

Monday, April 27, 2009.

Met according to adjournment, at twelve o'clock noon, 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:

Prayer. Gracious God, today we begin a new, significant and especially difficult legislative workweek. As we evaluate and discuss in a fair, realistic and objective manner House bill 4100, we depend upon Your gifts of wisdom and courage which enable us to make right and ethical decisions. Your guidance also helps us to select the most appropriate legislative options which are open to us. In these times of limited financial resources, may we have a meeting of minds and hearts as we together try to resolve the most fundamental, sensitive and emotional issues before us. Teach us to be aware of the facts that we are all citizens of the Commonwealth, the common good should be a common goal for all and our personal financial agenda items may have to wait for another year.

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. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement of Representative Gobi of Spencer.

A statement of Ms. Gobi of Spencer was spread upon the records of the House, as follows:

Statement of Representative Gobi of Spencer. MR. SPEAKER: I would like to call to the attention of the House the fact that I may be unable to be present in the House Chamber for a portion of today's sitting due to illness. My missing of roll calls today will be due entirely to the reason stated.

Recess.

Recess. At four minutes after twelve o'clock noon, on motion of Mr. O'Flaherty of Chelsea (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past twelve o'clock; and at six minutes before one o'clock P.M. the House was called to order with Mr. Petrolati in the Chair.

Message from the Governor.

Economy,—broadband recovery initiatives. A message from His Excellency the Governor recommending legislation relating to economic recovery through broadband initiatives in Massachusetts (House, No. 4076) was filed in the office of the Clerk on Friday, April 24.

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

Resolutions.

Resolutions (filed with the Clerk by Representatives Canavan of Brockton, Brady of Brockton and Creedon of Brockton) honoring the legacy of the late Rocky Marciano on the occasion of the dedication of the United States Postal Service Rocky Marciano Building, were referred, under Rule 85, to the committee on Rules.

Brockton,—Rocky Marciano Post Office.

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

Papers from the Senate.

Petitions were referred, in concurrence, as follows: Petition (accompanied by bill, Senate, No. 2043) of Stephen M. Brewer and Todd M. Smola (by vote of the town) for legislation relative to a betterment assessment in the town of Sturbridge. To the committee on Municipalities and Regional Government.

Sturbridge,—betterment assessments.

Petition (accompanied by bill, Senate, No. 2044) of Brian A. Joyce, Walter F. Timilty, Angelo M. Scaccia and Linda Dorcena Forry (by vote of the town) for legislation to provide an accidental disability retirement and medical benefits payment to Antonio Pickens. To the committee on Public Service.

Milton,—Antonio Pickens.

Reports of Committees.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to employees of the town of Westborough (House, No. 3796) be scheduled for consideration by the House.

Westborough,—employees.

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

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill to establish a supplementary tax rate in the town of Rockland (printed as House, No. 4050) be scheduled for consideration by the House.

Rockland,—tax rate.

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

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill providing for the preservation and improvement of land, parks, safety, and clean energy in the Commonwealth (House, No. 3667).

Preservation of land.

Fitchburg,—
conservation.

By the same member, for the same committee, on a petition a Bill authorizing the Department of Fish and Game to acquire conservation restrictions in and to lands owned by the city of Fitchburg (House, No. 3848).

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

Tanya M.
Dubois.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, a Bill establishing a sick leave bank for Tanya M. Dubois, an employee of the Trial Court (House, No. 1683). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bill.

Bill
enacted.

The engrossed Bill establishing a sick leave bank for Michael F. Harrington, an employee of the Department of Conservation and Recreation (see House, No. 2579) (which originated in the House), in respect to which the Senate had concurred in the adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Quorum Roll Call.

Quorum.

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

Quorum,—
yea and nay
No. 81.

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

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

Therefore a quorum was present.

Orders of the Day.

General
Appropriation
Bill.

The House Bill making appropriations for the fiscal year 2010 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4100) was considered, the main question being on ordering the bill to a third reading.

After remarks on the question on ordering the bill to a third reading, Mr. Jones of North Reading and other members of the House moved to amend the bill by inserting after section 23 (as published), the following section:

"SECTION 23A. Section 1 of chapter 124 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following new subsection:—

(v) adopt policies and procedures, in consultation with the county sheriffs, establishing an optional fee, of a maximum of \$5, to be paid by inmates for daily room and board at any county or state correctional facility. Based on an inmate's ability to pay, the commissioner or a county sheriff may charge each inmate a reasonable daily

room and board fee on a sliding scale. The commissioner of corrections may deduct such fee from the inmate's account as provided for in section 48A of chapter 127. Notwithstanding the foregoing provisions, room and board shall not be denied if the inmate is incapable of paying the daily room and board fee."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Jones; and on the roll call (Mrs. Haddad of Somerset being in the Chair) 60 members voted in the affirmative and 98 in the negative.

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

Therefore the amendment was rejected.

After debate on the question on ordering the bill to a third reading, Mrs. Peisch of Wellesley moved to amend it by inserting after section 38 (as published), the following section:

"SECTION 38A. Notwithstanding any general or special laws to the contrary, The Joint Committee on Revenue shall study all sales, corporate, and income tax deductions [A] and credits. The Committee will also study capital gains and dividends as it relates to State tax policy. The Committee shall issue a report no later than January 1, 2010 on its findings."

After debate on the question on adoption of the amendment, Mr. Jones of North Reading moved to amend the proposed new section [at "A"] by striking out the words "and credits" and inserting in place thereof the words "credits, and exemptions"; and the further amendment was adopted.

After remarks the amendment, as amended, then also was adopted.

Mr. Kaufman of Lexington then moved to amend the bill by inserting after section 12 (as published) the following two sections:

"SECTION 12A. Section 1 of chapter 62 of the General Laws is hereby amended by inserting after the numeral 72, in line 8, as appearing in the 2006 Official Edition, the following numeral:— 139C.

SECTION 12B. Paragraph (1) of subsection (d) of section 2 of said chapter 62, as so appearing, is hereby amended by adding the following clause:—

(P) The deduction described in section 163(e)(5) of the Code to the extent increased by amendments to section 163(e)(5)(F) and section 163(i)(1) inserted by section 1232 of the American Recovery and Reinvestment Act of 2009."; and by inserting after section 16 (as published) the following eleven sections:

"SECTION 16A. The definition of 'gross income' in section 1 of chapter 63 of the General Laws, as so appearing, is hereby amended by adding the following sentence:— Gross income shall be determined without regard to section 108(i) of the Code.

SECTION 16B. The definition of 'net income' in said section 1 of said chapter 63, as so appearing, is hereby amended by adding the following clause:—

(f) the deduction described in section 163(e)(5) of the Code to the extent increased by amendments to section 163(e)(5)(F) and section 163(i)(1) inserted by section 1232 of the American Recovery and Reinvestment Act of 2009.

Amendment
rejected,—
yea and nay
No. 82.

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SECTION 16C. Paragraph 3 of section 30 of chapter 63, as so appearing, is hereby amended by adding the following sentence:— Gross income shall be determined without regard to section 108(i) of the Code.

SECTION 16D. Paragraph 4 of said section 30 of said chapter 63, as so appearing, is hereby amended by adding the following clause:—

(vii) the deduction described in section 163(e)(5) of the Code to the extent increased by amendments to section 163(e)(5)(F) and section 163(i)(1) inserted by section 1232 of the American Recovery and Reinvestment Act of 2009.

SECTION 16E. Section 52A of said chapter 63 is hereby amended by inserting after the word 'exclusion', in line 28, as so appearing, the following words:— and without regard to section 108(i) of the Code.

SECTION 16F. Paragraph (b) of subsection (1) of said section 52A of said chapter 63, as so appearing, is hereby amended by adding the following clause:—

(vi) the deduction described in section 163(e)(5) of the Code to the extent increased by amendments to section 163(e)(5)(F) and section 163(i)(1), inserted by section 1232 of the American Recovery and Reinvestment Act of 2009.

SECTION 16G. Section 12A shall be effective for taxable years ending on or after January 1, 2009.

SECTION 16H. Sections 16A, 16C and 16E shall be effective for discharges in taxable years ending after December 31, 2008.

SECTION 16I. Sections 12B, 16B, 16D and 16F shall apply to obligations issued after August 31, 2008 in taxable years ending after that date.

SECTION 16J. Notwithstanding federal income tax treatment to the contrary, for purposes of chapters 62 and 63 of the General Laws, the rules of section 382 of the Internal Revenue Code shall be applied without regard to the treatment of a change in ownership of a bank or other corporation provided in Internal Revenue Service Notice 2008-83 or in any federal statutory or administrative codification, supplement, or implementation of such Notice. For purposes of said chapters 62 and 63, Internal Revenue Service Notice 2008-83 and any such codification, supplement, or implementation shall have no force or effect in any taxable year.

SECTION 16K. Notwithstanding federal income tax treatment to the contrary, for purposes of chapters 62 and 63 of the General Laws, section 382(n) of the Internal Revenue Code, inserted by the American Recovery and Reinvestment Act of 2009, shall have no force or effect in any taxable year."

After remarks the amendments were adopted.

Recesses.

Pending the question on ordering the bill, as amended, to a third reading, at ten minutes after three o'clock P.M., on motion of Mr. Galvin of Canton (Mrs. Haddad of Somerset being in the Chair), the House recessed until half past four o'clock; and at twenty-three minutes before five o'clock P.M. the House was called to order with Ms. Haddad in the Chair.

The House thereupon took a further recess, on motion of Mr. Pedone of Worcester, until half past five o'clock; and at eighteen minutes before six o'clock the House was called to order with Mrs. Haddad in the Chair.

The House thereupon took a further recess, on further motion of Mr. Pedone, until the hour of seven o'clock; and at that time the House was called to order with Mr. Vallee of Franklin in the Chair.

The Chair (Mr. Vallee) then declared a recess subject to the call of the Chair; and at twenty minutes after seven o'clock P.M. the House was called to order with Mrs. Haddad of Somerset in the Chair.

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

Quorum.

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

Quorum roll call,— yea and nay No. 83.

[See Yea and Nay No. 83 in Supplement.]

Therefore a quorum was present.

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

MADAM SPEAKER: During the taking of the previous roll call, I was not recorded due to being on official business in another part of the State House.

Statement of Representative Cantwell of Marshfield.

Mr. Rodrigues of Westport then moved to amend the bill [A] by striking out sections 13, 14 and 15.

Pending the question on adoption of the amendment, the same member moved to amend it [at "A"] by striking out the text thereafter and inserting in place thereof the following:—"in section 15 by striking out lines 9 to 14, inclusive, and inserting in place thereof the following:

- (i) the date that the tax credit was awarded;
- (ii) the type and amount of the tax credit awarded to each taxpayer and, if applicable, each project; and
- (iii) the employment data provided by each taxpayer pursuant to subsection (b)."

After remarks the further amendment was adopted. Mr. Rodrigues moved that this vote be reconsidered; and the motion to reconsider prevailed.

On the recurring question, the further amendment was rejected.

The amendment offered by Mr. Rodrigues then also was rejected.

Mr. Bosley of North Adams then moved to amend the bill by [A] adding the following two sections:

"SECTION 43. Subsection (o)(4) of section 6 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out the following: '90' and inserting in place thereof the following:— 100.

SECTION 44. Subsection (d) of section 38Z of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out the following: '90' and inserting in place thereof the following:— 100."

Pending the question on adoption of the amendment, Mr. Bosley and other members of the House moved to amend it [at A] by striking out the text thereafter and inserting in place thereof the following:— inserting after section 12B (inserted by amendment) the following two sections:

"SECTION 12C. Paragraph (4) of subsection (o) of section 6 of chapter 62 of the General Laws, as appearing in section 3 of chap-

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ter 310 of the acts of 2008, is hereby amended by striking out the number '90' and inserting in place thereof the following number:— 100.

SECTION 12D. Section 6L of chapter 62 of the General Laws is hereby amended by striking out subsections (a) and (b), as amended by section 4 of chapter 310 of the acts of 2008, and inserting in place thereof the following two subsections:—

(a) This section shall apply to credits earned under subsection (l) of section 6.

(b) At the written election of a taxpayer entitled to a credit under subsection (1) of section 6, the commissioner shall apply the credit against the liability of the taxpayer as determined on its return, as first reduced by any other available credits, and shall then refund to the taxpayer 90 per cent of the balance of the credits.”; and by inserting after section 15 the following two sections:

“SECTION 15A. Section 32E of chapter 63 of the General Laws is hereby amended by striking out subsections (a) and (b), as amended by section 5 of said chapter 310, and inserting in place thereof the following two subsections:—

(a) This section shall apply to credits earned under section 38T.

(b) At the written election of a taxpayer entitled to a credit under section 38T, the commissioner shall apply the credit against the liability of the taxpayer as determined on its return, as first reduced by any other available credits, and shall then refund to the taxpayer 90 per cent of the balance of credits.

SECTION 15B. Subsection (d) of section 38Z of chapter 63 of the General Laws, as appearing in section 6 of chapter 310 of the acts of 2008, is hereby amended by striking out the number '90' and inserting in place thereof the following number:— 100.”.

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. Bosley of North Adams; and on the roll call 158 members voted in the affirmative and 1 in the negative.

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

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

Ms. Balsler of Newton and other members then moved to amend the bill by adding the following section:

“SECTION 43. Section 2 of chapter 64H of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 3, the word 'five' and inserting in place thereof the following word:— six”[A].

Pending the question on adoption of the amendment, Ms. Balsler moved that it be amended by adding [after “A”] the following:— ; and that the bill be amended by adding after section 15B (inserted by amendment) the following four sections:

“SECTION 15C. Section 2 of chapter 64H of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the word 'five', and inserting in place thereof the following figure:— 6.25.

SECTION 15D. Chapter 64H of the General Laws is hereby amended by striking out section 4, as so appearing, and inserting in place thereof the following:—

Section 4. For the purpose of adding and collecting the tax imposed by this chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof, to be reimbursed to the vendor by the purchaser, the following formula shall be in force and effect as follows:—

Amount of Sale	Amount of Tax
\$0.01 to \$0.07 inclusive	No tax
\$0.08 to \$0.23 inclusive	1 cent
\$0.24 to \$0.39 inclusive	2 cents
\$0.40 to \$0.55 inclusive	3 cents
\$0.56 to \$0.71 inclusive	4 cents
\$0.72 to \$0.87 inclusive	5 cents
\$0.88 to \$1.03 inclusive	6 cents

In addition to a tax of 6.25 cents on each full dollar, a tax shall be collected on each part of a dollar in excess of a full dollar in accordance with the above formula. The tax shall be rounded to a whole cent, rounding up to the next cent whenever the computed tax contains one-half of a cent or greater.

SECTION 15E. Said section 4 of said chapter 64H of the General Laws, as so appearing, is hereby further amended by striking out, in line 13, the word 'five' and inserting in place thereof the following figure:— 6.25.

SECTION 15F. Section 2 of chapter 64I of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the word 'five', and inserting in place thereof the following figure:— 6.25.”; by inserting after section 40 the following two sections:

“SECTION 40A. Notwithstanding any general or special law to the contrary, there shall be established and set up on the books a separate fund to be known as the Transportation Investment Fund to be used to improve the transportation system in the commonwealth. There shall be credited to the fund all moneys received by the commonwealth equal to .385 per cent of the receipts from sales, as defined by chapter 64H, and .385 per cent of the sales price of purchases, as defined by chapter 64I, from that portion of the taxes imposed under said chapters 64H and 64I as excises upon the sale and use at retail of tangible property or of services, and upon the storage, use or other consumption of tangible property or of services, including interest thereon or penalties, but not including any portion of the taxes that constitute special receipts within the meaning of subsection (b½) of section 10 of chapter 152 of the acts of 1997 or within the meaning of subsection (b½) of said section 10 of said chapter 152. Money remaining in the fund at the end of the year shall not revert to the General Fund.

SECTION 40B. Section 40A is hereby repealed.”; and by inserting after section 41 the following section:

“SECTION 41A. Section 40B shall take effect on September 1, 2009.”.

Mr. Peterson of Grafton thereupon raised a point of order that the further amendments offered by the lady from Newton were improperly before the House for the reason that they were beyond the scope of the pending amendment.

Point of order.

Further amendment adopted,— yeas and nays No. 84.

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The Chair (Mrs. Haddad of Somerset) state that an examination of the further amendments showed that they were in fact beyond the scope of the amendment under consideration, and therefore the further amendments were laid aside accordingly.

There being no objection,— the pending amendment offered by Ms. Balsler, et als, then was withdrawn.

Mr. Sciortino of Medford and other members of the House then moved to amend the bill by [A] adding the following three sections:

“SECTION 43. Chapter 10 of the General Laws is hereby amended by inserting after 35KK the following new section:

Section 35LL. Transportation Reinvestment Fund.

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

‘Dedicated sales tax revenue amount’, all moneys received by the commonwealth equal to 1 per cent of the receipts from sales, as defined by chapter 64H, and 1 per cent of the sales price of purchases, as defined by chapter 64I, from that portion of the taxes imposed under said chapters 64H and 64I as excises upon the sale and use at retail of tangible property or of services, and upon the storage, use or other consumption of tangible property or of services, including interest thereon or penalties, but not including any portion of the taxes that constitute special receipts within the meaning of subsection (b½) of section 10 of chapter 152 of the acts of 1997 or within the meaning of subsection (b½) of said section 10 of said chapter 152 or any portion of the taxes imposed on the sale of meals as defined in paragraph (h) of section 6 of said chapter 64H.

‘Receipts from sales’, gross receipts from nonexempt sales, less amounts abated or reimbursed.

‘Sales price of purchases’, sales price of nonexempt purchases, less amounts abated or reimbursed.

‘Secretary’, the Secretary of Transportation of the Commonwealth.

(b) There shall be established on the books of the commonwealth a separate fund, to be known as the Transportation Reinvestment Fund, which shall be used for financing transportation-related purposes of the commonwealth. There shall be credited to the fund the dedicated sales tax revenue amount.

The fund, which shall be under the control of the Executive Office of Transportation and not subject to appropriation, shall be used as follows:

(i) For expenditure, under the direction of the Secretary, for maintaining, repairing, improving and constructing town and county ways and bridges, sidewalks adjacent to such ways and bridges, bikeways and other projects eligible for funding as a transportation enhancement project as described in the Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, salt storage sheds, bikeways and public use off-street parking facilities related to mass transportation, for engineering services and expenses related to highway transportation enhancement and mass transportation purposes, for care, repair, storage, replacement, purchase and long-term leasing of road building machinery, equipment and tools, for the erection and maintenance of direction signs and warning signs and

for necessary or beneficial improvements to unpaved town and county ways together with any money which any town or county may appropriate for such purposes to be used on the same ways, sheds, bikeways, bridges, machinery, equipment, tools and facilities. Such engineering services, including surveying services, shall only be performed by architectural, engineering or surveying firms prequalified by the Secretary; provided, however, that a municipality may seek a waiver of this requirement from the Secretary if the municipality demonstrates to the satisfaction of the Secretary that it is cost prohibitive to use a prequalified firm. Such ways, sheds, bikeways, bridges, machinery, equipment, tools and facilities shall remain town or county ways, sheds, bikeways, bridges, machinery, equipment, tools and facilities. The Secretary shall withhold or withdraw the unexpended balance of any funds assigned by it under this subdivision if the town fails to comply with the official standards for traffic control established by the authority or with any provision of a traffic control agreement negotiated between the authority and the town, as required by the United States Secretary of Commerce under section 109 of Title 23 of the United States Code. In this subdivision the word ‘town’ shall include city;

(ii) For expenditure, under the direction of the Secretary, for maintaining, repairing and improving state highways and bridges, including bridges and appurtenances managed by the department of conservation and recreation, and for the turnpike and the metropolitan highway system managed until its dissolution by the Massachusetts turnpike authority;

(iii) For contributions to regional transit authorities under section 23 of chapter 161B of the General Laws;

(iv) For expenditure, under the direction of the Secretary, for infrastructure improvements to transportation facilities throughout the commonwealth;

(v) For regional expenditure, under the direction of the Secretary, for highway division projects in the five geographic regions of the commonwealth consistent with the boundaries of the five highway division districts as existing on July 1, 2009; provided that the commonwealth’s total five year capital expenditures for road and bridge projects in any region, including but not limited to expenditures made from the fund, shall not be less than 75 per cent of the following number: the annual percentage of the total motor vehicle fuel tax generated by that region multiplied by the highway division’s 5 year historic capital expenditures, excluding personnel costs;

(vi) For expenditures to meet any debt obligations of the Massachusetts turnpike authority, the Massachusetts Bay transportation authority, the regional transit authorities, or any successor agencies or authorities of any of these authorities;

SECTION 44. Chapter 64H of the General Laws, as appearing in the 2006 Official Edition, is hereby amended in section 2 by striking from line 3 the figure ‘five’ and replacing it with the figure ‘7’.

SECTION 45. Said chapter 64H is further amended by striking section 4 and replacing it with the following:—

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Section 4. For the purpose of adding and collecting the tax imposed by this chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof, to be reimbursed to the vendor by the purchaser, the following formula shall be in force and effect as follows:—

Amount of Sale	Amount of Tax
\$0.01 to \$0.14 inclusive	1 cent
\$0.15 to \$0.28 inclusive	2 cents
\$0.29 to \$0.42 inclusive	3 cents
\$0.43 to \$0.56 inclusive	4 cents
\$0.57 to \$0.70 inclusive	5 cents
\$0.71 to \$0.84 inclusive	6 cents
\$0.85 to \$1.00 inclusive	7 cents

In addition to a tax of 7 cents on each dollar, a tax shall be collected on each part of a dollar in excess of a full dollar in accordance with the above formula.”.

Pending the question on adoption of the amendment, Mr. Sciortino moved to amend it [at “A”] by striking out the text thereafter and inserting in place thereof the following:— inserting after section 15B (inserted by amendment) the following four sections:

“SECTION 15C. Section 2 of chapter 64H of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the word ‘five’, and inserting in place thereof the following figure:— 6.25.

SECTION 15D. Chapter 64H of the General Laws is hereby amended by striking out section 4, as so appearing, and inserting in place thereof the following:—

Section 4. For the purpose of adding and collecting the tax imposed by this chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof, to be reimbursed to the vendor by the purchaser, the following formula shall be in force and effect as follows:—

Amount of Sale	Amount of Tax
\$0.01 to \$0.07 inclusive	No tax
\$0.08 to \$0.23 inclusive	1 cent
\$0.24 to \$0.39 inclusive	2 cents
\$0.40 to \$0.55 inclusive	3 cents
\$0.56 to \$0.71 inclusive	4 cents
\$0.72 to \$0.87 inclusive	5 cents
\$0.88 to \$1.03 inclusive	6 cents

In addition to a tax of 6.25 cents on each full dollar, a tax shall be collected on each part of a dollar in excess of a full dollar in accordance with the above formula. The tax shall be rounded to a whole cent, rounding up to the next cent whenever the computed tax contains one-half of a cent or greater.

SECTION 15E. Said section 4 of said chapter 64H of the General Laws, as so appearing, is hereby further amended by striking out, in line 13, the word ‘five’ and inserting in place thereof the following figure:— 6.25.

SECTION 15F. Section 2 of chapter 64I of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the word

‘five’, and inserting in place thereof the following figure:— 6.25.”; by inserting after section 40 the following two sections:

“SECTION 40A. Notwithstanding any general or special law to the contrary, there shall be established and set up on the books a separate fund to be known as the Transportation Investment Fund to be used to improve the transportation system in the commonwealth. There shall be credited to the fund all moneys received by the commonwealth equal to .385 per cent of the receipts from sales, as defined by chapter 64H, and .385 per cent of the sales price of purchases, as defined by chapter 64I, from that portion of the taxes imposed under said chapters 64H and 64I as excises upon the sale and use at retail of tangible property or of services, and upon the storage, use or other consumption of tangible property or of services, including interest thereon or penalties, but not including any portion of the taxes that constitute special receipts within the meaning of subsection (b½) of section 10 of chapter 152 of the acts of 1997 or within the meaning of subsection (b½) of said section 10 of said chapter 152. Money remaining in the fund at the end of the year shall not revert to the General Fund.

SECTION 40B. Section 40A is hereby repealed.”; and by inserting after section 41 the following section:

“SECTION 41A. Section 40B shall take effect on September 1, 2009.”.

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

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 129 members voted in the affirmative and 30 in the negative.

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

Therefore Rule 1A was suspended.

After further debate on the question on adoption of the further amendment offered by Mr. Sciortino of Medford, Mrs. Haddad of Somerset 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 (the Speaker having been in the Chair) 158 members were recorded as being in attendance.

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

Therefore a quorum was present.

After debate on the question on adoption of the further amendments, the sense of the House was taken by yeas and nays at the request of Mr. Evangelidis of Holden; and on the roll call 108 members voted in the affirmative and 51 in the negative.

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

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

Suspension of Rule 1A.

Rule 1A suspended,—yea and nay No. 85.

Quorum.

Quorum roll call,—yea and nay No. 86.

Further amendments adopted,—yea and nay No. 87.

Recess.

Recess. At one minute before eleven o'clock P.M., on motion of Mrs. Haddad of Somerset (Mr. Donato of Medford being in the Chair), the House recessed until the following day at ten o'clock A.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Tuesday, April 28, 2009 (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, Our Creator, each day we try to serve You and our constituents in a faithful and conscientious manner. At the same time, we look to You for guidance and direction as we attempt to cope with our crowded daily schedules, the concerns of constituents and the needs of our families. We believe that You and Your always-available help enable us to meet successfully the demands of the day. In these difficult times, inspire us to remain faithful to our fundamental principles, our high ideals and our personal human and religious values. In dealing with current, legislative and administrative challenges, teach us to keep clear in our minds both the needs of today's society and of future generations. May we continue as a society to recognize and respect the rights and dignity of each person. Above all let our hearts and minds be filled with hope, joy and goodwill towards all.

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.

Guests of the House.

Attleboro Cheerleaders. During the session, the Chair (Mr. Donato of Medford) declared a brief recess, and introduced the Attleboro High School Cheerleading Team. The team recently returned from the national cheerleading competition in Orlando, Florida, where they won the National Cheerleading Championship. They were the guests of Representatives Bowles of Attleboro and Poirier of North Attleborough.

Resolutions.

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

Irene Davey. Resolutions (filed by Representatives Bowles of Attleboro and Poirier of North Attleborough) congratulating Irene Davey on her lifelong service to the country; and

Darlene Johnson Morris. Resolutions (filed by Representatives Patrick of Falmouth, Perry of Sandwich, Turner of Dennis, Madden of Nantucket and Peake of Provincetown) congratulating Darlene Johnson Morris on the occasion of the ten year anniversary of the Barnstable County Ameri-corps Cape Cod program;

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

Recess.

Recess. At a quarter after ten o'clock A.M. (Tuesday, April 28), on motion of Mr. Murphy of Burlington (Mr. Donato of Medford being in the Chair), the House recessed until the hour of eleven o'clock; and at that time the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Quorum.

Quorum. Mr. Murphy of Burlington 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 147 members were recorded as being in attendance. Quorum,— yea and nay No. 88.

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

Therefore a quorum was present.

Orders of the Day.

General Appropriation Bill. The House Bill making appropriations for the fiscal year 2010 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4100, amended) was considered.

After debate the bill, as amended, was ordered to a third reading.

Recesses. At fourteen minutes before twelve o'clock noon (Tuesday, April 28), on motion of Mr. Murphy of Burlington (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past twelve o'clock; and at a quarter before one o'clock P.M. the House was called to order with Mr. Rush of Boston in the Chair.

The Chair (Mr. Rush) thereupon declared a recess subject to the call of the Chair; and at a quarter after four o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

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

Pending the question on passing the bill, as amended, to be engrossed, Mr. Rogers of Norwood and other members of the House moved to amend it in section 3, at the end of the seventh paragraph, by adding the following sentence: "The funds set forth in the column titled Supplemental Unrestricted Government Aid shall be paid to each city and town therein on or after January 1, 2010 for use in fiscal year 2010."; by adding at the end of said section the following:

General
Appropriation
Bill.

MUNICIPALITY	SUPPLEMENTAL UNRESTRICTED GOVERNMENT AID	MUNICIPALITY	SUPPLEMENTAL UNRESTRICTED GOVERNMENT AID
ABINGTON	325,087	CAMBRIDGE	1,165,975
ACTON	227,222	CANTON	237,801
ACUSHNET	247,394	CARLISLE	34,296
ADAMS	328,947	CARVER	241,414
AGAWAM	608,804	CHARLEMONT	28,886
ALFORD	2,230	CHARLTON	214,474
AMESBURY	321,493	CHATHAM	24,871
AMHERST	1,303,431	CHELMSFORD	502,122
ANDOVER	295,289	CHELSEA	906,204
ARLINGTON	657,315	CESHIRE	93,007
ASHBURNHAM	115,613	CHESTER	29,752
ASHBY	63,036	CHESTERFIELD	22,816
ASHFIELD	30,680	CHICOPEE	1,744,210
ASHLAND	184,758	CHILMARK	620
ATHOL	377,358	CLARKSBURG	58,375
ATTLEBORO	942,766	CLINTON	365,711
AUBURN	283,015	COHASSET	62,967
AVON	61,342	COLRAIN	42,159
AYER	119,232	CONCORD	140,732
BARNSTABLE	347,606	CONWAY	29,534
BARRE	134,384	CUMMINGTON	13,786
BECKET	13,868	DALTON	166,596
BEDFORD	125,400	DANVERS	322,096
BELCHERTOWN	281,181	DARTMOUTH	416,585
BELLINGHAM	280,411	DEDHAM	334,560
BELMONT	263,261	DEERFIELD	79,373
BERKLEY	100,549	DENNIS	89,999
BERLIN	33,318	DIGHTON	114,857
BERNARDSTON	46,871	DOUGLAS	120,598
BEVERLY	639,419	DOVER	31,789
BILLERICA	650,354	DRACUT	579,008
BLACKSTONE	197,753	DUDLEY	255,083
BLANDFORD	20,849	DUNSTABLE	34,408
BOLTON	32,628	DUXBURY	146,484
BOSTON	9,505,083	EAST BRIDGEWATER	247,362
BOURNE	195,439	EAST BROOKFIELD	44,600
BOXBOROUGH	41,686	EAST LONGMEADOW	239,204
BOXFORD	75,500	EASTHAM	24,620
BOYLSTON	56,605	EASTHAMPTON	450,042
BRAINTREE	497,106	EASTON	361,889
BREWSTER	65,250	EDGARTOWN	7,223
BRIDGEWATER	529,180	EGREMONT	10,427
BRIMFIELD	64,430	ERVING	9,361
BROCKTON	2,887,822	ESSEX	35,969
BROOKFIELD	81,594	EVERETT	599,372
BROOKLINE	584,764		
BUCKLAND	45,720		
BURLINGTON	248,692		

MUNICIPALITY	SUPPLEMENTAL UNRESTRICTED GOVERNMENT AID	MUNICIPALITY	SUPPLEMENTAL UNRESTRICTED GOVERNMENT AID
FAIRHAVEN	320,674	HUDSON	329,537
FALL RIVER	3,633,925	HULL	165,847
FALMOUTH	229,107	HUNTINGTON	54,558
FITCHBURG	1,381,751	IPSWICH	162,310
FLORIDA	8,226	KINGSTON	158,619
FOXBOROUGH	246,150	LAKEVILLE	135,215
FRAMINGHAM	1,020,393	LANCASTER	136,803
FRANKLIN	408,338	LANESBOROUGH	57,005
FREETOWN	156,921	LAWRENCE	3,219,426
GARDNER	684,245	LEE	102,918
AQUINNAH	386	LEICESTER	286,934
GEORGETOWN	111,346	LENOX	78,505
GILL	35,145	LEOMINSTER	944,247
GLOUCESTER	404,668	LEVERETT	29,498
GOSHEN	13,220	LExINGTON	253,266
GOSNOLD	86	LEYDEN	13,481
GRAFTON	258,389	LINCOLN	73,730
GRANBY	145,913	LITTLETON	95,571
GRANVILLE	26,495	LONGMEADOW	230,882
GREAT BARRINGTON	125,416	LOWELL	3,320,537
GREENFIELD	524,654	LUDLOW	504,835
GROTON	127,190	LUNENBURG	174,757
GROVELAND	105,227	LYNN	2,441,566
HADLEY	56,633	LYNNFIELD	123,766
HALIFAX	150,012	MALDEN	1,331,493
HAMILTON	100,565	MANCHESTER	36,751
HAMPDEN	103,520	MANSFIELD	272,348
HANCOCK	6,988	MARBLEHEAD	182,952
HANOVER	173,952	MARION	37,288
HANSON	193,643	MARLBOROUGH	537,321
HARDWICK	66,553	MARSHFIELD	331,077
HARVARD	237,417	MASHPEE	60,801
HARWICH	71,183	MATTAPOISETT	66,978
HATFIELD	51,564	MAYNARD	181,697
HAVERTHILL	1,291,823	MEDFIELD	140,683
HAWLEY	5,436	MEDFORD	1,103,916
HEATH	12,950	MEDWAY	176,785
HINGHAM	216,439	MELROSE	488,448
HINSDALE	35,004	MENDON	67,533
HOLBROOK	243,204	MERRIMAC	120,329
HOLDEN	283,145	METHUEN	876,878
HOLLAND	33,355	MIDDLEBOROUGH	407,437
HOLLISTON	201,168	MIDDLEFIELD	8,785
HOLYOKE	1,597,793	MIDDLETON	73,615
HOPEDALE	107,759	MILLBURY	292,634
HOPKINTON	113,845	MILLS	130,404
HUBBARDSTON	66,258	MILLVILLE	58,988
		MILTON	365,665

General Appropriation Bill.	MUNICIPALITY	SUPPLEMENTAL UNRESTRICTED GOVERNMENT AID	MUNICIPALITY	SUPPLEMENTAL UNRESTRICTED GOVERNMENT AID
	MONROE	1,189	PHILLIPSTON	28,876
	MONSON	215,722	PITTSFIELD	1,309,937
	MONTAGUE	208,928	PLAINFIELD	8,291
	MONTEREY	5,675	PLAINVILLE	125,373
	MONTGOMERY	13,559	PLYMOUTH	647,546
	MOUNT WASHINGTON	534	PLYMPTON	39,206
	NAHANT	45,791	PRINCETON	48,929
	NANTUCKET	13,094	PROVINCETOWN	19,913
	NATICK	371,808	QUINCY	1,619,670
	NEEDHAM	261,136	RANDOLPH	616,544
	NEW ASHFORD	2,386	RAYNHAM	187,918
	NEW BEDFORD	3,706,449	READING	331,943
	NEW BRAINTREE	19,700	REHOBOTH	155,104
	NEW MARLBOROUGH	9,678	REVERE	991,651
	NEW SALEM	16,947	RICHMOND	17,879
	NEWBURY	75,072	ROCHESTER	70,188
	NEWBURYPORT	238,230	ROCKLAND	384,511
	NEWTON	788,320	ROCKPORT	72,312
	NORFOLK	158,479	ROWE	651
	NORTH ADAMS	708,484	ROWLEY	74,077
	NORTH ANDOVER	322,665	ROYALSTON	26,608
	NORTH ATTLEBOROUGH	475,443	RUSSELL	40,285
	NORTH BROOKFIELD	131,681	RUTLAND	135,254
	NORTH READING	167,882	SALEM	701,988
	NORTHAMPTON	649,612	SALISBURY	104,417
	NORTHBOROUGH	176,221	SANDSFIELD	5,727
	NORTHBRIDGE	348,424	SANDWICH	174,525
	NORTHFIELD	52,313	SAUGUS	369,395
	NORTON	343,470	SAVOY	17,315
	NORWELL	105,309	SCITUATE	216,259
	NORWOOD	414,701	SEEKONK	203,358
	OAK BLUFFS	12,018	SHARON	223,039
	OAKHAM	31,706	SHELburne	42,842
	ORANGE	266,790	SHERBORN	33,014
	ORLEANS	28,386	SHIRLEY	192,181
	OTIS	6,011	SHREWSBURY	420,666
	OXFORD	339,811	SHUTESBURY	28,025
	PALMER	331,419	SOMERSET	253,466
	PAXTON	77,212	SOMERVILLE	1,845,845
	PEABODY	775,947	SOUTH HADLEY	428,922
	PELHAM	26,305	SOUTHAMPTON	105,300
	PEMBROKE	277,794	SOUTHBOROUGH	72,280
	PEPPERELL	211,329	SOUTHBRIDGE	581,386
	PERU	18,403	SOUTHWICK	188,261
	PETERSHAM	18,945	SPENCER	323,001
			SPRINGFIELD	6,013,217
			STERLING	113,666
			STOCKBRIDGE	16,473

MUNICIPALITY	SUPPLEMENTAL UNRESTRICTED GOVERNMENT AID	MUNICIPALITY	SUPPLEMENTAL UNRESTRICTED GOVERNMENT AID
STONEHAM	344,776	WENHAM	52,226
STOUGHTON	515,506	WEST BOYLSTON	122,674
STOW	68,643	WEST BRIDGEWATER	101,798
STURBRIDGE	128,033	WEST BROOKFIELD	78,481
SUDBURY	146,146	WEST NEWBURY	46,491
SUNDERLAND	83,528	WEST SPRINGFIELD	592,279
SUTTON	129,003	WEST STOCKBRIDGE	16,068
SWAMPSCOTT	167,128	WEST TISBURY	5,986
SWANSEA	310,387	WESTBOROUGH	172,243
TAUNTON	1,389,955	WESTFIELD	1,040,346
TEMPLETON	200,213	WESTFORD	232,297
TEWKSBURY	459,953	WESTHAMPTON	23,947
TISBURY	16,205	WESTMINSTER	106,508
TOLLAND	1,477	WESTON	61,816
TOPSFIELD	67,733	WESTPORT	201,057
TOWNSEND	193,126	WESTWOOD	115,750
TRURO	4,972	WEYMOUTH	1,119,115
TYNGSBOROUGH	159,707	WHATELY	22,178
TYRINGHAM	2,098	WHITMAN	346,031
UPTON	80,933	WILBRAHAM	221,834
UXBRIDGE	227,389	WILLIAMSBURG	50,033
WAKEFIELD	365,786	WILLIAMSTOWN	157,779
WALES	39,034	WILMINGTON	244,363
WALPOLE	303,830	WINCHENDON	274,654
WALTHAM	862,115	WINCHESTER	198,782
WARE	283,283	WINDSOR	12,624
WAREHAM	326,967	WINTHROP	392,943
WARREN	129,823	WOBURN	513,085
WARWICK	14,954	WORCESTER	5,299,590
WASHINGTON	11,024	WORTHINGTON	20,758
WATERTOWN	467,567	WRENTHAM	154,074
WAYLAND	112,154	YARMOUTH	208,652
WEBSTER	400,938	REGIONAL TOTAL	124,153,283
WELLESLEY	201,223		
WELLFLEET	9,659		
WENDELL	24,263		

and by inserting after said section 3 the following section:
 "SECTION 3A. Notwithstanding any general or special law to the contrary, the secretary of administration and finance may authorize the transfer of funds from any item of appropriation for fiscal year 2010 for any executive branch agency to any other item of appropriation for that agency or within its executive office. The secretary of administration and finance shall notify the house and senate committees on ways and means 15 days before a transfer pursuant to this section."
 Pending the question on adoption of the amendments, Mr. Rogers moved that it be amended by adding at the end of the seventh paragraph of section 3 the following paragraph:

“Notwithstanding any general or special law to the contrary, said funds set forth in said column shall be subject to the provisions of Section 9C and Section 9B of Chapter 29.”

Quorum.

After remarks on the question on adoption of the further amendment, Mr. Kujawski of Webster 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. 89.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 159 members were recorded as being in attendance.

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

Therefore a quorum was present.

Further
amendment
rejected,—
yea and nay
No. 90.

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. Rogers of Norwood; and on the roll call 49 members voted in the affirmative and 109 in the negative.

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

Therefore the further amendment was rejected.

Amendments
rejected,—
yea and nay
No. 91.

On the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 49 members voted in the affirmative and 110 in the negative.

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

Therefore the amendments were rejected.

Mr. Murphy of Burlington then moved to amend the bill 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, 2010 the distribution to cities and towns of the balance of the State Lottery Fund, as paid by the state treasurer from the General Fund in accordance with clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, and additional funds from the General Fund shall be \$1,094,084,412 and shall be apportioned to the cities and towns in accordance with this section.

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 2010 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.

Notwithstanding any general or special law to the contrary, the governor may allocate, at his full discretion, funds from the State Fiscal Stabilization Fund established by Title XIV of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 (ARRA); provided further, that said potential allocation is reflected in the following chart in the column entitled “Potential Allocation of Federal Funds from the ARRA State Fiscal Stabilization Fund”;

provided further, that the funds set forth in said column are an estimated apportionment and shall not appear on the cherry sheet produced by the department of revenue; and provided further, that the governor may allocate said funds to reflect: (a) foundation aid, and (b) \$50 per-pupil minimum aid based on the calculation of local contributions as described below.

For fiscal year 2010, the foundation budget categories for each district shall be calculated in the same manner as in fiscal year 2009. For fiscal year 2010, the foundation inflation index shall equal the prior year’s foundation inflation index multiplied by the minimum of: (a) the ratio of the value of the implicit price deflator for state and local government purchases in the first quarter of the prior fiscal year to its value in the first quarter of the year 2 years before, and (b) 1.045. The target local share shall be calculated using the same methodology used in fiscal year 2009. Preliminary local contribution shall be the municipality’s fiscal year 2009 minimum required local contribution, increased or decreased by the municipal revenue growth factor. The minimum required local contribution for fiscal year 2010 shall be, for any municipality with a fiscal year 2010 preliminary contribution less than its fiscal year 2010 target contribution, the greater of: (a) the fiscal year 2009 minimum required contribution increased by municipal revenue growth factors; but if a municipality’s preliminary contribution as a percentage of its foundation budget is more than 5 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality’s revenue growth factor plus 1 percentage point; and if a municipality’s preliminary contribution as a percentage of its foundation budget is more than 10 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality’s revenue growth factor plus 2 percentage points; or (b) the lesser of 95 per cent of the municipality’s fiscal year 2008 actual contribution or the municipality’s fiscal year 2010 target contribution. Minimum required local contribution for fiscal year 2010 shall be, for any municipality with a fiscal year 2010 preliminary contribution greater than its fiscal year 2010 target contribution, the preliminary local contribution reduced by 15 per cent of the gap between the preliminary local contribution and the target local contribution. Required local contribution shall be allocated among the districts to which a municipality belongs in direct proportion to the foundation budgets for the municipality’s pupils at each of those districts.

Chapter 70 aid for fiscal year 2010 shall be as distributed in fiscal year 2009. If there is a conflict between the language of this section and the distribution listed below, the distribution below shall control.

The department of elementary and secondary education 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

General Appropriation Bill. 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 the executive office for administration and finance, pursuant to guidelines established by the secretary.

MUNICIPALITIES	7061-0008 CHAPTER 70	UNRESTRICTED GENERAL GOVERNMENT AID	POTENTIAL ALLOCATION OF FEDERAL FUNDS FROM THE ARRA STATE FISCAL STABILIZATION FUND	POTENTIAL TOTAL SECTION 3 LOCAL AID (CONTINGENT UPON ALLOCATION FEDERAL FUNDS)	MUNICIPALITIES	7061-0008 CHAPTER 70	UNRESTRICTED GENERAL GOVERNMENT AID	POTENTIAL ALLOCATION OF FEDERAL FUNDS FROM THE ARRA STATE FISCAL STABILIZATION FUND	POTENTIAL TOTAL SECTION 3 LOCAL AID (CONTINGENT UPON ALLOCATION FEDERAL FUNDS)
ABINGTON	7,808,577	2,027,530	113,050	9,949,157	BOURNE	5,049,097	1,510,894	117,400	6,677,391
ACTON	5,228,141	1,441,748	457,922	7,127,811	BOXBOROUGH	1,394,863	259,990	22,950	1,677,803
AGAWAM	16,486,547	3,797,041	1,383,487	21,667,075	BOXFORD	1,653,884	501,037	41,200	2,196,121
ALFORD	0	15,115	0	15,115	BOYLSTON	460,908	353,042	19,260	833,210
AMESBURY	9,079,191	2,005,113	120,550	11,204,854	BRAINTREE	9,517,288	5,897,870	2,927,678	18,342,836
AMHERST	6,266,707	8,408,759	70,250	14,745,716	BREWSTER	957,078	406,957	25,300	1,389,335
ANDOVER	7,467,975	1,841,681	299,700	9,609,356	BRIDGEWATER	85,768	3,578,267	450	3,664,485
AQUINNAH	0	2,617	0	2,617	BRIMFIELD	1,190,971	401,842	14,700	1,607,513
ARLINGTON	6,229,294	7,875,026	914,048	15,018,368	BROCKTON	128,909,020	21,580,607	5,608,435	156,098,062
ASHBURNHAM	0	783,635	0	783,635	BROOKFIELD	1,369,987	508,895	13,000	1,891,882
ASHBY	0	427,268	0	427,268	BROOKLINE	7,473,142	6,543,709	309,100	14,325,951
ASHFIELD	99,291	198,022	600	297,913	BUCKLAND	0	309,896	6,186	316,082
ASHLAND	4,593,982	1,393,800	374,725	6,362,507	BURLINGTON	5,524,388	2,699,192	184,600	8,408,180
ATHOL	0	2,561,713	0	2,561,713	CAMBRIDGE	9,316,701	23,131,899	309,750	32,758,350
ATTLEBORO	30,251,302	5,879,927	588,733	36,719,962	CANTON	3,760,236	2,210,242	200,078	6,170,556
AUBURN	5,807,803	1,765,134	614,160	8,187,097	CARLISLE	851,812	226,100	34,350	1,112,262
AVON	880,355	714,361	27,450	1,622,166	CARVER	10,319,108	1,505,670	97,550	11,922,328
AYER	4,253,186	780,252	52,600	5,086,038	CHARLEMONT	143,418	181,454	650	325,522
BARNSTABLE	7,744,649	2,167,981	279,150	10,191,780	CHARLTON	0	1,453,730	7,700	1,461,430
BARRE	17,858	909,083	22,506	949,447	CHATHAM	699,107	155,115	27,750	881,972
BECKET	81,381	93,600	350	175,331	CHELMSFORD	9,432,005	5,231,281	1,296,265	15,959,551
BEDFORD	3,025,145	1,183,144	125,300	4,333,589	CHELSEA	50,797,335	8,464,952	1,635,338	60,897,625
BELCHERTOWN	13,164,100	1,753,693	842,573	15,760,366	CHESHIRE	316,850	598,730	1,650	917,230
BELLINGHAM	8,560,993	1,748,889	127,400	10,437,282	CHESTER	133,451	188,318	650	322,419
BELMONT	4,603,815	2,327,198	1,364,975	8,295,988	CHESTERFIELD	129,211	142,302	650	272,163
BERKLEY	5,537,165	627,115	53,900	6,218,180	CHICOPEE	48,081,058	11,868,571	2,458,214	62,407,843
BERLIN	539,078	207,798	10,650	757,526	CHILMARK	0	4,200	0	4,200
BERNARDSTON	0	317,696	11,916	329,612	CLARKSBURG	1,723,370	374,941	142,956	2,241,267
BEVERLY	7,254,770	6,018,939	211,000	13,484,709	CLINTON	11,212,718	2,426,252	100,900	13,739,870
BILLERICA	17,465,958	6,001,737	1,308,200	24,775,895	COHASSET	1,788,815	530,271	70,700	2,389,786
BLACKSTONE	127,344	1,327,659	750	1,455,753	COLRAIN	0	285,761	0	285,761
BLANDFORD	45,414	136,771	300	182,485	CONCORD	2,154,784	1,195,700	89,650	3,440,134
BOLTON	5,769	220,576	0	226,345	CONWAY	638,732	184,201	7,050	829,983
BOSTON	221,422,839	195,271,165	3,038,900	419,732,904	CUMMINGTON	70,568	86,386	750	157,704
					DALTON	218,598	1,107,345	1,100	1,327,043
					DANVERS	4,601,706	2,935,537	182,000	7,719,243
					DARTMOUTH	9,683,685	2,598,191	198,950	12,480,826
					DEDHAM	3,935,816	3,370,468	136,250	7,442,534
					DEERFIELD	1,106,598	495,038	19,950	1,621,586
					DENNIS	0	610,025	0	610,025
					DEVENS	328,000	0	0	328,000
					DIGHTON	0	778,516	0	778,516
					DOUGLAS	8,066,226	752,158	778,152	9,596,536
					DOVER	648,415	198,265	29,250	875,930

MUNICIPALITIES	7061-0008 CHAPTER 70	UNRESTRICTED GENERAL GOVERNMENT AID	POTENTIAL ALLOCATION OF FEDERAL FUNDS FROM THE ARRA STATE FISCAL STABILIZATION FUND	POTENTIAL TOTAL SECTION 3 LOCAL AID (CONTINGENT UPON ALLOCATION FEDERAL FUNDS)	MUNICIPALITIES	7061-0008 CHAPTER 70	UNRESTRICTED GENERAL GOVERNMENT AID	POTENTIAL ALLOCATION OF FEDERAL FUNDS FROM THE ARRA STATE FISCAL STABILIZATION FUND	POTENTIAL TOTAL SECTION 3 LOCAL AID (CONTINGENT UPON ALLOCATION FEDERAL FUNDS)
DRACUT	17,410,464	3,611,207	1,416,489	22,438,160	HAMPDEN	0	701,671	0	701,671
DUDLEY	0	1,728,983	0	1,728,983	HANCOCK	205,303	58,192	4,950	268,445
DUNSTABLE	0	260,291	4,242	264,533	HANOVER	6,004,648	2,183,354	388,599	8,576,601
DUXBURY	4,341,487	913,603	579,444	5,834,534	HANSON	11,943	1,311,342	13,199	1,336,484
EAST BRIDGEWATER	10,896,226	1,542,769	116,550	12,555,545	HARDWICK	0	454,009	0	454,009
EAST BROOKFIELD	95,548	292,747	350	388,645	HARVARD	1,787,958	1,526,368	60,850	3,375,176
EAST LONGMEADOW	8,324,121	1,491,890	938,352	10,754,363	HARWICH	1,871,266	443,962	71,500	2,386,728
EASTHAM	340,536	153,554	11,700	505,790	HATFIELD	812,018	321,599	19,700	1,153,317
EASTHAMPTON	8,158,515	2,897,021	92,600	11,148,136	HAVERHILL	36,078,018	10,129,894	789,802	46,997,714
EASTON	9,794,246	2,257,059	191,300	12,242,605	HAWLEY	11,668	47,309	8,617	67,594
EDGARTOWN	455,629	68,655	19,100	543,384	HEATH	0	87,779	0	87,779
EGREMONT	0	70,675	0	70,675	HINGHAM	4,850,597	1,626,627	955,012	7,432,236
ERVING	413,092	69,274	24,707	507,073	HINSDALE	111,270	226,132	500	337,902
ESSEX	0	274,247	0	274,247	HOLBROOK	4,956,102	1,520,774	60,100	6,536,976
EVERETT	33,919,780	7,120,614	3,631,301	44,671,695	HOLDEN	0	1,919,191	0	1,919,191
FAIRHAVEN	7,657,403	2,324,164	96,450	10,078,017	HOLLAND	889,479	208,031	70,315	1,167,825
FALL RIVER	93,641,102	24,561,591	534,750	118,737,443	HOLLISTON	6,879,932	1,596,101	234,423	8,710,456
FALMOUTH	5,224,411	1,428,915	186,700	6,840,026	HOLYOKE	67,779,308	10,467,637	1,667,565	79,914,510
FITCHBURG	41,150,295	8,795,718	565,192	50,511,205	HOPEDALE	6,268,494	672,082	55,900	6,996,476
FLORIDA	516,835	51,302	49,375	617,512	HOPKINTON	5,788,652	809,655	167,750	6,766,057
FOXBOROUGH	8,462,796	1,535,207	595,041	10,593,044	HUBBARDSTON	8,587	448,244	50	456,881
FRAMINGHAM	17,135,878	10,254,240	2,691,473	30,081,591	HUDSON	8,415,317	2,055,286	1,174,781	11,645,384
FRANKLIN	28,726,706	2,546,760	448,381	31,721,847	HULL	3,891,843	2,184,276	64,200	6,140,319
FREETOWN	1,546,895	978,700	26,150	2,551,745	HUNTINGTON	218,880	347,913	1,450	568,243
GARDNER	19,135,945	4,367,555	131,250	23,634,750	IPSWICH	2,550,997	1,654,473	248,578	4,454,048
GEORGETOWN	4,444,922	738,343	1,057,827	6,241,092	KINGSTON	3,890,145	989,290	166,025	5,045,460
GILL	0	238,219	0	238,219	LAKEVILLE	2,437,801	843,323	34,250	3,315,374
GLOUCESTER	6,204,130	4,116,418	179,400	10,499,948	LANCASTER	0	927,270	0	927,270
GOSHEN	102,159	82,454	550	185,163	LANESBOROUGH	861,902	355,534	12,500	1,229,936
GOSNOLD	17,447	2,162	250	19,859	LAWRENCE	136,055,235	20,237,117	6,746,786	163,039,138
GRAFTON	8,180,814	1,611,544	1,080,287	10,872,645	LEE	2,067,656	641,886	37,450	2,746,992
GRANBY	4,732,473	910,046	51,550	5,694,069	LEICESTER	9,911,439	1,789,573	91,150	11,792,162
GRANVILLE	1,344,685	165,247	12,700	1,522,632	LENOX	1,219,373	549,373	33,200	1,801,946
GREAT BARRINGTON	0	850,083	0	850,083	LEOMINSTER	40,477,387	5,898,847	1,998,043	48,374,277
GREENFIELD	9,734,728	3,272,208	232,429	13,239,365	LEVERETT	287,813	183,973	6,000	477,786
GROTON	0	862,107	0	862,107	LEXINGTON	7,601,057	1,579,592	304,800	9,485,449
GROVELAND	0	713,238	0	713,238	LEYDEN	0	91,377	0	91,377
HADLEY	790,348	467,777	30,450	1,288,575	LINCOLN	774,506	701,670	34,100	1,510,276
HALIFAX	2,643,129	935,608	198,647	3,777,384	LITTLETON	3,017,400	732,643	823,942	4,573,985
HAMILTON	0	720,238	0	720,238	LONGMEADOW	4,429,510	1,439,987	151,100	6,020,597
					LOWELL	119,881,735	25,960,804	2,606,611	148,449,150
					LUDLOW	12,688,709	3,148,599	1,036,879	16,874,187
					LUNENBURG	4,620,790	1,089,943	264,751	5,975,484
					LYNN	117,607,718	23,076,439	1,739,763	142,423,920

MUNICIPALITIES	7061-0008 CHAPTER 70	UNRESTRICTED GENERAL GOVERNMENT AID	POTENTIAL ALLOCATION OF FEDERAL FUNDS FROM THE ARRA STATE FISCAL STABILIZATION FUND	POTENTIAL TOTAL SECTION 3 LOCAL AID (CONTINGENT UPON ALLOCATION FEDERAL FUNDS)	MUNICIPALITIES	7061-0008 CHAPTER 70	UNRESTRICTED GENERAL GOVERNMENT AID	POTENTIAL ALLOCATION OF FEDERAL FUNDS FROM THE ARRA STATE FISCAL STABILIZATION FUND	POTENTIAL TOTAL SECTION 3 LOCAL AID (CONTINGENT UPON ALLOCATION FEDERAL FUNDS)
LYNNFIELD	4,095,804	1,071,935	113,100	5,280,839	NEWBURYPORT	3,388,114	2,628,685	110,800	6,127,599
MALDEN	41,237,571	12,930,936	1,669,486	55,837,993	NEWTON	14,460,608	6,057,016	587,250	21,104,874
MANCHESTER	0	249,101	0	249,101	NORFOLK	3,486,975	988,413	48,950	4,524,338
MANSFIELD	17,263,411	2,299,038	1,925,854	21,488,303	NORTH ANDOVER	5,551,977	2,112,258	1,234,191	8,898,426
MARBLEHEAD	4,903,471	1,173,684	160,800	6,237,955	NORTH ATTLEBOROUGH	21,050,700	2,965,284	233,100	24,249,084
MARION	465,310	232,563	20,050	717,923	NORTH BROOKFIELD	4,451,604	821,278	36,400	5,309,282
MARLBOROUGH	11,626,039	5,610,636	1,807,774	19,044,449	NORTH READING	6,170,866	1,830,059	853,637	8,854,562
MARSHFIELD	14,624,362	2,232,797	228,850	17,086,009	NORTHAMPTON	7,376,359	4,530,152	139,950	12,046,461
MASHPEE	4,527,865	379,206	92,850	4,999,921	NORTHBOROUGH	3,347,474	1,149,676	287,147	4,784,297
MATTAPOISETT	568,024	417,737	23,950	1,009,711	NORTHBRIDGE	14,256,878	2,175,626	199,419	16,631,923
MAYNARD	3,263,163	1,619,244	476,905	5,359,312	NORTHFIELD	0	354,583	0	354,583
MEDFIELD	6,058,209	1,494,065	145,950	7,698,224	NORTON	13,094,617	2,142,182	149,750	15,386,549
MEDFORD	11,681,327	12,211,939	258,600	24,151,866	NORWELL	2,778,831	1,104,889	567,095	4,450,815
MEDWAY	9,230,437	1,257,449	1,450,114	11,938,000	NORWOOD	5,183,560	4,794,153	174,300	10,152,013
MELROSE	7,541,739	5,285,826	184,900	13,012,465	OAK BLUFFS	661,462	74,958	21,350	757,770
MENDON	27,663	454,982	265	482,910	OAKHAM	80,415	206,864	39,646	326,925
MERRIMAC	0	815,603	0	815,603	ORANGE	5,516,748	1,665,689	35,350	7,217,787
METHUEN	37,369,988	5,603,996	4,310,335	47,284,319	ORLEANS	256,162	177,042	9,250	442,454
MIDDLEBOROUGH	17,185,388	2,541,138	553,179	20,279,705	OTIS	0	40,742	0	40,742
MIDDLEFIELD	17,650	57,782	150	75,582	OXFORD	9,416,524	2,119,361	328,806	11,864,691
MIDDLETON	1,598,957	563,943	38,950	2,201,850	PALMER	11,225,832	2,067,024	94,550	13,387,406
MILFORD	14,245,479	3,148,118	1,983,233	19,376,830	PAXTON	0	523,349	0	523,349
MILLBURY	6,956,660	1,825,126	101,966	8,883,752	PEABODY	20,118,092	7,440,065	315,550	27,873,707
MILLIS	3,565,161	1,079,099	726,971	5,371,231	PELHAM	233,169	164,064	4,050	401,283
MILLVILLE	43,194	395,505	200	438,899	PEMBROKE	12,449,176	1,732,568	1,357,283	15,539,027
MILTON	4,786,872	3,311,759	1,110,097	9,208,728	PEPPERELL	8,877	1,431,527	0	1,440,404
MONROE	89,564	18,952	750	109,266	PERU	91,528	115,582	400	207,510
MONSON	7,708,640	1,345,433	142,164	9,196,237	PETERSHAM	451,377	118,161	4,250	573,788
MONTAGUE	6,507	1,415,485	50	1,422,042	PHILLIPSTON	0	199,674	0	199,674
MONTEREY	0	49,752	0	49,752	PITTSFIELD	35,756,340	8,898,919	2,093,474	46,748,733
MONTGOMERY	19,446	89,962	2,867	112,275	PLAINFIELD	54,235	51,709	400	106,344
MOUNT					PLAINVILLE	2,687,691	781,935	39,500	3,509,126
WASHINGTON	34,839	30,897	750	66,486	PLYMOUTH	21,376,068	4,038,672	2,248,606	27,663,346
NAHANT	475,089	389,436	18,850	883,375	PLYMPTON	594,336	244,522	11,700	850,558
NANTUCKET	1,438,148	81,663	62,750	1,582,561	PRINCETON	0	331,648	2,372	334,020
NATICK	5,843,990	3,927,556	1,721,838	11,493,384	PROVINCETOWN	278,151	142,565	7,350	428,066
NEEDHAM	6,118,846	1,799,267	1,324,492	9,242,605	QUINCY	16,126,667	19,775,946	4,299,677	40,202,290
NEW ASHFORD	166,015	20,936	2,000	188,951	RANDOLPH	12,185,588	5,357,370	158,850	17,701,808
NEW BEDFORD	110,955,531	23,709,854	3,106,538	137,771,923	RAYNHAM	0	1,273,727	0	1,273,727
NEW BRAINTREE	0	133,531	0	133,531	READING	9,264,215	3,341,394	962,961	13,568,570
NEW MARLBOROUGH	0	65,600	0	65,600	REHOBOTH	0	1,051,315	0	1,051,315
NEW SALEM	0	114,867	0	114,867	REVERE	33,590,732	10,602,458	5,251,236	49,444,426
NEWBURY	0	508,847	0	508,847					

MUNICIPALITIES	7061-0008 CHAPTER 70	UNRESTRICTED GENERAL GOVERNMENT AID	POTENTIAL ALLOCATION OF FEDERAL FUNDS FROM THE ARRA STATE FISCAL STABILIZATION FUND	POTENTIAL TOTAL SECTION 3 LOCAL AID (CONTINGENT UPON ALLOCATION FEDERAL FUNDS)	MUNICIPALITIES	7061-0008 CHAPTER 70	UNRESTRICTED GENERAL GOVERNMENT AID	POTENTIAL ALLOCATION OF FEDERAL FUNDS FROM THE ARRA STATE FISCAL STABILIZATION FUND	POTENTIAL TOTAL SECTION 3 LOCAL AID (CONTINGENT UPON ALLOCATION FEDERAL FUNDS)
RICHMOND	356,276	111,510	10,000	477,786	TAUNTON	45,146,596	8,668,993	2,036,968	55,852,557
ROCHESTER	1,634,188	437,756	214,500	2,286,444	TEMPLETON	0	1,357,066	0	1,357,066
ROCKLAND	10,359,483	2,724,716	319,521	13,403,720	TEWKSBURY	13,139,908	2,868,677	213,150	16,221,735
ROCKPORT	1,370,912	451,000	45,750	1,867,662	TISBURY	410,255	101,068	17,100	528,423
ROWE	72,924	4,061	2,500	79,485	TOLLAND	0	18,893	0	18,893
ROWLEY	0	604,908	0	604,908	TOPSFIELD	1,105,893	632,193	30,750	1,768,836
ROYALSTON	0	180,353	0	180,353	TOWNSEND	8,704	1,308,157	0	1,316,861
RUSSELL	179,065	255,151	850	435,066	TRURO	264,595	31,008	10,000	305,603
RUTLAND	10,197	915,749	0	925,946	TYNGSBOROUGH	7,502,677	996,072	98,850	8,597,599
SALEM	14,371,186	7,110,011	3,019,813	24,501,010	TYRINGHAM	37,969	13,086	1,400	52,455
SALISBURY	0	707,753	0	707,753	UPTON	24,535	546,121	100	570,756
SANDSFIELD	0	38,816	0	38,816	UXBRIDGE	9,646,402	1,418,203	100,900	11,165,505
SANDWICH	6,873,318	1,161,704	178,200	8,213,222	WAKEFIELD	4,868,148	3,472,292	373,359	8,713,799
SAUGUS	4,191,423	3,781,338	148,300	8,121,061	WALES	698,579	243,448	7,500	949,527
SAVOY	527,277	119,423	7,364	654,064	WALPOLE	7,504,424	2,626,839	195,400	10,326,663
SCITUATE	5,208,715	2,073,430	154,900	7,437,045	WALTHAM	7,619,002	9,994,599	241,500	17,855,101
SEEKONK	4,605,053	1,268,320	105,450	5,978,823	WARE	8,166,339	1,779,441	68,150	10,013,930
SHARON	6,964,282	1,442,825	166,900	8,574,007	WAREHAM	12,491,866	2,039,257	701,994	15,233,117
SHEFFIELD	14,760	271,413	150	286,323	WARREN	71,661	872,789	100	944,550
SHELBURNE	0	290,386	0	290,386	WARWICK	0	127,363	0	127,363
SHERBORN	538,802	223,257	24,200	786,259	WASHINGTON	11,943	94,902	100	106,945
SHIRLEY	4,484,574	1,352,279	42,300	5,879,153	WATERTOWN	3,486,296	6,805,121	127,900	10,419,317
SHREWSBURY	18,866,811	2,871,146	1,166,561	22,904,518	WAYLAND	3,389,954	931,679	135,250	4,456,883
SHUTESBURY	616,453	174,786	7,450	798,689	WEBSTER	9,199,351	2,551,953	958,343	12,709,647
SOMERSET	5,372,323	1,580,841	125,100	7,078,264	WELLESLEY	6,518,222	1,335,200	1,197,609	9,051,031
SOMERVILLE	20,597,265	25,049,559	257,100	45,903,924	WELLFLEET	157,726	60,245	6,600	224,571
SOUTH HADLEY	7,665,297	2,691,878	399,825	10,757,000	WENDELL	0	187,438	0	187,438
SOUTHAMPTON	2,614,089	656,742	26,150	3,296,981	WENHAM	0	479,806	0	479,806
SOUTHBOROUGH	2,861,518	450,805	76,500	3,388,823	WEST BOYLSTON	3,023,114	821,213	49,100	3,893,427
SOUTHBRIDGE	16,282,624	3,626,037	112,900	20,021,561	WEST BRIDGEWATER	2,226,304	673,998	218,135	3,118,437
SOUTHWICK	0	1,276,054	0	1,276,054	WEST BROOKFIELD	214,017	510,548	900	725,465
SPENCER	0	2,189,340	0	2,189,340	WEST NEWBURY	0	315,124	0	315,124
SPRINGFIELD	262,734,913	39,018,818	13,182,907	314,936,638	WEST SPRINGFIELD	17,723,986	3,693,975	1,577,628	22,995,589
STERLING	0	770,444	0	770,444	WEST STOCKBRIDGE	0	108,912	0	108,912
STOCKBRIDGE	0	111,656	0	111,656	WEST TISBURY	0	204,763	0	204,763
STONEHAM	3,532,166	3,830,577	131,750	7,494,493	WESTBOROUGH	4,432,684	1,194,391	317,507	5,944,582
STOUGHTON	12,759,783	3,300,563	449,206	16,509,552	WESTFIELD	34,043,025	6,488,518	1,161,158	41,692,701
STOW	0	471,545	0	471,545	WESTFORD	15,630,525	2,190,416	1,560,934	19,381,875
STURBRIDGE	2,061,613	798,530	365,169	3,225,312	WESTHAMPTON	420,422	149,353	58,793	628,568
SUDBURY	4,367,981	1,442,795	153,500	5,964,276	WESTMINSTER	0	721,923	0	721,923
SUNDERLAND	891,346	520,954	9,500	1,421,800					
SUTTON	5,496,292	804,578	88,486	6,389,356					
SWAMPSCOTT	2,701,925	1,334,131	158,490	4,194,546					
SWANSEA	4,735,383	1,935,846	357,044	7,028,273					

REGIONAL SCHOOL	7061-0008 CHAPTER 70	POTENTIAL ALLOCATION OF FEDERAL FUNDS FROM THE ARRA STATE FISCAL STABILIZATION FUND	POTENTIAL TOTAL LOCAL AID (CONTINGENT UPON ALLOCATION OF FEDERAL FUNDS)
NORTHERN BERKSHIRE	4,393,857	108,470	4,502,327
OLD COLONY	3,383,947	25,000	3,408,947
OLD ROCHESTER	2,112,657	56,650	2,169,307
PATHFINDER	5,113,578	27,250	5,140,828
PENTUCKET	13,496,924	154,600	13,651,524
PIONEER	4,281,429	45,700	4,327,129
QUABBIN	17,325,703	138,350	17,464,053
QUABOAG	8,505,385	69,550	8,574,935
RALPH C. MAHAR	5,664,360	41,900	5,706,260
SHAWSHEEN VALLEY	5,485,056	474,205	5,959,261
SILVER LAKE	6,954,999	117,850	7,072,849
SOUTH MIDDLESEX	2,600,949	31,350	2,632,299
SOUTH SHORE	3,734,822	66,048	3,800,870
SOUTHEASTERN	12,045,030	879,625	12,924,655
SOUTHERN BERKSHIRE	1,939,087	43,850	1,982,937
SOUTHERN WORCESTER	9,238,460	420,831	9,659,291
SOUTHWICK TOLLAND	8,380,674	412,641	8,793,315
SPENCER / EAST BROOKFIELD	14,268,534	104,100	14,372,634
TANTASQUA	8,066,079	85,000	8,151,079
TRI COUNTY	5,427,668	44,950	5,472,618
TRITON	8,743,809	157,400	8,901,209
UPISLAND	842,524	18,300	860,824
UPPER CAPE COD	3,070,139	33,500	3,103,639
WACHUSETT	21,928,787	1,163,779	23,092,566
WHITMAN HANSON	23,979,759	510,061	24,489,820
WHITTIER	5,624,212	948,680	6,572,892
REGIONAL TOTAL	640,333,651	16,554,185	656,887,836 ;

and by adding the following section:

"SECTION 51. Notwithstanding any general of special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer \$2,000,000 from the General Fund to the District Local Technical Assistance Fund, established by section 2XXX of chapter 29 of the General Laws."

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mr. Kulik of Worthington; and on the roll call 158 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 92 in Supplement.]

Therefore the amendments were adopted.

[Mr. Quinn of Dartmouth answered "Present" in response to his name.]

Amendments (local aid) adopted, — yeas and nays No. 92.

At sixteen minutes before six o'clock P.M. (Tuesday, April 28), on motion of Mr. Vallee of Franklin (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of seven o'clock; and at ten minutes after seven o'clock the House was called to order with Mrs. Haddad of Somerset in the Chair.

Recess.

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

Quorum.

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, — yeas and nays No. 93.

[See Yeas and Nays No. 93 in Supplement.]

Therefore a quorum was present.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 2 by striking out item 0411-1003.

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. Humason of Westfield; and on the roll call 50 members voted in the affirmative and 107 in the negative.

Amendment rejected, — yeas and nays No. 94.

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

Therefore the amendment was rejected.

Ms. Callahan of Sutton then moved to amend the bill in section 2, in item 9500-0000, after the word "Senate", by adding the following two sentences: "Prior to the release of the annual senate ways and means budget, a detailed, itemized budget report relative to this line item shall be filed by the senate president with the senate committee on ways and means. This report shall be made available to all members of the senate."; in item 9600-0000, after the word "representatives", by adding the following two sentences: "Prior to the release of the annual house ways and means budget, a detailed, itemized budget report relative to this line item shall be filed by the house speaker with the house committee on ways and means. This report shall be made available to all members of the house of representatives."; and in item 9700-0000, after the word "legislature", by inserting the following two sentences: "Prior to the release of the annual house and senate ways and means budgets, a detailed, itemized budget report relative to this line item shall be filed by the house speaker and senate president with the house and senate committees on ways and means. This report shall be made available to all members of the general court."

After remarks on the question on adoption of the amendments offered by Ms. Callahan, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 33 members voted in the affirmative and 124 in the negative.

Amendments rejected, — yeas and nays No. 95.

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

Therefore the amendments were rejected.

Mr. Murphy of Burlington and other members then moved to amend the bill in section 2 by inserting after item 0524-0000 the following item:

"0526-0100 For the operation of the Massachusetts historical Commission \$750,000";

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By inserting after item 0610-0050 the following item:

"0610-0060 For the costs associated with the investigation and enforcement division of the alcoholic beverages control commission's implementation of the enhanced liquor enforcement programs, known as Safe Campus, Safe Holidays, Safe Prom and Safe Summer; provided, that funds from this appropriation shall not support other operating costs of item 0610-0050; and provided further, that said commission shall submit a report to the house and senate committees on ways and means not later than March 1, 2010 detailing the results of said program \$300,000";

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

"0810-0000 For the office of the attorney general, including the administration of the local consumer aid fund, the operation of the anti-trust division, all regional offices, a high-tech crime unit and the victim and witness compensation program; provided, that the victim and witness compensation program shall be administered in accordance with chapters 258B and 258C of the General Laws; provided further, that the attorney general shall submit to the general court and the secretary for administration and finance a report detailing the claims submitted to the state treasurer for payment under item 0810-0004 indicating both the number and costs for each category of claim; and provided further, that no less than \$200,000 shall be expended for the dyc safe city initiative \$23,869,648".

Amendments (historical commissions, etc.) adopted,—yea and nay No. 96.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mr. Frost of Auburn; and on the roll call 139 members voted in the affirmative and 16 in the negative.

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

Therefore the amendments were adopted.

Mr. Murphy of Burlington and other members then moved to amend the bill in section 2 by striking out item 4000-0640 and inserting in place thereof the following item:

"4000-0640 For nursing facility Medicaid rates; provided, that notwithstanding any general or special law to the contrary, in fiscal year 2010 the division of health care finance and policy shall establish nursing facility Medicaid rates that cumulatively total \$288,500,000 more than the annual payment rates established by the division under the rates in effect as of June 30, 2002; provided further, that not more than \$9,000,000 of this amount shall be expended for purposes of reimbursing nursing facilities for up to 10 bed hold days for patients of the facility on medical and non-medical leaves of absence; and provided further, that an amount shall be expended suffi-

cient to implement section 622 of chapter 151 of the acts of 1996 \$288,500,000";

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 not less than \$600,000 shall be made available for the operation of the pharmacy outreach program established by section 4C of chapter 19A of the General Laws; provided further, that notwithstanding any general or special law to the contrary, unless otherwise prohibited by state or federal law, prescription drug coverage or benefits payable by the executive office of elder affairs and the entities with which it has contracted for administration of the subsidized catastrophic drug insurance program pursuant to said section 39 of said chapter 19A, shall be the payer of last resort for this program for eligible persons with regard to any other third-party prescription coverage or benefits available to such eligible persons; provided further, that the executive office shall notify the house and senate committees on ways and means not less than 90 days in advance of any action to limit or cap the number of enrollees in the program; provided further, that this program is subject to appropriation and, in fiscal year 2010, expenditures shall not be more than the amount authorized in this item; provided further, that no action shall be taken to expand the benefits of the program, extend benefits to additional populations or reduce cost sharing in the program without approval of the general court; provided further, that the department shall file all legislation required to implement such actions for review and analysis by the general court; 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 the department shall provide assistance for prescription drug costs to enrollees who qualify for Medicare Part D as well as assistance for premiums, deductibles, payments, and co-payments required by the Part D or Medicare Advantage plans, or by other plans which provide creditable prescription drug coverage as defined by section 104 of said Medicare Modernization Act, and which provide coverage of

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the cost of prescription drugs actuarially equal to or better than that provided by Medicare Part D; provided further, that a person shall also be eligible to enroll in the program at any time within a year after reaching age 65; and provided further, that the department shall allow those who meet the program eligibility criteria to enroll in the program at any time during the year \$45,000,000”;

In item 9110-1630 by striking out the figures “\$88,734,283” and inserting in place thereof the figures “\$103,734,283”;

By striking out item 9110-1636 and inserting in place thereof the following item:

“9110-1636 For the elder protective services program, including protective services case management, guardianship services, the statewide elder abuse hotline, the Massachusetts Money Management program, and the elder-at-risk program..... \$16,252,499”;

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

“9110-1660 For congregate and shared housing services for the elderly; provided, that no less than \$310,000 shall be expended for naturally occurring retirement community programs \$2,123,255”;

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

“9110-1900 For the elder nutrition program; provided, that not less than \$50,000 shall be expended for the Senior Farm Share program..... \$6,364,740”;

and by striking out item 9110-9002 and inserting in place thereof the following item:

“9110-9002 For grants to the councils on aging and for grants to or contracts with non-public entities which are consortia or associations of councils on aging; provided, that notwithstanding the foregoing, all monies appropriated in this item shall be expended in accordance with the distribution schedules for formula and incentive grants established by the secretary; provided further, that funding shall be expended for provider training and outreach for LGBT elders and caregivers; and provided further, that such distribution schedules shall be submitted to the house and senate committees on ways and means \$8,615,068”.

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. Wolf of Cambridge; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 97 in Supplement.]

Therefore the amendments were adopted.

Amendments (elder affairs) adopted,—yea and nay No. 97.

At ten minutes before nine o'clock P.M. (Tuesday, April 28), on motion of Mr. Guyer of Dalton (Mrs. Haddad of Somerset being in the Chair), the House recessed until the following day at ten o'clock A.M.; and at that time the House was called to order with Mr. Donato of Medford in the Chair.

Recess.

Wednesday, April 29, 2009 (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:

Eternal God, the Ultimate Source of Our Hope and Truth, at the beginning of today's difficult legislative session, we pause for a moment of personal reflection and a brief prayer. During this moment of reflection and prayer we recall Your presence in our midst and the availability of Your assistance in arranging our agenda and our decision making for this day. A moment of prayer also enables us to focus our attention on the direction, the meaning and purpose of our own daily life. This morning we look to You for guidance and the wisdom to make right decisions as we continue to consider and evaluate items in House No. 4100. As elected representatives of the people we know that we cannot address fully all the current needs of the people and our communities. In Your goodness, help us to make reasoned, thoughtful and ethical choices and decisions so that the common good is recognized and served.

Prayer.

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.

Guests of the House.

During the session, the Speaker took the Chair and introduced the Boston University Hockey Team, which had won the National Championship by defeating the University of Miami (Ohio) in overtime. The Speaker thereupon turned the gavel over to Representative Honan of Boston who introduced Coach Jack Parker, team Captains Matt Gilroy of Sudbury, winner of the Hobey Baker Memorial Award, and John McCarthy of Andover. Coach Parker then addressed the House. They were the guests of Representatives Honan and Moran of Boston.

Boston University Hockey Team.

Statement of Representative Creedon of Brockton.

A statement of Ms. Creedon of Brockton 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 a portion of yesterday's sitting due to a family illness. My missing of roll calls yesterday was due entirely to the reason stated.

Statement of Representative Creedon of Brockton.

Resolutions.

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

- Benjamin B. Anderson. Resolutions (filed by Mr. McMurtry of Dedham) congratulating Benjamin B. Anderson on receiving the Eagle Award of the Boy Scouts of America;
 - Dale Armstrong. Resolutions (filed by Mr. McMurtry of Dedham) congratulating Dale Armstrong on receiving the Eagle Award of the Boy Scouts of America;
 - Jeffrey M. Arscott. Resolutions (filed by Mr. McMurtry of Dedham) congratulating Jeffrey M. Arscott on receiving the Eagle Award of the Boy Scouts of America;
 - Matthew J. Kress. Resolutions (filed by Mr. McMurtry of Dedham) congratulating Matthew J. Kress on receiving the Eagle Award of the Boy Scouts of America;
 - Stuart M. Leibson. Resolutions (filed by Mr. McMurtry of Dedham) congratulating Stuart M. Leibson on receiving the Eagle Award of the Boy Scouts of America;
 - Wendell D. Meyers, Jr. Resolutions (filed by Mr. McMurtry of Dedham) congratulating Wendell D. Meyers Jr., on receiving the Eagle Award of the Boy Scouts of America;
 - William F. Richardson. Resolutions (filed by Mr. McMurtry of Dedham) congratulating William F. Richardson, on receiving the Eagle Award of the Boy Scouts of America; and
 - William J. Scannell. Resolutions (filed by Mr. McMurtry of Dedham) congratulating William J. Scannell on receiving the Eagle Award of the Boy Scouts of America;
- Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. McMurtry, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Recess.

At eight minutes after ten o'clock A.M. (Wednesday, April 29), on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until half past ten o'clock; and at that time the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2010 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4100, amended) was considered.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Murphy of Burlington and other members of the House moved to amend it in section 2, in item 3000-5000, by striking out the figures "\$6,500,000" and inserting in place thereof the figures "\$9,000,000";

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By inserting after item 3000-6000 the following item:

"3000-6075 For early childhood mental health consultation services in early education and care programs in the commonwealth; provided, that preference shall be given to those services designed to limit the number of expulsions and suspensions from said programs; and provided further, that eligible recipients for such grants shall include community partnership councils, municipal school districts, regional school districts, educational collaboratives, head start programs, licensed child care providers, child care resource and referral centers and other qualified entities..... \$1,000,000";

In item 3000-7000, after the words "low-income parents", by inserting the following: "; and provided further, that the children's trust fund shall issue a report to the joint committee on education and the house and senate committees on ways and means, not later than February 15, 2010, detailing the expenditure of state funds appropriated herein"; and

By striking out item 3000-7050 and inserting in place thereof the following item:

"3000-7050 For grants to programs that improve the parenting skills of participants in early education and care programs in the commonwealth: Mass Family Networks, Parent-Child Home Program, and Reach Out and Read; provided further, that the department shall distribute said grants no later than August 31, 2009, in order to allow a full year of service for families involved in these programs; and provided further, that the department shall, to the maximum extent feasible, coordinate services provided through this item with services provided through items 3000-6000 and 3000-7000 in order to ensure that parents receiving services through this item are aware of all opportunities available to them and their children through the department..... \$7,476,556".

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. Walz of Boston; and on the roll call 147 members voted in the affirmative and 4 in the negative.

Amendments (early education) adopted,—yea and nay No. 98.

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

Therefore the amendments were adopted.

At nine minutes after eleven o'clock A.M. (Wednesday, April 29), on motion of Mr. Basile of Boston (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past eleven o'clock; and at five minutes after one o'clock P.M. the House was called to order with Mr. Petrolati in the Chair.

Recess.

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.

Quorum.

Quorum,—
yea and nay
No. 99.

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. 99 in Supplement.]

Therefore a quorum was present.

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

“SECTION 52. Chapter 118E of the General Laws, as most recently amended by chapter 451 of the Acts of 2008, is hereby amended by adding the following new section:

Section 63. The Executive Office of Health and Human Services shall discontinue membership in the MassHealth fee-for-service program and primary care clinician plan, and shall begin enrolling all members, meeting eligibility requirements as established pursuant to applicable federal and state law and regulation, and for whom the discontinuation would result in cost savings for the MassHealth program, into a Medicaid managed care organization that has contracted with the commonwealth to deliver such managed care services, in accordance with the enrollment and assignment processes for other eligible categories and at the appropriate levels of premium. The office shall submit a report to the Joint Committee on Health Care Financing and the clerks of the House and Senate by June 30, 2010 detailing which members it has newly enrolled in a Medicaid managed care organization, which members it has maintained in the MassHealth fee-for-service program and primary care clinician plan, and an actuarial justification to those members who have not transferred to a Medicaid managed care organization.”.

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. Webster of Hanson; and on the roll 30 members voted in the affirmative and 127 in the negative.

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

[Representatives Grant of Beverly and Madden of Nantucket answered “Present” in response to their names.]

Therefore the amendment was rejected.

After remarks Mr. Rodrigues of Westport and other members of the House moved to amend the bill in section 2, in item 4000-0300, by adding the following: “; provided further, that acute care hospital rates of payment from the Commonwealth Care and the Medicaid Managed Care Plans, shall be subject to negotiation between those hospitals and the health plans; provided further, that the Commonwealth Care and the Medicaid Managed Care Plan rates for acute care hospitals shall not be promulgated by regulation nor stipulated in the MassHealth Request For Applications (RFA)”.

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. Rodrigues; and on the roll call (Mrs. Haddad of Somerset being in the Chair) 159 members voted in the affirmative and 0 in the negative.

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

Therefore the amendment was adopted.

Mr. Murphy of Burlington and other members of the House then moved to amend the bill in section 2 as follows:

Amendment
rejected,—
yea and nay
No. 100.

Amendment
adopted,—
yea and nay
No. 101.

At the end of item 4000-0300, by adding the words “; provided further, for the operation of the Office of Health Equity within the Executive Office of Health and Human Services; provided further, that subject to appropriation the Executive Office of Health and Human Services may employ such additional staff and consultants or as it may deem necessary; provided further; the office may prepare an annual health disparities report card with regional disparities data, evaluate effectiveness of interventions, and replicate successful programs across the state; and provided further, the office shall work with a disparities reduction program with a focus on supporting efforts by community-based health agencies and community health workers to eliminate racial and ethnic health disparities, including efforts addressing social factors integral to such disparities”;

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

*4000-0500 For health care services provided to medical assistance recipients who are enrolled in a managed care organization under contract with the executive office, including both MassHealth covered services and MassHealth services not provided by the managed care organization and for MassHealth benefits provided to children, adolescents and adults under clauses (a) to (d), inclusive and clause (h) of subsection (2) of section 9A and section 16C of chapter 118E of the General Laws; provided, that no funds shall be expended from this item for children and adolescents under clause (c) of said subsection (2) of said section 9A of said chapter 118E whose family incomes, as determined by the executive office, exceeds 150 per cent of the federal poverty level; provided further, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that funds shall be expended from this item for the CommonHealth 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 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 disability determination is required; provided further, that funds shall be expended from this item for provision of benefits to eligible women who require medical treatment for either breast or cervical cancer in accordance with 1902 (a) (10) (A) (ii) (XVII) of the Breast and Cervical Cancer Prevention Treatment Act of 2000, Public Law 106- 354

and in accordance with section 10D of Chapter 118E of the General Laws; provided further, that the executive office shall provide those benefits to women whose income, as determined by the executive office, does not exceed 250 percent of the federal poverty line; provided further, that eligibility for these benefits shall be extended solely for the duration of the cancerous condition; provided further, that prior to the provision of any benefits covered by this item, the division shall require screening for either breast or cervical cancer at the comprehensive breast and cervical cancer early detection program operated by the department of public health, in accordance with item 4570-1512 of section 2 of this act; provided further, that funds shall be expended from this item for MassHealth benefits under clause (c) of subsection (2) of section 9A and section 16C of chapter 118E of the general laws as amended by chapter 58 of the acts of 2006 for children and adolescents whose family incomes as determined by the executive office are above 150 percent of the federal poverty line; provided further, that funds shall be expended from this item to fund health care services to adults participating in the medical assistance program pursuant to clause (g) of subsection (2) of section 9A of Chapter 118E of the General Laws; provided further, funds from this item shall be expended for physician and hospital rates; provided further, that funds shall be expended from this item for providing MassHealth benefits to persons with a diagnosis of human immunodeficiency virus whose incomes, as determined by the executive office, do not exceed 200 per cent of the federal poverty line; provided further, that funds shall be expended from this item for the operation of the essential program for long-term unemployed persons; provided further, that such persons shall meet the eligibility requirements under section 9A of chapter 118E; provided further, persons eligible under subsection (7) of section 16D of said chapter 118E shall be eligible to receive benefits under this item; provided further, that the income of such persons shall not exceed 100 percent of the federal poverty line; provided further, that the secretary may limit or close enrollment if necessary in order to ensure that the expenditures from this item do not exceed the amount appropriated herein; provided further, however, that no such limitation shall be implemented unless the secretary has given 90 days notice to the house and senate committees on ways and means and the joint committee on health care financing; provided further, that funds shall be expended from this item for the children's

behavioral health initiative (Rosie D. et al v. Romney, civil action No. 01-30199-MAP) implementation costs and services; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; provided further, that not less than \$9,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric hospitals and units; provided further, that the secretary of health and human services and the commissioner of mental health shall report quarterly to the house and senate committees on ways and means relative to the performance of the managed care organization under contract with the executive office to administer the mental health and substance abuse benefit; provided further, that such quarterly reports shall include, but not be limited to, analyses of utilization trends, quality of care and costs across all service categories and modalities of care purchased from providers through the mental health and substance abuse program, including those services provided to clients of the department of mental health; provided further, that in conjunction with the new Medicaid management information system project, said executive office shall continue to study the feasibility of modifying its claim payment system, in collaboration with the MassHealth behavioral health contractor, to routinely process for payment valid claims for medically-necessary covered medical services to eligible recipients with psychiatric and substance abuse diagnoses on a timely basis in an effort to avoid delay and expenses incurred by lengthy appeals processes; and provided further, that notwithstanding any general or special law to the contrary, the secretary of health and human services shall not reassign to a managed care plan under contract with the office of MassHealth behavioral health benefit of any eligible person when the benefit is elected by or initially assigned to that person, unless the person provides written or verbal consent to the reassignment..... \$2,050,859,818”;

By inserting before item 4000-0640 (inserted by amendment) the following item:

“4000-0600 For health care services provided to MassHealth members who are seniors, and for the operation of the senior care options program under section 9D of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years; provided further, that funds shall be expended for the ‘community choices’ initiative; 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 benefits for this demonstration project shall not be reduced below the services provided in fiscal year 2009; provided further, that the eligibility requirements for this demonstration project shall not be more restrictive than those established in fiscal year 2009; 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 2010 delineated by the federal poverty level; provided further, that notwithstanding any general or special law to the contrary, not less than \$5,000,000 shall be expended from this item for the purpose of providing an increase to \$72.80 per month in the personal needs allowance for individuals residing in nursing homes and rest homes who are eligible for MassHealth, Emergency Aid to the Elderly Disabled and Children program or Supplemental Security Income; provided further, that care management under section 3 of chapter 211 of the Acts of 2006 shall be implemented through Aging & Disability Resource Consortiums, which shall include a combination of one or more Aging Services Access Points and Independent Living Centers; provided further, not less than \$2,500,000 shall be expended from this item to implement the provisions of section 2 of chapter 211 of the acts of 2006, the pre-admission counseling and assessment program, which shall be implemented on a statewide basis through aging and disability resource consortia; provided further, that notwithstanding any general or special law to the contrary, for any nursing home or non-acute chronic disease hospital that provides kosher food to its residents, the department, in consultation with the division, in recognition of the unique special innovative program status granted by the executive office, shall 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 funds 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 care-giving 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 the exception of dependent children, to provide for their long

term supports, pursuant to regulations promulgated by said executive office; provided further, that effective July 1, 2009 for the fiscal year ending June 30, 2010, the division of health care finance and policy shall establish nursing facility MassHealth rates that are \$35,000,000 in payments above the payments made to nursing facilities for fiscal year 2009 for the purpose of funding inflationary labor and benefit costs; provided further, that nursing facility MassHealth rates shall recognize the increase in the nursing home assessment provided for in section 34 of this act borne by the MassHealth program; provided further, that the secretary of elder affairs and the director of the office of Medicaid shall report monthly to the secretary of administration and finance and to the house and senate committees on ways and means the total projected expenditures from this item; and provided further, that the secretary of elder affairs and the director of the office of Medicaid shall provide a monthly report to the secretary of administration and finance and to the house and senate committees on ways and means showing Medicaid nursing facility utilization in the current fiscal year compared to Medicaid nursing facility utilization in the same period for the prior fiscal year \$2,139,610,628”;

By inserting after said item 4000-0640 (inserted by amendment) the following caption:

“EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.”;

By striking out item 4000-0700 and inserting in place thereof the following item:

“4000-0700 For health care services provided to medical assistance recipients under the executive office’s not in managed care plans, primary care clinician plan or the managed behavioral contract, including managed behavioral health contract services and all MassHealth services and for MassHealth benefits provided to children, adolescents and adults under clauses (a) to (d), inclusive and clause (h) of subsection (2) of section 9A and section 16C of chapter 118E of the General Laws; provided, that no payments 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 no funds shall be expended from this item for children and adolescents under clause (c) of said subsection (2) of said section 9A of said chapter 118E whose family incomes, as determined by the executive office, exceeds 150 per cent of the federal poverty level; provided further, that funds shall be expended from this item for the CommonHealth

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 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 disability determination is required; provided further, that funds shall be expended from this item for the children's behavioral health initiative (Rosie D. et al v. Romney, civil action No. 01-30199-MAP) implementation costs and services; provided further, that funds shall be expended for MassHealth members who qualify for Early Intervention services; provided further, that not less than \$34,000,000 in funds from this item including federally unmatched state funds shall be expended to enhance the ability of hospitals, community health centers and primary care clinicians to serve populations in need more efficiently and effectively; provided further, that the executive office of health and human services shall expend not less than \$15,000,000 to distribute to certain disproportionate share hospitals, as defined by 114.1 CMR 36.04 and section 1 of chapter 118G of the General Laws, that provide the largest volume of uncompensated care in the commonwealth, as determined by the division of health care finance and policy and have no corporate affiliation with any managed care organization under contract with MassHealth, in an amount equal to the difference between the costs incurred by such hospital for the provision of services to publicly insured or uninsured individuals including MassHealth, Medicare, Commonwealth Care, and the Health Safety Net Trust Fund, and the payments received for such services; provided further, that hospitals that have in-patient psychiatric units which said psychiatric units had negative operating margins in fiscal year 2008, adjusted to exclude any grants awarded from the Essential Community Provider Trust Fund shall receive priority in the distribution of such supplemental payment amounts under this section; provided further, that any remaining amounts not otherwise distributed in accordance with this section shall be distributed equally among the remaining facilities, in proportion to the relative amount of uncompensated public care costs incurred by each facility; provided further, 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 may reduce MassHealth premiums or copayments or offer other incentives to encourage enrollees to comply with wellness goals; provided further, that the executive office shall report annually to the joint committee on health care financing and the house and senate committees on ways and means on the number of enrollees who met at least 1 wellness goal, any reduction of copayments or premiums, and any other incentives provided because enrollees met wellness goals; provided further, that the executive office shall not, in fiscal year 2010, fund programs relating to case management with the intention of reducing length of stay for neonatal intensive care unit cases; provided further, that funds may be expended from this item for activities relating to disability determinations or utilization management and review, including patient screenings and evaluations, regardless of whether such activities are performed by a state agency, contractor, agent or provider; and provided further, that the executive office shall submit a report to the executive office of administration and finance and the house and senate committees on ways and means not later than March 1, 2010 detailing the activities described in the preceding proviso to be expended from this item during fiscal year 2010 \$1,728,907,635";

By striking item 4000-0740 and inserting in place thereof the following item:

"4000-0740 For all health care services provided to medical assistance members who are enrolled in the primary care clinician plan or the managed behavioral health contract, including managed behavioral health contract services and all other MassHealth covered services; provided further, that funds may be expended from this item for the children's behavioral health initiative (Rosie D. et al v. Romney, civil action No. 01-30199-MAP) implementation costs and services; provided further, that funds may be expended from this item for health care services provided to members in prior fiscal years; provided further, that funds shall be expended from this item for the CommonHealth 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 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;

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provided further, that the executive office shall process CommonHealth applications within 45 days of receipt of a completed application or within 90 days if disability determination is required; provided further, that funds shall be expended from this item for provision of benefits to eligible women who require medical treatment for either breast or cervical cancer in accordance with 1902 (a) (10) (A) (ii) (XVII) of the Breast and Cervical Cancer Prevention Treatment Act of 2000, Public Law 106-354 and in accordance with section 10D of Chapter 118E of the General Laws; provided further, that the executive office shall provide those benefits to women whose income, as determined by the executive office, does not exceed 250 percent of the federal poverty line; provided further, that eligibility for these benefits shall be extended solely for the duration of the cancerous condition; provided further, that prior to the provision of any benefits covered by this item, the division shall require screening for either breast or cervical cancer at the comprehensive breast and cervical cancer early detection program operated by the department of public health, in accordance with item 4570-1512 of section 2 of this act; provided further, that funds shall be expended from this item for providing MassHealth benefits to persons with a diagnosis of human immunodeficiency virus whose incomes, as determined by the executive office, do not exceed 200 per cent of the federal poverty line; provided further, that funds shall be expended from this item for the operation of the essential program for long-term unemployed persons; provided further, that such persons shall meet the eligibility requirements under section 9A of chapter 118E of the General Laws; provided further, persons eligible under subsection (7) of section 16D of said chapter 118E shall be eligible to receive benefits under this item; provided further, that the income of such persons shall not exceed 100 percent of the federal poverty line; provided further, that the secretary may limit or close enrollment if necessary in order to ensure that the expenditures from this item do not exceed the amount appropriated herein; provided further, however, that no such limitation shall be implemented unless the secretary has given 90 days notice to the house and senate committees on ways and means and the joint committees on health care financing; provided further, that funds shall be expended from this item for MassHealth benefits under clause (c) of subsection (2) of section 9A and section 16C of chapter 118E of the general laws as amended by chapter 58 of the acts of 2006 for children

and adolescents whose family incomes as determined by the executive office are above 150 percent of the federal poverty line; provided further, that funds shall be expended from this item to fund health care services to adults participating in the medical assistance program pursuant to clause (g) of subsection (2) of section 9A of Chapter 118E of the General laws; provided further, that funds shall be expended from this item to enhance the ability of hospitals, community health centers and primary care clinicians to serve populations in need more efficiently and effectively; provided further, that notwithstanding the foregoing, not less than \$1,500,000 shall be expended to a community health center located in Suffolk county which provides twenty-four hour emergency services, a Program for All Inclusive Care and a 340B pharmacy; provided further, that the secretary may limit or close enrollment to individuals made eligible solely through the MassHealth section 1115 demonstration waiver, consistent with the terms and conditions of the demonstration, if necessary in order to ensure that expenditures from this item do not exceed the amount appropriated herein; and provided further, that no such limitation shall be implemented unless the secretary has given 90 days notice to the house and senate committees on ways and means and the joint committee on health care financing \$2,219,725,208”;

In item 4000-0835 by striking out the figures “\$643,050,000” and inserting in place thereof the figures “\$268,630,683”; and

In item 4000-0895 by striking out the figures “\$13,200,673” and inserting in place thereof the figures “\$17,200,673”; and

In section 35 (as published) by striking out subsection (c) and inserting in place thereof the following two subsections:

“(c) Notwithstanding any general or special law to the contrary, the state 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 \$399,000,000 from the General Fund to the MassHealth provider payment account in the Medical Assistance Trust Fund, established by section 2QQQ of chapter 29 of the General Laws, if the comptroller has determined that General Fund revenues are sufficient to accommodate the schedule of transfers. These funds may be expended only for services provided during state or federal fiscal year 2010, and no amounts previously or subsequently transferred into the Medical Assistance Trust Fund may be expended on payments described in the 1115 demonstration waiver for services provided during state fiscal year 2010 or payments described in the state plan for services provided during federal fiscal year 2010. All payments from the Medical Assistance Trust Fund shall be subject to the availability of federal financial participation, shall be made only in accordance

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with federally-approved payment methods, shall be consistent with federal funding requirements and all federal payment limits as determined by the secretary of the executive office of health and human services and shall be subject to the terms and conditions of an agreement with the executive office of health and human services. Any increase in payment made from the trust fund totaling an amount greater than \$251,000,000 in fiscal year 2010 shall be made only after the secretary of the executive office of health and human services certifies that any increase in payments from the trust fund shall not exceed the negotiated limit for section 1115 waiver spending. The secretary of the executive office of health and human services shall notify, in writing, the house and senate committees on ways and means and the joint committee on health care financing of any increases in payments within 15 days. The secretary of the executive office of health and human services shall make a payment of up to \$265,000,000 from the Medical Assistance Trust Fund to the Cambridge public health commission for dates of services in state and federal year 2010 only after the Cambridge public health commission transfers up to \$106,000,000 of its funds to the Medical Assistance Trust Fund, using a federally permissible source of funds which shall fully satisfy the non-federal share of such payment. Notwithstanding any provision to the contrary, for state and federal fiscal year 2010, such payment to Cambridge public health commission from this fund may include an up to \$20,000,000 for which federal financial participation is not available or for which no inter-governmental transfer is required. This authorization shall expire on June 30, 2010.

(d) Notwithstanding any general or special law to the contrary, in hospital fiscal year 2010, an acute hospital's liability to the Health Safety Net Trust Fund, as defined in chapter 118G shall be equal to the product of (1) the ratio of its private sector charges to all acute hospitals, private sector charges and (2) \$140,000,000."

After debate on the question on adoption of the amendments, Mr. Murphy of Burlington moved to amend them in proposed item 4000-0500 by striking out the appropriation "\$2,050,859,818" and inserting in place thereof the appropriation "\$2,080,859,818"; and the further amendment was adopted.

On the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays at the request of Ms. L'Italien of Andover; and on the roll call 142 members voted in the affirmative and 16 in the negative.

[See Yeas and Nays No. 102 in Supplement.]

Therefore the amendments, as amended, were adopted.

Mr. Murphy of Burlington and other members then moved to amend the bill in section 2 by inserting after item 7066-0016 the following item:

"7066-0019 For the department of higher education to support the dual enrollment program allowing qualified high school students to take college courses; provided, that public higher education institutions may offer courses in high schools in addition to courses offered at the institutions or online if the number of students is sufficient \$1,000,000";

Amendments (Medicaid) adopted, — yeas and nays No. 102.

In item 7070-0065 by striking out the figures "\$82,875,218" and inserting in place thereof the figures "\$92,875,218";

By inserting after item 7070-0065 the following item:

"7077-0023 For a contract with the Cummings School of Veterinary Medicine at Tufts University; provided, that funds appropriated in this item shall be expended for supportive veterinary medical education and research services provided in the commonwealth, for resident veterinary tuition remission and for biodefense research related to diseases that can be transmitted from animals to humans; and provided further, that prior year costs may be paid from this item \$500,000";

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

"7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding any general or special law to the contrary, the university may establish and organize auxiliary organizations, subject to policies, rules and regulations adopted by the board, to provide essential functions which are integral to the educational mission of the university; provided further, that notwithstanding any general or special law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance; and provided further, that the governor may allocate \$79,746,581, made available through the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, in addition to the amount appropriated herein \$413,398,263";

and in item 7515-0100 by inserting after the words "amount appropriated herein" the following: "; and provided further, that not less than \$946,000 shall be expended for the operation of the Reggie Lewis Track and Athletic Center".

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. Torrisi of North Andover; and on the roll call 144 members voted in the affirmative and 14 in the negative.

[See Yeas and Nays No. 103 in Supplement.]

Therefore the amendments were adopted.

At five minutes before three o'clock P.M. (Wednesday, April 29), on motion of Mr. Rush of Boston (Mrs. Haddad of Somerset being in the Chair) the House recessed until half past four o'clock; and at ten minutes before five o'clock the House was called to order with Mr. Mariano of Quincy in the Chair.

Mr. Basile of Boston 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.

Amendments (higher education) adopted, — yeas and nays No. 103.

Recess.

Quorum.

Quorum,—
yea and nay
No. 104.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 149 members were recorded as being in attendance.

[See Yea and Nay No. 104 in Supplement.]

Therefore a quorum was present.

Mr. Murphy of Burlington and other members then moved to amend the bill in section 2

By striking 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 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 2010 no later than February 1, 2010; provided further, that no less than \$3,313,796 shall be expended on the expansion of housing for the homeless mentally ill; provided further, that funds shall be expended for the continuation of the pre-arrest jail diversion grant program; provided further, that no client of the department of mental health shall be required to relocate unless the client provides written consent authorizing a transfer; provided further, that the department shall file with the joint committee on mental health and substance abuse no later than September 1, 2009, a report containing de-identified data detailing the number of clients who have been transferred to new locations following the implementation of the so-called flexible community support code, the type and manner in which consent was obtained and the number of clients requiring hospitalization following any such transfer; provided further, that the commissioner of the department of mental health shall conduct a study and make recommendations for the implementation of a self-determination model for funding services and supports for clients of the department of mental health; provided further that the model shall include the following: (a) an individual budget for each participant’s service and support plan; (b) appropriate assistance for each participant to design, implement and control a unique service and support plan; (c) the arrangement of unique services and supports preferred by the

participant; and (d) a system of accountability for the use of public funds; provided further, that the commissioner shall appoint an advisory committee to assist with the study and recommendations; and provided further, that the commissioner shall file a report of the results of its investigation and its recommendations, if any, together with drafts of legislation and administrative recommendations necessary to implement the self-determination model with the governor and the clerks of the senate and house of representatives, no later than June 30, 2010 \$313,598,387”;

In item 5042-5000 by striking out the figures “69,703,370” and inserting in place thereof the figures “73,138,409”, and

By striking item 5055-0000 and inserting in place thereof the following item:

“5055-0000 For forensic services provided by the department; provided, that not less than \$1,186,000 shall be expended to sustain and expand services provided through juvenile court clinics..... \$8,048,410”.

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. L’Italien of Andover; and on the roll call 140 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 105 in Supplement.]

Therefore the amendments were adopted.

At nineteen minutes after five o’clock P.M. (Wednesday, April 29), on motion of Mr. Peterson of Grafton (Mr. Mariano of Quincy being in the Chair), the House recessed until the hour of seven o’clock; and at fourteen minutes after seven o’clock the House was called to order with Mr. Donato of Medford in the Chair.

Mr. Scaccia of Boston then moved to amend the bill in section 2, in item 5930-1000, by adding the following: “; provided further, that the department shall take no action to reduce the client population of any state residential-based facility for the mentally retarded, including intensive individual supports, for the purpose of closing said state institutions, and no steps shall be taken to close said institutions through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed, and the general court shall have approved by law any such reductions or closing; provided further, that the secretary for administration and finance shall conduct said study, which shall examine the costs, benefits and quality of maintaining said institutions and shall identify alternative methods of providing the services currently provided by said institutions, and said secretary shall report in writing the findings and recommendations of said study or studies to the house and senate committees on ways and means not later than December 1, 2011”.

After debate the amendment was adopted.

Mr. Stanley of Waltham then moved to amend the bill in section 2, in item 5930-1000, by striking out the appropriation “\$154,081,427” and inserting in place thereof the appropriation “\$166,355,936”.

Amendments
(mental
health)
adopted,—
yea and nay
No. 105.

Recess.

Amendment rejected,—yea and nay No. 106.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 10 members voted in the affirmative and 144 in the negative.

[See Yea and Nay No. 106 in Supplement.]

Therefore the amendment was rejected.

Mr. Murphy of Burlington and other members then moved to amend the bill in section 2 in item 4125-0100 by striking out the figures “\$5,388,462” and inserting in place thereof the figures “\$5,570,962”;

By striking 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 developmental services; provided, that funds shall be expended for the purposes of providing services under the children’s autism Medicaid waiver application submitted pursuant to chapter 107 of the acts of 2005 to be contingent upon the maximization of federal reimbursement for waiver services funded by the commonwealth; provided further, that at a minimum, this waiver shall include children with autism spectrum disorder ages 0 to 8, inclusive, including children with autism spectrum disorder ages 0 to 3, inclusive, receiving services through the department of public health’s early intervention program; provided further, that the income eligibility for the waiver shall not be any lower than MassHealth standard income eligibility for children; provided further, that the department shall take all steps necessary to ensure that eligible children with autism immediately begin to receive services pursuant to such waiver; provided further, that the department shall immediately file any waiver amendments necessary to comply with the requirements of this item with the Centers for Medicare and Medicaid services; provided further, that the department shall report to the house and senate committees on ways and means, the joint committee on education and the joint committee on children, families and persons with disabilities on the number of contracted support services provided for families with autistic children under this item and the costs associated with such services, not later than January 15, 2010, including but not limited to, a report on the implementation of the children’s autism Medicaid waiver program pursuant to chapter 107 of the acts of 2005, with information regarding the number of children enrolled in the waiver and receiving services, linguistic and cultural diversity, age, gender, and geographic representation of the applicants and the children enrolled in the program, department plans to continue to assess the

demand for waiver services, any executive office of health and human services plans to expand the waiver for children on the autism spectrum of all ages in the future, and any other information determined relevant by the department; provided further, that the department shall submit copies of any amended waiver to the house and senate committees on ways and means, the joint committee on education and the joint committee on children, families and persons with disabilities upon submission of the amendment; and provided further, that the department shall provide the same amount allocated to the statewide programs Melmark New England, Inc., New England Center for Children, Inc., and the Asperger’s Association of New England as appearing in section 2 of chapter 182 of the acts of 2008 \$4,510,244”;

and in item 5930-1000 by striking out the figures “\$154,081,427” and inserting in place thereof the figures “\$161,581,427”.

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. Gregoire of Marlborough; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 107 in Supplement.]

Therefore the amendments 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 135 members voted in the affirmative and 23 in the negative.

[See Yea and Nay No. 108 in Supplement.]

Therefore Rule 1A was suspended.

Mr. Murphy of Burlington and other members then moved to amend the bill in section 2, in item 2000-0100, in line 12, by inserting after the word “charged” the following: “; provided further, that the secretary shall investigate and submit a report within 120 days to the house and senate committees on ways and means, the house and senate committees on global warming and climate change and the joint committee on environment, natural resources and agriculture on the transfer of forest product marketing and promotion, as well as regulatory oversight on non-state and federally owned forest lands from the department of conservation and recreation to the department of agricultural resources through such interdepartmental agreements; provided further, that the report shall include, but not be limited to, the following: (a) an identification of the employees that would be affected by consolidation and the item of appropriation that they are paid from; (b) the savings or efficiencies to be realized; (c) the improvements to the services expected; and (d) the source and amount of funding necessary to accomplish and maintain the transfer”;

Amendments (disability agencies, etc.) adopted,—yea and nay No. 107.

Suspension of Rule 1A.

Rule 1A suspended,—yea and nay No. 108.

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In item 2000-1700, in line 2, by inserting after the word "affairs" the words "including the office of geographical and environmental information";

By inserting after item 2310-0200 the following item:

"2310-0300 For the operation of the natural heritage and endangered species program \$200,000";

In item 2330-0100 by adding the following: " provided further, that the sum expended for the school for marine science and technology for research to minimize the economic impact of new fisheries management regulations shall not be reduced from fiscal year 2009 levels except in proportion to adjustments consistent with the department's budget adjustments";

In item 2511-0105 by striking out the appropriation "\$8,000,000" and inserting in place thereof the appropriation "\$12,000,000";

By striking out item 2800-0100 and inserting in place thereof the following item:

"2800-0100 For the operation of the department of conservation and recreation; provided, that said department shall enter into an interagency service agreement with the department of state police to provide police coverage on department of conservation and recreation properties and parkways; provided further, that the department of state police shall reimburse said department of conservation and recreation for costs incurred by said department including, but not limited to, vehicle maintenance and repairs, the operation of department of state police buildings and other related costs; provided further, that notwithstanding any general or special law to the contrary, all offices and positions of the division performing construction activities for the department of conservation and recreation shall be subject to classification under sections 45 to 50, inclusive, of chapter 30 of the General Laws; provided further, that notwithstanding section 3B of chapter 7 of the General Laws, the department shall establish or renegotiate fees, licenses, permits, rents and leases, and adjust or develop other revenue sources to fund the maintenance, operation and administration of the department; provided further, that an annual report shall be submitted to the house and senate committees on ways and means regarding fee adjustments not later than February 15, 2010; provided further, that notwithstanding any general or special law to the contrary, the department shall continue to fund a maintenance contract pursuant to item 2440-2014 of section 2 and section 29 of chapter 236 of the acts of 2002; provided further, that no funds shall be expended from this item for personnel overtime costs; provided further, that the department of conservation and recreation shall provide the house and senate committees on

ways and means with a 30 day notice before any intersubsidary transfers or interagency service agreements and the reason for said transfer; provided further, that the amount transferred pursuant to interagency service agreements shall not increase from fiscal year 2009; and provided further, that any employee paid from this item as of August 1, 2004, that was included in the report required from said item in chapter 149 of the acts of 2004, and any employees assigned to that item after August 1, 2004, shall not be paid from any other item of appropriation \$5,059,980";

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 the amount of the payment shall be charged to the General Fund and shall not be included in the amount of the annual determination of fiscal year charges to the Massachusetts Water Resources Authority assessed to the authority under the General Laws; provided further, that the department shall continue to make payments pursuant to chapter 616 of the acts of 1957, as amended by section 89 of chapter 801 of the acts of 1963; and 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..... \$1,351,864";

and by striking out item 7006-1003 and inserting in place thereof the following two items:

"7006-1001 For the residential conservation service program under chapter 465 of the acts of 1980, and the commercial and apartment conservation service program pursuant to section 11A of chapter 25A of the General Laws \$207,367;

7006-1003 For the operation of the division of energy resources; provided, that notwithstanding any general or special law to the contrary, the amount assessed under section 11H of chapter 25A of the General Laws shall be equal to the amount expended from this item \$2,940,209";

By inserting after section 3 the following section: "SECTION 3A. Chapter 10 of the General Laws is hereby amended by inserting after section 35KK the following section: Section 35LL. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Nantasket Beach Reservation Trust Fund to be used, without further appropriation, for the long-term preservation, maintenance and safety of Nantasket Beach Reservation in the town of Hull. Any

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balance in the fund at the end of the fiscal year shall not revert to the General Fund, but shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year. (b) Notwithstanding any general or special law to the contrary, the department of conservation and recreation shall impose a surcharge of \$10 upon each fee charged and collected for parking in the Nantasket Beach Reservation. The additional monies collected from the surcharge shall be deposited into the Nantasket Beach Preservation Trust Fund.”; and

By inserting after section 37 (as published) the following section: “SECTION 37A. Subsection (a) of section 7 of chapter 236 of the acts of 1988 is 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 shall be subject to appropriation.”.

After debate the amendments were adopted.

Mr. Murphy and other members then moved to amend the bill in section 2 in item 0320-0010 by striking out the figures “\$1,166,511” and inserting in place thereof the figures “\$1,241,511”;

In item 0322-0100, by striking out the figures “\$10,723,851” and inserting in place thereof the figures “\$10,923,851”;

By striking item 0330-0300 and inserting in place thereof the following item:

“0330-0300 For the central administration of the trial court, including costs associated with trial court non-employee services, trial court dental and vision health plan agreement, jury expenses, trial court law libraries, statewide telecommunications, private and municipal court rental and leases, operation of courthouse facilities, rental of county court facilities, witness fees, printing expenses, equipment maintenance and repairs, court interpreter program, insurance and chargeback costs, the Massachusetts sentencing commission, and judicial training; provided, that not less than \$2,000,000 shall be spent on guardian ad litem services for children in the custody of the commonwealth; provided further, that not less than \$486,000 shall be spent on permanency mediation services; provided further, that 50 per cent of all fees payable pursuant to Massachusetts Rules of Criminal Procedure 15(d) and 30(c)(8) shall be paid from this item; provided further, that notwithstanding section 9A of chapter 30, or any other general or special law to the contrary, the rights afforded to a veteran, pursuant to said section 9A of said chapter 30, shall also be afforded to any such veteran, who holds a trial court office or position in the service of the commonwealth not classified under chapter 31, other than an elective office, an appointive office for a fixed term or an office or position under section 7 of chapter 30, and who: (1) has

held the office or position for not less than 1 year; and (2) has 30 years of total creditable service to the commonwealth, as defined in chapter 32; provided further, that the trial court shall submit a report to the victim and witness assistance board detailing the amount of assessments imposed within each court by a justice or clerk-magistrate during the previous calendar year pursuant to section 8 of chapter 258B of the General Laws; provided further, that the report shall include, but not be limited to, the number of cases in which the assessment was reduced or waived by a judge or clerk-magistrate within the courts; and provided further, that the report shall be submitted to the victim and witness assistance board on or before January 12, 2010 \$139,826,674”;

By inserting after item 0330-3334 the following item:

“0330-3337 For the chief justice of administration and management; provided, that the chief justice may expend an amount not to exceed \$9,300,000 from fees collected pursuant to paragraph (4) of subsection (A) of section 3 of chapter 90C of the General Laws, and from increased administrative probation fees pursuant to section 87A of chapter 276 of the General Laws; provided further, that any expenditures or allocations shall be made in accordance with schedules submitted to the house and senate committees on ways and means 30 days before the expenditures or allocations are made; provided further, that a schedule detailing the full allotment of said \$9,300,000 shall be submitted to the house and senate committees on ways and means not later than February 1, 2010; and provided further, that the fees shall continue to be transmitted to the treasurer for deposit into the General Fund before the expenditure authorized by this item \$9,300,000”;

By striking out item 0333-0002 and inserting in place thereof the following item:

“0333-0002 For the operation of the probate and family court department; provided, that there shall be a child and parents program in the Barnstable probate court; provided further, that there shall be a Berkshire, Franklin, Hampden and Hampshire family court clinic to be administratively located in the city of Springfield and to serve the Berkshire, Franklin, Hampden, and Hampshire divisions of the probate court; provided further, that there shall be a Middlesex probate court family services clinic; provided further, that there shall be a Middlesex community access program of community outreach and education; provided further, that the program shall be targeted at low income persons who

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experience educational and language barriers to court access; and provided further, that the program shall be administered by the register of probate of Middlesex county; provided further, that there shall be a Suffolk probate community access program of community outreach and education; provided further, that said program shall be targeted at low income persons who experience educational and language barriers to court access; provided further, that said program shall be administered by the register of probate of Suffolk county; and provided further, that there shall be a Worcester probate court family services clinic \$27,343,103”;

By striking out item 0337-0002 and inserting in place thereof the following item:

“0337-0002 For the operation of the juvenile court department; provided, that \$145,841 shall be expended for the CASA program in Springfield juvenile courts; provided further, that \$72,920 shall be expended for the CASA program in the Worcester juvenile court; provided further, that \$72,920 shall be expended for the CASA program in Plymouth County juvenile court; provided further, that \$100,000 shall be expended for the CASA program in the Lawrence juvenile court; provided further, that \$77,478 shall be expended for the Franklin/Hampshire CASA program, including Northampton, Greenfield, Orange and Ware sessions; and provided further, that \$54,690 shall be expended for a Berkshire CASA program in the Berkshire County juvenile court \$15,318,706”;

In item 0339-1001, by striking out the appropriation “\$125,248,734” and inserting in place thereof the appropriation “\$133,373,975”; and by striking out item 0339-1003 and inserting in place thereof the following item:

“0339-1003 For the operation of the trial court office of community corrections, including the costs of personnel; provided, that funds shall be expended for the cost of intensive supervision and community corrections programs; provided further, that the programs shall include, but not be limited to, tracking, community service, educational assistance, drug and alcohol testing and treatment, curfew enforcement, home confinement, day reporting, means- tested fines, restitution, and community incapacitation or restraint; provided further, that the number of placements in the programs shall not exceed a daily average goal of 5,000 intensively-supervised probationers; provided further, that funds from this item shall be expended to cover the costs of the programs that are undertaken and administered by court probation offices and

county sheriffs. offices; provided further, that said funds shall be expended for the purpose of providing such programs in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties in fiscal year 2010; provided further, that the executive director of the office of community corrections of the trial court shall enter into interagency service agreements and memoranda of understanding with the probation offices and sheriffs. offices for the provision of such programs, including the contracting for detention space for probationers arrested for violating probation and awaiting court action and detention space for probationers who have been ordered by the trial court to be supervised at a higher level of restraint; provided further, that such agreements and memoranda shall be entered into at the direction of the executive director; provided further, that the executive director shall submit a spending and management plan for the programs to the house and senate committees on ways and means not later than January 30, 2010; and provided further, that the plan shall include the projected number of probationers to be served by each program and include a description of the oversight and services provided to the probationers \$24,820,440”;

By inserting after section 18 (as published) the following two sections: “SECTION 18A. Paragraph (4) of subsection (A) of section 3 of chapter 90C of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:—

Upon his appearance before the clerk magistrate who is assigned to such a noncriminal hearing, the violator shall pay to said clerk magistrate a fee of \$20 before the commencement of the hearing.

SECTION 18B. Said paragraph (4) of said subsection (A) of said section 3 of said chapter 90C, as so appearing, is hereby further amended by striking out, in line 56, the figure “\$20” and inserting in place thereof the following figure:— \$25.”;

By inserting after section 26 (as published) the following section: “SECTION 26A. Section 87A of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out, in line 16, the figure ‘\$20’ and inserting in place thereof the following figure:— \$40”;

By inserting after section 27 (as published) the following section: “SECTION 27A. Notwithstanding any general or special law to the contrary, the administrative office of the trial court shall study the feasibility and costs associated with relocating its office to state-owned property. The administrative office of the trial court shall report its findings to the house and senate committees on ways and means and the joint committee on the judiciary no later than December 31, 2009.”; and by adding at the end thereof the following section:

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“SECTION 52. Section 23D of Chapter 217 of the General Laws, as so appearing is hereby amended by striking out the words ‘Middlesex, 6 assistant judicial case managers’ and in its place insert the words:— Middlesex, 8 assistant judicial case managers.”

Pending the question on adoption of the amendments, Messrs. Rush of Boston and Hargraves of Groton moved to amend them by striking out proposed section 27A and inserting in place thereof the following section:

“SECTION 27A. Notwithstanding any general or special law to the contrary, the administrative office of the trial court shall study the feasibility and costs associated with relocating its office to state-owned property. The administrative office of the trial court shall report its findings, together with a comprehensive listing of all state-owned facilities identified, investigated and physically inspected to the chairs of the house and senate committees on ways and means and the chairs of the joint committee on the judiciary no later than October 1, 2009.”

The further amendment was adopted.

After debate on the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays at the request of Mr. Kulik of Worthington; and on the roll call 141 members voted in the affirmative and 16 in the negative.

[See Yeas and Nays No. 109 in Supplement.]

Therefore the amendments, as amended, were adopted.

Mr. Murphy of Burlington and other members then moved to amend the bill in section 2 by inserting after item 7002-0900 the following item:

“7002-0012 For a youth-at-risk program targeted at reducing juvenile delinquency in high risk areas of the commonwealth; provided, that these funds may be expended for the development and implementation of a year-round employment program for at-risk youth as well as existing year-round employment programs; provided further, that \$500,000 of these funds shall be matched by private organizations; and provided further, that funds shall be available for expenditure through September 1, 2009 \$8,000,000”;

In item 7003-0701 by striking out the appropriation “\$15,000,000” and inserting in place thereof the appropriation “\$21,000,000”;

By striking 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 \$750,000 shall be expended for State Service Corps grants to be administered by the Massachusetts Service Alliance; provided further, that not less than \$200,000 shall be expended for the Center for Women & Enterprise; provided further, that no less than \$250,000 shall be expended for education, career development and employment services programs operated by the Urban League of Eastern Massachusetts; provided further, that

Amendments (the Judiciary) adopted,—yea and nay No. 109.

not less than \$150,000 shall be expended for rapid response dislocated worker program services to be administered by contract with the Executive Office of Labor and Workforce Development; and provided further that not less than \$50,000 shall be expended for worker training coordinator programs to be administered by contract with the Executive Office of Labor and Workforce Development..... \$1,400,000”;

and in item 7003-0803 by inserting after the word “centers” the following: “; provided, that not less than \$2,750,000 shall be expended for one-stop career centers that were in existence on May 1, 1997, located in the Boston, Hampden county and metro north service delivery areas and any satellite offices of said centers which opened on or before December 1, 1997”.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mr. Kulik of Worthington; and on the roll call 141 members voted in the affirmative and 16 in the negative.

[See Yeas and Nays No. 110 in Supplement.]

Therefore the amendments were adopted.

Amendments (labor and workforce development) adopted,—yea and nay No. 110.

Recess.

At a quarter after eleven o’clock P.M. (Wednesday, April 29), on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until the following day at half past ten o’clock A.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Recess.

Thursday, April 30, 2009 (at 10:30 o’clock A.M.).

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

God, Our Creator, we pause briefly in our daily routine to turn our thoughts and attention to You and spiritual realities. We place our confidence and trust in you and Your commandments. We believe that with Your assistance we are able to keep our legislative and personal goals and priorities in clear focus. Inspire us to propose and enact legislation which strengthens and unites our society and enhances the material and spiritual quality of life for all members of our communities. In continuing to address the serious and controversial matters of House 4100, teach us to be patient and good listeners to the concerns of the people. In dealing with the current serious economic and employment issues in the Commonwealth, may we work together to strengthen our stressed out families in these difficult and trying times.

Prayer.

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.

Statement of Representative Creedon of Brockton.

A statement of Ms. Creedon of Brockton was spread upon the records of the House, as follows:

Statement of Representative Creedon of Brockton.

MR. SPEAKER: I would like to call to the attention of the House the fact that I will be unable to be present in the House Chamber for the remainder of today's sitting due to a family illness. My missing of roll today and for the next several days will be due entirely to the reason stated.

Guests of the House.

Dracut High School.

During the session the Chair (Mr. Donato of Medford) declared a brief recess and introduced the Dracut High School Superbowl Champion football team and cheerleaders. They were the guests of Representative Garry of Dracut and Senator Tucker.

Hopkinton girls field hockey.

During the session, Ms. Dykema of Holliston took the Chair, introduced the 2008 Division II Champion Hopkinton girls field hockey team, and presented resolutions to them. They were the guests of Representative Dykema.

Resolutions.

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

Martin Duffy.

Resolutions (filed by Mr. Brownsberger of Belmont) honoring Martin Duffy for his great achievement in finishing forty Boston Marathons;

St. Mary's High School girls hockey.

Resolutions (filed by Representatives Ehrlich of Marblehead, Falzone of Saugus, Fennell of Lynn and Walsh of Lynn) honoring the St. Mary's girls ice hockey team on their 2008 perfect season and Division I state championship;

Swampscott,-- basketball.

Resolutions (filed by Ms. Ehrlich of Marblehead) congratulating the Swampscott High School girls basketball team;

Matthew M. Burke.

Resolutions (filed by Mr. McMurtry of Dedham) congratulating Matthew M. Burke on receiving the Eagle Award of the Boy Scouts of America;

Truro,-- tercentennial.

Resolutions (filed by Ms. Peake of Provincetown) congratulating the town of Truro on the occasion of its tercentennial celebration;

David Anthony Campo.

Resolutions (filed by Mr. Timility of Milton) congratulating David Anthony Campo on receiving the Eagle Award of the Boy Scouts of America;

Paul Michael Campo.

Resolutions (filed by Mr. Timility of Milton) congratulating Paul Michael Campo on receiving the Eagle Award of the Boy Scouts of America;

Douglas John Kempe.

Resolutions (filed by Mr. Timility of Milton) congratulating Douglas John Kempe on receiving the Eagle Award of the Boy Scouts of America; and

Charles Francis Crowell.

Resolutions (filed by Mr. Turner of Dennis) congratulating Charles Francis Crowell on his service to the town of Dennis;

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under sus-

pension of the rules, in each instance, on motion of Ms. Dykema of Holliston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Mr. Vallee of Franklin presented a petition (subject to Joint Rule 12) of James E. Vallee for legislation to establish a sick leave bank for Margaret Freddie Purcell, an employee of the Department of Mental Retardation; and the same was referred, under Rule 24, to the committee on Rules.

Margaret Freddie Purcell,-- sick leave bank.

Mr. Binienda of Worcester, for said committee 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. Vallee, 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.

Bills

Relative to pandemic and disaster preparation and response in the Commonwealth (Senate, No. 2028, amended in section 7, in lines 217 to 220, inclusive, by striking out the sentence contained in those lines, in section 13 by inserting after line 366 the following:

Pandemic and disaster preparation.

"(4½) Stating that failure to comply with the order poses a serious danger to public health, if the commissioner determines that non-compliance would pose such a danger; and", by striking out section 18 and inserting in place thereof the following section:

"SECTION 18. Notwithstanding the provisions of any general or special law to the contrary, no health care provider, as defined in section 1 of chapter 111 of the General Laws, and no provider, as defined in section 1 of chapter 118G of the General Laws, shall be liable in a suit for damages or subject to administrative of licensing sanctions as a result of good-faith acts or omissions while engaged in the performance of duties as a volunteer participating in a preparedness program sanctioned by any state agency as defined in section 1 of chapter 6A of the General Laws or a local public health authority as defined in section 1 of said chapter 111, or as an employee in rendering emergency care, treatment, advice, or assistance during a public health emergency declared by the governor under section 2A of chapter 17 of the General Laws, or during a state of emergency declared under chapter 639 of the acts of 1950, as most recently amended by chapter 491 of the Acts of 1953. This section does not apply in the case of malfeasance, willful, wanton, or reckless actions by a provider occurring in the performance of the provider's duties during said emergency."; in section 26, in line 583, after the word "emergency," by inserting the following sentence: "The department of public health shall consult with the division of insurance in promulgating regulations regarding the waiver of administrative requirements and claims payment requirements during a public health emergency." (on Senate, No. 18 and House, No. 108);

County sheriffs. Transferring county sheriffs to the Commonwealth (Senate, No. 2045) (on Senate bill No. 2031). Severally, passed to be engrossed by the Senate, were read; and referred, under Rule 33, to the committee on Ways and Means.

Neighborhoods,—stabilization. A report of the committee on Revenue, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1379) of Susan C. Tucker for legislation to stabilize neighborhoods, and recommending that the same be referred to the committee on Housing,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Reports of Committees.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, asking to be discharged from further consideration

Nursing home residents. Of the petition (accompanied by bill, House, No. 3416) of Ruth B. Balsler and others for legislation to protect the interests and well being of residents in nursing homes, and long-term care facilities; and

Personal needs allowance. Of the petition (accompanied by bill, House, No. 3417) of Christine E. Canavan and others for legislation to increase the personal needs allowance for certain elderly and disabled residents residing in licensed medical facilities;

And recommending that the same severally be referred to the committee on Elder Affairs.

By Mrs. Wolf of Cambridge, for the committee on Elder Affairs, asking to be discharged from further consideration

Personal care attendant program. Of the petition (accompanied by bill, Senate, No. 307) of Gale D. Candaras, Christine E. Canavan, Willie Mae Allen, Martha M. Walz and other members of the General Court for legislation relative to cueing and supervision in the personal care attendant program,— and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities.

Firearms licenses. Of the petition (accompanied by bill, House, No. 541) of William Smitty Pignatelli and others relative to the fee for certain firearms licenses for persons seventy years of age or older,— and recommending that the same be referred to the committee on Public Safety and Homeland Security.

Asthma. By Mr. Koutoujian of Waltham, for the committee on Financial Services, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1028) of Jeffrey Sánchez and others for legislation improving asthma health care coverage,— and recommending that the same be referred to the committee on Public Health.

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

Recess.

Recess. At thirteen minutes before eleven o'clock A.M. (Thursday, April 30), on motion of Mr. Flynn of Bridgewater (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after eleven;

and at twenty-two minutes after eleven o'clock the House was called to order with Mr. Vallee of Franklin 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 Chair (Mr. Vallee), 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 150 members were recorded as being in attendance.

[See Ye and Nay No. 111 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2010 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4100, amended) was considered, the main question being on passing the bill to be engrossed.

Mr. Murphy of Burlington and other members then moved to amend the bill in section 2 by inserting after item 4000-0050 the following two 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 the executive office of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization; and provided further, that the department shall not reduce the amount allocated to a program listed in this item as appearing in section 2 of chapter 182 of the acts of 2008 by more than 50 per cent in fiscal year 2010 \$2,925,000;
- 4000-0265 For a primary care workforce development and loan forgiveness grant program at community health centers, for the purpose of enhancing recruitment and retention of primary care physicians and other clinicians at community health centers throughout the commonwealth; provided, that the grant shall be administered by the Massachusetts League of Community Health Centers in consultation with the secretary of the executive office of health and human services and relevant member agencies; provided further, that the funds shall be matched by other public and private funds; and provided further, that the League shall work with said secretary and said agencies to maximize all sources of public and private funds \$1,700,000";

Quorum.

Quorum,—yea and nay No. 111.

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General Appropriation Bill.

By striking out item 4000-1700 and inserting in place thereof the following item:

“4000-1700 For the operation of information technology services within the executive office of health and human services; provided, that not less than \$150,000 shall be expended to provide adoptive technology services for school-age children who are blind to ensure increased competence in the use of technological equipment and academic and professional development and self-sufficiency; and provided further, that the secretary shall file a report with the house and senate committees on ways and means no later than December 15, 2009 that shall include, but not be limited to, the following: (a) financial statements detailing savings realized from said consolidation; (b) the number of personnel assigned to the information technology services within the executive office; and (c) efficiencies that have been achieved from the sharing of resources.....

\$89,957,599”;
[A]

“4100-0060 For the operation of the division and the administration of the Health Safety Net Trust Fund established in section 36 of chapter 118G of the General Laws; provided, that notwithstanding any general or special law to the contrary, the assessment to acute hospitals authorized pursuant to section 5 of said chapter 118G for the estimated expenses of the division shall include in fiscal year 2010 the estimated expenses, including indirect costs, of the division and shall be equal to the amount appropriated in this item less amounts projected to be collected in fiscal year 2010 from: (a) filing fees; (b) fees and charges generated by the division’s publication or dissemination of reports and information; and (c) federal financial participation received as reimbursement for the division’s administrative costs; provided further, that the assessed amount shall not be less than 65 per cent of the total expenses appropriated for the division in the health safety net office; provided further, that the division shall promulgate regulations requiring all hospitals receiving payments from the Health Safety Net Trust Fund to report to the division the following utilization information: the number of inpatient admissions and outpatient visits by age category, income category, diagnostic category and average charge per admission; provided further, that the division shall submit quarterly reports to the house and senate committees on ways and means compiling said data; provided further, that the division, in consultation with the executive office of health and human services, shall not promulgate any increase in Medicaid

provider rates without taking all measures possible under Title XIX of the Social Security Act or any successor federal statute to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that the division shall meet the reporting requirements of section 25 of chapter 203 of the acts of 1996; provided further, that funds may be expended for the purposes of a survey and study of the uninsured and underinsured in the commonwealth, including the health insurance needs of the residents of the commonwealth; provided further, that said study shall examine the overall impact of programs administered by the executive office of health and human services on the uninsured, the underinsured and the role of employers in assisting their employees in affording health insurance pursuant to section 23 of chapter 118G of the General Laws; provided further, that the division shall publish annual reports on the financial condition of hospitals and other health care providers through the Health Benchmarks project website, in collaboration with the executive office of health and human services, the office of the attorney general and the University of Massachusetts; provided further, that the division shall submit to the house and senate committees on ways and means and the joint committee on health care financing no later than December 8, 2009 a report detailing utilization of the Health Safety Net Trust Fund; provided further, that the report shall include: (a) the number of persons in the commonwealth whose medical expenses were billed to the Health Safety Net Trust Fund in fiscal year 2009; (b) the total dollar amount billed to the Health Safety Net Trust Fund in fiscal year 2009; (c) the demographics of the population using the Health Safety Net Trust Fund; and (d) the types of services paid for out of the Health Safety Net Trust Fund in fiscal year 2009; provided further, that the division shall include in the report an analysis on hospitals, responsiveness to enrolling eligible individuals into the MassHealth program upon the date of service rather than charging those individuals to the Health Safety Net Trust Fund; provided further, that the division shall include in the report possible disincentives the state could provide to hospitals to discourage such behavior; provided further, that notwithstanding any general or special law or rule or regulation to the contrary, the division shall not allow any exceptions to the usual and customary charge defining rule as defined in 114.3 CMR 31.02,

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for the purposes of drug cost reimbursement to eligible pharmacy providers for publicly-aided and industrial accident patients; provided further, that the division is hereby authorized to change the pricing standard used by said division when determining the rate of payment to pharmacy providers for prescribed drugs for publicly-aided or industrial accident patients if such a change would financially benefit the commonwealth; provided further, that the division shall prepare a report on the savings realized by the MassHealth Pharmacy Program, for the first 3 months of fiscal year 2010, as a result of the reimbursement rate reductions for multiple source drugs for which upper limits have been set by the federal centers for Medicare and Medicaid services; provided further, that using said data, the division shall also estimate the program savings for fiscal year 2010; provided further, that the division shall forward a copy of this report to the secretary of the executive office of administration and finance, and to the house and senate committees on ways and means no later than November 16, 2009; provided further, that the division, after consultation with the secretary and the chairs of the senate and house committees on ways and means, may adjust pharmacy dispensing fees for multiple source prescription drugs to compensate for any reduction as a result of the upper limits implemented under the Deficit Reduction Act of 2005; provided further, that the division shall provide a quarterly report on the projected costs and enrollment figures of Commonwealth Care and shall file the report with the clerks of the senate and house of representatives; and provided further, that the division and the executive office of health and human services shall establish a new rate methodology to cover the cost of care provided by any facility licensed by the department of public health as a chronic disease hospital providing services solely to children and adolescents, as follows: (1) the rate of reimbursement for any such facility shall be developed collaboratively through an agreement among the office of Medicaid, the division of healthcare finance and policy and any such facility; (2) the reimbursement rate for any such facility shall incorporate the following components: (a) utilization of the reimbursement methodology used by the division and the executive office of health and human services to determine payments for Medicaid disproportionate share pediatric hospitals in effect in 2007 utilizing the most recently filed 403 cost report with the division and the payments received from Medicaid eligible patients for the base period; (b) a per diem rate for inpatient and a payment on account

factor for outpatient shall be established which reimburses the full unrecovered cost, including capital; and (c) the rates shall be inflated over the base period by the applicable Medicare market basket inflation factors; and (3) notwithstanding any general or special law to the contrary, in no event will the rates of payment be lower than the rates in effect for such facility in the prior fiscal year..... \$20,749,078”;

and in section 2B, in item 4000-0103, by striking out the figures “\$28,122,839” and inserting in place thereof the figures “\$14,552,482”.

After debate on the question on adoption of the amendments, at one minute before twelve o'clock noon (Thursday, April 30) (Mr. Vallee of Franklin being in the Chair), Mr. Peterson of Grafton moved that the House recess until the following Monday at the hour of eleven o'clock A.M.

Motion to recess negated,— yea and nay No. 112.

On the motion to recess, the sense of the House was taken by yeas and nays at the request of Mr. Peterson; and on the roll call 21 members voted in the affirmative and 135 in the negative.

[See Yea and Nay No. 112 in Supplement.]

Therefore the motion to recess was negated.

On the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mr. Sánchez of Boston; and on the roll call 144 members voted in the affirmative and 15 in the negative.

Amendments (Health and Human Resources) adopted,— yea and nay No. 113.

[See Yea and Nay No. 113 in Supplement.]

Therefore the bill amendments were adopted. Subsequently Mr. Murphy of Burlington moved that this vote be reconsidered; and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendments, the same member moved to amend them [at “A”] by inserting the following: “; by striking item 4100-0060 and inserting in place thereof the following item:”.

The further amendment was adopted.

The amendments offered by Mr. Murphy of Burlington, et als, as amended, then also were adopted.

At twenty minutes after twelve o'clock noon (Thursday, April 30), the Chair (Mr. Vallee of Franklin) declared a recess subject to the call of the Chair; and at one o'clock P.M. the House was called to order with Mr. Vallee in the Chair.

Recess.

Mr. Mariano of Quincy thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Vallee), 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 145 members were recorded as being in attendance.

Quorum,— yea and nay No. 114.

[See Yea and Nay No. 114 in Supplement.]

Therefore a quorum was present.

Mr. Murphy of Burlington then moved that the vote be reconsidered by which the House adopted (this day) (see yea and nay No. 113) amendments in section 2, inserting item 4000-0112, etc. (as appearing on pages 285 to 289); and the motion prevailed.

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Pending the recurring question on adoption of the amendments, the same member moved to amend them after proposed item 4000-1700 [at "A."] by inserting the following language: "By striking out item 4100-0060 and inserting in place thereof the following item:"

The further amendment was adopted. The amendments, as amended, then also were adopted.

Mr. Murphy of Burlington and other members then moved to amend the bill in section 2 by striking out item 4400-1001 and inserting in place thereof the following item:

"4400-1001 For programs to increase the commonwealth's participation rate in food stamps and other federal nutrition programs; provided, that not less than \$1,500,000 shall be expended for a grant 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 effects of hunger; provided further, that not less than \$250,000 shall be expended for the Food Source Hotline; provided further, that the work of department employees paid for from this item shall be restricted to processing food stamp applications; provided further, that the department shall not require food stamp applicants to provide re-verification of eligibility factors previously verified and not subject to change; provided further, that notwithstanding any general or special law to the contrary, the department shall require only 1 signature from food stamp applicants; and provided further, that the department shall report to the house and senate committees on ways and means no later than December 1, 2009 on the status of these programs..... \$2,605,724";

In item 4400-1100 by striking out the figures "\$49,608,022" and inserting in place thereof the figures "\$55,958,022"; and

In item 4401-1000, in line 5, by inserting after the word "benefits" the following: "; provided further, that not less than \$4,700,000 shall be expended for the Young Parents Program".

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. Khan of Newton; and on the roll call 146 members voted in the affirmative and 13 in the negative.

[See Ye and Nay No. 115 in Supplement.]

Therefore the amendments were adopted.

Amendments (hunger) adopted, — ye and nay No. 115.

At twenty-five minutes before two o'clock P.M. (Thursday, April 30), the Chair (Mr. Vallee of Franklin) declared a recess until two o'clock; and at ten minutes after two o'clock P.M. the House was called to order with Mr. Vallee in the Chair.

Recess.

Mr. Puppolo Springfield thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Vallee), 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 148 members were recorded as being in attendance.

Quorum, — ye and nay No. 116.

[See Ye and Nay No. 116 in Supplement.]

Therefore a quorum was present.

Mr. Murphy of Burlington and other members then moved to amend the bill in section 2 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 department shall not reduce the amount allocated to a program listed in this item as appearing in section 2 of chapter 182 of the acts of 2008 by more than 25 per cent in fiscal year 2010 \$1,738,686";

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

"1410-0250 For veterans homelessness services, provided, that the department shall not reduce the amount allocated to a program listed in this item as appearing in section 2 of chapter 182 of the acts of 2008 by more than 25 per cent in fiscal year 2010 \$2,083,073".

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. Naughton of Clinton; and on the roll call 158 members voted in the affirmative and 0 in the negative.

Amendments (veterans) adopted, — ye and nay No. 117.

[See Ye and Nay No. 117 in Supplement.]

Therefore the amendments were adopted.

At twelve minutes before three o'clock P.M. (Thursday, April 30), on motion of Mr. Peterson of Grafton, the House recessed until half past three o'clock; and at nineteen minutes before four o'clock the House was called to order with Mr. Vallee of Franklin in the Chair.

Recesses.

The Chair (Mr. Vallee) thereupon declared a further recess subject to the call of the Chair; and at five minutes after four o'clock the House was called to order with Mr. Mariano of Quincy in the Chair.

The Chair (Mr. Mariano) thereupon declared a further recess subject to the call of the Chair; and at seventeen minutes before five o'clock the House was called to order with Ms. Reinstein of Revere in the Chair.

Quorum.

Mr. Pignatelli of Lenox thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Ms. Reinstein), 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 Yea and Nay No. 118 in Supplement.]

Therefore a quorum was present.

Mr. Murphy of Burlington and other members then moved to amend the bill in section 2 by inserting after item 6000-0110 the following item:

“6000-0200 For the inter-district transportation program; provided, that the program shall be administered by the executive office of transportation in a manner that provides public transportation parity to all areas of the commonwealth, particularly those communities located outside of Route #95/#128, so-called; provided further, that the executive office of transportation shall request, and each participating contractor shall provide, all necessary books, materials, records and other compilations of data to establish the appropriate state subsidy associated with each bus route; and provided further, that the same compilations of data shall be made available to the house and senate committees on ways and means and the joint committee on transportation \$1,000,000”;

In item 6005-0015 by striking out the figures “\$46,793,971” and inserting in place thereof the following figures “\$54,993,971”;

In item 8400-0001, in line 13, by inserting after the word “Laws” the following: “; provided further, that the registrar of motor vehicles shall report to the house and senate committees on ways and means and the joint committee on transportation 90 days prior to the closure of any registry branch; provided further, that said report shall include all cost savings associated with the closure”; and

In section 2B, above item 6000-1701, by inserting the following caption:

“OFFICE OF THE SECRETARY.”

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mr. Wagner of Chicopee; and on the roll call 151 members voted in the affirmative and 7 in the negative.

[See Yea and Nay No. 119 in Supplement.]

Therefore the amendments were adopted.

Mr. Jones of North Reading and other members then moved that the bill be amended by inserting after section 3 (as published) the following section:

“SECTION 3A. Section 53 of chapter 7 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking, in line 17, the figure “\$200,000” and inserting in place thereof the following figure:— \$5,000,000.”.

Quorum,—
yea and nay
No. 118.

Amendments
(transportation)
adopted,—
yea and nay
No. 119.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 17 members voted in the affirmative and 141 in the negative.

[See Yea and Nay No. 120 in Supplement.]

Therefore the amendment was rejected.

At twenty minutes before six twelve o'clock P.M. (Thursday, April 30), on motion of Mr. Scaccia of Boston (Ms. Reinstein of Revere being in the Chair), the House recessed until half past seven o'clock; and at thirteen minutes before eight o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Messrs. O'Day of West Boylston and Fresolo of Worcester then moved to amend the bill by adding the following section:

“SECTION 53. An environmental study shall be conducted by the Department of Conservation and Recreation in the City of Worcester and in other Worcester County towns to determine the long-term effects due to the eradication process for the permanent removal of the Asian Longhorned Beetle. The area of study shall include the City of Worcester and the towns of West Boylston, Boylston, Holden and Shrewsbury. The study shall determine the impact on the immediate environment. Included in the study shall be the replacement of a natural barrier, the restoration of indigenous wildlife, the cost of such remediation and long-term planning and solutions. The Department of Conservation and Recreation shall report its findings to the Clerk of the House of Representatives and the Clerk of the Senate by December 31, 2009.”

After remarks the amendment was adopted.

Mr. Murphy of Burlington and other members of the House then moved to amend the bill in section 2 by striking out item 7004-0101 and inserting in place thereof the following item:

“7004-0101 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, Hampden and Nantucket counties; (iv) residential education centers for single mothers with children; (v) intake centers; and (vi) voucher shelters; provided, that in fiscal year 2010, the department of housing and community development shall apply the regulations of the department of transitional assistance applicable to the emergency assistance program as in effect on June 30, 2009, except to the extent that such regulations are inconsistent with any provision of this item; provided further, 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

Amendment
rejected,—
yea and nay
No. 120.

Recess.

level was exceeded; provided further, that the department shall establish reasonable requirements for such families to escrow a portion of their income; provided further, that any such escrowed funds shall be exempt from otherwise applicable asset limits; provided further, that the family may withdraw the amount placed in escrow upon transition to permanent housing or losing eligibility for shelter services; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States; provided further, that the department shall take all steps necessary to enforce regulations to prevent abuse in the emergency assistance program; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized; provided further, that eligible households shall be placed in shelters as close as possible to their home community unless a household requests otherwise; provided further, that if the closest available placement is not within 20 miles of the household's home community, the household shall be transferred to an appropriate shelter within 20 miles of its home community at the earliest possible date unless the household requests otherwise; provided further, that eligibility for shelter by an otherwise eligible family shall not be impaired by prior receipt of any non-shelter benefit; provided further, that the department shall make every effort to ensure that children receiving services from this item shall continue attending school in the community in which they lived prior to receiving services funded from this item; provided 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 shelter benefits received under the preceding proviso shall not render a family ineligible under any regulation providing that a family who previously received shelter is ineligible for shelter benefits for a period of 12 months; provided further, that families receiving such shelter benefits who are found not to be eligible for continuing shelter benefits shall be eligible for aid pending a timely appeal pursuant to section 16 of chapter 18 of the General Laws; provided further, that the department shall not impose

unreasonable requirements for third-party verification and shall accept verifications from the family whenever reasonable; provided further, that no family shall have shelter benefits terminated for failure to meet any savings requirement if failure to meet said requirement is because of the family's expenditures for nutrition, health or other expenses necessary to satisfy the family's basic needs that would not otherwise be met; provided further, that no family shall have shelter benefits terminated for failure to accept the first offer of housing if acceptance of such offer would require a member of the family to lose paid employment or access to adult education or training; provided further, that in promulgating, amending or rescinding regulations with respect to eligibility or benefits under this program, the department shall take into account the amounts available to it for expenditure in this item so as not to exceed the amount appropriated in this item; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any such eligibility or benefit changes, the undersecretary 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 the executive office of housing and economic development 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 provisos 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 on the emergency assistance family shelter program; provided further, that the report shall contain the same data required in this item in chapter 139 of the acts of 2006 and in addition shall contain data describing all services funded through this item to prevent homelessness or re-house homeless families, the number of families receiving each of said services, the amount of expenditures on each type of service, and the stability of the housing of each household receiving such services periodically while the services are being provided and for one year after the services

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end, including whether the household continues to be housed in the same or a different unit, the percentage of household income that is being paid for rent, whether the household has its own unit or is living with another household, the total number of household members living together and the number of bedrooms in the unit in which they reside; provided further, that the department shall expend not less than half of the amount expended through item 4403-2120 of chapter 182 of the acts of 2008 for child development services delivered in shelters statewide through a program that installs playrooms staffed by trained volunteers; provided further, that the department shall expend the same amount as appearing in item 4403-2120 of chapter 182 of the acts of 2008 for non-profit organizations that assist in providing food, supplies, and services to the indigent and those in danger of becoming homeless; provided further, that not less than \$637,500 shall be directed to One Family Inc. for the purpose of administering and sponsoring a scholarship program for the higher education of heads-of-household for homeless families with children under the age of 18, or who are at-risk of homelessness as determined by the federal poverty level or who have experienced homelessness within the previous 12 months; provided further, that said funds shall be expended for scholarships and assistance with living expenses at accredited institutions of higher learning in the commonwealth; provided further, that each scholarship shall be matched dollar-for-dollar by One Family Inc.; and provided further, that the scholarship recipients shall be monitored and tracked for their progress and that the results shall be reported to the commonwealth on a bi-annual basis through the department of higher education and the department of housing and community development..... \$93,882,093”;

In item 7004-9024, by striking out the figures “\$17,997,061” and inserting in place thereof the figures “\$35,797,061”; and

In item 7004-9005, by striking out the figures “\$66,300,000” and inserting in place thereof the figures “\$71,300,000”.

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. Honan of Boston; and on the roll call 148 members voted in the affirmative and 9 in the negative.

[See Yeas and Nays No. 121 in Supplement.]

Therefore the amendments 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.

Amendments adopted,—yea and nay No. 121.

Suspension of Rule 1A.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 134 members voted in the affirmative and 22 in the negative.

[See Yeas and Nays No. 122 in Supplement.]

Therefore Rule 1A was suspended.

Mr. Jones of North Reading and other members then moved to amend the bill by inserting after section 18 (as published), the following section:

“SECTION 18A. Chapter 111 of the General Laws, as appearing the 2006 Official Edition, is hereby amended by striking out section 251 and inserting in place thereof the following section:

Section 251. The commissioner shall promulgate regulations requiring that either a resident or consultant pharmacist in a health care facility shall return to the pharmacy from which it was purchased all unused medication; provided that such medication is sealed in unopened, individually packaged units and within the recommended period of shelf life, and provided that such medication is not a schedule I or II controlled substance as defined in chapter 94C. Such pharmacies shall accept all such unused medications regardless of whether such medications are included on any list of unit-dose drugs issued by the department or the division of medical assistance. Any rules and regulations issued by the commissioner shall permit the pharmacy to which such medication is returned to restock and redistribute such medication. The pharmacy shall be required to reimburse or credit the purchaser for any such returned medication.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 158 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 123 in Supplement.]

Therefore the amendment was adopted.

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

“SECTION 54. Effective January 1, 2009, no amendment of 114.3 CMR 20.00 shall take effect until the Division of Health Care Finance and Policy has certified that it has conducted its mandated biannual review of all of the services and procedures identified in that section, with data and testimony that (1) explains and supports any rates that are not subject to adjustment; and (2) establishes the statutory basis that explains and supports any rates that are adjusted.”.

The amendment was adopted.

Mr. Rodrigues of Westport then moved to amend the bill by adding the following section:

“SECTION 55. Item 1100-8000 of Section 2B of Chapter 123 of the Acts of 2006 is hereby amended by adding at the end of the wording the following new words:— provided further, that notwithstanding any general or special law to the contrary, in the procurement of design and construction services for such bio-processing facility pursuant to this item, the University of Massachusetts Building Authority may use an

Rule 1A suspended,—yea and nay No. 122.

Amendment adopted,—yea and nay No. 123.

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alternative mode of procurement of design and construction, including but not limited to, sequential construction management, turnkey, design/build procurement and the phasing of such procurement, including, but not limited to, approval of design and construction stages as separate for combined phases; provided further, that the University of Massachusetts Building Authority shall require the assurance of labor harmony during all phases of development, including construction, reconstruction and capital and routine maintenance and shall provide adequate remedies to address the failure to maintain labor harmony which shall include, but not be limited to, assessment of liquidated damages and contract termination; and provided further, that the payment of prevailing wages, in accordance with sections 26 to 27F, inclusive, of chapter 149 of the General Laws, shall be required for all phases of these projects.”

The amendment was adopted.

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

“SECTION 56. Section 17G of chapter 180, as appearing in the 2006 Official Edition, is hereby amended by the inserting after word ‘employed’, in line 5, the following words:— or which may be specified by a collective bargaining agreement with the PCA Quality Home-care Workforce Council.”

The amendment was adopted.

After remarks Mr. Sullivan of Fall River moved to amend the bill by adding the following section:

“SECTION 57. Notwithstanding the provisions of section 3 of chapter 175H or any other general or special law to the contrary, it shall be lawful for any manufacturer, distributor, or supplier of prescription pharmaceutical products to offer and participate in any direct to consumer rebate programs, even if a portion of the prescription is paid for by a health insurer, and for any consumer of prescription pharmaceutical products to participate fully in any rebate program or offering made [A]either a manufacturer, distributor, or supplier of said prescription pharmaceutical products, even if a portion of the prescription is paid for by a health [B] insurer.”

Pending the question on adoption of the amendment, the same member moved to amend it [at “A”] by striking out the word “either” and inserting in place thereof the word “by”; and [at “B”] by inserting after the word “health” the word “care”.

After debate on the question on adoption of the further amendments, the sense of the House was taken by yeas and nays at the request of Mr. Sullivan of Fall River; and on the roll call 48 members voted in the affirmative and 108 in the negative.

[See Yeas and Nays No. 124 in Supplement.]

[Representatives Stanley of West Newbury and Provost of Somerville answered “Present” in response to their names.]

Therefore the further amendments were rejected.

The amendment then also was rejected.

Mr. Spellane of Worcester then moved to amend the bill by adding the following section:

“SECTION 57. Section 3 of said chapter 150E, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:—

Further amendments rejected, — yeas and nays No. 124.

The appropriate bargaining units in the case of the uniformed members of the department of state police shall be a unit of all such uniformed members below the rank of lieutenant, and a second unit composed of all commissioned officers below the rank of major. The appropriate bargaining units for judicial employees within the provisions of this chapter shall be a public safety professional unit composed of all probation officers and court officers, and a unit composed of all nonmanagerial or nonconfidential staff and clerical personnel employed by the judiciary; provided that court officers in the superior court department for Suffolk and Middlesex counties shall be represented by such other bargaining units as they may elect.”

Pending the question on adoption of the amendment, the same member moved to amend it by striking out proposed section 57 and inserting in place thereof the following section:

“SECTION 57. Notwithstanding any general or special law to the contrary, the office of the state comptroller shall continue to process all payroll deductions in effect prior to July 1, 2009 for members of the state police commissioned officers association of Massachusetts, Inc and shall make one aggregate deposit into the designated state police commissioned officers association of Massachusetts treasury account.”

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

Mr. Brownsberger of Belmont then moved to amend the bill in section 39, in line 2, by striking out the figures “15” and inserting in place thereof the figures “17”; and in line 13 by inserting after the word “designee” (the second time it appears) the words “; a representative from the metropolitan area planning council; a representative from the Massachusetts Municipal Association”.

After remarks the amendments were adopted.

Mr. Murphy of Burlington and other members then moved to amend the bill in section 2 [A] by inserting after item 4510-0100 the following item:

“4510-0110 For community health center services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that \$225,000 shall be expended on a statewide program of technical assistance to community health centers to be provided by a state primary care association qualified under section 330(f)(1) of the United States Public Health Service Act, 42 U.S.C. section 254c(f)(1) \$225,000”;

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

[C] “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; provided further, that not less than \$250,000 shall be expended for the Latino After

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School Initiative; provided further, that not less than \$100,000 shall be expended for the operation of Learn to Cope; and provided further, that the department shall not reduce the amount allocated to a program listed in this item as appearing in section 2 of chapter 182 of the acts of 2008 by more than twenty per cent in fiscal year 2010 \$75,924,448”;

By striking out item 4512-0500 and inserting in place thereof the following item:

“4512-0500 For dental health services; provided, that no funds shall be expended in the AA object class; provided further, that funds shall be expended to maintain a program of dental services for the developmentally disabled; provided further, that the department shall submit to the house and senate committees on ways and means a quarterly report on the number of children served by this dental health services program and the number of children waiting to be served by the program; provided further, that \$300,000 shall be expended for the Forsyth Institute’s Center for Children’s Oral Health to fund a school-based demonstration project to offer preventive oral health care to children in high need areas including Boston, Lynn, the Cape and Islands; provided further, that not less than \$100,000 shall be expended for the Taunton Oral Health Clinic in the City of Taunton for the basic dental needs of moderate and low income residents of Southeastern Massachusetts; provided further, that not less than \$81,000 shall be expended for the Community Coalition of Cape Cod for support and implementation of a model dental program that provides comprehensive dental care for low-income uninsured adults throughout Cape Cod; and provided further, that not less than \$75,000 shall be expended on the open wide health pilot program in Hampden county..... \$2,108,143”;

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

“4513-1000 For the provision of family health services; provided, that no funds shall be expended in the AA object class; provided further, that funds shall be expended for comprehensive family planning services and the Massachusetts birth defects monitoring program; and provided further, that not less than \$150,000 be expended for the operations of the Regional Poison Control Center, which provides poison center services 24 hours a day to all residents and health care providers in Massachusetts \$5,168,830”;

By striking out item 4513-1020 and inserting in place thereof the following item:

“4513-1020 For the early intervention program; provided, that no funds shall be expended in the AA object class; provided further, that the department shall report quarterly to the house and senate committees on ways and means the total number of units of service purchased and the total expenditures for the units of service paid by the department, the executive office of health and human services and third party payers for early intervention services for the following services categories: home visit, center-based individual, child-focused group, parent-focused group, screening and assessment; provided further, that the department shall make all reasonable efforts to secure third party and Medicaid reimbursements for the services funded in this item; provided further, that funds from this item shall be expended for a reserve to provide respite services to families of children enrolled in early intervention programs who have complex care requirements, multiple disabilities and extensive medical and health needs; provided further, that priority shall be given to low and moderate income families; provided further, that the department shall submit to the house and senate committees on ways and means a report on the number of families served by the program and the amount of funds appropriated in this item granted to qualified families not later than February 2, 2010; provided further, that no claim for reimbursement made on behalf of an uninsured person shall be paid from this item until the program receives notice of a denial of eligibility for the MassHealth program from the executive office of health and human services; provided further, that nothing in this item shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the early intervention services funded in this item; provided further, that funds from this item may be expended for a rate increase; provided further, that the department shall provide written notification to the senate and house committees on ways and means 90 days prior to any change to its current eligibility criteria; and provided further, that these funds may be used to pay for current and prior year claims..... \$29,304,895”;

In item 4513-1026 by striking out the figures “\$2,791,264” and inserting in place thereof the figures “\$4,291,264”;

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

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screening, a statewide STOP stroke program and ongoing stroke prevention and education, hepatitis C prevention and management, multiple sclerosis screening, information, education, 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, renal disease prevention and management, Lyme disease prevention and research, colorectal cancer prevention, prostate cancer screening, education and treatment with a particular focus on African American males, osteoporosis education, a program to combat mental retardation in children suffering from a genetic effect causing phenylketonuria, maintenance of the Amyotrophic Lateral Sclerosis registry created pursuant to section 25A of chapter 111 of the General Laws, maintenance of the statewide lupus database, early detection and treatment of lung cancer, and the operation of the Betsy Lehman Center for patient safety; provided, that not less than \$100,000 shall be expended for brain aneurysm education, awareness and early detection; and provided further, that the department shall not reduce the amount of funding provided for any program listed under this item by more than fifty percent of the amount directed under this item of appropriation in section 2 of chapter 182 of the Acts of 2008..... \$7,454,998”;

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

[D] “4513-1130 For the domestic violence and sexual assault prevention and treatment program; provided, that funds shall be expended for rape prevention and victim services, including the statewide Spanish language hotline for sexual abuse and domestic violence services for immigrants and refugees and statewide suicide and violence prevention outreach to gay and lesbian youth; and provided further, that not less than \$1,050,000 shall be expended for the certified batterers. intervention program \$5,108,264”;

and 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; provided further, that services shall include, but not be limited to: (a) strengthening the infrastructure of school health services in the areas of personnel and policy development, programming and interdisciplinary collaboration; (b) developing linkages between school health services programs and

community health providers; (c) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services; and (d) 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 in consultation with the department of education; provided further, that the department shall expend the same level of funding as appearing in this item in chapter 182 in the acts of 2008 for a school-based health education learning program designed to increase awareness on health issues in Massachusetts; and provided further, that not less than \$200,000 shall be expended for the operation of the Massachusetts Model Community Coalitions..... \$13,715,743”.

After debate on the question on adoption of the amendments Mr. Murphy of Burlington moved to amend them by inserting [at “A”] the following:

“By striking item 4510-0040 and inserting in place thereof the following item:

4510-0040 For the department of public health; provided, that the department may expend for the regulation of all pharmaceutical and medical device companies that market their products in Massachusetts an amount not to exceed \$840,000 from fees assessed under chapter 111N of the General Laws; provided further, that for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that not less than \$150,000 be expended for the Healthcare Industry Grant Corporation to provide career ladder job training for healthcare workers \$990,000”;

By inserting [at “B”] the following:

“By inserting after item 4510-0712 the following item:

4510-0716 For the operation of an evidence-based outreach and education program designed to provide information and education on the therapeutic and cost-effective utilization of prescription drugs to physicians, pharmacists and other health care professionals authorized to prescribe and dispense prescription drugs \$100,000”;

By striking out item 4512-0103 and inserting in place thereof the following item:

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"4512-0103 For human immunodeficiency virus and acquired immune deficiency syndrome services and programs; provided, that no funds shall be expended in the AA object class; provided further, that particular attention shall be paid to direct funding proportionately to each of the demographic groups afflicted by HIV/AIDS; provided further, that not less than \$25,000 shall be expended for the Immigrants Assistance Center, Inc., for its unique bilingual AIDS education; provided further, that funds shall be expended for rental housing subsidies for the purposes of preventing admissions to acute hospitals, chronic hospitals and nursing homes for persons with acquired immune deficiency syndrome; and provided further, that no funds from this item shall be expended for disease research in fiscal year 2010 \$35,335,527";

By striking out [at "C"] proposed item 4512-0200 and inserting in place thereof the following item:

"4512-0200 For the division of substance abuse services, including a program to reimburse driver alcohol education programs for services provided for court adjudicated indigent clients; provided, that no funds shall be expended in the AA object class; provided further, that not less than \$250,000 shall be expended for the Latino After School Initiative; provided further, that not less than \$100,000 shall be expended for the operation of Learn to Cope; and provided further, that the department shall not reduce the amount allocated to a program listed in this item as appearing in section 2 of chapter 182 of the acts of 2008 by more than twenty per cent in fiscal year 2010 \$75,924,448";

and by striking out [at "D"] proposed 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 funds shall be expended for rape prevention and victim services, including the statewide Spanish language hotline for sexual abuse and domestic violence; provided further, that funds shall be expended for domestic violence services for immigrants and refugees; provided further, that funds shall be expended for statewide suicide and violence prevention outreach to gay and lesbian youth; provided further, that funds 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; and provided further, that not less than \$1,050,000 shall be expended for the certified batterers' intervention program \$5,108,264".

The further amendments were adopted.

On the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays at the request of Mr. Sánchez of Boston; and on the roll call 141 members voted in the affirmative and 16 in the negative.

Amendments (public health) adopted,—yea and nay No. 125.

[See Yea and Nay No. 125 in Supplement.]

Therefore the amendments, as amended, were adopted. Mr. Murphy of Burlington and other members then moved to amend the bill in section 2, in item 0920-0300, by striking out the figures "\$1,221,696" and inserting in place thereof the figures "\$1,287,181";

By striking out item 1108-5200 and inserting in the place thereof the following item:

"1108-5200 For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year 2010; 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 2010, and any unexpended balance in this item shall revert to the General Fund on June 30, 2010; provided, 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 funds may be expended from this item for the commonwealth's share of group insurance premium and plan costs provided to employees and retirees in prior fiscal years; 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

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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 the commonwealth's share of the premiums for active state employees and their dependents shall be 80 per cent; provided further, that the commonwealth's share of the premiums for active state employees hired after June 30, 2009, and their dependents shall be 75 per cent; provided further, that the commission shall notify the house and senate committees on ways and means by March 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year; and provided further, that the group insurance commission may pay premium and plan costs for municipal employees and retirees who are enrolled in the group insurance commission's health plans pursuant to the commission's regulations \$979,711,903";

and by inserting after item 1201-0164 the following item:

"1231-1000 For the Commonwealth Sewer Rate Relief Fund, established in section 2Z of chapter 29 of the General Laws; provided, that the Massachusetts Water Resources Authority shall submit a report to the house and senate committees on ways means and the secretary of administration and finance no later than October 1, 2009 that shall include, but not be limited to, the following: (a) an analysis of the options for reducing operating costs of the authority; (b) the use of contracts with private entities for the operation and maintenance of facilities owned or operated by the authority; and (c) the cost savings and any legislation necessary to effectuate the proposed recommendations of the report \$5,000,000";

By striking out section 11 and 12; and By adding the following section:

"SECTION 58. Notwithstanding any general or special law to the contrary, the department of environmental protection shall transfer \$4,000,000 of funds previously appropriated or loans repaid as a result of item 1231-1020 of section 2 of chapter 151 of the acts of 1996, as appearing in section 72 of chapter 204 of the acts of 1996, to the lead paint abatement program established by section 197E of chapter 111 of the General Laws."

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. Perry of Sandwich; and on the roll call 136 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 126 in Supplement.]

Therefore the amendments were adopted.

Recess.

At two minutes before twelve o'clock midnight (Thursday, April 29), on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until the following day at half past ten o'clock A.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Friday, May 1, 2009 (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.

Silent Prayer.

During the session (the Speaker having been in the Chair) at the request of Messrs. Canessa of New Bedford, Quinn of Dartmouth and Sullivan of Fall River, the members, guests and employees stood in a moment of silent tribute to Freetown resident and Petty Officer Second Class Tyler Trahan. Petty Officer Trahan, at age 22, was killed by a roadside bomb in Iraq on Thursday, April 30 while serving as an explosive ordinance disposal technician with the Navy SEALs. Tyler, a graduate of Old Colony High School, where he graduated at the top of his class, was a member of the National Honor Society and a star quarterback on the school's football team. A beloved member of his community, with his infectious smile and warm personality, Tyler is survived by his loving and proud parents, Jean and Maureen Trahan and his sister Molly.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2010 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4100, amended) was considered.

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

"SECTION 59. Section 6D of chapter 29 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting in line 31 after 'Fund' the following:— ; provided, specific details of the commonwealth's operating expenditures shall be made available to the general public in a conspicuous manner on the commonwealth's official website. Specific details shall include, but not be limited to, program spending, employee compensation and

Amendments (state administration and state finance) adopted, — yeas and nays No. 126.

Recess.

Pledge of allegiance.

Petty Officer Second Class Tyler Trahan.

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expenses, pension and insurance- related expenditures, administrative expenses, and equipment purchases.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Jones; and on the roll call 150 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 127 in Supplement.]

Therefore the amendment was adopted.

Mr. Murphy of Burlington and other members then moved to amend the bill in section 2 by striking out item 4800-0015 and inserting in place thereof the following item:

“4800-0015 For central and area office administration; provided, that the associated expenses of employees whose AA and DD object class costs are paid from item 4800-1100 shall be paid from this item; provided further, that no funds shall be expended from this item for the compensation of unit 8 employees; provided further, that the department shall not place a child or adolescent referred by, or discharged from, the care of the department of mental health until the latter department forwards an assessment and recommendation as to whether the child or adolescent may be appropriately placed in foster care or, if due to severe emotional disturbance, is more appropriate for group care; provided further, that the department, in consultation with the department of mental health, shall assist the latter department in making such assessments and recommendations; provided further, that if placement of a child with someone other than a parent becomes necessary, the department shall place the highest priority on identifying a family resource within the child’s kinship or family circle and shall provide services and support to partner with the family resource in meeting the child’s needs; provided further, that, unless otherwise authorized, all funds, including federal reimbursements received by the department, shall be credited to the General Fund; provided further, that the department shall employ four to five full-time board certified or board eligible child psychiatrists to serve the area offices; provided further, that hiring and supervision shall be done in conjunction with the department of mental health; provided further, that such physicians shall collaborate with the department’s social workers; provided further, that the department shall employ not less than 1 full-time board-certified physician; provided further, that the department and the department of early education and care shall implement standards for early education and care placements made through the supportive child care program; provided further, that the department

Amendment adopted, — yeas and nays No. 127.

of children and families, in collaboration with the department of early education and care, shall maintain a centralized list detailing the number of children eligible for supportive child care services, the number of supportive slots filled and the number of supportive slots available; provided further, that notwithstanding any general or special law to the contrary, the department shall not reduce recoupment amounts recommended by the state auditor; provided further, that not later than February 17 of the current fiscal year, the department shall provide to the house and senate committees on ways and means and the chairs of the joint committee on children and families a report detailing the number of medical and psychiatric personnel currently employed by or under contract with the department; provided further, that the report shall include the number of foster care reviews conducted by the department and the average length of time in which each review is completed; provided further, that the report shall contain the number of the department’s contracts reviewed by the state auditor and the number of corrective action plans issued; provided further, that the report shall also include the number of corrective action plans entered into by the department; provided further, that the report shall include the number of social workers and supervisors who have earned a bachelors, or masters, degree in social work; provided further, that the report shall include the total number of social workers and the total number of social workers holding licensure, by level; provided further, that the comptroller shall act in accordance with item 1000-0001 if the report, with all of its components, is not filed within 10 days of the stated due date; provided further, that the department shall file a report on the first business day of each month to the senate and house committees on ways and means and the joint committee on children and families on the caseload of the department; provided further, that caseloads provided in this report shall include: residential placements, group care, foster care, therapeutic foster care, adoption, guardianship, 51A reports, substantiated 51A reports, the number of children who die in the care and custody of the department and the number of medical and psychiatric consultation requests made by the department’s social workers; provided further, that the report shall include the number of approved foster care placements; provided further, that the report shall also include the number of children in psychiatric hospitals and community-based acute treatment programs who remain hospitalized beyond their medically-necessary stay

while awaiting placement and the number of days each case remains in placement beyond that which is medically-necessary; provided further, that the report shall include the number of children under the department of children and families care and custody who are being served in medical or psychiatric care provided through other publicly-funded sources; provided further, that the report shall also contain the number of children served by supervised visitation centers and the number of those children who are reunified with their families; provided further, that the report shall contain information on the total number of children served, their ages, the number of children served in each service plan, the number of children in out-of-home placements and the number of placements each child has had before receiving an out-of-home placement; provided further, that the report shall also contain the number of families receiving multiple 51A reports within a 10-month period, the number of cases reopened within 6 months of being closed and the number of children who return home and then re-enter an out-of-home placement within 6 months; provided further, that the report shall detail the number of children diverted from residential settings, the programs in which they were placed, the associated cost savings from the diversion and any other measurements that would help assess the success of these programs in promoting the health and well-being of children; provided further, that the commissioner of the department of children and families may transfer funds between items 4800-0038 and 4800-0041, as necessary, pursuant to an allocation plan, which shall detail, by object class, the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; provided further, that not later than November 2, 2009, the department shall submit a report to the house and senate committees on ways and means and the chairs of the joint committee on children and families that includes any rules, regulations, or guidelines established by the department to carry out its duties pursuant to chapter 119, including, but not limited to (a) criteria used to determine whether a child has been abused or neglected; (b) guidelines for removal of a child from the home; and (c) standards to determine what reasonable efforts are made to keep a child in the home; provided further, that the report shall also contain, for each area office, the number of kinship guardianship subsidies that it provided for the calendar quarters ending on March 31, 2009 and June 30,

2009, the number of kinship guardianship subsidies provided in the month covered by the report, and the number of kinship guardianship subsidies provided in that month for which federal reimbursement was received; provided further, that the report shall also contain, for each area office, the total spending on services other than case management services provided to families for the purposes of keeping a child with his or her parents or reunifying the child with his or her parents, spending by type of such service, and the unduplicated number of families that receive such services; provided further, that the report shall also contain for each area office, the total number of families in the month residing in shelter paid for by the department, a list of where the families are sheltered, the total cost and average cost per family of such shelters, and a description of how the department determines who does or does not qualify for shelter; provided further, that the report shall include, for each area office, broken down by type of service, the number of requests for voluntary services, whether the request was approved or denied, the reasons for denying the service, and what, if any, referrals were made for services by other agencies or entities; and provided further, that not more than 5 per cent of any item shall be transferred in fiscal year 2010 \$70,553,367”;

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 children and families; 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 and juvenile firesetter programs; provided further, that any child who would have been eligible for a clothing benefit under regulations in place on January 1, 2006, shall receive a clothing benefit in fiscal year 2010; provided further, that not less than \$37,600,000 shall be

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expended on family support and stabilization services; and provided further, that not less than \$2,300,000 shall be expended on the young parent support program \$303,204,549”;

By striking out item 4800-1100 and inserting in place thereof the following item:

“4800-1100 For the AA and DD object class costs of the department’s social workers; provided, that funds shall be directed toward mitigating social worker caseloads in those area offices furthest above the statewide weighted caseload standard and toward achieving a social worker caseload ratio of 18 to 1 statewide; and provided further, that only employees of bargaining unit 8 as identified in the Massachusetts personnel administrative reporting and information system shall be paid from this item \$152,983,444”;

and in item 4800-1400 by striking out the figures “20,832,710” and inserting in place thereof the figures “21,925,460”.

Pending the question on adoption of the amendments, Mr. Murphy of Burlington moved to amend them by inserting at the end of proposed item 4800-0038 the following: “; and provided further, that the department shall not reduce the amount allocated to a program listed in this item as appearing in section 2 of chapter 182 of the acts of 2008 by more than 25 per cent in fiscal year 2010”.

The further amendment was adopted.

After debate on the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays at the request of Mr. Kulik of Worthington; and on the roll call 141 members voted in the affirmative and 16 in the negative.

[See Ye and Nay No. 128 in Supplement.]

Therefore the amendments, as amended, was adopted.

Mr. Perry of Sandwich and other members then moved to amend the bill by adding at the end the following two sections:

“SECTION 60. The General Laws, as appearing in the 2006 Official Edition, are hereby amended by inserting after chapter 117A the following new chapter:—

CHAPTER 117B. Restrictions on Public Benefits.

Section 1. Definitions.

As used in this chapter the following terms shall have the following meanings unless the context clearly requires otherwise:—

‘Emergency Medical Condition,’ the same meaning as provided in section 1396b(v)(3) of Title 42 of the United States Code.

‘Federal Public Benefits,’ the same meaning as provided in section 1611 of Title 8 of the United States Code.

‘State Public Benefits,’ the same meaning as provided in section 1621 of Title 8 of the United States Code.

Section 2. (a) Except as otherwise provided in subsection (3) of this section or where exempted by federal law, on and after January 1, 2010, each agency or political subdivision of the commonwealth

Amendments adopted,—yea and nay No. 128.

shall verify the lawful presence in the United States of every natural person eighteen years of age or older who applies for state public benefits or for federal public benefits which are for the benefit of the applicant.

(b) This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

(c) Verification of lawful presences in the United States shall not be required: For any purpose for which lawful presence in the United States is not required by law, ordinance, or rule;

For obtaining health care items and services that are necessary for the treatment of an emergency medical condition of the person involved and are not related to an organ transplant procedure;

For short-term, non-cash, in-kind emergency disaster relief;

For public health assistance for immunization with respect to diseases and for testing and treatment of symptoms of communicable diseases;

For programs, services, or assistance, such as soup kitchens, crisis counseling and intervention, and short-term shelter specified by Federal laws or regulations that: Deliver in-kind services at the community level, including services through public or private non-profit agencies;

Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient’s income or resources; and Are necessary for the protection of life or safety or;

For parental care.

(d) An agency or a political subdivision shall verify the lawful presence in the United States of each applicant eighteen years of age or older for federal public benefits or state public benefits by requiring the applicant to:

(1) Produce:

A valid Massachusetts driver license or a Massachusetts identification card, issued pursuant to section 8 of chapter 90 of the General Laws, and 540 Code of Massachusetts Regulation (CMR) 2.06(3)(b);

A United States military card or military dependent’s identification card; or

A United States Coast Guard Merchant Mariner card; or
A Native American tribal document.

(2) If such documentation as required in subparagraph (1) of subsection (d) of this section cannot be lawfully produced, execute a notarized affidavit stating: That he or she is a United States citizen or legal permanent resident; or That he or she is otherwise lawfully present in the United States pursuant to federal law.

(e) Notwithstanding the requirements of subparagraph (1) of subsection (d) of this section, the Commissioner of the Department of Revenue may issue emergency rule, to be effective until July 1, 2008, providing for additional forms of identification or a waiver process to ensure that an individual seeking benefits pursuant to this section proves lawful presence in the United States. This subsection and all emergency rules authorized hereunder shall cease to be effective as of July 1, 2008.

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(f) A person who knowingly makes a false, fictitious, or fraudulent statement or representation in an affidavit executed pursuant to subsection (4) of this section shall pay a fine of not less than \$1,000 and not more than \$5,000, or shall be sentenced to serve not less than 6 months nor more than 1 year in the House of Corrections. Each time that a person receives a public benefit based upon such a statement or representation they make shall constitute a separate violation of this section.

(g) (1) For an applicant who has executed an affidavit stating that he or she is an alien lawfully present in the United States, verification of lawful presence for federal public benefits or state or local public benefits shall be made through the Federal Systematic Alien Verification for Entitlement program, referred to in this section as the 'SAVE program., operated by the United States Department of Homeland Security. Until such verification of lawful presence is made, the affidavit may be presumed to be proof of lawful presence for purposes of this section.

(2) The secretary of each executive office of the commonwealth shall promulgate regulations to ensure that each agency or political subdivision has access to the SAVE program by way of the executive office under which it is organized. Each executive office shall be responsible for the verification through the SAVE program of all its sub agencies. Each executive office shall enter into a memorandum of understanding or any other requirement pursuant to the SAFE program in order to streamline the verification process. Each executive office shall keep account of all applications submitted through its subdivisions and transfer back to its subdivisions any costs on an annual basis.

(h) Agencies or political subdivisions of the commonwealth may adopt variations of the requirements of paragraph (b) of subsection (4) of this section to improve efficiency or reduce delay in the verification process or to provide for adjudication of unique individuals circumstances in which the verification procedures in the section would impose unusual hardship on a legal resident of the commonwealth; provided, that the variations shall be no less stringent than the requirements of this section, including provisions to timely execute notarized affidavits.

(i) It shall be unlawful for an agency or political subdivision of the commonwealth to provide a federal public benefit or state or local public benefit in violation of this section. Each agency or department that administers a program that provides state or local public benefits shall provide an annual report with respect to its compliance with this section to the auditor and to the House and Senate chairs of the joint committee on state administration and regulatory oversight.

(j) Errors and significant delays by the SAVE program shall be reported to the United States Department of Homeland Security which monitors the SAVE program and its verification application errors and significant delays and report yearly on such errors and delays, to ensure that the application of the SAVE program is not wrongfully denying benefits to legal residents of the State.

SECTION 61. If any provision of this act or the application thereof to any person or circumstance is held by any court to be

unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of the section are declared to be severable."

Pending the question on adoption of the amendment, Ms. Wolf of Cambridge moved to amend it by striking out proposed sections 60 and 61 and inserting in place thereof the following section:

"SECTION 60. Notwithstanding any general or special law to the contrary, the office of immigrants and refugees shall conduct a study of immigrant services which shall include, without limitation, a cost-benefit analysis of the cost of services that immigrants receive versus their contributions to the economy of the commonwealth and an analysis of the constitutionality of denying services, including educational, social and health care services to immigrants regardless of immigration status."

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. Perry of Sandwich; and on the roll call 118 members voted in the affirmative and 40 in the negative.

[See Ye and Nay No. 129 in Supplement.]

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

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

"SECTION 61. Section 11W of Chapter 23 of the General Laws and replace with the following section:

Section 11W. The deputy director shall require each apprentice entering into a written agreement pursuant to this chapter to submit an application to the division for an apprentice identification card. Said application shall be accompanied by a 35 dollar fee paid by the apprentice or the program sponsor, together with photographic prints as required by the deputy director. The apprentice identification card shall expire one year from the date of issue. The apprentice shall submit an application to the Division for an updated apprentice identification card. Said application shall be accompanied by a fee of \$35 paid by the apprentice or the program sponsor. The funds shall be received by the state treasurer on behalf of the commonwealth and deposited in a special trust account for the division and may be expended, without further appropriation, under the direction of the deputy director. An apprentice identification card shall contain the photograph of the apprentice; the apprentice registration number or such other number as the deputy director requires; the date on which the apprentice identification card expires; the name and business address of the appropriate apprenticeship committee or single employer sponsor; the steps of progression and related dates applicable to the apprentice; and the projected date on which the apprentice is projected to complete the apprenticeship. As a condition of apprenticeship, the apprentice shall keep the apprentice identification card on his person during all hours of employment during the apprenticeship."

The amendment was adopted.

Mr. Smizik of Brookline and other members then moved to amend the bill by striking out section 16 (as published); and the amendment was adopted.

Further
amendment
adopted,—
yea and nay
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Mr. Murphy of Burlington and other members then moved to amend the bill in section 2 in item 7000-9406 by adding the following: “; provided, that not less than \$100,000 shall be expended for the National Federation of the Blind Newsline Program”;

By striking out item 7000-9501 and inserting in place thereof the following item:

“7000-9501 For state aid to public libraries; provided, that notwithstanding any general or special law to the contrary, no city or town shall receive any money under this item in any year when the appropriation of the city or town for free public library services is below an amount equal to 102.5 per cent of the average of the appropriations for free public library service for the 3 years immediately preceding; provided further, that notwithstanding any general or special law to the contrary, the board of library commissioners may grant 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 2010 for a period of not more than 1 year; provided further, that notwithstanding any general or special law to the contrary, of the amount by which this item exceeds the amount appropriated in chapter 194 of the acts of 1998, funds shall be distributed under the guidelines of the municipal equalization grant program, the library incentive grant program and the nonresident circulation offset program; and provided further, that any payment made under this item shall be deposited with the treasurer of the city or town and held in a separate account and shall be expended by the public library of that city or town without appropriation, notwithstanding any general or special law to the contrary \$8,641,368”;

By striking out item 7010-0005 and inserting in place thereof the following item:

“7010-0005 For the operation of the department of elementary and secondary education; provided, that no later than November 17, 2009, the department shall submit a progress report to the secretary of the executive office of administration and finance, the chairs of the house and senate committees on ways and means and the joint committee on education on efforts by the department to further define and advance the strategic vision of the department, along with a detailed implementation plan for realizing that vision; provided further, that the department shall ensure that hearings and mediations are conducted by hearing officers and mediators who are regular state employees of an independent bureau of special education appeals and that said hearing officers and mediators shall perform only those functions which are consistent with their duties

and responsibilities as impartial and knowledgeable special education hearing officers and mediators in compliance with 20 U.S.C. § 1415(e)-(f), and said bureau’s hearing officers and mediators shall be initially the persons who, on April 15, 2009, were serving as hearing officers and mediators in the current bureau; and provided further, that the department, in collaboration with the commission on gay and lesbian youth established by section 67 of chapter 3 of the General Laws, shall expend funds for programming to ensure public schools, compliance with the board of elementary and secondary education’s recommendations, which take into account the commission’s recommendations, for the support and safety of gay and lesbian students and the implementation of related suicide and violence prevention efforts and reduction of health disparities for GLBT youth \$14,902,873”;

In item 7010-0012 by adding the following: “; provided, that funds shall be made available for payment of services rendered by METCO, Inc.”;

In item 7030-1002, in line 25, by inserting after the year “2011” the following: “; provided further, that all kindergarten programs previously funded through community partnership councils at the department of early education and care shall receive grants from this item in amounts equal to the amounts they received in fiscal year 2009, reduced in proportion to the overall reduction of this item from fiscal year 2009 to fiscal year 2010”;

By striking out item 7030-1003 and inserting in place thereof the following item:

“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 department 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 such programs shall supplement currently funded local, state and federal programs at the school or district; provided further, that the department shall provide the same level of funding as appearing in chapter 182 of the acts of 2008 for the tomorrow’s urban leaders excelling in academic performance program for afterschool academic and literacy achievement programs; 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

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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; and provided further, that no funds shall be expended for personnel costs \$2,170,859”;

In item 7035-0006 by striking out the appropriation “\$30,521,840” and inserting in place thereof the appropriation “\$50,521,840”;
By inserting after item 7035-0007 the following item:

“7035-0008 For the purposes of supporting regionalization; provided, that not more than \$150,000 of this amount shall be expended on regionalism study grants to explore methods of improving the delivery of education services, including but not limited to, studies of fully regionalizing partial regional school districts, funding demographic studies to project future district enrollments and exploring creative means of collaborating across districts, including sharing curriculum specialists, professional development providers, transportation services and other educational and instructional interventions; provided further, that not less than \$250,000 shall be expended for one time grants to cities and towns to support transition costs associated with the creation of new regional academic school districts; provided further, that the application for said grants shall be due no later than August 1, 2009, and the award of the grant shall be to 3 or more towns having independent, local K-12 school districts voting, by December 31, 2009, to form a new K-12 academic region consisting of no less than 2,500 students; and provided further, that said grants shall be expended over fiscal years 2010 and 2011 to assist with the costs associated with the transition from independent districts to one regional district \$400,000”;

By inserting after item 7061-0008 the following item:

“7061-0011 For a reserve to: (1) meet extraordinary increases in the minimum required local contribution of a municipality 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 section 40 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 elementary and secondary education regarding the merits of such application; (2) assist regional school districts which, prior to fiscal year 2010, have assessed member towns using the provisions of their regional agreement, and which, in fiscal year 2010, will assess member towns using the required contri-

butions calculated pursuant to said section 3; (3) assist towns impacted by stresses in the commercial agricultural, fishing or lobster industry whose required local contribution exceeds 75 per cent of their foundation budget; (4) assist towns negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on military reservations located within the town’s limits; provided, that any grants provided under this item shall be expended by a school committee without further appropriation; provided further, that not less than \$250,000 from this item shall be awarded to a qualifying community that hosts a Veterans Administration Hospital; (5) assist regional school districts in rural areas which meet each of the following: (a) they have fewer than 30 full-time enrollment students per square mile; and (b) they have experienced more than 7 per cent enrollment decline between fiscal year 2004 and fiscal year 2009; provided further, that preference shall be given to those districts that have joined the group insurance commission before July 1, 2009; (6) meet extraordinary increases of greater than 10 per cent in a municipality’s total required contribution in municipalities whose target required local contribution exceeds 70 per cent of their foundation budget; provided, that not less than \$500,000 shall be used for this purpose; (7) assist towns in which in excess of one-third of the total land mass of the town is owned and controlled by the commonwealth and which receive payment in lieu of taxes on less than 25 per cent of said land; (8) assist operating districts in which the chapter 70 aid, so-called, distributed in fiscal year 2010 is less than the chapter 70 aid distributed in fiscal year 2002; and (9) assist towns which host a campus of the University of Massachusetts, but which have a target aid percentage of only 17.5 per cent; provided further, that any grants provided to school districts from this item shall be expended by a school committee without further appropriation; provided further, that the department shall make not less than 80 per cent of the awards from this item no later than October 15, 2009; and provided further, that no funds distributed from this item shall be considered prior year chapter 70 aid nor shall they be used in the calculation of the minimum required local contribution for fiscal year 2011 \$6,000,000”;

By striking out item 7061-0012 and inserting in place thereof the following item:

“7061-0012 For the reimbursement of extraordinary special education costs under section 5A of chap-

ter 71B of the General Laws; provided, that reimbursements shall be prorated so that expenses of this item do not exceed the amount appropriated in this item; provided further, that upon receipt by the department of elementary and secondary education of required special education cost reports from school districts, the department shall reimburse districts based on fiscal year 2009 claims; provided further, that the department may expend funds to continue and expand voluntary residential placement prevention programs between the department of elementary and secondary education and other departments within the executive office of health and human services that develop community-based support services for children and their families; provided further, that the department shall make funds available to the department of developmental services for the voluntary residential placement prevention program administered by that department; provided further, that \$400,000 shall be expended for Recording for the Blind & Dyslexic to provide books in accessible synthetic audio format made available through the federal NIMAS-NIMAC book repository, to do outreach and training of teachers and students for the use of NIMAS-NIMAC and human speech audio digital textbooks and for human voice recording of MCAS exams; provided further, that, of this \$400,000, funds shall be expended for the costs of borrowing audio textbooks by special education students; provided further, that, of this \$400,000, funds shall be expended for the continuation of a pilot program for Recording for the Blind and Dyslexic to provide the tenth grade math and English learning arts MCAS tests in audio digital format; provided further, that no funds shall be expended for the MCAS pilot program until the department of elementary and secondary education examines all security issues related to the pilot program and certifies to the legislature that the pilot program may be carried out without jeopardizing the security of the MCAS exams; provided further, that the report shall be completed no later than November 17, 2009, and shall be forwarded to the joint committee on education and the house and senate committees on ways and means; provided further, that funds may be expended for the monitoring and follow-up activities of the department's complaint management system, review and approval of local educational agency applications and local school districts, compliance with the part B requirements of the federal Special Education Law, known as the Individuals with Disabilities Education Act, in the provision of special education and related

services to children with disabilities; provided further, that funds may be expended to administer the reimbursements funded herein; provided further, that funds may be expended to reimburse districts for extraordinary increases in costs incurred during fiscal year 2010 which would be reimbursable under said section 5A of said chapter 71B; provided further, that reimbursements for current year costs shall be limited to school districts that experience increases of greater than 25 per cent from costs reimbursable under said section 5A of said chapter 71B and incurred during fiscal year 2009 to costs reimbursable under said section 5A of said chapter 71B and incurred during fiscal year 2010 or other cases of extraordinary hardship where special education costs increase in relationship to total district costs as the department may define through regulation or guidelines; provided further, that reimbursements for current year costs shall be allocated as one-time grants and shall not decrease reimbursements in the following fiscal year, provided further, that the department shall conduct audits of fiscal year 2009 claims; provided further, that if the claims are found to be inaccurate, the department shall recalculate the fiscal year 2010 reimbursement amount and adjust the third and fourth quarter payments to the districts to reflect the new reimbursement amount; and provided further, that the department shall file a report with the house and senate committees on ways and means no later than February 15, 2010, on the results of the audit \$184,888,728”;

In item 7061-9404, in line 38, by inserting after the word “options” the following: “; provided further, that not less than \$625,000 shall be transferred to JFY networks, a non-profit corporation formerly Jobs for Youth, for a matching grant for the purposes of enhancing student performance on the MCAS examination through instructional computer software” and in said item by striking out the appropriation “\$9,361,623” and inserting in place thereof the appropriation “\$9,986,623”;

In item 7061-9600, in line 21, by inserting after the word “education” the words “in order to increase the capacity of public institutions of higher education”;

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

“7061-9612 For the school of excellence program at the Worcester Polytechnic Institute; provided, that every effort shall be made to recruit and serve equal numbers of male and female students; provided further, that sending districts of students attending the Institute shall not be required to expend any funds for the cost of these students while in attendance at the Institute; provided further, that the Massachusetts Academy of Mathematics and Science shall

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provide professional development activities at the school located at Worcester Polytechnic Institute, including salary and benefits for master teachers and visiting scholars; provided further, that the academy shall file a report with the joint committee on education and the house and senate committees on ways and means no later than February 1, 2010, detailing the professional development activities; and provided further, that the department of elementary and secondary education shall provide a subsidy to the Worcester Polytechnic Institute to operate a school of excellence in mathematics and science \$1,325,231;

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 \$500,000”;

and by inserting after item 7061-9626 the following item:

“7061-9634 For a transfer of this item to the Massachusetts Service Alliance, which shall be responsible for administering a competitive statewide grant program for public and private agencies to start or expand youth mentoring programs according to current best practices and for purposes including advancing academic performance, self-esteem, social competence and workforce development; provided, that the department of elementary and secondary education shall transfer the amount appropriated in this item to the Massachusetts Service Alliance for the purpose of these grants; provided further, that \$225,000 shall be expended for the CS New England mentoring program for the recruitment and training of mentors, and for other supporting services including, but not limited to, academic support services; provided further, that in order to be eligible to receive funds from this item, each public or private agency shall provide a matching amount equal to \$1 for every \$1 disbursed from this item; and provided further, that the Massachusetts Service Alliance shall submit a report detailing the impact of grants, expenditure of funds and the amount and source of matching funds raised to the department of elementary and secondary education \$475,000”;

and by adding the following two sections:

“SECTION 62. Subsection (d) of section 6 of chapter 70B of the General Laws, as so appearing, is hereby amended by striking the first sentence and inserting in place thereof the following:— Any city, town or regional school district which has received, in accordance with subsections (b) and (c), notice of approval and an esti-

mate of the amount of a school facilities grant, may borrow from time to time to finance that portion of the cost of the approved school project not being paid by such grant, in such amount approved by the board of selectmen, mayor or city manager of the city or town, or the regional district school committee of the regional school district, and may issue bonds or notes therefor which shall bear on their face the words ‘(name of city, town or regional school district) School Project Loan, chapter 70B’.

SECTION 63. Notwithstanding the provisions of section 19A of chapter 78 of the General Laws or any other general or special law to the contrary, the board of library commissioners may grant temporary certification to a municipality with a free public library upon receipt of a preliminary report showing compliance with the materials expenditure requirement during fiscal year 2009, and showing that the library has met the municipal appropriation requirement, or is likely to qualify for a waiver of said requirement, in the 2010 state aid to public libraries program; and provided further, that in order for a municipality with a free public library to retain this certification and receive a grant award the library must demonstrate compliance with the minimum hours open requirement by June 30, 2010, and must successfully complete the annual certification process of the board in fiscal year 2010.”.

After debate on the question on adoption of the amendments, Mr. Flynn of Bridgewater asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair) 149 members were recorded as being in attendance.

Quorum,— yea and nay No. 130.

[See Yea and Nay No. 130 in Supplement.]

Therefore a quorum was present.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Ms. Walz of Boston; and on the roll call (Mr. Donato of Medford being in the Chair) 152 members voted in the affirmative and 5 in the negative.

Amendments (education) adopted,— yea and nay No. 131.

[See Yea and Nay No. 131 in Supplement.]

Therefore the amendments were adopted.

After a period of time, Mr. D’Amico of Seekonk asked for a count of the House to ascertain if a quorum was present. A count of the House revealed that 88 members were in attendance; and therefore a quorum was present.

Quorum.

After remarks on the question on passing the bill, as amended, to be engrossed, Mr. Jones of North Reading and other members moved to amend the bill by inserting after section 3 (as published) the following section:

“SECTION 3A. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

‘Commissioner’, the commissioner of the department of capital assets management and maintenance.

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'Real property', as defined in section 39A of chapter 7 of the General Laws.

'State agency', as defined in said section 39A(v) of said chapter 7.

'Surplus real property', real property of the commonwealth (i) previously determined to be surplus to current and foreseeable state needs pursuant to sections 40F or 40F½ of said chapter 7, but excluding real property for which there is an established local reuse plan; or (ii) determined to be surplus to current and foreseeable state needs pursuant to this section. The term 'surplus real property' shall not include property subject to Article 97 of the amendments to the constitution.

(b) Notwithstanding sections 40E to 40F½, inclusive, and 40H of said chapter 7 of the General Laws, or any other general or special law to the contrary, the commissioner may sell, lease for a term not to exceed 99 years, transfer or otherwise dispose of surplus real property of the commonwealth, as specified in this section.

(c) In order to determine if specified real property is surplus to the current and foreseeable needs of the commonwealth, the commissioner shall provide a suitable written notice and inquiry to the several secretaries, with a date certain for any response. If no executive office responds in writing by the date so specified that an agency has a current or foreseeable need for the real property, the commissioner may declare the property as surplus and dispose of it in accordance with this section. Alternatively, if a written response is timely received specifying a current or foreseeable need for the real property, the commissioner shall, in consultation with the secretary of administration and finance and with those responding affirmatively, determine whether the real property shall (i) be made available for current use by a state agency, (ii) be retained on account of a foreseeable use by a state agency, or (iii) be declared surplus real property which may be disposed of pursuant to this section.

(d) When real property is determined to be surplus to current state needs but not to foreseeable state needs, the commissioner shall take such necessary action to ensure that any disposition of the real property is temporary and maintains the commissioner's ability to make such real property available to a state agency as needed.

(e) If the commissioner determines that the real property is surplus, he shall (i) provide written notice, for each city or town in which the property is located, to the city manager in the case of a city under Plan E form of government, the mayor and city council in the case of all other cities, the chairman of the board of selectmen in the case of a town, the county commissioners, the regional planning agency and the members of the general court; (ii) declare it available for disposition and shall identify restrictions, if any, on its use and development necessary to comply with the policies and principles established by the commonwealth development coordinating council established in section 8B of chapter 6A of the General Laws and shall take into consideration other established state and local plans and policies; (iii) conduct a public hearing in the locality in which the property is located to consider potential reuses and appropriate restrictions if the property parcels exceeds 2 acres or if the commissioner determines that a hearing should be held for a smaller parcel and shall provide reasonable public notice in advance of the hearing; and (iv) ensure that any deed, lease or other disposition agreement

shall set forth all such reuse restrictions, provide for effective remedies on behalf of the commonwealth and provide, in the event of a failure to comply with the reuse restrictions by the grantee, lessee or other recipient, that title or such lesser interest as may have been conveyed, shall immediately revert to the commonwealth.

(f) The commissioner shall establish the value of surplus real property using customarily accepted appraisal methodologies. The value shall be calculated both for (i) the highest and best use of the property as may be encumbered, and (ii) subject to uses, restrictions and encumbrances defined by the commissioner. In no instance in which the commonwealth retains responsibility for maintaining the said property shall the terms provide for payment of less than the annual maintenance costs.

(g) The commissioner shall dispose of surplus real property utilizing appropriate competitive processes and procedures. Such competitive processes may include, but are not limited to, absolute auction, sealed bids and requests for price and development proposals.

At least 30 days before the date of an auction or the date on which bids or proposals or other offers to purchase or lease surplus real property are due, the commissioner shall place a notice in the central register published by the state secretary pursuant to section 20A of chapter 9 stating the availability of such property, the nature of the competitive process and other information deemed relevant, including the time and location of the auction, the submission of bids or proposals and the opening thereof.

(h) The commissioner shall place a notice in the central register identifying the individual or firm selected as party to such real property transaction, along with the amount of such transaction. If the commissioner accepts an amount below the value calculated under subsection (f), he shall include the justification therefore, specifying the difference between the calculated value and the price received.

(i) No agreement for the sale, lease, transfer or other disposition of surplus real property and no deed, executed by or on behalf of the commonwealth, shall be valid unless such agreement or deed contains the following certification, signed by the commissioner:

'The undersigned certifies under penalties of perjury that I have fully complied with section xx of chapter ___ of the acts of 2009 in connection with the property described herein'.

(j) No agreement for the sale, lease, transfer or other disposition of surplus real property shall be valid unless the purchaser or lessee has executed and filed with the commissioner the statement required by section 40J of chapter 7 of the General Laws.

(k) The grantee or lessee of any surplus real property shall be responsible for all costs including, but not limited to, appraisals, surveys, plans, recordings and any other expenses relating to the transfer, as shall be deemed necessary by the commissioner.

(l) This section shall not apply to the disposition of real property that is the subject of a special act having an effective date prior to that of this section.

(m) The authority granted the commissioner hereunder shall cease as of June 30, 2010, however, the commissioner may complete any transaction for which agreements have been signed and delivered on or before that date.

(n) The commissioner shall deposit the proceeds realized from property dispositions pursuant to this section into the General Fund.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 17 members voted in the affirmative and 139 in the negative.

[See Ye and Nay No. 132 in Supplement.]

Therefore the amendment was rejected.

Subsequently a statement of Mr. Cabral of New Bedford was spread upon the records of the House, as follows:

MR. SPEAKER: During the above taking of the yeas and nays, I voted in the negative. However, for some explicable reason, I was recorded in the affirmative.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 12D (inserted by amendment) the following two sections:

“SECTION 12E. Section 59 of chapter 33 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 10, the words ‘without loss of’ and inserting in place thereof the following words:— in addition to.

SECTION 12F. Said section 59 is hereby further amended by striking out, in line 13, the word ‘officials.’ in line 13, and inserting in place thereof the following words:— ; provided that the ordinary remuneration authorized by this section shall be reduced by any amounts received from the United States government as pay or allowances for military service performed during the same pay period.”; and by inserting after section 40 (as published) the following section:

“SECTION 40A. Notwithstanding any general or special law to the contrary, if any person in the service of the commonwealth, or of a county, city or town, serves as a member of the Massachusetts National Guard and takes a leave of absence from service as an employee or official of the commonwealth or of a county, city or town while continuing to receive ordinary remuneration as an employee or official of the commonwealth or of a county, city or town, shall have the remuneration reduced by any amounts received from the United States government as pay or allowances for military service performed during the same pay period.”.

The amendments were adopted.

Mr. Naughton of Clinton then moved to amend the bill by adding the following section:

“SECTION 64. Section 2 of chapter 90 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

The registrar shall furnish without charge to owners of private passenger motor vehicles who are veterans, as defined in said clause Forty-third of said section 7 of said chapter 4 who have been awarded the Iraqi Freedom Campaign Ribbon and upon presentation of evidence deemed satisfactory by the registrar, distinctive registration plates for one private passenger motor vehicle owned and principally used by such Iraqi Freedom Campaign Ribbon recipient or a distinctive emblem to be affixed to a ‘VETERAN’ registration plate for a motorcycle owned and principally used by such recipient; provided, however, that the surviving spouse of a deceased survivor

may elect to retain such distinctive registration plate or emblem for personal use upon payment of the established registration fee for private passenger motor vehicles or motorcycles and an additional annual \$20 fee until such time as such spouse remarries or fails to renew or cancels such registration.”.

The amendment was adopted.

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

“SECTION 65. Section 2 of chapter 90 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

The registrar shall furnish without charge to owners of private passenger motor vehicles or motorcycles who have been issued ‘VETERAN’ plates pursuant to this section, a distinctive emblem to be affixed to such plates which identifies service in Operation Enduring Freedom. The surviving spouse of a deceased recipient may elect to retain the distinctive emblem for personal use upon payment of the established registration fee and an additional \$20 fee until such time as the spouse remarries or fails to renew or cancels the registration.”.

The amendment was adopted.

Mr. Jones of North Reading and other members then moved to amend the bill by inserting after section 15K (inserted by amendment) the following section:

“SECTION 15L. Section 2 of chapter 90 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting, in line 373, after the first sentence of the fifteenth paragraph the following:— Notwithstanding the forgoing sentence, any person who has served on full time national guard duty under Titles 10 or 32 of the United States Code or under sections 38, 40 and 41 of chapter 33 for not less than 90 days but has not served at least 1 day for wartime service and would otherwise qualify as a ‘veteran’ under clause forty-third of section 7 of chapter 4 shall be eligible for such ‘VETERAN’ plates.”; and by inserting after section 18C (inserted by amendment) the following section:

“SECTION 18D. Section 34 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking in line 92 the words ‘the General Fund’ and inserting in place thereof the following:— as follows: 60 percent to the Soldiers’ Homes in Chelsea; and 40 percent to the Soldiers’ Home in Holyoke.”.

The amendments were adopted.

Mt. Straus of Mattapoisett then moved to amend the bill by adding the following section:

“SECTION 66. Notwithstanding any general or special law to the contrary, the department of public utilities shall provide to the joint committee on telecommunications, utilities and energy no later than December 1, 2009, an update of the department of public utilities’ report 07-6-A; provided, that said update shall include, but not be limited to, the impact of chapter 169 of the acts of 2008.”.

The amendment was adopted.

Mr. Fernandes of Milford then moved to amend the bill [A] in section 2, in item 8000-0010, by adding the following: “; provided further, that \$150,000 shall be expended to expand and modernize

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the command, communications and 911-response center in the Milford Police Department”.

Pending the question on adoption of the amendment, Mr. Costello of Newburyport moved to amend it [at “A”] by striking out the text thereafter and inserting in place thereof the following: “by adding the following two sections:—

SECTION 67. Section 18H of chapter 6A of the General Laws, as amended by section 8 of chapter 223 of the Acts of 2008, is hereby further amended by striking out the first sentence in subsection (d) and inserting in place thereof the following:—

(d) Each communication service provider shall remit the surcharge revenues collected from its subscribers or end users to the state treasurer for deposit in the Enhanced 911 Fund; provided however that the department may promulgate regulations establishing collection of the surcharge on prepaid wireless services from consumers at the retail point of sale and that the surcharge on prepaid wireless services shall be remitted to the department of revenue, and provided further that if the department promulgates regulations, the department of revenue shall promulgate regulations for collection, remittance, audits, and enforcement of the collection and remittance of the surcharge on prepaid wireless services consistent with the tax imposed under chapter 64H of the General Laws. Such surcharges on prepaid wireless services shall be imposed at a rate of one-half the amount imposed on communications services other than prepaid wireless service under the provisions of paragraphs (a) and (b) of this section and such surcharge on prepaid wireless services shall allow for a vendor’s compensation deduction equal to 3 percent of the surcharge on prepaid wireless services.

SECTION 68. Said chapter 223 is hereby further amended by striking out section 19 and inserting in place thereof the following section:

Section 19. The regulations that may be required to be adopted under subsection (a) and (d) of section 18H of chapter 6A of the General Laws by the state 911 department and the department of revenue shall take effect on October 1, 2009 and providers of prepaid wireless service shall be subject to said section 18H of said chapter 6A, except for subsection (g) of said section 18H of said chapter 6A on and after October 1, 2009. Subsection (g) of said section 18H of said chapter 6A shall take effect on the effective date of this act.”

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

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

“SECTION 69. Notwithstanding any general or special law to the contrary, there is hereby a temporary prohibition on all promotions, transfer, new hires, and position upgrades implemented for all permanent and temporary positions in all branches, offices, departments, agencies and authorities of the commonwealth. Said temporary prohibition shall be in effect during the time period beginning on July 1, 2009 and ending on June 30, 2010. The individual responsible for personnel administration for each branch, office, department, agency and authority may authorize a restricted waiver for said prohibition; provided however, that any such waiver shall ensure that all promo-

tions, transfers, new hires, and position upgrades are essential and directly related to protecting the public health and safety. Any waiver shall be certified in writing and placed on file with the human resources division of the commonwealth.”

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

“Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the department of revenue has furnished a study of its impact on the state’s economy and revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment and ancillary economic activity to the joint committee on revenue and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 139 members voted in the affirmative and 16 in the negative.

[See Yeas and Nays No. 133 in Supplement.]

Therefore the further amendment was adopted.

The amendment, as amended, then was adopted.

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

“SECTION 70. (a) A state of fiscal emergency of a magnitude and scope not seen since the Great Depression exists in the commonwealth by reason of the declining economy, the current budget crisis requiring a reduction in funding to essential programs and services, and the probability of future budget deficits. It is imperative that the consequences of such financial conditions be mitigated as soon as possible through a shared burden so as to avert the necessity for a further and permanent reduction of force of government employees that will jeopardize program operations and the delivery of basic government services vital to the health, welfare and safety of the citizens of this commonwealth. Therefore, as a matter of paramount public policy, the general court finds and declares that a temporary program of furloughs for employees and officers, under the terms of this section, is a reasonable, equitable, and necessary means of conserving and utilizing the commonwealth’s monies during this period of fiscal emergency.

(b) Notwithstanding any general or special law to the contrary, a temporary program of furloughs, according to the schedule set forth in subsection (c) of this section, shall be implemented. The furlough program shall apply to each full time employee or officer, whether or not elected, in all branches, offices, departments, agencies and authorities of the commonwealth, whose compensation is partially or fully funded by (i) state appropriation; (ii) receipts from bond revenues; (iii) federally funded or reimbursed programs; (iv) trust funds as defined in section 1 of chapter 29 of the General Laws; or (v) authority expenditures; provided, that the furlough program shall not be mandatory for judges, who are, however, recommended to

Further
amendment
(hiring
freeze)
adopted,—
yeas and nays
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work ten days without pay; provided further, that the furlough program shall not apply to officers and employees who have rights under collective bargaining agreements.

Each employee shall select finally in writing to his immediate supervisor, by July 10, 2009, one of the following three options, which shall apply to all of the days the employee is furloughed under subsection (c); He shall take said days as unpaid days off; continue to work said days without pay and receive a number of bonus paid vacation days, at a rate of one day for each day without pay worked, to be available for use beginning in fiscal year 2011; or continue to work said days without pay and receive a lump sum, under the terms of subsection (d) of this section. Employees failing to make such an election shall have an election made for them by their immediate supervisor. Said temporary furlough program shall take place between July 1, 2009 and June 30, 2010.

(c) Between July 1, 2009 and June 31, 2010, employees covered by this section shall be furloughed according to the following schedule: For each employee whose annual compensation is less than \$50,000, three days; for each employee whose annual compensation is \$50,000 or greater but not more than \$79,999, five days; for each employee whose annual compensation is \$80,000 or greater but not more than \$99,999, seven days; for each employee whose annual compensation is \$100,000 or greater, nine days. For purposes of this section, compensation shall be defined as salary which reflects routine payment for regular work assignments as defined by the office of the comptroller.

(d) Employees who have chosen the option of continuing to work furlough days unpaid through the temporary furlough period for receipt of a lump sum, and who subsequently retire or otherwise terminate employment, or the beneficiary of such an employee who dies, shall be entitled, within thirty days of such retirement, termination or death, to said lump-sum payment, in an amount equal to the employee's per diem salary foregone as a result of furlough for the number of days required in subsection (c), as the salary stands at the time of the furlough; provided, however, no such payment shall be made prior to fiscal year 2011. The secretary of administration and finance is hereby authorized and directed to establish and implement a plan to carry out the provision of this paragraph. The plan shall provide that no such payment is to be made from the General Fund.

Employees who have chosen the option of continuing to work furlough days unpaid through the temporary furlough period for receipt of bonus vacation days, and who subsequently retire or otherwise terminate employment before having used all or part of the bonus vacation days, or the beneficiary of such an employee who dies before having used all or part of the bonus vacation days, shall be entitled to payment in an amount equal to the unused bonus vacation days, computed on the basis of the employee's salary as it stand at the time of the furlough; provided, however, no such payment shall be made prior to fiscal year 2011. The secretary of administration and finance is hereby authorized and directed to establish and implement rules, not subject to the provisions of chapter 30A of the General Laws.

For the purposes of this subsection, a transfer of employment from one branch, office, department, agency, authority or instrumentality of the commonwealth to another shall not constitute termination of employment.

(e) For employees hired and starting to work on or after July 1, 2009, and for employees returning to work on or after July 1, 2009, after having been on unpaid leave status, the temporary furlough program provided for in this section shall be applied in the initial days of such employment in accordance with the schedule in subsection (c).

(f) The temporary furlough program pursuant to this section shall not impair any rights, privileges, status or eligibility of any employee with respect to seniority and employee benefits, including, but not limited to, health insurance, accidental death and disability benefits, retirement service credit and final average salary under the retirement laws. The provisions of this section shall not result in the loss of any accrued vacation days otherwise eligible to be carried over to a subsequent fiscal year.

(g) If any one or more provision, section, subsection, sentence, clause, phrase or word of this Act or the application thereof to any person or circumstance is found by a court to be unconstitutional or otherwise unenforceable, the same is hereby declared to be severable and the balance of this Act shall remain effective notwithstanding. The general court hereby declares that it would have passed this Act, and each provision, section, subsection, sentence, clause, phrase or word thereof, even if any one or more provision, section, subsection, sentence, clause, phrase, or word would be found by a court to be unconstitutional or otherwise unenforceable."

Pending the question on adoption of the amendment, Mr. DeLeo of Winthrop and Jones of North Reading moved to amend it by striking out the proposed section 70 and inserting in place thereof the following section:

"SECTION 70. Notwithstanding any general or special law to the contrary, the House Committee on Personnel and Administration shall file with the House clerk no later than October 31, 2009 a report relative to implementation of a salary furlough program for elected and appointed employees of the House of Representatives. Said report shall include, but not be limited to, the need for implementation of a furlough program as a means to reduce budgetary expenditures, recommendations for implementation scenarios, impact of furloughs on calculation of pension benefits and future reimbursement scenarios for furloughed compensation days."

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

At ten minutes before seven o'clock P.M. (Friday, May 1), on motion of Mr. Fagan of Taunton (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after seven; and at eighteen minutes before eight o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Ms. Clark of Melrose and other members then moved to amend the bill in section 2 by inserting after item 8000-0038 the following item:

Recess.

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“8000-0040 For police career incentives to reimburse certain cities and towns for career incentive salary increases for police officers \$51,202,122”.

Pending the question on adoption of the amendment, Mr. Murphy of Burlington moved to amend it by striking out proposed item 8000-0040 and inserting in place thereof the following item:

“8000-0040 For police career incentives to reimburse certain cities and towns for career incentive salary increases for police officers; provided, however, that regular full-time members of municipal police departments hired on or after July 1, 2009 shall not be eligible to participate in the career incentive pay program established pursuant to section 108L of chapter 41 of the General Laws; provided further, that any current regular full-time member of a municipal police department who has not started accumulating points pursuant to said section 108L of said chapter 41 of the General Laws, as of September 1, 2009, shall not be eligible to participate in the career incentive pay program established pursuant to said section 108L of said chapter 41 of the General Laws; and provided further, that any current regular full-time member of a municipal police department who has begun to accumulate points pursuant to said section 108L of said chapter 41 of the General Laws as of September 1, 2009 shall be allowed to accumulate the maximum number of points permissible pursuant to said section 108L of said chapter 41 of the General Laws \$25,000,000”;

and by adding the following:— ; and that the bill be amended by adding the following section:

“SECTION 71. (a) Notwithstanding any general or special law to the contrary, any successor agreement to the current collective bargaining agreement for employees of the state police executed by the commonwealth, acting by and through the secretary of administration and finance, and the State Police Association of Massachusetts shall not include benefits pursuant to the career incentive pay program established pursuant to section 108L of chapter 41 of the General Laws. Nothing in this section shall preclude regular full-time members of the state police otherwise eligible for participation in the career incentive pay program established pursuant to said section 108L of said chapter 41 of the General Laws from participating in the program subject to appropriation.

(b) Notwithstanding any general or special law to the contrary, any current regular full-time member of the state police department who has not started accumulating points pursuant to said section 108L of said chapter 41 of the General Laws, as of September 1, 2009, shall not be eligible to participate in the career incentive pay program established pursuant to said section 108L of said chapter 41 of the General Laws; provided, however, that any current regular full-time member of the state police department who has begun to accumulate points pursuant to said section 108L of said chapter 41 of the

General Laws as of September 1, 2009 shall be allowed to accumulate the maximum number of points permissible pursuant to said section 108L of said chapter 41 of the General Laws.

(c) Notwithstanding any general or special law to the contrary, regular full-time members of the state police hired on or after July 1, 2009 shall not be eligible to participate in the career incentive pay program established pursuant to said section 108L of said chapter 41 of the General Laws.”.

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

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 147 members were recorded as being in attendance.

Quorum,— yea and nay No. 134.

[See Yea and Nay No. 134 in Supplement.]

Therefore a quorum was present.

After debate on the question on adoption of the further amendments, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 101 members voted in the affirmative and 42 in the negative.

Further amendments adopted,— yea and nay No. 135.

[See Yea and Nay No. 135 in Supplement.]

[Representatives Bradley of Hingham, Calter of Kingston, Canessa of New Bedford, Fagan of Taunton, Fennell of Lynn, Kocot of Northampton, O’Day of West Boylston, Peterson of Grafton, Straus of Mattapoisett, Tobin of Quincy, Turner of Dennis and Wallace of Boston answered “Present” in response to their names.]

Therefore the further amendments were adopted, thus precluding a vote on the pending amendment. Mr. Murphy of Burlington then moved that this vote be reconsidered; and the motion to reconsider was negatived.

Mr. Murphy of Burlington and other members then moved to amend the bill in section 2 by inserting after item 8000-0000 the following item:

“8000-0010 For community policing grants to be administered by the executive office of public safety and security; provided, that no such grants shall be awarded to the department of state police; provided further, that any community that received funds through this item in fiscal year 2008 shall receive 25 per cent that amount in fiscal year 2010; provided further, that grants shall only be expended on items that are related to community policing activities, programs, purchases or construction; provided further, that grant funds shall not be expended on food and beverages, recruit training academy tuition, salaries and benefits for non-community policing personnel and payments for non- related overtime; and provided further, that not later than March 16, 2010, the executive office of public safety and security shall submit a report to the house and senate committees on ways and means detailing

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the amount of grants awarded to these grant recipients and descriptions of these grants \$5,337,759”;

By striking out item 8100-0000 and inserting in place thereof the following item:

“8100-0000 For the administration and operation of the department of state police; provided, that the department shall expend funds from this item for the purpose of maximizing federal grants for the operation of a counter-terrorism unit and the payment of overtime for state police officers including the operation of the drug enforcement task force; provided further, that the department shall maintain the division of field services which shall include, but not be limited to, the bureau of metropolitan district operations; provided further, that not fewer than 40 officers may be provided to the department of conservation and recreation for the purpose of patrolling the watershed property of the department of conservation and recreation; provided further, that funds shall be expended from this item for the administration and operation of an automated fingerprint identification system and the motor carrier safety assistance program; provided further, that not fewer than 5 officers shall be provided to the disabled persons protection commission for the purpose of investigating cases of criminal abuse; provided further, that the department shall enter into an interagency agreement with the department of conservation and recreation to provide police coverage on department properties and parkways; provided further, that the creation of a new or the expansion of the existing statewide communications network shall include the office of law enforcement in the executive office of energy and environmental affairs at no cost to, or compensation from that office; provided further, that any community that was selected to receive earmarked funds for directed patrols in fiscal year 2008 shall receive 50 per cent of the amount so earmarked in fiscal year 2010; provided further, that any funds for the operation of a drug task force in fiscal year 2009 shall receive 100 per cent of the amount so earmarked in fiscal year 2010; provided further, that there shall be a study submitted to the house and senate committees on ways and means not later than January 30, 2010, on traffic details worked by the department of state police, including troops A, B, C, D, E, F, and H, over the last 5 years, which shall detail, on a monthly basis: the total number of hours worked on traffic details by state police officers, the total amount paid to state police officers for traffic details, the standard hourly rates for traffic details done by state police officers

and the city or town in which traffic details are performed by state police officers; and provided further, that the department may expend funds from this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the office of the chief medical examiner, the municipal police training committee and the criminal history systems board \$247,815,798
Highway Fund 88.2%
General Fund 11.8%”;

By inserting after item 8100-0101 the following item:

“8100-0111 For a grant program to be known as the Senator Charles E. Shannon, Jr. Community Safety Initiative, to be administered by the executive office of public safety and security, to support regional, multidisciplinary approaches to combat gang violence through coordinated programs for prevention and intervention, coordinated law enforcement, including regional gang task forces and regional crime mapping strategies, focused prosecutions and reintegration strategies for ex-convicts; provided, that the secretary of public safety and security shall distribute grant funds through a competitive grant program that gives preference to applications that: (a) demonstrate high levels of youth violence, gang problems and substance abuse in a region; (b) demonstrate a commitment to regional, multijurisdictional strategies to deal with such community safety issues, including written commitments for municipalities, law enforcement agencies, community-based organizations and government agencies to work together; (c) clearly outline a comprehensive plan for municipalities to work with law enforcement, community-based organizations and government agencies to address gang activity; (d) make a written commitment to match grant funds with a 50 per cent match provided by either municipal or private contributions; and (e) identify a local governmental unit to serve as fiscal agent; provided further, that clusters of municipalities, in partnership with nonprofit organizations and other agencies, including district attorney’s offices, may apply for such funds; provided further, that such funds shall be considered one-time and grants awarded to public agencies and shall not annualize into fiscal year 2011 or subsequent years; provided further, that administrative costs for successful grant applications shall not exceed 3 per cent of the value of the grant; provided further, that no grants shall be awarded to the department of state police; provided further, that no grant funds shall be expended on food or beverages; provided further, that the execu-

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tive office of public safety and security shall publish guidelines and an application for the competitive portion of the grant program not later than August 15, 2009; provided further, that awards shall be made to applicants not later than December 15, 2009; and provided further, that the executive office of public safety and security may expend not more than \$100,000 of the sum appropriated in this item for its costs in administering programs \$6,500,000”;

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 and as well as the operations of the Boston Fire Department training academy; 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, the Boston Fire Department training academy and the Massachusetts firefighting academy shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property in the commonwealth and paid within 30 days after receipt of notice of such assessment from the commissioner of insurance; provided further, that \$100,000 shall be expended to Norfolk County to maintain and improve services of the Norfolk County Regional Fire & Rescue Dispatch Center; provided further, that not less than \$100,000 shall be expended for critical incident stress intervention for the fire departments of the cities, towns, and the fire districts of the Commonwealth including but not limited to consultant services, training, equipment and supplies; provided further, that not less than \$1,178,666 shall be expended for the SAFE program, which shall include information about the fire risks caused by smoking; 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 in the commonwealth and commercial auto liability policies as referenced in line 5.1 and line 19.4, respec-

tively, in the most recent annual statement on file with the commissioner of insurance; provided further, that not more than 10 per cent of the amount designated for the arson prevention program shall be expended for the administrative cost of the program; provided further, that the expenses of the board of fire prevention regulations, under section 4 of chapter 22D of the General Laws, shall be paid from this item; and provided further, that not less than \$1,750,000 shall be provided for the Boston Fire Department training academy \$18,354,018”;

In item 8700-1140 by striking out the appropriation “\$400,000” and inserting in place thereof the appropriation “\$1,400,000”;
In item 8800-0001 by striking out the appropriation “\$1,370,077” and inserting in place thereof the appropriation “\$1,478,973”;
By striking out item 8800-0200 and inserting in place thereof the following item:

“8800-0200 For the Seabrook nuclear safety preparedness and radiological emergency response plan evaluations program; provided, that the cost of the program, including associated fringe benefits and indirect costs, shall be assessed on electric companies in the commonwealth which own, in whole or in part, or purchase power from, nuclear power plants located outside the commonwealth whose nuclear power plant areas, as defined in section 2B of chapter 639 of the acts of 1950, include communities located within the commonwealth and shall be credited to the General Fund; provided further, that the department of public utilities shall develop an equitable method of apportioning such assessments among the licensees; provided further, that such assessments shall be paid during the current fiscal year as provided by the department; provided further, that not less than \$75,000 shall be expended for regional radiological monitoring within the Emergency Planning Zone communities located within the commonwealth; provided further, that such monitoring shall be conducted by the C-10 Research and Education Foundation; provided further, that for the purposes of this item, “electric companies” shall mean all persons, firms, associations and private corporations which own or operate works or a distributing plant for the manufacture and sale or distribution and sale of electricity within the commonwealth; and provided further, that the term “electric companies” shall not include municipalities or municipal light plants \$379,272”;

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 before closing any correctional facility, the commis-

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sioner of corrections and the secretary of public safety and homeland security 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 \$50,000 shall be provided for the Dismas House; provided further, that not less than \$100,000 shall be provided to the Aid to Incarcerated Mothers Family Re- unification Program; [A] provided further, the commissioner of corrections and the secretary of public safety and homeland security 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 corrections' objective classification system for all prisoners confined in each prison operated by the department; and provided further, that in an effort to monitor and reduce current levels of over-classification, the department of correction shall provide quarterly reports to the joint committee on public safety and the house and senate committees on ways and means with data on the number of prisoners at each security level \$527,652,146”;

In item 8900-1100 by striking out the appropriation “\$727,203” and inserting in place thereof the appropriation “\$794,745”;

By striking out item 8910-0003 and inserting in place thereof the following item:

“8910-0003 For 3 regional behavioral evaluation and stabilization units to provide forensic mental health services within existing physical facilities for incarcerated persons in the care of correctional facilities in the commonwealth; provided, that 1 unit shall be located in Hampden county to serve the needs of incarcerated persons in the care of Berkshire, Franklin, Hampden, Hampshire, and Worcester counties; provided further, that there shall be a full service Forensic Evaluation Unit at Taunton State Hospital to serve the needs of incarcerated persons in the care of Barnstable, Bristol, Dukes, Nantucket, and Plymouth counties; provided further, that 1 unit shall be located in Middlesex County to serve the needs of incarcerated persons in the care of Essex, Middlesex, Norfolk, and Suffolk counties; provided further, that the services of the units shall be made available to incarcerated persons in the care of the department of correction; provided further, that the Massachusetts sheriffs' association, in conjunction with the department of correction, shall prepare a report that shall include, but not be limited to: (a) the number of incarcerated persons in facilities located in counties that were provided services

in each unit; (b) the number of incarcerated persons in department of correction facilities that were provided services in each unit; (c) the alleviation in caseload at Bridgewater state hospital associated with fewer incarcerated persons in the care of counties being attended to at the hospital; and (d) the estimated and projected cost-savings in fiscal year 2010 to the sheriff departments and the department of correction associated with the regional units; provided further, that the report shall be submitted to the house and senate committees on ways and means not later than March 15, 2010; and provided further, that the department of mental health shall maintain monitoring and quality review functions of the units \$2,186,871”;

In item 8910-0110 by striking out the appropriation “\$11,122,811” and inserting in place thereof the appropriation “\$11,876,291”;

By inserting after item 8910-0188 the following item:

“8910-0288 For a retained revenue account for the Franklin sheriff's department from monies collected through federal reimbursements for transportation of federal detainees; provided, that the Franklin sheriff's department may expend an amount not to exceed \$500,000 \$500,000”;

and in item 8910-1000 by striking out the appropriation “\$1,528,675” and inserting in place thereof the appropriation “\$1,778,675”;

and in section 2D by inserting after item 8000-4841 the following three items:—

“8000-4842 For the purposes of a federally funded grant entitled, Special Events Trust \$190,000
 8000-6613 For the purposes of a federally funded grant entitled, Juvenile Accountability Block Grant \$600,000
 8000-6615 For the purposes of a federally funded grant entitled, Community Security Expendable Trust \$135,000”.

Pending the question on adoption of the amendments, Mr. Murphy of Burlington moved to amend them in proposed item 8900-0001 [at “A”] by inserting the following: “; provided further, that not less than \$175,000 shall be allocated to the municipality hosting the facility at Bay State Correctional Center; provided further, that not less than \$500,000 shall be allocated to the municipality hosting the facility at Cedar Junction; provided further, that not less than \$500,000 shall be provided for cities and towns hosting facilities”.

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. Murphy of Burlington; and on the roll call 136 members voted in the affirmative and 17 in the negative.

[See Ye and Nay No. 136 in Supplement.]

[Representative Canavan of Brockton answered “Present” in response to her name.]

Therefore the amendments, as amended, were adopted.

Amendments (public safety) adopted, — ye and nay No. 136.

Suspension of Rule 1A.

Rule 1A suspended, — yea and nay No. 137.

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

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 137 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 137 in Supplement.]

Therefore Rule 1A was suspended.

Mr. Murphy of Burlington and other members then moved to amend the bill in section 2 by striking out item 7006-0011 and inserting in place thereof the following item:

“7006-0011 For the costs incurred by the division of banks associated with licensure of loan originators pursuant to chapter 255F of the General Laws; provided, that the division may expend revenues in an amount not to exceed \$5,000,000 from the revenue received from administrative fees associated with said licensure fees and from civil administrative penalties pursuant to said chapter 255F; provided further, that the division may expend from such revenue an amount to be determined by the commissioner of banks as grants for the operation of a pilot program for best lending practices, first-time homeowner counseling for non-traditional loans and 10 or more foreclosure education centers pursuant to section 16 of chapter 206 of the acts of 2007 and that the grants shall be awarded through a competitive application process under criteria created by the division and that no funds shall be expended from this item in the AA object class for the compensation of state employees for such program; 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 commissioner 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 \$5,000,000”;

In item 7006-0067 by striking out the appropriation “\$356,018” and inserting in place thereof the appropriation “\$406,018”;

By inserting after item 7007-0100 the following item:

“7007-0150 For a competitive grant program to promote regional economic development corporations, councils and partnerships across the commonwealth \$600,000”;

By striking out item 7007-0900 and inserting in place thereof the following item:

“7007-0900 For the operation and administration of the office of travel and tourism; provided, that perfor-

mance-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 \$350,000 shall be expended to the Massachusetts Alliance for Economic Development for the purpose of enhancing economic development related services, including, but not limited to, implementation of a statewide online site finder to assist business growth; provided further, that not less than \$1,000,000 shall be expended through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2010 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 no less than \$75,000 shall be expended for the Massachusetts Latino Chamber of Commerce; provided further, that no less than \$300,000 shall be expended for economic recovery and business assistance, including the underwriting of loans and entrepreneurial training and technical assistance to microenterprises and emerging businesses, provided by the South Eastern Economic Development Corporation in the counties of Barnstable, Bristol, Dukes, Nantucket, Norfolk and Plymouth, and the Western Massachusetts Enterprise Fund in the counties of Berkshire, Franklin, Hampden, Hampshire and Worcester; provided further, that no less than \$150,000 shall be expended for the Massachusetts Russian Community Association; provided further, that no less than \$250,000 shall be expended to the New England Farm Workers Council; and provided further, that \$150,000 shall be expended for the Massachusetts Advocates for the Arts, Sciences, and Humanities to support the rehabilitation of cultural and heritage facilities across the commonwealth and the fostering of economic opportunity through arts, culture and tourism in the commonwealth through public education \$11,191,247
Tourism Fund 100.0%”;

By striking out item 7007-0901 and inserting in place thereof the following item:

“7007-0901 For the operation and administration of the Massachusetts Sports and Entertainment Commission; provided, that the Massachusetts Sports and

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Entertainment Commission shall be the official and lead agency to facilitate and attract major sports events and championships in the commonwealth; provided further, that the Massachusetts Sports and Entertainment Commission shall establish a division within the commission which shall be the official and lead agency to facilitate motion picture production and development within the commonwealth; and provided further, that not less than \$150,000 shall be expended as grants for the Bay State Games

Tourism Fund	100.0%";	\$1,400,000
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and in item 7007-0951, in line 7, by inserting after the word "zoos" the words "; provided further, that the corporation shall continue to provide free services and supplies including, but not limited to, routine animal check-ups, diagnosis and care, emergency veterinary needs, medications and medical supplies, vitamins and diet supplements and Zoo Prem feline diet, to the Trailside Museum and the Chickatawbut Hill Center".

Amendments (economic development) adopted,—yea and nay No. 138.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mr. Keenan of Salem; and on the roll call 141 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 138 in Supplement.]

Therefore the amendments were adopted.

The Speaker being in the Chair,—

Amendments adopted,—yea and nay No. 139.

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. Jones of North Reading; and on the roll call 137 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 139 in Supplement.]

Therefore the bill (House, No. 4101, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop (Mr. Donato of Medford having taken the Chair,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At seventeen minutes before ten o'clock P.M. (Friday, May 1), on motion of Mr. Kafka of Stoughton (Mr. Donato being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.