit amounts eligible to transfer.

The department shall review such application and if the proposed transfer meets the requirements set forth herein, it shall, upon receipt of a notarized statement signed under the pains and penalties of perjury by an authorized representative of the medical device company that the purchasing company has provided the specified financial assistance, issue a certificate to the purchasing company

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reflecting the medical device tax credit amounts transferred, a copy of which shall be attached to each tax return by a purchasing company in which such medical device tax credits are used. The purchasing company shall treat the medical device tax credit amounts purchased under the program as a credit against its tax liability pursuant to this chapter. The purchasing company must use the medical device tax credit amounts so treated in tax returns filed within 5 years of the issuance of the certificate, after which the benefits will be deemed to have expired. The purchasing company may not use the medical device tax credit amounts to reduce the income tax to less than the amount due under section 4. No medical device company surrendering medical device tax credits under the program may use the benefits to reduce its tax liability under this chapter.

(d) The commissioner is hereby authorized and directed to promulgate rules and regulations relative to the administration and enforcement of this section.

SECTION 172. Section 1 of chapter 62C of the General Laws, as so appearing, is hereby amended by inserting after the definition of 'Code' the following definition:—

'Materialman', any person primarily engaged in selling building material, tools, and equipment for the improvement of real property and authorized by law to file a mechanics lien upon real property for improvements related thereto.

SECTION 173. Subsection (h) of section 16 of said chapter 62C, as so appearing, is hereby amended by adding the following two sentences:— A materialman shall file a return with the commissioner each month. Each such return shall be filed within 50 days after the expiration of the period covered thereby.

SECTION 174. Subparagraph (i) of paragraph (1) of subsection (b) of section 6J of said chapter 62, as appearing in the 2004 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The commissioner, in consultation with the Massachusetts historical commission, shall authorize annually, for the 6 year period beginning January 1, 2005, and ending December 31, 2010, under this section together with section 38R of chapter 63, an amount not to exceed \$50,000,000 per year.

SECTION 175. Section 67D of said chapter 62C, as so appearing, is hereby further amended by inserting after the word 'manufacturing', in lines 4, 14, 26, 37, 40, 55, 70, 76, 91, 99, 108, and 113, the following words: 'or marine science technology.'

SECTION 176. Said section 67D of said chapter 62C, as so appearing, is hereby further amended by inserting after the definition of 'Local jobs created' the following definition:— 'Marine science technology company,' a business engaged in research, exploration, operations, monitoring, or defense in marine settings. This term shall include contract manufacturers engaged in the production of such products for a marine science technology company.

SECTION 177. Said section 67D of said chapter 62C, as so appearing, is hereby further amended by inserting after the word 'respectively', in line 68, the following words:— or direct manufacturing or professional services performed by an employee of a

marine science technology company during a calendar year that consists of research, exploration, operations, monitoring, or defense in a marine setting.

SECTION 178. Chapter 63 of the General Laws is hereby amended by inserting after section 31K the following section:—

Section 31L. (a) As used in this section the following words shall, unless the context otherwise requires, have the following meanings:—

'Department', the department of revenue.

'Medical device', an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including a component part or accessory, which is recognized in the official National Formulary, or the United States Pharmacopoeia, or any supplement thereto, intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in humans or other animals, and which does not achieve any of its primary intended purposes through chemical action within or on the body of a human or other animals and which is not dependent upon being metabolized for the achievement of any its primary intended purposes.

'Medical device company', (1) a domestic corporation organized under or subject to chapter 156B or chapter 156D, (2) a limited liability company organized under chapter 156C and otherwise subject to this chapter, or (3) a corporation, organization or association, established, organized or chartered under the laws other than those of the commonwealth and otherwise subject to this chapter, and in each case which has a usual place of business within the commonwealth wherein medical devices are developed or manufactured.

'Medical device tax credit', the tax credit established pursuant to this section that the medical device company generated but was unable to claim as of the close of the last taxable year for which a return was filed because of limited tax liability.

'User fees', the monetary amount actually paid by a medical device company to the United States Food and Drug Administration during the taxable year for a pre-market approval to market new technologies developed or manufactured in the commonwealth, or for a 510(k) clearance to market upgrades, changes or enhancements to existing technologies that are developed or manufactured in the commonwealth as stipulated in United States Public Law 107-250, the Medical Device User Fee and Modernization Act.

(b) There shall be allowed to any medical device company as a credit against the tax liability imposed under this chapter, an amount equal to 100 per cent of the cost of user fees paid by such medical device company during the taxable year for which the tax is due.

(c) The department shall establish a medical device tax credit transfer program to allow medical device companies doing business in the commonwealth with unused medical device tax credits to transfer such credits for use by a purchasing company in exchange for private financial assistance to be provided by such company to assist in the funding of costs incurred by the medical device companies.

Said private financial assistance shall be used to fund expenses incurred in connection with the operation of the medical device

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company in the commonwealth, including costs associated with fixed assets, such as the construction and acquisition and development of real estate, materials, start-up, tenant fit-out, working capital, salaries, research and development expenditures, and any other expenses determined by the department to be necessary to carry out the purposes of the program. A medical device company that wishes to participate in the program shall file an application with the department, on a form prescribed by the department that sets forth the medical device tax credit amounts eligible for transfer, the use to which the medical device company intends to put the private financial assistance to be provided, the identity of the purchasing company, the amount of the financial assistance to be provided, and such other information as the department may require. No such medical device tax credits may be surrendered unless the purchasing company provides financial assistance in an amount at least equal to 75 per cent of the medical device tax credit amounts eligible to transfer. The department shall review such application and, if the proposed transfer meets the requirements set forth in this section, it shall, upon receipt of a notarized statement signed under the pains and penalties of perjury by an authorized representative of the medical device company that the purchasing company has provided the specified financial assistance, issue a certificate to the purchasing company reflecting the medical device tax credit amounts transferred, a copy of which shall be attached to each tax return by a purchasing company in which such medical device tax credits are used. The purchasing company shall treat the medical device tax credit amounts purchased under the program as a credit against its excise under this chapter. The purchasing company must use the medical device tax credit amounts so treated in tax returns filed within 5 years of the issuance of the certificate, after which the credits will be deemed to have expired. The purchasing company may not use the medical device tax credit amounts to reduce the excise to less than the amount due under subsection (b) of section 32, or subsection (b) of section 39. No medical device company surrendering medical device tax credits under the program may use the benefits to reduce its tax liability under this chapter.

(d) The commissioner is hereby authorized and directed to promulgate rules and regulations relative to the administration and enforcement of this section.

SECTION 179. The definition of 'Manufacturing corporation' of paragraph (1) of the sixth paragraph of section 38 of said chapter 63, as so appearing, is hereby further amended by adding the following:—

Any operation manufacturing value-added agricultural products shall be considered a manufacturing corporation.

'Value-added agricultural products' shall be defined as any products of 'farming' or 'agriculture', as defined in section 1A of chapter 128, that have increased in market value due to some process other than packaging. Value-added agricultural products shall include, but not be limited to, the following: cheese, butter, buttermilk, yogurt, cream, ice cream, fruit preserves, fruit juices, fruit sauces, fruit syrups, dried fruit, seeded fruits, peeled or chopped fruit and vegetables, processed fruit and vegetables, salads, maple syrup, maple

candy, honey and all apicultural products, horticulture nursery and greenhouse products, topiary plants, bacon, sausage, lard, dried or smoked meat, and wool as well as fish, seafood, and other aquatic products.

SECTION 180. Said section 38 of chapter 63, as so appearing, is hereby further amended by striking out, in line 309, the word 'five' and inserting in place thereof the following figure:— 6.

SECTION 181. Paragraph (1) of subsection (1) of the sixth paragraph of said section 38 of said chapter 63, as so appearing, is hereby further amended by adding the following clause:—

6. The corporation's annual gross receipts from the sale of value-added agricultural products generates are over \$500.00.

SECTION 182. Said chapter 63 is hereby further amended by striking out section 38C, as so appearing, and inserting in place thereof the following section:—

Section 38C. A corporation organized under, or otherwise subject to chapter 156B, and a limited liability company organized under chapter 156C which is not classified as a partnership and has elected to be taxed as a corporation separate from its members for federal income tax purposes which is engaged in manufacturing in the commonwealth, or in research and development in the commonwealth shall, for the purposes of this chapter, be deemed to be a domestic manufacturing corporation or a domestic research and development corporation. A domestic manufacturing corporation shall be taxed in the same manner and shall have the same duties under this chapter and chapter 62C as a domestic business corporation, except insofar as the determination of the excise under this chapter may be affected by reason of the exemption from local taxation of the machinery of a domestic manufacturing corporation.

A domestic research and development corporation for the purposes of this section is one whose principal activity in the commonwealth is research and development and which, during the taxable year, derives more than 2/3 of its receipts attributable to the commonwealth from the activity or incurs more than 2/3 of its expenditures attributable to the commonwealth, allocable to such activity. Corporations engaged in both research and development and in manufacturing shall exclude expenditures related to manufacturing from total expenditures for the purpose of assessing whether 2/3 of expenditures are allocable to research and development, whether or not the manufacturing activities of the corporation are substantial. Receipts from research and development shall include receipts from the provision of research and development services and from royalties or fees derived from the licensing of patents, know-how or other technology developed from research and development. For purposes of this section, research and development is experimental or laboratory activity having as its ultimate goal the development of new products, the improvement of existing products, the development of new uses for existing products, the development or improvement of methods for producing products, and does not include testing or inspection for quality control purposes, efficiency surveys, management studies, consumer surveys or other market research, advertising or promotional activities, or research in connection with literacy, historical or similar projects.

SECTION 183. Subsection (a) of section 38N of said chapter 63, as so appearing, is hereby amended by striking the last 3 paragraphs and inserting in place thereof the following paragraphs:—

A credit allowed under this section may be taken only after the taxpayer completes a report signed by an authorized representative of the corporation, and files the report with the EACC within two years of the initial project certification by the economic assistance coordinating council and annually thereafter. The economic assistance coordinating council shall certify that property eligible for the credit is a certified project within the economic opportunity area as defined in said section 3E of said chapter 23A and wholly within an area designated as an economic target area pursuant to section 3D of said chapter 23A, and that the certified project reasonably satisfies the employment projections specified in the original project proposal. Based upon the information provided in the report and its own independent investigation, the EACC shall determine whether the certified project is in compliance with the definition of certified project set forth in this section and whether the project has a reasonable chance of increasing employment opportunities as advanced in the initial proposal as certified by the EACC. If the EACC determines that the certified project is no longer in compliance, then certification of the project shall be revoked by said EACC as provided in section 3F of chapter 23A and notification of decertification shall be given to the commissioner of the department of revenue who shall disallow any future credits under this section. If the project is considered decertified for reasons of fraud or material misrepresentation, as determined by the EACC and the commissioner of revenue, the commissioner shall have a cause of action against the controlling business of the project for the value of any economic benefits received, including, but not limited to, the amount of the tax credit allowed under this section. Nothing in this section shall be deemed to limit the authority of the commissioner to make adjustments to a corporation's liability upon audit.

SECTION 184. Section 3F of chapter 23A of the General Laws is hereby amended by striking the following words inserted by section 2 of chapter 262 of the acts of 2004: 'or by the commissioner of revenue upon denial of the application of the tax credit provided in section 38N of chapter 63. and' and inserting in place thereof the following words:— and only.

SECTION 185. Said section 3F of said chapter 23A of the General Laws, as so appearing, is hereby further amended by striking out the word 'or' inserted by section 3 of chapter 262 of the acts of 2004 and inserting in place thereof the following word:— and.

SECTION 186. Said section 38Q of said chapter 63, as so appearing, is hereby further amended by adding the following subsection:—

(g) All or any portion of tax credits issued in accordance with the provisions of this section may be transferred, sold, or assigned to parties who are eligible under provisions of subsection (a). A corporation desiring to make a transfer, sale, or assignment shall submit to the commissioner a statement which describes the amount of the Massachusetts environmental response action tax credit for which such transfer, sale, or assignment of Massachusetts environmental

response action tax credit is eligible. Said corporation shall provide appropriate information so that the environmental response action tax credit can be properly allocated. The commissioner shall issue a certificate to the party receiving the environmental response tax credit reflecting the amount of tax credit received, a copy of which shall be attached by the party receiving the environmental response tax credit to each tax return in which the tax credits are used.

(h) The commissioner shall annually, not later than September 1, file a report with the house and senate committees on ways and means, the joint committee on community development and small businesses and the joint committee on economic development and emerging technologies, identifying the total amount of tax credits claimed pursuant to this section and the total amount of tax credits transferred, sold, or assigned pursuant to this section in the preceding fiscal year.

SECTION 187. Subparagraph (i) of paragraph (1) of subsection (b) of section 38R of said chapter 63, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The commissioner, in consultation with the Massachusetts historical commission, shall authorize annually, for the 6 year period beginning January 1, 2005, and ending December 31, 2010, under this section together with section 6J of chapter 62, an amount not to exceed \$50,000,000 per year.

SECTION 188. Section 42B of said chapter 63, as so appearing, is hereby amended by striking out, in lines 18 to 22, inclusive, the words; 'provided however, that a corporation that qualifies as a foreign research and development corporation only by reason of its expenditures shall not be entitled to the credit provided in section 31A of chapter 63 by virtue of its qualification as a foreign research and development corporation'.

SECTION 189. Section 18 of chapter 138 of the General Laws, as so appearing, is hereby amended by inserting after the last paragraph the following new paragraph:—

(A) (1) The commissioner may issue to any manufacturer of food products, including ice cream, licenses as importers only to import alcoholic beverages into the commonwealth for use only in connection with the manufacture of such products by the holder of the license issued under this paragraph.

(2) Nothing contained in this paragraph shall authorize the holder of an importer's license to sell such alcoholic beverages as he is licensed to import hereunder, or to export such alcoholic beverages from this commonwealth into any state or into any foreign country.

(3) No vote in any city or town under section eleven shall prevent the granting or renewal of a license under this paragraph.

(4) All alcoholic beverages purchased by any licensee under this paragraph, and all alcoholic beverages, shipped into the commonwealth pursuant to any such purchase, shall be warehoused at the warehouse facilities of such licensee and held in his physical possession at such warehouse.

(5) Every importer under this section shall keep such records as the commission may prescribe, and shall file with the commission, whenever and as often as it may require, duplicates of copies of such

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records. The commission shall at all times, through its designated officers or agents, have access to all books, records or other documents of every licensed importer relating to the licensee's importer business.

(6) The annual license fee for each importer shall be computed based on the bandage imported by the importer as follows:

5,000 gallons or less per year \$22 per year.

More than 5,000 gallons and less than 20,000 gallons per year \$44 per year.

More than 20,000 gallons per year and less than 50,000 gallons per year \$82 per year.

Any amount over 50,000 gallons shall be subject to current statute.

For the above purposes, a barrel shall be thirty-one gallons.

(7) Every applicant for an importer license shall, at the time of filing an application, pay a license fee based on a reasonable estimate of the amount of alcoholic beverages to be imported during the year covered by the license. Persons holding importers licenses shall report annually at the end of the year covered by the license the amount of alcoholic beverages produced during such year. If the total amount of such alcoholic beverages exceeds the amount permitted by the fee already paid, the licensee shall pay whatever additional fee is owing under this section.

SECTION 190. Subsection (a) of section 15 of chapter 151A of the General Laws as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:—

Notwithstanding section 47, if an employer or an officer or agent of an employer knowingly fails or refuses to pay any contribution, payment in lieu of contribution or interest charge or attempts in any manner to evade or defeat any contribution or payment in lieu of contribution or knowingly makes a false statement or misrepresents the employment status of an individual under his employ to avoid or reduce any contribution, he shall be punished by a fine equal to the total amount of contributions owed, including any interest; provided further, that if as a result of such action an individual fraudulently collects benefits, such employer shall be assessed a penalty, in addition to the fine specified above, equal to the total amount of the benefits fraudulently collected by the individual during the period in which such individual was under its employ.

SECTION 191. Section 25 of said chapter 151A, as so appearing, is hereby amended by striking out subsection (j) and inserting in place thereof the following:—

(j) Any week in which the individual fraudulently collects benefits. Whoever fraudulently collects benefits may be disqualified for each otherwise compensable week for each such total or partial week of erroneous payment; provided however; the amount in question shall be reduced by any earnings disregard in subsection (d) of section 29; provided further, that at the discretion of the commissioner, the amount erroneously paid may be deducted first from any future payments of benefits accruing to the individual under this

chapter provided further, the total benefits to which the individual may be entitled under this chapter shall be reduced by the weekly benefit amount which, but for the operation of this subsection, would be payable under this chapter; provided further that the amount deducted each week shall not exceed 25 per cent of the individual's weekly unemployment benefit rate; and provided further, that the individual shall have the actual notice of the requirement to report his earnings and the notice shall have met the requirements of clause iii of subsection (d) of section 62A. Any individual subjected to a deduction under this section may file an appeal and obtain review in accordance with sections 39 to 42, inclusive, and section 71.

SECTION 192. Said chapter 151A is hereby further amended by inserting after section 69D the following section:—

Section 69E. (a) In addition to any other remedy provided in this chapter, the commissioner may utilize the procedures specified below for the collection of any outstanding obligation where: (i) the obligation has been ruled final pursuant to section 69D; (ii) the obligation arose as a result of the obligor's failure to knowingly and willfully furnish accurate information concerning any material fact, including amounts of remuneration received; or (iii) the obligor has failed to satisfy the obligation or make payment arrangements acceptable to the commissioner within 30 days after notice that such obligation has become final and is due.

(b) After 30 days notice that complies with the requirements of clause iii of paragraph (d) of section 62A to obligor of the intent to file a certificate of attachment, the commissioner may file with the clerk of the Boston municipal court department or in the district court department in the judicial district where the obligor lives or is employed a certificate of attachment, or a copy thereof, under the commissioner's official seal which shall include: the name and address of the obligor; the amount owed, including interest and penalties assessed pursuant to subsection (a) of section 69; that the obligor is in default; and that the obligation has become final. The commissioner shall also provide information concerning the obligor's weekly benefit amount as referenced in subsection (c).

(c) Upon receipt of a certificate of attachment the clerk shall send written notice, first class mail, to the obligor at the address listed in the certificate of attachment notifying the obligor that the certificate of attachment has been filed and the clerk shall enter into the judgment records of the court the name of the obligor mentioned, the amount owed and in default, and the date such certificate of attachment was filed. No sooner than 10 days after the certificate of attachment was filed with the clerk, the clerk, at the request of the commissioner or the commissioner's agent or attorney, shall issue an execution in the same manner as a duly entered judgment of the court. No filing fee shall be paid by the commissioner for the filing of a certificate of attachment.

(d) Every judgment issued pursuant to subsection (c) shall include an attachment, and assignment to the department, of a portion of the obligor's salaries, wages, earnings, or other periodic income, in an aggregate amount sufficient to comply with the judgment as limited by section 34 of chapter 235. The periodic amount

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of the assignment shall be the lesser of the obligor's weekly unemployment insurance benefit amount in effect at the time the obligation arose or the maximum amount permitted by 15 USCA 1673(a); provided, however, that where more than one weekly benefit amount was in effect, the periodic amount shall be the lesser of the average of all such weekly benefit amounts or such maximum amount; provided further, that the obligor may, within 10 days following the filing of the certificate of attachment by the commissioner, petition the court for a modification. The court shall consider the amount owed, the income and reasonable expenses of the obligor and other factors which the court finds to be relevant to the ability to repay the amount owed.

(e) An employer shall send the amount required by the attachment to the commissioner within 3 days after the day the obligor is paid. The employer may deduct from the obligor's earnings a sum not exceeding \$1 per pay period as reimbursement for administrative costs incurred and may submit to the commissioner one check covering all its employees whose earnings are attached along with a statement enumerating each employee's obligation and amount paid. If an attachment is in effect under subsection (d) but cannot be implemented because obligor has no employer, the obligor shall notify the commissioner as soon as employment is obtained and the commissioner shall submit the attachment notification to such employer. The attachment shall then commence on the first payment of wages that occurs more than three days after the employer receives notice of the attachment and shall continue until the obligor leaves that employment or the employer is notified by the commissioner that the attachment should be terminated.

(f) If the obligor changes employers, the obligor shall notify the commissioner within 3 days after beginning the new employment, and shall notify the new employer of the attachment. The commissioner shall then transfer the attachment to the new employer.

(g) Attachments made pursuant to this section shall terminate when the underlying obligation terminates and all arrears are paid.

(h) If an employer fails to comply with an order of attachment executed pursuant to this section, the court shall, upon request of the commissioner, summon the employer to appear in court and show cause why he should not be held in civil contempt for failure to obey said order; provided further, that an employer shall not discipline, discharge, demote, suspend, threaten, harass, deny promotion to, or in any other manner discriminate against an employee because of an attachment executed or threatened pursuant to this section. Any employer who violates this section shall be liable for civil contempt to such employee for all wages and employment benefits lost by the employee from the commencement of the discriminatory action to the period of reinstatement and shall be liable for such damages or equitable relief as a court shall deem appropriate, including reinstatement with the same seniority status such employee would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination; provided further, that the employer shall be required to reasonable attorney's fees. An employer

may bring an action in the appropriate superior court department or the superior court department of Suffolk County for the relief provided in this section.

SECTION 193. Section 24(c) of said chapter 151A, as so appearing, is hereby amended by inserting after the word 'commissioner' in line 36 the following:— provided that the commissioner shall permit individuals to furnish information concerning continuing eligibility for benefits including any remuneration received by them during the period for which they claim benefits by mail or in person at a public employment office, and provided further that the income and eligibility certification procedures utilized by the commissioner shall meet the requirements of clause iii of subsection (d) of section 62A.

SECTION 194. Chapter 166 of the General Laws is hereby amended by inserting after section 25A the following section:—

Section 25B. As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:—

'Utility', any person, firm, corporation or municipal lighting plant that owns or controls or shares ownership or control of poles, ducts, conduits or rights of way used or useful, in whole or in part, for supporting or enclosing wires or cables for the transmission of intelligence by telegraph, telephone or television or for the transmission of electricity for light, heat or power; provided, however, that municipal lighting plants shall be exempted from all the provisions of this section for a one year period.

'Usable space', the total space which would be available for attachments, without regard to attachments previously made, (i) upon a pole above the lowest permissible point of attachment of a wire or cable upon such pole which will result in compliance with any applicable law, regulation or electrical safety code or (ii) within any telegraph or telephone duct or conduit.

'Wireless attachment', any device, apparatus, appliance or equipment used or useful in providing wireless telecommunications services, including any associated wire or cable, installed upon any pole owned or controlled, in whole or in part, by one or more utilities.

'Wireless provider', any person, firm or corporation other than a utility, which provides telecommunications service.

A utility shall provide a wireless provider with nondiscriminatory access to any pole or right-of-way used or useful, in whole or in part, owned or controlled by it for the purposes described in this section. Notwithstanding this obligation, a utility may deny a wireless provider access to its poles, ducts, conduits, or rights-of-way, on a nondiscriminatory basis only if the utility can substantiate that the wireless provider refuses to incorporate into the terms and conditions of an agreement for access to such poles, conduits or right-of-ways reasonable terms concerning, safety, reliability and generally applicable engineering standards, but shall otherwise execute an agreement with the wireless provider in consideration at or below the maximum rate set by the department. Subject to the requirement of the section, no wireless attachments shall be made to the poles, towers, piers, abutments, conduits, manholes, and other fixtures necessary to sustain, protect, or operate the wires or cables of any lines

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used principally for the supply of electricity in bulk, without the written consent of the utility.

The department shall have authority to regulate the maximum rates applicable to wireless attachments placed on poles, and in so doing shall be authorized to consider, and shall consider, the interest of subscribers of wireless communications services as well as the interest of consumers of utility services. In any case in which the utility and wireless provider fail to agree upon rates of placing wireless attachments on the utility's poles, upon petition of any wireless provider said department shall determine and enforce reasonable rates, for the use of the poles addressed by said petition by the petitioning wireless provider.

The department, pursuant to the provisions of this section, shall determine a just and reasonable maximum rate for the use of poles of a utility for wireless attachments of poles by a wireless provider by assuring the utility recovery of not less than the additional costs of making provision for wireless attachments nor more than the proportional capital and operating expenses of the utility attributable to that portion of the pole occupied by the attachment. Such portion shall be computed by determining the percentage of the total usable space on a pole that is occupied by the attachment. The department is hereby authorized and directed to promulgate rules or regulations for the administration and enforcement of this section.

SECTION 195. Section 11 of chapter 614 of the acts of 1968, as most recently amended by section 4 of chapter 268 of the acts of 1980, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— In the discretion of the authority, any revenue bonds issued under the provisions of this act may be secured by a trust agreement by and between the authority and a corporate trustee or trustees, which may be any trust company or bank chartered or incorporated in the United States and having the powers of a trust company or bank.

SECTION 196. Said section 11 of said chapter 614 of the acts of 1968, as so appearing, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following:— Any bank or trust company or such savings bank which may act as depository of the proceeds of bonds or of such revenues or other moneys may furnish such indemnity bonds or pledge such securities as may be required by the authority.

SECTION 197. Section 25 of chapter 175 of the acts of 1998, as most recently amended by section 1 of chapter 172 of the acts of 1999 and section 159 of chapter 184 of the acts of 2002, is hereby further amended by striking out, in line 2, the figure '2005' and inserting in place thereof the following figure:— 2010.

SECTION 198. Section 53 of chapter 141 of the acts of 2003 is hereby further amended by inserting after subsection (e) the following:—

(f) The council shall: (i) provide agencies with input regarding proposed permanent rules or regulations which adversely affect small business; (ii) review any rule or regulation promulgated by a state agency which adversely affects small business and make recommendations to the agency and the general court regarding the need for a rule, regulation or legislation to address said adverse affects.

Within the review and comment period, if the council determines that a proposed rule or regulation adversely affects small business, the council shall submit to the agency a request to consider: (i) the availability and practicability of less restrictive alternatives that could be implemented; and (ii) creative, innovative, or flexible methods of compliance for small businesses; provided further, that the council shall also review current regulations and make recommendations to agencies on amendments to those regulations that may have a negative impact on small business. An agency receiving such recommendation shall respond in writing to the council as to whether it intends to pursue the council's recommendations and, if it does not intend to pursue said recommendations, identify its reasoning; provided, however, that the council's review shall not apply to proposed permanent rules or regulations by an agency to implement a statute or ordinance that does not require an agency to interpret or describe the requirements of the statute or ordinance, such as state legislative or federally mandated provisions which afford the agency no discretion to consider less restrictive alternatives.

The department of business and technology shall provide administrative support to the council, as requested.

SECTION 199. Item 4120-2000 in Section 2 of chapter 45 of the acts of 2005 is hereby amended by striking out the figure '\$7,476,987' and inserting in place thereof the following figure:— \$7,976,987.

SECTION 200. Said section 2 of said chapter 45 is hereby further amended by inserting after item 7002-0012 the following item:—

7002-0045	For the broadband affairs director within the executive office of economic development; provided, that said funding shall be used in support of the broadband access oversight council established in paragraph (b) of section 4F of chapter 40J of the General Laws; and provided further, that said funds may be utilized for pilot programs to achieve broadband expansion to every community in the commonwealth pursuant to paragraph (b) of section 4F of chapter 40J of the General Laws.....	250,000.
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SECTION 201. Said section 2 of said chapter 45 is hereby further amended by striking out item 7003-0803 and inserting in place thereof the following item:—

7003-0803	One-Stop Career Centers chartered by local workforce investment boards are a major source of information, training and labor exchange and job placements in Massachusetts. Each career center shall inform unemployed or underemployed residents and individuals with low educational skill levels or limited English proficiency who seek assistance from the center of the full range of education and training programs that are available to them, the availability of jobs in the professions for which such programs prepare participants, and the average wage rates in such professions within the commonwealth. The department of workforce development shall conduct an evaluation of the
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use of one-stop career centers including, but not limited to, the numbers of individuals and employers served in each region; the services provided by each one stop career center; the number of persons and costs of operating the connecting unemployment insurance claimant initiative in one-stops; the costs of providing each of the range of one stop career services; provided further, the department shall provide an analysis of the level of funds needed to adequately support the services at one-stop career centers. The director shall annually, by September 31, report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development on the status of the evaluation herein required and the allocation of said funds. Said appropriation shall support the operations of existing one-stop career centers ... 6,000,000.

SECTION 202. Said section 2 of said chapter 45, as so appearing, is hereby further amended by inserting after item 7003-0803 the following item:—

7003-0805 For a pilot program to reduce unemployment insurance fraud; provided that funds appropriated herein shall be expended for, but not limited to, fraud detection and prevention staff, investigative staff, training, and fraud detection software; provided further, that the department of workforce development shall file reports on June 30, 2007 and March 15, 2008 with the house and senate committees on ways and means and the joint committee on labor and workforce development which shall include information about the unemployment insurance fraud efforts undertaken with funds appropriated herein and with other resources, and the estimated savings both in detection and prevention from the time of the initiation of this pilot; and provided further, that funds appropriated herein shall be available for expenditure through June 30, 2008..... 3,285,000.

SECTION 203. Said section 2 of said chapter 45 is hereby further amended by inserting, after item 7007-0300, the following item:—

7007-0333 For the establishment within the Massachusetts office of business development of a Massachusetts in-state sales force for the marketing and promotion of the commonwealth and to increase economic development within the commonwealth; provided further, that the duties of said in-state sales force shall include, but not be limited to, the encouragement of retention, expansion, and creation of businesses and industries within the commonwealth, and

the development of standards and measures to monitor and report the progress of its actions; and provided further, that the Massachusetts office of business development shall aggregate all such data and annually submit a report to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, and the joint committee on community development and small businesses on the activities and expenditures undertaken with funding from this line item ..... 1,500,000.

SECTION 204. Item 7007-0900 in said section 2 of said chapter 45 is hereby amended by inserting after the words, ‘provided further, that said office shall grant not less than \$4,000,000 to the Massachusetts International Marketing Partnership Incorporated, the business entity awarded the contract pursuant to section 60 of chapter 141 of the acts of 2003 for the express purpose of implementing the strategic marketing and promotional program to recover the commonwealth’s lost international market share;’ the following words:— provided further that not less than \$90,000 of said grant shall be used for the development of a joint marketing and branding program in conjunction with the Massachusetts International Trade Council to promote and market Massachusetts as a location for foreign direct investment and international business opportunity.

SECTION 205. Said section 2 of said chapter 45 is hereby further amended by striking out item 7007-1300 and inserting in place thereof the following item:—

7007-1300 For the operation of the Massachusetts International Trade Council, for the purpose of enhancing global market penetration for product exports, service exports and technology transfer by Massachusetts businesses and institutions, and for the promotion of Massachusetts as a location for foreign direct investment; provided that not more than \$100,000 shall be used for trade show programs enhancing regional small and medium enterprise participation at foreign trade shows in concert with regional economic development agencies; provided further, that not more than \$60,000 shall be applied as a 25 per cent match to the European Commission’s Research and Innovation Fund for the operation of a technology commercialization center in Massachusetts; provided further, that not more than \$100,000 shall be used for the establishment of two additional foreign trade representative agency offices; provided further, that not more than \$120,000 shall be spent toward the establishment of a foreign direct investment foundation to coordinate the resources of public and private institutions in promoting Massachusetts as a location for foreign direct investment; provided further, that

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not more than \$180,000 shall be used to plan and implement two Massachusetts foreign trade missions to be coordinated with Massachusetts based industry councils or associations; provided further, that not more than \$50,000 shall be spent for a trade mission coordinator and industry council liaison; provided further, that not more than \$30,000 will be transferred to the Donahue Institute at the University of Massachusetts to study the feasibility of establishing a Center for International Trade at the University in conjunction with United States Department of Education programs; provided further, that not more than \$25,000 shall be used for the implementation of bilateral technology transfer programs with foreign regional economic development entities; and provided further, that not more than \$120,000 to be transferred to the Massachusetts Export Center to develop and implement a regionally based support program to assist high potential export industry clusters ...

Tourism Fund .....	50.6%	1,895,000
General Fund .....	49.4%	

SECTION 206. Said section 2 of said chapter 45 is hereby further amended 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 education, in cooperation with the department of 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-work transition program; provided further, that such 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; and provided further, that public funds shall assume the costs of connecting schools and businesses to ensure that students serve productively on the job; provided further, The Department of Education shall establish a formula regarding how funding for this program shall be apportioned. The Department must develop a funding formula for legislative approval by June 1, 2006.....

7,129,687.

SECTION 207. Said section 2 of said chapter 45 is hereby further amended by striking out line item 7035-0002 and inserting in place thereof the following item:—

7035-0002 For grants to provide and strengthen adult basic education services, including reading, writing and mathematics, and English language learning, to a diverse network of organizations which have demonstrated commitment and effectiveness in the provision of such services, and that are selected competitively by the department of education; provided, that such grants shall support the successful transition of students from the most basic levels of literacy and English language proficiency to levels of skills and ability needed for parents to assume their role as full partners in their children's education, as citizens, and to successfully transition to community college certificate and degree granting programs and employment opportunities and advancement in the workplace; provided further, that such grants shall be contingent upon satisfactory levels of performance as defined and determined by the department; provided further, that in no case shall grants be considered an entitlement to a grant recipient; provided further, that the department shall consult with the community colleges, workforce boards and other service providers in establishing and implementing content, performance and professional standards for adult basic education programs and services; provided further that these funds will be used to expand access to these services, reduce the waiting lists for such services and better connect these services to skills and occupational training including workplace based and worker education programs and pathways to higher education, integrated family literacy and family support and citizenship preparation; provided further, there shall be established the Adult Basic Education Advisory Committee which shall provide general oversight and make recommendations to the Commissioner and the Board of Education regarding how funding for this program shall be apportioned. The Committee shall be appointed by the Commissioner and shall include a minimum of 1 representative of the Massachusetts Coalition for Adult Education, 1 representative of the Massachusetts Workforce Board Association, 1 representative of the Massachusetts Alliance for Adult Literacy, 1 representative of the ABE Directors Council, 1 representative of the Massachusetts Institute for a New Commonwealth, 1 representative of the Massachusetts AFL-CIO to be selected by the President of the Massachusetts AFL-CIO; 1 representative appointed by the

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commissioner of the department of workforce development, and 1 representative of the board of higher education. The commissioner shall convene the advisory committee at least quarterly; and provided further that not more than 7.5 per cent of the funds appropriated herein may be expended for administrative purposes ... 32,322,628.

SECTION 208. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer \$13,000,000 from the General Fund to the Massachusetts Cultural Facilities Fund established pursuant to section 42 of chapter 23G of the General Laws.

SECTION 209. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller is hereby authorized and directed to transfer not less than \$8,000,000 from the General Fund to the Massachusetts Community Development Finance Corporation for the recapitalization of said corporation; provided, however, that not less than \$3,000,000 of funds made available to the Massachusetts Community Development Finance Corporation shall be used to fund a community development financing institution, previously known as the New Markets Entrepreneurial Fund, Inc.

SECTION 210. Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller is hereby authorized and directed to transfer \$30,000,000 from the General Fund to the Brownfields Redevelopment Fund established pursuant to section 29A of chapter 23G of the General Laws; provided however, that not more than \$200,000 of this amount shall be used by the Massachusetts Development Finance Agency to study the need for and potential costs of allowing grants from the Brownfields Redevelopment Fund to be used for asbestos and lead paint abatement; and provided, further, that the Massachusetts Development Finance Agency shall provide a detailed written report of its findings following said study no later than June 30, 2006 to the joint committee on community development and small businesses.

SECTION 211. Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer \$2,000,000 from the General Fund to the department of business and technology for grants administered by the department; provided, however, that not less than \$2,000,000 shall be made available for grants to community development corporations, community development financial institutions, or community based organizations for the purpose of providing technical assistance or training programs to businesses with 20 employees or fewer; provided, however, that no single community development corporation, community development financial institution, or community based organization shall receive a grant of more than \$75,000 in any one fiscal year. The department shall annually, on or before December 31, file a report with the house and senate committees on ways and means, and the joint committee on economic development and emerging technologies.

SECTION 212. Notwithstanding any other general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer \$15,000,000 from the General Fund to the Massachusetts Science, Technology, Engineering and Mathematics Grant Fund established pursuant to section 2MMM of chapter 29 of the General Laws; provided, however, that the comptroller shall transfer not more than \$4,000,000 in any one fiscal year.

SECTION 213. Notwithstanding any general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer from the General Fund to the Workforce Competitiveness Trust Fund established pursuant to section 2RR1/2 of chapter 29 of the General Laws an amount equal to the workforce training contributions required by section 14L of chapter 151A of the General Laws and collected in each fiscal year pursuant to said requirements; provided, however, that said transfer shall not be less than \$11,000,000; provided, further, that not less than \$1,000,000 shall be provided for grants to providers of workforce development and job skills training services for projects benefiting older adults; and provided further, that subject to appropriation, the director of workforce development shall make expenditures from the fund for the purposes outlined in said section 19.

SECTION 214. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer not less than \$250,000 from the General Fund to the Small Business Association of New England for the layoff aversion through management assistance program for consultant and technical assistance to manufacturing companies in Massachusetts to prevent business closure and employee displacement. Any such expenditure of the layoff aversion through management program as provided for in this section shall leverage at least \$1 for each dollar in matching funds for every \$1 granted pursuant to this section. The president of the small business association of New England shall file a quarterly report with the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development on the number of employees and manufacturing based companies that have received financial assistance through this section, a detailed description of the services provided to manufacturing companies in Massachusetts through the layoff aversion through management program, and a detailed account of the expenditures of the layoff aversion program, including administrative costs.

SECTION 215. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer not less than \$3,000,000 from the General Fund to the Educational Rewards Grant Program Fund established pursuant to section 151 of this act.

SECTION 216. Notwithstanding of any general or special law to the contrary, there is hereby established a performance standards and workforce accountability task force. The task force shall develop and recommend policies that advance skills and workforce development opportunities for incumbent, unemployed and under-

employed youth and adult workers whose lack of skills prevent or limit their successful employment. Lack of skills may include, but shall not be limited to, being less than proficient in English, mathematics, reading, writing, science and technology, or such other skills as Massachusetts employers may identify. The following groups shall be specifically targeted for assistance: adult workers with no post-secondary education; adult immigrants who seek to learn English; adults without a high school diploma; displaced workers; older workers; individuals not currently connected to the workforce; and youths between the ages of 16 and 21 who have either dropped out of school or at risk of dropping out, or who are academically at-risk of not completing the requirements for high school graduation. The task force shall develop recommendations which shall include, but not be limited to, the following: (i) maximizing the skills gained, the number of people served, and the quality of outcomes achieved through the workforce development system; (ii) increasing services and resources for those most in need and for the purpose of moving individuals and families out of poverty; (iii) identifying professional development and technical assistance needs and resources to strengthen workforce development programs and the skills of staff who deliver workforce development services; and (iv) evaluating and analyzing current local and state policies for the governance and coordination of workforce development agencies and programs in Massachusetts and making recommendations for improving coordination, oversight, performance standards, streamlining bureaucracy and maximizing resources.

The task force shall design and conduct an evaluation and analysis of the present governance and coordination of workforce development agencies and programs in the commonwealth. On the basis of that study the task force shall recommend to the general court, and other appropriate agencies, policies and changes to policies likely to improve the results of workforce development efforts in the commonwealth. Said recommendations shall address improving coordination, oversight and maximizing resources. The goals of the study shall include assisting Massachusetts citizens in making better use of the state's workforce development system, defining clearer lines of responsibility and accountability, and analyzing the management of the system in an effort to both improve service delivery and supplementing the resources available for education and training. The task force shall publish a resource guide of all the workforce education and training resources in the commonwealth.

It shall be the responsibility of the department of workforce development, through the Commonwealth Corporation, in consultation with the workforce accountability task force to evaluate existing, and develop additional, performance standards for workforce and job-training programs receiving state funding in the areas of employment, skill, education, business and customer satisfaction impact for the agencies of the commonwealth that provide workforce development resources, education or training programs as defined by the task force. Commencing July 1, 2006, all workforce development services and job skills training programs receiving state or federal funds must submit, not later than June 30, an annual

performance report to the department, the state workforce investment board, the house and senate committees on ways and means, the joint committee on education, the joint committee on higher education, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development; provided further, that said annual performance report shall use the employment, education, business and customer satisfaction measures and standards as agreed upon; provided further, said report shall include any recommendations for the termination of any programs no longer required.

The task force shall consist of the following members: 2 members to be appointed by the governor, 1 of whom shall be the director of the department of workforce development or his designee; 2 members to be appointed by the president of senate; 2 members to be appointed by the speaker of the house of representatives; the chancellor of the board of higher education or his designee; the secretary of the executive office of health and human services or his designee; 1 member from the Massachusetts Business Roundtable; 1 member from the Associated Industries of Massachusetts; 2 members selected by the president of the Massachusetts AFL-CIO; 2 employer members from the Massachusetts workforce investment board association; 1 member from the Workforce Investment Association of Massachusetts; 1 member from the executive office of community colleges; 1 member from the Department of Education; 1 member from the Massachusetts Workforce Investment Board; 1 member from the Commonwealth Corporation; 1 member from the Women's Union; 1 member from the Massachusetts State Colleges Council of Presidents; 1 member from the Massachusetts Association of Community Development Corporations; 1 member from the Massachusetts Coalition for Adult Education; and 1 member from the Massachusetts Workforce Alliance. Members of the task force shall serve without compensation. The task force shall be co-chaired by two members of the taskforce, appointed jointly by the president of the senate and the speaker of the house of representatives and shall annually, on or before December 31, file a report with the clerk of the house and senate, the house and senate committees on ways and means and the joint committee on labor and workforce development and the joint committee on economic development and emerging technologies.

The department of workforce development shall provide the funds necessary to carry out the activities of this section through workforce investment act funds; provided further, that the department may use up to \$500,000 of the workforce competitiveness trust fund for this purpose and shall provide administrative support to the task force, as requested.

SECTION 217. Notwithstanding any general or special law to the contrary, the department of transitional assistance shall amend the food stamp employment and training plan to maximize the use of the 50-50 match provision, so-called. The department of transitional assistance may reimburse such entities including, but not limited to, community based organizations, community colleges, and local governments for allowable costs for eligible people as provided for in

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the food stamp employment and training plan; and provided further, that the equivalent of at least the first \$3,000,000 of such match funds shall be expended by said department in accordance with item 4401-1100 of the general appropriation act.

SECTION 218. The attorney general of the commonwealth shall notify in writing the United States Trade Representative of the policies set forth in section 21 of chapter 30B of the general laws no later than 90 days after the effective date of this act, and shall provide copies of such notice to the president of the senate, speaker of the house of representatives, and the commonwealth's congressional delegation.

SECTION 219. Notwithstanding any general or special law to the contrary for the purpose of facilitating economic development and job growth by identifying regulatory burdens that place Massachusetts companies at a competitive disadvantage, the department of environmental protection shall conduct an analysis of existing state regulations to identify those standards and regulations which exceed the requirements of comparable federal regulations or which require permitting, reporting and compliance with standards not covered by any federal regulation and to report to the legislature no later than December 31, 2006.

SECTION 220. Not later than 10 days after the effective date of this act, the comptroller shall transfer \$158,920,000 from the Commonwealth Stabilization Fund, established pursuant to section 2H of chapter 29 of the General Laws, to the General Fund. If, however, the balance in the Transitional Escrow Fund exceeds \$320,000,000 the comptroller shall transfer any balance over \$320,000,000 up to \$148,920,000 from the Transitional Escrow Fund to the General Fund, prior to any transfer from the Commonwealth Stabilization Fund necessary in order to satisfy funding necessary to implement the act.

SECTION 221. Notwithstanding any other general or special law to the contrary, the commissioner of the department of revenue is hereby authorized and directed to promulgate rules or regulations for the administration and enforcement of sections 172 and 173 of this act, which become effective on July 1, 2006.

SECTION 222. Sections 175, 176 and 177 shall be effective for tax years commencing on or after January 1, 2005.

SECTION 223. Section 197 shall only apply to violations discovered on or after the effective date of this act.

SECTION 224. Section 191 shall only apply to weeks of unemployment occurring on or after the effective date of this act.

SECTION 225. Within 60 days of the effective date of section 194 each utility in the commonwealth shall file with the department of telecommunications and energy a tariff which shall set forth the formula, based on the principles outlined in section 25B of chapter 166 of the General Laws, which said utility will utilize to compute its rate for the use of wireless attachments by wireless providers.

SECTION 226. Section 1 of chapter 40Q of the General Laws is hereby amended by striking the following definition inserted by section 18 of chapter 46 of the acts of 2003:

'Inflation factor', a ratio: (1) the numerator of which shall be the total assessed value of all parcels of all residential and commercial real estate that are assessed at full and fair cash value for the current fiscal year minus the new growth adjustment factor for the current fiscal year attributable to the residential and commercial real estate as determined by the commissioner of revenue pursuant to paragraph (f) of section 21C of chapter 59; and (2) the denominator of which shall be the total assessed value for the preceding fiscal year of all the parcels included in the numerator; provided, however, the ratio shall not be less than 1.

SECTION 227. Section 1 of chapter 40Q of the General Laws is hereby further amended by striking the first sentence of the definition of 'Original assessed value' inserted by section 18 of chapter 46 of the acts of 2003 and inserting in its place the following sentence:— 'Original assessed value', the aggregate assessed value of the district as of the base date.

SECTION 228. Every party having entered into a tax increment financing or economic opportunity area agreement shall be responsible for notifying the Economic Assistance Coordinating Council and the municipality of any substantial change to the tip increment financing or economic opportunity area agreement. Said notice shall be provided to the Economic Assistance Coordinating Council and the municipality by writing within 90 days of occurrence and shall be provided annually to the Department of Revenue.

Substantial change as used herein shall mean the offshoring of production or outsourcing of functions or relocation of business functions; or any operational changes in the nature of products or services; or any cessation or pause in operations; or any net workforce reduction or change in hiring plans; or any sale or transfer or change in ownership or structure of the company.

Violation of any of the foregoing shall result in a revocation of the tax increment financing or the economic opportunity area agreement by the municipality or Economic Assistance Coordinating Council at its discretion.

SECTION 229. Paragraph (6) of subsection (d) of section 29 of chapter 151A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended, in line 125, by striking out the words 'the Social Security Act or'.

SECTION 230. Said paragraph (6) of subsection (d) of said section 29 of said chapter 151A, as so appearing, is hereby amended by adding the following sentence:— Payments received under the Social Security Act shall not be subject to the provisions of this paragraph.

SECTION 231. The Joint Committee on Economic Development and Emerging Technologies shall develop a statewide plan to encourage the adoption and formulation of research programs to ensure the Commonwealth retains its current status as the premier location for the creation, development and commercialization of biomedical research.

The Committee shall file a report with the Clerks of the House and Senate together with draft legislation necessary to implement said plan by December 31, 2006.

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SECTION 232. There is hereby established a special commission to consist of two members of the senate appointed by the Senate President; two members of the house of representatives appointed by the Speaker of the House; the treasurer and receiver general; the secretary of the executive office of administration and finance or his designee; the director of the department of housing and community development or his designee; the secretary of the executive office of health and human services or his designee; the director of the department of economic development or his designee; the chairman of the board of higher education or his designee; one of whom shall be a representative of the Massachusetts Community Action Program Directors' Association; one of whom shall be a representative of the Massachusetts Association of Community Development Corporation; one of whom shall be a representative of the Massachusetts Individual Development Account Solutions; and, thirteen persons appointed by the Governor, one of whom shall be a representative of the general public who has participated or is participating in an individual development account administered by a community based organization based in Massachusetts; one of whom shall be a representative from the general public who manages an existing Individual Development Account program in Massachusetts; two of whom shall be representatives of the Massachusetts Bankers Association; one of whom shall be a representative of the United Way of Massachusetts Bay; one of whom shall be a representative of a private philanthropy or private foundation; one of whom shall be a representative of the Women's Educational and Industrial Union; one of whom shall be a representative of an Earned Income Tax Credit counseling organization; one of whom shall be a representative of the Institute on Assets and Social Policy at the Heller School, Brandeis University; one of whom shall be a representative of a public or private institution of higher education; one of whom shall be a representative of a private, non-profit, non-partisan research and policy organization; one of whom shall be a representative of the Massachusetts AFL-CIO; and, one of whom shall be a representative of the Federal Reserve Bank of Boston.

The commission is created for the purpose of studying and making recommendations concerning the development of financial assets as a way to ensure that all people in the state of Massachusetts achieve long-term and sustainable economic security and self-sufficiency and enjoy economic opportunity.

Said commission shall examine the success of low-income workers of the Commonwealth in saving money and building assets, and the reasons why some people have had less success than others; assess the impact of current state policies and private sector practices on saving and asset-building; identify strategies that offer a real promise of significantly increasing the numbers of those who save and build assets and the amounts they accumulate; and make recommendations — consistent with the state's short- and long-term fiscal condition — for state policies and practices, including action in coordination and collaboration with businesses and financial institutions, labor organizations, community- and faith-based organizations, and philanthropic organizations to implement those strategies.

The commission, in formulating its recommendations, shall take account of the best policies and practices in other states and jurisdictions, particularly, but not limited to those relating to Individual Development Accounts for low-income and low-asset households.

The focus of the commission shall include but not be limited to asset development strategies for low-income and low-asset individuals and families living in Massachusetts.

Where relevant, the commission shall consider the impact of labor market, education and training, and family-support policies and practices on opportunities for financial asset-building.

The commission shall be empowered to hold regular, public meetings and fact-finding hearings and other public forums, as it deems necessary.

Said commission shall report to the house of representatives the results of its investigation and study, and its recommendations if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives no later than two years after the passage of this act.

SECTION 233. Notwithstanding any other general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller is hereby authorized and directed to transfer \$10,000,000 from the General Fund to the Massachusetts Research Center Matching Fund established pursuant to section 4F of chapter 40J of the General Laws.

SECTION 234. Notwithstanding any general or special law to the contrary, the comptroller shall transfer, not less than 10 days after the effective date of this act, the amount of \$10,000,000 from the Commonwealth Stabilization Fund, to the Emerging Technology Fund for the recapitalization of such fund, established pursuant to section 27 of chapter 23G of the General Laws.

SECTION 235. Notwithstanding any general or special law to the contrary, there shall be continuing funding of \$3 million for the Massachusetts Technology Transfer Center, hereinafter referred to as the Center, at the University of Massachusetts, that shall facilitate the transfer of technology from the commonwealth's research institutions to the commonwealth's industries, for productive use by such industries.

The Center shall continue to provide advice and assistance to public and private research institutions on strategies for technology transfer including, but not limited to, advice and assistance in the following areas:

1. assessing the viability and value of developing technologies;
2. defining and exploiting potential markets for such technologies;
3. commercialization strategies;
4. intellectual property issues, including licensing strategies; and
5. business development.

The Center shall provide to public and private research institutions gap funds to support commercialization research and development on technologies that have been developed at institutions within the state. These funds would be awarded competitively and could be used for such purposes as, but not limited to,

1. Developing prototypes.
2. Undertaking initial feasibility testing or industrial testing.
3. Obtaining data on performance of new technologies
4. Developing user friendly interfaces for the new technology.

The board of trustees of the University of Massachusetts, in consultation with the director of business and technology, shall appoint an executive director of the center. The executive director shall devote his full time to the operation of the center and may be removed at the pleasure of the board of trustees. The executive director shall report annually to the department of business and technology on the number of technology transfer transactions or projects that have been consummated with the assistance of the center, the names and geographic locations of the recipient industries and the estimated number of new jobs created as a result of such transactions or projects.

There shall continue to be an advisory committee relative to the center consisting of the director of business and technology, or his designee, the director of science and technology within the department of business and technology and 7 members selected by the executive director of the center, with the approval of the board of trustees, 1 of whom shall be a representative from a technology industry, at least 1 such member shall be a representative from academia, at least 1 such member shall have experience in venture financing and at least 1 such member shall have experience in public administration. The appointed members of the committee may be removed by the executive director with or without cause, subject to the approval of the board of trustees, and shall serve without compensation, except that each member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties. The advisory committee shall meet at least twice annually.

SECTION 236. Section 16 of Chapter 106 of the Acts of 2005 is hereby amended by striking out '2006' and inserting in place thereof the following:— 2007."

After remarks (Mr. Donato of Medford being in the Chair) the amendments were adopted.

At six minutes before seven o'clock P.M. (Thursday, April 27), on motion of Mr. Peterson of Grafton (Mr. Donato being in the Chair), the House recessed until eight o'clock; and at eight minutes after eight o'clock the House was called to order with Mr. Torrisi of North Andover in the Chair.

The House thereupon, on motion of Mr. DiMasi of Boston, took a further recess, until half past eight o'clock; and at that time the House was called to order with Mr. Rogers of Norwood in the Chair.

On further motion of Mr. DiMasi, the House thereupon took a further recess until a quarter before nine o'clock; and at four minutes before nine o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

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

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 130 members voted in the affirmative and 27 in the negative.

**[See Ye and Nay No. 405 in Supplement.]**

Therefore Rule 1A was suspended.

At two minutes after ten o'clock P.M. (Thursday, April 27), on motion of Mr. Donato of Medford (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past ten o'clock; and at ten minutes before eleven o'clock the House was called to order with Mr. Petrolati in the Chair.

Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2.

In item 0611-5510 by striking out the figures "20,000,000" and inserting in place thereof the figure "22,000,000";

In item 1599-0042 by striking out the figures "5,000,000" and inserting in place thereof the figures "10,000,000";

In item 3000-2050 by striking out the figures "930,438" and inserting in place thereof the figures "980,438";

In item 3000-4000, in line 29, by inserting after the figures "2006" the following: "; and provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2007 to allow for the continuation of individual child placements during the summer months"; and, in said item, by striking out the figures "37,641,095" and inserting in place thereof the figures "42,641,095";

In item 3000-5075 by striking the figures "10,000,000" and inserting in place thereof the figures "5,000,000";

In item 3000-6000, in lines 15 to 18, inclusive, by striking out the following: "provided further, that preference in the awarding of accreditation grants shall be given to applicants identified by the local councils funded by item 3000-2025 or by the regional offices funded by item 3000-2000 as" and inserting in place thereof the words "provided further that said grant shall be distributed to local early education and care councils, working with regional offices, to identify applicants who are";

In item 3000-6050, in lines 2 and 3, by striking out the words "provided that eligible recipients for such grants shall include local early education and care councils," and inserting in place thereof the words "provided that said grants shall be distributed to local early education and care councils, working in collaboration with";

In item 3000-6075, in lines 4 to 7, inclusive, by striking out the words "in identifying programs in need of such services, the department shall consult with the regional early education and care resource and referral centers and the local early education and care councils" and inserting in place thereof the words "grants for said services shall be distributed to local early education and care councils, working in collaboration with regional early education and care resource and referral centers to identify local providers in need of such services";

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Rule 1A  
suspended,  
yea and nay  
No. 405.

Recess.

Recesses.

Suspension of  
Rule 1A.

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In item 3000-7050, in lines 2, 3 and 4, by striking out the words "provided, that funds from this item shall be expended on the Mass Family Networks program" and inserting in place thereof the following: "; provided, that not less than \$4,545,695 shall be expended on the Mass Family Networks program", in said item, in line 21, by striking out the figures "500,000" and inserting in place thereof the figures "800,000", and, in said item, by striking out the figures "7,795,694" and inserting in place thereof the figures "8,345,694";

In item 7000-9501, in line 5, by inserting after the word "preceding" the following: "; provided further, that notwithstanding any general or special law to the contrary, the board of library commissioners may grant no more than 55 additional waivers in excess of the waiver limit set forth in the second paragraph of section 19A of chapter 78 of the General Laws in fiscal year 2007 for a period of not more than one year";

In item 7010-0005, in line 3, by striking out the figures "75,000" and inserting in place thereof the figures "150,000" and, in said item, by striking out the figures "10,631,796" and inserting in place thereof the figures "10,706,796";

In item 7010-0012 by striking out the figures "18,444,571" and inserting in place thereof the figures "19,615,313";

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

"7027-0016 For matching grants for various school-to-work programs; provided, that the board of education shall establish guidelines for such programs in consultation with the department of workforce development; provided further, that any funds distributed from this item to cities, towns or regional school districts shall be deposited with the treasurer of the city, town, or regional school district and held in a separate account and shall be expended by the school committee without further appropriation, notwithstanding any general or special laws to the contrary; provided further, that each grant awarded herein shall be matched by the recipient from local, federal, or private funds; provided further, that the board of education may determine the percentage match required on an individual grant basis; provided further, that the department of education shall make available a payment of \$734,400 for the state's matching grant for the CS-squared program at the Commonwealth Corporation; provided further, that the department of education shall make available a payment of \$942,191 to Jobs for Bay State Graduates, Inc., for the purpose of school-to-work activities; provided further, that the department of education shall make available a payment of \$42,975 to the Blue Hills regional vocation school for the School to Careers Partnership to fund a teacher externship program and a student internship program; provided fur-

ther, that \$250,000 shall be expended for Amer-I-Can and provided further, that of this \$250,000, funds may be expended for the administration of this program in Springfield; and provided further, that not less than \$50,000 shall be expended for the Diploma Plus Program at Cape Cod Community College and provided further, that not less than \$200,000 shall be provided for the Diploma Plus drop out prevention program in partnership with Commonwealth Corporation and the Massachusetts Department of Education; and provided further, that not less than \$60,00 shall be expended for Junior Achievement of Central Massachusetts; and provided further, that not less than \$50,000 shall be expended for Junior Achievement of Western Massachusetts ..... 2,329,566",

By striking out item 7030-1003 and inserting in place thereof the following two items:

"7030-1003 For the John Silber early literacy program to promote research based school-wide literacy education and to promote literacy among children in grades K through 3; provided, that the office of reading and language arts shall administer said early literacy grant programs to improve the quality and effectiveness of literacy education to the greatest extent possible; provided further, that these early literacy education programs shall be based on a scientifically-based reading research program consistent with the federal Reading First Initiative; provided further, that not less than \$100,000 be expended for the TU-LEAP Program of Boston for after-school academic and literacy achievement programs; provided further, that not less than \$60,000 shall be expended for Lawrence Learning Center and Community Development in the City of Lawrence; provided further, that \$385,000 shall be expended for JFY.net, a Jobs for Youth initiative for high technology, literacy and job skill instruction to youth and adults through advanced software and existing infrastructure capacity in schools and community agencies; provided further, that such program shall supplement currently funded local, state and federal programs at the school or district; and provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district, without further appropriation, notwithstanding the provisions of any general or special law to the contrary.....

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7030-1005 For early intervention individual tutorial literacy programs designed as a pre-special education referral and short term intervention for children who are at risk of failing to read in the first grade; provided further, that said program shall be research-based with proven long-term results, including identifying students in need of additional help not later than mid-first grade, providing ongoing training and support to program teachers, and including ongoing documentation and evaluation of results; provided further, not less than \$500,000 shall be expended for matching grants to school districts to support the funding of Reading Recovery teachers salaries in one-to-one early intervention tutorial literacy programs; provided further, that said programs shall provide ongoing documentation and evaluation of results..... 4,400,000”;

In item 7035-0006 by striking out the figures “50,000,000” and inserting in place thereof the figures “55,000,000”;

In item 7061-0008 by striking the out the figures “3,380,366,181” and inserting in place thereof the figures “3,461,749,605”;

By inserting after item 7061-0008 the following item:

“7061-0011 For a reserve to (1) meet extraordinary increases in the minimum required local contribution of a municipality as calculated pursuant to the requirements of section 3 of this act; provided, that a municipality seeking funds hereunder shall apply for a waiver from the department of revenue pursuant to the provisions of section 32 of this act; provided, further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of education regarding the merits of such application; (2) meet extraordinary increases of greater than 20 percent in a municipality’s required contribution to any of the districts to which the municipality belongs as a result of the new regional allocation methodology; provided further, that not less than \$500,000 shall be used for this purpose; (3) meet expenses associated with extraordinary increases in enrollment from fiscal year 2002 through fiscal year 2007 calculated on a percentage basis for such municipalities; (4) address the effects of reductions in per pupil chapter 70 aid between fiscal year 2002 and fiscal year 2007; provided, that preference in the awarding of such funds shall be given to districts which receive less than 40 per cent of their foundation budgets as chapter 70 aid, and which received reductions in chapter 70 aid between fiscal year 2003 and fiscal year 2004; (5) assist regional school districts which, prior to fiscal year 2007, have assessed member towns using the provi-

sions of their regional agreement, and which, in fiscal year 2007, will assess member towns using the required contributions calculated pursuant to chapter 70 of the General Laws and section 3 of this act; (6) assist urban districts with high fixed costs and enrollment declines of greater than 3 per cent in fiscal year 2007; provided further, that notwithstanding the provisions of any general or special law to the contrary, assistance funded by this item shall only be available on a one time non-recurring basis; provided further, that the department shall make not less than 80 per cent of awards from this item not later than October 15, 2005; and provided further, that no funds distributed from this item to a municipality shall be considered base aid nor used in the calculation of the minimum required local contribution for fiscal year 2007 ..... 3,500,000”;

In item 7061-0012, in lines 14 to 34, inclusive, by striking out the following: “, provided further, that not less than \$600,000 shall be expended for the costs of borrowing audiotaped textbooks by special needs students whose disabilities include, but shall not be limited to, blindness, visual impairments, learning disabilities such as dyslexia, or physical disabilities such as cerebral palsy that limit the use of standard print, and for the cost of an outreach program geared toward special education teachers, students and parents regarding the services of the program; provided further, that of this \$600,000, \$200,000 may be expended for the purposes of training teachers and students; provided further, that of this \$600,000, not less than \$25,000 shall be expended for a pilot program for Recording for the Blind and Dyslexic to provide the 10th grade math and English learning arts MCAS tests in audio digital format for the fall and spring of the 2006-2007 school year; provided further, that no funds shall be expended for said MCAS pilot program until the department of education examines all security issues related to said pilot program and certifies to the legislature that said pilot program may be carried out without jeopardizing the security of the MCAS exams; provided further, that said report shall be completed no later than November 15, 2006, and shall be forwarded to the house and senate chairs of the joint committee on education, and the chairs of the house and senate committees on ways and means” and inserting in place thereof the following: “; provided further, that not less than \$700,000 shall be expended for the costs of borrowing audio textbooks by special needs students whose disabilities include, but shall not be limited to, blindness, visual impairments, learning disabilities such as dyslexia, or physical disabilities such as cerebral palsy that limit the use of standard print, provided further, that of this \$700,000, \$300,000 shall be expended for the purposes of outreach and of training teachers, students, and parents, not less than \$25,000 shall be expended for the continuation of a pilot program for Recording for the Blind & Dyslexic to provide MCAS tests in audio digital format and that no funds shall be expended for said MCAS

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pilot program until the department of education examines all security issues related to said pilot program and certifies to the legislature that said pilot program may be carried out without jeopardizing the security of the MCAS exams; provided further, that said report shall be completed no later than November 15, 2006, and shall be forwarded to the house and senate chairs of the joint committee on education, and the chairs of the house and senate committees on ways and means” and, in said item, by striking out the figures “202,829,838” and inserting in place thereof the figures “202,929,838”;

In item 7061-0029, in line 5, by inserting after the word “Brockton” the words “Holyoke and Lynn”;

By inserting after item 7061-9200 the following item:

“7061-9300 For Education Data Warehouse and Reporting System (Data Warehouse); and provided that not less than \$200,000 shall be expended on hardware; and provided that not less than \$4,500,000 shall be expended on statewide software license; and provided that not less than \$500,000 shall be expended on professional services..... 5,200,000”;

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

By inserting after item 7061-9412 the following item:

“7061-9600 For a discretionary grant pilot program with the purpose of providing monies to school districts and state public institutions of higher education partnering together to offer concurrent enrollment programs for students with disabilities as defined in section 1 of chapter 71B of the General Law ages 18-22; provided that said students with disabilities can be enrolled in any credit or noncredit courses that include nondisabled students; and provided further that the department, in consultation with the board of higher education shall develop guidelines to ensure that the grant program promotes civic engagement and mentoring of faculty in state

institutions of higher education, and supports college success, work success, and provision of a free appropriate public education in the least restrictive environment ..... 2,000,000”;

By striking out item 7061-9611 and inserting in place thereof the following item:

“7061-9611 For grants or subsidies for after-school and out-of-school programs; provided, that preference shall be given to after-school proposals developed collaboratively by public and non-public schools and private community based programs; provided further, that the department shall fund only those applications which contain accountability systems and measurable outcomes, under guidelines to be determined by the department in consultation with the department of early education and care; provided further, that applicants shall detail funds received from all public sources for existing after school and out-of-school programs and the types of programs and type of students served by said funds; provided further, that funds may be directed to increase comprehensive after school and out of school time programming to school age children and youth during the school year and the summer, including but not limited to 21st century community learning centers programs; provided further, that funds from this item may be used for a variety of activities, including but not limited to: (1) academic tutoring and homework centers where content is linked to and based on the curriculum guidelines promulgated by said department, (2) programs which improve the health of students, including physical activities, athletics, nutrition and health education, and exercise, (3) art, theater, and music programs developed in collaboration with the Massachusetts cultural council, local cultural councils, or cultural organizations in the Commonwealth funded by the Massachusetts cultural council, (4) enrichment activities not otherwise provided during the school day, (5) advanced study for the gifted and talented, and (6) community service programs; provided further, that \$100,000 from this item shall be expended for services that actively include children with disabilities in after-school programs that also serve non-disabled children and services that include children where English is a second language, including but not limited to: increased per-child reimbursement rates, additional staff, technical assistance, training, and transportation; provided further, that the department of education shall consult the executive office of health and human services and the department of early education and care to maximize the provision of wrap-around services and

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to coordinate programs and services for children and youth during after-school and out-of-school time programs in order to maximize the provision of 'wrap-around' health and human services, so called; provided further, that the department shall select grant recipients not later than September 30, 2006, and shall report on the preliminary results of said grants not later than February 15, 2007, to the secretary of administration and finance, the house and senate chairs of the joint committee on education, and the chairs of the house and senate committees on ways and means; and provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2007 to allow for implementation of said programs during the summer months; and provided further that \$50,000 be directed to the Massachusetts After school Partnership to convene regional networks, to work with the department of education and the department of early education and care to support the implementation of school-community partnerships, and to submit a reports by October 15, 2007, to the General Court and the administration making recommendations on how to enhance school-community partnerships and positive outcomes for children and youth through funding as provided in this line item .....

1,000,000";

In item 7061-9612 by striking out the figures "1,274,231" and inserting in place thereof the figures "1,314,231";

In item 7061-9619 by striking out the figure "1" and inserting in place thereof the figures "300,000";

By striking out item 7061-9621 and inserting in place thereof the following item:

"7061-9621 For the administration of a grant program for gifted and talented school children; and provided, that the funds appropriated in this item shall be in addition to any federal funds available for such program; provided further, that priority shall be given to those grant applications that address the needs of students who are (1) the result of a standardized identified by any of the following criteria: aptitude examination which is 3 or more standard deviations above the mean; (2) an evaluation by the child's teachers that the child does perform, or is capable of performing satisfactorily at 2 or more grade levels above the child's chronological age; or, (3) a score on the math or verbal Scholastic Aptitude Test by a child of no more than 13 years of age which is equal to, or greater than, the average on either test obtained by college-bound high school juniors; and provided further, that such programs may be made available by a city, town or regional school district, and provided funds may be expended through August 31, 2007 .....

750,000";

and in item 7061-9626 by striking out the figures "1,850,000" and inserting in place thereof the figures "2,050,000"; and

By striking out section 3 and inserting in place thereof the following section:

"SECTION 3. Notwithstanding any general or special law to the contrary, for the fiscal year ending June 30, 2007 the distribution to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the General Fund in accordance with clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, shall be \$920,028,283 and shall be apportioned to the cities and towns in accordance with this section. The amount of and balance in the State Lottery Fund at the end of the fiscal year shall be transferred to the General Fund.

Notwithstanding any general or special law to the contrary, the total amounts to be distributed and paid to each city and town from item 0611-5500 of section 2 shall be as set forth in the following lists. The amounts to be distributed from said item 0611-5500 of said section 2 shall be in full satisfaction of the amounts due under section 37 of chapter 21 of the General Laws.

Notwithstanding section 2 of chapter 70 of the General Laws or any other general or special law to the contrary, except for section 12B of chapter 76 and section 89 of chapter 71 of the General Laws, for fiscal year 2007 the total amounts to be distributed and paid to each city and town from item 7061-0008 of section 2 shall be as set forth in the following lists. The specified amounts to be distributed from said item 7061-0008 of said section 2 shall be in full satisfaction of the amounts due under chapter 70 of the General Laws, in this section called chapter 70 aid. For fiscal year 2007, the foundation budget for each district shall be calculated under the provisions of section 2 of chapter 70 of the General Laws; provided, the foundation inflation index shall not be capped during fiscal year 2007; and provided further, that no school district shall have a wage adjustment factor less than one. Minimum required local contributions for fiscal year 2007 shall be calculated as for house bill 2, as submitted by the governor in January of 2006. Preliminary local contribution shall be the municipality's fiscal year 2006 minimum required local contribution increased or decreased by the municipal revenue growth factor. Target local contribution shall be defined and calculated as in said house bill 2; provided, that maximum local contribution shall be 85 percent of a municipality's foundation budget. Minimum required local contribution shall be the preliminary local contribution less 20 percent of the excess effort amount, if any, as defined and calculated in said house bill 2. Minimum required local contributions shall be allocated among the regions to which a municipality belongs according to the allocation methodology used to allocate said contributions in said house bill 2; provided further, that no municipality shall have a required local contribution that exceeds 150 percent of the municipal foundation budget. For fiscal year 2007, chapter 70 aid shall be the difference between a district's foundation budget and the sum of that district's share of preliminary local contributions of member communities as determined by the department of education. For fiscal year 2007, the department shall

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calculate a down payment aid amount as follows. The department shall calculate the additional foundation aid that would be necessary if minimum required local contribution were calculated by reducing preliminary local contribution by the full amount of the excess effort amount as calculated in said house 2, and shall add an additional increment to the district's foundation aid such that every district receives not less than 20% of said amount as down payment aid, so-called. The department shall add a further amount of additional aid such that every operational district receives an increase over fiscal year 2006, which is at least equal to \$50 per student. No district shall receive chapter 70 aid in an amount greater than the district's foundation budget. Notwithstanding the provisions of section 6 of chapter 70 of the General Laws or any other general or special law to the contrary, the Commissioner of Education shall reduce the fiscal year 2006 net school spending requirement for any school district whose requirement would otherwise exceed 150 percent of its foundation budget. If there is a conflict between the language of this section and the distribution listed below, the distribution below shall control.

The department shall not consider health care costs for retired teachers to be part of net school spending for any district in which such costs were not considered part of net school spending in fiscal year 1994.

No payments to cities, towns, or counties maintaining an agricultural school pursuant to this section shall be made after November 30 of the fiscal year by the state treasurer until he receives certification from the commissioner of revenue of the commissioner's acceptance of the prior fiscal year's annual financial reports submitted pursuant to section 43 of chapter 44 of the General Laws. The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district, or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines established by the secretary.

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution
ABINGTON	6,985,253	—	2,412,357
ACTON	3,298,273	29,696	1,681,010
ACUSHNET	6,123,072	23,875	1,837,561
ADAMS	—	35,042	2,434,463
AGAWAM	12,483,017	—	4,502,085
ALFORD	—	—	16,574
AMESBURY	8,583,727	—	2,385,607
AMHERST	6,011,951	222,910	9,665,752
ANDOVER	5,550,139	—	2,182,376
ARLINGTON	5,242,227	4,491,775	4,884,315
ASHBURNHAM	—	—	855,677

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution
ASHBY	6,752	—	468,104
ASHFIELD	67,003	—	227,001
ASHLAND	3,050,371	291,598	1,364,510
ATHOL	—	4,377	2,793,955
ATTLEBORO	27,191,594	—	6,981,165
AUBURN	4,297,174	—	2,095,931
AVON	670,643	400,636	455,985
AYER	3,693,314	44,218	883,466
BARNSTABLE	6,719,888	—	2,575,171
BARRE	15,143	—	994,565
BECKET	49,980	8,580	102,324
BEDFORD	2,204,568	484,271	929,679
BELCHERTOWN	10,590,449	—	2,075,915
BELLINGHAM	7,805,056	—	2,084,059
BELMONT	3,209,488	827,483	1,955,091
BERKLEY	5,247,390	—	743,854
BERLIN	516,207	—	247,316
BERNARDSTON	—	—	345,852
BEVERLY	6,553,919	2,452,442	4,741,621
BILLERICA	14,093,795	2,349,321	4,822,655
BLACKSTONE	110,011	—	1,467,122
BLANDFORD	35,179	—	154,032
BOLTON	5,391	—	240,338
BOSTON	206,724,516	164,211,152	70,589,023
BOURNE	4,645,105	352,555	1,449,186
BOXBOROUGH	1,344,663	—	307,421
BOXFORD	1,536,107	36,411	558,969
BOYLSTON	417,441	—	419,320
BRAINTREE	6,269,205	3,378,041	3,689,835
BREWSTER	872,877	—	483,871
BRIDGEWATER	88,618	—	3,919,452
BRIMFIELD	1,064,893	—	476,127
BROCKTON	117,362,376	4,310,392	21,427,385
BROOKFIELD	1,335,758	—	605,089
BROOKLINE	5,553,603	3,497,741	4,345,694
BUCKLAND	—	—	338,556
BURLINGTON	3,909,394	1,386,400	1,839,692
CAMBRIDGE	7,469,441	17,956,060	8,666,998
CANTON	2,821,884	878,002	1,761,264
CARLISLE	673,685	14,729	254,031
CARVER	9,613,585	—	1,788,612
CHARLEMONT	84,001	—	212,928
CHARLTON	—	—	1,585,440
CHATHAM	510,807	—	185,172
CHELMSFORD	7,364,845	2,535,342	3,722,180
CHELSEA	44,050,067	3,396,864	6,712,895
CHESHIRE	265,686	—	688,189
CHESTER	89,800	—	219,501

General Appropriation Bill	Municipality	7061-0008	0611-5500	Lottery	Municipality	7061-0008	0611-5500	Lottery
		Chapter 70	Additional Assistance	Distribution		Chapter 70	Additional Assistance	Distribution
	CHESTERFIELD	86,240	—	168,518	GLOUCESTER	5,642,752	1,923,054	3,004,352
	CHICOPEE	39,669,509	1,195,616	12,875,772	GOSHEN	72,297	—	97,451
	CHILMARK	—	—	4,582	GOSNOLD	16,327	1,962	641
	CLARKSBURG	1,491,068	13,114	432,260	GRAFTON	6,650,102	—	1,911,630
	CLINTON	9,884,344	175,517	2,710,934	GRANBY	3,832,815	—	1,079,257
	COHASSET	1,525,624	166,099	468,094	GRANVILLE	1,222,403	—	195,141
	COLRAIN	—	—	310,583	GREAT BARRINGTON	—	—	930,647
	CONCORD	1,733,945	383,959	1,045,180	GREENFIELD	9,037,112	—	3,883,946
	CONWAY	569,433	—	218,000	GROTON	—	—	939,545
	CUMMINGTON	33,078	—	101,456	GROVELAND	—	—	779,771
	DALTON	143,424	—	1,232,841	HADLEY	656,111	138,341	419,142
	DANVERS	3,935,612	1,118,972	2,383,985	HALIFAX	2,393,624	—	1,111,847
	DARTMOUTH	9,156,914	—	3,090,028	HAMILTON	—	42,887	744,868
	DEDHAM	3,327,124	1,550,298	2,482,673	HAMPDEN	—	—	764,821
	DEERFIELD	943,923	—	588,227	HANCOCK	184,299	17,638	51,583
	DENNIS	—	—	667,364	HANOVER	5,365,367	1,326,394	1,288,617
	DEVENS	328,000	—	—	HANSON	28,630	—	1,437,463
	DIGHTON	—	—	851,735	HARDWICK	8,212	3,228	493,270
	DOUGLAS	6,896,105	—	891,302	HARVARD	1,342,048	55,090	1,779,682
	DOVER	426,077	—	235,777	HARWICH	1,517,902	—	527,679
	DRACUT	15,017,940	—	4,290,188	HATFIELD	702,626	—	381,771
	DUDLEY	—	—	1,888,107	HAVERHILL	32,362,471	2,503,145	9,565,361
	DUNSTABLE	—	30,076	253,795	HAWLEY	27,475	12,924	39,884
	DUXBURY	2,981,649	—	1,087,538	HEATH	—	—	95,301
	EAST BRIDGEWATER	10,060,251	—	1,830,270	HINGHAM	3,840,310	334,151	1,606,448
	EAST BROOKFIELD	100,052	—	330,941	HINSDALE	76,447	—	259,650
	EAST LONGMEADOW	4,580,444	—	1,766,653	HOLBROOK	4,441,903	4,757	1,806,380
	EASTHAM	263,604	—	182,616	HOLDEN	—	—	2,095,744
	EASTHAMPTON	7,152,264	108,874	3,335,028	HOLLAND	737,427	—	246,159
	EASTON	8,010,207	—	2,679,163	HOLLISTON	6,091,944	412,300	1,490,322
	EDGARTOWN	367,287	28,507	53,694	HOLYOKE	64,937,142	606,646	11,818,770
	EGREMONT	—	—	77,296	HOPEDALE	5,638,278	—	797,688
	ERVING	269,884	13,150	69,372	HOPKINTON	5,383,514	120,287	839,794
	ESSEX	—	33,828	267,121	HUBBARDSTON	—	—	487,597
	EVERETT	23,034,193	4,084,357	4,434,150	HUDSON	5,760,120	—	2,442,532
	FAIRHAVEN	7,180,930	391,434	2,380,222	HULL	3,756,143	1,388,549	1,232,908
	FALL RIVER	89,859,128	2,290,951	27,001,554	HUNTINGTON	135,329	—	403,493
	FALMOUTH	4,642,056	—	1,699,587	IPSWICH	2,164,040	775,432	1,204,484
	FITCHBURG	38,741,103	214,811	10,238,447	KINGSTON	3,348,309	—	1,173,911
	FLORIDA	456,558	—	60,898	LAKEVILLE	2,306,554	—	998,981
	FOXBOROUGH	7,419,480	—	1,826,396	LANCASTER	—	—	1,015,583
	FRAMINGHAM	10,506,190	4,697,500	7,557,866	LANESBOROUGH	598,604	—	423,018
	FRANKLIN	25,712,238	—	3,021,144	LAWRENCE	123,077,649	190,699	23,874,868
	FREETOWN	1,222,385	—	1,164,825	LEE	1,576,573	—	762,488
	GARDNER	18,456,679	120,747	5,061,766	LEICESTER	8,929,755	—	2,127,054
	AQUINNAH	—	—	2,848	LENOX	1,149,223	72,146	584,604
	GEORGETOWN	4,137,776	52,998	824,959	LEOMINSTER	33,828,648	11,693	6,988,649
	GILL	—	—	259,945	LEVERETT	232,768	—	218,817

General Appropriation Bill	Municipality	0611-5500			Municipality	0611-5500		
		7061-0008 Chapter 70	Additional Assistance	Lottery Distribution		7061-0008 Chapter 70	Additional Assistance	Lottery Distribution
	LEXINGTON	5,599,859	—	1,876,266	NEW MARLBOROUGH	—	—	71,466
	LEYDEN	—	—	98,930	NEW SALEM	—	—	125,117
	LINCOLN	553,707	292,012	546,644	NEWBURY	—	—	555,628
	LITTLETON	1,802,503	164,924	706,463	NEWBURYPORT	3,021,320	1,380,057	1,770,274
	LONGMEADOW	3,873,858	—	1,706,932	NEWTON	10,494,945	1,377,012	5,847,561
	LOWELL	109,134,318	6,340,746	24,601,241	NORFOLK	3,342,421	—	1,173,639
	LUDLOW	10,431,712	—	3,724,781	NORTH ADAMS	13,921,926	185,853	5,250,381
	LUNENBURG	3,885,102	—	1,295,240	NORTH ANDOVER	4,355,990	120,549	2,385,707
	LYNN	103,182,076	9,477,523	18,084,277	NORTH ATTLEBOROUGH	19,411,049	—	3,525,524
	LYNNFIELD	2,230,994	362,288	917,435	NORTH BROOKFIELD	4,326,993	—	976,112
	MALDEN	34,935,173	5,586,730	9,878,824	NORTH READING	4,960,255	945,499	1,244,112
	MANCHESTER	—	—	273,033	NORTHAMPTON	6,720,410	577,922	4,814,888
	MANSFIELD	13,952,229	725,040	2,009,312	NORTHBOROUGH	2,769,802	61,111	1,302,735
	MARBLEHEAD	3,953,608	39,403	1,357,230	NORTHBRIDGE	13,098,225	3,071	2,590,732
	MARION	362,355	—	276,448	NORTHFIELD	—	—	386,063
	MARLBOROUGH	7,156,791	2,728,327	3,971,938	NORTON	12,135,580	—	2,543,776
	MARSHFIELD	13,688,272	202,756	2,457,248	NORWELL	2,024,262	541,079	780,856
	MASHPEE	4,145,104	—	446,639	NORWOOD	3,872,317	2,665,880	3,073,863
	MATTAPOISETT	497,698	—	497,588	OAK BLUFFS	567,385	—	89,078
	MAYNARD	2,363,721	586,886	1,346,778	OAKHAM	70,424	—	234,057
	MEDFIELD	5,104,875	744,614	1,042,026	ORANGE	4,946,992	2,115	1,977,177
	MEDFORD	10,502,950	6,432,448	8,206,613	ORLEANS	236,862	—	210,858
	MEDWAY	7,457,483	187,002	1,307,124	OTIS	—	—	44,288
	MELROSE	5,358,290	2,704,187	3,628,787	OXFORD	8,828,569	—	2,520,812
	MENDON	6,088	—	498,814	PALMER	10,894,382	—	2,448,308
	MERRIMAC	—	—	891,989	PAXTON	—	—	570,919
	METHUEN	33,368,385	163,026	6,496,234	PEABODY	19,059,330	3,140,276	5,749,219
	MIDDLEBOROUGH	15,257,389	—	3,019,945	PELHAM	164,547	—	194,362
	MIDDLEFIELD	—	—	64,636	PEMBROKE	10,097,484	—	2,056,723
	MIDDLETON	1,365,297	126,570	540,113	PEPPERELL	7,812	—	1,564,059
	MILFORD	10,688,971	—	3,739,705	PERU	64,956	—	135,955
	MILLBURY	6,316,182	—	2,171,026	PETERSHAM	412,517	—	139,758
	MILLIS	2,098,576	320,940	966,349	PHILLIPSTON	—	4,386	213,184
	MILLVILLE	7,255	—	436,487	PITTSFIELD	31,481,852	880,284	9,691,261
	MILTON	3,572,806	1,245,145	2,715,374	PLAINFIELD	19,268	—	61,244
	MONROE	68,782	13,927	8,805	PLAINVILLE	2,602,314	—	928,833
	MONSON	7,133,275	—	1,594,296	PLYMOUTH	18,186,582	—	4,792,155
	MONTAGUE	—	—	1,544,040	PLYMPTON	505,738	—	290,253
	MONTEREY	—	12,538	42,182	PRINCETON	—	—	361,795
	MONTGOMERY	15,666	—	100,521	PROVINCETOWN	263,551	22,181	148,685
	MOUNT WASHINGTON	40,597	33,286	3,947	QUINCY	12,987,173	11,567,002	12,015,654
	NAHANT	404,640	125,393	340,578	RANDOLPH	10,750,862	1,825,854	4,569,697
	NANTUCKET	944,513	—	96,959	RAYNHAM	—	—	1,390,398
	NATICK	4,435,218	1,942,474	2,756,411	READING	7,073,980	1,534,901	2,461,971
	NEEDHAM	4,180,150	205,993	1,935,797	REHOBOTH	—	—	1,147,585
	NEW ASHFORD	155,091	7,313	17,429	REVERE	27,787,979	5,334,444	7,352,186
	NEW BEDFORD	104,748,080	716,255	27,531,972	RICHMOND	333,845	—	132,826
	NEW BRAINTREE	—	—	145,340	ROCHESTER	1,396,543	—	519,106

General Appropriation Bill	Municipality	7061-0008	0611-5500	Lottery	Municipality	7061-0008	0611-5500	Lottery
		Chapter 70	Additional Assistance	Distribution		Chapter 70	Additional Assistance	Distribution
	ROCKLAND	9,099,409	394,336	2,852,308	TOWNSEND	7,611	—	1,428,965
	ROCKPORT	1,244,121	—	535,965	TRURO	232,677	—	36,861
	ROWE	48,479	—	4,791	TYNGSBOROUGH	6,921,512	—	1,179,149
	ROWLEY	—	114,232	548,001	TYRINGHAM	32,324	—	15,572
	ROYALSTON	—	—	196,637	UPTON	6,930	—	599,353
	RUSSELL	151,228	—	296,507	UXBRIDGE	9,085,572	—	1,685,644
	RUTLAND	8,995	—	998,712	WAKEFIELD	4,238,070	1,438,080	2,714,232
	SALEM	11,560,700	3,298,731	5,187,791	WALES	609,854	—	288,113
	SALISBURY	—	—	773,500	WALPOLE	5,456,589	883,775	2,251,545
	SANDSFIELD	—	—	42,223	WALTHAM	6,206,793	5,458,868	6,385,718
	SANDWICH	6,193,381	88,406	1,288,162	WARE	7,166,818	15,257	2,096,179
	SAUGUS	3,695,864	1,784,087	2,735,211	WAREHAM	11,570,870	—	2,430,445
	SAVOY	503,411	13,801	128,020	WARREN	483,214	—	958,156
	SCITUATE	3,992,334	875,037	1,607,467	WARWICK	—	28,890	110,506
	SEEKONK	3,592,194	—	1,507,135	WASHINGTON	18,703	23,752	81,444
	SHARON	6,570,438	62,495	1,652,427	WATERTOWN	2,640,156	4,427,251	3,470,628
	SHEFFIELD	9,956	11,938	285,542	WAYLAND	2,598,128	280,373	830,764
	SHELBURNE	—	—	317,279	WEBSTER	8,038,132	62,006	2,971,922
	SHERBORN	375,497	20,951	244,666	WELLESLEY	3,590,707	96,838	1,494,079
	SHIRLEY	4,039,569	185,558	1,422,754	WELLFLEET	130,962	—	71,840
	SHREWSBURY	16,039,613	298,861	3,107,117	WENDELL	—	25,534	179,008
	SHUTESBURY	498,630	—	206,641	WENHAM	—	139,794	386,306
	SOMERSET	3,522,606	—	1,874,757	WEST BOYLSTON	2,656,355	67,754	905,694
	SOMERVILLE	19,994,839	16,219,924	13,722,067	WEST BRIDGEWATER	1,730,750	47,212	755,272
	SOUTH HADLEY	5,843,435	20,214	3,173,547	WEST BROOKFIELD	226,969	—	580,664
	SOUTHAMPTON	2,321,362	—	776,188	WEST NEWBURY	—	—	344,207
	SOUTHBOROUGH	2,657,427	—	533,473	WEST SPRINGFIELD	15,203,007	—	4,368,789
	SOUTHBRIDGE	14,851,612	—	4,305,384	WEST STOCKBRIDGE	—	—	119,333
	SOUTHWICK	—	—	1,390,432	WEST TISBURY	—	182,434	44,299
	SPENCER	39,524	—	2,397,238	WESTBOROUGH	3,086,157	145,058	1,270,967
	SPRINGFIELD	232,490,831	1,829,496	44,382,546	WESTFIELD	31,768,390	—	7,682,345
	STERLING	—	—	841,321	WESTFORD	12,956,427	895,514	1,716,670
	STOCKBRIDGE	—	—	122,242	WESTHAMPTON	341,101	—	177,092
	STONEHAM	2,909,463	2,028,958	2,557,667	WESTMINSTER	—	—	787,130
	STOUGHTON	9,859,026	103,134	3,829,351	WESTON	1,703,937	—	458,341
	STOW	—	6,974	508,164	WESTPORT	4,125,760	—	1,494,508
	STURBRIDGE	1,333,315	—	947,473	WESTWOOD	2,475,511	36,263	857,639
	SUDBURY	3,739,363	641,561	1,081,559	WEYMOUTH	20,988,079	2,424,084	8,314,524
	SUNDERLAND	853,199	—	617,563	WHATELY	173,233	—	163,294
	SUTTON	4,876,782	—	954,596	WHITMAN	115,410	—	2,568,143
	SWAMPSCOTT	2,159,380	352,328	1,237,915	WILBRAHAM	—	—	1,637,493
	SWANSEA	4,306,771	—	2,304,948	WILLIAMSBURG	400,214	—	371,091
	TAUNTON	41,483,286	—	10,322,474	WILLIAMSTOWN	920,910	—	1,169,507
	TEMPLETON	—	—	1,483,537	WILMINGTON	4,763,717	1,254,452	1,805,824
	TEWKSBURY	12,342,603	—	3,409,965	WINCHENDON	10,216,646	25,366	2,030,858
	TISBURY	319,894	—	120,556	WINCHESTER	3,335,789	344,404	1,474,745
	TOLLAND	—	9,864	10,785	WINDSOR	19,763	28,020	92,851
	TOPSFIELD	990,878	253,284	501,895	WINTHROP	4,745,675	2,287,531	2,921,294

General  
Appropriation  
Bill

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution
WOBURN	4,964,803	3,586,952	3,801,532
WORCESTER	165,279,336	11,809,090	39,228,845
WORTHINGTON	70,458	—	153,044
WRENTHAM	3,733,073	—	1,142,645
YARMOUTH	—	—	1,545,499
Total Aid to Regional Schools	560,469,717		
<b>Total</b>	<b>3,462,077,605</b>	<b>378,517,988</b>	<b>920,028,283</b>

Regional School	7061-0008 Chapter 70	Regional School	7061-0008 Chapter 70
ACTON		FRONTIER	2,686,707
BOXBOROUGH	4,527,051	GATEWAY	5,716,984
ADAMS CHESHIRE	9,713,720 0	GILL MONTAGUE	5,960,276
AMHERST PELHAM	9,440,285	GREATER FALL RIVER	11,986,125
ASHBURNHAM		GREATER LAWRENCE	19,508,122
WESTMINSTER	9,169,235	GREATER LOWELL	18,604,326
ASSABET VALLEY	2,513,050	GREATER	
ATHOL ROYALSTON	17,111,695	NEW BEDFORD	19,067,800
BERKSHIRE HILLS	2,730,267	GROTON DUNSTABLE	10,642,459
BERLIN BOYLSTON	811,582 79	HAMILTON WENHAM	3,264,791
BLACKSTONE		HAMPDEN	
MILLVILLE	10,482,094	WILBRAHAM	10,156,416
BLACKSTONE		HAMPSHIRE	2,613,718
VALLEY	5,670,369	HAWLEMONT	620,085
BLUE HILLS	3,115,009	KING PHILIP	6,789,299
BRIDGEWATER		LINCOLN SUDBURY	1,868,078
RAYNHAM	19,564,904	MANCHESTER ESSEX	1,436,234
BRISTOL COUNTY	2,390,127	MARTHAS VINEYARD	2,716,335
BRISTOL PLYMOUTH	7,645,995	MASCONOMET	4,528,817
CAPE COD	1,849,371	MENDON UPTON	10,927,950
CENTRAL BERKSHIRE	7,973,331	MINUTEMAN	2,104,85
CHESTERFIELD		MOHAWK TRAIL	6,034,784
GOSHEN	663,072	MONTACHUSETT	10,078,222
CONCORD CARLISLE	1,547,379	MOUNT GREYLOCK	1,696,150
DENNIS YARMOUTH	6,521,044	NARRAGANSETT	9,496,760
DIGHTON REHOBOTH	12,023,127	NASHOBA	5,488,873
DOVER SHERBORN	1,244,604	NASHOBA VALLEY	1,952,079
DUDLEY CHARLTON	22,091,416	NAUSET	3,298,923
ESSEX COUNTY	3,707,222	NEW SALEM WENDELL	609,165
FARMINGTON RIVER	389,406	NORFOLK COUNTY	712,903
FRANKLIN COUNTY	2,974,599	NORTH MIDDLESEX	19,287,471
FREETOWN		NORTH SHORE	1,463,324
LAKEVILLE	6,555,505	NORTHAMPTON SMITH	745,784

Regional School	7061-0008 Chapter 70	Regional School	7061-0008 Chapter 70
NORTHBORO		SOUTHEASTERN	10,119,151
SOUTHBORO	2,092,564	SOUTHERN	
NORTHEAST		BERKSHIRE	1,779,274
METROPOLITAN	6,075,632	SOUTHERN	
NORTHERN		WORCESTER	6,928,276
BERKSHIRE	3,709,875	SOUTHWICK T	
OLD COLONY	2,704,896	OLLAND	7,808,091
OLD ROCHESTER	1,662,651	SPENCER	
PATHFINDER	3,890,862	EAST BROOKFIELD	12,858,180
PENTUCKET	13,098,777	TANTASQUA	6,795,929
PIONEER	3,905,345	TRI COUNTY	4,049,537
QUABBIN	16,514,119	TRITON	7,959,908
QUABOAG	7,894,177	UPISLAND	806,324
RALPH C MAHAR	4,688,606	UPPER CAPE COD	2,625,303
SHAWSHEEN VALLEY	3,520,258	WACHUSETT	16,246,339
SILVER LAKE	5,780,535	WHITMAN HANSON	22,423,462
SOUTH MIDDLESEX	2,201,644	WHITTIER	4,877,283
SOUTH SHORE	2,963,448		
		<b>Regional Total</b>	<b>560,469,717</b> .

After debate on the question on adoption of the amendments, Mr. Hill of Ipswich and other members of the House moved that they be amended by adding at the end thereof the following: “; and by adding at the end thereof the following section:

SECTION 237. Notwithstanding any general or special law to the contrary, the department of education is hereby authorized and directed to study the inequities between communities resulting from the current chapter 70 aid distribution formula and its reliance on municipal fiscal year spending prior to 1993 as a factor in determining a community’s ability to pay. Said study, together with legislative recommendations, shall be filed with the clerks of the House and Senate not later than January 31, 2007.”.

After remarks the further amendment was adopted. After debate on the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays, at the request of Mrs. Haddad of Somerset; and on the roll call (the Speaker being in the Chair) 144 members voted in the affirmative and 13 in the negative.

**[See Yea and Nay No. 406 in Supplement.]**

Therefore the amendments, as amended, were adopted.

*Recess.*

There being no objection, at seven minutes after twelve o’clock midnight (Friday, April 28), on motion of Mr. Petrolati of Ludlow (the Speaker being in the Chair), the House recessed until the hour of eleven o’clock A.M.; and at that time, the House was called to order with Mr. Donato of Medford in the Chair.

Amendments  
adopted,  
yea and nay  
No. 406.

Recess.

**Friday, April 28, 2006 (at 11:00 o'clock A.M.).**

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

Prayer.

Eternal God, in Whom we place our confidence and trust, we take this moment to offer a prayer of thanks for our countless blessings. We also pray for Your assistance and guidance as we evaluate and address today's budget items. Teach us to recognize and to utilize wisely our great human and material resources in dealing with the current needs of people and of our communities in this changing world. May we keep in mind the accomplishments and the dedication of our elected predecessors who were concerned with the well-being of all citizens and of our communities. Help us to work together in resolving issues, to listen to the concerns of all and to respect the rights, dignity and religious beliefs and values of our neighbors.

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

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.

*Message from the Governor — Veto.*

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill further regulating eligibility for the police civil service examination [see House, No. 4352, amended] (for message, see House, No. 4918) was filed in the Office of the Clerk on Thursday, April 27.

Police, civil service examinations.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting, the question being on passing the bill, notwithstanding the said objections.

*Statement of Representative Nangle of Lowell.*

A statement of Mr. Nangle of Lowell was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for a portion of today's sitting in order to attend calling hours for a departed friend. Any roll calls that I may miss today will be due entirely to the reason stated. If I could be present on the question on passing to be engrossed the General Appropriation Bill, I would vote in the affirmative.

Statement of Representative Nangle of Lowell.

*Reports of Committees.*

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill providing for a partial release of certain land in Hatfield from the operation of an agricultural preservation restriction (House, No. 4472) be scheduled for consideration by the House.

Hatfield, land.

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

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, No. 2216, an Order relative to authorizing the committee on Transportation to make an investigation and study of a certain House document concerning the Safe Rides Program (House, No. 4919).

Safe Rides Program, study.

By Mr. Verga of Gloucester, for the committee on Veterans and Federal Affairs, on House, No. 3895, an Order relative to authorizing the committee on Veterans and Federal Affairs to make an investigation and study of a certain House document concerning the issuance of hunting licenses to certain persons serving an active duty in the armed forces (House, No. 4920).

Hunting licenses, study.

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

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

*Engrossed Bill.*

The engrossed Bill relative to the city of Peabody Municipal Light Plant (see House, No. 4462, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Bill enacted.

*Recesses.*

At nineteen minutes after eleven o'clock A.M. (Friday, April 28), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of twelve o'clock P.M.; and at half past twelve o'clock the House was called to order with Mr. Donato in the Chair.

Recesses.

The House thereupon took a further recess, on motion of Mr. Flynn of Bridgewater, until a quarter before one o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

*Orders of the Day.*

The House Bill making appropriations for the fiscal year 2007 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. 4900, amended) was considered.

General Appropriation Bill.

Pending the question on passing the bill to be engrossed, Mr. DeLeo of Winthrop and other members of the House moved that the bill be amended in section 2, as follows:

By striking out item 2000-0100 and inserting in place thereof the following item:

"2000-0100 For the office of the secretary, including the water resources commission, the hazardous waste facility site safety council, the coastal zone

management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws, the mosquito-borne disease vector control chapter program, and a central data processing center for the secretariat; provided, that the secretary of environmental affairs may enter into interagency agreements with any line agency within the secretariat, whereby the line agency may render data processing services to said secretary; provided further, that the comptroller may allocate the costs for such data processing services to the several state and other funds to which items of appropriation of such agencies are charged; provided further, that said secretary shall file a plan with the house and senate committees on ways and means 20 days before entering into any interdepartmental service agreements with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the secretary shall file a plan with the house and senate committees on ways and means and to the joint committee on environment, natural resources and agriculture 90 days prior to the initiation of any proposal or plan that would consolidate any function with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the plan shall include, but not be limited to the following: (1) an identification of the employees that would be affected by consolidation and the item of appropriation that they are paid from, (2) the savings or efficiencies to be realized, (3) the improvements to the services expected, and (4) the source and amount of funding necessary to accomplish the consolidation; and provided further, that the secretary shall provide a 90 day notice prior to the implementation of any memorandum of understanding, interagency service agreements, or other contacts, or agreements that would enable such consolidation of services to take place; provided further, that not less than \$260,000 shall be expended for the Hingham Harbor environmental program; provided further, that the executive office of environmental affairs shall develop and implement a scope of work and a written plan to protect and manage the Plymouth-Carver Sole Source Aquifer in consultation with the Towns of Bourne, Carver, Kingston, Middleborough, Plymouth, Plympton, and Wareham, through a Plymouth-Carver Aquifer Advisory Committee (PCAAC) to be comprised of an ombudsman from the said executive office and two members

from each of the towns to be appointed by the executive elected body in each town; provided further, that the PCAAC shall be established for the duration required to complete a final written plan which must be endorsed by all members of the PCAAC; provided further, that not less than \$100,000 shall be appropriated for the administration of the PCAAC; and provided further, that not less than \$150,000 shall be expended for a coastal shore water testing program administered by the Coalition for Buzzards Bay ..... 6,519,383”;

By striking out item 2000-9900 and inserting in place thereof the following item:

“2000-9900 For the office of geographic and environmental information established in section 4B of chapter 21A of the General Laws; provided, that \$400,000 shall be expended for the development of a comprehensive statewide digital data layer of land use/land cover and related services necessary to develop this data layer ..... 686,415”;

By striking out item 2010-0100 and inserting in place thereof the following item:

“2010-0100 For recycling and related purposes consistent with the recycling plan of the solid waste master plan which includes municipal equipment, a municipal recycling incentive program, recycled product procurement, guaranteed annual tonnage assistance, recycling transfer stations, source reduction and technical assistance, consumer education and participation campaign, municipal household hazardous waste program, the recycling loan program, research and development, recycling market development and recycling business development, and the operation of the Springfield materials recycling facility; provided, that funds may be expended for a recycling industry reimbursement program pursuant to section 24I of chapter 43 of the acts of 1997; provided further, that not less than \$15,000 shall be provided to the Blackstone Regional Recycling Center; and provided further, that funds may be expended on municipal recycling incentives and equipment grants ..... 2,360,267”;

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

“2200-0100 For the operation of the department of environmental protection, including the environmental strike force, the office of environmental results and strategic planning, the bureau of resource protection, the Senator William X. Wall experimental station, and a contract with the University of Massachusetts for environmental research, notwithstanding the provisions of section 323F of chapter 94 of the General Laws; provided,

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that the provisions of section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; provided further, that not less than \$50,000 shall be provided to the City of Pittsfield to fund the Onota Lake education program; provided further, that not less than \$100,000 shall be expended for DEP pump testing at the Cole property site for a municipal water supply for the town of Carver; provided further, that not less than \$50,000 shall be expended for the Buzzards Bay National Estuary Program; provided further, that \$168,000 shall be expended for sediment control in Lake Webster; provided further, that not less than \$15,000 shall be provided to the town of Blackstone for water contamination monitoring services; and provided further, that enactment of the appropriations made available by this act to the department shall be deemed a determination, pursuant to subsection (m) of section 19 of chapter 21A of the General Laws ..... 32,455,670”;

By striking out item 2300-0101 and inserting in place thereof the following item:

“2300-0101 For a program of riverways protection, restoration and promotion of public access to rivers, including grants to public and nonpublic entities; provided, that the positions funded in this item shall not be subject to chapter 31 of the General Laws; and provided further, that \$25,000 shall be appropriated for operation and maintenance of the Orange River Front Park .... 523,547”;

By striking out item 2310-0200 and inserting in place thereof the following item:

“2310-0200 For the administration of the division of fisheries and wildlife, including expenses of the fisheries and wildlife board, the administration of game farms and wildlife restoration projects, for wildlife research and management, the administration of fish hatcheries, the improvement and management of lakes, ponds and rivers, for fish and wildlife restoration projects, the commonwealth’s share of certain cooperative fishery and wildlife programs, and for certain programs reimbursable under the federal Aid to Fish and Wildlife Restoration Act; provided, that funds from this item shall be made available to the University of Massachusetts at Amherst for the purposes of wildlife and fisheries research in an amount not to exceed the amount received in fiscal year 2006 for such research; provided further, that the department shall expend the amount necessary to restore anadromous fish in the Connecticut and Merrimack river systems; provided further, that expenditures for such

programs shall be contingent upon prior approval of the proper federal authorities for reimbursement of at least 75 per cent of the amount so expended; and provided further, that funds may be expended to supplement the natural heritage and endangered species program ..... 8,950,000  
 Inland Fisheries and  
 Game Fund ..... 100.0%”;

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

“2330-0100 For the operation of the division of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program, including coastal area classification, mapping and technical assistance, and for the operation of the Newburyport shellfish purification plant and shellfish classification program; provided, that \$300,000 shall be expended on a recreational fisheries program to be reimbursed by federal funds; provided further, that not less than \$90,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and Barnstable County Department of Health and the Environment; provided further, that not less than \$45,000 shall be expended for shellfish propagation on the islands of Martha’s Vineyard and Nantucket to be administered jointly by the state aquaculture coordinator, the Martha’s Vineyard Shellfish Group, Inc. and Nantucket County; provided further, that the sum expended for the School for Marine Science and Technology to help mitigate the negative economic impact to the Massachusetts ports which has resulted from the change in federal fisheries regulations in fiscal year 2007 shall not be reduced from fiscal year 2006 except in proportion to adjustments consistent with the department’s budget adjustment; and provided further, that funds shall be expended for the School for Marine Science and Technology for research to minimize the economic impact of new fisheries management regulations and shall not be reduced from fiscal year 2006 except in proportion to adjustments consistent with the department’s budget adjustment ..... 4,880,156”;

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

“2511-0100 For the operation of the department of agricultural resources, including the office of the commissioner, the expenses of the board of agriculture, the division of dairy services, and the division of regulatory services and animal health,

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including a program of laboratory services at the University of Massachusetts at Amherst, the expenses of the pesticides board, and the division of agricultural development and fairs; provided, that funds may be expended for the Southeastern Massachusetts Agricultural Partnership; provided further, that funds may be expended for agricultural fair prizes and rehabilitation, including the expenses of the agricultural lands board; provided further, that the department shall, to the extent possible, encourage corporate sponsorships for the purposes of providing agricultural fair prizes; provided further, that \$100,000 shall be expended for 4-H activities; provided further, that \$150,000 shall be expended for an electronic pesticide license and product registration system for the licensing and registration required under chapter 132B; provided further, that said system shall be integrated with the existing SPORT electronic licensing system operated by the Department of Fish and Game; provided further, that funds may be expended for the regional "Buy Local" initiatives Community Involved in Sustaining Agriculture (CISA), Berkshire Grown, Essex Grown, and Southeastern Massachusetts Agricultural Partnership (SEMAP), to be distributed equally and administered by the Department of Agricultural Resources; and provided further, that funds may be expended for implementation of the agricultural marketing strategic plan, including, but not limited to, a "Buy Local" campaign and funding for agricultural business training and technical assistance ..... 4,252,820";

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

"2800-0101 For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the department and the office of water resources in the department of conservation and recreation; provided, that \$500,000 shall be paid to the town of Clinton, under section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided further, that the amount of the payment shall be charged to the General Fund and shall not be included in the amount of the annual determination of fiscal year charges to the Massachusetts Water Resources Authority assessed to the authority under section 113 of chapter 92 of the General Laws; provided further, that \$100,000 shall be expended to Medway for an environmental protection grant; provided further, that not less than \$250,000 shall be expended to the town of Braintree for a

hydrologic study of the watershed area; provided further, that \$400,000 be expended for monitoring of invasive weeds in Crystal Lake in the City of Peabody; and provided further, that \$48,000 shall be expended for the flood control activities undertaken by the Thames River Valley communities of Massachusetts in conjunction with the state of Connecticut ..... 2,167,275";

In item 2800-0401 by striking out the figures "750,000" and inserting in place thereof the figures "950,000";

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

"2800-0500 For the freshwater and saltwater beaches under the control of the department of conservation and recreation; provided, that all beaches shall remain open and staffed from Memorial Day through Labor Day; provided further, that the beaches shall have their full amount of required maintenance and upkeep; provided further, that no less than \$35,000 shall be expended for Nahant Beach Reservation; provided further, that not less than \$150,000 be allocated for maintaining, trash removal, maintenance and upkeep for Nantasket Beach in the town of Hull; provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 15, 2006 that shall include, but not be limited to, the following: (1) the amount of funding provided to each beach under the control of the department in fiscal years 2004, 2005 and 2006; (2) a breakdown of how the funds were spent for each beach and the services that were provided; (3) the items of appropriation used to provide funding; (4) the amount of funding to be provided for each beach in fiscal year 2007 from this item; and (5) a list of the services or materials for each beach that will be provided from this item ..... 1,485,000";

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

"2810-0100 For the operations of the division of state parks and recreation; provided, that funds appropriated in this item shall be used to operate all of the division's parks, heritage state parks, reservations, campgrounds, beaches and pools and for the oversight of rinks, to protect and manage the division's lands and natural resources including the forest and parks conservation services and the bureau of forestry development; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the department may issue grants to public and nonpublic entities from this item; provided further, that

the Bellegrade boat house in Lowell shall not be closed; provided further, that not less than \$200,000 shall be expended for Watson's Pond State Park in Taunton for recreation purposes; that not less than \$400,000 shall be expended for the maintenance of the community center at Greenleaf Park in the City of Springfield; provided further, that not less than \$10,000 shall be provided to the Wheelocksville Park Association; provided further, that \$100,000 shall be expended for a public safety program in the city of Woburn; provided further, that no less than \$500,000 shall be expended for a public safety grant on Morrissey Boulevard in Dorchester; provided further, that not less than \$100,000 shall be expended for the electric tide gate controls at the DCR owned Wollaston Beach; provided further, that \$650,000 shall be expended for the replacement of outdated motor vehicle equipment; provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 20, 2006 on the vehicles that are to be replaced; provided further, that said report shall include, but not be limited to, the following: a detailed list of every vehicle that was replaced that includes (1) the age of each vehicle that was replaced, (2) the type of each vehicle that was replaced, (3) a list of any vehicles that are scheduled to be replaced; and provided further, that the level of funding for the beaches and pools from this item in fiscal year 2007 shall not be reduced from fiscal year 2005 .....

22,127,890";

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

"2820-0100 For the administration, operation and maintenance of the division of urban parks and recreation, including for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, flood control activities of the division, purchase of all necessary supplies and related equipment, and the civilianization of crossing guards located at division intersections where state police previously performed such duties; provided further, that no less than \$50,000 shall be expended for the maintenance of Red Rock Park on Lynn Shore Drive in the town of Lynn; provided further, that the parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation; provided further, that not less than \$50,000 shall be expended for remediation of

hazardous conditions at the former Nike/Ajax Missile launch site, "so-called", in the town of Randolph, including but not limited to, removal of silos and buildings and to secure the site; provided further, that \$50,000 be expended for school zone safety in the town of Wakefield; provided further, that not less than \$25,000 shall be expended for Loker Park in Natick; and provided further that \$40,000 shall be expended for aquatic nuisance control in Sluice Pond and Flax Pond in the city of Lynn; provided further that not less than \$60,000 be expended for irrigation program in the town of Pembroke; provided further, that not less than \$450,000 shall be expended for the city of Lowell; provided further, that not less than \$225,000 shall be expended for maintenance and horticulturalist personnel for the southwest corridor park; provided further, that \$320,000 shall be expended for the Boston Parks Department; provided further, that \$25,000 shall be expended for aquatic weed control for Upper Mystic Lake in Winchester; provided further, that \$15,000 be expended for aquatic weed control for Winter Pond in Winchester; provided, further, that not less than \$250,000 shall be expended for the Echo Bridge safety program in the city of Newton and town of Needham; provided further, that not less than \$250,000 shall be expended for the maintenance of a linked trail system for local and state parks along the Back River in the towns of Weymouth and Hingham; provided further, that not less than \$100,000 shall be expended for the operations of Milford recreation program; provided further, that not less than \$75,000 shall be expended for maintenance and management of the Neponset Reservation including Pope John Paul Park and the Multiuse Trail in Dorchester and Milton; provided further, that not less than \$3,902 shall be expended on additional school crossing guards for the corner of Mystic avenue and Shore drive in the city of Somerville; provided further that not less than \$75,000 shall be expended for a study of pedestrian safety issues at the intersection of Route 16 and Rindge Avenue in Cambridge, and for refurbishment of the lighting at said intersection, including both pedestrian traffic lights and the general lighting at the Parkway; provided further, that the school crossing guards for the corner of Mystic avenue and Shore drive in the city of Somerville shall be named the Senator Charles E. Shannon Crossing Guard Corps; provided further, that \$75,000 shall be expended for staffing on the Esplanade in Boston; provided further, that not less than \$297,000 shall be expended for the maintenance and operation of the James

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Michael Curley Recreation Center in Boston; provided further, that not less than \$100,000 shall be allocated for an environmental study administered by the commissioner of the department of conservation and recreation to determine the actions necessary to restore complete environmental safety to the General Services Administration property on Greenough Boulevard in Watertown; provided further, that no funds from this item shall be made available for payment to true seasonal employees; and provided further, that the level of funding for the beaches and pools from this item in fiscal year 2007 shall not be reduced from fiscal year 2005 ..... 25,449,207”;

In item 7002-0012 by adding at the end thereof the following: “; provided further that funds not expended by October 1, 2007 shall be re-allocated to existing year-round youth employment programs; provided further that not less than \$100,000 shall be expended an at-risk juvenile program in Salisbury” and, in said item, by striking out the figures “4,200,000” and inserting in place thereof the figures “4,700,000”;

In item 7002-0100 by adding at the end thereof the following: “; provided further, that not less than \$35,000 shall be expended for a Job Vacancy Survey” and, in said item, by striking out the figures “133,686,” and inserting in place thereof the figures “168,656”;

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

“7003-0702 For grants to be administered by the department of workforce development; provided, that not less than \$500,000 shall be expended for Commonwealth Corporation; provided further, that not less than \$100,000 shall be provided to the Workforce Investment Association of MA, Inc. for the purpose of assisting administrators, career center directors, and fiscal agents; provided further, that not less than \$250,000 shall be expended for the Acre Revitalization Project or the Jackson-Appleton-Middlesex plan in the City of Lowell; provided further, that \$100,000 shall be expended for the Boston health care and research training institute; provided further, that not less than \$50,000 shall be expended for the employee involvement and ownership program; provided further that not less than \$200,000 shall be expended for South Eastern Economic Development; Provided further, that not less than \$50,000 shall be expended for a human service academy pilot program to be operated by People Inc. of Fall River; provided further, that not less than \$250,000 shall be expended for the Charles E. Shannon Jr. At-Risk Youth Project, operated by the Center for Teen Empowerment Inc., for the community of Somerville; provided further that not less than

\$75,000 shall be expended to the Partners for a Healthier Community to implement the Springfield Health Careers Partnership Program, so-called, in the City of Springfield; provided further that not less than \$100,000 shall be expended to Inquilinos Boricuas en Accion (IBA) for the Pathways to Technology Initiative; provided further that not less than \$105,000 shall be expended to the E- Team Machinist Program in the city of Lynn; provided further that not less than \$200,000 be expended for the Massachusetts Career Development Institute located in Springfield; provided further that \$150,000 shall be expended for the supportive housing program in the city of Fall River; provided further that not less than \$150,000 shall be expended for a Farm Workers’ Council; provided further that not less than \$250,000 shall be expended to fund need based workforce development related to continuing education grants administered by the Access Program of Boston; provided further, that \$100,000 shall be expended for the Boston Health Care and Research Training Institute; provided further, that not less than \$100,000 shall be expended for Centro Latino de Chelsea to provide workforce training, educational services, and other transitional services in the city of Chelsea; provided further, that not less than \$139,500 shall be expended on Just-a-Start Corporation; that not less than \$250,000 shall be expended for the Center for Women & Enterprise; provided further, that not less than \$250,000 shall be expended to support the Technology Initiative of the Metro South/West Regional Employment Board for the development of the Technology Centers of Excellence serving the region’s youth and business but the grant shall require a 200 per cent match from the private sector; provided that not less than \$100,000 shall be expended for both the Reunion Center in the city of Easthampton and the Easthampton Youth Entrepreneurship project; provided further, that not less than \$135,000 shall be expended for incumbent worker coordinators at the Massachusetts AFL-CIO; provided further, that not less than \$195,000 shall be expended for 3 full-time equivalent rapid response labor specialists at the Massachusetts AFL-CIO; provided further that not less than \$200,000 shall be expended for the Women’s Career Mentoring Program operated by the Jewish Vocational Service’s Center for Careers and Lifelong Learning and The Women’s Union Woman to Woman Program; provided further that not less than \$50,000 shall be expended for the Allston-

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Brighton Vocational Center (VAC) for the continued operation of a job training and placement center; provided further, that not less than \$50,000 be expended for the Lower Pioneer Valley Education Collaborative; provided further, that not less than \$60,000 shall be expended to continue the economic development project operated by the Arlington Neighborhood Association in the city of Lawrence; provided further that not less than \$100,000 shall be expended for the Springfield Technical Assistance Program to be operated by the Affiliated Chambers of Commerce of Greater Springfield; provided further, that not less than \$200,000 shall be expended for the Western Massachusetts Enterprise fund; provided further, that not less than \$500,000 shall be expended for education, career development and employment service programs operated by the Urban League of Massachusetts; provided further, that not less than \$7,500 shall be provided for the Bonnie Brae Camp in the city of Gardner; provided further, that not less than \$900,000 shall be expended on the Massachusetts Service Alliance for the operation of the youth, senior service and conservation corps program; provided further, that not less than \$100,000 shall be expended to provide employment, training and job placement by Year Up of Boston ..... 5,877,000  
 Workforce Training Fund ... 100.0%”;

In item 7003-0803 by adding at the end thereof the following: “; and provided that not less than \$200,000 be expended to the Central Massachusetts Regional Employment Board for the operations one-stop career centers”;

In item 7007-0500 by striking out the figures “500,000” and inserting in place thereof the figures “700,000”;

By inserting after item 7007-0500 the following item:

“7007-0515 For economic development grants to be administered by the department of business and technology; provided, that \$250,000 shall be expended for a grant to the south shore tri-town development corporation established pursuant to chapter 301 of the acts of 1998; provided further, that \$350,000 shall be expended to the Massachusetts Alliance for Economic Development for the purpose of enhancing economic development related services, including but not limited to implementation of a statewide online site finder to assist business growth ..... 600,000”;

In item 7007-0800 by striking out the figures “1,179,286” and inserting in place thereof the figures “1,204,286”;

By striking out item 7007-0900 and inserting in place thereof the following item:

“7007-0900 For the operation and administration of the office of travel and tourism and for grants to public and private nonprofit local and regional organizations to be awarded by the Massachusetts office of travel and tourism for tourism promotion; provided, that performance-based standards shall be incorporated in all contracts executed by said office for the procurement of tourism marketing and advertising services; provided further, that the organizations shall be required, as a condition of receiving a grant, to submit a total operating budget which identifies each source and use of operating and capital funds; provided further, that said office shall expend not less than \$150,000 for the Sturbridge Heritage and Preservation Partnership; provided further, that not less than \$100,000 shall be expended for Centro Las Americas to provide workforce training, educational services and other transitional services in the city of Worcester; provided further, that said grants shall not replace or supplant funding otherwise available to said centers from local chambers of commerce, regional tourist councils, and other public or private funding sources; provided further, that \$15,000 shall be expended for the Sgt. 1st Class Robert E. Rooney project in the town of Plymouth; provided further, that not less than \$50,000 shall be expended for the Louis D. Brown Peace Institute; provided further, that \$30,000 in matching funds be expended to the town of Avon for a feasibility study of municipal buildings; provided further that not less than \$75,000 for a public safety grant in the Forest Park area in the city of Springfield; provided further, that not less than \$100,000 shall be expended for an elder growth program in Saugus; provided further, that not less than \$8,000 shall be expended for a recreational program in the town of Freetown; provided further, that not less than \$35,000 shall be provided to the Bellingham historical commission renovations program; provided further that not less than \$50,000 shall be expended for Theatre-Zone Chelsea; provided further, that \$15,000 shall be expended for the Lance Corporal Jeffrey C. Burgess project in the town of Plymouth; provided that not less than \$50,000 shall be expended for the Old Firehouse Museum in South Hadley; provided further that \$100,000 shall be expended for an economic development project in the town of Braintree; provided further, that not less than \$150,000 shall be expended for a child safety program in the town of Winthrop; provided further, that not less than \$40,000 shall be expended from this item for the purpose of the operation and the promotion of the Ipswich Shuttle Bus service; provided

further, that not less than \$125,000 shall be expended for New England Puerto Rican Association; provided further, that \$75,000 shall be expended for the Massachusetts Advocates for the Arts, Sciences, and Humanities; provided further that not less than \$25,000 shall be expended for the economic development project at the Salisbury Chamber of Commerce; provided further, that not less than \$25,000, subject to 100 per cent funding match, shall be made available to the Jacob's Pillow Dance Festival; provided further that not less than \$500,000 be expended on the open wide health pilot program in Hampden county; provided further, that \$100,000 shall be expended for the Old Provincial State House; provided further, that not less than \$250,000 shall be expended for the SouthCoast Development Partnership for the purposes of regional tourism and economic development; provided further that not less than \$50,000 shall be expended for the Town of Plympton's Tercentennial Celebrations; provided further, that not less than \$200,000 shall be expended for a grant for From the Top, Inc; provided that \$35,000 shall be expended for a public safety grant in the town of Berlin; provided further that \$150,000 for child safety grants in the town of Attleboro; provided further that not less than \$200,000 shall be expended for the Spirit of Springfield; provided further, that \$100,000 shall be expended for a public safety program in the town of Dudley; provided further that not less than \$60,000 shall be expended for the Newburyport initiative to attract new businesses and industries; provided further, that \$100,000 shall be expended for the North End Visitor Center; provided further, that no less than \$75,000 shall be expended for the Foxborough geriatric program; provided further, that said office shall grant not less than \$5,000,000 to the Massachusetts International Marketing Partnership Incorporated, the business entity awarded the contract pursuant to section 60 of chapter 141 of the acts of 2003 for the express purpose of implementing the strategic marketing and promotional program to recover the commonwealth's lost international market share; provided further that not less than \$25,000 shall be expended for the Central Quabbin Area Tourism and Visitors Center; provided further, that not less than \$150,000 shall be expended for a child safety program in the city of Revere; provided further that not less than \$25,000 shall be expended for the Phillipston historical society; provided further, than \$25,000 shall be expended for the Reagle Players of Waltham; provided further that, not less than \$100,000

shall be expended for Crane Beach access in the town of Ipswich; provided further, that \$25,000 shall be expended for the draper complex reuse committee in Hopedale; provided further, that not less than \$1,000,000 shall be expended in addition to the amount spent in fiscal year 2006 for the purpose of out of state advertising to promote the Commonwealth as a travel destination and to increase tourism; provided further, that not less than \$150,000 shall be expended for the Commonwealth Shakespeare Company, a program of The Wang Center for the Performing Arts, for production support for performances offered for free to the public and for a pilot program to expand performances to Springfield and other cities; provided further, that not less than \$200,000 shall be expended for the Bay State Games; provided further, that not less than \$100,000 shall be expended for a matching grant to the New England Aquarium; provided further, that \$30,000 shall be expended for the Roche family program in West Roxbury; provided further, that not less than \$300,000 shall be provided for an economic development project at the Elco Dress Factory in New Bedford; provided further, that not less than \$100,000 shall be expended for The Berkshire Museum, in the City of Pittsfield; provided further, that \$100,000 shall be provided as a matching grant for the Mass Central Rail Trail Churnock Hill Rd. Tunnel Project, located in Rutland; provided further, that not less than \$25,000 be expended for improvements in the Prospect Hill Historic District in the City of Lawrence; provided further, that not less than \$50,000 shall be expended as a one time grant to Destination Salem in the city of Salem for the promotion of regional and local tourism; provided further, that not less than \$25,000 be expended for the Route16/Hopedale Street public safety program in Hopedale; provided further, that not less than \$100,000 shall be expended for the Buzzards Bay Village Association to develop and implement a transportation and communication infrastructure plan for Main Street in Buzzards Bay; provided further, that not less than \$100,000 shall be expended for the Western Massachusetts Economic Development Council for tourism marketing and advertising purposes; provided further, that no less then \$75,000 shall be expended for the Captain Gerald F. DeConto program in Sandwich; provided further, that not less than \$200,000 shall be provided to the Mahaiwe Theatre, in the Town of Great Barrington; provided further, that not less than \$500,000 shall be expended for the Mass Tech Park Corp — Berkshire Wireless Program; provided further, that not less than \$50,000 shall

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be expended for the Russian Community Association in Springfield; provided further that no less than \$450,000 shall be expended for the Wilmington Historical Commission; provided further, that not less than \$25,000 shall be made available to Woburn for a safety grant in the Walnut Street area in downtown Woburn; provided further, that not less than \$185,000 shall be expended for the International Trade Assistance Center in Fall River; provided further, that not less than \$100,000 shall be expended for the Merrimack Repertory Theatre; provided further, that not less than \$200,000 shall be appropriated for the 50th Anniversary celebration of the Mayflower II in Plymouth; provided further, that not less than \$20,000 shall be made available for an energy efficiency program in the town of North Attleboro; provided further, that not less than \$75,000 shall be expended for the rehabilitation and restoration of the Samuel Harrison House in the City of Pittsfield; provided further, that not less than \$50,000 shall be expended for the purposes of the operation of the programs of the Riverside Theatre Works, an organization located in the Hyde Park section of the City of Boston; provided further, that not less than \$50,000 shall be expended for the Attleboro Museum; provided further, not less than \$50,000 shall be provided for the restoration and repairs of the Historical Asa Waters Mansion in the Town of Millbury; provided further, that not less than \$300,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that not less than \$100,000 shall be expended for the Cape Cod Economic Development Council; provided further, that \$700,000 shall be expended for the Massachusetts Cultural Council; provided further, that not less than \$100,000 shall be expended for the Cape Cod Maritime Museum located in Hyannis; provided further, that not less than \$250,000 shall be expended for the 495/MetroWest Corridor Partnership; provided further, that not less than \$100,000 be expended for the Lake Street Recreation project in the Town of Shrewsbury; provided further, that not less than \$100,000 shall be expended for the Russian Community Association of Massachusetts (RCAM) in Boston; provided further, that not less than \$1,000,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2007 for the highway information centers operating year round on state highways and federally-assisted highways, and the visitor information centers

on Boston Common and the Prudential Center, both in the city of Boston and the Adams Visitor Center in Adams; provided further, that not less than \$50,000 shall be expended for the New Bedford Art Museum for tourism production; provided further, that not less than \$1,250,000 of the amount appropriated herein shall be expended for the operation and administration of the Massachusetts Sports and Entertainment Commission, provided, however, that the Massachusetts Sports and Entertainment Commission shall be the official and lead agency to facilitate and attract major sports events and championships in the Commonwealth and provided further that the Massachusetts Sports and Entertainment Commission shall establish a division within the Commission which shall be the official and lead agency to facilitate motion picture production and development within the Commonwealth; provided further, that not less than \$50,000 shall be expended for the Johnny Appleseed Visitors' Center; provided further, that not less than \$50,000 be expended by the town of Berkley for environmental restoration and resources grant for the use of the Berkley Highway Department and Tree Department; provided further, that not less than \$50,000 shall be allocated for the Methuen geriatric safety program; provided further, that not less than \$100,000 shall be expended for the Longmeadow community festival; provided further that not less than \$185,000 shall be obligated for the Schooner Ernestina Commission; provided further, that not less than \$50,000 shall be directed to Arts Alive of Falmouth for support of film in the Cape Code area; provided further, that \$200,000 shall be expended for the operation of the Massachusetts Fisheries Recovery Commission; provided further that \$75,000 be expended on the Martin Luther King Jr. Business Empowerment Center in the city of Worcester ..... 24,935,852  
Tourism Fund ..... 100.0%”;

In item 7007-0951 by adding at the end thereof the following: “; provided further that not less than \$300,000 shall be expended on a matching program to encourage private and corporate donations to support the Franklin Park Zoo” and, in said item, by striking out the figures “6,050,000” and inserting in place thereof the figures “6,350,000”, and

By striking out item 7007-1000 and inserting in place thereof the following item:

“7007-1000 For assistance to local tourist councils under section 14 of chapter 23A of the General Laws; provided, that notwithstanding any general or special law, regulation or rule to the contrary,

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each of the councils may expend an amount not to exceed 20 per cent of the funds appropriated in this item for the cost of administrative services; provided further, that \$75,000 shall be expended for the Cultural Center of Cape Cod .... 8,000,000  
Tourism Fund .....100.0%”;

and by adding at the end thereof the following section:

“SECTION 238. Section 36 of chapter 45 of the acts of 2005 is hereby amended in the last paragraph by striking out the word ‘April 30’ and inserting in place thereof the following:— December 31.”.

After debate on the question on adoption of the amendments, Ms. Callahan of Sutton and other members of the House moved that they be amended by adding the following:

“In item 7007-0900 by adding at the end thereof the following:— ; provided further, that not less than \$150,000 shall be provided to the Bellingham Historical Commission Renovations Program.”.

After remarks the further amendment was rejected.

Messrs. Fallon of Malden and Donato of Medford then moved that the amendments be amended by adding the following:

“In item 2820-0100 by adding at the end thereof the following: ‘ ; provided further that \$450,000 shall be expended to reimburse the City of Malden for the cleaning of the Malden YMCA site located across from the Holland Pool’ and, in said item, by striking out the figures ‘22,913,305’ and inserting in place thereof the figures:— 23,363,305.”.

After remarks the further amendment was rejected.

Mr. Casey of Winchester and other members of the House then moved that the amendments be amended by adding the following:

“In item 2800-0100, in line 25, by inserting after the date ‘February 14, 2007’ the following:— ; provided further, notwithstanding section 54 of chapter 7 of the General Laws, the division of capital asset management and maintenance, on behalf of and in consultation with the department of conservation and recreation, is hereby authorized, notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws and using such competitive proposal process as the commissioner of said division deems necessary or appropriate, to lease and enter into other agreements, for terms not to exceed 20 years, to or with 1 or more offerors who participate in that process, for 1 or more skating rinks, so as to provide for the continued use, operation, maintenance, repair and improvement of the following state-owned buildings and facilities together with the land and appurtenances associated therewith, comprising the following ice skating rinks and facilities of said department: Connell memorial rink, Weymouth; Flynn memorial rink, Medford; LoConte memorial rink, Medford; Shea memorial rink, Quincy; and Veterans memorial Rink, Somerville; provided further, that there shall be an option for renewal or extension for operations and maintenance services not exceeding an additional 5 years, and that such renewal or extension shall be at the discretion of the division of capital asset management and maintenance in accordance with the original con-

tract terms and conditions or contract terms and conditions more favorable to the state; provided further, all leases must contain a provision that requires the lessee to carry comprehensive general liability insurance with the commonwealth named as a co-insured, protecting the commonwealth against all personal injury or property damage within the rink and on the land during the term of the lease; provided further, that such leases and other agreements shall be on terms acceptable to the commissioner of the division of capital asset management and maintenance after consultation with the commissioner of the department of conservation and recreation, and, notwithstanding any general or special law to the contrary, shall provide for the lessees to manage, operate, improve, repair and maintain the properties; provided further, that any such leases or other arrangements requiring capital improvements to be made to any buildings or surface areas shall include a description of the required capital improvements and, at a minimum, performance specifications; provided further, that such leases and other agreements shall provide that any benefits to the commonwealth and the costs of improvements and repairs made to the properties provided by the tenants or the recipients of the properties shall be taken into account as part of the consideration for such leases or other agreements; provided further, that the division, in consultation with the department, shall structure each lease or other agreement to minimize disturbance of the current rights of any tenants who may currently use any part of the rink or adjoining facilities, whether under a written lease or other arrangement; provided further, that all consideration received from the leases or other agreements shall be payable to the department of conservation and recreation for deposit into the General Fund, and that the lessees of said properties shall bear all costs deemed necessary or appropriate by the commissioner of the division of capital asset management and maintenance for the transaction, including without limitation, all costs for legal work, survey, title and the preparation of plans and specifications; provided further, that the division, in consultation with the department, when evaluating proposals, shall give preference to a youth-oriented, non-profit, long-standing tenant in the municipality where the rink or rinks are located or cities and towns adjacent thereto, provided that the proposal complies with the ice time allocation guidelines outlined in chapter 149 of the acts of 2004; provided further, that the division of capital asset management and maintenance, in consultation with and on behalf of the department of conservation and recreation, shall solicit proposals through a request for proposals which shall include key contractual terms and conditions to be incorporated into the contract, including but not limited to (1) a comprehensive list of all rinks operated by the responsive bidder or offeror in the last four years, (2) other facilities management or experience of the responsive bidder or offeror, (3) other skating or hockey management experience of the responsive bidder or offeror, (4) a residential discount program, (5) reservation policies, (6) proposed reasonable rates that will ensure continued public access, (7) required financial audits, (8) policies to encourage use of the rink by persons of all

racers and nationalities, (9) safety and security plans, (10) seasonal opening and closing dates, (11) hours of operation and (12) how the operator will satisfy the following ice time allocation guidelines; provided further, that ice time at rinks under the jurisdiction of the division of urban parks and recreation shall be allocated to user groups in the following priority order: general public skating; non-profit youth groups; school hockey; youth groups other than non-profit youth groups; and adult organizations or informal groups, and that ice time may be allocated at the discretion of the operator, provided that general public skating shall be booked at a minimum of 12 hours per week, with a range of times and days which reasonably allow for public skaters of all ages to participate in some public skating sessions; provided further, that every effort shall be made to balance the ice allocation needs of long-established youth organizations and newly formed youth organizations in a manner that provides equal opportunity and equal access for youths of each gender; provided further, that the inspector general shall review and approve any request for proposal issued by the division before issuance; provided further, that the failure of any city or town to apply for pre-qualification as set forth below shall not prohibit that city or town from bidding under this section; provided further, that before the division, in consultation with the department, sends out any request for proposals under this section, the division shall hold open a pre-qualification period of at least one month for cities and towns, or a partnership of municipalities which share geographic boundaries as long the subject rink or rinks is located within the geographic area of the municipalities comprising the partnership, that desire to bid on rinks that are listed in this section and are located within the city or town; provided further, that any city or town or such partnership of municipalities that desires to lease a rink under this section may submit materials for prequalification, and that such pre-qualification may include, but may not be limited to, said city's or town's or said partnership's ability to finance the capital improvements determined to be necessary at each rink listed in this section by the division and to manage, operate and maintain the properties; provided further, that the division, in consultation with the department, shall determine whether a city or town or partnership is prequalified within 15 days of the end of the prequalification period. If a city or town or partnership is determined to be pre-qualified, that city or town or partnership shall be awarded the lease for that rink under the terms and conditions set forth in subsection (a) and the first paragraph of subsection (b); provided further, that if a city or town or partnership is determined to be pre-qualified, the city or town or partnership shall pay nominal consideration for a lease subject to the required capital improvements, performance specifications, and other pre-qualification requirements and terms of the division and submitted proposal; provided further, that the length of such lease shall be determined between the division and said city or town; provided further, that it shall be a mandatory term of any request for proposals issued by the commissioner and of any contract entered into by the commonwealth with any party regarding the subject matter of this

section that any party which has entered into a contract pursuant to this section with the commonwealth shall require, in order to maintain stable and productive labor relations and to avoid interruption of the operation of the rinks and to preserve the safety and environmental conditions of those rinks, that all employees currently working on the operation and maintenance of the rinks be offered employment by any party entering into a contract pursuant to this section; provided further, that upon the execution of any agreements authorized by this section, the department of conservation and recreation shall reassign or relocate those employees who do not accept employment with the lessor, to comparable positions within the department subject to applicable collective bargaining agreements; provided further, that the provisions of any general or special law or rule or regulation relating to the advertising, bidding or award of contracts, to the procurement of services or to the construction and design of improvements shall not be applicable to any selected offeror which is awarded a contract pursuant to this section, except as provided in this section; provided further, that subsection (b) of section 279 of chapter 149 of the Acts of 2004, is hereby amended by striking out the second paragraph and inserting in place thereof following paragraph:—

No proposal to lease the Allied Veterans rink in the city of Everett shall be considered responsive, nor shall it be accepted, without a proposal by the same offeror to lease the Cronin rink in the city of Revere, except that a proposal by the city of Everett to lease the Allied Veterans rink, without a proposal to lease the Cronin rink, shall be considered responsive and may be accepted.”

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

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

**[See Yea and Nay No. 407 in Supplement.]**

Therefore a quorum was present.

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. Casey of Winchester; and on the roll call 23 members voted in the affirmative and 129 in the negative.

**[See Yea and Nay No. 408 in Supplement.]**

Therefore the further amendment was rejected.

On the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Smizik of Brookline; and on the roll call 151 members voted in the affirmative and 1 in the negative.

**[See Yea and Nay No. 409 in Supplement.]**

Therefore the amendments were adopted.

Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2, as follows:

Quorum.

Quorum,  
yea and nay  
No. 407.

Further  
amendment  
rejected,  
yea and nay  
No. 408.

Amendments  
adopted,  
yea and nay  
No. 409.

By striking out item 1108-5200 and inserting in place thereof the following item:

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“1108-5200 For the commonwealth’s share of the group insurance premium and plan costs incurred in fiscal year 2007; provided, that notwithstanding any general or special law to the contrary, funds in this item shall not be available during the accounts-payable period of fiscal year 2007, and any unexpended balance in this item shall revert to the General Fund on June 30, 2007; provided further, that the secretary of administration and finance shall charge the division of unemployment assistance and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided further, that prior year costs incurred by self insured plans shall be funded from this item; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means the amounts expended from this item for prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the secretary of administration and finance may charge all agencies for the commonwealth’s share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than 1 year; provided further, that the amounts received in payment for the charges shall be credited to the General Fund; provided further, that notwithstanding section 26 of chapter 29 of the General Laws, the commission may negotiate, purchase and execute contracts before July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of chapter 32A and for the purposes of section 14 of chapter 32A, the commonwealth’s share of the group insurance premium for state employees who have retired before July 1, 1994 shall be 90 per cent and the commonwealth’s share of the group insurance premium for state employees who have retired

on or after July 1, 1994 shall be 85 per cent; provided further, that the commonwealth’s share of the group insurance premium for active employees upon retirement shall be 85 per cent; provided further, that notwithstanding section 8 of chapter 32A of the General Laws, the commonwealth’s share of the premiums for active state employees and their dependents who were hired before July 1, 2003 shall be 85 per cent of the premiums and rates; provided further, that the commonwealth’s share of the premiums for active state employees and their dependents who were hired after June 30, 2003 shall be 80 per cent of the premiums and rates; and provided further, that the commission shall notify the house and senate committees on ways and means by March 1 of each year of the cost of the commonwealth’s projected share of group insurance premiums for the next fiscal year ..... 976,037,643”;

In item 1120-4005 by striking out the figures “1,213,923” and inserting in place thereof the figures “1,275,012”;

In item 6000-0100 by adding at the end thereof the following: “; provided further, that \$50,000 shall be expended for the purpose of a grant to the Northampton Youth and Community Rowing Association” and, in said item, by striking out the figures “5,027,253” and inserting in place thereof the figures “5,077,253”;

In item 6005-0015 by striking out the figures “51,437,200” and inserting in place thereof the figures “51,937,200”;

By striking out item 6010-0001 and inserting in place thereof the following item:

“6010-0001 For personnel costs of the department of highways, for certain administrative and engineering expenses and equipment of the highways commission, the office of the commissioner of highways, the division of administrative services, highway engineering, highway maintenance, highway construction, the outdoor advertising board, district and other highway activity offices, materials, supplies, fleet maintenance and equipment, general maintenance and equipment and the maintenance and operation of state highways and bridges, and for the costs associated with the global positioning system program; provided, that no expenditures shall be made from the AA object code; provided further, that notwithstanding any general or special law to the contrary, the department may expend from capital authorizations amounts necessary to cover operational costs of the department in excess of amounts appropriated in this item to ensure that adequate staffing levels are maintained to support the services and programs offered by the department; provided further, that the department shall file quarterly reports with the house and senate

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committees on ways and means detailing all amounts expended on bond-funded capital projects under the jurisdiction of the department, and for all administrative and personnel expenses of the department charged to such bonds; provided further, that the reports shall be filed not later than 30 days after the end of each quarter; provided further, that notwithstanding any administrative bulletin or general or special law to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the division of operational services; provided 30 36A of chapter further, that the department shall not be subject to section 7 of the General Laws, but shall 22 of chapter of the General Laws and section submit to the secretary of transportation for approval requests to repair 22 of said vehicles costing in excess of the limit set forth in said section 7; provided further, that \$30,000 shall be expended for a highway traffic study in Mendon; provided further, that the costs of routine highway maintenance chapter provided by private and union workers in contract areas 1A, 1B, 2A, 2B, 3A, 3B, 3C, 4A, 4B, 4C, 4D, 5A, 5B, and 5C and for costs associated with police services and overtime within the areas shall be paid from this item; provided further, that \$90,000 shall be made available for all contractual contingency costs associated with highway maintenance in said areas; provided further, that not less than \$25,000 shall be expended for a transportation pilot program in Hopedale; and provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means detailing for each contract area expenditures for the costs of contractual contingency fees, personnel, police services, overtime, materials, and vehicle repairs .....

17,925,022

Highway Fund ..... 100.0% “;

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

“7004-0099 For the operation of the department of housing and community development; provided, that notwithstanding any general or special law to the contrary, the department may make expenditures for the purposes of the department against federal grants for certain direct and indirect costs pursuant to a cost overhead allocation plan approved by the comptroller; provided further, that the comptroller shall maintain an account on the Massachusetts management accounting and reporting system for the purpose of making such expenditures; provided further, that expenditures made against

the account shall not be subject to appropriation and may include the cost of personnel; provided further, that notwithstanding any general or special law, rule, or regulation to the contrary, the department of housing and community development may conduct annual verifications of household income levels based upon state tax returns for the purposes of administering the state and federal housing subsidy programs funded in items 7004-9005, 7004-9009, 7004-9014, 7004-9019, 7004-9020, 7004- 9024, 7004-9030 and 7004-9033; provided further, that as a condition of eligibility or continued occupancy by an applicant or a tenant, said department may require disclosure of the social security number of an applicant or tenant and members of such applicant’s or tenant’s household for use in verification of income eligibility; provided further, that said department may deny or terminate participation in subsidy programs for failure by an applicant or a tenant to provide a social security number for use in verification of income eligibility; provided further, that said department may also consult with the department of revenue, the department of transitional assistance or any other state or federal agency which it deems necessary to conduct such income verification; provided further, that notwithstanding the provisions of any general or special law to the contrary, such state agencies shall consult and cooperate with said department and furnish any information in the possession of said agencies including, but not limited to, tax returns and applications for public assistance or financial aid; provided further, that for the purposes of conducting such income verification, the director of said department may enter into an interdepartmental service agreement with the commissioner of revenue to utilize the department of revenue’s wage reporting and bank match system for the purpose of verifying the income and eligibility of participants in such federally assisted housing programs and that of members of the participants’ households; provided further, that for the purposes of clarification only, notwithstanding the provisions of section 12 of chapter 490 of the acts of 1980, said department may authorize neighborhood housing services corporations to retain, re-assign, and reloan funds received in repayment of loans made pursuant to the neighborhood housing services rehabilitation program; provided further, that not less than \$20,000 shall be allocated for the Methuen - Arlington Neighborhood, Inc.; provided further that not less than \$100,000 shall be expended to the Springfield Neighborhood Housing Serv-

ices, Inc., so-called, in Springfield to prevent foreclosures, assist first-time home buyers, and to create jobs; provided further, that not less than \$100,000 shall be expended for the Safe Neighborhood Initiative Pilot Program in the Grove Hall area of Roxbury and Dorchester; provided further, that not less than \$25,000 be expended for Marlborough Community Development Corporation; provided further, that not less than \$10,000 shall be expended for the Turning Point Day Resource Center for the Homeless in the town of Wareham; provided further, that not less than \$100,000 shall be expended for the Indian Orchard Main Street Partnership; provided further, that not less than \$125,000 shall be expended for the Hungry Hill Development Corporation in the city of Springfield; provided further that \$61,200 shall be expended for the Worcester housing program; provided further, that not less than \$25,000 shall be expended for the Allston-Brighton Community Development Corporation's continued operation of a grant program to enhance housing quality standards; provided further, that not less than \$75,000 shall be expended for the continued operation of computer technology centers at the Commonwealth Housing Development, the Jackson Mann Community Center and the Power Up Center at Brighton High School; provided further, that \$100,000 shall be expended for ABCD North End elderly program; provided further, that not less than \$100,000 shall be expended for the Pleasant Street Neighborhood Network Center in Worcester; provided further, that not less than \$100,000 shall be expended for Neighbors in Need in Lawrence; provided further, that not less than \$53,000 shall be expended for Food for the World Pantry; provided further, that not less than \$25,000 shall be expended for the Beverly Affordable Housing Coalition; provided further, that not less than \$50,000 be expended for the Tuttle House facility in Dorchester; provided further, that not less than \$350,000 shall be expended for Bare Meadow in Reading; provided further, that not less than \$300,000 shall be expended to provide employment, training and job placement by Year Up of Boston; provided further, that not less than \$100,000 shall be expended for Heritage State Park located in the Roxbury section of the city of Boston; provided further that no less than \$20,000 shall be expended to the Town of Braintree as a one-time community action grant for Thayer Public Library; provided further, not less than \$5,000 shall be provided for the historical gazebo in the Town of Auburn; provided

further, that said office shall expend not less than \$150,000 per year in matching funds for three consecutive years to the Sturbridge Heritage and Preservation Partnership for the purpose of defining, developing and marketing Sturbridge and the surrounding region as a destination that preserves the essence of Massachusetts's past; provided that, Old Sturbridge Village shall coordinate and sustain said partnership; provided further, that not less than \$100,000 shall be expended for the Puerto Rican Cultural Center in Springfield; provided further, that not less than \$95,000 shall be expended for the Mature Workers Program of the Cape and Islands Workforce Investment Board; provided further, that not less than \$50,000 shall be expended for the Buttonwood Park Zoological Society to establish educational programs, exhibits, and other establishments; provided further no less than \$25,000 shall be appropriated to the Sandwich Glass Museum for the purposes of promoting the education of the glass blowing industry in Massachusetts history; provided further that not less than \$100,000 be provided for maintenance on the Town Line Brook/Route 1 Tidal Gates in Revere; provided further, that not less than \$50,000 shall be expended for Framingham Downtown Renaissance economic, tourism and cultural development programs; provided, that no less than \$85,000 shall be expended for Biotech incubator space within the Smart Growth District in Lynn; provided further that \$75,000 shall be expended as a fifty percent (50%) match for environmental projects in the Towns of Fairhaven and Mattapoisett; provided further, that not less than \$200,000 shall be expended to The Boston Symphony Orchestra; provided further, that \$50,000 shall be expended for the Lincoln Perkins Project in Worcester; provided further, that \$75,000 shall be provided to World is Our Classroom, Inc. serving the towns of Holyoke, Westfield, Chicopee, and Greenfield; provided, that not less than \$150,000 be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce; provided further not less than \$300,000 shall be expended for a hospital skill training program operated by the Commonwealth Corporation; provided, that \$500,000 shall be expended for the Wallace Civic Center and Planetarium in the city of Fitchburg; provided further, that \$245,000 shall be provided to the town of Scituate for a pilot program for the community related to transportation; provided further, that not less than \$112,000 shall be expended for the maintenance of the Korean War Memorial of Central Massachusetts Walk-

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way of Honor in Worcester; provided further, that not less than \$95,000 shall be expended for the Boston Housing Authority for a program to provide certain tenant services for the West Broadway Task Force; provided further, that funds appropriated herein shall be obligated for expenditure by the West Broadway Task Force for the purposes of tenant services provided by said Task Force; and provided further, that funds appropriated herein shall not be expended by the Boston Housing Authority for discretionary purposes ..... 11,661,116”;

In item 6006-0003 by striking out the figures “419,533” and inserting in place thereof the figures “469,533”;

In item 7004-2475 by striking out the figures “2,500,000” and inserting in place thereof the figures “3,000,000”;

In item 7004-9024 by striking out the figures “27,233,345” and inserting in place thereof the figures “27,483,345”;

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

“7004-3036 For housing services and counseling; provided, that the grants shall be through a competitive application process under criteria created by the department; provided further, that the department shall submit quarterly reports to the secretary of administration and finance, the house and senate committees on ways and means and the joint committee on housing detailing all expenditures of said program including for each regional housing consumer education center the total number of persons who received information and referral services, the costs for such services rendered per consumer and the identification of consumer issues and trends; provided further, that said department shall report to the house and senate committees on ways and means no later than March 1, 2007 on possible savings and efficiencies through consolidation of said services and counseling; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; provided further, that \$141,000 shall be expended for the Just A Start Corporation to administer a housing stabilization and conflict management services program to prevent homelessness; provided further, that not less than \$80,925 shall be expended for the Central Massachusetts Housing Alliance Inc. Donations Clearinghouse Program ..... 1,721,925”;

In item 7004-9005 by adding at the end thereof the following: “; provided further, that said department shall expend not less than \$1,000,000 of the funds appropriated herein to increase the non-utility allowable expense level caps, on housing authority operation budgets for elderly and family public housing, beginning with July 1 fiscal year operating budgets and thereafter on those housing

authority operating budgets with fiscal years beginning October 1, January 1, and April 1” and, in said item, by striking out the figures “43,113,590” and inserting in place thereof the figures “45,113,590”;

In item 7004-9316 by striking out the figures “4,000,000” and inserting in place thereof the figures “5,000,000”;

In item 9700-0000 by striking out the figures “6,970,895” and inserting in place thereof the figures “6,980,895”, and

In item 0950-0000 by striking out the figures “198,900” and inserting in place thereof the figures “248,900”; and by adding at the end thereof the following two sections:

“SECTION 239. That a special commission, to consist of 13 persons, 1 of whom shall be the house chairman of the joint committee on public service who shall serve as co-chairman of the commission, 1 of whom shall be appointed by the house co-chairman upon the approval of the other commission members, who shall have professional expertise in the area of healthcare financing, 1 of whom shall be the senate chairman of the joint committee on public service who shall also serve as co-chairman of the commission, 1 of whom shall be appointed by the senate co-chairman upon the approval of the other commission members who shall have professional expertise in the area of public employee benefits, 1 of whom shall be the house chairman of the joint committee on health care financing, 1 of whom shall be the senate chairman of the joint committee on healthcare financing, the president of the Massachusetts AFL-CIO or his designee, the president of the Massachusetts Teachers Association or his designee, the president of the Massachusetts SEIU or his designee, the president of the Retired State County and Municipal Employees Association of Massachusetts or his designee, the executive director of the group insurance commission, and 1 person to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to review public employee health benefits. The commission shall consider the range of benefits that are or should be provided as well as the current and anticipated future cost of providing them. The commission shall consider and may make recommendations on how best to divide the costs between the commonwealth. The commission shall also study the operation and structure of the group insurance commission.

The commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the house of representatives on or before the February 1, 2007.

SECTION 240. The Massachusetts Turnpike Authority shall give priority status to the design and construction of sound barrier projects which abut recent road widening activity.”.

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. Kaufman of Lexington; and on the roll call (Mrs. Harkins of Needham having been in the Chair) 153 members voted in the affirmative and 0 in the negative.

**[See Ye and Nay No. 410 in Supplement.]**

Therefore the amendments were adopted.

Amendments  
adopted,  
yea and nay  
No. 410.

Bill passed  
to be  
engrossed,  
yea and nay  
No. 411.

The Speaker being in the Chair,— after debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. DeLeo of Winthrop; and on the roll call 153 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 411 in Supplement.]**

Therefore the bill (House, No. 4901, printed as amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Order.*

On motion of Mr. Rushing of Boston,—

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

Next  
sitting.

Mr. Fagan of Taunton then moved that as a mark of respect to the memory of Raymond J. Boffetti, a member of the House from Taunton from 1973 to 1976, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twelve minutes after six o'clock P.M. (Friday, April 28), on further motion of the same member, the House adjourned to meet on Monday next (May 1) at eleven o'clock A.M., in an Informal Session.