

**Tuesday, April 26, 2011 (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.

*Silent Prayer.*

During the session (the Speaker having been in the Chair) at the request of the Speaker and Mr. Keenan of Salem, the members, guests and employees stood in a moment of silent tribute to former Chief Justice of the District Courts Samuel Edward Zoll of Salem. Justice Zoll was a Navy veteran of the Korean War. Justice Zoll's distinguished service to his community and the Commonwealth included his being a high school teacher, Salem city councilor, State Representative, Mayor of Salem and District Court Chief Justice. Justice Zoll passed away earlier this morning at the age of 76 after a brave struggle with cancer.

Chief Justice  
Samuel Edward  
Zoll.

*Statement of Representative Fox of Boston.*

A statement of Ms. Fox of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for yesterday's session due to a medical concern. My missing of roll calls yesterday was due entirely to the reason stated. If I had been present yesterday I would have voted in the negative on roll call numbers 37, 38 and 39; and in the affirmative on roll call number 41.

Statement of  
Ms. Fox of  
Boston.

*Communications.*

Communications

From the Department of Transportation, Rail and Transit Division (see Section 5 of Chapter 161A of the General Laws) submitting the annual report of the Massachusetts Bay Transportation Authority for the year 2010; and

MBTA,—  
annual  
report.

From the Massachusetts Bay Transportation Authority (see Section 11 of Chapter 161A of the General Laws) submitting a report on its efforts to maximize non-transportation revenue;

MBTA,—  
non-transit  
revenues.

Severally were place on file.

*Petition.*

Mr. Fresolo of Worcester presented a petition (subject to Joint Rule 12) of John P. Fresolo for legislation to establish a sick leave bank for Michael Briggs, an employee of the Department of Youth Services; and the same was referred, under Rule 24, to the committee on Rules.

Michael  
Briggs,—  
sick leave  
bank.

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

*Papers from the Senate.*

A report of the committee on Children, Families and Persons with Disabilities asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 42) of James B. Eldridge, Linda Dorcena Forry, Susan C. Fargo and other members of the General Court for legislation relative to Workers' Pathway to Self Sufficiency,— and recommending the same be referred to the committee on Higher Education,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Educational grants,—  
low income.

A petition of Jennifer L. Flanagan and Stephen L. DiNatale for legislation to establish a sick leave bank for Francisco Delgado, an employee of the department of corrections, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Francisco Delgado,—  
sick leave bank.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1898) was referred, in concurrence, to the committee on Public Service.

*Orders of the Day.*

The House Bill making appropriations for the fiscal year 2012 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interests, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 3400, amended), was considered.

General Appropriation Bill.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Dempsey of Haverhill and other members of the House moved (consolidated transportation) to amend it in section 2E, in item 1595-6368, by adding the following: “; provided, that the Massachusetts Department of Transportation shall expend \$100,000 for the purposes of conducting a study to include field research, surveys, market studies, and other research methods as needed, to identify and determine additional recurring revenues through the leasing or disposition of commonwealth right-of-ways or other land, property, or interests therein, on the property of the Massachusetts Bay Transportation Authority and associated railroad or transportation related property of the commonwealth, inclusive of its rights-of-way, whether in use for rail, alternative access or abandoned; said study to be for the purpose of maximizing revenue to the commonwealth from installing utility and communication infrastructure including, but not limited to: utility pipelines, conduits, ditches, wires, poles, transmission lines, or transmission facilities for cellular phone devices, broadband, internet and wireless under existing agreements or permits or such agreements or permits or under existing laws, provided that such use does not interfere with the public use of the property for Massachusetts Bay Transportation Authority or other purposes. Said study shall be completed by February 1, 2012 and copies transmitted to the house and senate committees on ways and means and the joint committee on transportation”; and by adding the following two sections:

“SECTION 120. Section 41 of chapter 161A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting at the end thereof the following subsection:— (f) to sell electricity to the divisions within the

Massachusetts Department of Transportation.

SECTION 121. Notwithstanding any general or special law to the contrary, the secretary of the Massachusetts Department of Transportation, in consultation with the commissioner of the division of capital asset management, shall study and assess the current market value of real property under the ownership, possession and control of the Massachusetts Department of Transportation, including but not limited to, any land or buildings previously owned by the Massachusetts turnpike authority, and determine whether such assets are surplus to the operation of the Massachusetts Department of Transportation, as defined by section 1 of chapter 6C. The department shall submit the results of the study to the executive office of administration and finance and the house and senate committees on ways and means on or before July 1, 2012.”.

After remarks (Mr. Donato of Medford being in the Chair) the amendment was adopted.

At eight minutes before twelve o'clock noon (Tuesday, April 26), the Chair (Mr. Donato) declared a recess until one o'clock; and at that time the House was called to order with Mr. Mariano of Quincy in the Chair.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Mariano), 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 146 members were recorded as being in attendance.

**[See Yea and Nay No. 42 in Supplement.]**

Therefore a quorum was present.

Subsequently a statement of Mr. Cantwell of Marshfield was spread upon the records as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that during the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House, and therefore was not recorded as being present. My missing of the quorum roll call was due entirely to the reason stated.

Subsequently a statement of Mr. Diehl of Whitman 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 during the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House, and therefore was not recorded as being present. My missing of the quorum roll call was due entirely to the reason stated.

Mr. Bradley of Hingham then moved to amend the bill by adding the following section:

“SECTION 122. Section 2 of Chapter 111N of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking the section.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Smola of Palmer; and on the roll call 131 members voted in the affirmative and 23 in the negative.

**[See Yea and Nay No. 43 in Supplement.]**

Therefore the amendment was adopted.

[Mr. Madden of Nantucket answered “Present” in response to his name.]

At twenty-three minutes before two o'clock P.M. (Tuesday, April 26), on

Recess.

Quorum.

Quorum,—  
yea and nay  
No. 42.

Statement of Mr.  
Cantwell of  
Marshfield.

Statement of  
Mr. Diehl of  
Whitman.

Amendment  
adopted,—  
yea and nay  
No. 43.

Recess.

motion of Mr. Peterson of Grafton (Mr. Mariano of Quincy being in the Chair), the House recessed until two o'clock; and at that time the House was called to order with Mr. Mariano in the Chair.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Mariano), 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 153 members were recorded as being in attendance.

Quorum,—  
yea and nay  
No. 44.

**[See Yea and Nay No. 44 in Supplement.]**

Therefore a quorum was present.

Mr. Dempsey of Haverhill and others then moved (consolidated energy and environmental affairs) to amend the bill in section 2

In item 2200-0100 by striking out the figures "\$21,532,305" and inserting in place thereof the figures "\$22,932,305";

By inserting after item 2200-0102 the following item:

"2200-0107 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 241 of chapter 43 of the acts of 1997.....\$275,000";

By striking out item 2210-0105 and inserting in place thereof the following item:

"2210-0105 The department of environmental protection may expend for the administration and implementation of the Massachusetts Toxics Use Reduction Act under chapter 21I of the General Laws an amount not to exceed \$3,052,627 from the revenue collected from fees, penalties, grants and tuition under said chapter 21I; provided, that not less than \$1,629,860 from this item shall be made available for the operation of the Toxics Use Reduction Institute program at the University of Massachusetts at Lowell; provided further, that the department shall enter into an interagency service agreement with the University of Massachusetts to make such funding available for this purpose; provided further, that not less than \$644,096 from this item shall be made available for toxics use reduction technical assistance and technology in accordance with said chapter 21I; provided further, that the department shall submit a report to the house and senate committees on

ways and means not later than February 1, 2011 detailing the status of the department's progress in meeting the statutory and regulatory deadlines associated with said chapter 21I and detailing the number of full-time equivalent positions assigned to various implementation requirements of said chapter 21I; provided further, that the department shall enter into an interagency service agreement with the executive office of energy and environmental affairs to make such funding available for this purpose; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.....\$3,052,627”;

In item 2300-0100 by adding the following: “; provided further, that the department shall file a report with the secretary of administration and finance, the chairs of the house and senate committee on ways and means, the chairs of the joint committee on environment, natural resources and agriculture on or before April 30, 2012, detailing a plan for a long term funding solution for issues pertaining to repairs and maintenance of dams throughout the commonwealth; and provider further, that the report shall include, but not be limited too, the feasibility of a revolving loan program and utilization of seaport bonds”;

In item 2300-0101 by striking out the figures “350,000” and inserting in place thereof the figures “410,000”;

In item 2310-0200 by striking out the figures “9,400,019” and inserting in place thereof the figures “9,900,019”;

By inserting after item 2310-0200 the following item:

“2310-0300 For the operation of the natural heritage and endangered species program .....\$150,000”;

By adding at the end of item 2511-0100 the following: “; provided, that no less than \$200,000 shall be expended to enhance the buy local effort in western, central, northeastern and southern Massachusetts”, and in said item by striking out the figures “4,100,108” and inserting in place thereof the figures “4,400,108”;

In item 2800-0100, in line 19, by inserting after the date “February 15, 2012” the words “; provided further, that funds shall be expended for the cleanup of Pilayella algae”, and by adding at the end of said item the following: “; provided further, that the department shall file a report with the secretary of administration and finance, the chairs of the house and senate committee on ways and means, the chairs of the joint committee on environment, natural resources and agriculture on or before April 30, 2012, detailing a plan for a long term funding solution for issues pertaining to repairs and maintenance of seawalls throughout the commonwealth; and provider further, that the report shall include, but not be limited too, the feasibility of a revolving loan program and utilization of seaport bonds”.

In item 2800-0101, in line 19, by inserting after the word “Laws” the following: “; provided further, that the department shall continue to make payments pursuant to chapter 307 of the acts of 1987 for the use of certain land”, and in said item by striking out the figures “\$475,008” and inserting in place thereof the figures

“\$1,002,565”;

In item 2810-0100 by striking out the figures “40,850,075” and inserting in place thereof the figures “41,550,075”; and

By adding the following two sections:

“SECTION 123. Section 7(a) of chapter 236 of the acts of 1988 is hereby amended by adding at the end of the fourth sentence the following:— ; provided, however, that any monies or interest thereon received by the Trust Fund pursuant to section 287 of chapter 110 of the acts of 1993 may be subject to appropriation if a report of the monies received and expenditures funded by such receipts is not filed with the clerks of the House and Senate on or before December 31 of each year.

SECTION 124. Section 114 of chapter 169 of the Acts of 2008 is hereby amended by striking out the number ‘2011’ and inserting in place thereof the following number:— 2016.”.

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. Gobi of Spencer; and on the roll call 151 members voted in the affirmative and 5 in the negative.

**[See Yea and Nay No. 45 in Supplement.]**

Therefore the amendments were adopted.

Ms. Reinstein of Revere being in the Chair,—

Mr. Frost of Auburn then moved to amend the bill in section 2

In item 4400-1000 by striking out the figures “53,097,438” and inserting in place thereof the figures “51,584,416”; and

In item 4401-1000 by striking out the figures “3,689,934” and inserting in place thereof the figures “5,202,956”.

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. Frost; and on the roll call (the Speaker being in the Chair) 32 members voted in the affirmative and 125 in the negative.

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

Therefore the amendments were rejected.

Mr. Dempsey of Haverhill and others members of the House then moved (consolidated housing and social services) to amend the bill in section 2

In item 4401-1000, in line 10, by inserting after the word “Massachusetts” the words “; provided further, that funds may be expended for trauma informed employment services, including Project SAFE”;

In item 4403-2000, in lines 19 and 20, by striking out the words “and pursuant to said act the work-related activity requirement shall conform to the federal standard” and inserting in place thereof the following: “and pursuant to said act and notwithstanding section 218 of chapter 149 of the acts of 2004, or any other special or general law to the contrary, the recipients defined in said section 218 whose youngest child of record is of the age at which full time schooling is mandatory or older shall meet the federal standard of 30 hours per week of work-related activity”, in line 61, by striking out the word “and” and ;

In item 4403-2000, by striking out, in line 61, the word “and”, and by adding at the end of said item following: “; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the senate and house of representatives a detailed and comprehensive report setting forth the text of, basis and reasons for the proposed changes; provided further, that the report shall state exactly which

Amendments  
(energy and  
environmental  
affairs) adopted,—  
yea and nay  
No. 45.

Amendments  
items 4400-1000  
and 4401-1000  
rejected,—  
yea and nay  
No. 46.

components of the current benefit package shall be altered and the department's assessment of the effects of such benefit or eligibility changes upon recipient families and the number of families affected by the benefit changes; provided further, that the report shall outline all steps that the department has taken to avoid or mitigate any such benefit changes; provided further, that the report shall detail the savings realized by any such changes to benefits or eligibility; and provided further that no benefit changes shall go into effect prior to January 17, 2012”.

In item 4408-1000, by striking out, in line 55, the word “and”, and by adding at the end of said item the following: “; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the senate and house of representatives a detailed and comprehensive report setting forth the text of, basis and reasons for the proposed changes; provided further, that the report shall state exactly which components of the current benefit package shall be altered and the department's assessment of the effects of such benefit or eligibility changes upon recipient families and the number of families affected by the benefit changes; provided further, that the report shall outline all steps that the department has taken to avoid or mitigate any such benefit changes; provided further, that the report shall detail the savings realized by any such changes to benefits or eligibility; and provided further that no benefit changes shall go into effect prior to January 17, 2012”;

By adding at the end of item 4800-0038 the following: “; provided further, that funding shall be expended on children’s advocacy centers, services for child victims of sexual abuse and assault; provided further, that funds may be expended on programs that received funding in fiscal year 2011; and, provided further, that a children’s advocacy center shall be established in Bristol County”;

In item 4800-0040 by striking out the figures “\$39,500,000” and inserting in place thereof the figures “\$39,750,000”;

By adding at the end of item 7004-0099 the following: “; provided further, that not less than \$100,000 shall be expended to the town of Holbrook for a one-time community action grant which will fund an upgrade to town facilities; provided further, that not less than \$175,000 shall be expended annually for provisions of emergency services that provide domestic violence intervention, workforce development, housing assistance, foreclosure prevention assistance, operation of food vouchers, winter coats for kids and holiday dinners operated by Community Action Programs Inter-City, Inc. for the communities of Chelsea, Revere and Winthrop”, and in said item by striking out the figures “\$6,642,317” and inserting in place thereof the figures “\$6,742,317”;

In item 7004-0101, in line 10, by inserting after the word “exceeding” the following: “; provided further, that funds shall be expended for homelessness prevention services and resources for families who have incomes at or below 115 per cent of the federal poverty limit and include a child under age 21 or a pregnant woman; provided further, that such prevention services shall be administered by community action agencies and other community based organizations, shall be provided on first-come, first-serve basis and shall include landlord/tenant mediation, legal assistance to prevent eviction, housing search services stabilization services”, and in line 91, by striking out the year “2011” and inserting in place thereof the year “2012”;

In item 7004-0108, in line 17, by inserting after the word “Development” the words “; provided further, that the administering agency shall be able to allow for a higher monthly rent in the event that a household transitioning to housing pursuant

to this line item from another time-limited assistance program would be displaced due to the restriction on fair market rent or if the administering agency has been unable to find a feasible rental property in a reasonable amount of time due to the lack of safe available rental housing in the region”, and in line 74, by inserting after the word “Corporation” the following “and RCAP Solutions, Inc.”; and

By striking out section 26 and inserting in place thereof the following section:

“SECTION 26. Chapter 18 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 5H the following new sections:—

Section 5I. Notwithstanding any general or special law to the contrary, eligible recipients of direct cash assistance shall not use direct cash assistance funds for the purchase of alcoholic beverages, lottery tickets or tobacco products. An eligible recipient of direct cash assistance who makes a purchase in violation of this section shall reimburse the department for such purchase.

Section 5J. Notwithstanding any general or special law to the contrary, an individual or store owner shall not accept direct cash assistance funds held on electronic benefit transfer cards for the purchase of alcoholic beverages, lottery tickets, or tobacco products. An individual or store owner who knowingly accepts electronic benefit transfer cards in violation of this section shall be punished by a fine of not more than \$500 for the first offense, a fine of not less than \$500 nor more than \$1,000 for the second offense, and a fine of not less than \$1,000 for the third or subsequent offense.

Section 5K. Notwithstanding any general or special law to the contrary, whoever embezzles, steals or obtains by fraud any funds, assets or property provided by the department of transitional assistance and whoever receives, conceals or retains such funds, assets or property for his own interest knowing such funds, assets or property have been embezzled, stolen or obtained by fraud shall, if such funds, assets or property are of a value of \$100 or more, be punished by a fine of not more than \$25,000 or by imprisonment in a jail or house of correction for not more than 5 years, or both such fine and imprisonment, or if such funds, assets or property are of a value of less than \$100, by a fine of not more than \$1,000 or by imprisonment in a jail or house of correction for not more than 1 year, or both such fine and imprisonment.”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mrs. O’Connell of Taunton; and on the roll call 156 members voted in the affirmative and 0 in the negative.

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

Therefore the amendments were adopted.

At four minutes before six o’clock P.M. (Tuesday, April 26), on motion of Mr. Peterson of Grafton (Mr. Kafka of Stoughton being in the Chair), the House recessed until seven o’clock; and at nine minutes after eight o’clock the House was called to order with Mr. Donato of Medford in the Chair.

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

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

Therefore a quorum was present.

Amendments  
(housing and social  
services) adopted,—  
yea and nay  
No. 47.

Recess.

Quorum.

Quorum,—  
yea and nay  
No. 48.

Mr. Dempsey of Haverhill and others moved (consolidated public health) to amend the bill in section 2

By inserting before item 4510-0025 the following item:

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

In item 4510-0615, in line 3, by inserting after the word “reactors” the following: “; provided further, that not less than \$90,000 shall be expended to the C-10 Research & Education Foundation of Newburyport for the purposes of providing radiological monitoring of the six Massachusetts communities within the plume exposure emergency planning zone of Seabrook Nuclear Power Plant”, and in said item by striking out the figures “\$1,534,791” and inserting in place thereof the figures “\$1,624,791”;

In item 4512-0103 by striking out the figures “\$31,097,810” and inserting in place thereof the figures “\$33,597,810”;

By adding at the end of item 4512-0200 the following: “; and provided further, that not less than \$125,000 shall be expended for Self Esteem Boston’s substance abuse direct service prevention, and provider training programs”, and in said item by striking out the figures “\$75,185,802” and inserting in place thereof the figures “\$75,310,802”;

In item 4512-0201 by striking out the figures “\$2,400,000” and inserting in place thereof the figures “\$4,800,000”;

By adding at the end of item 4512-0500 the words “; and provided further, that funds shall be expended for the Forsyth Institute’s Center for Children’s Oral Health”;

In item 4513-1000 by striking out the figures “\$3,659,311” and inserting in place thereof the figures “\$3,959,311”;

In item 4513-1002 by striking out the figures “\$9,766,617” and inserting in place thereof the figures “\$10,266,617”;

In item 4513-1020 by striking out the figures “\$21,491,404” and inserting in place thereof the figures “\$23,991,404”;

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

“4513-1111 For the promotion of health and disease prevention including, but not limited to, the following programs: breast cancer prevention; diabetes screening and outreach; ovarian cancer screening; a statewide STOP stroke program and ongoing stroke prevention and education; hepatitis C prevention and management; multiple sclerosis screening, information, education and treatment programs and the Multiple Sclerosis Home Living

Navigating Key Services program administered by the Central New England Chapter of the National Multiple Sclerosis Society; colorectal cancer prevention; prostate cancer screening, education and treatment with a particular focus on African American males; osteoporosis education; maintenance of the Amyotrophic Lateral Sclerosis registry created pursuant to section 25A of chapter 111 of the General Laws; and maintenance of the statewide lupus database; and provided further, that funds may be expended for the operation of the Betsy Lehman Center for patient safety.....\$3,400,000”;

In item 4590-0250 by adding the words “; and provided further, that funds may be expended for the Massachusetts Model of Community Coalitions”;

In item 4590-0300 by striking out the figures “\$4,150,703” and inserting in place thereof the figures “\$4,485,983”;

In item 4590-0912 by striking out the figures “\$15,962,194” and inserting in place thereof the figures “\$16,212,194”;

By striking out item 4590-1507 and inserting in place thereof the following item:

“4590-1507 For matching grants to the Massachusetts Alliance of Boys & Girls Clubs, the Alliance of Massachusetts YMCAs, the YWCA organizations, nonprofit community centers, and youth development programs; provided, that the department of public health shall award the full amount of each grant to each organization previously included in the youth-at-risk grants, upon commitment of matching funds from such organizations; provided further, that each organization previously included in the youth-at-risk grants shall receive in fiscal year 2012 a grant amount not less than that received in fiscal year 2011; and provided further, that any allocation less than \$2,000,000 to a recipient of a youth-at-risk grant must be distributed equally between said recipient’s member organizations.....\$1,500,000”; and

By adding the following five sections:

SECTION 125. Chapter 111 of the General Laws is hereby amended by striking out section 25I, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:—

Section 25I. The department, in conjunction with the board of registration in pharmacy and the division of medical assistance, shall establish and implement methods to reduce medication waste in facilities licensed by the departments of public health, mental health and corrections. The department shall establish such methods, based on its review, that are determined to be effective in reducing waste without imposing unreasonable costs on the health care delivery system. Such methods may be based on, but not be limited to, the following: (1) current technology, standards and reimbursement mechanisms for dispensing and distributing medications to facilities; (2) other states' requirements for limiting prescription drug waste and any cost savings realized; (3) the commonwealth's standards for the return and re-dispensing of patient-specific schedule VI prescription drugs; and (4) possible incentive mechanisms to prevent the creation of prescription drug waste. The department shall promulgate regulations to implement

this section.

SECTION 126. The fifth paragraph of section 70E of said chapter 111, as so appearing, is hereby amended by adding the following subsection:—

(p) to obtain from the facility in charge of the patient's care, upon discharge, any bulk medications that were prescribed for the patient during the patient's stay including, but not limited to, aerosol inhalers, topical products such as creams and powders eye drops, insulins and special order items, provided that any such items are patient specific and personal and would not otherwise be used in the treatment of another patient. Upon discharge from the hospital, these bulk items shall be considered the personal property of the patient and at the prescribing physician's discretion may include in discharge orders that the patient be provided with the specific bulk products that were used in the hospital with use directions. The department shall promulgate regulations to implement this section.

SECTION 127. The department of public health, in consultation with the board of registration in pharmacy shall, as shall provide to the joint committee on health care financing and the joint committee on public health, on or before April 1, 2012 a report and legislative recommendations relative to issues of implementation of the programs established under subsection p of section 70E of chapter 111 and section 25I of chapter 111, including, but not limited to: savings and costs related to the implementation of the programs established and recommendations related to penalties for violations of subsection p of section 70E of chapter 111 and section 25I of chapter 111.

SECTION 128. Notwithstanding any general or special law to the contrary, the department of public health, in consultation with the department of environmental protection, shall make an investigation and study regarding the issue of pharmaceutical drug waste and its effect on the environment in the Commonwealth. The department shall report on the following: (1) the estimated quantity of pharmaceutical drug waste in the Commonwealth; (2) the quantity of such waste that may be recovered prior to disposal; (3) the methods and techniques used in other states or local governments to reduce the amount of pharmaceutical drug waste, and identify model programs used to recover or recycle such waste; and (4) the efforts of pharmaceutical drug industry to mitigate waste through consumer support or take-back programs. The department shall make recommendations, consistent with its report, regarding: (1) the feasibility of expanding a drug recycling program similar to that prescribed in section 25I of chapter 111 to all consumers; (2) the feasibility of adopting similar programs adopted by other states or local governments to reduce drug waste; and (3) the feasibility of the department assisting municipal governments to establish local programs to reduce such waste. The department shall make its report and recommendations together with legislation to implement those recommendations by filing the same with the clerks of the senate and house not later than July 31, 2012.

SECTION 129. Notwithstanding any general or special law or regulation to the contrary, a special commission hereafter referred to as the commission, is hereby established for the purpose of investigating and studying the incidence and impacts in the commonwealth of Lyme disease and other tick-borne diseases, including but not limited to anaplasmosis, babesiosis, bartonellosis, and ehrlichiosis.

Said study shall include, but not be limited to, a cost-benefit analysis of: (i) conducting a Lyme disease public health clinical screening study in high risk regions; (ii) developing education materials and training resources for detecting signs and symptoms of tick-borne illnesses in school-aged populations, to be used by clinical providers and school health personnel (iii) statewide surveillance and

testing for tick-borne diseases in both *Ixodes scapularis* (black-legged deer tick) and *Amblyomma americanum* (Lone Star) ticks, and (iv) educating the medical community about research on all aspects of Lyme, both acute and chronic. The commission shall also investigate the availability of grants and federal funds for the study of Lyme disease and other tick-borne diseases to determine if future action is feasible and warranted to support Lyme and tick-borne diseases research in the Commonwealth. (v) The Commission shall review mandatory reporting procedures to promote improved compliance both for CDC-positive and clinically diagnosed cases of Lyme disease and associated tick-borne co-infections.

Said commission shall consist of: 3 members of the Senate, 1 of whom shall be appointed by the Senate Minority Leader; 3 members of the House of Representatives, 1 of whom shall be appointed by the House Minority Leader; the Commissioner of the Department of Public Health or a designee; the Commissioner of the Division of Health Care Finance and Policy or a designee, 3 members of local boards of health from different Lyme endemic areas of the state; the Director of the State Laboratory Institute or a designee; the State Epidemiologist or a designee; and 4 members to be appointed by the Governor, 1 of whom shall be a physician specialized in infectious disease, 1 of whom shall be a professional member of the International Lyme and Associated Diseases Society, and 2 members who shall be considered experts in the treatment or research of Lyme disease. Additionally, there shall be 4 public members, 2 of whom shall be patients or family members of patients; and 2 shall be members of Lyme and other tick-borne diseases organizations representing diverse regions across the state. One patient shall be appointed by the Senate, one patient by the House of Representatives and the 2 members of Lyme & other tick-borne diseases organizations shall be appointed by the Governor.

Said commission shall report to the Senate and House of Representatives the results of its investigation and study, together with drafts of legislation, if any, necessary to carry its recommendations into effect, by filing the same with the clerks of the Senate and House of Representatives, who shall forward the same to the Joint Committee on Public Health and the House and Senate Committees on Ways and Means by April 1, 2012.”.

After debate on the question on adoption of the amendments, Mr. Honan of Boston move to amend them in proposed item 4590-1507 by striking out the figures “1,500,000” and inserting in place thereof the figures “1,700,000”.

The further amendment was adopted.

On the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays at the request of Mr. Sánchez of Boston ; and on the roll call 155 members voted in the affirmative and 2 in the negative.

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

Therefore the amendments, as amended, were adopted.

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

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 127 members voted in the affirmative and 30 in the negative.

**[See Yea and Nay No. 50 in Supplement.]**

Therefore Rule 1A was suspended.

Mrs. Haddad of Somerset being in the Chair,—

Mr. Walsh of Boston and other members of the House then moved to amend

Amendments  
(Public Health)  
adopted,—  
yea and nay  
No. 49.

Suspension  
of Rule 1A.

Rule 1A  
suspended,—  
yea and nay  
No. 50.

the bill by striking out section 46 (as printed) and inserting in place thereof the following [A] seven sections:

“SECTION 45. Section 19(a) of Chapter 32B is hereby amended by striking out the first and third sentences of paragraphs 1, paragraph 2, paragraph 4 and the second sentence of paragraph 5 and inserting in place of the first sentence of paragraph 1 the following:—

Notwithstanding any other provision of this chapter, after July 1, 2011, the appropriate public authority of a political subdivision which has undertaken to provide health insurance coverage to its subscribers by acceptance of any other section of this chapter shall provide health insurance coverage to all its subscribers pursuant to this section by entering into contracts with health insurance carriers.

SECTION 45A. Paragraph (e) of Section 19 of Chapter 32B, as amended by sections 2 and 2A of chapter 377 of the acts of 2008, is further amended by striking the second sentence and inserting in place thereof the following two sentences: For any political subdivision that transfers its subscribers to the commission under subsection (e), notice shall be provided to the commission by the appropriate public authority not later than December 1 of each year and the transfer of subscribers to the commission shall take effect on the following July 1.

SECTION 45B. Section 19 of Chapter 32B is hereby amended by striking the last paragraph in subsection (e).

SECTION 45C. Section 2 of chapter 32B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after subsection (f) the following subsection:—

(f½) “Health Reimbursement Account”, a federally-recognized tax-exempt health benefit program that allows an employer to reimburse qualified medical expenses paid by subscribers.

SECTION 45D. Said section 19 of said chapter 32B, as so appearing, is hereby amended by adding the following subsection (j):—

( j) (1) Given the severe fiscal crisis facing the commonwealth and municipalities, this section shall allow municipalities to achieve cost savings on municipal group health insurance provided pursuant to G.L. c. 32B.

(2) The secretary of administration and finance shall promulgate regulations requiring the group insurance commission to submit to the secretary the actuarial value of a) the non-medicare plan provided by the commission which has the largest subscriber enrollment at the start of the fiscal year beginning fiscal year 2012 through fiscal 2014 which shall be the group insurance commission non-medicare actuarial benchmark, and b) the actuarial value of the medicare extension plan provided by the commission which has the largest subscriber enrollment at the start of the fiscal year beginning fiscal year 2012 through fiscal 2014 which shall be the group insurance commission medicare extension actuarial benchmark.

(3) Notwithstanding any special or general law to the contrary, after July 1, 2011, a political subdivision may, in order to achieve reductions in health care expenditures, elect to engage in a one time process through coalition bargaining pursuant to section 19. Municipalities shall notify each exclusive bargaining representative of the determination that it desires to engage in this process to reduce health insurance costs. The municipality shall convene a meeting of its appropriate authority and the public employee committee under the provisions of subsection (a) of section 19.

(4) The appropriate authority and the public employee committee shall negotiate a section 19 agreement which shall determine whether to transfer subscribers to the group insurance commission or how the plan or plans will be

modified to reduce the actuarial value of its health care plan or plans, provided however, that the actuarial value of the negotiated plan or plans shall be no lesser than the group insurance commission actuarial benchmark or the group insurance commission medicare extension actuarial benchmark.

(5) The parties shall negotiate over how the resulting cost savings shall be shared. Cost savings for purposes of this subsection shall mean the decrease in the political subdivision's share of the total premium costs for the fiscal year beginning July 1, 2011 Not less than one fourth of the cost savings shall be returned to the political subdivision's general operating budget; provided, further that not less than one fourth of the cost savings realized shall be returned to the subscribers in the form of: premium reductions, premium contributions paid by the political subdivision, health reimbursement accounts, wellness programs, health care trust funds for emergency medical care or inpatient hospital care, Medicare Part B reimbursements or other qualified medical expenses, as determined through negotiation.

(6) If the appropriate public authority and public employee committee have not reached an agreement within 45 days after their first meeting, any unresolved issues shall be submitted to an arbitrator with expertise in municipal health benefits selected by the parties under the rules of the American Arbitration Association.

The form of arbitration shall be last best offer, issue by issue. The arbitrator shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, production of books, records and other evidence relative to or pertinent to the issues. The cost of arbitration shall be shared equally by the appropriate public authority and the public employee committee. Any person acting as an arbitrator under this section, shall not be required by any administrative, arbitration or non-criminal judicial tribunal to disclose any files, records, documents, notes or other papers or be required to testify with regard to any information obtained while functioning as an arbitrator under this subsection.

The arbitrator shall issue a decision not later than 45 days after the unresolved issues are submitted to the arbitrator. In reaching a decision, the arbitrator shall decide any issues concerning the section 19 agreement not resolved by the parties, including how the remaining cost savings shall be shared, which shall include savings for the political subdivision and for subscribers. In reaching a decision, the arbitrator shall consider the political subdivision's ability to pay, existing premium contribution ratios between the appropriate authority and the subscribers, intended use of savings by the political subdivision, any historical negotiations or concessions by retirees on benefits, and the historical negotiations on benefits and salary including total compensation and all other evidence.

The arbitrator's decision, if supported by material and substantive evidence on the whole record shall be, binding upon the parties, unless the decision of the arbitrator is rejected by the legislative branch of the municipality by a two-thirds vote within 30 days. If the political subdivision rejects the decision of the arbitrator, the political subdivision shall not implement any changes authorized under paragraph (4).

(7) Any such agreement reached pursuant to this subsection shall remain in effect through June 30, 2014 and the parties shall then negotiate a successor agreement regarding subscribers' group health insurance pursuant to section 19.

SECTION 45E. Chapter 32B is hereby amended by adding the following section:—

Section 21. Notwithstanding any other provisions of this chapter or Chapter 32A, a political subdivision which transfers its subscribers to the commission,

reduces the actuarial value of the health care plans under subsection (j) of section 19, may provide health reimbursement accounts to reimburse subscribers for qualified medical expenses. Qualified medical expenses may include, but shall not be limited to, out-of-pocket costs such as inpatient and outpatient copayments, calendar year deductibles, office visit copayments and prescription drug copayments.

SECTION 45F. Section 8 of Chapter 32A is hereby amended by striking out paragraphs 1 and 2 and substituting the following:—

Section 8. For policies of group life insurance and accidental death and dismemberment insurance, and group health insurance purchased by the commission in accordance with the provisions of sections four, five and ten C, and for self-insured health coverage provided by the commission in accordance with the provisions of section 4A, the commonwealth, on behalf of active and retired employees and their dependents, shall contribute no less than seventy-five per cent of the total monthly premium or rate applicable to said coverages and the active and retired employees on behalf of themselves or themselves and their dependents shall contribute the remaining twenty-five per cent of the total monthly premium or rate, except, that upon approval by way of an annual appropriation act, the commonwealth may contribute more than seventy-five per cent but less than the entire total monthly premium or rate. The annual appropriation act shall provide the necessary annual sum to be funded by the commonwealth based upon the estimated monthly cost as required by sections four and four A and the estimated monthly cost for coverages contained in other sections of this chapter and shall describe the ratio of contribution to be paid by the commonwealth and by the active and retired employees insured under sections of this chapter. The adoption of the annual appropriation act establishing the annual contribution ratios for active and retired employees and their dependents shall be deemed to establish and to have established a contractual relationship under which employees, retirees and their dependents are entitled to contractual rights and benefits, including the coverage and benefits provided, the contribution ratios established in the annual appropriation act, the schedule of co-pays and deductibles and other terms upon which the total premium cost of each plan and the contribution ratios established in the annual appropriation act were based, and, notwithstanding the provisions of chapter twenty-nine, no amendments or alterations shall be made that will deprive any employee or retiree of their rights and benefits thereunder, including municipal subscribers, during the fiscal year covered by the annual appropriation act.

With respect to any period of insurance authorized by this chapter which is in effect for an active employee and dependent, there shall be withheld from each payment of salary or wages no more than twenty-five per cent of the aforesaid total monthly premium or rate, or, there shall be a lesser amount as provided in the annual appropriation act. With respect to any period of insurance authorized by this chapter which is in effect for a retired employee and dependent, there shall be withheld from each payment of pension or retirement allowance no more than twenty-five per cent of the aforesaid total monthly premium, or, there shall be withheld a lesser amount as provided in the annual appropriation act. The commonwealth shall contribute a share of any additional premium which may be required for coverage of an employee's dependent child who is nineteen years of age or over and mentally or physically incapable of earning his own living, such share equaling the same ratio as that paid on behalf of an active or retired employee and dependent.”.

Pending the question on adoption of the amendment, Mr. Dempsey of

Haverhill moved to amend it by striking out the text of said amendment [at “A”] and inserting in place thereof the following:

“section:

SECTION 45. Said chapter 32B of the General Laws, as so appearing, is hereby further amended by inserting the following section:—

Section 19A. (a) Notwithstanding the provisions of this chapter or any other general or special law to the contrary, an appropriate public authority of a political subdivision which has undertaken to provide health insurance coverage to its subscribers by acceptance of any other section of this chapter may include, as part of the health plans that it offers to its subscribers, co-payments, deductibles, tiered provider network co-payments and other plan design features that are no greater in dollar amount than the co-payments, deductibles, tiered provider network co-payments and other plan design features offered by the commission pursuant to section 4 or 4A of chapter 32A in a plan with the largest subscriber enrollment. For purposes of this section, the term “subscribers” shall mean employees, retirees, surviving spouses and dependents of the political subdivision and may include employees, retirees, surviving spouses and dependents of a district who previously received health insurance benefits through the political subdivision accepting this section; and, for the purposes of this section, “point of service” shall mean a plan offered by an appropriate public authority and shall be considered to fall within a preferred provider organization class. This section shall take effect in a political subdivision upon its acceptance in the following manner: in a county, except Worcester county, by a vote of the county commissioners; in a city having Plan D or a Plan E charter, by majority vote of the city council and approval by the manager; in any other city, by majority vote of the city council and approval by the mayor; in a town, by vote of the board selectmen; in a regional school district, by vote of the regional district school committee; and in all other districts, by vote of the registered voters of the district at a district meeting.

(b) Upon acceptance of this section, the appropriate public authority shall evaluate its health insurance coverage and determine the cost savings that may be realized after the first year of implementation of plan design changes or upon transfer of its subscribers to the commission. The appropriate public authority shall then notify its insurance advisory committee, or such committee’s regional or district equivalent, of the estimated savings and provide any reports or other documentation with respect to the determination of said savings as requested by the insurance advisory committee. Upon the agreement by the insurance advisory committee as to the estimated cost savings, the appropriate public authority shall deposit 10 per cent of the estimated cost savings into an escrow account.

(c) The appropriate public authority shall convene a meeting with a representative from each of the collective bargaining units to which the authority provides coverage and a retiree representative, hereafter called the public employee committee, and submit the proposal for plan design changes or a transfer to the commission. The proposal shall include details of changes to current plan design features and a cost savings estimate. The appropriate public authority and the public employee committee shall have 30 days to discuss the details of the proposal put forth by the appropriate public authority and negotiate the use of the 10 per cent cost savings realized by the governmental unit; provided, however, that the savings shall only be used for health related programs in the first year of implementation of plan design or transfer to the commission; provided further, that a percentage of the savings must address costs incurred by retirees as a result of the implementation of this section. At the conclusion of the 30 day period, and upon consent to the plan

design proposal by the public employee committee, as submitted by the appropriate public authority or modified during the meeting, the 10 per cent savings deposited in escrow shall be disbursed in accordance with the terms of the agreement. If no agreement is reached between the parties, then the original plan design proposal or proposal to transfer to the commission submitted by the appropriate public authority shall be implemented by the appropriate public authority who shall establish an HRA to offset costs for high utilizers and retirees to be funded by 20 per cent of the estimated cost savings established under subsection (c).

(d) An appropriate public authority may increase the dollar amounts for co-payments, deductibles, tiered provider network co-payments and other plan design features; provided that such features do not exceed other plan design features offered by the commission pursuant to section 4 or 4A of chapter 32A in a plan with the largest subscriber enrollment. Nothing herein shall prohibit an appropriate public authority from including in its health plans higher co-payments, deductibles or tiered provider network co-payments or other plan design features than those authorized by the preceding paragraphs of this section; provided, however, such higher co-payments, deductibles, tiered provider network co-payments and other plan design features may be included only after the governmental unit has satisfied any bargaining obligations pursuant to chapter 150E.

(e) The decision to accept and implement the provisions of this section shall not be subject to bargaining pursuant to chapter 150E or section 19 of chapter 32B. Nothing in this section shall preclude the implementation of plan design changes pursuant to this section in communities that have adopted section 19 of this chapter or by the governing board of a joint purchasing group established pursuant to section 12.

(f) Nothing in this section shall relieve an appropriate public authority from providing health insurance coverage to a subscriber to whom it has an obligation to provide coverage under any other provision of this chapter.

(g) After a meeting with public employee committee has adjourned, the appropriate public authority who has elected to transfer its subscribers shall notify the commission that it will transfer all subscribers for whom it provides health insurance coverage to the commission. The notice shall be provided to the commission by the appropriate public authority on or before December 1 of each year and the transfer of subscribers to the commission shall take effect on the following July 1. On the effective date of the transfer, the health insurance of all subscribers, including elderly governmental retirees previously governed by section 10B of chapter 32A and retired municipal teachers previously governed by section 12 of chapter 32A, shall be provided through the commission for all purposes and governed under this section. As of the effective date and for the duration of this transfer, subscribers transferred to the commission's health insurance coverage shall receive group health insurance benefits determined exclusively by the commission and the coverage shall not be subject to collective bargaining, except for contribution ratios which shall be determined by a written agreement between the appropriate public authority of a governmental unit and the collective bargaining units pursuant to this chapter and chapter 150E.

Subscribers transferred to the commission who are eligible or become eligible for Medicare coverage shall transfer to Medicare coverage, as prescribed by the commission. In the event of transfer to Medicare, the political subdivision shall pay any Medicare part B premium penalty assessed by the federal government on retirees, spouses and dependents as a result of enrollment in Medicare part B at the time of transfer into the Medicare health benefits supplement plan. For each

subscriber's premium and the political subdivision's share of that premium, the subscriber and the political subdivision shall furnish to the commission, in such form and content as the commission shall prescribe, all information the commission deems necessary to maintain subscribers' and covered dependents' health insurance coverage. The appropriate public authority of the political subdivision shall perform such administrative functions and process such information as the commission deems necessary to maintain those subscribers' health insurance coverage including, but not limited to, family and personnel status changes, and shall report all changes monthly to the commission. In the event that a political subdivision transfers subscribers to the commission under this section, subscribers may be withdrawn from commission coverage at 3 year intervals from the date of transfer of subscribers to the commission.

The decision and notice to withdraw shall be made by October 1 of the year prior to the effective date of withdrawal. All withdrawals shall be effective on July 1 following the political subdivision's notice to the commission and the political subdivision shall abide by all commission requirements for effectuating such withdrawal, including the notice requirements in this subsection. In the event a political subdivision withdraws from commission coverage under this section, such withdrawal shall be binding on all subscribers, including those subscribers who, prior to the transfer to the commission, received coverage from the commission under sections 10B and 12 of chapter 32A and, after withdrawal from the commission, those subscribers who received coverage from the commission under said sections 10B and 12 of said chapter 32A shall not pay more than 25 per cent of the cost of their health insurance premiums.

In the event of withdrawal from the commission, the political subdivision and public employee unions shall return to governance of negotiations of health insurance under chapter 150E and this chapter.

(h) To the extent authorized under chapter 32A, the commission shall provide group coverage of subscribers' health claims incurred after transfer to the commission. The claim experience of those subscribers shall be maintained by the commission in a single pool and combined with the claim experience of all covered state employees and retirees and their covered dependents, including those subscribers who previously received coverage under sections 10B and 12 of chapter 32A.

Notwithstanding any general or special law to the contrary, a political subdivision that self-insures its group health insurance plan under section 3A and has a deficit in its claims trust fund at the time of transferring its subscribers to the commission and the deficit is attributable to a failure to accrue claims which had been incurred but not paid may capitalize the deficit and amortize the amount over 10 fiscal years in 10 equal amounts, or on a schedule providing for a more rapid amortization. Except as provided otherwise herein, subscribers eligible for health insurance coverage pursuant to this section shall be subject to all of the terms, conditions, schedule of benefits and health insurance carriers as employees and dependents as defined by section 2 and commission regulations. The commission shall determine all matters relating to subscribers' group health insurance rights, responsibilities, costs and payments, excluding contribution ratios, and obligations, including, but not limited to, the manner and method of payment, schedule of benefits, eligibility requirements and choice of health insurance carriers and these matters shall be determined exclusively by the commission and shall not be subject to collective bargaining. The commission may issue rules and regulations consistent with this section and shall provide public notice of any proposed rules and

regulations and notice of thereof at the request of interested parties, together with an opportunity to review those rules and regulations and an opportunity to comment on those proposed rules and regulations in writing and at a public hearing; provided, however, that the commission shall not be subject to chapter 30A.

The commission shall negotiate and purchase health insurance coverage for subscribers transferred under subsection (e) and shall promulgate regulations, policies and procedures for coverage of the transferred subscribers. The schedule of benefits available to transferred subscribers shall be determined by the commission pursuant to chapter 32A. The commission shall offer those subscribers the same choice as to health insurance carriers and benefits as those provided to state employees and retirees. The political subdivision's contribution to the cost of health insurance coverage for transferred subscribers shall be as determined under this section, and shall not be subject to the provisions on contributions in said chapter 32A. Any change to the premium contribution ratios shall become effective on July 1 of each year, with notice to the commission of such change not later than January 15 of the same year.

A political subdivision that transfers subscribers to the commission shall pay the commission for all costs of its subscribers' coverage, including administrative expenses, and the governmental unit's cost of subscribers' premium. The commission shall determine on a periodic basis the amount of premium which the political subdivision shall pay to the commission. If the political subdivision unit fails to pay all or a portion of these costs according to the timetable determined by the commission, the commission may inform the state treasurer who shall issue a warrant in the manner provided by section 20 of chapter 59 requiring the respective political subdivision to pay into the treasury of the commonwealth as prescribed by the commission the amount of the premium and administrative expenses attributable to the political subdivision. The state treasurer shall recoup any past due costs from the political subdivision's cherry sheet under section 20A of chapter 58 and transfer that money to the commission. If a governmental unit fails to pay to the commission the costs of coverage for more than 90 days and the cherry sheet provides an inadequate source of payment, the commission may, at its discretion, cancel the coverage of subscribers of the political subdivision. If the cancellation of coverage is for nonpayment, the political subdivision shall provide all subscribers health insurance coverage under plans which are the actuarial equivalent of plans offered by the commission in the preceding year until there is an agreement with the public employee committee providing for replacement coverage.

The commission may charge the political subdivision an administrative fee, which shall not be more than 1 per cent of the cost of total premiums for the political subdivision, to be determined by the commission which shall be considered as part of the cost of coverage for purposes of determining the contributions of the political subdivision and its employees to the cost of health insurance coverage by the commission.

(i) If there is a withdrawal from the commission under this section, all retirees, their spouses and dependents insured or eligible to be insured by the political subdivision, if enrolled in Medicare part A at no cost to the retiree, spouse or dependents, shall be required to be insured by a Medicare extension plan offered by the political subdivision under section 11C or section 16. A retiree shall provide the political subdivision, in such form as the political subdivision shall prescribe, such information as is necessary to transfer to a Medicare extension plan. If a retiree does not submit the information required, the retiree shall no longer be eligible for the retiree's existing health insurance coverage. The political subdivision may from

time to time request from a retiree, a retiree's spouse and dependents, proof certified by the federal government of the retiree's eligibility or ineligibility for Medicare part A and part B coverage. The political subdivision shall pay the Medicare part B premium penalty assessed by the federal government on those retirees, spouses and dependents as a result of enrollment in Medicare part B at the time of transfer into the Medicare health benefits supplement plan.”

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. Walsh of Boston; and on the roll call 113 members voted in the affirmative and 42 in the negative.

**[See Yea and Nay No. 51 in Supplement.]**

[Representatives Smizik of Brookline and Straus of Mattapoisett answered “Present” in response to their names.]

Therefore the further amendment was adopted, thus precluding a vote on the pending amendment. Mr. Dempsey of Haverhill moved that this vote be reconsidered; and the motion to reconsider was negated.

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

“SECTION 130. Notwithstanding any general or special law to the contrary, any unexpended and unencumbered balances of appropriations on June 30, 2011 shall be distributed to cities and towns in accordance with the distribution of the balance of the State Lottery Fund, as stipulated in section 3 of this act; provided however, the distribution authorized herein shall be equal to 50% of the aggregate balances of appropriations on June 30, 2011, or \$65,000,000, whichever is less. The distribution authorized in this section shall be executed not later than October 31, 2011.”

The amendment was adopted.

Mr. Dempsey of Haverhill and other members of the House then moved (consolidated education and local aid) to amend the bill in section 2

By inserting after item 1233-2400 the following item:

1233-2401 For reimbursements to certain cities and towns for additional educational costs pursuant to chapter 40S of the general laws, provided further that cities and towns eligible for funding in fiscal year 2010 shall be reimbursed.....\$363,699”;

In item 1599-0026, in line 5, by inserting after the word “municipalities” the following: “; provided, that the secretary of administration and finance shall consider the feasibility of utilizing funds authorized through this line item for grants to regional school districts”, and by adding at the end of said item the following: “; and provided further, that not less than \$2,000,000 shall be expended to fund the District Local Technical Assistance Fund, including projects that encourage regionalization, to be administered by the division of local services and distributed through the District Local Technical Assistance Fund, established in section 2XXX of chapter 29 of the General Laws

In item 3000-5000, in lines 2 to 5, inclusive, by striking out the words “; provided further, that support of program quality may include the alignment of funding for Head Start programs with development of a Quality Rating and Improvement System (QRIS)”;

In item 3000-7050, in line 13, by inserting after the word “programs” the words “; school readiness and family support programs”, and in line 23, by inserting after the word “item” the words “; provided further, that funds shall be expended for

Further amendment adopted,—yea and nay No. 51.

the home-based parenting, family literacy, and school readiness program known as the parent-child home program”

In item 7000-9401, in line 12, by striking out the word “thirty-five” and inserting in place thereof the words “thirty-five and nine tenths”;

By adding at the end of item 7010-0012 the following: “; provided further, that the secretary of education., shall report, no later than July 1, 2012, to the house and senate committees on ways and means on student achievement growth by METCO students relative to their peers in both sending and receiving districts and on the academic success of former METCO students who attended two and four year public colleges and universities in the commonwealth relative to their peers from both sending and receiving districts at said public institutions of higher education; including enrollment in remedial coursework, grade point averages, and college graduation rates; and provided further, that METCO, Inc., shall make available to the secretary of education information necessary to complete said report”, and in said item by striking out the figures “\$16,142,582” and inserting in place thereof the figures “\$17,642,582”;

By adding at the end of item 7035-0006 the following: “; provided further, that the department of elementary and secondary education shall report to the house and senate committees on ways and means no later than February 1, 2012, on the cost of providing 100% reimbursement for out-of-district transportation expenses to communities hosting homeless families in hotels and motels”;

In item 7061-0012, in lines 13 and 14, by striking out the words “funds available to the department of developmental services for the voluntary residential placement” and inserting in place thereof the following: “no less than \$6,500,000 available to the department of developmental services for the voluntary residential placement prevention”;

By adding at the end of item 7061-9010 the words “; and provided further, that the Department may retain not more than one percent of tuition payments to charter schools for the administration of the charter school program”;

In item 7061-9404, in line 21 by striking out the following: “2012, inclusive, who have completed high school” and inserting in place thereof the following: “2014, inclusive, who may have completed all other high school requirements”, in line 25 by striking out the following: “the English and math MCAS tests” and inserting in place thereof the following: “the English, math, and Science, Technology, and Engineering MCAS tests”, in line 28 by inserting after the word “programs” the following: “; provided further, that not less than \$200,000 shall be expended for JFY Networks for the purposes of enhancing student performance and addressing achievement gaps through the use of instructional software, teacher training, and support, in line 29 by striking out the words “a competitive grant program” and inserting in place thereof the words “competitive grants”, in line 30 by striking out the words “eleventh and twelfth graders” and inserting in place thereof the following: “students in the graduating classes of 2003-2015”, in line 44 by inserting after the words “MCAS exams” the following: “or level 1 on Science, Technology and Engineering MCAS”, in line 47 by striking out the words “English and math” and inserting in place thereof the words “English, math and Science, Technology and Engineering”, and by striking out the figures “\$9,094,805” and inserting in place thereof the figures “\$9,575,175”;

By adding at the end of item 7061-9408 the following: “; and provided further, that in carrying out the provisions of this item, the department may contract with vendors that have an established record of working with schools to target and enhance middle school academic support services, provided the department shall

give priority to programs that have the capacity to serve not less than 25% of a district's middle school population, make available documentation of a minimum of \$1 in private sector local or federal funds for every \$1 in state funds, extend the learning day for students on site in the same building where students attend school during the day by a minimum of 10 hours per school week, provided further, said programs shall have conducted at least one independent longitudinal study demonstrating gains in student performance in any of the following areas; MCAS scores, school attendance, student grades, or long-term high school graduation rates, teach students in groups with ratios no larger than one to eighteen, integrate an extended school faculty which includes an on-site leader, and further, said program shall develop data sharing agreements and MOUs with middle schools to ensure the timely and effective sharing of grade progress and other formative or diagnostic measurement of student progress", and in said item by striking out the figures "\$6,740,746" and inserting in place thereof the figures "\$7,692,193";

In item 7061-9601 by striking out the figures "\$1,265,038" and inserting in place thereof the figures "\$1,367,409";

By inserting, after item 7061-9611 the following item:

"7061-9614 For the alternative education grant program established pursuant to section 1N of chapter 69 of the General Laws; provided, that the commissioner shall allocate funds for both subsections (a) and (b) of said section 1N of said chapter 69; and provided further, that no funds shall be expended for personnel costs.....\$146,140";

By inserting, after item 7061-9619 the following item:

"7061-9626 For grants and contracts with YouthBuild programs for the purposes of providing comprehensive YouthBuild services.....\$1,300,000";

In item 7061-9804, in line 3, by inserting after the word "preparation" the following: "; provided further, that not less than \$400,000 shall be expended on a program which shall provide advanced placement math, science and English teacher training in at least 40 school districts, provided that such program shall provide a matching amount of at least \$400,000 in private funding; and provided further, that the department shall deliver to the legislature an independent evaluation of the program and its impact on student achievement, particularly as it relates to closing achievement gaps", and in said item by striking out the figures "\$353,227" and inserting in place thereof the figures "\$753,227";

By inserting after said item 7061-9804 the following item:

"7061-9810 For regional bonus aid pursuant to M.G.L. Chapter 71 Section 16(D)(g).....\$300,000";

In item 7061-9634 by striking out the figures "\$100,000" and inserting in place thereof the figures "\$250,000";

By inserting after item 7066-0024 the following item:

"7066-0025 For the performance management set aside incentive fund for the University of Massachusetts, the state universities, and the community colleges; provided, that these funds shall be distributed by the department of higher education to public institutions of higher education through a competitive grant process based on priorities determined by the department in pursuit of goals

articulated in the commonwealth's Vision  
Project.....\$2,500,000”;

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

In item 7077-0023 by striking the figures “\$1,000,000” and inserting in place thereof the figures “\$2,000,000”; and

By adding at the end of item 7100-0200 the following: “; and provided further, that funds may be expended for the UMass Extension, and for the statewide 4-H program”;

By adding at the end of section 2E the following item:

“7066-0035 For the support of the science, technology, engineering, and mathematics grant fund established by section 2MMM of chapter 29 of the General Laws.....\$500,000”;

In section 46 by inserting after paragraph (d) the following paragraph:

“(e) The governing board of a joint purchase group established pursuant to section 12 of this chapter may make the same changes to the plan design features of the health plans that it offers to its governmental unit members’ subscribers as the appropriate public authority of a governmental unit is authorized to make to that governmental unit’s health plans pursuant to subsection (a) and (b). The governmental unit members of such joint purchase group shall not be required to bargain over the decision to make such changes to their subscribers’ health plans.”; and

By adding the following four sections:

“SECTION 131. Section 2 of chapter 32B of the General Laws is hereby amended by inserting, in line 5, as so appearing, after the word ‘and’ the following words:— joint purchasing groups established pursuant to section 12 of this chapter, and.

SECTION 132. Said section 2 of said chapter 32B of the General Laws is hereby further amended by adding the following definitions:—

‘Health care flexible spending account’, a federally recognized tax exempt health benefit program that allows an employee to set aside a portion of earnings to pay for qualified expenses as established in an employer’s benefit plan.

‘Health reimbursement arrangement’ or ‘HRA’, a federally recognized tax exempt health benefit program funded solely by an employer to reimburse employees for qualified medical expenses.

SECTION 133. Chapter 32B of the General Laws, as so appearing, is hereby amended by adding the following sections:—

Section 21. An appropriate public authority of a political subdivision which has undertaken to provide health insurance coverage to its subscribers by acceptance of any section of this chapter shall conduct an enrollment audit not less than once every 2 years. Said enrollment shall be completed in order to ensure that members are appropriately eligible for coverage.

Section 22. An appropriate public authority of a political subdivision which has undertaken to provide health insurance coverage to its subscribers by acceptance of any section of this chapter shall provide health care flexible spending accounts to allow certain subscribers to set aside a portion of earnings to pay for qualified expenses including, but not limited to, inpatient and outpatient copayments, calendar year deductibles, office visit copayments and prescription drug copayments.

SECTION 134. Section 92 of Chapter 71 of the General Laws, as appearing in

the 2008 Official Edition, is hereby amended by adding after subsection (p), the following subsections:—

(q) A school committee operating an Innovation School that is a virtual public school may vote to allow students who do not reside in the district to enroll in said school pursuant to chapter 76, section 12B, provided that such vote and policy is consistent with department of elementary and secondary education regulations governing enrollment at such schools; provided further, that any student so enrolled shall have no right to attend any other school operated by said school committee. Notwithstanding subsection (b), an Innovation School that is a virtual public school may receive each school year from the school committee less than the same per pupil allocation as any other district school receives.

The amendments were adopted.

*Recess.*

At ten minutes after eleven o'clock P.M. (Tuesday, April 26), on motion of Mr. Dempsey of Haverhill (Mrs. Haddad of Somerset being in the Chair), the House recessed until the following day at half past eleven o'clock A.M.; and at that time the House was called to order with Mr. Donato of Medford in the Chair.