

JOURNAL OF THE HOUSE.

Monday, April 28, 2008.

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

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

Gracious God, the Ultimate Source of Our Hope and Peace, we look to You, Our Creator, for guidance and direction as we take up, address and resolve the many, sometimes controversial, items in House 4700. Our constituents depend upon our sound judgment and knowledge in our decision-making actions. Help us to select those legislative options which best serve the current and the future needs of people and our communities in these uncertain times. Teach us to be open to the insights, experiences and priorities of constituents and associates. Let our hearts and minds be filled with thanks, joy and enthusiasm as we struggle to make our society stable, safe, ethical and prosperous.

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.

Statement of Representative Atsalis of Barnstable.

A statement of Mr. Atsalis of Barnstable 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 not present in the House Chamber for a portion of today's sitting due to family business. Any roll calls that I missed earlier today was due entirely to the reason stated.

Statement Concerning Representative Flynn of Bridgewater.

A statement of Mr. Rogers of Norwood concerning Mr. Flynn of Bridgewater was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Flynn of Bridgewater, will not be present in the House Chamber for today's sitting due to personal business. Any roll calls that he may miss today will be due entirely to the reason stated.

Resolutions.

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

Resolutions (filed by Mr. Jones of North Reading) congratulating Mark Hall for receiving the Reading-North Reading Chamber of Commerce Outstanding Citizen Award;

Margaret
Stevens
Parker.

Resolutions (filed by Mr. Jones of North Reading) congratulating Margaret Stevens Parker of North Reading on the occasion of her one hundredth birthday;

Arnold
Rubin.

Resolutions (filed by Mr. Jones of North Reading) congratulating Arnold Rubin for receiving the Reading-North Reading Chamber of Commerce Outstanding Citizen Award;

Malden,
Cheverus
School.

Resolutions (filed by Messrs. Donato of Medford, Fallon of Malden and Smith of Everett) on the occasion of the one hundredth anniversary of Cheverus Centennial School in Malden;

Andre
Tippett.

Resolutions (filed by Mr. Kafka of Stoughton and other members of the House) congratulating Andre Tippett of Sharon on his election to the Professional Football Hall of Fame;

Adult Onset
Disability
Week.

Resolutions (filed by Ms. Kaprielian of Watertown and other members of the House) recognizing Adult Onset Disability Week April 27th-May 3rd;

Burlington,
Rotary Club.

Resolutions (filed by Mr. Murphy of Burlington) honoring the Rotary Club of Burlington on the occasion of its fiftieth anniversary;

World Falun Dafa
Day.

Resolutions (filed by Mr. Smizik of Brookline) recognizing World Falun Dafa Day; and

Henry F.
Sears.

Resolutions (filed by Mr. Turner of Dennis) congratulating Captain Henry F. Sears on the occasion of his retirement;

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

Petitions.

Petitions severally were presented and referred as follows:

Boston,
affordable
housing.

By Mr. Scaccia of Boston, petition (accompanied by bill, House, No. 4710) of Angelo M. Scaccia (with the approval of the mayor and city council) relative to certain affordable housing in the city of Boston. To the committee on Housing.

Mark
Stomski, retire-
ment.

By Mr. Fresolo of Worcester, petition (accompanied by bill, House, No. 4711) of John P. Fresolo and others (with approval of the mayor and city council) that the city of Worcester be authorized to grant retirement and medical benefits to firefighter Mark S. Stomski. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Reports of Committees.

MBTA and
State Police.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, asking to be discharged from further consideration of so much of the petition (accompanied by bill, House, No. 2401) (as relates to sections 4 to 20, inclusive, 34 to 38, inclusive and 40 to 43, inclusive) of Joseph F. Wagner and others for legislation to increase the homeland security of the commonwealth by merging the Massachusetts Bay Transportation Authority police department into the department of state police,— and recommending that the same be referred to the committee on Ways and

Means. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence, inasmuch as relates to the discharge of the committee.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill relative to the determination of the lowest eligible and responsible bidder for certain public construction contracts (House, No. 3185).

Construction,
lowest bidders.

By the same member, for the same committee, on a petition, a Bill authorizing agency input into co-location of EOHHS offices (House, No. 3199).

Health
and Human Serv-
ices.

By the same member, for the same committee, on the joint petition, a Bill relative to vendor contracts (House, No. 3202).

Vendor
contracts.

By the same member, for the same committee, on a petition, a Bill relative to accessible electronic information technology for persons with disabilities (House, No. 3203).

Disabled, infor-
mation access.

By the same member, for the same committee, on a petition, a Bill relative to convention centers (House, No. 3204).

Convention
centers.

By the same member, for the same committee, on a petition, a Bill relative to the use of credit cards for payment to the Commonwealth (House, No. 3206, changed by inserting after section 1 the following section:

Credit cards,
state
payments.

“SECTION 1A. Under this act, the payee may require the payer to pay any and all actual transaction costs associated with payment by credit card.”).

By the same member, for the same committee, on a joint petition, a Bill relative to workplace disclosure (House, No. 3210).

Workplaces,
disclosure.

By the same member, for the same committee, on a petition, a Bill to improve competition in the furnishing of materials for use in certain public contracts (House, No. 3214).

Public
contracts,
materials.

By the same member, for the same committee, on a petition, a Bill relative to the Board of Electrical Examiners (House, No. 3223).

Electricians
Board.

By the same member, for the same committee, on a petition, a Bill relative to global positioning system technology and public employees (House, No. 3224).

Global
positioning.

By the same member, for the same committee, on a petition, a Bill relative to the history of slavery in the Commonwealth (House, No. 3239).

Slavery,
history.

By the same member, for the same committee, on a petition, a Bill relative to the Massachusetts Building Code (House, No. 3240).

Homeowners,
plumbing.

By the same member, for the same committee, on a petition, a Bill relative to records open to public inspection (House, No. 3244).

Records,
public.

By the same member, for the same committee, on a petition, a Bill to ensure diversity in proposal review teams (House, No. 3247).

Diversity
review teams.

By the same member, for the same committee, on a petition, a Bill to provide for cost efficient construction (House, No. 3261).

Construction
costs.

By the same member, for the same committee, on a petition, a Bill relative to direct payments (House, No. 3262).

Contract
payments.

By the same member, for the same committee, on a petition, a Bill to provide timely final payment for contracts for public works construction in the Commonwealth (House, No. 3263).

Public
construction,
payments.

State

buildings, ventilation.

By the same member, for the same committee, on a petition, a Bill to provide minimum ventilation in state leased and newly constructed state buildings (House, No. 3264).

State funds, accounting.

By the same member, for the same committee, on a petition, a Bill to ensure proper expenditure of and accounting for public funds (House, No. 3267).

Paperwork, reduction.

By the same member, for the same committee, on a petition, a Bill to reduce paperwork in the Commonwealth (House, No. 3268).

Iran, pension funds.

By the same member, for the same committee, on a joint petition, a Bill to protect the Massachusetts pension fund from the risks of investment in Iran (House, No. 4270).

Flags, state purchases.

By the same member, for the same committee, on a joint petition, a Bill relative to the purchase of flags (House, No. 4273).

South Boston waterfront.

By the same member, for the same committee, on House, No. 4450, a Bill promoting the growth of the commercial cruise ship industry in the designated area of the South Boston waterfront (House, No. 4708).

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

Recess.

Recess.

At twenty-nine minutes after eleven o'clock A.M., on motion of Mr. Verga of Gloucester (Mr. Donato of Medford being in the Chair), the House recessed until half past one o'clock P.M.; and at six minutes before two o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Quorum.

Quorum.

Mr. Curran of Springfield 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. 314.

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. 314 in Supplement.]

Therefore a quorum was present.

Resolutions.

Revenue forecast, fiscal year 2009.

Resolutions (filed with the Clerk by Mr. DeLeo of Winthrop) forecasting the amount of tax revenue for fiscal year 2009 (House, No. 4709) were referred, under Rule 85, to the committee on Rules.

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

Resolutions

After debate on the question on adoption of the resolutions, the sense of the House was taken by yeas and nays, at the request of Mr. DeLeo; and on the roll call 153 members voted in the affirmative and 1 in the negative.

adopted, yea and nay No. 315.

[See Yea and Nay No. 315 in Supplement.]

Therefore the resolutions were adopted.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2009 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. 4700) was read a second time.

General Appropriation Bill.

After debate on the question on ordering the bill to a third reading, Mr. Humason of Westfield and other members of the House moved to amend it by striking out sections 33, 36 and 38.

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. Rogeness of Longmeadow; and on the roll call 67 members voted in the affirmative and 88 in the negative.

Amendments rejected, yea and nay No. 316.

[See Yea and Nay No. 316 in Supplement.]

Therefore the amendments were rejected.

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

“SECTION 74. Notwithstanding any general or special law to the contrary, Chapter 62 Section 6J(b)(1)(i) is hereby amended by striking the word ‘\$50,000,000’ and inserting the following word:—\$100,000,000.”

After remarks the amendment was rejected.

Ms. Wolf of Cambridge and other members of the House then moved to amend the bill by adding the following section:

“SECTION 74. Section 321, Definitions, of chapter 94 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the words ‘mineral water’ in paragraph 2 the following:— flavored and unflavored water, spring water, vitamin water, and other water beverages, tea, sports drinks, isotonic drinks.”

After debate the amendment was rejected.

Mr. Hynes of Marshfield then moved to amend the bill by adding the following section:

“SECTION 74. Clause thirty-seventh of section 5 of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking clause thirty-seventh in its entirety and inserting in place thereof the following:—

Thirty-seventh, Real property to the amount of ten thousand dollars of the taxable valuation of real property, or the sum of one thousand dollars, whichever would result in an abatement of the greater amount of actual taxes due, of a blind person who is a legal resident of the commonwealth, whether such property is owned by him

General

Appropriation
Bill.

separately or jointly or as a tenant in common; provided, that such property is occupied by such person as his domicile. No real property shall be so exempt which has been conveyed to such blind person to evade taxation.

Eight thousand dollars of this exemption or the sum of eight hundred dollars, whichever basis is applicable, shall be borne by the commonwealth; and the state treasurer shall annually reimburse the city or town for the amount of the tax which otherwise would have been collected on account of this balance.

Clause thirty-seventh A of section 5 of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking clause thirty-seventh A in its entirety and inserting in place the following:—

Thirty-seventh A, The sum of one thousand dollars of the actual taxes due, of a blind person who is a legal resident of the commonwealth, whether such property is owned by him separately or jointly or as a tenant in common; provided that such property is occupied by such person as his domicile. No real property shall be exempt which has been conveyed to such blind person to evade taxation. This clause shall take effect upon its acceptance by any city or town. In those cities and towns which accept the provisions of this clause, the provisions of clause thirty-seventh shall not be applicable; provided, however, the sum of two hundred dollars of this exemption shall be borne by the commonwealth, and the state treasurer shall annually reimburse the city or town for the amount thereof.”

After remarks the amendment was rejected.

Mr. Binienda of Worcester then moved to amend the bill in section 34, in line 18, by inserting after the word “charged.” the following sentence: “This section shall not apply to manufacturers to the extent that they distribute such product through a licensed wholesaler or unclassified acquirer.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Rogeness of Longmeadow; and on the roll call 150 members voted in the affirmative and 5 in the negative.

[See Yeas and Nays No. 317 in Supplement.]

Therefore the amendment was adopted.

Messrs. Torrisi of North Andover and Lantigua of Lawrence then moved to amend the bill by adding the following section:

“SECTION 74. Section 6J of chapter 62 of the General Laws is hereby amended by striking out paragraph (i) of subsection (b)(1) and is hereby further amended in paragraph (ii) by striking out the word ‘may’ and inserting in place thereof the following word:— shall.”

After remarks the amendment was rejected.

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

“SECTION 74. Notwithstanding any general or special law to the contrary, for the days of August 9, 2008 and August 10, 2008, an excise shall not be imposed upon non-business sales at retail in the commonwealth of tangible personal property, as defined in section 1

of chapter 64H of the General Laws, but for the purposes of this act, tangible personal property shall not include telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals, or a single item whose price is in excess of \$2,500.

SECTION 75. Notwithstanding any general or special law to the contrary, for the days of August 9, 2008 and August 10, 2008, a vendor in the commonwealth shall not add to the sales price or collect from any non-business purchaser an excise upon sales at retail of tangible personal property, as defined in section 1 of chapter 64H of the General Laws. The commissioner of revenue shall not require any vendor to collect and pay excise upon sales at retail of tangible personal property purchased on August 9, 2008 and August 10, 2008; provided, however, that any excise erroneously or improperly collected during the days of August 9, 2008 and August 10, 2008 shall be remitted to the department of revenue; and provided further, that the provisions of this section shall not apply to the sale of telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals, or any single item whose price is in excess of \$2,500.

SECTION 76. Any reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales for the days of August 9, 2008 and August 10, 2008.

SECTION 77. On or before December 31, 2008, the commissioner of revenue shall certify to the comptroller the amount of sales tax revenue forgone due to the operation of this act. The commissioner shall issue a report, detailing by fund the amounts under general and special laws governing the distribution of revenues under chapter 64H of the General Laws which would have been deposited in each fund, notwithstanding this act.

SECTION 78. The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 20 members voted in the affirmative and 134 in the negative.

[See Yeas and Nays No. 318 in Supplement.]

Therefore the amendment was rejected.

Subsequently a statement of Ms. Campbell of Methuen 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 on the previous roll call it was my intention to vote in the negative. However, I now find that, for some inexplicable 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 adding at the end thereof the following section:

Amendment
rejected,
yeas and nays
No. 318.

Statement of
Representative
Campbell of
Methuen.

General

Amendment
adopted,
yeas and nays
No. 317.

Appropriation
Bill.

“SECTION 74. Notwithstanding any general or special law to the contrary, the commissioner of revenue shall establish a tax amnesty program during which all penalties that could be assessed by the commissioner for the failure of the taxpayer: (1) to timely file any proper return for any tax types and for any tax periods; (ii) to file proper returns which report the full amount of the taxpayer’s liability for any tax types and for any tax periods; (iii) to timely pay any tax liability; or (iv) to pay the proper amount of any required estimated payment toward a tax liability shall be waived without the need for any showing by the taxpayer of reasonable cause or the absence of willful neglect, if the taxpayer, prior to the expiration of the amnesty period, voluntarily files proper returns for all tax types for all periods for which the taxpayer has or had a filing obligation and pays, or at the commissioner’s discretion provides security for, the full amount of tax shown on the taxpayer’s returns or upon the commissioner’s assessments, together with all interest due thereon. The amnesty program shall be established for a period of 2 consecutive months, commencing on October 1, 2008, and expiring on December 3, 2008.

The commissioner’s authority to waive penalties during the amnesty period shall not apply to any taxpayer who, before the state date of the amnesty program selected by the commissioner, is or has been the subject of a tax related criminal investigation or prosecution. The amnesty program shall not apply to a tax liability of any tax type for a period commencing on or after January 1, 2007 and shall not authorize the waiver of any interest or amount treated as interest. The commissioner may offer amnesty to those taxpayers who have either any unpaid self-assessed liability or who have been assessed a tax liability, whether before or after their filing of a return, which assessed liability remains unpaid.

To the extent that a taxpayer wishing to participate in the amnesty program has postponed the payment of an assessment of tax, interest and penalty under the authority of subsection (e) of section 32 of chapter 62C of the General Laws, the taxpayer shall waive in writing all rights under said subsection (e) to further delay the payment of the tax and interest portions of the assessment. The tax and interest portions of the assessment shall be payable in full from the date of the commissioner’s notice of assessment. Upon payment by the taxpayer of the tax and interest of the outstanding assessment, the commissioner shall waive all penalties associated with that assessment. Thereafter, the taxpayer and the commissioner shall proceed with all administrative appeal rights that the taxpayer wishes to pursue with respect to the assessment.

This amnesty program shall not apply to those penalties which the commissioner would not have the sole authority to waive including, but not limited to, fuel taxes administered under the International Fuel Tax agreement or under the local option portions of taxes or excises collected for the benefit of cities, towns or state governmental authorities.

The commissioner shall maintain records of the amnesty provided under this section, including but not limited to: (i) the number of taxpayers provided amnesty; (ii) the types of tax liability for which

such amnesty is provided, and for each such type of liability, (a) the amount of tax liability collected by the commissioner, and (b) the amount of penalties foregone by virtue of such amnesty; and, (iii) the total outstanding tax liability due to the commonwealth, for the period through December 31, 2005, after the collections of all funds under this section. The commissioner shall file a report detailing such information with the clerks of the House of Representatives and the Senate, the chairs of the joint committee on revenue, the chairs of the House and Senate committees on ways and means, the minority leader of the House and the minority leader of the Senate, not later than March 1, 2009; provided, that such report shall not contain information sufficient to identify any individual taxpayer or the amnesty any individual taxpayer is provided under this section.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call (Mrs. Harkins of Needham being in the Chair) 24 members voted in the affirmative and 129 in the negative.

[See Ye and Nay No. 319 in Supplement.]

Therefore the amendment was rejected.

Ms. Kaprielian of Watertown then moved to amend the bill in section 69, in line 12, by inserting after the word “section” the following: “; provided further that every manufacturer, wholesaler, vending machine operator, unclassified acquirer or retailer, as defined in section 1 of chapter 64C of the General Law, who, at the commencement of business of July 1, 2008, has on hand any cigarettes from sale or any unused adhesive or meter stamps shall make and file with the commissioner of revenue within 20 days a return, subscribed and sworn to under the penalties of perjury, showing a complete inventory of such cigarettes and stamps and shall, at the time he is required to file such return, pay an additional excise of 50 mills per cigarette on all cigarettes and all unused adhesive and meter stamps upon which only the excise imposed pursuant to sections 6, 7A and 7C of said chapter 64C has previously been paid. All of chapters 62C and 64C of the General Laws relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, shall, so far as pertinent, be applicable to the excise imposed by this section.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 104 members voted in the affirmative and 47 in the negative.

[See Ye and Nay No. 320 in Supplement.]

[Messrs. deMacedo of Plymouth and Donelan of Orange answered “Present” in response to their names.]

Therefore the amendment was rejected.

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

“SECTION 74. Any private institution of higher learning that has an endowment fund in excess of 1 billion dollars shall be subject to an annual excise of 2½ per cent of all monies in excess of 1 billion dollars. For the purposes of this section an endowment fund shall be

Amendment
rejected,
yea and nay
No. 319.

Amendment
rejected,
yea and nay
No. 320.

General

Appropriation
Bill.

an institutional fund of a private institution of higher learning not wholly expendable by the institution on a current basis under the terms of the applicable gift instrument.”

After debate on the question on adoption of the amendment, Mr. Binienda of Worcester moved that it be amended 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 their 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.”

After debate the further amendment was adopted.

On the question on adoption of the amendment, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 136 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 321 in Supplement.]

Therefore the amendment, as amended, was adopted.

Mr. Peterson of Grafton then moved to amend the bill in section 12, in line 6, by striking out the words “or on or before the twentieth day of the month following each calendar quarter, as the commissioner shall require,” and in line 10 the words “or quarter as the case may be,” and inserting in place thereof, in each instance, the word “monthly”; and by striking out sections 28 and 29 inserting in place thereof the following section:

“SECTION 28. As concerns the definition ‘little cigars or small cigars’ for all purposes the Commonwealth of Massachusetts shall rely upon a Department of the Treasury, Alcohol and Tobacco and Trade Bureau Rulemaking 27 CFR Parts 40, 41, 44 and 45, (2006R-276P) Tax Classification of Cigars and Cigarettes, Notice No. 65 RIN 1513-AB34 as published in the Federal Register/Volume 71, No. 206, Wednesday, October 25, 2006.”

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. Peterson; and on the roll call 19 members voted in the affirmative and 135 in the negative.

[See Yea and Nay No. 322 in Supplement.]

Therefore the amendments were rejected.

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

“SECTION 75. Subsection (rr) of section 6 of chapter 64H of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking, in line 149, the word:— commercial.”

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson; and on the roll call 59 members voted in the affirmative and 94 in the negative.

[See Yea and Nay No. 323 in Supplement.]

Therefore the amendment was rejected.

Amendment
adopted,
yea and nay
No. 321.

Amendments
rejected,
yea and nay
No. 322.

Amendment
rejected,
yea and nay
No. 323.

Mr. Stanley of Waltham then moved to amend the bill by adding the following two sections:

“SECTION 75. Paragraph (a) of subsection B of section 3 of chapter 62 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following subparagraph:—

(14) An amount equal to the amount contributed by the taxpayer to a college savings plan authorized under section 529 of the Code; provided, however, that the amount to be deducted hereunder shall not exceed \$2,000 for any 1 beneficiary.

SECTION 76. Section 74 shall be effective for taxable years beginning on or after January 1, 2007.”

After remarks the amendment was rejected.

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

“SECTION 75. Chapter 175 of the Acts of 1998 is hereby amended in Section 18 by striking out the word ‘five’ and replacing it with the word:— six.”

After remarks on the question on adoption of the amendment, Mr. Straus and Mr. Quinn of Dartmouth moved that it be amended by adding at the end thereof the following section:

“SECTION 76. Section 75 shall apply to credits taken after January 1, 2010.”

The further amendment was adopted.

The amendment, as amended, then also was adopted.

Mr. Rodrigues of Westport then moved to amend the bill by striking out section 11 and inserting in place thereof the following section:

“SECTION 11. The commissioner may require a nonresident taxpayer, or a person paying, crediting or allocating an amount to a nonresident taxpayer, to estimate and pay, on or before the time of sale, the income tax liability on the gain from the sale or transfer of real property in the commonwealth. The commissioner may require a minimum estimated tax payment and may require payment on or before the date of receipt of income. The commissioner shall issue regulations governing the administration of this section; provided, however, that said regulations shall, without limitation, define the terms real property and nonresident taxpayer. Upon sale, transfer or disposition of real property, a lien in the amount of any required estimated payment shall arise with regard to the property, to the extent provided by regulation, if such a required estimated tax payment is not timely made.”; and by striking out section 27 and inserting in place thereof the following section:

“SECTION 27. Chapter 63B of the General Laws is hereby amended by inserting after section 2 the following section:—

Section 2A. The commissioner may require a nonresident taxpayer, or a person paying, crediting or allocating an amount to a nonresident taxpayer, to estimate and pay, on or before the time of sale, the income tax liability on the gain from the sale or transfer of real property in the commonwealth. The commissioner may require a minimum estimated tax payment and may require payment on or before the date of receipt of income. The commissioner shall issue regulations governing the administration of this section; provided, however, that said regulations shall, without limitation, define real

Appropriation Bill.

property and nonresident taxpayer. Upon sale, transfer or disposition of real property, a lien in the amount of any required estimated payment shall arise with regard to the property, to the extent provided by regulation, if such a required estimated tax payment is not timely made.”.

Bill ordered to a third reading, yea and nay No. 324.

After remarks the amendments were adopted.

After remarks on the question on ordering the bill, as amended, to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Binienda of Worcester; and on the roll call 130 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 324 in Supplement.]

Therefore the bill (House, No. 4700, amended) was ordered to a third reading.

Recess.

Recess.

At seven minutes after eight o'clock P.M., on motion of Mr. DeLeo of Winthrop (Mrs. Harkins of Needham being in the Chair), the House recessed until the hour of twelve o'clock noon on Tuesday, April 29; and at that time, the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Tuesday, April 29, 2008 (at 12:00 o'clock noon).

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

Prayer.

Eternal God, each day we try to keep our personal and legislative goals, priorities and human and spiritual values in clear focus. Our own fundamental principles enable us to evaluate all proposed issues and public policy matters in a reasonable, fair, honorable, but critical, manner. As elected leaders, teach us to respect and to consider thoughtfully the agenda items of constituents and colleagues who depend upon our legislative experience in handling new proposals. In our changing communities, may we strive to develop a meeting of the minds on all pending matters for the sake of the common good of all. If and when we disagree on issues, let our disagreements be respectful and on principles, values and goals.

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 Hargraves of Groton.

A statement of Mr. Hargraves of Groton was spread upon the records of the House, as follows:

Statement of Representative Hargraves of Groton.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber for a portion of today's sitting due to family business. Any roll calls that I missed

today was due entirely to the reason stated. If I had been present for the taking of Yea and Nay, No. 326, on adoption of the consolidated amendment in the category of mental health, I would have voted in the negative. On Yea and Nay, Nos. 327 and 328, on consolidated amendments in the categories of disabilities and mental retardation, respectfully, I would have voted in the affirmative, in each instance.

Statement Concerning Representative McCarthy of East Bridgewater.

A statement of Mr. Rogers of Norwood concerning Mr. McCarthy of East Bridgewater was spread upon the records of the House, as follows:

Statement concerning Representative McCarthy of East Bridgewater.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative McCarthy of East Bridgewater, will not be present in the House Chamber for the remainder of today's sitting due to family business. Any roll calls that he may miss today and tomorrow will be due entirely to the reason stated.

Guests of the House.

Andre Tippett.

During the session, the Speaker took the Chair, declared a brief recess, and introduced Andre Tippett, a former member of the New England Patriots Football Team. Mr. Tippett, accompanied by his wife, Rhonda and two of their children, Madison and Colby were the guests of Representative Kafka of Stoughton. Mr. Kafka then took the Chair and presented resolutions adopted by the House at the preceding session, congratulating him on his many achievements and his forthcoming induction into the National Football League Hall of Fame in Canton, Ohio. Mr. Tippett then addressed the House briefly.

Needham High School Hockey Team.

During the session, Mrs. Harkins of Needham took the Chair, declared a brief recess, and introduced the Needham High School Hockey Team, 2008 Division I State Champions. Accompanied by head coach Bill Guisti, assistant coach Thomas Shaughnessy, they were the guests of Representative Harkins.

King Kpoto-Zounme Hakpon III.

During the session, Ms. Fox of Boston took the Chair, declared a brief recess, and introduced King Kpoto-Zounme Hakpon III "The Leopard King of Dahomey", king of Porto-Novo, a province of the West African country Benin. Accompanying the King were Mr. Bernard Adjibodou, staff assistant; Dr. Joyce Hope Scott of Wheelock College, interpreter; Mr. Al Hope, brother of Dr. Scott; Dean Shirley Malone-Fenner, Boston community liaison; and Dr. Jemadari Kamara, Director of African-American studies at the University of Massachusetts, Boston. The King and his entourage were the guests of Representatives Fox of Boston, Forry of Boston, St. Fleur of Boston, Rushing of Boston, Swan of Springfield, Lantigua of Lawrence, Allen of Boston, Rogeness of Longmeadow and deMacedo of Plymouth.

Resolutions.

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

Resolutions (filed by Representatives Peisch of Wellesley and Galvin of Canton) honoring Donald Rodman for his exceptional philanthropic endeavors; and

Resolutions (filed by Mr. Scibak of South Hadley and other members of the House) congratulating the Polish American Congress on its first annual Day of Recognition;

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

Reports of Committees.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill relative to controlled substances (House, No. 4434),— and recommending that the same be referred to the committee on the Judiciary; and

Of the Bill relative to the designation of a certain bridge in the town of Falmouth as the Raleigh D. Costa Memorial Bridge (House, No. 4435),— and recommending that the same be referred to the committee on Veterans and Federal Affairs.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill relative to the cremation of bodies of certain deceased persons (House, No. 4927),— and recommending that the same be recommitted to the committee on Public Health; and

Of the Bill relative to the restriction of certain children as passengers in front seats of motor vehicles (House, No. 3474),— and recommending that the same be recommitted to the committee on Transportation.

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

By Mrs. Haddad of Somerset, for the committee on Education, on House, Nos. 502 and 560, a Bill relative to studying the impact of transitory and mobile student enrollments on school district foundation budgets (House, No. 4712).

By the same member, for the same committee, on House, No. 508, a Bill relative to studying the impact of military reservation students in the calculation of foundation budgets and state aid (House, No. 4713).

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

Donald
Rodman.Polish
American
Congress.Controlled
substances.Falmouth,
Costa
Bridge.Deceased
persons,
cremation.Vehicles,
child
passengers.School
district
budgets.Military,
education
budgets.Sub-bidders,
minorities and

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill to require filed sub bidders to participate in the requirements governing reservation of a portion of the work on public construction contracts for minority and women business enterprises (House, No. 3213).

By the same member, for the same committee, on a petition, a Bill relative to price adjustment (House, No. 3236).

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

By Mr. Mariano of Quincy, for the committee on Financial Services, that the recommended Bill relative to automobile insurers and appraisers (House, No. 1049) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill relative to MWRA employees (House, No. 3190).

By the same member, for the same committee, on a petition, a Bill relative to cooperative purchasing agreements (House, No. 3198).

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

Orders of the Day.

The House Bill making appropriations for the fiscal year 2009 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. 4700, amended) was read a third time, under suspension of the rules, on motion of Mr. DeLeo of Winthrop.

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

“SECTION 74. Section 26A shall not take effect until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. I, Art II of the Constitution.”.

The amendment was adopted.

At twenty-eight minutes after twelve o'clock noon, the Chair (Mr. Petrolati of Ludlow) declared a recess until the hour of one o'clock P.M.; and at that time the House was called to order with Mr. Petrolati in the Chair.

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

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. 325 in Supplement.]

Therefore a quorum was present.

women.

Price
adjustments,
contracts.Vehicle
appraisers.MWRA,
privatization.Cooperative
purchasing,
agreements.General
Appropriation
Bill.

Recess.

Quorum.

Quorum,
yea and nay
No. 325.General
Appropriation

Bill.

Pending the question on passing the bill, as amended, to be engrossed, Mr. DeLeo of Winthrop moved to amend it in section 2 by striking out item 5042-4000 and inserting in place thereof the following item:

“5042-5000 For child and adolescent services, including the costs of psychiatric and related services provided to children and adolescents determined to be medically ready for discharge from acute hospital units or mental health facilities and who are experiencing unnecessary delays in being discharged due to the lack of more appropriate settings; provided, that for the purpose of funding those services, the commissioner of mental health may allocate funds from the amount appropriated in this item to other departments within the executive office of health and human services; provided further, that the department shall submit a report to the house and senate committees on ways and means not later than January 15, 2009 on the results of the collaboration between the department and the other departments within the executive office of health and human services; provided further, that the report shall detail the current status of the implementation of clinically appropriate service models for that population of children and adolescents, and remaining disparities in the service system which require children and adolescents to be served in unnecessarily restrictive or otherwise clinically inappropriate settings and changes during fiscal years 2007 and 2008 in the clinical acuity of children and adolescents; provided further, that the department shall submit to the house and senate committees on ways and means not later than November 17, 2008 a report detailing the implementation of the settlement agreement, dated August 29, 2006, and entered into by the parties of Rosie D. et al V. Romney, civil action No. 01-30199-MAP, filed in the United States District Court in order to provide community based services to children suffering from severe emotional disturbances, that shall include a schedule detailing the commencement of services and cost to implement the settlement by service type; provided further, that said report shall detail the impact on the number of residential placements provided for in item 5095-0015; provided further, that not less than \$1,800,000 shall be expended from this item in fiscal year 2009 to ensure that a licensed practitioner or a licensed nurse administers medication to children and adolescents whose mental health services are delivered by public or private providers of those services; and provided further, that not less than \$2,500,000 shall be expended for the child psychiatric access project 75,643,783”;

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

“5046-0000 For adult mental health and support services; provided, that the department shall allocate funds in an amount not to exceed \$5,000,000 from item 5095-0015, to this item, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving care at department facilities; provided further, that 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 2009 not later than February 1, 2009; provided further, that not less than \$50,000 shall be expended to continue and expand the triage counseling services in the Needham public schools; provided further, that not less than \$3,314,796 shall be expended on the expansion of housing for the homeless mentally ill; provided further that not less than \$75,000 shall be expended on expansion of employment support services at the Fairwinds Clubhouse in Falmouth; provided further, that \$200,000 shall be expended for jail diversion programs; provided further, that not less than \$300,000 shall be expended for a pre-arrest jail diversion grant program at the Department of Mental Health for five (5) programs; and provided further, that not less than \$50,000 shall be expended for culturally and linguistically appropriate mental health services for immigrants at the International Institute of Boston 321,261,970”;

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

“5046-2000 For homelessness services; provided, that not less than \$50,000 shall be expended for homelessness services at the Salem Mission 22,523,865”;

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

“5055-0000 For forensic services provided by the department; provided, that no less than \$1,186,000 shall be expended to sustain and expand services provided through juvenile court clinics 8,124,956”.

Mental Health amendments, yea and nay No. 326.

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. Rushing of Boston; and on the roll call 140 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 326 in Supplement.]

Therefore the amendments were adopted.

General Appropriation Bill.

Mr. DeLeo of Winthrop then moved to amend the bill in section 2 by striking out item 4100-1000 and inserting in place thereof the following item:

“4110-1000 For the community services program; provided, that the Massachusetts commission for the blind shall work in collaboration with the Massachusetts commission for the deaf and hard of hearing to provide assistance and services to the deaf-blind community through the deaf-blind community access network; provided further, that not less than \$500,000 shall be expended for the talking information center provided further, that not less than \$450,000 shall be expended for the deaf-blind community access network; provided further, that not less than \$10,000 shall be expended for the Audible Local Ledger of Falmouth; and provided that not less than \$150,000 shall be expended to provide adaptive 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 4,553,764”;

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

“4120-2000 For vocational rehabilitation services operated in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally-reimbursed state employees; provided further, that the commissioner, in making referrals to service providers, shall take into account the client’s place of residence and the geographic proximity of the nearest provider to the residence; provided further, that not less than \$100,000 shall be expended on special vocational projects in the Charlestown neighborhood of Boston for people with disabilities; and provided further, that not less than \$100,000 shall be expended for services provided by the Life Focus Center in the Charlestown neighborhood of Boston 10,957,697”;

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

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

shall be expended for the Charlestown Navy Yard project for disabled adults in the Charlestown neighborhood of Boston 8,562,927”;

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

“4120-4000 For independent living assistance service; provided further, that \$3,840,000 shall be expended for the independent living centers contracted with the commission; provided, that not less than \$949,295 shall be expended for assistive technology devices and training for individuals with severe disabilities; provided further, that not less than \$200,000 shall be expended for the SHARE Foundation at the University of Massachusetts at Dartmouth; provided further, that not less than \$100,000 shall be expended for the Joseph F. Timilty Adult Day Health and Memory Loss Center; and provided further, that not less than \$25,000 shall be expended on Living Independently for Equality, Inc. of Brockton for the operation of participants to meet other physically challenged individuals and take part in a number of therapeutic activities 12,400,937”;

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

“4120-6000 For head injured services; provided, that the commission shall work with the executive office of health and human services to maximize federal reimbursement for clients receiving head injured services; provided further, that the commission shall expend funds on a 24-hour basis for persons with severe head injuries in western Massachusetts; provided further, that not less than \$100,000 shall be expended for the Cape Cod head injury program 10,852,243”.

Disability Agencies amendments, yeas and nays No. 327.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Ms. St. Fleur of Boston; and on the roll call (Ms. Kaprielian of Watertown being in the Chair) 149 members voted in the affirmative and 9 in the negative.

[See Yeas and Nays No. 327 in Supplement.]

Therefore the amendments were adopted.

Mr. DeLeo of Winthrop then moved to amend the bill in section 2 by striking out item 5911-1003 and inserting in place thereof the following item:

“5911-1003 For the administration and operations of the department of mental retardation; provided, that the department shall not charge user fees for transportation or community day services; provided further, that the department shall not charge fees for eligibility determination for services provided by the department or for applications of requests for transfer of guardianship; provided

General Appropriation Bill.

further, that notwithstanding any general or special law to the contrary, in fiscal year 2009 the comptroller shall transfer from the department of mental retardation trust fund established under section 2RRR of chapter 29 of the General Laws an amount sufficient to reflect the costs of the assessment on public facilities collected under section 27 of chapter 118G of the General Laws and an amount sufficient to fund rate increases for services provided to MassHealth members by nonpublic intermediate care facilities and community-based residences; provided further, the comptroller shall transfer the federal financial participation received as a result of expenditures funded by the assessments to an account established for the department of mental retardation to administer for the purposes described above; provided further, that the assessments shall not be collected and the expenditures shall not be authorized until the department of mental retardation and the executive office of health and human services certify the receipt of federal approval of any home and community-based waiver amendments and related Title XIX state plan amendments, if required; and provided further, that the department shall submit a semi-annual report to the house and senate committees on ways and means detailing the total number of service coordinators within the department, the number of consumers served by said coordinators, and the amount of time spent per month per consumer; and provided further, that not less than \$30,000 shall be allocated to Whole Children, Inc. of Hadley 77,575,612”;

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

“5920-2000 For vendor-operated community-based residential adult services, including intensive individual supports; provided, that \$13,145,837 shall be expended in annualized funding for Turning 22 clients who began receiving the services in fiscal year 2008 pursuant to item 5920-5000 of section 2 of chapter 61 of the acts of 2007; provided further, that the commissioner of the department of mental retardation shall transfer funds from this item to item 5920-2010, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of said funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days before any such transfer; provided further, that not more than \$5,000,000 shall be transferred from this item in fiscal year 2009; provided further, that not less than \$500,000 shall be expended

for Best Buddies Massachusetts; provided further, that not less than \$100,000 shall be expended for the Massachusetts Special Olympics; and provided further, that not less than \$100,000 shall be expended for services to the developmentally disabled provided by Grow Associates, Inc. in the town of Avon 569,334,202”;

In item 5920-2006 by striking out the figures “2,000,000” and inserting in place thereof the figures “2,250,000”;

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

“5920-2025 For community-based day and work programs for adults and for \$4,518,823 in annualized funding for Turning 22 clients who began receiving services in fiscal year 2008 under item 5920-5000 of section 2 of chapter 61 of the acts of 2007; provided further, that not less than \$100,000 shall be expended for the Life Focus Center in the Charlestown neighborhood of the city of Boston 128,959,457”;

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

“5920-3000 For respite services and intensive family supports; provided, that the department shall pursue the highest rates of federal reimbursement possible for such services; and provided further, that not more than \$50,000 shall be expended for the Friendship Home project in Norwell; and provided further, that not less than \$50,000 shall be expended for the Advocacy Resource Center in New Bedford to provide critical family support services in the area of community-based resident education for special needs children 55,294,228”;

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

“5920-3010 For contracted support services for families with autistic children through the autism division at the department of mental retardation; provided, that not less than \$4,000,000 shall be expended for the purposes of providing direct services under the children’s autism Medicaid waiver application submitted pursuant to chapter 107 of the acts of 2005 to be contingent upon a federal reimbursement of 50% 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 comport 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 March 1, 2009 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, number of children requiring waiver services from families with income higher than MassHealth standard income eligibility, department plans to continue to assess the demand for waiver services, 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 not later than December 31, 2008; provided further, that not less than \$200,000 shall be expended for the purposes of a contract with Melmark New England, Inc. to provide training and support to families, educational collaboratives and public school districts on methods for coping with behavioral challenges associated with children who have autism spectrum disorders; provided further, that not less than \$200,000 shall be expended for the purposes of a contract with the New England Center for Children, Inc. to provide training and support to public school districts and families for the establishment of in district partner classrooms to serve children with autism spectrum disorders; and provided further, that \$100,000 be allocated to the Asperger's Association of New England to provide support services to individuals with high functioning autism or Asperger's syndrome

5,421,753";

In item 5920-5000, by striking out the figures "6,100,000" and inserting in place thereof the figures "7,700,000"; and

In item 5930-1000, by striking out the figures "187,245,814" and inserting in place thereof the figures "187,545,814".

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Ms. St. Fleur of Boston; and on the roll call 148 members voted in the affirmative and 9 in the negative.

[See Ye and Nay No. 328 in Supplement.]

Therefore the amendments were adopted.

At the hour of four o'clock P.M. (Tuesday, April 29) on motion of Mrs. Harkins of Needham (Ms. Kaprielian of Watertown being in the Chair), the House recessed until the hour of five o'clock; and at seventeen minutes before six o'clock the House was called to order with Mr. Donato of Medford in the Chair.

The House thereupon took a further recess, on motion of Mr. Scaccia of Boston, until the hour of seven o'clock; and at ten minutes before eight o'clock the House was called to order with Mr. Donato in the Chair.

Mr. Rushing of Boston thereupon 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.

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 Ye and Nay No. 329 in Supplement.]

Therefore a quorum was present.

Mr. Hynes of Marshfield then moved to amend the bill in section 2 by inserting after item 9110-1604 the following item:

"9110-1605 For vendor payments to rest homes; provided that the executive office shall coordinate with the division of transitional assistance to ensure that payments from line items 4405-2000 and 4408-1000 are made to residents of rest homes; and provided further that the executive office shall expend not less than \$3,300,000 for rate increases to rest homes in coordination with the division of health care finance and policy."

After debate the amendment was rejected.

Mr. Rush of Boston and other members of the House then moved to amend the bill in section 2, in item 9110-1660, by adding at the end the following: "; provided that \$200,000 shall be expended for the AgeWell West Roxbury program operated by Ethos"; and striking out the figures "2,639,031" and inserting in place thereof the figures "2,839,031".

After remarks the amendments were rejected.

Mr. DeLeo of Winthrop then moved to amend the bill in section 2 By striking out item 9110-1455 and inserting in place thereof the following item:

Mental
Retardation
amendments,
yea and nay
No. 328.

Recesses.

Quorum.

Quorum,
yea and nay
No. 329.

General
Appropriation
Bill.

“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 this program shall be subject to appropriation and expenditures shall not exceed, in fiscal year 2009, the amount authorized in this item; provided further, that the executive office shall take steps for the coordination of benefits with the Medicare prescription drug benefit created pursuant to the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, to ensure that Massachusetts residents take advantage of said benefit; and provided further, that the department shall provide assistance for prescription drug costs to enrollees who qualify for Medicare Part D as well as assistance for premiums, deductibles, payments, and co-payments required by the Part D or Medicare Advantage plans; or by other plans which provide creditable prescription drug coverage as defined by section 104 of said Medicare Modernization Act, and which provide coverage of the cost of prescription drugs actuarially equal to or better than that provided by Medicare Part D; and provided further, that the secretary of elder affairs shall not implement cost sharing increases during fiscal year 2009 unless said cost sharing increases shall have been approved by a vote of the general court 57,594,755”;

In item 9110-1636 by striking out the figures “15,209,366” and inserting in place thereof the figures “16,209,366”;

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 \$375,000 shall be expended for an aging-in- place project operated by the

Jewish Family & Children’s Service of Greater Boston in Brookline and Malden, and by Jewish Family Service of Metrowest in Framingham; provided further, that not less than \$216,000 shall be allocated to the Helping Elders at Risk Through Homes program; provided further, that not less than \$75,000 shall be expended for the Jewish Family Services of Western Massachusetts to implement the Aging-Well at Home Program in Springfield; provided further, that not less than \$75,000 shall be expended to fund the NORC, Aging-In- Place program operated by the Jewish Family Service of the North Shore in Swampscott; provided further, that not less than \$75,000 shall be expended for the Multicultural Alzheimer’s Service Project in Springfield; provided further, that not less than \$150,000 shall be used to fully fund a supportive housing program at Edward F. Doolan Apartments in the city of Fall River; and provided further that not less than \$50,000 shall be expended for the Kit Clark Homeless/Housing Program to provide support for homeless and recently housed older adults 2,639,031”;

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

“9110-1900 For the elder lunch program; provided, that \$40,000 shall be obligated for youth/elder outreach position at the Roche Family Community Center in West Roxbury; and provided further, that not less than \$50,000 shall be expended for the Senior Farm Share program 6,514,740”;

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

“9110-9002 For the local services program 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 of all monies appropriated in this item shall be expended in accordance with the distribution schedules for formula and incentive grants established by the secretary; and provided further, that not less than \$80,000 shall be provided to the LGBT Aging Project 8,537,068”.

Amendments adopted, yea and nay No. 330.

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. Reinstein of Revere; and on the roll call 144 members voted in the affirmative and 15 in the negative.

[See Yea and Nay No. 330 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 beyond the hour of nine o’clock P.M.

Suspension of Rule 1A.

Rule 1A suspended, yea and nay No. 331.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 131 members voted in the affirmative and 24 in the negative.

[See Yea and Nay No. 331 in Supplement.]

Therefore Rule 1A was suspended.

Mr. Deleo of Winthrop then moved to amend the bill in section 2 by striking out item 4000-0300 and inserting in the place thereof the following item:

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

development, personal computers and other information technology equipment; provided further that not less than \$500,000 will be made available for supplemental payments to one or more of the three largest Medicaid participating licensed non-profit chronic and rehabilitation hospitals with less than 500 beds, with Medicaid participation measured and ranked by the number of Medicaid days in the most recently completed fiscal year, but excluding for purposes of this clause any of such hospitals that are authorized to receive supplemental payments pursuant to line items 4000-0500 and 4000-0600; provided further, that 50 per cent of the cost of provider point of service eligibility verification devices purchased shall be assumed by the providers utilizing the devices; provided further, that the executive office shall assume the full cost of provider point of service eligibility verification devices utilized by any and all participating dental care providers; provided further, that in consultation with the division of health care finance and policy, no rate increase shall be provided to existing Medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, for the creation of an Office of Health Equity within the Executive Office of Health and Human Services; 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; 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; provided further, that expenditures for the purposes of each item appropriated for the purpose of programs authorized by chapter 118E of the General Laws shall be accounted for according to such purpose on the Massachusetts management accounting and reporting system not more than 10 days after the expenditures have been made by the Medicaid management information system; provided further, that no expenditures shall be made for the purpose of programs that are not federally reimbursable, except as specifically authorized herein, or unless made for cost containment efforts the purposes and amounts of which have been submitted to

the house and senate committees on ways and means 30 days prior to making such expenditures; provided further, that the executive office shall not reduce the outpatient rates for any specialty hospital which limits its admissions to patients under active diagnosis and treatment of the eyes, ears, nose, and throat, below that which was granted during hospital fiscal year 2005; provided further, that the executive office may continue to recover provider overpayments made in the current and prior fiscal years through the Medicaid management information system, and that the recoveries shall be considered current fiscal year expenditure refunds; provided further, that the executive office may collect directly from a liable third party any amounts paid to contracted providers under chapter 118E of the General Laws for which the executive office later discovers another third party is liable if no other course of recoupment is possible; provided further, that no funds shall be expended for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement, with the office of civil rights or any other office, group or entity; provided further, that interpretive services currently provided shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that the federal financial participation received from claims filed for the costs of outreach and eligibility activities performed at certain hospitals or by community health centers which are funded in whole or in part by federally permissible in-kind services or provider donations from the hospitals or health centers, shall be credited to this item and may be expended without further appropriation in an amount specified in the agreement with each donating provider hospital or health center; provided further, that notwithstanding section 1 of chapter 118G of the General Laws or any general or special law to the contrary, for fiscal year 2008 the definition of a 'pediatric specialty unit' shall mean an acute care hospital with a burn center verified by the American Burn Center and the American College of Surgeons and a level 1 trauma center for pediatrics verified by the American College of Surgeons or a pediatric unit of an acute care hospital in which the ratio of licensed pediatric beds to total licensed hospital beds as of July 1, 1994, exceeded 0.20; provided further, that in calculating that ratio, licensed pediatric beds shall include the total of all pediatric service beds, and the total of all licensed hospital beds shall include the total of all licensed acute care hospital beds, consistent with Medicare's acute

care hospital reimbursement methodology as put forth in the Provider Reimbursement Manual Part 1, Section 2405.3G; provided further, that a hospital with a unit designated as a pediatric specialty unit, or an acute care hospital with a burn center verified by the American Burn Center and the American College of Surgeons and a level 1 trauma center for pediatrics verified by the American College of Surgeons as defined in this item shall be exempt from the inpatient and outpatient efficiency standards being applied to their rate methodology; provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient services at acute care pediatric hospitals and pediatric subspecialty units as defined in section 1 of chapter 118G of the General Laws, the executive office shall make a supplemental payment, if necessary, sufficient to assure that inpatient SPAD and outlier payments for discharges with a case mix acuity greater than 3.5 shall be at least equal to 85 percent of the expenses incurred in providing services to those children; provided further, that the executive office shall not reduce the payment rates by no less than 75% for any specialty hospital which limits its services to patients under active diagnosis and treatment of cancer below that which was granted in the previous year; provided further, that notwithstanding any general or special law to the contrary, the executive office shall require the commissioner of mental health to approve any prior authorization or other restriction on medication used to treat mental illness in accordance with written policies, procedures and regulations of the department of mental health; provided further, that the secretary shall ensure that supplemental Medicaid rates required pursuant to section 128 of chapter 58 of the acts of 2006 are implemented in fiscal year 2009; provided further, that the secretary shall ensure that all Medicaid benefit restorations, program expansions, and rate increases required pursuant to chapter 58 of the acts of 2006 are implemented in fiscal year 2009; provided further, that the executive office shall include smoking and tobacco use cessation treatment and information within MassHealth covered services pursuant to section 108 of chapter 58 of the acts of 2006; provided further, that the executive office shall develop a process whereby all participating providers who have signed the Virtual Gateway Services Agreement shall have access to the contents of the consolidated summary of any individual's application submitted through the virtual gateway; provided further, that said information access shall comply with all HIPPA requirements and state

privacy laws; provided further, that not later than September 1, 2008, the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing planned fiscal year 2009 expenditures by the executive office as funded by chargebacks to the 17 executive office cluster agencies; and provided further, that any projection of deficiency in item 4000-0320, 4000-0430, 4000- 0500, 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000- 0880, 4000-0890, 4000-0891, 4000-0895, 4000-0990, 4000-1400 or 4000-1405, shall be reported to the house and senate committees on ways and means not less than 90 days before the projected exhaustion of funding and that any unexpended balance in these accounts shall revert to the General Fund on June 30, 2009 145,322,356”;

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

“4000-0352 For MassHealth enrollment outreach grants to public and private nonprofit groups to be administered by the executive office in consultation with the Health Care Reform Outreach and Education Unit; provided, that grants shall be awarded to groups statewide, including areas in which the United States Census deems there exists a high percentage of uninsured individuals and areas in which there are limited health care providers; provided further, that funds shall be awarded as grants to community and consumer-focused public and private nonprofit groups to provide enrollment assistance, education and outreach activities directly to consumers who may be eligible for MassHealth, the Commonwealth Care Program, or the Commonwealth Choice Program, and who may require individualized support due to geography, ethnicity, race, culture, immigration or disease status and representative of communities throughout the commonwealth; provided further, that funds shall be allocated to provide informational support and technical assistance to recipient organizations and to promote appropriate and effective enrollment activities through the statewide health access network; provided further, that not less than \$350,000 shall be allocated to Community Partners, Inc. of Amherst, to provide online informational support and technical assistance to recipient organizations and to promote appropriate and effective enrollment activities through its statewide health access network; provided further, that the cost of information support and technical assistance shall not exceed 10 per cent of the appropriation and shall not be used to defray current state obligations to provide this

assistance; provided further, that in awarding said grants, the executive office of health and human services, in consultation with the Health Care Reform Outreach and Education Unit, shall provide written guidance to selected grantees with specific strategies of how to expend funds in the most efficient manner to target populations and avoid duplication of activities, including examples of best practices among prior year outreach grant recipients; and provided further, that the secretary shall report to the house and senate committees on ways and means on the exact amounts distributed in fiscal year 2008 by February 1, 2008, and the extent to which any portion of resulting expenditures are eligible for federal reimbursement .. 3,500,000”;

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

“4000-0500 For health care services provided to medical assistance recipients under the executive office’s primary care clinician/mental health and substance abuse plan or through a health maintenance organization under contract with the executive office and for MassHealth benefits provided to children, adolescents and adults under clauses (a), (b), (c), (d) and (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 expenditures from this item shall be made only for the purposes expressly stated herein; provided further, that not less than \$2,000,000 shall be expended to an acute care hospital located in Holyoke that provides clinical training programs for nurses, allied health professionals and technicians through affiliations with community colleges and private universities; provided further, that the secretary of health and human services and the commissioner of mental health shall report quarterly to the house and senate committees on ways and means relative to the performance of the managed care organization under contract with the executive office to administer the mental health and substance abuse benefit; provided further, that such quarterly reports shall include, but not be limited to, analyses of utilization trends, quality of care and costs across all service categories and modalities of care purchased from providers

through the mental health and substance abuse program, including those services provided to clients of the department of mental health; provided further, that not less than \$10,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric specialty hospitals and units, including pediatric chronic and rehabilitation long-term care hospitals as allowable under federal law; 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 said secretary shall report to the house and senate committee on ways and means any proposed modifications to said payment system, and a timeline of steps to be taken to implement said modifications 3,131,135,000”;

By striking out item 4000-0600 and inserting in the place thereof 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 benefit for this demonstration project shall not be reduced below the services provided in fiscal year 2008; provided further, that the eligibility requirements for this demonstration project shall not be more restrictive than those established in fiscal year 2008 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 2009 delineated by the federal poverty level; provided further, that the report shall be submitted not later than February 1, 2009; provided further, that notwith-

standing any general or special law to the contrary, not less than \$2,000,000 shall be expended from this item for the purpose of providing an increase to \$65.00 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 notwithstanding any general or special law to the contrary, the regulations, criteria and standards for determining admission to and continued stay in a nursing home in fiscal year 2009 shall not be more restrictive than those regulations, criteria and standards in effect on January 1, 2004 until the executive office of health and human services and the executive office of elder affairs submit a multi-year plan to the house and senate committees on ways and means and the joint committee on health care financing detailing the suggested timeline for phasing in changes to nursing home clinical criteria, provided that these changes shall not adversely affect current nursing home residents and shall not jeopardize the effectiveness of the 2176 home and community based waiver; provided further, 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 Consortiums; 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 spouses and dependent children, to provide for their long term supports, pursuant to regulations promulgated by said executive office; and provided further in fiscal year 2009, the division of healthcare finance and policy shall expend \$45,000,000 for nursing home rates 2,166,860,000”;

By adding at the end of item 4000-0640 the following: “; and provided further, that any additional funds that may become available through this item due to decreased Medicaid utilization shall first fund a per-diem rate add-on for large Medicaid providers as specified in 114.2 CMR 6.06 (10) (a), as in effect on September 1, 2003 and then fund further enhanced rates to nursing homes”; and

In item 4000-0700 by striking the figures “1,535,380,000” and inserting in the place thereof the figures “1,543,580,000”; and

In section 61 (as printed), in lines 50 to 73, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

“(c) Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the office of the state treasurer, the executive office of administration and finance and the executive office of health and human services, develop a schedule and make a series of transfers not to exceed \$346,000,000 from the General Fund to the MassHealth provider payment account in the Medical Assistance Trust Fund, established pursuant to section 2QQQ of chapter 29 of the General Laws, 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 2009, 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 2009 or payments described in the state plan for services provided during federal fiscal year 2009. All payments from the Medical Assistance Trust Fund shall be subject to the availability of federal financial participation, shall be made only in accordance with federally-approved payment methods, shall be consistent with federal funding requirements and all federal payment limits as determined by the secretary 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 payments made from said trust shall not exceed the negotiated limit for section 1115 waiver spending. The secretary of health and human services shall notify, in writing, the house and senate committees on ways and means and the house and the joint committee on health-care financing for 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 \$148,000,000 from the Medical Assistance Trust Fund to the Cambridge public health commission’s hospital network for dates of service in state and federal fiscal year 2009 only after the Cambridge public health commission transfers up to \$74,000,000 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.”

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

[See Yea and Nay No. 332 in Supplement.]

Therefore the amendments were adopted.

Amendments
adopted,
yea and nay
No. 332.

Recess.

Recess.

At twenty-three minutes before ten o’clock P.M. (Tuesday, April 29), on motion of Mrs. Harkins of Needham (Mr. Donato of Medford being in the Chair), the House recessed until half past twelve o’clock noon on Wednesday, April 30; and at twenty-three minutes before one o’clock P.M., the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Wednesday, April 30, 2008 (at 12:30 P.M.).

Prayer.

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

God of Peace and Hope, our hearts and minds are filled with joy, enthusiasm and faith as we begin today’s legislative session. Your guidance and Your gift of wisdom enables us to select the best and most reasonable legislative options which are available to us in our decision-making actions. As elected leaders, teach us to seek out and to recognize the good will and the good intention of constituents and colleagues in our common search for the common good. In these uneasy times, help us to continue to build up trust in each other, in our traditional institutions and in our constitutions. Teach us, as a people, to recognize and to respect the personal dignity and the importance of each individual in our community.

*Pledge of
allegiance.*

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

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

*Boston College
Hockey Team.*

Guests of the House.

During the session, the Speaker took the Chair, declared a brief recess, and introduced the players and coaches of the 2008 NCAA national hockey champion Boston College Eagles. Head coach Jerry York and team captain Mike Brennan then each addressed the House briefly. The team and coaches were the guests of the Speaker and Representatives Honan of Boston, Moran of Boston, Timilty of Milton, Balser of Newton, Khan of Newton, Koutoujian of Newton, Falzone of Saugus, Grant of Beverly, Harkins of Needham, Linsky of Natick, Loscocco of Holliston, Malia of Boston, McCarthy of East Bridgewater, Polito of Shrewsbury, Scaccia of Boston, Speranzo of Pittsfield, St. Fleur of Boston, Turkington of Falmouth and Walsh of Boston.

Resolutions.

*Francis J.
Connor.*

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

Resolutions (filed by Representatives Haddad of Somerset and D’Amico of Seekonk) congratulating Dr. Francis J. Connor on the occasion of his retirement; and

*Joseph
Rizzo.*

Resolutions (filed by Mr. Nyman of Hanover) recognizing the achievements and humanitarian service of Joseph Rizzo, the 2007-2008 District Governor of Lions Club International Massachusetts District 33S and member of the Hanover Lions Club;

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

John G.
Flores,
retirement.

Papers from the Senate.

A report of the committee on Public Service, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1654) of Steven A. Tolman for legislation relative to retirement benefits for John G. Flores, and recommending that the same be referred to the Senate committee on Ways and Means,—accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, inasmuch as relates to the discharge of the committee.

Wenham,
liquor
license.

A petition (accompanied by bill, Senate, No. 2667) of Bruce E. Tarr and Bradford Hill (by vote of the town of Wenham) for legislation to amend Chapter 381 of the Acts of 2006, an act authorizing the town of Wenham to grant certain licenses for the sale of alcoholic beverages to be drunk on the premises, was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.

Elderly falls,
prevention study.

A Resolve providing for an investigation and study by a special commission on the prevention of falls in the elderly population (Senate, No. 2669) (on Senate resolve No. 2331), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Students,
disabilities.

Boston,
liquor
licenses.

Bills

Requiring additional information to be included in an individual education program (Senate, No. 311) (on a petition);

Increasing the number of licenses for the sale of alcoholic beverages in the city of Boston (Senate, No. 2358) (on a petition) [Local Approval Received];

Milton,
liquor
license.

Sandwich,
liquor
license.

Authorizing the town of Milton to issue one additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 2485) (on a petition) [Local Approval Received];

Liquor
liability,
convert.

Authorizing the town of Sandwich to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2524) (on a petition) [Local Approval Received]; and

Converting the Liquor Liability Joint Underwriting Association into the Hospitality Mutual Insurance Company (Senate, No. 2668) (on Senate bill No. 573);

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

Samuel
Pill,
sick leave.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Mary E. Grant and others for legislation to establish a sick leave bank for Samuel Pill, an employee of the Trial Court. Under suspension of the rules, on motion of Ms. Grant of Beverly, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Judiciary. Sent to the Senate for concurrence.

Milton,
borrow
money.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the town of Milton to borrow money to fund certain payments (Senate, No. 2487) be scheduled for consideration by the House.

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

Allied health trust
fund.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establishing the nursing and allied health trust fund (House, No. 4575) be scheduled for consideration by the House.

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

Patient
safety.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill relative to patient safety (House, No. 2059) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4714) [Senators Moore, Fargo and Candaras dissenting] [Cost: \$7,112,499.00]. Read; and referred, under Rule 33, to the committee on Ways and Means with the amendment pending.

Recesses.

Recesses.

At sixteen minutes before one o'clock P.M. (Wednesday, April 30), on motion of Mr. Spellane of Worcester (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at a quarter after one o'clock the House was called to order with Mr. Koutoujian of Waltham in the Chair.

The House thereupon took a further recess until a quarter before two o'clock; and at that time the House was called to order with Ms. Kaprielian of Watertown in the Chair.

Quorum.

Quorum.

Mr. Donato of Medford thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Ms. Kaprielian of Watertown), 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. 333.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 157 members were recorded as being in attendance.

[See Yea and Nay No. 333 in Supplement.]

Therefore a quorum was present.

General
Appropriation
Bill

Orders of the Day.

The House Bill making appropriations for the fiscal year 2009 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. 4700, amended) was considered.

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

By striking out item 1410-0010 and inserting in place thereof the following item:

“1410-0010 For the operation of the department of veterans’ services; provided, that the department may fund a housing specialist from this item; provided further, that the department may expend funds for the Glory 54th Brigade; provided further, that the secretary of veterans’ affairs shall submit a report to the joint committee on veterans’ and federal affairs and the house and senate committees on ways and means no later than December 31, 2008 on the secretariat’s implementation of and the outreach efforts of the ‘welcome home bill’; provided further, that the report shall include the participation rates for service, hindrances to enrollment for the program, and recommendations, including any necessary statutory or other changes to increase the number of servicemen and women who apply for said service; provided further, that not less than \$100,000 shall be expended for the World War II Memorial at Bell Rock Memorial Park in Malden; provided further, that not less than \$25,000 shall be expended for the purpose of maintaining and rehabilitating the Massachusetts Vietnam Veterans Memorial located in the Green Hill park in Worcester; and provided further, that not less than \$25,000 shall be provided for reimbursing reasonable expenses incurred in carrying out the responsibilities of the special commission relative to the hidden wounds of war on Massachusetts service members established by chapter 1 of the resolves of 2008 2,475,084”;

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

“1410-0012 For services to veterans, including the maintenance and operation of outreach centers; provided, that the centers shall provide counseling to incarcerated veterans and to Vietnam era veterans and their families who may have been exposed to

agent orange; provided further, that not less than \$100,000 shall be expended to the United Veterans of America for the purpose of providing services to homeless veterans in Berkshire County; provided further that not less than \$367,422 shall be provided for the Montachusett Veterans Outreach Center in Gardner; provided further, no less than \$228,771 shall be expended for the Veterans Benefits Clearing House in the Roxbury section of Boston; provided further, not less than \$200,000 shall be expended for the Puerto Rican Veterans Association of Massachusetts, Inc. in Springfield; provided further, not less than \$30,000 shall be expended for the Veteran’s Oral History Project at the Morse Institute Library in Natick; provided further, that the amount of not less than \$100,000 be allocated for the Nathan Hale Foundation of Plymouth to assist veterans with transportation; provided further, that not less than \$50,000 shall be expended for the Middleboro Veterans Outreach Center; provided further, that not less than \$84,453 shall be obligated for a contract with the Metrowest/ Metrosouth Outreach Center in the town of Framingham; provided further, that not less than \$131,500 shall be obligated for a contract with NamVets of the Cape and Islands in the town of Hyannis; provided further, that not less than \$100,000 shall be expended for the Veterans Association of Bristol County in Fall River; provided further, that not less than \$35,000 shall be expended for the Mason Square Veterans Outreach Center, Inc., so-called in the city of Springfield; provided further not less than \$100,000 shall be expended for Veterans services to be administered by the Cape Cod Free Clinic and Community Heath Center; provided further, that not less than \$106,102 shall be expended for the North Shore Veterans Counseling Center; provided further, that not less than \$150,000 shall be provided for Central Massachusetts Veterans Outreach Center; provided further, that not less than \$50,000 shall be expended for the 54th Massachusetts Volunteers and the Colored Ladies; provided further that no less than \$100,000 shall be expended for the Puerto Rican Veterans Outreach Center in Boston; and provided further, that not less than \$100,000 shall be obligated for a contract with the Veterans Northeast Outreach Center in the city of Haverhill 2,033,248”;

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

“1410-0250 For homelessness services, provided that not less than \$220,000 shall be obligated for a contract with the United Veterans of America shelter located in the town of Leeds; provided further that, no less than \$100,350 shall be expended

General
Appropriation
Bill

for the Veterans Benefits Clearing House in the Dorchester section of Boston; provided further that, no less than \$73,350 shall be expended under contract for the Veterans Benefits Clearing House in the Roxbury section of Boston; provided further, that not less than \$405,500 shall be obligated for contract with the Veterans Hospice Homestead in the city of Leominster and the Veterans Hospice in the city of Fitchburg; provided further that not less than \$42,000 shall be obligated for a contract with the Turner House located in the town of Williamstown; provided further, that not less than \$37,350 shall be obligated for a contract with the Homestead located in the town of Hyannis; provided further, that not less than \$190,000 shall be expended for a contract with Habitat P.L.U.S. in the city of Lynn; provided further that not less than \$625,105 shall be expended for the Central Massachusetts Veterans Shelter to provide supportive services such as emergency shelter, transitional and permanent housing, food bank and hot meals program, employment and training services including job placement assistance and education, case management, on-site rehabilitation counseling, legal and medical care, women veterans' services, and to increase reimbursement rates for per-person and per-day funding levels for homeless veterans or veterans in need of transitional assistance; provided further, that not less than \$80,000 shall be obligated for a contract with the Mansion located in the city of Haverhill; provided further that not less than \$25,000 shall be expended for transitional services at Our Neighbor's Table in Amesbury; provided further, that not less than \$652,395 shall be expended for the Southeastern Massachusetts Veterans Transition Housing Program, Inc., located in the city of New Bedford; provided that not less than \$51,975 shall be expended for the Springfield Bilingual Veteran Outreach Center for the operation of a transitional housing unit at the YMCA of Springfield; provided further, not less than \$75,000 shall be expended for Transition House in Springfield; and provided further that not less than \$199,405 shall be provided for the Unity House Homeless Veterans' Residence in Gardner 2,847,686";

In item 1410-0015 by striking out the figures "42,282" and inserting in place thereof the figures "50,000"; and

In item 4190-0100 by striking out the figures "20,107,499" and inserting in the place thereof the figures "20,307,499".

After debate on the question on adoption of the amendments, Ms. St. Fleur of Boston asked for a count of the House to ascertain if a quorum was present. The Chair (Ms. Kaprielian of Watertown),

Quorum.

Quorum, yea and nay

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 being in the Chair) 154 members were recorded as being in attendance.

[See Yea and Nay No. 334 in Supplement.]

Therefore a quorum was present.

After further 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. Verga of Gloucester; and on the roll call 148 members voted in the affirmative and 11 in the negative.

[See Yea and Nay No. 335 in Supplement.]

Therefore the amendments were adopted.

At five minutes after three o'clock P.M. (Wednesday, April 30), on motion of Mr. Scaccia of Boston (the Speaker being in the Chair), the House recessed until twenty-five minutes before four o'clock; and at sixteen minutes before four o'clock the House was called to order with Ms. Kaprielian of Watertown in the Chair.

Mr. Jones of North Reading thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Ms. Kaprielian), 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 Yea and Nay No. 336 in Supplement.]

Therefore a quorum was present.

Mr. DeLeo of Winthrop then moved to amend the bill in section 2 by striking out item 4000-0112 and inserting in place thereof the following item:

"4000-0112 For matching grants to boys' and girls' clubs, YMCA and YWCA organizations, nonprofit community centers, and youth development programs; provided, that the secretary shall award the full amount of each grant to each organization upon commitment of matching funds from the organization; provided further; that the secretary shall report to the house and senate committees on ways and means on the exact amount distributed in fiscal year 2009 by March 1, 2009; provided further, that not less than \$3,200,000 shall be expended for the Massachusetts Alliance of Boys and Girls Clubs; provided further, that an amount not to exceed \$50,000 shall be provided in a matching grant to the Methuen Branch of the Merrimack Valley YMCA; provided further, that not less than \$155,000 shall be expended for the young parents program of the Newton Community Service Centers; provided further, that not less than \$50,000 shall be expended for youth and family programs and improvements at the West

No. 334.

Veterans services and soldiers homes amendments adopted, yea and nay No. 335.

Recess.

Quorum.

Quorum, yea and nay No. 336.

General Appropriation Bill.

Suburban YMCA; provided further, that not less than \$100,000 shall be expended for the YMCA of Newburyport; provided further, that not less than \$50,000 shall be expended to the Chelsea YMCA; provided further, that \$125,000 shall be expended for the YMCA of Greater Worcester for the recruitment, implementation and evaluation of the YMCA Men's Health and Families Program; provided further, that not less than \$100,000 shall be expended for the Springfield Day Nursery; provided further, that not less than \$50,000 shall be expended to the Franklin Community Action Corporation for youth services; provided further, that \$100,000 shall be expended for the Nazzaro Recreation Center; provided further, that not less than \$150,000 shall be expended for nonprofit Youth Services in Andover; provided further, that not less than \$50,000 shall be expended for programs at the YWCA of Haverhill; provided further, that not less than \$100,000 be expended for health and wellness programming at the YWCA of Greater Lawrence; provided further, that not less than \$50,000 shall be expended for the Girls Incorporated of Holyoke; provided further, that an amount not to exceed \$34,393 be provided in a matching grant to United Way of Tri-County for services at the Milford Youth Center; provided further, that not less than \$100,000 for Dot-Well youth services and out of school time activities; provided further, that not less than \$100,000 shall be expended for the United Teen Equity Center in Lowell; provided further that not less than \$50,000 shall be expended for a one-time matching grant for the YMCA Cape Cod for building purposes to comply with the American with Disabilities Act; provided further, that not less than \$250,000 shall be expended for program and improvements at Children's Friend and Family Services of Salem and Lynn; provided further, that not less than \$80,000 shall be expended for the public partnership program between the greater Lynn YMCA and YWCA and the public partnership program between the town of Saugus and the Saugus YMCA and YWCA; provided further, that not less than \$40,000 shall be expended for programs at the Fishing Academy, Incorporated; provided further, provided further, that not less than \$5,000 shall be provided for the Gardner Community Action Committee Fellowship Table; provided further, that not less than \$5,000 shall be provided for the Winchendon Community Action Committee Food Bank; and provided further, that not less than \$50,000 shall be expended for the YMCA in East Boston

5,044,,393".

Health and human services amendment adopted, yea and nay

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. Fagan of Taunton; and on the roll call 140 members voted in the affirmative and 19 in the negative.

No. 337.
Recesses.

[See Yea and Nay No. 337 in Supplement.]

Therefore the amendment was adopted.

At five minutes after five o'clock P.M. (Wednesday, April 30), the Speaker took the Chair and, on motion of Mr. Scaccia of Boston, the House recessed until twenty-five minutes before six o'clock P.M.; and at ten minutes before six o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

The House then took a further recess, on motion of Mr. Dempsey of Haverhill, until ten minutes after seven o'clock P.M.; and at twenty-nine minutes after seven o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Quorum.

Mr. Verga of Gloucester thereupon 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, yea and nay No. 338.

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

[See Yea and Nay No. 338 in Supplement.]

Therefore a quorum was present.

Mr. O'Day of West Boylston and other members of the House then moved to amend the bill in section 2, in item 0611-5510, by adding at the end thereof the following: "; provided further that any county correctional facility whose operating expenses paid by the Commonwealth exceeds 50 percent shall be deemed a state facility for lieu of taxes on state-owned land purposes"; and in said item by striking out the figures "28,300,000" and inserting in place thereof the figures "33,300,000".

After remarks on the question on adoption of the amendments, Mr. O'Day moved that the amendment be amended by striking out the proposed new text and appropriation increase and inserting in place thereof the following: "; provided further, the Department of Revenue shall conduct a study to determine the cost analysis for providing payment in lieu of taxes to any county correctional facility whose operating expenses paid by the Commonwealth exceeds 50 percent; provided further, that said study shall be completed by October 1, 2008 and submitted to the House and Senate Committees on Ways and Means; provided further, that said payment in lieu of taxes shall not take effect until legislation has been filed and enacted pursuant to Part 2, Chapter 1, Sec. 1, Article II of the Constitution".

After debate the further amendment was adopted, precluding a vote on the pending amendment.

General Appropriation Bill.

Mr. Quinn of Dartmouth then moved to amend the bill [A] in section 65, after line 65, by adding the following subsection:

“(k) Notwithstanding any general or special law to the contrary, the Department of Education shall conduct a study on the inequalities of the new regional school allocation methodology; provided further that said study shall be filed with the House and Senate Committee on Ways and Means and the Joint Committee on Education by no later than December 31, 2008.”.

After remarks on the question on adoption of the amendment, the same member moved that the amendment be amended by striking out the text of said amendment [at “A”] and inserting in place thereof the following: “by adding the following section:

“SECTION 75. Notwithstanding any general or special law to the contrary, the Department of Education shall report on the equity effects of the recently phased-in regional school allocation methodology on regional vocational technical schools; provided further that said report shall be filed with the House and Senate Committee on Ways and Means and the Joint Committee on Education by no later than December 31, 2008.”.

After debate the further amendment was adopted, precluding a vote on the pending amendment.

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

“SECTION 76. Notwithstanding any general or special law to the contrary, in the event that all taxable revenue of the commonwealth which is available for appropriation or supplemental appropriation for the fiscal year ending June 30, 2009 exceeds \$21,332,100,000 that the treasurer be directed to make fifty percent of such excess taxable revenue available for distribution to the cities, towns and regional school districts of the commonwealth ratably according to the foundation enrollment of each such district; provided, that the treasurer shall notify the clerks of the House of Representatives and the Senate and the commissioner of administration of any such deposit not more than 30 days after it occurs; and provided further, that for purposes of this section, the term ‘taxable revenue’ shall not include any funds payable to the commonwealth which are attributable to any change in general or special law enacted after January 3, 2009 and which enhances revenue.”.

Pending the question on adoption of the amendment, Representatives DeLeo of Winthrop and St. Fleur of Boston moved to amend it by adding the following paragraph:

“Notwithstanding any general or special law to the contrary, the provisions of this section shall not take effect until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.

Mr. Peterson of Grafton thereupon raised a point of order that the further amendment (offered by Representatives DeLeo and St. Fleur) was improperly before the House for the reason that it went beyond the scope of the pending amendment.

The Chair (Mrs. Harkins of Needham) then ruled that the point of order was not well taken.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the

Point of order.

Excess state revenue further amendment adopted, yea and nay No. 339.

request of Mr. Peterson; and on the roll call 138 members voted in the affirmative and 21 in the negative.

[See Yeas and Nays No. 339 in Supplement.]

Therefore the further amendment was adopted.

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

Mr. DeLeo of Winthrop then moved to amend the bill in section 2, in item 0611-5510, by striking out the figures “28,300,000” and inserting in place thereof the figures “30,300,000”, and in item 1231-1000, by striking out the figures “15,000,000” and inserting in place thereof the figures “20,000,000”.

State assistance amendments adopted, yea and nay No. 340.

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. Driscoll of Braintree; and on the roll call 140 members voted in the affirmative and 18 in the negative.

[See Yeas and Nays No. 340 in Supplement.]

Therefore the amendments were adopted.

The Chair (Mrs. Harkins of Needham) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o’clock P.M.

Suspension of Rule 1A.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 136 members voted in the affirmative and 23 in the negative.

Rule 1A suspended, yea and nay No. 341.

[See Yeas and Nays No. 341 in Supplement.]

Therefore Rule 1A was suspended.

At five minutes after nine o’clock P.M. (Wednesday, April 30), the Chair (Mrs. Harkins of Needham) declared a recess until a quarter after nine o’clock; and at twenty-seven minutes after nine o’clock the House was called to order with Mr. Wagner of Chicopee in the Chair.

Recess.

Mr. Conroy of Wayland and other members of the House then moved to amend the bill in section 2, in item 4513-1010, in line 2, and also at the end of said item, by striking out the figures “5,500,000” and inserting in place thereof, in each instance, the figures “6,500,000”.

After remarks (Mrs. Harkins of Needham being in the Chair) the amendments were adopted.

Mr. Frost of Auburn then moved to amend the bill in section 2, in item 7007-1101, by adding the following: “; provided the department of public health shall expend an amount not less than \$1,300,000 for a public umbilical cord blood and and placental tissue bank at the University of Massachusetts Medical Center to process and distribute donations for the uses of research and medical therapeutic purposes”.

Amendment rejected, yea and nay No. 342.

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 15 members voted in the affirmative and 143 in the negative.

[See Yeas and Nays No. 342 in Supplement.]

Therefore the amendment was rejected.

General Appropriation Bill.

Mr. DeLeo of Winthrop then moved to amend the bill in section 2
By striking out item 4510-0110 and inserting in place thereof the following item:

“4510-0110 For community health center services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; 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); provided further, that \$40,000 shall be expended for the Dismas House at the Worcester county house of correction; provided further, that not less than \$150,000 shall be expended for the Duffy Health Center; provided further, that \$300,000 shall be expended for medical respite services provided by the Boston health care for the homeless program 7,289,253”;

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

“4510-0600 For an environmental and community health hazards program, including control of radiation and nuclear hazards, consumer products protection, food and drugs, lead poisoning prevention in accordance with chapter 482 of the acts of 1993, lead-based paint inspections in day care facilities, inspection of radiological facilities, licensing of x-ray technologists and the administration of the division of environmental epidemiology and toxicology for the purposes of chapter 111F of the General Laws the ‘Right-to-Know’ law; provided, that the expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of 100 per cent of the amounts so expended; provided further, that \$195,000 shall be expended for the purpose of the director of the bureau of environmental health assessment of the department to continue an environmental risk assessment of the health impacts of the General Lawrence Logan Airport in the East Boston section of the city of Boston on any community that is located within a 5 mile radius of the airport and is potentially impacted by the airport; provided further, that the assessment may include, but not be limited to, examining incidences of respiratory diseases and cancers and performing medical and laboratory tests and examinations of residents of these communities; provided further, that the bureau shall report its findings, together with any recommended response actions by the commonwealth, to the house and senate committees on

ways and means not later than February 1, 2009; provided further, that the department shall file a report with the house and senate committees on ways and means, the joint committee on public health, and the joint committee on health care financing, on the status of local health inspections of food establishments, consistent with the department of public health food safety regulations and a report on the current waiting list for indoor air inspections by October 1, 2008; provided further, that no funds appropriated in this item shall be expended for the purpose of citing or locating a low-level radio- active waste facility in the commonwealth; provided further, that not more than \$14,800 shall be allocated to the Franklin Regional Council of Governments for costs associated with the regional public health program; and provided further, that not less than \$75,000 shall be expended for the purposes of research and prevention activities associated with Lyme Disease to be conducted by the Barnstable County Department of Health and The Environment 3,996,868”;

By striking out item 4510-0710 and inserting in place thereof the following item:

“4510-0710 For the operation of the division of health care quality and the office of patient protection; provided, that the division shall be responsible for assuring the quality of patient care provided by the commonwealth’s health care facilities and services, and for protecting the health and safety of patients who receive care and services in nursing homes, rest homes, clinical laboratories, clinics, institutions for the mentally retarded and the mentally ill, hospitals and infirmaries, including the inspection of ambulance services; provided further, that the division shall track and report the number and type of dementia or Alzheimer’s special care units in each facility; provided further, that the department shall provide quarterly reports of its findings to the house and senate committees on ways and means; provided further, that the division shall coordinate its work with the board of registration in medicine and the various other boards of registration under the department of public health to promote quality patient care in facilities licensed by the department, shall report specific instances of preventable medical error that involve an individualized component investigated by the board of registration and a systemic or institutional component investigated by the division, the medical, administrative, educational and disciplinary outcomes of such instances of preventable medical error and the ways in which coordination promotes

quality patient care, fairness and accuracy in disciplinary actions, and better provider and facility education; provided further, that investigators shall conduct investigations of abuse, neglect, mistreatment and misappropriation; provided further, that the division shall assign such investigators to perform their duties on staggered shifts which shall be established by the division in order to provide coverage adequate to ensure that all complaints of abuse, neglect, mistreatment and misappropriation are investigated, and that the department shall investigate complaints during evening and weekend hours, as needed, to assess the validity of the complaint; provided further, that not less than 10 per cent of all routine surveys of the facilities shall be completed during evening or weekend hours; provided further, that the division shall minimize the need for payment of overtime to investigators in both emergent and non-emergent situations and shall not authorize the assignment of overtime hours for any investigator when the duties can be performed on a non-overtime basis by another investigator; provided further, that all investigators in the division of health care quality responsible for the investigations shall receive training by the Medicaid fraud control unit of the office of the attorney general under a comprehensive training program to be developed by the division and the unit; provided further, that the division shall report quarterly to the house and senate committees on ways and means on the number of incident reports and, for those reports requiring investigations under section 72H of chapter 111 of the General Laws, indicating for each such report the time in which the division: (a) completed its investigation; (b) made an evaluation and determination of the validity of the report; and (c) made a referral of such report to the appropriate agency; provided further, that if in any quarter the division maintains a backlog of cases requiring investigation that have not been investigated, evaluated and determined within the time frames established in said section 72H of said chapter 111, the division shall include in the report an explanation as to the reasons therefore; provided further, that the division shall include in the report a list of all instances of the payment of overtime for investigators and the justification therefore and in each quarter shall compare the overtime expenditures from this item with the overtime expenditures made in the corresponding quarter of fiscal year 2008; provided further, that the division shall continue to research and develop, in consultation with the nursing home industry and consumer represen-

tatives, appropriate confidential survey tools to assess consumer satisfaction in long-term care facilities; provided further, that the division shall continue a comprehensive training, education and outreach program for nursing home administrators and managers and other supervisory personnel in long-term care to improve the quality of care in long-term care facilities; provided further, that the program shall promote the use of best practices, models of quality care-giving and the culture of workforce retention within the facilities and shall focus on systemic ways to reduce deficiencies; provided further, that services funded through this item shall include, but not be limited to: education, training, intervention, support, surveillance and evaluation; provided further, that the department shall report to the house and senate committees on ways and means on the results of the program not later than April 30, 2009; and provided further; that not less than \$100,000 be expended to oversee the operation and administration of the Massachusetts primary stroke Service Designation Hospital programs established by 105 CMR (130.1400), provided that all fund shall be used for the purpose of collecting and analyzing data from all primary stroke service designated hospitals in the commonwealth and for a full time surveyor for the purpose of ensuring compliance with primary stroke center designation criteria 8,776,973”;

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

“4510-0810 For a statewide sexual assault nurse examiner program and pediatric sexual assault nurse examiner program for the care of victims of sexual assault; provided further, that funds shall be expended for a contract with the MA Children’s Alliance to support the children’s advocacy center services in the commonwealth; provided further, that the program shall be established by the department to operate under specific statewide protocols and by an on-call system of nurse examiners; and provided further, that the department shall designate a metrowest district and may expend funds within said district 3,610,111”;

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

“4512-0103 For acquired immune deficiency syndrome services and programs; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that no funds shall be transferred into the AA object class; provided further, that particular attention shall be paid to direct the funding proportionately amongst each of the demographic groups

afflicted by HIV/AIDS; provided further, that not less than \$35,000 shall be expended for the Immigrants Assistance Center, Inc., in New Bedford for its unique bilingual AIDS education; provided further, that 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; provided further, that the department may contract for the administration of this program; provided further, that the costs of such administrative contract shall not be expended from this item; provided further, that rents payable by tenants shall not be less than 30 per cent of total household income if heat and cooking fuel are provided by the landlord and shall not be less than 25 per cent of total household income if heat and cooking fuel are not provided; provided further, that no funds shall be expended for subsidies for housing units in excess of the number of units funded on June 30, 1991; provided further, that the department shall not enter into any new housing contracts or expend funds for such new contracts in fiscal year 2009 that would fund units in excess of the number of units funded on June 30, 2008; and provided further, that no funds from this item shall be expended for disease research in fiscal year 2009; and provided further that not less than \$500,000 shall be spent to reduce HIV/AIDS disparities in communities of color, including African American, Latino, immigrant and refugee populations, linguistic minorities, and other populations disproportionately at risk, for prevention and education programs, counseling and testing, and treatment and supportive services

37,665,388”;

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

“4512-0200 For the division of substance abuse services, including a program to reimburse driver alcohol education programs for services provided for court adjudicated indigent clients; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that not less than \$150,000 shall be expended on the Hampden County Residential Program for Women; provided further, that not less than \$500,000 shall be expended for maintaining the substance abuse and mental health pilot programs in houses of correction in Hampden County; provided further, that not less than \$150,000 shall be expended to the Berkshire County youth Development Project for youth intervention services; provided further, that not less than \$100,000 be expended

for the substance abuse prevention programs of the town of Arlington Youth Health and Safety Coalition; provided further; that not less than \$961,324 shall be expended for the male and female adolescent residential facilities for substance abuse and rehabilitation services with the Cushing House in the South Boston section of Boston provided further, that not less than \$50,000 shall be expended for the Louis D. Brown Peace Institute; provided further, that not less than \$100,000 shall be expended to the Springfield Public Health Department for drug prevention outreach and education; provided further, that not less than \$933,000 shall be expended for the Volunteers of America Rebound Youth Residential Recovery Program at Long Island Hospital in the city of Boston for substance abuse and rehabilitation services to youths with addictions; provided further, that not less than \$100,000 shall be expended on the Russian Teens-at-Risk program operated by the Jewish Family & Children’s Services in the cities of Boston and Lynn and the town of Brookline; provided further, that not less than \$100,000 shall be expended for New North Citizens’ Council, Inc. Springfield Women’s Addiction-Recovery Network; provided further, that \$75,000 be expended to preserve an Opiate Prevention and Intervention Program for Youth in the city of Melrose; provided further, that not less than \$250,000 shall be expended for the Latino After School Initiative; provided further, that not less than \$750,350 shall be expended for a contract with STEP, Inc., for sobriety treatment, education and prevention; provided further that not less than \$200,000 shall be expended for the operation of 24-hour services at the Albany St. Shelter operated by Cambridge and Somerville Program for Drug and Alcohol Rehabilitation; provided further, that not less than \$60,000 shall be provided to Project COPE, Inc. in Lynn for the prevention and education of the problems associated with Oxy-Contin and Heroine use; provided further, that not less than \$150,000 shall be expended to Northern Educational Services, Inc., so-called in Springfield, to operate the Youth Zone Program; provided further, that not less than \$30,000 shall be expended for the Boat People SOS, Inc. Bilingual Community Liaison Project in Springfield; provided further, that not less than \$319,500 shall be expended for a contract with the Gavin Foundation to provide a total immersion program in conjunction with the probation departments of the South Boston division of the district court, department of trial courts, and other district courts; provided further that not less than \$155,000 shall be

expended for the Intensive Outpatient Program at the South Boston Collaborative Center for the purposes of responding to adolescent suicide clusters and drug abuse in the South Boston section of Boston; provided further, that not less than \$75,000 shall be expended for the Tynan Community Center Adolescent Wellness Program in the South Boston section of Boston; provided further, that not less than \$145,000 shall be expended in grants for the Framingham Coalition for the prevention of drug and alcohol abuse; provided further, that not less than \$50,000 shall be expended for teens through programs provided by the Ashland Recreational Department; provided further, that not less than \$20,000 shall be provided for Stand Down Bilingual outreach center in the city of Springfield; provided further, that not more than \$150,000 shall be expended for the Hampden County Sheriff to operate an innovative residential program for recently released female offenders in the Springfield area; provided further, that not less than \$1,500,000 be expended for maintaining the substance abuse and mental health pilot programs in houses of correction in Hampden County, Norfolk County, Middlesex County and Barnstable County; provided further, that one counselor shall continue to be assigned for every two hundred inmates within each facility; provided further, that said programs shall continue to report on the progress of the program and the rate of recidivis bi-annually to the chairs of the joint committee on mental health and substance abuse and the chairs of the joint committee on ways and means; provided further, that not less than \$100,000 shall be expended for the Winchester Substance Abuse Coalition in the town of Winchester; provided further, that not less than \$125,000 shall be expended for Self Esteem Boston's substance abuse direct service prevention programs and provider training program; provided further, that not less than \$100,000 shall be expended for a contract with Bay Cove Human Services, Inc. for the purpose of establishing an independent licensed halfway house in the Charlestown neighborhood of Boston, in collaboration with the Charlestown Recovery House, Inc. for persons in recovery from alcoholism and chemical dependency; provided further, that \$100,000 shall be expended for the prevention of substance abuse in the town of Saugus; provided further, that not less than \$200,000 shall be expended for the Link House, Inc. in the town of Salisbury for purposes of establishing transitional housing for women in recovery from substance abuse; provided further, that not less than \$225,000 shall be expended for the operation of the Barnstable

Action for New Directions program facilitated by Gosnold on Cape Cod Inc. in conjunction with the Barnstable district court and the Cape and Islands district attorney; provided further, that not less than \$50,000 shall be expended for the Exodus Outreach Recovery Program; provided further, that \$500,000 shall be expended for an opiate education and counseling competitive grant program in Suffolk county; and provided further, that not less than \$75,000 shall be provided to The Second Step, Inc. in the city of Newton for the provision of substance abuse prevention and education programs to the survivors of domestic violence 80,550,008”;

In item 4512-0201, in line 4, by inserting after the word “costs” the following: “; provided further, that not less than \$200,000 shall be expended for the Northern Educational Services (NES), Inc., so-called, to provide recovery services for 40 men by setting-up housing consisting of a 13 bed residency in Springfield”;

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 for any personnel-related costs; provided further, that, of the amount appropriated in this item, funds shall be expended to maintain a program of dental services for the developmentally disabled 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 not less than \$90,000 shall be expended to 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 \$150,000 shall be allotted to 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 \$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, and the Cape and Islands 2,044,640”;

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

“4513-1000 For the operation of the bureau of family health services; provided, that no funds shall be expended in the AA object class for any personnel- related costs; provided further, that not less than \$5,600,000 shall be provided for comprehensive

family planning services, including HIV counseling and testing, community-based health education and outreach services, provided by agencies certified as comprehensive family planning agencies; provided further, that \$25,000 shall be expended for regional respite, counseling and holistic therapy services offered by the Cancer Connection, located in the city of Northampton; provided further that not less than \$50,000 shall be provided for the Molly Bish Institute for Child Safety at Mt. Wachusett Community College; provided further, that no less than \$100,000 shall be expended for the Massachusetts Sudden Infant Death Center at Boston Medical Center; provided further, that not less than \$350,000 be expended for the operations of the Regional Poison Control Center, located at the Children's Hospital in Boston; provided further, that not less than \$350,000 shall be expended for ROCA, Inc. for outreach and youth development for at-risk youth and young adults in Chelsea, Revere, and East Boston; provided further, that not less than \$150,000 shall be expended for such programs in the Bowdoin/Geneva and the Uphams Corner/North Dorchester sections of Boston; provided further, that not less than \$10,000 shall be expended for the Cancer House of Hope in Western Massachusetts; provided further that \$450,000 shall be expended for the Massachusetts Birth Defects Monitoring Program; provided further, that not less than \$50,000 shall be expended for Falmouth Family Planning; and provided further, that \$200,000 shall be expended for an elder health and outreach program in Saugus 7,335,000”;

In item 4513-1026 by striking out the figures “\$3,750,000” and inserting in place thereof the figures “4,750,000”;

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

“4513-1111 For the promotion of health and disease prevention; provided, that not less than \$100,000 shall be expended for osteoporosis education and prevention; provided further, that not less than \$6,687,659 shall be expended for breast cancer prevention; provided further, that not less than \$350,000 shall be expended for diabetes screening and outreach; provided further, that not less than \$200,000 shall be expended for ovarian cancer screening; provided further, that not less than \$500,000 shall be expended for a statewide STOP stroke program; provided further, that not less than \$1,412,876 shall be expended for the Hepatitis C program; provided further, that not less than \$412,368 shall be expended for 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; provided further, that not less than \$100,000 shall be expended for a renal disease program administered by the National Kidney Foundation of Massachusetts, Rhode Island and Vermont; provided further that not less than \$250,000 shall be expended for a program to raise awareness and provide health care provider education on colorectal cancer; provided further, that not less than \$2,300,000 shall be expended for prostate cancer screening, education and treatment with a particular focus on African American Males; provided further, that not less than \$150,000 shall be expended for the maintenance of the ALS Registry created by section 26 of chapter 140 of the acts of 2003; provided further, that not less than \$81,000 shall be expended for the maintenance of the statewide lupus database; provided further, that funding shall be expended for the operation of the Betsy Lehman Center for patient safety; provided further, that not less than \$100,000 shall be expended for Brain Aneurysm Education, Awareness and Early Detection; provided further, that not less than \$25,000 shall be expended for the operation of NECPAD, a support organization which provides patient education and support for people diagnosed with PKU or related disorders and their families; and provided further, that not less than \$50,000 shall be expended for the operation of NECPAD, a support organization which provides patient education and support for people diagnosed with PKU or related disorders and their families 13,565,628”;

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

“4513-1130 For the domestic violence and sexual assault prevention and treatment program; provided, that of the amount appropriated in this item, funds shall be expended for rape prevention and victim services, including the statewide Spanish language hotline for sexual abuse and domestic violence services for legal immigrants and refugees and statewide suicide and violence prevention outreach to gay and lesbian youth; provided further, that not less than \$350,000 shall be expended for the public health model of community engagement and intervention services and crisis housing for sexual violence and intimate partner violence in the GLBT community; provided further, that not less than

\$20,000 shall be expended for a Spanish speaking battered women's hotline provided by Delamano, a Lawrence-based domestic violence support organization; provided further, that not less than \$300,000 shall be expended for sexual and domestic violence prevention; provided further, that not less than \$300,000 shall be expended for domestic violence batterers' intervention services; provided further, that not less than \$300,000 shall be expended for sexual abuse and domestic violence services for immigrants and refugees; and provided further, that \$200,000 shall be expended for Close to Home, a domestic violence prevention program located in Dorchester 5,066,677";

By striking out item 4510-1000 and inserting in place thereof the following item:

"4516-1000 For the administration of the center for laboratory and communicable disease control, including the division of communicable venereal diseases, the division of tuberculosis control and the state laboratory institute; provided, that the department shall give priority to the analysis of samples used in the prosecution of controlled substances offenses; provided further, that funds shall be expended for an eastern encephalitis testing program and for tuberculosis testing and treatment services; provided further, that no funds appropriated in this item shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded in this item; and provided further, that funds from this item may be expended for the purchase of equipment for the drug laboratory at the state laboratory institute; provided further, that not less than \$240,000 shall be expended for the maintenance of the statewide rabies control program, coordinated by the department providing assistance to cities, towns and the public and for the interagency collaboration through the rabies advisory committee, the 24-hour epidemiological and clinical consultation for rabies exposures and the rapid laboratory diagnostic services; and provided further, that of said \$240,000, not less than \$150,000 shall be expended for the continuation of the Oral Rabies Vaccine Project on Cape Cod operated through a contract with Tufts University School of Veterinary Medicine in collaboration with the federal Centers for Disease Control and Prevention 15,566,530";

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

"4530-9000 For teenage pregnancy prevention services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that applications for such funds shall be

administered through the department upon receipt and approval of coordinated community service plans to be evaluated in accordance with guidelines issued by the department; provided further, that portions of the grants may be used for state agency purchases of designated services identified by the community service plans; provided further, that funding shall be expended on those communities with the highest teen birth rates according to an annual statistical estimate conducted by the department; provided further, that funds shall be expended on programming directed at children under the care of the department of social services who are at high risk for teenage pregnancy; provided further, that the department shall collaborate with the department of social services on the development of this programming; provided further, that not less than \$400,000 shall be expended for the Northern Berkshire Community Coalition in the Berkshire region; provided further, that of said \$400,000, not more than 10% shall be used for administrative services; provided further, that not less than \$250,000 shall be expended for the teen pregnancy prevention programs in the cities of North Adams and Pittsfield; provided further, that of said \$250,000, not less than \$125,000 shall be expended for said program in the city of Pittsfield; provided further that \$50,000 shall be expended for teen pregnancy prevention programs in the town of Southbridge; provided further that \$100,000 shall be expended for teen pregnancy prevention services in the Town of Orange; and provided further, that no less than \$15,000 shall be provided to Girls, Inc. of Lynn for teen pregnancy prevention 3,855,586";

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

"4590-0250 For school health services and school-based health centers in public and non-public schools; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that services shall include, but not be limited to: (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 not less than \$300,000 shall be expended for mental health and substance abuse services in school-based health centers; provided further, that not less than \$450,000 shall be expended for the commission on gay and lesbian youth; provided further, that \$150,000 shall be expended for the Childhood Obesity School Nutrition Project within the department to initiate or maintain school lunch programs focused on diminishing the epidemic of childhood obesity; provided further, that food service providers working with public schools wishing to institute or maintain a school nutrition program designed to reduce childhood obesity may submit an application to the department indicating the various nutritional and educational steps the school plans to implement with the grant, not to exceed \$10,000 per school per year; provided further, that eligible programs shall focus on providing healthier choices for lunch programs and provide incentives and information to make healthier meal choices in the school lunch line; provided further, that 1 or more schools may be included in an application; provided further, that grant applications and other appropriate criteria shall be determined and reviewed by the department; provided further, that not less than \$200,000 shall be expended for the North Quabbin Community Coalition for support and implementation of four model community coalitions and community capacity building activities; provided further, that not less than \$15,000,000 shall be expended for school nurses and school based health centers; and provided further, that not less than \$100,000 shall be expended to the H.E.L.P. program so-called, for black males health 17,332,518”;

In item 4590-0300 by striking out the figures “12,750,000” and inserting in place thereof the figures “13,750,000”;

In item 4590-0915 by striking out the figures “143,310,416” and inserting in place thereof the figures “143,610,416”;

In item 4590-1503 by striking out the figures “800,000” and inserting in place thereof the figures “825,000”; and

In item 4590-1506 by striking out the figures “2,000,000” and inserting in place thereof the figures “3,000,000”; and

By adding at the end the following two sections:

SECTION 77. Section 20 of chapter 90 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 69, the figure ‘25’ and inserting in place thereof the following figure:— 30.

SECTION 78. Section 24 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 16 and 763, the figure ‘125’ and inserting in place thereof the following figure:— 150.”.

After debate on the question on adoption of the amendments, Ms. Callahan of Sutton moved that they be amended in item 4590-1503 by striking out the figures “825,000” and inserting in place thereof the figures “900,000”.

Public health amendments, yea and nay No. 343.

After debate 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. Koutoujian of Newton; and on the roll call (the Speaker being in the Chair) 142 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 343 in Supplement.]

Therefore the amendments, as amended, were adopted.

Recess.

Recess.

At eight minutes after eleven o’clock P.M. (Wednesday, April 30), on motion of Ms. Forry of Boston (the Speaker being in the Chair), the House recess until the hour of twelve o’clock noon on Thursday, May 1; and at six minutes after twelve o’clock noon, the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Thursday, May 1, 2008 (at 12:00 o’clock noon).

Prayer.

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

Gracious God, we place our trust and confidence in You, Your sometimes mysterious ways and practical precepts, which, we believe, give meaning and direction to our daily lives. We pray for Your assistance as we try to implement Your values, principles and priorities in own lives and in dealing with people. As elected leaders with a variety of constituents who have a variety of goals and political philosophies, help us to work together in a common, goodwill effort to improve the entire quality of life in our communities. In this era of worldwide violence, may we, in our land, continue to recognize and respect the civil, human and religious rights of people. Teach us to respect and learn from the legislative and administrative accomplishments of our predecessors.

Pledge of allegiance.

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

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

Staff Sergeant Robert Pinelli.

Silent Prayer.

Mr. Petrolati of Ludlow being in the Chair,—

At the request of the Chair (Mr. Petrolati), the members, guests and employees stood in a moment of silent prayer in memory of U.S. Army Special Forces Staff Sergeant Robert Pinelli, who was killed in action in Iraq in August, 2007.

Statement of
Representative
Canavan of
Brockton.

Statement of Representative Canavan of Brockton.

A statement of Ms. Canavan 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 will not be present in the House Chamber for the remainder of today's sitting due to a long standing family commitment. Any roll calls that I may miss will be due entirely to the reason stated.

Statement of
Representative
Koutoujian of
Waltham.

Statement of Representative Koutoujian of Newton.

A statement of Representative Koutoujian of Newton, 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 today's sitting due to a medical appointment. Had I been present for the taking of yea and nay No. 345, I would have voted in the affirmative.

Family-owned
businesses.

Resolutions.

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

Resolutions (filed by Mr. Rogers of Norwood and other members of the House) honoring the Northeastern University Center for Family Business and the New England chapter of the Family Firm Institute on their recognition of the contributions of family-owned businesses;

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

Resolutions (filed by Mr. Barrows of Mansfield) on the occasion of the retirement of Marie Crimmins from the position of town clerk in the town of Foxborough;

Resolutions (filed by Representatives Fagan of Taunton, Lepper of Attleboro and Poirier of North Attleborough) on the occasion of the dedication of the James H. Sullivan Courthouse; and

Resolutions (filed by Mr. Frost of Auburn and other members of the House) commending the Massachusetts Letter Carriers on their sixteenth anniversary of dedicated service to the food banks, food pantries and shelters of the Commonwealth of Massachusetts;

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

Longmeadow,
Robert
Danio.

Papers from the Senate.

The House Bill authorizing the town of Longmeadow to continue the employment of Police Chief Robert Danio (House, No. 4437) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, inserting after the first sentence the

following sentence: "The appointing authority may, at its own expense, require that Robert Danio be examined by an impartial physician to determine that he is mentally and physically capable of performing the duties of that position."

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

The following order (having been reported by the committees on Rules of the two branches, acting concurrently) came from the Senate with the endorsement that it had been adopted by said branch:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Friday, May 2, 2008 in which to make its final report on Senate document numbered 2525, relative to a lease agreement between the city of New Bedford and the University of Massachusetts-Dartmouth.

Under suspension of the rules, on motion of Mr. Scaccia of Boston, the orders were considered forthwith; and they were adopted, in concurrence.

Reports of Committees.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to cooperative purchasing agreements (House, No. 3198),— and recommending that the same be recommitted to the committee on State Administration and Regulatory Oversight.

Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration

Of the Bill relative to the Massachusetts Commission on End of Life Care (House, No. 2204);

Of the Bill to prevent youth and gang violence (House, No. 2280);
Of the Bill creating a task force to study the use of the internet by sex offenders (House, No. 2328); and

Of the Bill establishing a special committee to study the oversight and responsibility of statewide emergencies (House, No. 2392);

And recommending that the same severally be referred to the House committee on Rules.

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

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill further regulating exits in sports complexes (House, No. 1852, changed in lines 8 and 9 by striking out the words "to all emergency exits" and inserting in place thereof the words "or photo luminescent system to

Municipalities
and Regional
Government,
extension
of time for
reporting.

Cooperative
purchasing,
agreements.

End of life
care.

Gang violence.
Sex offenders.

Statewide
emergencies,
study.

Sports
complexes,
exits.

Firearms
licenses,
law enforcement

officers.
Sober houses,
sprinklers.

clearly delineate egress routes leading to all exits, including traditional, emergency, and evacuation routes”).

School buses,
safety belts.

By the same member, for the same committee, on a petition, a Bill relative to issuing a license to carry firearms to law enforcement officers (House, No. 2285).

Smoke
detectors.

By the same member, for the same committee, on a petition, a Bill further prohibiting discrimination in sober housing (House, No. 2297).

Uniformed
security firms.

By the same member, for the same committee, on Senate, Nos. 1340 and 1395 and House, Nos. 2300, 2314, 2318, 2349, 2395, 2405 and 3439, a Bill requiring safety belts for passengers on public school buses (House, No. 2300).

Emergency
radio systems.

By the same member, for the same committee, on a petition, a Bill relative to smoke detector responsibility clarification (House, No. 2345).

Fire depart-
ments, rescue
services.

By the same member, for the same committee, on a petition, a Bill regulating uniformed private security firms (House, No. 2371).

Automatic
sprinklers.

By the same member, for the same committee, on a petition, a Bill relative to firefighter communication in buildings (House, No. 2373).

Natural gas
tankers,
regulate.

By the same member, for the same committee, on a petition, a Bill relative to confined space rescue services (House, No. 2374).

Fire fighters,
staffing.

By the same member, for the same committee, on a petition, a Bill requiring the installation of automatic sprinklers in certain high rise condominium and cooperative buildings (House, No. 2377).

Handicapped
placards.

By the same member, for the same committee, on a petition, a Bill regulating liquefied natural gas tanker import terminals (House, No. 2383, changed in section 1, in line 8, by inserting after the word “tanker” the following: “delivering shipments to any LNG import terminal constructed after January 1, 2007”).

Broadband
institute.

By the same member, for the same committee, on a petition, a Bill relative to fire fighter staffing (House, No. 2389).

By the same member, for the same committee, on a message from His Excellency the Governor, a Bill relative to disability placards (printed in House, No. 4220).

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

Newburyport,
land.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on House, No. 4311, a Bill establishing and funding the Massachusetts broadband institute (House, No. 4715).

Deborah
Jones,
sick leave.

By the same member, for the same committee, on House, No. 4291, a Bill authorizing the Commissioner of Capital Asset Management to convey certain land to the city of Newburyport (House, No. 4716).

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

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Deborah A. Jones, an employee of the Department of Mental Retardation (see House, No. 4928), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

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

Third
reading
bills.

Orders of the Day.

Senate bills

Establishing the position of municipal hearing officer in the city of Somerville (Senate, No. 2166) (its title having been changed by the committee on Bills in the Third Reading);

Establishing the position of municipal hearing officer in the city of Somerville (Senate, No. 2313);

Relative to Gary J. Lopes, Jr. an employee of the town of Wareham (Senate, No. 2333); and

Authorizing the town of Milton to borrow money to fund certain payments (Senate, No. 2487);

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

Third reading bill
amended.

The Senate Bill relative to health inspectors of the city of Somerville (Senate, No. 2168) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Notwithstanding chapter 111 of the General Laws, the city of Somerville may place the city’s health inspectors under the supervision of the city’s division of inspectional services, under the direction and control of the director of the health department. The health inspectors shall have all such authority provided to them under said chapter 111 and any other statute, regulation or other authority pertaining to public health.

SECTION 2. This act shall take effect as of August 31, 2005.

SECTION 3. This act shall take effect upon its passage.”

The report was accepted.

The amendment recommended by the committee on Bills in the Third Reading then was adopted; and the bill (Senate, No. 2168, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Minors,
caregivers.

The House Bill relative to caregiver medical and educational consent (House, No. 1151, changed) was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Pending the question on passing the bill to be engrossed, Mr. Lepper of Attleboro moved to amend it by substitution of a bill with the same title (House, No. 4718), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At half past twelve o'clock noon (Thursday, May 1) on motion of Mr. Costello of Newburyport (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order with Mr. Donato of Medford in the Chair.

Quorum.

Quorum.

Ms. Khan of Newton thereupon 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,
yea and nay
No. 344.

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) 145 members were recorded as being in attendance.

[See Yea and Nay No. 344 in Supplement.]

Therefore a quorum was present.

Specialist
Sean
Bannon.

Guests of the House.

Mr. DeLeo of Winthrop then took the Chair and introduced Army Specialist Sean Bannon, 22, of Winthrop. Specialist Bannon, who is recovering from wounds sustained as a result of the detonation of an improvised explosive device in February while serving near the southern border of Iraq, then addressed the House briefly. Accompanied by his mother Maureen, his sister Ashley and her friend Laura, as well as Winthrop veterans Larry Holmes, Richard Honan and Richard Gay, Specialist Bannon was the guest of Mr. DeLeo.

Master Chief
Reginald
Brown, U.S. Sub-
marine Force.

During the session, the Speaker declared a brief recess and introduced Master Chief Reginald "Chevy" Brown CMDCM (SS), United States Naval Submarine Force. Having served in the Navy since 1981, Master Chief Brown currently serves as Chief of the Boat of the Submarine USS Missouri (SSN-780). He was the first recipient of the Commander Submarine Group TWO Dennis Sulzer Inspirational Leadership Award in 1997. Master Chief Brown is visiting Boston to act as a representative of the United States Submarine Force at a presentation at the Science Museum regarding the recent discovery of the USS Grunion (SS-216), one of the submarines lost during World War II. Chief Brown, who was accompanied by his wife Jocelyn and Representatives Fox of Boston and Allen of Boston, was the guest of Ms. Malia of Boston.

Mayor
Robert
Correia.

During the session, the Speaker declared a brief recess and introduced former Representative Robert Correia, the Mayor of the city of Fall River. Mayor Correia was the guest of the Speaker and the entire Fall River delegation.

General
Appropriation
Bill.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2009 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. 4700, amended) was considered.

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

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

"0330-0410 For alternative dispute resolution services for the trial court; provided, that the services shall be made available, to the extent possible, in connection with child care, protection and custody proceedings in juvenile and probate courts; provided further, that not less than \$75,000 shall be expended for the Housing Services and Mediation Program operated by the Berkshire County Regional Housing Authority in Pittsfield; provided further, that not less than \$60,000 shall be expended for North Central Court Services, Inc.; provided further, that not less than \$65,000 shall be expended for the North Shore Community Mediation Program in Salem; provided further, that not less than \$65,000 shall be expended for Metropolitan Mediation Services operated by the Brookline Community Mental Health Center; provided further, that not less than \$62,811 shall be expended for Mediation Works, Inc; provided further, that not less than \$50,000 shall be expended for Quabbin Mediation in Athol; provided further, that not less than \$50,000 shall be expended for the Mediation and Training Collaborative of Franklin County in Greenfield; provided further, that not less than \$65,000 shall be expended for Framingham Court Mediation Services; provided further, that not less than \$60,000 shall be expended for the Cape Cod Dispute Resolution Center; provided further, that not less than \$65,000 shall be expended for the Community Dispute Settlement Center, Inc., of Cambridge; provided further, that not less than \$50,000 shall be expended for the Greater Brockton Center for Dispute Resolution; provided further, that not less than \$48,031 shall be expended for the Somerville Mediation Program; provided further, that not less than \$65,000 shall be expended for the Middlesex Multi-door Court House Program; provided further, that not less than \$40,000 shall be expended for the Martha's Vineyard Mediation Program; provided further, that not less than \$60,000 shall be expended for Dispute Resolution Services, Inc. in the city of Springfield; and provided further, that not less than \$50,000 shall be expended for Community Mediation of Worcester

General
Appropriation
Bill.

962,768";

In item 0333-0700 by striking out the figures "2,607,285" and inserting in place thereof the figures "2,807,285";

By striking out item 0337-0300 and inserting in place thereof the following item:

"0337-0300 For the Hampden county juvenile courts; provided, that \$145,841 shall be expended for the CASA program in the Springfield Juvenile Courts 1,297,623";

By striking out item 0337-0400 and inserting in place thereof the following item:

"0337-0400 For the Worcester county juvenile courts; provided, that \$72,920 shall be expended for the CASA program in the Worcester Juvenile Court 1,083,597";

By striking out item 0337-0600 and inserting in place thereof the following item:

"0337-0600 For the Essex county juvenile courts; provided, that \$100,000 shall be expended for the CASA program in the Lawrence Juvenile Court 1,140,090";

By striking out item 0337-0700 and inserting in place thereof the following item:

"0337-0700 For the Hampshire and Franklin counties juvenile courts; provided, that \$77,478 shall be expended for the Franklin/Hampshire CASA program, including the Northampton, Greenfield, Orange, and Ware District Courts 686,132";

By striking out item 0337-0800 and inserting in place thereof the following item:

"0337-0800 For the Plymouth county juvenile courts; provided, that \$72,920 shall be expended for the CASA program in the Plymouth County Juvenile Courts 790,686";

By striking out item 0337-0900 and inserting in place thereof the following item:

"0337-0900 For the Berkshire county juvenile courts; provided, that \$54,690 shall be expended for a Berkshire CASA program, in the Berkshire County Juvenile Courts 499,471";

In item 0339-1001, in line 14, by inserting after the word "leases" the following: "; provided further, that not less than \$100,000 shall be expended for the central Massachusetts probation training academy in the town of Clinton for the purpose of maintaining current staffing levels or providing additional staff at the discretion of the commissioner" and by striking out the figures "137,034,452" and inserting in place thereof the figures "140,688,080";

In item 0339-1003 by striking out the figures "6,734,529" and inserting in place thereof the figures "7,707,000";

In item 0340-0100, in line 33, by inserting after the figures "\$37,500" the following: "; provided further, that not more than \$100,000 shall be expended for additional support of the Gun Prosecution Task Force, also known as the Gun Court; provided further, that not more than \$150,000 shall be expended for support of a

second Grand Jury for Suffolk County to investigate unsolved homicides, otherwise known as the Special Grand Jury; provided further, that not more than \$230,000 shall be expended for the cost of rent increases and property tax pass through increases at One Bulfinch Place";

In item 0340-0100 by striking out the figures "16,443,097" and inserting in place thereof the figures "16,593,097";

By inserting after item 0340-0401 the following item:

"0340-0410 For the analyses of narcotic drug synthetic substitutes, poisons, drugs, medicines and chemicals at the University of Massachusetts medical school in order to support the law enforcement efforts of the district attorneys, the state police and municipal police departments 450,000";

In item 0340-0900, in line 13, by inserting after the word "thereof" the following: "; provided further, that not less than \$150,000 shall be expended for the purpose of continuing the Katie Brown domestic violence prevention program in schools within Bristol County to be administered by the Bristol County District Attorney" and by striking out the figures "7,551,237" and inserting in place thereof the figures "7,701,237";

In item 0340-1000, in line 5, by inserting after the word "force" the following: "; provided further, that not more than \$20,000 shall be expended for the Cape and Islands Child Advocacy Center at Children's Cove in Hyannis;

In item 0340-1100, in line 13, by inserting after the word "thereof" the following: "; provided further, that \$150,000 shall be expended for the operation and management of the Berkshire County Drug Task Force".

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. O'Flaherty of Chelsea; and on the roll call (the Speaker being in the Chair) 139 members voted in the affirmative and 19 in the negative.

[See Ye and Nay No. 345 in Supplement.]

Therefore the amendments were adopted.

Mr. DiNatale of Fitchburg and other members of the House then moved to amend the bill in section 2, in item 8000-0010, in line 4, by inserting after the year "2009" the following: "; provided further, the prior to the awarding of any grants in fiscal year 2009 the Joint Committee on Public Safety and the House Committee on Post Audit and Oversight shall conduct an investigation and study into the distribution process for community policing grants; provided further, that the appropriate police unions and police associations shall be consulted as part of said investigation and study; provided further, that the Joint Committee on Public Safety and the House Committee on Post Audit and Oversight issue a report with recommendation on an equitable distribution process to the executive office of public safety and the house and senate committee on ways and means not later than January 15, 2009" and by striking out the figures "21,351,035" and inserting in place thereof the figures "25,351,035".

After remarks (the Speaker being in the Chair) the amendments were rejected.

Judiciary amendments adopted, ye and nay No. 345.

General Appropriation Bill.

After debate Mr. DeLeo of Winthrop then moved to amend the bill in section 2

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

“8000-0000 For the office of the secretary, including the administration of the committee on criminal justice and the highway safety bureau to provide matching funds for a federal planning and administration grant pursuant to 23 U.S.C. section 402; provided, that the executive office of public safety, in conjunction with the criminal history systems board, shall perform a study relative to establishing a statewide central register containing all available identifying data of any missing person, which includes any adult suffering from dementia missing from his normal and ordinary place of residence and whose whereabouts cannot be determined by the person responsible for such person’s care; provided further, that the department shall submit a report detailing the findings of said study to the house and senate committees on ways and means not later than March 15, 2009; provided further, that not less than \$300,000 shall be expended for the purpose of a targeted control substance interdiction pilot program to be administered by the chiefs of police for the city of Revere and the town of Winthrop; and provided further, that not less than \$100,000 shall be provided for the On-Site Academy in Gardner 2,829,281

Highway Fund 85.0%
 General Fund 15.0%”;

In item 8000-0054 by striking out the figures “2,000,000” and inserting in place thereof the figures “4,000,000”;

By striking out item 8000-0202 and inserting in place thereof the following item:

“8000-0202 For the purchase and distribution of sexual assault evidence collection kits; provided, that administrative resources provided from other items for the implementation of this program in fiscal year 2008 shall not be reduced in fiscal year 2009 120,000”;

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; 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 environmental affairs at no cost to, or compensation from, that office; provided further, that not less than \$2,710,146 shall be expended for the payroll costs of the state police directed patrols; provided further, that any community that was selected to receive earmarked funds for directed patrols in fiscal year 2008 shall receive 100 per cent of the amount so earmarked in fiscal year 2009; provided further, that not less than \$90,121 shall be expended for the costs associated with a training seminar for fourteen members of the Massachusetts State Police Bomb Squad in collaboration with the Israeli General Security Service and the Israeli National Police; provided further, that not less than \$1,050,000 shall be expended to curb gang-related activities; provided further, that any municipality that was eligible to receive earmarked funds for curbing gang-related activities in fiscal year 2008 shall receive the same amount in fiscal year 2009 provided further, that there shall be a study submitted to the house and senate committees on ways and means not later than January 31, 2009, 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 where traffic details are done 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 serv-

ices of the office of the chief medical examiner,
 the municipal police training committee and the
 criminal history systems board 257,208,191
 Highway Fund 88.2%
 General Fund 11.8%”;

In item 8100-0111 by striking out the figures “11,000,000” and inserting in place thereof the figures “13,000,000”;

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

“8200-0200 For the operation of veteran, reserve and in-service training programs conducted by the municipal police training committee; provided, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth’s obligation for the purpose of this item to exceed the amount appropriated in this item; provided further that not less than \$25,000 be provided for the purpose of additional rental and utility payments to the town of Boylston; and provided further, that not less than \$25,000 shall be expended to the town of Salisbury as startup funding for the new Essex County Police Institute, a reserve officer training academy 3,186,398”;

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

“8311-1000 For the administration of the department of public safety, including the board of building regulations and standards and the architectural access board; provided, that the department may charge fees for permitting the operation of amusement devices and to support the department’s participation in the National Council for Amusement and Recreational Equipment Safety; provided further, that the department may charge fees for amusement operator certification; and provided further, that the salaries of the commissioner and the deputy commissioner of the department of public safety shall be paid from this item; and provided further, that not less than \$150,000 shall be expended for the University of Massachusetts Lowell Environmental Health and Safety Department for the use of fire intumescent/refractory paint 2,771,301”;

In item 8315-1000 by striking out the figures “5,162,268” and inserting in place thereof the figures “5,304,305”;

In item 8315-1025 by striking out the figures “80,000” and inserting in place thereof the figures “130,000”;

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; provided, that the fire training program shall use the split days option; provided further, that not less than \$1,296,000 shall be provided for the Commonwealth’s Hazardous Material Response Teams; provided further, that \$500,000 shall be provided for the Boston Fire Department Hazardous Material Response Teams; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the administration of the department of fire services, the state fire marshal’s office and the Massachusetts firefighting academy shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of such assessment from the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the operation of the hazardous materials emergency response program shall be assessed upon insurance companies writing commercial multiple peril, non-liability portion, policies on property situated in the commonwealth and commercial auto liability policies as referenced in line 5.1 and line 19.4, respectively, in the most recent annual statement on file with the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, funds scheduled in the PP object class, pursuant to section 27 of chapter 29 of the General Laws for this item in fiscal year 2009 shall not be transferred to any other object class in said fiscal year; provided further, that not more than 10 per cent of the amount designated for the arson prevention program shall be expended for the administrative cost of the program; provided further, that the expenses of the board of fire prevention regulations, under section 4 of chapter 22D of the General Laws, shall be paid from this item; provided further, that the expenses of the fire safety commission shall be paid from this item; provided further, that not less than \$1,200,000 shall be expended on the SAFE program; provided further, that not less than \$100,000 shall be expended for the administration of a statewide program to provide for critical incident stress intervention for the fire departments of the cities, towns, and fire districts of the commonwealth including, but not limited to, consultant services, training, equipment and supplies; provided

further, that \$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 \$2,500,000 shall be expended for the firefighting equipment grant program for fire departments of every city, town, fire district and authority of the commonwealth to be administered by the executive office of public safety; provided further, that said grants shall be distributed to municipalities according to a formula giving equal weight to each municipalities population; provided further, that eligible fire safety equipment under this program shall include, but is not limited to, turnout gear, hand-held power lights, communication devices, telephones, personal alert safety systems, so-called, air packs, tanks, compressors, thermal imaging devices and computerized personnel accountability systems, but shall exclude firefighter apparatus and vehicles; provided further, that grants awarded by said executive office to a municipality under said program shall not be utilized for the purpose of personnel costs unless such costs constitute 50 percent or less of the total grant award; provided further, that no grant shall be awarded to the department of fire services; provided further, that not later than February 1, 2009, the executive office of public safety shall submit a report to the house and senate committees on ways and means and to the secretary for administration and finance detailing the amount of grants awarded to said grant recipients and descriptions of said grants; provided further, that each municipality shall provide the executive office of public safety with a comprehensive list of the best-practices that have been instituted as a result of these grants; and provided further, that not less than \$1,750,000 shall be provided for the Boston Fire Department training academy ..

18,380,452”;

In item 8700-0001 by striking out the figures “9,028,722” and inserting in place thereof the figures “9,207,659”;

By striking out item 8800-0300 and inserting in place thereof the following item:

“8800-0300 For environmental monitoring of the nuclear power plant in Seabrook, New Hampshire including a continuous real-time radiological monitoring system for Massachusetts cities and towns located within the emergency planning zone of the nuclear power plant; provided, that the cost of this item, including any applicable fringe benefits and indirect costs, shall be assessed on electric companies in Massachusetts which own, in whole or in part, or purchase power from the Seabrook nuclear power plant; provided further, that the department of tele-

communications and energy shall develop an equitable method of apportioning such assessments among the licensees; provided further, that such assessments shall be paid during the current fiscal year as provided by the department; provided further, that for the purposes of said item, electric companies shall be defined as all persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth; provided further, that the term ‘electric companies’ shall not include municipalities or municipal light plants; provided further, that this expense shall be apportioned according to the formula stated above; and provided further, that the department shall report to the house and senate committees on ways and means not later than March 1, 2009 the results of the monitoring project between the department and the citizens monitoring group, including but not limited to, the reasons for increases and decreases in radiation levels; provided further that not less than \$75,000 shall be expended for the monitoring updates for C-10 of Newburyport; and provided further that this expense shall be apportioned according to the formula stated above

165,356”;

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

“8900-0001 For the operation of the commonwealth’s department of correction; provided, that the department shall expend not less than \$1,010,500 to cities and towns hosting facilities; provided further, that one-half of the number of inmates incarcerated at Souza Baranowski correctional center shall be deemed to be incarcerated within a correctional facility in the town of Shirley and one-half shall be deemed to be incarcerated within a correctional facility in the town of Lancaster; provided further, that before closing any correctional facility, the commissioner of corrections and the secretary of public safety shall report to the house and senate committees on ways and means and public safety on the per-inmate cost of incarceration in the closing facility, and the per-inmate cost in the facilities to which inmates will be moved; provided further, the commissioner of corrections and the secretary of public safety shall report to the house and senate committees on ways and means and public safety before January 1 of each year the point score compiled by the department of correction’s objective classification system for all prisoners confined in each prison operated by the department; provided further, that 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; provided further, that the department may expend funds appropriated in this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the parole board and the sex offender registry board; provided further, that not less than \$200,000 shall be expended for Aid to incarcerated mothers program; and ; provided further, that the department shall expend not less than \$750,000 to the municipality hosting the facility at Cedar Junction; provided further, and that not less than \$80,000 shall be provided for the Dismas House in Worcester; provided further provided further, that not less than \$192,000 shall be expended to the community that hosts the Bay State Correctional Center; and provided further that not less than \$150,000 shall be expended to the Black Men of Greater Springfield, Inc., so-called, in Springfield to act as the lead agency to provide after school and out-of school programs, and programs to avoid and reduce incarcerations, recidivism, gang-violence, and promote good citizenship 531,758,205”;

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

“8900-1100 For re-entry programs at the department of correction intended to reduce recidivism rates; provided, that said programs shall be in addition to those provided in fiscal year 2006; and provided further, that the department shall report to the house and senate committees on ways and means not later than January 20, 2009 on re-entry programming at the department of correction; and provider further, that not less than \$200,000 be expended for the operation of SPAN, Inc 1,200,000”;

In item 8910-0110 by striking out the figures “12,890,012” and inserting in place thereof the figures “13,090,012”; and In item 8910-0445 by striking out the figures “200,000” and inserting in place thereof the figures “250,000”.

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. Donelan of Orange; and on the roll call 145 members voted in the affirmative and 13 in the negative.

[See Yea and Nay No. 346 in Supplement.]

Therefore the amendments were adopted.

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

“SECTION 79. Notwithstanding any general or special law, rule or regulations to the contrary, in the towns of Billerica, Tewksbury,

Public Safety amendments adopted, yea and nay No. 346.

Wilmington, Chelmsford, and the city of Lowell, no fossil fuel electric power facilities or facility shall be located in an area which is less than 1 mile in linear distance from a playground, licensed day-care center, school, church, area of critical environmental concern, as determined by the secretary of environmental affairs pursuant to 301 CMR 12.00, or an area occupied by residential housing. Said linear distance shall be measured from the outermost perimeter of such facility to the outermost point of the aforementioned zones; provided, however that any such facility in operation on January 1, 2007, shall not be subject to this act. For the purposes of this section, ‘fossil fuel electric power facilities or facility’ shall be defined as any electric generating power plant that is fueled in whole or in part, by coal, oil or natural gas.”.

After debate (Mr. Donato of Medford being in the Chair) the amendment was rejected.

Mrs. Canavan of Brockton and other members of the House then moved to amend the bill by adding the following section:

“SECTION 79. Notwithstanding any general or special law, rule or regulations to the contrary, in the city of Brockton, or in the towns of West Bridgewater, East Bridgewater, Easton and Walpole, no fossil fuel electric power facilities or facility shall be located in an area which is less than 1 mile in linear distance from a playground, licensed day-care center, school, church, area of critical environmental concern, as determined by the secretary of environmental affairs pursuant to 301 CMR 12.00, or an area occupied by residential housing. Said linear distance shall be measured from the outermost perimeter of such facility to the outermost point of the aforementioned zones; provided, however that any such facility in operation on January 1, 2007, shall not be subject to this act. For the purposes of this section, ‘fossil fuel electric power facilities or facility’ shall be defined as any electric generating power plant that is fueled in whole or in part, by coal, oil or natural gas.”.

After debate the amendment was rejected.

Mr. Hynes of Marshfield then moved to amend the bill by adding at the end thereof the following section:

“SECTION 79. Chapter 58 of the acts of 2006 is hereby amended by adding the following section:—

Section 148. Notwithstanding any general or special law, rule, or regulation to the contrary, the commonwealth health insurance connector authority shall institute no mandate or requirement compelling enrollees to purchase prescription drug coverage.”.

The same member then moved to amend his amendment by inserting after the word “coverage” the words “; provided however, that the connector authority shall authorize plans which provide enrollees with choice in the selection of health care plans with some plans providing prescription drug coverage and at least one, less costly plan, which does not offer prescription drug coverage”.

After debate on the question on adoption of the further amendment, Mr. deMacedo of Plymouth asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Quorum, yea and nay No. 347.

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

[See Ye and Nay No. 347 in Supplement.]

Therefore a quorum was present.

After further 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. Hynes of Marshfield; and on the roll call 29 members voted in the affirmative and 128 in the negative.

[See Ye and Nay No. 348 in Supplement.]

Therefore the further amendment was rejected.

Pending the question on adoption of the amendment, at eighteen minutes before seven o'clock P.M. (Thursday, May 1) on motion of Mr. Golden of Lowell (Mr. Donato of Medford being in the Chair), the House recessed until the hour of seven o'clock P.M.; and at a quarter after seven o'clock the House was called to order with Mr. Koutoujian of Waltham in the Chair.

The amendment offered by Mr. Hynes then was rejected.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Finegold of Andover asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Koutoujian), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

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

[See Ye and Nay No. 349 in Supplement.]

Therefore a quorum was present.

Mr. Puppolo of Springfield then moved to amend the bill by adding at the end thereof the following section:

“SECTION 79. Establishing a special commission to investigate and study the manner in which municipalities and towns of the Commonwealth balance their fiscal year budgets, including the accounting methods utilized by said cities and towns. The Commission shall be appointed by the Governor and shall consist of 10 members as follows: the House and Senate chairmen of the Joint Committee on Municipalities who shall serve as co-chairs of this special commission, the House and Senate chairmen of the Committees on Ways and Means, or their designees, the Speaker of the House of Representatives or his designee, the President of the Senate or her designee, the State Auditor, or his designee, the Commissioner of the Department of Revenue or his designee, a representative of the Executive Office of Administration and Finance, and a representative of the Massachusetts Municipal Association. The Commission shall report to the General Court the results of its study, together with drafts of legislation necessary to carry such recommendation into effect, by filing the same with the clerk of the House of Representatives on or before December 31, 2008.”

After remarks the amendment was adopted.

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

“SECTION 80. Notwithstanding the provisions of any general law, rule or regulation to the contrary, the department of revenue shall not certify the tax rate of any municipality or town whose budget is balanced predicated on the collection of outstanding taxes owed that have gone uncollected for the past 5 years or older. No uncollected tax liability shall be allowed to be carried on the books and listed as an asset if the community has not reached a payment plan agreement within 2 years after it is originally delinquent.

The department of revenue shall require communities that submit budgets balanced by the collection of outstanding taxes show progress on such collection of that outstanding liability in one year and each subsequent year the payment plan is in place. The department of revenue shall establish a method in determining what sort of progress communities have undertaken to reduce their outstanding taxes owed before allowing them to be included as an asset on their municipal or town tally sheet.

The department of revenue shall develop and establish an emergency response team (ERT) which will assist communities that have been placed on the DOR's Watch List to review spending practices and offer assistance in managing financial operations of said community.”

The amendment was rejected.

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

“SECTION 80. Notwithstanding any general or special law to the contrary, the department of conservation and recreation shall enter into a lease agreement or agreements with the North Randolph Little League for property, currently, under the care and control of the department, the land adjacent to the existing North Randolph Little League field off of, High Street near the former Nike Missile site in the town of Randolph. The term of any such lease agreement shall be for not less than 10 years, with an option to renew for up to 10 additional years. The term of said lease agreement shall be for twenty years, and the town of Randolph shall pay a nominal consideration for said lease of \$1.00 per annum. All costs, fees and expenses relating to the care and maintenance for such property shall be paid by the lessee.

The amendment was rejected.

Mr. Timilty then moved to amend the bill by adding at the end the following section:

“SECTION 80. Notwithstanding section 72 of chapter 44 of the General Laws or any other general or special law to the contrary, any funds received by The Town of Milton pursuant to said section 72 shall be considered unrestricted revenue of the city, town or regional school district. Commencing in fiscal year 2009, and every year thereafter, The Town of Milton shall deposit in a separate account for expenditures by the school committee not less than 50 percent of any such funds received. The school committee may receive a percentage of this amount that is larger than said 50 percent if the committee negotiates an agreement with the executive body of the city or town to receive such a larger percentage. A school committee may make expenditures from the separate account for any lawful educational purpose, without further appropriation. Any

Further amendment rejected, ye and nay No. 348.

Recess.

Quorum.

Quorum, ye and nay No. 349.

General Appropriation Bill.

expenditure from said account on items qualifying as net school spending shall supplement the net school spending requirement of the district. The receipt of such funds shall not affect the calculation of the minimum required local contribution and state school aid as defined in section 2 of chapter 70 of the General Laws.”.

The amendment was rejected.

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

“SECTION 80. Notwithstanding the provisions of any general or special law to the contrary, the Department of Conservation and Recreation shall offer to the town of Milton a lease agreement for land currently under the jurisdiction and control of the DCR known as Max Ulin Rink and the existing adjacent parking area located on Unquity road in the town of Milton and the playing fields consisting of four tennis courts and three baseball/softball diamonds and including the existing adjacent parking area at Houghton’s Pond located at Blue Hill River road in the town of Milton to said town park and recreation department to be used for recreational purposes. The term of said lease agreement shall be for twenty years, and the town of Milton shall pay a nominal consideration for said lease of \$1.00 per annum. All costs, fees and expenses relating to the care and maintenance for such property shall be paid by the lessee.”.

The amendment was rejected.

Mr. Frost of Auburn then moved to amend the bill in section 2 by striking out items 2511-3003, 7003-0710, 7003-0711, 7007-1100 and 7007-1101 and by inserting after item 7061-9804 the following item:

“7061-9805 For a program to update text books and materials in the Commonwealth, provided that the Department of Education shall spend no less than \$15,000,000, to be distributed to each school district in the Commonwealth at not less than \$15 per pupil; provided that, the funding shall be limited to educational expenditures for text books, computers, lab equipment and other such learning materials and equipment as defined and approved by the Department of Education 14,230,000”.

After remarks (Mrs. Harkins of Needham being in the Chair) the amendment was rejected.

Mr. DeLeo of Winthrop then moved to amend the bill in section 2 By inserting after item 1599-0025 the following item:

“1599-0042 For a reserve to improve the quality of the commonwealth’s early education and care system; provided, that payments from said reserve shall be distributed by the department to increase reimbursement rates for subsidized early education and care; and provided further, that the increases shall be directed to expenditures for salaries, benefits, and stipends for professional development of early education and care workers or programmatic quality improvements 5,000,000”;

By striking out item 3000-1000 and inserting in place thereof the following item:

“3000-1000 For the administration of the department and the costs of field operations and licensing provided through the department; provided, that funds from this item shall be expended on the development and piloting of a kindergarten readiness assessment system that is educationally sound; provided further, that funds from this item shall be expended on the development of a comprehensive evaluation system for all early education and care programs in the commonwealth; provided further, that the department shall report on the first business day of each month to the joint committee on education, the joint committee on children and families, the house and senate committees on ways and means, and the secretary of administration and finance on the unduplicated number of children on waiting lists for state-subsidized early education and care programs and services, including supportive child care services; provided further, that notwithstanding chapter 66A of the General Laws, the department, the lead agencies of community partnership councils, the child care resource and referral agencies, the department of elementary and secondary education, the department of transitional assistance, the department of social services, and the department of public health may share with each other personal data regarding the parents and children who receive services provided under early education and care programs administered by the commonwealth for waitlist management, program implementation and evaluation, reporting, and policy development purposes; provided further, that funds from this item shall be expended to develop an implementation plan for a workforce development system in collaboration with the board and commissioner of higher education, pursuant to section 5 of chapter 15D of the General Laws; provided further, that as part of the development of said workforce implementation plan, the department shall expend funds for the development of core competencies for those working with children in early education programs; provided further, that the department shall consult with early childhood education practitioners, researchers and experts in early childhood education, child development, and children’s mental health, and faculty in degree granting programs in the early childhood education field; provided further, that in developing said core competencies the department shall differentiate by levels of responsibility, delivery settings, and developmental age group of the children; provided further, the department shall consider core competencies defined by other states as well as the program standards for children ages 3 and 4

promulgated by the department of elementary and secondary education; provided further, that the board of early education and care shall approve core competency requirements for those working with children from birth through entrance into kindergarten; provided further, that not less than \$250,000 shall be expended for the development of a quality rating system for early education and care programs participating in the universal pre-kindergarten program under chapter 15D of the General Laws; provided further, that the department shall consult with experts in early childhood education and quality measurement and with Massachusetts providers, including those representing family child care, non-profit centers, for-profit centers, head start programs, and public school programs; provided further, that the development of a quality rating system shall include, but not be limited to, a definition of quality standards under said chapter 15D, the development of a quality rating scale, and recommendations relative to quality rating system implementation, governance, monitoring, accountability, and for ensuring reciprocity between a quality rating system and existing accountability standards including but not limited to licensing regulations, National Association for the Education of Young Children accreditation, PRISM, and public school standards; provided further, that the department shall issue a report, not later than February 15, 2009, on the status of the department's programming to the secretary of administration and finance, the president of the senate, the speaker of the house of representatives, the chairs of the house and senate committees on ways and means, and the chairs of the joint committee on education; provided further, that the report shall contain the proposed core competencies to be issued by the department, and the status and findings of the department's quality rating system; provided further, that the report shall contain a multi-year plan for the alignment of rates and quality standards and for programs to move toward meeting the quality standards enumerated in item 3000-5075; provided further, that the report shall include the number of children served in the program in item 3000-4050 of this act, the number of additional children who would be eligible for services in that category, and the estimated cost of fully funding early education and care for those children; provided further, that the report shall contain details on the implementation of universal pre-kindergarten grants, along with any legislative recommendations for the improvement of the program; provided further, that the report shall

contain a multi-year plan for the alignment of all classroom based quality enhancement grants funded by the department in order to ensure fairness and consistency across all preschool grant programs; provided further, that the report shall include the department's recommendations on the consistent implementation of accreditation assistance across the commonwealth; provided further, that the report shall include the number of early childhood educators and providers who have received such training, the estimated number who have requested such additional training, and a review and analysis of the most effective types of professional development; provided further, that the report shall include the estimated number of preschool suspensions and expulsions that occur each year in the commonwealth, the relative frequency of each type of mental illness or behavioral issues among children receiving programs and services from the department, and an analysis of the most effective intervention strategies; and provided further, that no less than \$75,000 shall be expended for Partners for a Healthier Community, Inc. to provide the BEST Oral Health Program in Hampden County 13,942,894";

In item 3000-2000, in line 16, by inserting after the word "department" the following: "; provided further, an additional \$250,000 shall be made available by the department of early education and care for the administration of the vouchers by child care resource and referral agencies" and in said item by striking out the figures "25,211,771" and inserting in place thereof the figures "25,461,771";

In item 3000-5000 by striking out the figures "9,000,000" and inserting in place thereof the figures "10,000,000";

In item 3000-5075, in line 21, by inserting after the word "income" the words "; provided further, that funds may also be used to leverage and enhance community-wide capacity building efforts within statewide parameters established by the board" and in said item by striking out the figures "10,138,739" and inserting in place thereof the figures "12,138,739";

By striking out item 3000-6050 and inserting in place thereof the following item:

"3000-6050 For grants to provide professional development for early education and care providers to be distributed by the department with approval of the board; provided, 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, and child care resource and referral centers; provided further, that the department shall only approve professional development courses and offerings with proven, replicable results in improving early education and care,

and which shall have demonstrated the use of best practices, as determined by the department; provided further, that said professional development courses shall be aligned with core competencies identified by the department and with the Massachusetts Universal Pre-Kindergarten program quality standards; provided further, that the department shall encourage and support early childhood education and care providers to obtain associates and bachelors degrees through the Building Careers program mode; and provided further, that not less than \$250,000 shall be expended for the child development associate scholarships program 4,558,000”;

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

“3000-7050 For grants to programs which improve the parenting skills of participants in early education and care programs in the commonwealth; provided, that not less than \$5,395,694 shall be expended on the Mass Family Networks program; provided further, that not less than \$3,050,000 shall be expended for grants for the home-based parenting, family literacy, and school readiness program known as the Parent-Child Home Program; provided further, that the department shall distribute said \$3,050,000 not later than August, 2008 in order to allow a full year of service for families involved in these programs; provided further, that \$1,000,000 shall be made available for matching grants to fund a Reach Out and Read program, to provide books to at-risk children through book distribution programs established in community health centers, medical practices, and hospitals for at-risk children; provided further, that the funds distributed through Reach Out and Read program shall be contingent upon a match of not less than \$1 in private or corporate contributions for every \$1 in state grant funding; and provided further, that the department shall, to the maximum extent feasible, coordinate services provided through this item with services provided through item 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 9,505,694”;

In item 0640-0300 by striking out the figures “12,408,827” and inserting in place thereof the figures “12,658,827”;

In item 7000-9401 by striking out the figures “16,886,707” and inserting in place thereof the figures “17,136,707”;

In item 7000-9501, in line 15, by inserting after the word “program” the words “and under the guidelines for the nonresident circulation offset program” and by striking out the figures “9,489,844” and inserting in place thereof figures “9,989,844”;

By inserting after item 7000-9506 the following item:

“7000-9507 For the purposes of implementing a public library matching incentive grant program; provided, that a \$.50 state match shall be made for each \$1 that local trustees and public library foundations raise; provided further, that eligible state matching funds shall be made available to municipalities that raise at least \$2,000 and only up to \$100,000 raised; and provided further, that funds from this item shall be made available to the local public library trustees for the enhancement of library services and shall not be used as part of the local match for an approved public library project as defined in section 19H of chapter 78 of the General Laws or to meet the appropriation requirement as defined in section 19A of said chapter 78 200,000”;

By striking out item 7009-6379 and inserting in place thereof the following item:

“7009-6379 For the operation of the office of the secretary of education; provided, that agencies within the executive office may, with prior approval of the secretary, streamline and improve administrative operations under interdepartmental service agreements; provided further, the Secretary shall expend not less than \$15,000 for the commission relative to the scope of the degree-granting authority of the state colleges and the feasibility of establishing a system of state universities established by this act 947,092”;

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 the department, in collaboration with the commission on gay and lesbian youth established by section 67 of chapter 3 of the General Laws, shall allocate not less than \$300,000 for programming to ensure public schools’ compliance with the board of elementary and secondary education’s recommendations for the support and safety of gay and lesbian students and the implementation of related suicide- prevention and violence-prevention efforts; provided further, that not less than \$100,000 shall be expended for the operation of the student advisory council established pursuant to section 1E of chapter 15 of the General Laws; and provided further, that not later than November 15, 2008, the department shall submit a progress report to the secretary of administration and finance, the chairs of the house and senate committees on ways and means and the house and senate chairs of 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 17,055,302”;

In item 7010-0012 by striking out the figures “20,615,313” and inserting in place thereof the figures “21,615,313”;

In item 7010-0020 by striking out the year “2009” and inserting in place thereof the year “2010”;

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

“7027-0016 For matching grants for various school-to-work programs; provided, that the board of elementary and secondary education shall establish guidelines for such programs in consultation with the department of workforce development; provided further, that any funds distributed from this item to cities, towns or regional school districts shall be deposited with the treasurer of the city, town, or regional school district and held in a separate account and shall be expended by the school committee without further appropriation, notwithstanding any general or special laws to the contrary; provided further, that each grant awarded herein shall be matched by the recipient from local, federal, or private funds; provided further, that the board of elementary and secondary education may determine the percentage match required on an individual grant basis; provided further, that the department of elementary and secondary education shall make available a payment of \$734,400 for the state’s matching grant for the CS-squared program at the Commonwealth Corporation; provided further, that the department of elementary and secondary education shall make available a payment of \$942,191 to Jobs for Bay State Graduates, Inc., for the purpose of school-to-work activities; provided further, that not less than \$245,000 shall be made available to Junior Achievements of Massachusetts, of which not less than \$75,000 shall be provided to Junior Achievement of Eastern Massachusetts, and further, of which not less than \$60,000 shall be provided to Junior Achievement of Central Massachusetts, and further, of which not less than \$60,000 shall be provided to Junior Achievement of Southern Massachusetts, and further, of which not less than \$50,000 shall be provided to Junior Achievement of Western Massachusetts; provided further, that not less than \$50,000 shall be expended for MY TURN, INC. for the purpose of school to work activities, connecting to college activities and youth workforce development activities; provided further, that not less than \$150,000 shall be expended for the town of Southbridge for preventing violence and hate crimes in Kinder-

garten through 8; provided further, that the program shall also offer parent training and education in violence prevention and racial tolerance; provided further, that \$47,926 shall be made available to the Blue Hills Regional Technical School for the Blue Hills School to Careers Partnership to fund a Teacher Externship Program and a Student Internship Program; provided further, that not less than \$200,000 be allocated to the Massachusetts Foundation for the Humanities for an adult education program; provided further, that \$250,000 shall be expended for Amer-I-Can Program, Inc. through the Black Men of Greater Springfield, Inc.; provided further, that not less than \$50,000 shall be expended for the Diploma Plus Program at Cape Cod Community College; and provided further, that not less than \$200,000 shall be provided for the Diploma Plus drop out prevention program in partnership with the Commonwealth Corporation and the Massachusetts Department of Elementary and Secondary Education 2,869,517”;

By striking out item 7030-1002 and inserting in place thereof the following item:

“7030-1002 For kindergarten development grants to provide ongoing grant awards to continue quality enhancement of existing full-day kindergarten classrooms and to encourage the transition of half-day classrooms into full-day kindergarten classrooms; provided, that the department shall administer a grant program to encourage the voluntary expansion of high quality, full-day kindergarten education throughout the commonwealth; provided further, that grants of not more than \$18,000 per classroom shall be made available to public schools for planning transition from half-day classrooms to full-day kindergarten classrooms; provided further, that grants may be awarded in the first year of transition to full-day kindergarten implementation as a transition to Chapter 70 funding in subsequent years; provided further, that grants funded through this appropriation shall not annualize to more than \$18,000 per classroom in subsequent fiscal years; provided further, that preference shall be given to grant applicants with high percentages of students scoring in levels 1 or 2 on the Massachusetts comprehensive assessment system exam, as determined by the department based on available data; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further

appropriation, notwithstanding any general or special law to the contrary; provided further, that such program shall supplement and shall not supplant currently funded local, state and federal programs at the school or district; provided further, that not less than \$3,000,000 shall be expended on grants to expand half-day classrooms to new full-day classrooms; provided further, that any unexpended portion of said \$3,000,000 as of January 1, 2009 may be used for quality grants or for first year transition grants as authorized by this item; provided further, that not later than January 15, 2009, the department shall report to the house and senate committees on ways and means on the total number of grants requested and awarded; provided further, that the report shall detail common factors associated with both successful and unsuccessful applications and shall include the total number of full-day and half-day kindergarten classrooms projected to be in operation in public schools in fiscal year 2010; provided further, that funds appropriated in this item for transition grant awards may be expended through August 31, 2009, for the purposes of transition projects scheduled for the school year beginning in September 2009; 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 not less than they received in fiscal year 2008; and provided further, that no funds shall be expended for personnel costs 33,799,216”;

In item 7035-0002 by striking out the figures “30,072,458” and inserting in place thereof the figures “31,101,348”;

In item 7035-0006 by striking out the figures “58,300,000” and inserting in place thereof the figures “61,300,000”;

In item 7035-0007 by striking out the figures “1,950,000” and inserting in place thereof the figures “2,086,500”;

By inserting after item 7061-0008 the following item:

“7061-0011 For a reserve to: (1) meet extraordinary increases in the minimum required local contribution of a municipality as calculated pursuant to the requirements of section 3; provided, that a municipality seeking funds hereunder shall apply for a waiver from the department of revenue pursuant to section 67; provided, further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of education regarding the merits of such application; 2) assist towns that received less than the state average in chapter 70 funding and whose minimum per pupil contribution to regional vocational schools exceeds 40 percent

of their district minimum per pupil contribution; (3) assist regional school districts which, prior to fiscal year 2009, have assessed member towns using the provisions of their regional agreement, and which, in fiscal year 2009, will assess member towns using the required contributions calculated pursuant to section 3; (4) 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; (5) assist towns negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on military reservations located within the town’s limits; (6) assist regional school districts in rural areas which meet each of the following 2 criteria: (a) have fewer than 30 full-time enrollment students per square mile; and (b) have experienced more than 7 per cent enrollment decline between fiscal year 2003 and fiscal year 2008; provided, that preference shall be given to those districts that have joined the group insurance commission before July 1, 2008; (7) assist operating districts in which the chapter 70 aid, so-called, distributed in fiscal year 09 is less than the chapter 70 aid distributed in fiscal year 02; (8) meet extraordinary increases in minimum required local contribution in municipalities: a) whose assessment from any individual school district increased by more than 10% from FY 08 to FY09, b) for whom the increase is greater than 5% of the municipality’s total FY 09 operating budget, c) for whom the increase is due in part to implementation of the Department of Education ‘Turn Around Plan’ and d) for whom the increase is greater than four times the sum the municipality expects to raise through the statutory 2.5% increase in the tax levy and its estimated new growth for FY 09; provided, that any grants provided to school districts under 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 awards from this item not later than October 15, 2008; and provided further, that no funds distributed from this item shall be considered prior year chapter 70 aid nor used in the calculation of the minimum required local contribution for fiscal year 2010 3,500,000”;

By inserting after item 7061-0029 the following item:

“7061-0222 For grants issued by the department of elementary and secondary education on a competitive basis to school departments for targeted intervention for the purpose of establishing low-class size classrooms in grades K-3, starting in FY09 with

kindergarten, to assist the schools in improving their performance and to establish the efficacy of such a program in reducing gaps in achievement between at-risk and other children; provided further that the grants shall be used for establishing a class size of 15-17 pupils for kindergartens in the selected schools, planning, professional development, and other activities that enhance the capacity of the schools to develop a successful program; provided further that an evaluation/research component be included by the department to assess the efficacy of reduced class size in the early years in enhancing student achievement; provided further that the department may allocate a reasonable sum for evaluation/research and administration; provided further that the department may set additional criteria in awarding the grants, such as geographic distribution or diversity of size or types of school systems; and provided further, that said grants shall be coordinated by the department with all efforts undertaken through item 7061-9408

400,000”;

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 chapter 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 2008 claims; provided further, that not more than \$9,250,000 shall be used 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 of this \$9,250,000, not less than \$8,000,000 shall be made available to the department of mental retardation for the voluntary residential placement prevention program administered by that department; provided further, that \$800,000 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 \$800,000, \$285,000 shall be expended for the costs of borrowing audio textbooks by special education students; provided further, that \$450,000 shall be expended for the funding of the costs of 10 intercollaborative networks throughout the Commonwealth to provide partial funding for transportation coordination, administrative support, software updates, maintenance and training; provided further, that the funding shall be expended for the purpose of expanding the pilot program to demonstrate that transportation of students to out-of-district special education placements can be accomplished at a lower cost and with improved quality of service by delegating the planning and contracting for such transportation to education collaborative networks; provided further, that \$100,000 shall be expended for the administrative costs for statewide transportation network coordination that will provide funding for staff, supplies and materials; provided further, that the funding shall be expended for providing coordination and support services to the 10 collaborative transportation networks; provided further, that not more than \$1,000,000 shall 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 these monitoring activities shall occur in each school district in cycles of not less than 3 years; provided further, that not more than \$500,000 shall be expended to administer the reimbursements funded herein; provided further, that notwithstanding said section 5A of said chapter 71B, the department, at the discretion of the commissioner, may expend up to \$5,000,000 to reimburse districts for extraordinary increases in costs incurred during fiscal year 2009 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 which experience increases of greater than 25 per cent from costs reimbursable under said section 5A of said chapter 71B and incurred during fiscal year 2008 to costs reimbursable under said section 5A of said chapter 71B and incurred during fiscal year 2009 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 2008 claims; provided further, that if the claims are found to be inaccurate, the department shall recalculate the fiscal year 2009 reimbursement amount and adjust the third and fourth quarter payments to the districts to reflect the new reimbursement amount; provided further, that the department shall file a report with the chairs of the house and senate committees on ways and means no later than February 15, 2009, on the results of the audits; and provided further, that not less than \$2,000,000 shall be expended for partial reimbursement of transportation costs associated with out-of-district residential placements; provided further, that no district shall be eligible for said reimbursement unless it is participating in the special education transportation pilot program funded through this item, and demonstrates that they have used and applied special education transportation software to share routes; and provided further, that all eligible districts shall receive an equal pro-rated share of their total eligible costs upon submission of claims to the department of elementary and secondary education 227,802,533”;

By striking out item 7061-9404 and inserting in place thereof the following item:

“7061-9404 For grants to cities, towns and regional school districts to provide targeted remediation programs in English and math to students in the classes of 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013, scoring in level 1 or 2 on the Massachusetts comprehensive assessment system (MCAS) exam established by the board of elementary and secondary education pursuant to the provisions of sections 1D and 1I of said chapter 69 of the General Laws; provided, that the department and districts shall ensure that services are available to students with disabilities; provided further, that in awarding remediation funds, preference may be given to schools and districts at risk of or determined to be under-performing in accordance with said sections 1J and 1K of said chapter 69; provided further, that the purpose of this program shall be to improve students’ performance on the MCAS exam through replication of services and educational strategies with proven results as determined by the department of elementary and secondary education; provided further, that such programs shall supplement currently funded local, state, and federal programs at the school or district; provided further,

that funds shall be expended for a competitive grant program to fund academic support and college transition services to be implemented in fiscal year 2009, and operated by public institutions of higher learning or by public-private partnerships in the commonwealth, for students in the graduating classes of 2003, 2004, 2005, 2006, 2007, 2008 and 2009 who have completed high school but have not yet obtained a competency determination as defined in section 1D of chapter 69 as measured by the MCAS assessment instrument authorized by said section 1I of said chapter 69, but who are working to pass the English and math MCAS tests, obtain a competency determination, and earn a high school diploma; provided further, that for the purpose of the programs, appropriated funds may be expended through August 31, 2009, to allow for summer remediation programs; provided further, that funds shall be expended for a competitive grant program to fund Pathways programs targeting eleventh and twelfth graders, instituted by local school districts, public institutions of higher education and qualified public and private educational services organizations and One Stop Career Centers including, but not limited to, school-to-work connecting activities, creating worksite learning experiences for students as an extension of the classroom, outreach programs for students who will need post-twelfth grade remediation to attain the skills necessary to pass MCAS, and counseling programs to educate parents and high school students on post-twelfth grade remediation options; provided further, that funds shall be expended for a competitive grant program, guidelines for which shall be developed by the department of elementary and secondary education, for intensive remediation programs in communities with students in the graduating classes of 2003 to 2013, inclusive, who have not obtained a competency determination or have scored in levels 1 or 2 on either the English or math MCAS exams; provided further, that the department of elementary and secondary education may give preference for such assistance to those districts with a high percentage of high school students scoring in level 1 on the MCAS exam in English and math; provided further, that eligible applicants shall include individual high schools, and those institutions which shall have partnered with a high school or group of high schools; provided further, that no district shall receive a grant from this appropriation until said district submits to the department of elementary and secondary education a comprehensive district plan pursuant to the provisions of section 1I of

chapter 69, to improve performance of all student populations including, but not limited to, students with disabilities; provided further, that not less than \$1,000,000 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; provided further, that \$300,000 shall be transferred to the Efficacy Institute for work in ‘Campaigns for Proficiency’ in Springfield, Boston and Lawrence, to be used for training public school teachers and youth workers in afterschool programs in methods for using assessment data to develop effective strategies to improve student performance on the MCAS; provided further, that not less than \$180,000 shall be expended for the Invest-in-Kids program to provide after school programs in the city of New Bedford; provided further, that not less than \$125,000 shall be expended for Casa Dominicana in Lawrence; provided further, that not less than \$100,000 shall be expended for Esperanza Academy School of Hope; provided further, that not less than \$100,000 shall be expended for Lawrence Learning Center and Community Development in the City of Lawrence; provided further, that not less than \$75,000 shall be expended for Link Services at the Pettengill House in Salisbury to provide advocacy counseling, referrals, emergency assistance and prevention education programs to the children and families of both Triton Regional and Amesbury Public Schools; provided further, that not less than \$50,000 shall be expended for El Jolgorio’s Hispanic Writers Program for improving literacy skills and conflict resolution in Latino youth; provided further, that \$50,000 shall be expended for the Astro Park at Barnstable High School; provided further, that not less than \$75,000 shall be expended for Greater Lawrence Community Action Council, Inc.’s Spanish Community Services Program; provided further, that \$75,000 shall be expended for The WhizKids Foundation, Inc.; provided further, that not less than \$50,000 shall be expended for Centro Latino de Chelsea to provide adult basic education services in the city of Chelsea; provided further, that not less than \$370,000 shall be allocated to the Framingham public schools to evaluate existing dual- immersion programs in the town of Framingham and elsewhere in the Commonwealth, including an evaluation of best practices and all professional development related to these programs; provided further, that \$30,000 shall be expended to provide matching grants for Early Intervention Tutorial Literacy

teachers in each of the towns of Dalton and Bernardston to provide literacy intervention services for students in danger of failure on the MCAS test; provided further, that no less than \$87,500 be expended to provide funding for Camp Pohelho in Tewksbury; provided further that not less than \$100,000 shall be expended for programming and activities at the Newburyport Youth Services youth enrichment center; provided further, that any evaluation will examine the likelihood and efficiency of replication of these programs and practices in school districts with a large percentage of English language learners; provided further, that these funds may be expended for professional development related to these programs; provided further, that the department shall issue a report not later than February 1, 2009, and annually thereafter as a condition of continued funding under this account, in collaboration with the department of higher education, describing MCAS support programs for the graduating classes of 2003 to 2013, inclusive, funded by items 7061-9404 and 7027-0019, school to work accounts, institutions of public higher education, and other sources, including federal sources; provided further, that such report shall include, but not be limited to, the number of students eligible to participate in such programs, the number of students participating in such programs, the number of students who have passed the MCAS assessment and obtained a competency determination through these programs but not met local graduation requirements, and the number of students who have passed the MCAS assessment and obtained a competency determination through these programs and met local graduation requirements; provided further, that said report shall be provided to the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; provided further, that any grant funds distributed from this item to a city, town or regional school district shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such city, town, or regional school district without further appropriation, notwithstanding any general or special law to the contrary; and provided further, that no costs shall be expended for personnel costs 13,277,363”;

In item 7061-9408 by striking out the figures “8,475,041” and inserting in place thereof the figures “8,975,041”;
 In item 7061-9412 by striking out the figures “15,500,000” and inserting in place thereof the figures “17,500,000”;

General
 Appropriation
 Bill.

In item 7061-9600, in line 24, by inserting after the word “program” the following: “, including \$4,000 for production of a video to be used for provision of training and technical assistance” and in line 27 by inserting after the word “implementation” the following: “including \$4,000 for production of said video to be used for provision of training and technical assistance”;

In item 7061-9610 by striking out the figures “475,000” and inserting in place thereof the figures “600,000”;

In item 7061-9611 by striking out the figures “2,500,000” and inserting in place thereof the figures “5,000,000”;

In item 7061-9626 by striking out the figures “2,270,500” and inserting in place thereof the figures “2,520,500”;

In item 7061-9804, in line 13, by inserting after the word “knowledge” the following: “; provided further, that not less than \$100,000 shall be expended for the Massachusetts Math and Science Initiative for the purpose of providing grants to no less than 10 school districts for teacher training for advanced placement instruction” and in said item by striking out the figures “891,367” and inserting in place thereof the figures “991,367”;

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

“7066-0000 For the operation of the department; provided, that the department shall recommend savings proposals that permit institutions of public higher education to achieve administrative and program cost reductions, resource re-allocation and program re-assessment and to utilize resources otherwise available to such institutions; provided further, that in order to meet the estimated costs of employee fringe benefits provided by the commonwealth on account of employees of the Massachusetts State College Building Authority and the University of Massachusetts Building Authority, and in order to meet the estimated cost of heat, light, power and other services, if any, to be furnished by the commonwealth to projects of these authorities, the boards of trustees of the state colleges and the University of Massachusetts shall transfer to the General Fund from the funds received from the operations of the projects such costs, if any, as shall be incurred by the commonwealth for these purposes in the current fiscal year, as determined by the appropriate building authority, verified by the commissioner of higher education and approved by the secretary of administration and finance; provided further, that \$1,000,000 shall be expended for the Massachusetts Nursing and Allied Health Workforce Development Initiative, to develop and support strategies that increase the number of Massachusetts public higher education faculty members and students who participate in programs that support careers in fields related to nursing and allied health; provided further, that not less than

\$100,000 shall be expended for Paul H. Sullivan Leadership Institute at Middlesex Community College; provided further, that not less than \$50,000 shall be expended to support the development of a South County Quinsigamond Community College satellite campus; provided further, that not less than \$1,000,000 shall be expended for the department to make payments to public higher education institutions for the dual enrollment program allowing qualified high school students to take college courses; and provided further, 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 4,331,791”;

In item 7070-0065 by striking out the figures “94,315,518” and inserting in place thereof the figures “96,815,518”;

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

“7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding any general or special law to the contrary, the university may establish and organize auxiliary organizations, subject to policies, rules and regulations adopted by the board, to provide essential functions which are integral to the educational mission of the university; provided further, that notwithstanding any general or special law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance; provided further, that not less than \$500,000 shall be expended in fiscal year 2009 for the University of Massachusetts at Amherst Cranberry Station at Wareham; provided further, that such funds shall be expended under a plan reviewed and recommended by the University of Massachusetts at Amherst Cranberry Experiment Station Board of Oversight; provided further, that the sum expended for the UMass Extension in fiscal year 2009 shall be adjusted only in direct proportion to university budget adjustments to other academic programs of the University of Massachusetts at Amherst; provided further, that such funds shall be expended in accordance with a plan reviewed and recommended by the UMass Extension Board of Public Overseers; provided further, that not less than \$250,000 shall be expended for the Future of Work Initiative at the University of Massachusetts Labor Centers at the Amherst, Boston, Dartmouth and Lowell campuses; provided further, that not less than \$368,000 shall be expended for the Mauricio Gaston Institute for Latino Community Development and Public Policy at the University of

Massachusetts at Boston; provided further, that not less than \$60,000 shall be expended for the Grace Grossman Inner-City Youth Collaborative at the University of Massachusetts Field Station on Nantucket; provided further, that not less than \$50,000 shall be expended for the 4-H program; provided further, that not less than \$500,000 shall be expended for the Center for Portuguese Studies to operate at the University of Massachusetts at Dartmouth; provided further, that not less than \$50,000 shall be expended for the UMASS Dartmouth Center for Business Research; and provided further, that not less than \$541,000 shall be expended for the operation of the Edward J. Collins, Jr. Center for Public Management at the University of Massachusetts at Boston's McCormack Graduate School of Policy Studies 493,242,600”;

and by striking out item 7100-0300 and inserting in place thereof the following item:

“7100-0300 For the operation of the Toxics Use Reduction Institute program at the University of Massachusetts at Lowell, in accordance with section 6 of chapter 211 of the General Laws; provided, that not less than \$250,000 shall be expended for research on breast cancer prevention performed in collaboration with the University of Massachusetts at Lowell, the Silent Spring Institute and the Massachusetts Breast Cancer Coalition 1,917,454”;

and in section 57, in line 5, by inserting after the word “Laws” the following: “; provided further, that said Massachusetts Science, Technology, Engineering and Mathematics Grant Fund shall transfer \$1,000,000 to the department of elementary and secondary education for teacher content training in math and science provided by item 7061-9804 of section 2; provided further, that the department of elementary and secondary education shall expend \$925,000 of said \$1,000,000 for teacher training in the life sciences to support students in meeting the science graduation requirement; provided further, that the department of elementary and secondary education shall consult with the department of higher education to coordinate such teacher training and other STEM initiatives; and provided further that the department of elementary and secondary education shall expend not less than \$75,000 of said \$1,000,00 for a contract with a qualified agent to conduct a survey of existing programs and contractual provisions of school districts which support professional development in STEM fields and shall file a report of the findings of said survey together with legislation, if any, with the governor, the president of the senate, the speaker of the house of representatives, the chairs of the house and senate ways and means committees and the chairs of the joint committee on education, the board of elementary and secondary education, and the secretary of education”.

Suspension of Rule 1A.

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

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 132 members voted in the affirmative and 25 in the negative.

[See Yeas and Nays No. 350 in Supplement.]

Therefore Rule 1A was suspended.

After further debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Ms. St. Fleur of Boston; and on the roll call 148 members voted in the affirmative and 10 in the negative.

[See Yeas and Nays No. 351 in Supplement.]

Therefore the amendments were adopted.

At ten minutes before ten o'clock P.M. (Thursday, May 1), the Chair (Mrs. Harkins of Needham) declared a recess until the hour of ten o'clock; and at twenty minutes after ten o'clock the House was called to order with the Speaker in the Chair.

After debate on the question on passing the bill, as amended, to be engrossed, Mr. DeLeo of Winthrop moved to amend it in section 2

By striking out item 4400-1000 and inserting in place thereof the following item:

“4400-1000 For the central administration of the department; provided, that during fiscal year 2009 the department shall maintain 2 transitional assistance offices in the city of Springfield; provided further, that all costs associated with verifying disability for all programs of the department shall be paid from this item; provided further, that the department shall submit on a monthly basis to the house and senate committees on ways and means and the secretary of administration and finance a status report on program expenditures, savings and revenues, error rate measurements, and public assistance caseloads and benefits; provided further, that the report shall comprehensively track statewide use of the emergency assistance program by eligibility category including, but not limited to, caseload, average length of use or stay and monthly expenditures; provided further, that the department shall collect all out-of-court settlement restitution payments; provided further, that the restitution payments shall include, but not be limited to, installment and lump sum payments; provided further, that notwithstanding any general or special law to the contrary, unless otherwise expressly provided, federal reimbursements received for the purposes of the department, including reimbursements for administrative, fringe and overhead costs, for

Rule 1A suspended, yeas and nays No. 350.

Education amendments adopted, yeas and nays No. 351.

Recess.

General Appropriation Bill.

the current fiscal year and prior fiscal years, shall be credited to the General Fund; provided further, that under 21 U.S.C. section 862a(d)(1), the department shall exempt individuals from the eligibility restrictions of 21 U.S.C. section 862a, except that individuals incarcerated for a conviction which would otherwise be disqualifying under 21 U.S.C. section 862a(a) shall not be eligible for cash assistance funded through item 4403-2000 during the first 12 months after release from a correctional institution unless the individual qualifies for an exemption under subsection (e) of section 110 of chapter 5 of the acts of 1995, or any successor statute, or a domestic violence waiver; provided further, that an application for assistance under chapter 118 of the General Laws shall be deemed an application for assistance under chapter 118E of the General Laws; provided further, that if assistance under said chapter 118 is denied, the application shall be transmitted by the department to the executive office of health and human services for a determination of eligibility under said chapter 118E; provided further, that the department shall continue policies to increase participation in the food stamp program; provided further, that the department shall, to the extent feasible within the appropriation provided, provide for extended office hours; provided further, that the department shall accomplish the staffing of these extended office hours to the maximum extent possible through the use of flex-time that will allow workers to modify their working hours to accommodate their specific personal and family needs; provided further, that the department shall, to the extent feasible within the appropriation provided, continue and expand the program of placing workers at community and human service organizations for the purposes of facilitating food stamp applications and redeterminations; provided further, that the department shall report to the house and senate committees on ways and means no later than December 15, 2008 on the extended office hours and placement of workers at community and human service organizations that the department has determined is feasible within the appropriation provided and that the department will provide in the current fiscal year; and provided further that not less than \$800,000 shall be expended for the operation of the homeless management information system 67,871,680”;

In item 4403-2000, in line 64, by inserting after the word “appropriation” the following: “; provided further, that not less than \$418,074 shall be expended for the purposes of the operation of the transportation assistance program operated by Traveler’s Aid Family

Services; provided further, that not less than \$150,000 shall be expended for the lift transportation program operated by Traveler’s Aid Family Services”;

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

“4403-2120 For certain expenses of the emergency assistance program as follows: (a) contracted family shelters; (b) transitional housing programs; (c) programs to reduce homelessness in Barnstable, Dukes, Nantucket and Hampden counties; (d) residential education centers for single mothers with children; (e) intake centers; and (f) voucher shelters; provided, that eligibility shall be limited to families with income at or below 130 per cent of the federal poverty level; provided, however, that any family whose income exceeds 130 per cent of the federal poverty level while the family is receiving assistance funded by this item shall not become ineligible for assistance due to exceeding the income limit for a period of 6 months from the date that the 130 per cent level was exceeded; provided further, that the department shall establish reasonable requirements for such families to escrow some or all of the portion of their income which exceeds 130 per cent of the federal poverty level; provided further, that any such escrowed funds shall be exempt from otherwise applicable asset limits; provided further that the family shall be allowed to withdraw the amount placed in escrow upon transition to permanent housing or losing eligibility for shelter services; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States; provided further, that the department shall take all steps necessary to enforce regulations to prevent abuse in the emergency assistance program; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized; provided further, that eligible households shall be placed in shelters as close as possible to their home community unless a household requests otherwise; provided further, that if the closest available placement is not within 20 miles of the household’s home community, the household shall be transferred to an appropriate shelter within 20 miles of its home community at the earliest possible date unless the household requests otherwise; provided further, that eligibility for shelter by an otherwise eligible family shall not be impaired by prior receipt of any non-shelter benefit; provided further, that the department

shall make every effort to ensure that children receiving services from this item shall continue attending school in the community in which they lived prior to receiving services funded from this item; provided further, that not less than \$1,668,180 shall be expended for the Housing Assistance Program operated by Community Action Programs Inter-City, Inc.; 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 in promulgating, amending or rescinding regulations with respect to eligibility or benefits under this program, the department shall take into account the amounts available to it for expenditure in this item so as not to exceed the amount appropriated in this item; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any such eligibility or benefit changes, the commissioner shall file with house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that all of this item shall be subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated by this item; provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels except to the extent that such changes are

needed to avoid a deficiency in this item; provided, that \$25,000 shall be expended for education, advocacy and case management services by Casa Latina, located in the City of Northampton; provided further, that an amount not less than \$179,381 shall be expended for the Crossroads Family Shelter in East Boston; provided further, that not less than \$100,000 shall be expended for a contract with Project Just Because, a non-profit organization in the town of Hopkinton, to assist in providing food, supplies, and services to the indigent and those in danger of becoming homeless across the MetroWest region; provided further that not less than \$100,000 shall be expended for the Playspace Programs operated by Horizons for Homeless Children in family shelters; provided further, that contract (RPO) SCWELL 4092500010000 with Open Pantry Community Services, Inc., be an amount not less than \$545,195; provided further, that not less than \$25,000 shall be expended for the River House shelter in Beverly; and provided further that not less than \$50,000 shall be expended for the Weymouth Youth and Family Services Teen Center to provide for advocacy, social service programs and to promote growth, social welfare and education 86,921,288”;

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

“4800-0015 For central and area office administration; provided, that the associated expenses of employees whose AA object class costs are paid from item 4800-1100 shall be paid from this item; provided further, that no funds shall be expended from this item for the compensation of unit 8 employees; provided further, that the department shall not place a child or adolescent referred by, or discharged from, the care of the department of mental health until the latter department forwards an assessment and recommendation as to whether the child or adolescent may be appropriately placed in foster care or, if due to severe emotional disturbance, is more appropriate for group care; provided further, that the department, in consultation with the department of mental health, shall establish guidelines to assist the latter department in making such assessments and recommendations; provided further, that, unless otherwise authorized, all funds, including federal reimbursements received by the department, shall be credited to the General Fund; provided further, that the department shall expend not less than \$1,000,000 in the AA or CC object codes to hire medical and psychiatric staff to 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 design and implement standards for early education and care placements made through the supportive child care program; provided further, that the department, 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 contracted 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 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 chairs of the senate and house committees on ways and means and the chairs of 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, the number of children on the waitlist for supportive child care 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 department of social services 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 social services may transfer funds between items 4800-0021, 4800-0030, 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 December 1, 2008, 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 including but not limited to (a) the criteria for which a child in need of services is removed from the home; (b) the criteria for the delivery of services alternative to

removing a child from the home; and (c) the criteria for the involvement of the department of social services when a child remains in the home; and provided further, that not more than 5 per cent of any item shall be transferred in fiscal year 2009 77,329,472”;

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

“4800-0038 For stabilization, unification, reunification, permanency, adoption, guardianship and foster care services provided by the department of social services; provided, that services funded through this item shall include shelter services, substance abuse treatment, family reunification networks, young parent programs, parent aides, education and counseling services, family preservation services, foster care, adoption and guardianship subsidies, tiered reimbursements used to promote the foster care placement of children with special medical and social needs, assessment of the appropriateness of adoption for children in the care of the department for more than 12 months, protective services provided by partnership agencies, targeted recruitment and retention of foster families, respite care services, post-adoption services, support services for foster, kinship and adoptive families, 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 2009; provided further, that not less than \$2,300,000 shall be expended for the Young Parent Support Program; provided further, that not less than \$500,000 shall be expended on the recruitment and retention of foster parents; provided further, that not less than \$498,850 shall be expended for Latinas y Ninos and Casa Esperanza; provided further that not less than \$7,500 shall be provided for the House of Peace and Education in Gardner for ‘HOPE for Kids’; provided further that, no less than \$300,000 shall be expended for Massachusetts Families for Kids; provided further, that not less than \$200,000 shall be expended to support the family center component of the Greater Lowell Family Resource Center; provided further that no less \$125,000 shall be expended for the North End Outreach Network of Springfield; provided further, that not less than \$100,000 shall be expended for the Conway Children’s Advocacy Center of Plymouth County; provided further, that not less than \$150,000 shall be expended in region 1 for a community-based family unification counseling program to prevent juvenile delinquency;

provided further, that not less than \$50,000 shall be expended for Family Service, Inc. of Lawrence; provided further, that not less than \$163,642 be expended for the International Institute of the Merrimack Valley; provided further, that not less than \$100,000 shall be expended for the Families United for Teens? Health; provided further, that not less than \$187,500 shall be expended on the Center for Family Connections in Cambridge to provide therapeutic and rehabilitative mental health services, targeted research on well-being outcomes, and permanency planning for older hard-to-place youth and those aging out of the foster care system; provided further that not less than \$140,000 shall be expended for the MSPCC Franklin County Supervised Visitation Program; provided further, that not less than \$300,000 shall be expended for a statewide contract with Northeastern University for violence prevention and conflict resolution program; provided further that not less than \$50,000 shall be expended for youth violence prevention programs administered by Youth Central Services; provided further, that not less than \$130,000 shall be expended for the Children’s Cove Cape and Islands Child Advocacy Center; provided further, that not less than \$25,000 shall be expended for the Concilio Hispano in Somerville; provided further, that not less than \$25,000 shall be expended for Centro Presente of Cambridge; provided further, that not less than \$20,000 shall be expended for the Massachusetts Association of Portuguese Speakers of Cambridge; provided further, that not less than \$20,000 shall be expended for the Haitian Coalition of Somerville; provided further, that not less than \$20,000 shall be expended for the Baby Safe Haven program; provided further, that not less than \$50,000 shall be expended for the purpose of providing case management services for the Amity Transitional Housing Program in the city of Lynn; provided further that not less than \$150,000 shall be expended for the Julie’s Family Learning Center in South Boston, a section of Boston; provided further that not less than \$257,000 shall be expended for a contract with the Laboure Center in the South Boston section of Boston for an Integrated Family Service team in Region 6; provided further that not less than \$104,123 shall be expended in grants for Framingham High School for the Teen Parenting program; provided further that no less, \$298,000 for Alternative Schools for students aged 14-16 inclusive who are placed before the on children in need of services petitions (CHINS); provided further,

that not less than \$140,000 shall be expended for the Comprehensive School Age Parenting Program, Inc. for maintaining and expanding its year-round school based programs in Boston high schools, middle schools, pilot schools and small schools education complexes for pregnant teens, young mothers and fathers and other youth at high risk of school drop out; and provided further, that not less than \$50,000 shall be provided for youth services at the Uxbridge Youth Center

314,005,962”;

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

“4800-1400 For shelters and support services for people at risk of domestic violence; provided, that the department shall pursue the establishment of public-private partnership agreements established for family stabilization services funded from sources other than the commonwealth; provided further, that services shall include supervised visitation programs, certified batterer intervention programs for indigent batterers and their families, and scattered site transitional housing programs, including programs to assist victims of domestic violence in finding and maintaining permanent housing; provided further, that participants in battered women’s programs shall be provided with information regarding local transitional housing resources; provided further, that funding shall be made available to enhance counseling services for children who have witnessed domestic violence; provided further, that funding shall be made available for emergency shelters for substance abusing battered women; provided further, that funding shall be made available for a statewide domestic violence hotline; provided further, that the department shall continue to provide any match funding required by federal program regulations; and provided further, that domestic violence prevention specialists shall be funded from this item; provided further that not less than \$150,000 shall be expended for a domestic violence prevention program called ‘Teens-At-Risk’, operated by Portal To Hope for the communities of Everett, Lynn, Malden, Medford and Winthrop without the need of approval by the commissioner of public health; provided further, that not less than \$15,000 shall be expended for the Words not Weapons mentoring project in the town of Saugus; provided further, that not less than \$10,000 shall be expended for the Wakefield Alliance Against Violence; and provided further, that not less than \$10,000 shall be expended for the Melrose Alliance Against Violence

22,972,526”.

Social Services amendments adopted, yea and nay No. 352.

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. Flanagan of Leominster; and on the roll call 138 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 352 in Supplement.]

Therefore the amendments were adopted.

Bills enacted.

Engrossed Bills.

Engrossed bills

Relative to Gary J. Lopes, Jr. an employee of the town of Wareham (see Senate, No. 2333) (which originated in the Senate);

Relative to town meeting votes in the town of Lexington (see House, No. 1958);

Relative to notices of town meetings in the town of Lexington (see House, No. 4261); and

Authorizing the town of Longmeadow to continue the employment of Police Chief Robert Danio (see House, No. 4437, amended);

(Which severally originated in the House);

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

Recess.

Recess.

At half past eleven o’clock P.M. (Thursday, May 1), on motion of Mr. Scaccia of Boston (the Speaker being in the Chair), the House recessed until the hour of eleven o’clock A.M. on Friday, May 2; and at that time, the House was called to order with Mr. Donato of Medford in the Chair.

Friday, May 2, 2008 (at 11:00 o’clock A.M.).

Prayer.

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

God, Our Creator, the Ultimate Source of Goodness and Compassion, we depend upon You and Your guidance as we struggle each day to serve You, constituents and our families conscientiously. We look to You for the wisdom to address the needs and expectations of the people in a fair, just and objective manner. During these difficult times of economic stress and limited material resources, help us to make the right decisions as we continue to discuss and vote on House 4700. Inspire us to be fully aware of the many current and future needs of people and our Commonwealth. Let our disagreements be centered on legislative issues, goals and public policies as we work together to build a stable, peaceful and prosperous society. May we be grateful for the blessings and rights which we enjoy as residents of this state and country.

Pledge of allegiance.

Bestow Your blessings on 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.

Boston College High School.

Guests of the House.

During the session, the Speaker took the Chair and introduced students from the eighth grade class of the Arrupe Division of Boston College High School. The students, including the Speaker's son, Christian, accompanied by teachers James Cochran, Mike Dibbert, Meg Felice and Jeff Rath were the guests of the Speaker.

Anne
Whittredge.

Resolutions.

Resolutions (filed with the Clerk by Mrs. Harkins of Needham) congratulating Anne Whittredge on the occasion of her retirement, were referred, under Rule 85, to the committee on Rules.

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

Orders.

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

Ordered. That, notwithstanding the provisions of Joint Rule 10, the committee on Education be granted until Monday, June 30, 2008, the time within which to report on Senate documents numbered 284, 293 and 298 and House documents numbered 397, 406, 415, 443, 451 and 466, relative to education.

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

Education
committee,
extension
of time for
reporting.

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

Ordered. That, notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Monday, June 2, 2008, the time within which to report on current Senate documents numbered 1150, 1151, 1154, 1156, 1157, 1158, 1159, 1167, 1173, 1193, 1196, 1197, 1202 and 2341, and current House documents numbered 1917, 1919, 1940, 1941, 1942, 1946, 1947, 1948, 1953, 1956, 1969, 1977, 1981, 1993, 1995, 2000, 2004, 3788, 4168, 4413 and 4583, relative to civil process, zoning, animal, limit the use of eminent domain in the city of Amesbury, police auctions, to appoint certain member to the conservation commission for the town of Sheffield, imposing fines for violations for ordinances in the city of Boston and authorizing the city of Lynn to impose liens on properties for non-payment of municipal fines or penalties.

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

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

Douglas,
Watershed
District.

Papers from the Senate.

The engrossed Bill authorizing the establishment of the Whitin Reservoir Watershed District in the town of Douglas (see Senate, No. 2344) which had been returned to the Senate by His Excellency the Governor, in accordance with the provisions of Article LVI of the Amendments to the Constitution, with recommendation of amendment (for message, see Senate, No. 2617), came from said branch with endorsement that it had adopted said amendment as contained in said message and as approved by the Senate committee on Bills in the Third Reading.

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

Brockton,
housing
land.

The House Bill authorizing the city of Brockton to convey certain park land to the Brockton Housing Authority (House, No. 4164) came from the Senate passed to be engrossed, in concurrence, with amendments striking out section 3 and inserting in place thereof the following sections:

"SECTION 3. As a condition of the conveyance authorized in sections 1 and 2, the city of Brockton shall transfer a parcel of land under the care, custody, management and control of the mayor and city council and dedicated for general municipal purposes to the parks department or the conservation commission. The parcel shall be dedicated for park or conservation purposes. If no suitable parcel can be transferred for park or conservation purposes, the city shall acquire a parcel of land or a conservation easement, as defined in section 31 of chapter 184 of the General Laws, and shall dedicate the land or easement, which shall fall under the jurisdiction of the parks department or the conservation commission, to park or conservation purposes. The parcel dedicated pursuant to this section shall be of equal or greater size and value for park or conservation purposes to the parcel described in section 1, as determined by the parks department or the conservation commission.

SECTION 4. If the land conveyed pursuant to section 1 ceases to be used for the purposes described in section 1, the land shall revert back to the city of Brockton for conservation or public park purposes.

SECTION 5. This act shall take effect upon its passage."

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

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

The following orders (having been reported by the committees on Rules of the two branches, acting concurrently) came from the Senate with the endorsement that they had been adopted by said branch:

Ordered. That notwithstanding the provisions of Joint Rule 10, the committee on Bonding, Capital Expenditures and State Assets be granted until May 21, 2008 within which time to make its final report on certain current Senate documents numbered 30, 31, 32, 33,

Bonding,

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

34, 35, 36, 37, 38, 39, 40, 44, 47, 48, 49, 50, 51, 57, 58, 146, 470, 504, 514, 522, 727, 2020, 2153, 2176, 2219, 2361, 2392, 2411, 2420, 2439, 2470, 2474, 2550, 2589 and 2626 and certain current House documents numbered 620, 625, 734, 785, 4664, 4669, 4670 and 4671 relative to bonding, capital expenditures and state assets.

Ordered. That notwithstanding the provisions of Joint Rule 10, the committee on Bonding, Capital Expenditures and State Assets be granted until Wednesday, May 21, 2008 within which time to make its final report on current Senate document numbered 2625, relative to bonding, capital expenditures and state assets.

Westfield, conservation restriction.

Under suspension of the rules, in each instance, on motion of Mr. Flynn of Bridgewater, the orders were considered forthwith; and they were adopted, in concurrence.

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

Northampton, agricultural preservation.

Petition (accompanied by bill, Senate, No. 2674) of Michael R. Knapik, Peter V. Kocot and Donald F. Humason, Jr. (with the approval of the mayor and city council of the city of Westfield) for legislation to authorize the Department of Fish and Game to acquire a conservation restriction on lands of the city of Westfield. To the committee on Bonding, Capital Expenditures and State Assets.

Mark Stanton, sick leave bank.

Petition (accompanied by bill, Senate, No. 2676) of Stanley C. Rosenberg and Peter V. Kocot for legislation to affect certain land in Northampton subject to an agricultural preservation restriction. To the committee on Environment, Natural Resources and Agriculture.

Lois Tobin, sick leave bank.

Petition (accompanied by bill, Senate, No. 2677) of Thomas M. McGee, Richard R. Tisei and Katherine M. Clark for legislation to establish a sick leave bank for Mark Stanton, an employee of the Department of Public Health; and

Nonprofit Awareness Day.

Petition (accompanied by bill, Senate, No. 2678) of Thomas M. McGee for legislation to establish a sick leave bank for Lois Tobin, an employee of the Department of Mental Retardation;

Severally to the committee on Public Service.

Petition (accompanied by bill, Senate, No. 2679) of Dianne Wilkerson, Steven C. Panagiotakos, Stanley C. Rosenberg, Susan C. Fargo and other members of the General Court for legislation relative to the annual observance of Massachusetts Nonprofit Awareness Day. To the committee on State Administration and Regulatory Oversight.

Westborough, property disposition.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Karyn E. Polito and others relative to the disposition of certain property in the town of Westborough by the Division of Capital Planning and Operations and said town. Under suspension of the rules, on motion of Ms. Polito of Shrewsbury, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Bonding, Capital Expenditures and State Assets. Sent to the Senate for concurrence.

Psychotherapy, regulating.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Thomas J. Calter and others for legislation to further regulate the practice of psychotherapy. Under suspension of the rules, on motion of Mr. Calter of Kingston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Health. Sent to the Senate for concurrence.

Public employees, indemnification.

By Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4607) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2446) of Robert K. Coughlin and others relative to indemnification of certain public employees,— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Waltham, property lease.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to lease of property at 555 Trapelo Road, Waltham, Massachusetts, now Known as a portion of the former Metropolitan State Hospital (House, No. 4636) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Manuel Affonso, sick leave.

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

By Mr. Kaufman of Lexington, for the committee on Public Service, on a joint petition, a Bill establishing a sick leave bank for Manuel M. Affonso Jr., an employee of the Department of Correction (House, No. 4717). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Braintree, military tax abatements.

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

By Mr. Binienda of Worcester, for the committee on Revenue, on a petition, a Bill authorizing the board of assessors of Braintree to grant tax abatements to certain military personnel (House, No. 4240) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Arlington, town water maintenance.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Arlington to establish a special account for maintenance of its town water bodies (printed in House, No. 4471) be scheduled for consideration by the House.

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

Bills
enacted.

Engrossed Bills.

Engrossed bills

Establishing the position of municipal hearing officer in the city of Somerville (see Senate, No. 2166);

Establishing the position of municipal hearing officer in the city of Somerville (see Senate, No. 2313); and

Authorizing the town of Milton to borrow money to fund certain payments (see Senate, No. 2487);

(Which severally originated in the Senate);

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

Methuen,
lease.

Orders of the Day.

The engrossed Bill authorizing the city of Methuen to lease a portion of a certain building to the Methuen Municipal Employees Federal Credit Union (see House, No. 4325) which had been returned by His Excellency the Governor pursuant to Article LVI of the Amendments to the Constitution with recommendation of amendment (for message, see House, No. 4552), was considered.

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

In section 1 (as engrossed), in line 1, by striking out the figure "5" and inserting in place thereof the figures "16".

Sent to the Senate for its action.

Third
reading
bill.

The Senate Bill authorizing the town of Rockland to establish a school building capital trust fund (Senate, No. 2264, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bills.

House bills

Relative to public access of private restroom facilities (House, No. 2121);

Establishing the Caleb Chase trust fund revenue fund in the town of Dennis (House, No. 3153);

Relative to conservation restrictions on certain parcels of land under the control of the town of Edgartown (House, No. 4294);

Relative to professional engineers and land surveyors (House, No. 4339);

Authorizing the town of Topsfield to issue a license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 4428);

Authorizing the town of Shirley to establish an account for the Longley Acres Conservation Area (House, No. 4430);

Exempting the position of chief of police in the city of Methuen from the civil service law (House, No. 4461);

Authorizing the appointment of Brian Santarlasci as a police officer in the city of Haverhill (House, No. 4462) (its title having been changed by the committee on Bills in the Third Reading);

Exempting the position of deputy chief of police in the town of Dartmouth from the civil service law (House, No. 4464) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the Grafton and South Grafton water districts (House, No. 4513);

Authorizing the city known as the town of Watertown to fill by appointment a vacancy in the Board of Trustees of the public library (House, No. 4584);

Establishing a voting precinct in the town of Hingham (House, No. 4591);

Designating a certain bridge in the town of Grafton as the Private Walter Ermak Bridge (House, No. 4919); and

Establishing a sick leave bank for Marya Panzica, an employee of the Department of Mental Retardation (House, No. 4924) (its title having been changed by the committee on Bills in the Third Reading);

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

Recesses .

Recesses.

At ten minutes after eleven o'clock A.M. (Friday, May 2), on motion of Mr. Bosley of North Adams (Mr. Donato of Medford being in the Chair), the House recessed until half past eleven o'clock; and at nineteen minutes before twelve o'clock noon the House was called to order with Mr. Smizik of Brookline in the Chair.

The House thereupon took a further recess, on motion of Mr. Verga of Gloucester, until the hour of twelve o'clock; and at a quarter after twelve o'clock the House was called to order with Mrs. Harkins of Needham in the Chair.

Quorum.

Quorum.

Ms. Reinstein of Revere thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins), 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.

Quorum,
yea and nay
No. 353.

[See Yea and Nay No. 353 in Supplement.]

Therefore a quorum was present.

General
Appropriation
Bill.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2009 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. 4700, amended) was considered.

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

In item 6005-0015 by striking out the figures "56,638,391" and inserting in place thereof the figures "60,138,391";

By striking out item 2000-0100 and inserting in place thereof the following item:

"2000-0100 For the operation of the office of the secretary of energy and environmental affairs, including the water resources commission, the hazardous waste facility site safety council, the coastal zone management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws, the mosquito-borne disease vector control chapter program, and a central data processing center for the secretariat; provided, that the secretary of energy and environmental affairs may enter into interagency agreements with any line agency within the secretariat, whereby the line agency may render data processing services to said secretary; provided further, that the comptroller may allocate the costs for such data processing services to the several state and other funds to which items of appropriation of such agencies are charged; provided further, that said secretary shall file a plan with the house and senate committees on ways and means 20 days before entering into any interdepartmental service agreements with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the secretary shall file a plan with the house and senate committees on ways and means and to the joint committee on environment, natural resources and agriculture 90 days prior to the initiation of any proposal or plan that would consolidate any function with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the plan shall include, but not be limited to, the following: (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 the consolidation; provided further, that the secretary shall provide a 90 day notice prior to the implementation of any memorandum of understanding, interagency service agreements, or other contacts, or agreements that would enable such consolidation of services to take place; provided further, that not less than \$150,000 shall be expended for a one to one matching grant to the Cape Cod Bay sanctuary program; provided further, that not less than \$150,000 shall be expended for a coastal water quality and natural resource monitoring program in Buzzards Bay administered by The Coalition for Buzzards Bay; provided further, that not less than \$125,000 shall be expended for the hillside restoration project located in the town of Boylston; and provided further, that not less than \$100,000 shall be expended for 'Horizons for Youth' property in Sharon 7,510,457";

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

"2030-1000 For the operation of the office of environmental law enforcement; provided, that officers shall provide monitoring pursuant to the National Shellfish Sanitation Program; provided further, that the department shall maintain and operate the boat registration and titling offices in Hyannis and Fall River; and provided further, that not less than \$150,000 shall be expended for the cost of patrols performed by environmental law enforcement officers within properties controlled by the department of conservation and recreation 11,613,655";

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

"2200-0100 For the operation of the department of environmental protection, including the environmental strike force, the office of environmental results and strategic planning, the bureau of resource protection, the Senator William X. Wall experimental station, and a contract with the University of Massachusetts for environmental research; provided, that section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; provided further, that not more than \$200,000 shall be expended for a wastewater management study and environmental impact report for the town of Acushnet; provided further, that \$100,000 shall be expended for the administration and enforcement of the mercury management act; provided further, that \$168,000 shall be expended for sediment control in Lake Webster; provided further, that not less than \$150,000 shall be expended to the University of Massachusetts

Agricultural Department to continue a program to control and eliminate the winter moth worm; provided further, that no less than \$100,000 shall be expended for the town of Marblehead; provided further, that no less than \$67,660 shall be expended for the town of Spencer for a drinking water revolving fund; provided further, that no less than \$50,000 shall be expended for the Buzzards Bay National Estuary Municipal Grant Program; provided further, that not less than \$30,000 be expended for erosion protection at the Center Cemetery in the town of Gill; and provided further, that not less than \$15,000 shall be expended for emergency milfoil control of Noyes Pond in the town of Tolland 36,252,460”;

In item 2260-8870 by adding the following: “; and provided further, that no less than \$90,000 shall be provided for the city of Lynn and in said item by striking out the figures “1,655,614 and inserting in place thereof the figures “16,689,614”;

In item 2300-0101 by striking out the figures “604,217” and inserting in place thereof the figures “650,000”;

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

“2330-0100 For the operation of the division of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program, including coastal area classification, mapping and technical assistance; provided, that \$300,000 shall be expended on a recreational fisheries program to be reimbursed by federal funds; 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 2008 levels except in proportion to adjustments consistent with the department’s budget adjustments; provided further, that not less than \$330,000 shall be expended for the operation of the Newburyport shellfish purification plant; provided further, that not less than \$200,000 shall be expended for the Massachusetts fisheries recovery commission; provided further, that not less than \$90,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and Barnstable County Department of Health and the Environment; provided further, that not less than \$45,000 shall be expended for shellfish propagation on the islands of Martha’s Vineyard and Nantucket to be administered jointly by the state aquaculture coordinator, the Martha’s Vineyard Shellfish Group, Inc. and

Nantucket County; and provided further, that not less than \$47,000 shall be expended for fishermen safety training, for the city of New Bedford 5,585,722”;

In item 2511-0100 by adding the following: “; provided, that not less than \$200,000 shall be expended to enhance the buy local effort in western, central, northeastern and southeastern Massachusetts; and provided further, that not less than \$10,000 shall be made available to the Massachusetts Specialty Foods Association” and in said item by striking out the figures “5,187,195” and inserting in place thereof the figures “5,397,195”;

In item 2511-0105 by striking out the figures “11,000,000” and inserting in place thereof the figure “11,100,000”;

By striking out item 2511-2000 and inserting in place thereof the following item:

“2511-2000 For the Agricultural Innovation Center; provided, that the Agricultural Innovation Center shall provide a broad range of technical and business development services to the commonwealth’s agricultural producers that may add value to the producers, products and services; provided further, that the Agricultural Innovation Center shall develop an outreach program to identify and foster new, innovative ideas and approaches to adding value to the commonwealth’s agricultural economy; and provided further, that the Agricultural Innovation Center shall solicit requests from the commonwealth’s agricultural industry for funding and technical assistance in training, marketing, distribution, applied research, agri-tourism, aquaculture, forestry, processing, fiber and agricultural resource management 1,500,000”;

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 to 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 14, 2009; provided further, that notwithstanding any general or special law or administrative bulletin to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the operational services division; 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 2008; 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; provided further, that the department of conservation and recreation shall file a report with the house and senate committees on ways and means not later than December 15, 2008, detailing the merger of the former metropolitan district commission with the former department of environmental management into the department of conservation and recreation; provided further, that said report shall detail the efficiencies that have been achieved from said merger; provided further, that said report shall detail the areas of the department where efficiencies have been achieved from the sharing of resources; provided further, that said report shall provide a plan to fully integrate all aspects of the department and said plan shall provide any recommendations that are necessary to improve the department; provided further, that notwithstanding any general or special law to the contrary, the department shall continue to fund a maintenance contract for daily trash removal at Revere beach through proceeds received by the city of Revere and the department pursuant to section 29 of chapter 236 of the acts of 2002 and section 2 of this act; provided further, that not less than \$250,000 shall be expended for the purpose of aquatic manage-

ment for the Wekepeke Reservoir in the town of Sterling; provided further, that not less than \$150,000 shall be expended to the town of Shutesbury for the purpose of aquatic management for Lake Wyola; provided further, that not less than \$100,000 shall be expended for the DCR Park Rangers mounted unit in the Blue Hills Reservation;; provided further, that not less than \$100,000 shall be expended for the Massachusetts Hummocks Park as owned and operated by the department; provided further, that not less than \$60,000 shall be expended for the Martha's Vineyard Commission; provided further, that \$40,000 shall be expended for aquatic nuisance control in Sluice Pond and Flax Pond in the city of Lynn; and provided further, that not less than \$32,000 shall be expended for Opticom at the site of the Revere Public Safety Facility 7,129,872”;

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

“2800-0101 For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the department and the office of water resources in the department of conservation and recreation; provided, that \$500,000 shall be paid to the town of Clinton, under section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided further, that the amount of the payment shall be charged to the General Fund and shall not be included in the amount of the annual determination of fiscal year charges to the Massachusetts Water Resources Authority assessed to the authority under the General Laws provided further, that not less than \$100,000 shall be expended for Pine Tree Brook in the town of Milton; provided further, that not less than \$100,000 shall be expended for a grant to the town of Hopkinton for the North Pond Dam/Lake Maspenock Dam located in the towns of Hopkinton, Milford, and Upton; provided further, that not less than \$100,000 shall be expended for invasive weed control on the Charles river in Waltham; provided further, that \$48,000 shall be expended for the flood control activities undertaken by the Thames river valley communities of Massachusetts in conjunction with the state of Connecticut; provided further, that not less than \$35,000 shall be expended for storm water remediation along the Cole River or Lees River by the town of Swansea; provided further, that no less than \$30,000 shall be expended for Eel Pond in the town of Mattapoisett; provided further, that no less than \$25,000 shall be expended for aquatic weed control for Upper Mystic Lake in Win-

chester; provided further, that no less than \$15,000 shall be expended for aquatic weed control for Winter Pond in Winchester; and provided further, that not less than \$15,000 shall be expended for the Merrimack River Watershed Council 1,940,815”;

In item 2800-0401 by striking out the figures “941,617” and inserting in place thereof the figures “1,141,617”;

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

“2800-0500 For the freshwater and saltwater beaches under the control of the department of conservation and recreation; provided, that all beaches shall remain open and staffed from Memorial Day through Labor Day; provided further, that the beaches shall have their full amount of required maintenance and upkeep; provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 15, 2008, that shall include, but not be limited to, the following: (a) the amount of funding provided to each beach under the control of the department in fiscal years 2007 and 2008; (b) a breakdown of how the funds were spent for each beach and the services that were provided; (c) the items of appropriation used to provide funding; (d) the amount of funding to be provided for each beach in fiscal year 2009 from this item; and (e) a list of the services or materials for each beach that will be provided from this item; provided further, that not less than \$100,000 shall be expended for the Jones River Watershed Association of Kingston; provided further, that not less than \$75,000 shall be expended for the North and South rivers watershed association for the purposes of restoring the North and South rivers and their tributaries to meet clean water act standards; and provided further, that not less than \$35,000 shall be expended for the cleanup of Pilayella algae on the Nahant Beach Reservation 4,253,025”;

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

“2800-0700 For the office of dam safety; provided, that the department shall, in collaboration with the department of environmental protection and the department of fish and game, establish and maintain a comprehensive inventory of all dams in Massachusetts, and develop a coordinated permitting and regulatory approach to dam removal for stream restoration and public safety; provided further, that the department shall file a report with the house and senate committees on ways and means not later than

December 15, 2008, that shall include, but not be limited to, the following: (a) the number of staff that are assigned from this item and their job title; (b) the number of dam inspections that are scheduled for fiscal year 2009; and (c) the number of dams that are in need of repairs or need to be replaced; and provided further, that not less than \$140,000 shall be expended for a hydraulic study of increasing the pumping capacity of the Amelia Earhart Dam on the Mystic River 1,170,421”;

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

“2810-0100 For the operations of the division of state parks and recreation; provided, that funds appropriated in this item shall be used to operate all of the division’s parks, heritage state parks, reservations, campgrounds, beaches and pools and for the oversight of rinks, to protect and manage the division’s lands and natural resources including the forest and parks conservation services and the bureau of forestry development; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the department may issue grants to public and nonpublic entities from this item; provided further, that the level of funding for the beaches and pools from this item in fiscal year 2009 shall not be reduced from fiscal year 2008; provided further, that not less than \$400,000 shall be expended amelioration of an area bounded by Middle, Garey and Commercial Streets in the town of Weymouth; provided further, that not less than \$297,000 shall be expended for the Curley Recreation Center in the South Boston section of the city of Boston; provided further, that not less than \$250,000 shall be provided to the Camp Marion and Mumford River Recreation Programs; provided further, not less than \$200,000 shall be expended for the park and recreation center for the town of Holbrook; provided further, that not less than \$185,000 shall be expended for the Schooner Ernestina Commission; provided further, that not less than \$150,000 shall be expended for the toddler park in the city of Woburn; provided further, that not less than \$200,000 shall be expended on the recreational facilities of Woburn high school; provided further, that \$150,000 shall be expended for the Methuen Parks and Recreation Department; provided further, that not less than \$100,000 shall be expended for eradication of invasive aquatic species in Lake Cochituate State Park; provided further, that not less than \$100,000 shall be expended for the Heritage State Park

located in the Roxbury section of the city of Boston; provided further, that not less than \$50,000 shall be provided to the Lake Single-
 tary Watershed Association; provided further, that not less than \$50,000 shall be expended for the Buttonwood Park Zoological Society; provided further, that not less than \$20,000 shall be expended to the Chandler Pond Preservation Society; provided further, that not less than \$25,000 shall be expended for the print shop building at Brook Farm Reservation in the West Roxbury section of the city of Boston; and provided further, that Watson's Pond state park in Taunton and Ames Nowell state park in Abington shall remain open and appropriately staffed to allow public swimming and recreation for the season 26,545,320”;

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

“2820-0100 For the administration, operation and maintenance of the division of urban parks and recreation, including for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, flood control activities of the division, purchase of all necessary supplies and related equipment, and the civilianization of crossing guards located at division intersections where state police previously performed such duties; provided, that the parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the rinks under the control of the department shall remain open and staffed for the full rink season; provided further, that the level of funding for the beaches and pools from this item in fiscal year 2009 shall not be reduced from fiscal year 2008; provided further, that not less than \$450,000 shall be expended to the city of Lowell; provided further, that \$250,000 shall be expended for a linked trail system for local and state parks along the Back River in the towns of Weymouth and Hingham; provided further, that not less than \$225,000 shall be expended for the Southwest Corridor Park; provided further, that not less than \$150,000 shall be expended for the Hill Park and the William G. Reinstein Complex in the city of Revere; provided further, that \$75,000 shall be expended for the Esplanade in the city of Boston; provided fur-

ther, that not less than \$75,000 shall be expended for Eugene Lovely Field in Andover; provided further, that not less than \$75,000 shall be expended for the Herter Center in the Christian A. Herter Park located in Allston-Brighton section of the city of Boston for the purpose of preserving educational and cultural materials that benefit the commonwealth; provided further, that no less than \$55,000 shall be expended for the Red Rock Park on Lynn Shore Drive, in the city of Lynn; provided further, that not less than \$50,000 shall be expended for the costs associated with the management of aquatic non-native plants in the Charles River lakes district; provided further, that not less than \$50,000 shall be expended for the eradication of invasive aquatic weeds in the town of Wayland; provided further, that not less than \$50,000 shall be provided for the ponds at Lake Street in the town of Acushnet; provided further, that no less than \$50,000 shall be expended for the Fellsmere Pond Reservoir in the city of Malden; provided further, that not less than \$50,000 shall be expended for public safety on the Deerfield and upper Connecticut River; provided further, that not less than \$25,000 shall be expended for the eradication of invasive aquatic weeds in the town of Lincoln; provided further, that not less than \$20,000 shall be expended for Squantum Park in the city of Quincy; provided further, that not less than \$15,000 shall be expended for the Memorial Field in the town of Whitman; and provided further, that not less than \$3,900 shall be expended on Senator Charles E. Shannon Crossing Guard Corps at the corner of Mystic avenue and Shore drive in the city of Somerville 29,790,121”.

Transportation and Environmental Affairs amendments adopted, yea and nay No. 354.

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 (Mr. Donato of Medford being in the Chair) 140 members voted in the affirmative and 17 in the negative.

Recess.

[See Yea and Nay No. 354 in Supplement.]

Therefore the amendments were adopted.

At twenty-one minutes before two o'clock P.M. (Friday, May 2), on motion of Ms. Reinstein of Revere (Mr. Donato being in the Chair), the House recessed until the hour of two o'clock; and at six minutes after two o'clock the House was called to order with Mr. Donato in the Chair.

Mr. Koutoujian of Waltham then moved to amend the bill by adding the following section:

General Appropriation Bill.

“SECTION 80. The board of higher education shall convene a commission, to consist of eleven persons, one of whom shall be the chair of said board and who shall chair the commission, one of

whom shall be the secretary of education or his designee, one of whom shall be the senate chair of the joint committee on higher education, one of whom shall be the house chair of the joint committee on higher education, one of whom shall be a person selected by and from among the presidents of the state colleges, one of whom shall be a person who, being a member of a board of trustees of a state college, is selected by the chairs of such boards of trustees acting jointly, one of whom shall be the president of the Massachusetts Teachers Association or his designee, and four of whom shall be persons selected by the board of higher education who are experienced with the missions and degree-granting authority of public institutions of higher in the United States, for the purpose of making an investigation and conducting a study relative to the scope of the degree-granting authority of the state colleges. The commission shall consider the role of the state colleges in educating and training citizens of the commonwealth for roles in the economy of the commonwealth and the need to enhance the competitive position of the state colleges for such purpose.

The commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerks of the senate and the house of representatives on or before November 15, 2008.”

Pending the question on adoption of the amendment, Mr. Murphy of Lowell moved to amend it by striking out the proposed section and inserting in place thereof the following section:

“SECTION 80. There shall be a special commission to consist of the following members: the secretary of education, who shall chair the commission, the chair of the board of higher education, the chairman of the State Colleges of Massachusetts Council of Presidents, the president of the university of massachusetts, a person who, being a member of a board of trustees of a state college, is selected by the chairs of such boards of trustees acting jointly, a person selected by the Massachusetts Teachers Association, and 3 persons selected by the governor who are experienced with the missions and degree-granting authority of public institutions of higher education in the United States. The commission shall make an investigation and study relative to the merit of allowing state colleges to become state universities. Such study shall include, but need not be limited to, the appropriate scope of such change, the educational value of such change for students, the need to allow state colleges to issue doctorate degrees on their own, any increased costs to the commonwealth and students likely to result from such change, impact on the public higher education system including the state colleges, and compliance with statutory procedures and degree approval processes for higher education institutions. The commission shall consider the role of the state colleges in educating and training citizens of the commonwealth for roles in the economy of the commonwealth.

The commission shall file a report with the joint committee on higher education on the results of its investigation and study, and any recommendations relative thereto, on or before November 15, 2008.”

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

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

“SECTION 81. Section 5 of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word ‘than’, in line 220, the following words:— a telephone or telegraph corporation taxed under section 52A of chapter 63 or.

SECTION 82. Said section 5 of said chapter 59 of the General Laws, as so appearing, is hereby further amended by inserting after the words ‘two A’, in line 223, the following words:— , other than a telephone or telegraph corporation,.

SECTION 83. Said section 5 of said chapter 59 of the General Laws, as so appearing, is hereby further amended by inserting after the word ‘sixty-three’, in line 239, the following words:— or a telephone or telegraph corporation taxed under section 52A of chapter 63.

SECTION 84. Clause Fifth of section 18 of said chapter 59, as so appearing, is hereby amended by adding the following 2 sentences:— Poles, underground conduits, wires and pipes of telecommunications companies laid in or erected upon public or private ways and property shall be assessed to their owners in the towns or cities where they are laid or erected. For purposes of this clause, telecommunications companies shall include cable television, internet service, telephone service, data service and any other telecommunications service providers.

SECTION 85. Section 39 of said chapter 59, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 4 sentences:— The valuation at which the poles, wires and underground conduits, wires and pipes of all telephone and telegraph companies shall be assessed by the assessors of the respective cities and towns where the property is subject to taxation shall be determined annually by the commissioner of revenue subject to appeal to the appellate tax board, as provided in this section. Other taxable personal property of telephone and telegraph companies shall be valued and assessed by the assessors of the respective cities and towns where the property is subject to taxation, in the same manner as other personal property is valued and assessed under this chapter. For purposes of sections 39 to 42, telephone and telegraph companies shall include only those telecommunications companies which own and operate two-way voice communications service over wires or cables and are subject to rate regulation by the department of telecommunications and energy. Towers and monopoles used to support machinery and equipment for wireless communications shall not be considered poles under this section and shall be considered part of the real estate subject to valuation and assessment by local assessors.”

Pending the question on adoption of the amendment, the same member moved to amend it by striking out the words “five sections” and inserting in place thereof the word “section” and by striking out the proposed sections and inserting in place thereof the following section:

“SECTION 81. There shall be a special commission, to consist of 3 members of the Senate, 2 to be appointed by the senate president and 1 member to be appointed by the minority leader and 4 members of the house of representatives, 3 to be appointed by the speaker and 1 by the minority leader, is hereby established for the purpose of making an investigation and study relative to the taxation of the personal property of certain telecommunication companies. Said commission shall report to the house of representatives the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the fourth Wednesday in June, 2008.”

Further
amendments
adopted,
yea and nay
No. 355.

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. Casey of Winchester; and on the roll call 131 members voted in the affirmative and 25 in the negative.

[See Yea and Nay No. 355 in Supplement.]

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

Mr. Hynes of Marshfield then moved to amend the bill by adding the following section:

“SECTION 82. Subsection (c) of section 102 of chapter 32 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out in lines 32, 36, and 43, the figures ‘12,000’ and inserting in place thereof the figures ‘16,000’; and in section 22C of chapter 32 of the General Laws, as appearing in the 2006 Official Edition, in line 29, by striking out the words ‘June thirtieth, two thousand and 23’ and inserting in place thereof the following:— June 30, 2026.”

Amendment
adopted,
yea and nay
No. 356.

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. Casey of Winchester; and on the roll call (Ms. Kaprielian of Watertown being in the Chair) 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 356 in Supplement.]

[Representatives Poirier of North Attleborough and Finegold of Andover answered “Present” in response to their names.]

Therefore the amendment was adopted.

Messrs. Peterson of Grafton and Jones of North Reading then moved to amend the bill by adding the following two sections:

“SECTION 83. Section 3 of chapter 21J of the General Laws is hereby amended by striking out the words ‘two S’ in line 42, and inserting in place thereof the following:— 2YYY.

SECTION 84. Chapter 29 of the General Laws as so appearing is hereby amended by inserting after section 2XXX the following section:—

Section 2YYY. Underground Storage Tank Petroleum Product Cleanup Fund.

There shall be established and set up on the books of the commonwealth a separate fund to be known as the Underground Storage Tank Petroleum Cleanup Fund. Amounts credited to said fund shall be used, subject to appropriation, for the purposes set forth in

chapter 21J. There shall be credited to such fund: any fees, penalties, and other amounts collected pursuant to said chapter 21J; any appropriation, grant, gift or other contribution explicitly made to such fund; any interest earned on monies within the fund. Expenditures made from said fund during any fiscal year shall not exceed the cash balance of said fund as of December 31 of the calendar year preceding the beginning of such fiscal year less the total amounts specified in subsections (b), (c) and (d) of section 4 of said chapter 21J.”

After remarks the amendment was rejected.

Mr. Golden of Lowell being in the Chair,—

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

“SECTION 83. Chapter 270 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section five, the following section:—

Section 5A. As used in this section and section 6 the following words shall, unless the context clearly requires otherwise, have the following meanings:

‘Tobacco Products’, cigarettes, bidis, cigars, chewing tobacco, pipe tobacco, snuff, or tobacco in any of its forms.

‘Retailer’, any establishment that sells tobacco products to individuals for personal consumption.

‘Person’, individual, employer, employee, retail store manager or owner, or the owner or operator of any establishment engaged in the sale of tobacco products.

‘Proof of age’, a motor vehicle license issued pursuant to section eight of chapter 90, a liquor purchase identification card issued pursuant to section 34 B of chapter 138, a valid passport issued by the United States government, or by the government, recognized by the United States government, of a foreign country, or a valid United States issued military identification card.

‘Local Permit’, any permit that a retailer is required to obtain by local ordinance, by-law or board of health regulation in order to sell or distribute tobacco products.

‘Smoking’, inhaling, exhaling, burning or carrying any lighted cigar, cigarette, or other tobacco product in any form.

SECTION 84. Said chapter 270 is hereby further amended by striking out section 6, as so appearing, and inserting in place thereof the following section:—

Section 6. (a) No person under 18 years of age shall smoke, possess, or use any tobacco products in the commonwealth. (b) No person shall sell tobacco products or permit tobacco products to be sold to any person under 18 years of age nor shall any person give a person under 18 years of age a tobacco product. (c) Every retailer shall verify by means of proof of age that no person purchasing tobacco products is under 18 years of age. No person under 18 years of age shall misrepresent his or her age by presenting false proof of age to purchase tobacco products. No such verification is required for any person over 26 years of age. (d) Nothing in this section shall prohibit persons under 18 years of age from participating in compliance checks conducted in order to enforce and monitor compliance with this section or any other law governing the sale of tobacco

General
Appropriation
Bill.

products to minors or persons under 18 years of age. (e) Any retailer who violates any provision of this section shall be fined \$100 for the first offense, \$200 for the second offense, and \$300 for the third or subsequent offense. Any retailer who violates this act four or more times within a three year period, calculated from the date of the first offense, shall be subject to a fine of \$300 for each offense and shall have his local permit suspended for seven consecutive calendar days. The board of health shall provide notice of the intent to suspend a tobacco permit, which notice shall contain the reasons for the permit suspension and establish a date and time for a hearing. The date of the hearing shall be no earlier than seven days after the date of said notice. The permittee shall have an opportunity to be heard at such hearing and shall be notified of the Board's decision and reasons in writing. (f) Any person who is under 18 years of age who violates any provision of this act may be required to perform 20 hours of community service and enroll in a tobacco education program; provided, however, that this section shall not apply to a person who is under 18 years of age who possesses, transports, or carries on his person tobacco products in the course of his employment.

SECTION 85. Said chapter 270 is hereby further amended by inserting after section 7, the following section:—

Section 7A. (a) Police officers, school officials and their agents shall have the authority to confiscate any tobacco products from any person under 18 years of age and may return the confiscated tobacco products to said person's parent or legal guardian upon written request within 30 days. If the tobacco product is not claimed within 30 days, the police officers, school officials and their agents shall destroy the tobacco product.

(b) In addition to the penalties provided in section six of chapter 270 upon petition of a board of health to the commissioner of revenue that a retailer has been cited in violation of said section six, four or more times within a three year period, calculated from the date of the first offense, the commissioner of revenue shall, after providing the retailer with notice and opportunity to be heard, suspend for 30 days the retailer's license, issued in accordance with section 67 of chapter 62C. The commissioner shall provide notice of the intent to suspend said license, which notice shall contain the reasons for the suspension and establish a date and time for a hearing. The date of the hearing shall be no earlier than seven days after the date of said notice. The licensee shall have an opportunity to be heard at such hearing and shall be notified of the commissioner's decision and reasons in writing. Any person aggrieved by the commissioner's suspension of said license may within 60 days of the date of notice of such suspension appeal to the appellate tax board, whose decision shall be final.

(c) Police officers, school officials and their agents shall have the authority to confiscate any tobacco products from any person who is under 18 years of age; the commonwealth of Massachusetts or its agents, including but not limited to the department of public health, the attorney general, and the state police; any city or town or its agent, any board of health or its agent, and any city or town police department, any school official or its agent may enforce all other provisions of this act. If the enforcing authority is a board of health

or its authorized agent, any violation of this section may be disposed of by the non-criminal method of disposition procedures contained in section 21D of chapter 40 without an enabling ordinance or bylaw. If the enforcing authority is any city or town or its agent, any board of health or its agent, or any city or town police department, fines that are assessed pursuant to section six of chapter 270 may be payable to the city or town in which the violation of this section occurs. Any city or town may, by ordinance or bylaw, establish a fund for the disposition of any revenues received from fines levied in accordance with the provisions of section six of chapter 270, in which case, the municipal health department or board of health shall expend said funds for the purpose of enforcing this act or any local law that regulates the sale of tobacco products.”

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 (Mr. Donato of Medford being in the Chair) 24 members voted in the affirmative and 131 in the negative.

[See Ye and Nay No. 357 in Supplement.]

Therefore the amendment was rejected.

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

“SECTION 83. Chapter 111 of the General Laws, as appearing the 2006 Official Edition, is hereby amended by striking out section 25I and inserting in place thereof the following section:—

Section 25I. The commissioner shall promulgate regulations requiring that either a resident or consultant pharmacist in a health care facility shall return to the pharmacy from which it was purchased any 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 ninety-four C. 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 52 members voted in the affirmative and 105 in the negative.

[See Ye and Nay No. 358 in Supplement.]

Therefore the amendment was rejected.

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

“SECTION 83. Section 1 of chapter 30A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out paragraph (6) and inserting in place thereof the following paragraph:—

Amendment
rejected,
yea and nay
No. 357.

Amendment
rejected,
yea and nay
No. 358.

General
Appropriation
Bill.

(6) 'Regulatory impact statement' means a statement by the promulgating authority which shall, to a reasonable degree of completeness: (i) identify the statutory change, problem, issue or deficiency addressed by the proposed regulation; (ii) identify specifically who is affected and to what extent by the proposed regulation; (iii) identify when such regulation becomes effective, when such regulation will be changed, if known, and how and when the regulation will be reviewed in the future, if at all; (iv) identify costs and/or benefits, including, without limitation, impacts on businesses and jobs in the commonwealth and the impact to the protection of natural resources and public health, if any, paying particular attention to those environmental benefits which may not be easily or immediately quantifiable. Any data, including written information or material, statistics, measurements, calculations or other information used as the basis for the regulation, including any such information provided to the agency by a consultant, vendor or other third party, shall be part of the record and available to the public upon request.

SECTION 84. Section 2 of said chapter 30A, as so appearing, is hereby further amended by inserting after the third paragraph the following paragraph:—

Every agency promulgating rules and regulations shall maintain a notification list of persons and groups who are interested in the agency's rulemaking and who request preliminary notification of agency rulemaking, with such request being renewed annually by said persons or groups. Not later than 30 days prior to the notice of a hearing described above, the agency conducting the hearing shall send a preliminary notification of agency rulemaking to each person or group who has requested preliminary notification of rulemaking and to the appropriate committee of the general court that has jurisdiction for the rule issuing agency, to the house and senate committees on ways and means and to the small business advisory council. The preliminary notification of rulemaking shall: (a) identify the rule to be noticed for hearing and the scope of the proposed rule; (b) provide the statutory authority for such proposed rulemaking; (c) identify the person within the agency responsible for the rulemaking and who can be contacted for more information; and (d) state the purpose for proposing the new regulations or change of regulation and generally, the goal or goals to be obtained.

SECTION 85. Said section 2 of said chapter 30A, as so appearing, is hereby further amended by inserting after the fifth paragraph the following paragraph:—

Agencies may initiate emergency regulatory actions under relevant sections of this chapter without prior compliance with sections 1, 2, 3, and 5; provided, however that compliance shall be initiated as soon as practicable following the emergency action and, in any event, prior to making any emergency action permanent.

SECTION 86. Section 3 of said chapter 30A, as so appearing, is hereby further amended by inserting after the second paragraph the following paragraph:—

Every agency promulgating rules and regulations shall maintain a notification list of persons and groups interested in the agency's rulemaking and who request preliminary notification of agency rule-

making, with such request being renewed annually by said persons and groups. Not later than 30 days prior to the notice described above the agency shall send a preliminary notification of agency rulemaking to each person or group who has requested preliminary notification of agency rulemaking and to the appropriate committee of the general court that has jurisdiction for the rule issuing agency, to the house and senate committees on ways and means and to the small business advisory council. The preliminary notification shall: (a) identify the rule to be noticed and the scope of the proposed rule; (b) provide the statutory authority for such proposed rulemaking; (c) identify the person within the agency responsible for the rulemaking and who can be contacted for further information; and (d) state the purpose for proposing the new regulations or change of regulation and generally, the goal or goals to be obtained.

SECTION 87. Section 5 of said chapter 30A, as so appearing, is hereby amended by striking the first sentence of the second paragraph and inserting in place thereof the following:— No rule or regulation so filed with the state secretary, except those filed for the purpose of setting rates, issuing grants or providing loans, and except those filed by the department of telecommunications and energy or the division of insurance, shall become effective until a regulatory impact statement has been completed, made public during the hearing process described above and is filed with the state secretary. The secretary of the enforcing agency shall review all regulatory impact statements prior to their filing with the state secretary to ensure and certify that a proper methodology and approach was used by the agency submitting said impact statement and to certify that the impact statement as submitted complies with the definition of 'regulatory impact statement' as set forth in section 1 of chapter 30A within 90 days of receipt. In addition, no rule or regulation so filed, except those filed for the purpose of setting rates, issuing grants or providing loans, and except those filed by the department of telecommunications and energy or the division of insurance, shall become effective until the promulgating agency has filed with the state secretary a statement verifying that said rule or regulation does not conflict with, overlap or duplicate other agencies' rules or regulations."

After remarks the amendment was rejected.

Mr. Peterson of Grafton and other members of the House then moved to amend the bill by adding the following three sections:

"SECTION 83. Section 129B of chapter 140 shall be amended by striking paragraph (9A) and inserting in place thereof the following:—

(9A) Except as provided in clause (9B), the fee for an application for a firearm identification card shall be \$40, which shall be payable to the licensing authority and shall not be prorated or refunded in the case of revocation or denial. The licensing authority shall retain \$25 of the fee; \$15 of the fee shall be deposited in the General Fund; and Notwithstanding any general or special law to the contrary, licensing authorities shall deposit quarterly that portion of the firearm identification card application fee which is to be deposited into the General Fund, not later than January 1, April 1, July 1 and October 1 of each year.

SECTION 84. Section 131 of chapter 140 shall be amended by striking paragraph (i) and inserting in place thereof the following:—

(i) A license to carry or possess firearms shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issue and shall expire on the anniversary of the licensee’s date of birth occurring not less than 5 years but not more than 6 years from the date of issue, except that if the licensee applied for renewal before the license expired, the license shall remain valid for a period of 90 days beyond the stated expiration date on the license, unless the application for renewal is denied. Any renewal thereof shall expire on the anniversary of the licensee’s date of birth occurring not less than 5 years but not more than 6 years from the effective date of such license. Any license issued to an applicant born on February 29 shall expire on March 1. The fee for the application shall be \$40, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of the fee; \$15 of the fee shall be deposited into the general fund of the commonwealth and not less than \$50,000 of the funds deposited into the General Fund shall be allocated to the Firearm Licensing Review Board, established in section 130B, for its operations and that any funds not expended by said board for its operations shall revert back to the General Fund.

For law enforcement officials, or local, state, or federal government entities acting on their behalf, the fee for the application shall be set at \$25, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$12.50 of the fee, and \$12.50 of the fee shall be deposited into the general fund of the commonwealth. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit such portion of the license application fee into the Firearms Record Keeping Fund quarterly, not later than January 1, April 1, July 1 and October 1 of each year. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit quarterly such portion of the license application fee as is to be deposited into the General Fund, not later than January 1, April 1, July 1 and October 1 of each year. For the purposes of section 10 of chapter 269, an expired license to carry firearms shall be deemed to be valid for a period not to exceed 90 days beyond the stated date of expiration, unless such license to carry firearms has been revoked.

SECTION 85. Section 131F of chapter 140 shall be amended by striking, in line 39, the word ‘one’ and inserting in place thereof the following:— six.”

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; and on the roll call 75 members voted in the affirmative and 83 in the negative.

[See Ye and Nay No. 359 in Supplement.]

Therefore the amendment was rejected.

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

Amendment rejected, ye and nay No. 359.

“SECTION 83. Section 6 of chapter 14 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following:—

8. Shall prepare and submit to the governor and the general court a bimonthly report containing the preliminary tax revenue collected. Said report shall be submitted to the governor, the chair and ranking minority member of the house committee on ways and means, and the chair and ranking minority member of the senate committee on ways and means on or by the first day in each month and the fifteenth day in each month.”

After remarks the amendment was adopted.

The Speaker being in the Chair,—

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

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

[See Ye and Nay No. 360 in Supplement.]

Therefore a quorum was present.

Order.

An Order (filed by Mr. Scaccia of Boston) relative to the appointment of a special committee to make recommendations for the installation of a secure roll call system for the House of Representatives (House, No. 4719), having been reported from the committee on Rules, under the provisions of House Rule 7C, was considered.

After debate on the question on adoption of the order, 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 158 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 361 in Supplement.]

Therefore the order was adopted.

Subsequently the Speaker announced that Representatives Scaccia of Boston, Hall of Westford, Walrath of Stow, Rogeness of Longmeadow, Lepper of Attleboro and Barrows of Mansfield had been appointed to the committee.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2009 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. 4700, amended) then was further considered.

After debate on the question on passing the bill, as amended, to be engrossed, Mr. Peterson of Grafton and other members of the House moved to amend it by adding the following three sections:

Quorum.

Quorum, ye and nay No. 360.

Roll call system.

Order adopted, ye and nay No. 361.

Members appointed.

General Appropriation Bill.

General Appropriation Bill.

“SECTION 84. Chapter 60 of the General Laws, as so appearing, is hereby amended by inserting, after section 37B, the following new section:—

Section 37C. Security Interest on taxable personal property Taxes assessed upon personal property under the provisions of chapter fifty-nine, including section eighteen, with all accrued interest, incidental charges and fees provided for in chapter fifty-nine, and other provisions of this chapter shall be a security interest in the personal property so taxed, as well as all after acquired consumer goods, equipment and inventory and the proceeds from the sale of any such personal property until the security interest is terminated as provided in this section. The assessment of personal property taxes by a municipal board of assessors shall have the force and effect of a signed security agreement under the provisions of chapter one hundred-six, hereinafter referred to in this section as ‘the Uniform Commercial Code.’ The security interest shall have the force and effect of an unperfected security interest in accordance with the provisions of the Uniform Commercial Code and once perfected shall have the force and effect of a perfected security interest in accordance with the provisions of the Uniform Commercial Code. The unperfected security interest shall be perfected upon: (1) nonpayment of the tax, including partial nonpayment, fourteen days after the mailing of a demand in accordance with section sixteen of this chapter; and, (2) the filing of a financing statement by the municipal collector at the office of the state secretary in accordance with the provisions of the Uniform Commercial Code, provided that the collector may file a financing statement no earlier than fourteen days following the mailing of a demand to the taxpayer.

The collector shall, upon perfection of the security interest, add the cost of filing the financing statement and the cost of filing a termination statement plus an additional fee of five dollars for the preparation of the financing statement and an additional fee of five dollars for the preparation of a termination statement to the balance due.

If it appears to the collector that a filed financing statement is going to lapse, the collector shall file a continuation statement, as well as succeeding continuation statements in accordance with the provisions of the Uniform Commercial Code, to continue the effectiveness of the initial financing statement, adding to the balance due the cost of filing each necessary continuation statement plus a fee of five dollars for their preparation.

Once the balance due, including the tax, accrued interest, incidental charges, and fees as provided by chapter fifty-nine and other provisions of this chapter have been fully abated or fully paid the security interest provided for under this section shall terminate, and if the security interest was perfected, the collector or an assignee of the collector shall file a termination statement at the office of the state secretary in accordance with the provisions of the Uniform Commercial Code.

The collector may assign an underlying personal property tax receivable in accordance with the procedures provided for in section 2C of this chapter provided that the provisions of the Uniform

Commercial Code governing the assignment of a security interest are also followed. In the event of a direct conflict between section 2C of this chapter and the provisions of the Uniform Commercial Code, the provisions of the Uniform Commercial Code shall control as to the assignment of the security interest and the provisions of this chapter shall control as to the assignment of the tax receivable.

If a tax receivable and security interest has not previously been assigned, the collector shall assign the tax receivable and the security interest, in accordance with the provisions of the Uniform Commercial Code, to any other secured party holding a concurrent security interest in the same personal property, regardless of when the other secured party’s interest was perfected, if that secured party fully pays the balance due to the collector.

All remedies available to holders of secured interests under the provisions of the Uniform Commercial Code for default of an underlying obligation shall be available to the collector or to an assignee to collect the balance due and the use of the provisions of the Uniform Commercial Code by the collector or an assignee shall not interfere with the ability of the collector or an assignee to use other remedies, including the further accrual of interest on the tax receivable, as provided in chapter fifty-nine, this chapter or any other applicable provision of law to collect the balance due.

All terms used in this section shall be defined by reference to those terms as they are used under the Uniform Commercial Code unless specific reference is made in this section to another provision of law.

SECTION 85. Section 95 of Chapter 60 is hereby amended by inserting at the end of the first sentence the words:— ; and upon the filing of a financing statement in accordance with the provisions of Section 37C and the provisions of the Uniform Commercial Code, with the amount of uncollected personal property taxes represented by the financing statement.

SECTION 86. Sections 84 and 85 shall take effect on January 1, 2009.”.

The amendment was rejected.

Mr. Donato of Medford being in the Chair,—

Mr. Hill of Ipswich then moved to amend the bill by adding the following section:

“SECTION 84. Section 44 of Chapter 85 of the Acts of 1994, as amended by Section 50 of Chapter 15 of the Acts of 1996, and as further amended by Section 19 of Chapter 23 of the Acts of 2002, is hereby further amended by inserting after the words ‘Mount Greylock state reservation’ the following words:— , Whitehead House at Willowdale state forest, Kerighan House at Bradley Palmer state park.”.

The amendment was adopted.

Mr. DeLeo of Winthrop then moved to amend the bill in section 2 In item 0511-0270 by striking out the figures “600,000” and inserting in place thereof the figures “800,000”;

In item 0511-0420 by striking out the figures “113,269” and inserting in place thereof the figures “163,269”;

In item 0524-0000 by striking out the figures "1,782,807" and inserting in place thereof the figures "1,952,074";

In item 0940-0100 by striking out the figures "2,434,794" and inserting in place thereof the figures "2,794,794";

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; provided further, that not more than \$250,000 shall be expended from the funds appropriated in this item for a safe neighborhood initiative pilot program in the Bowdoin/Geneva area of the Dorchester district of the city of Boston; provided further, that not more than \$250,000 shall be expended for a safe neighborhood initiative in the Grove Hall area of Boston; and provided further, that no less than \$200,000 be expended for the Dorchester Youth Collaborative Safe City Initiative..... 27,360,277";

By striking out item 1108-5200 and inserting 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 2009; 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 2009, and any unexpended balance in this item shall revert to the General Fund on June 30, 2009; 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 the 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 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 85 per cent; provided further, that the commonwealth's share of the premiums for active state employees hired after June 30, 2003, and their dependents shall be 80 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 827,933,764";

General Appropriation Bill.

By adding at the end of item 1201-0100 the following: “; provided further, that the department shall conduct a pilot public awareness and education outreach campaign about state and local tax credits, deductions, deferrals and exemptions and other tax information available to persons age sixty five and over, including, but not limited to, section 6 of Chapter 62 and section 5 of Chapter 59 of the General Laws. The department shall work in conjunction with the executive office of elder affairs in disseminating information and conducting the campaign. The department shall conduct the campaign from July 1, 2008 to April 15, 2009 and shall report their findings to the house and senate committee on ways and means and the joint committee on elder affairs no later than May 15, 2009. The department shall also file an interim report to the house and senate committee on ways and means and the joint committee on elder affairs on January 1, 2009”;

By inserting after item 1599-0042 (inserted by amendment) the following item:

“1599-0045 For a capital projects reserve; provided, that not less than \$1,000,000 shall be expended to assist the YMCA of Greater Boston on capital projects approved by the board of directors of the YMCA \$1,000,000”;

By inserting after item 1599-4233 the following item:

“1599-6901 For a reserve to adjust the wages, compensation or salary and associated employee-related costs to personnel earning less than \$40,000 in annual compensation who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs; provided, that home care workers shall be eligible for funding from this appropriation; provided further, that the secretary of the executive office of health and human services may allocate the funds appropriated in this item to the departments in order to implement this initiative; provided further, that the executive office of health and human services shall condition the expenditure of appropriation upon assurances that the funds shall be used solely for the purposes of equal percentage adjustments to wages, compensation or salary; provided further, that not later than January 15, 2009, the executive office shall submit to the house and senate committees on ways and means a report delineating the number of employees, by job title and average salary, receiving the adjustment in fiscal year 2009 and the average percentage adjustment funded herein; provided further, that the report shall also include, for each contract scheduled to receive any allocation from this item in each

such department, the total payroll expenditures in each contract for the categories of personnel scheduled to receive the adjustments; provided further, that no funds from this item shall be allocated to special education programs under chapter 71B of the General Laws, contracts for early education and care services or programs for which payment rates are negotiated and paid as class rates as established by the division of health care finance and policy; provided further, that no funds shall be allocated from this item to contracts funded exclusively by federal grants as delineated in section 2D; provided further, that the total fiscal year 2009 cost of salary adjustments and any other associated employee costs authorized there under shall not exceed \$23,000,000; provided further, that the executive office shall submit an allocation schedule to the house and senate committees on ways and means not less than 30 days after disbursement of funds; and provided further, that the annualized cost of the adjustments in fiscal year 2010 shall not exceed the amount appropriated herein 23,000,000”;

and by striking out line item 4000-0117;

By striking out sections 8 and 9;

In section 40, in lines 17, 18 and 19, by striking out the following: “(2) the implementation and administration of 26G 1/2 and 34A to 34D, inclusive, of chapter 148, and chapter 304 of the acts of 2004” and inserting in place thereof the following: “(2) the implementation and administration of chapter 148 and chapter 304 of the Acts of 2004”;

In section 60, in line 3, by striking out the figures “378,000,000” and inserting in place thereof the figures “374,528,000”; and

By adding the following section:

“SECTION 85. Section 2 of chapter 77 of the acts of 2005 is hereby amended by striking the following: ‘September 11, 2008’ and inserting in place thereof the following:— September 11, 2010.”.

On the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Tobin of Quincy; and on the roll call 147 members voted in the affirmative and 10 in the negative.

[See Yeas and Nays No. 362 in Supplement.]

Therefore the amendments were adopted.

At twenty-two minutes before eight o’clock P.M. (Friday, May 2), on motion of Mr. Binienda of Worcester (Mr. Donato of Medford being in the Chair), the House recessed until ten minutes before nine o’clock; and at that time the House was called to order with Mr. Donato in the Chair.

The Chair (Mr. Donato) 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.

State Administration, Constitutional Officers and Legislation, Non-Budgetary amendments adopted, yeas and nays No. 362.

Recess.

Suspension of Rule 1A.

Rule 1A suspended, yeas and nays No. 363.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 135 members voted in the affirmative and 23 in the negative.

[See Yea and Nay No. 363 in Supplement.]

Therefore Rule 1A was suspended.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 2 by striking out items 2511-3003, 7003-0710, 7003-0711, 7007-1100, 7007-1101, 7100-0800 and 7100-0801; and by striking out sections 53, 52, 53 and 57.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 20 members voted in the affirmative and 137 in the negative.

[See Yea and Nay No. 364 in Supplement.]

Therefore the amendments were rejected.

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

“SECTION 86. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer \$6,500,000 from the General Fund to the Massachusetts Cultural Facilities Fund, established in section 42 of chapter 23G of the General Laws.”.

The amendment was adopted.

Mr. DeLeo of Winthrop then moved to amend the bill in section 2

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

“7004-0099 For the operation of the department of housing and community development; provided, that notwithstanding any general or special law to the contrary, the department may make expenditures for the purposes of the department against federal grants for certain direct and indirect costs under a cost overhead allocation plan approved by the comptroller; provided further, that the comptroller shall maintain an account on the Massachusetts management accounting and reporting system for the purpose of making these expenditures; provided further, that expenditures made against the account shall not be subject to appropriation and may include the cost of personnel; provided further, that notwithstanding any general or special law, rule, or regulation to the contrary, the department may conduct annual verifications of household income levels based upon state tax returns for the purposes of administering the state and federal housing subsidy programs funded in items, 7004-9005, 7004-9024, 7004-9030, 7004-9033, 7004-9316, and items 7004-9009, 7004-9014, 7004-9019, 7004-9020 of section 2D; provided further, that as a condition of eligibility or continued occupancy by an applicant or a tenant, the department may

require disclosure of the social security number of an applicant or tenant and members of the applicant's or tenant's household for use in verification of income eligibility; provided further, that the department may deny or terminate participation in subsidy programs for failure by an applicant or a tenant to provide a social security number for use in verification of income eligibility; provided further, that the department may also consult with the department of revenue, the department of transitional assistance or any other state or federal agency which it considers necessary to conduct this income verification; provided further, that notwithstanding any general or special law to the contrary, these state agencies shall consult and cooperate with the department and furnish any information in the possession of the agencies including, but not limited to, tax returns and applications for public assistance or financial aid; provided further, that for the purposes of conducting this income verification, the director of the department may enter into an interdepartmental service agreement with the commissioner of revenue to utilize the department of revenue's wage reporting and bank match system for the purpose of verifying the income and eligibility of participants in federally assisted housing programs and that of members of the participants' households; and provided further, that for the purposes of clarification only, notwithstanding section 12 of chapter 490 of the acts of 1980, the department may authorize neighborhood housing services corporations to retain, re-assign, and reloan funds received in repayment of loans made under the neighborhood housing services rehabilitation program; provided further, that not less than \$25,000 shall be expended for the Beverly Affordable Housing Coalition; provided further, that not less than \$125,000 shall be expended for the Hungry Hill Development Corporation in the city of Springfield; provided further, that not less than \$15,000 shall be expended for the Turning Point Day Resource Center for the Homeless in the town of Wareham; provided further, that \$63,440 shall be expended for the Worcester Housing Authority for a resident services employment coordinator; provided further, that \$50,000 shall be expended for the Quinsigamond Village Community Center for the creation of a part-time outreach worker and for administrative costs; provided further, that not less than \$50,000 be expended for the North Shore Housing Trust, Inc.; provided further, that not less than \$100,000 shall be expended for the Pleasant Street Neighborhood Network Center in Worcester; provided that not less than

Amendments
rejected,
yea and nay
No. 364.

General
Appropriation
Bill.

\$50,000 shall be expended for the Worcester YouthCenter, located in the city of Worcester; provided further, that not less than \$50,000 shall be expended for the South Worcester Neighborhood Improvement Corporation to continue to provide vital services to the poorest neighborhoods in the city of Worcester; provided further, that not less than \$25,000 shall be expended for AMEDAL in Lawrence; provided further, that not less than \$115,000 shall be expended for Food for the World Pantry; provided further, that not less than \$100,000 shall be expended for Neighbors in Need of the Merrimack Valley; provided further, that not less than \$25,000 shall be expended for upkeep and maintenance of the Rockland Community Center; provided further, that not less than \$150,000 shall be expended to World is Our Classroom, Inc. serving the towns of Holyoke, Westfield, Chicopee and Greenfield; provided further, that not less than \$35,000 shall be expended to the Holyoke Creative Arts Center; provided further, that not less than \$25,000 shall be expended for the Allston-Brighton Community Development Corporation's continued operation of a grant program to enhance housing quality standards; provided further, that not less than \$75,000 shall be expended for the continued operation of computer technology centers at the Commonwealth Housing Development, the Jackson Mann Community Center and the Power Up Center at Brighton High School; provided further, that \$150,000 shall be expended for ABCD North End/West End elderly program provided further, that not less than \$75,000 shall be expended for the Methuen-Arlington Neighborhood, Inc; provided further, that no less than \$150,000 shall be expended for 2 computer centers and the work force program operated by the Cambridge housing authority; provided further, that not less than \$50,000 shall be expended for the Clinton Housing Authority for the Water Street Senior Housing Complex, located in the town of Clinton provided further, that not less than \$100,000 shall be expended for the Indian Orchard Main Street Partnership; provided further, not less than \$100,000 shall be expended for a Homeless Prevention Program for the Homeless Connections Outreach Program in Fall River; provided further, that not less than \$100,000 shall be expended for preliminary economic development designs for downtown Needham; provided further, that not less than \$200,000 shall be expended to the Springfield Neighborhood Housing Services, Inc., so-called, in Springfield to develop new housing starts, prevent foreclosures, assist first-time

home buyers, and to create jobs in the construction industry; provided further, that not less than \$95,000 shall be expended to the Boston Housing Authority for a program to provide certain tenant services for the West Broadway Task Force in the South Boston section of the city of Boston; provided further, that not less than \$25,000 shall be expended for the Marlborough Community Development Corporation; provided further, that not less than \$25,000 shall be allocated for operational support for the affordable housing program located at 9 Half Moon Street, in the Dorchester section of the city of Boston; provided further, that not less than \$100,000 shall be expended for the Safe Neighborhood Initiative Pilot Program in the Grove Hall area of Roxbury and Dorchester in the city of Boston; provided further, that not less than \$150,000 shall be expended to the town of Braintree as a one-time community action grant for the replacement of the communications console at the police department in the town of Braintree; provided further, that not less than \$20,000 shall be expended to the Town of Braintree as a one-time community action grant for Thayer Public Library; provided further, that not less than \$25,000 shall be expended for operational support for the affordable housing program for formerly homeless individuals at Egleston Crossing in the Dorchester section of the city of Boston; provided further, that not less than \$100,000 shall be expended to the Housing Families, Inc in the city of Malden for providing educational support programming for homeless children through the Children and Family Program; provided further, not less than \$300,000 shall be expended for the paving and construction of parking facilities in the town of Holbrook; and provided further, not less than \$300,000 shall be expended for a senior center in the city of Quincy 11,120,909”;

In item 7004-2475 by striking out the figures “5,250,000” and inserting in place thereof the figures “5,750,000”;

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

“7004-3036 For housing services and counseling; provided, that not less than \$1,600,000 shall be expended as grants for the operation of 9 regional housing consumer education centers operated by the regional nonprofit housing authorities; provided further, that the grants shall be through a competitive application process under criteria created by the department; provided further, that the department shall submit annual reports to the secretary of administration and finance, the

house and senate committees on ways and means and the joint committee on housing detailing all expenditures of said program including for each regional housing consumer education center the total number of persons who received information and referral services, the costs for such services rendered per consumer and the identification of consumer issues and trends; provided further, that said department shall report to the house and senate committees on ways and means no later than March 1, 2008 on possible savings and efficiencies through consolidation of said services and counseling; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; provided further, that \$141,000 shall be expended for the Just A Start Corporation to administer a housing stabilization and conflict management services program to prevent homelessness; and provided further, that not less than provided further that no less than \$100,000 shall be expended for the New North Citizens' Council, Inc. North End Housing Initiative \$80,925 shall be expended for the Central Massachusetts Housing Alliance Inc. Donations Clearinghouse Program 1,921,925”;

In item 7004-9005 by striking out the figures “66,000,000” and inserting in place thereof the figures “67,000,000”;

In item 7004-9024 by striking out the figures “31,947,202” and inserting in place thereof the figures “32,947,202”;

In item 7004-9033 by striking out the figures “3,500,000” and inserting in place thereof the figures “3,700,000”;

In item 7004-9316 by striking out the figures “5,000,000” and inserting in place thereof the figures “5,250,000”;

In item 7004-9317 by striking out the figures “600,000” and inserting in place thereof the figures “700,000”;

By striking out item 7002-0012 and inserting the place thereof 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; provided further that not less than \$100,000 shall be expended for an at-risk juvenile program at the Boys and Girls Club of The Lower Merrimack Valley in Salisbury 7,700,000”;

By striking out item 7003-0605 and inserting the place thereof the following item:

“7003-0605 For the operation and maintenance of the Massachusetts Manufacturing Extension Partnership for the purpose of maintaining and promoting manufacturing as an integral part of the Massachusetts economy and for programs designed to assist small and mid-sized manufacturing companies; provided further that not less than \$75,000 shall be expended for the Regional Employment Board of Hampden County for a pilot program for precision machining training.. 975,000”;

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

“7003-0702 For grants to be administered by the department of workforce development; provided, that not less than \$250,000 shall be expended for the Massachusetts Career Development Institute in Springfield to provide job training, employability development and career counseling to the unemployed and underemployed; provided further, that not less than \$125,000 shall be expended for the 1199 SEIU Training and Upgrading Fund to provide a job training initiative for participating health care institutions; provided further, that not less than \$7,500 shall be expended for the Bonnie Brae Day Camp in Gardner; provided further, that not less than \$75,000 shall be expended for the Greater Gardner Community Development Corporation; provided further, that not less than \$200,000 shall be expended to Boston Health Care and Research Training Institute; provided further, that not less than \$15,000 shall be expended for the Draper Complex Reuse Committee in Hopedale; provided further, that not less than \$100,000 be expended for the Lower Pioneer Valley Education Collaborative for the purpose of expanding their existing programs and services to better serve students with disabilities; provided further, that not less than \$500,000 shall be expended for the Jackson-Appleton-Middlesex plan in the city of Lowell; provided further, that not less than \$150,000 shall be expended for Puerto Rican Cultural Center of Springfield; provided further, that not less than \$150,000 shall be expended for the International Institute to provide long-term case management and employment training for highly skilled legal immigrants; provided further, that not less than \$100,000 shall be provided to the Workforce Investment Association of MA, Inc. for the purpose of providing technical assistance to career center directors, administrators, and fiscal agents to assist with quality improvements in the delivery of workforce development services to job seekers and employers; provided further, that not less than \$150,000 shall be provided for Centros Las Americas, in the city of

Worcester; provided further, that not less than \$250,000 shall be expended for the Center for Women & Enterprise; provided further, that not less than \$165,000 shall be expended to continue the economic development project operated by the Arlington Community Trabajando in the city of Lawrence; provided further, that not less than \$84,000 shall be expended for Community Service Agency, Inc; provided further, that not less than \$500,000 shall be expended for education, career development and employment service programs operated by the Urban League of Massachusetts; provided further, that not less than \$250,000 shall be expended for Outer Cape Health Services to provide a health center skilled training program on Lower and Outer Cape Cod; provided further, that not less than \$15,000 shall be expended by WE CAN of Cape Cod for workforce training and career mentoring for women in transition; provided further, that not less than \$141,000 shall be expended for Just-a-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed, underemployed or displaced workers, or persons receiving benefits from transitional aid to families with dependent children; provided further, that not less than \$127,000 shall be expended for the employee involvement and ownership program; provided further, that not less than \$250,000 shall be expended to the New England Farm Workers Council; provided further, that not less than \$200,000 shall be expended for the Boston Health Care and Research Training Institute; provided further, that \$50,000 shall be expended for the Allston-Brighton Vocational Center (VAC) for the continued operation of a job training and placement center; provided further, that not less than \$25,000 be expended for the Area Planning Action Council (APAC) in Allston-Brighton to implement a Project Place Program to assist in the operation of a career development department; provided further, that not less than \$75,000 shall be expended for the Partnership for Automotive Career Education program to recruit, train, and provide career guidance to students for entry-level automotive technician jobs; provided further, that not less than \$100,000 shall be expended for both the Reunion Center in the city of Easthampton and the Easthampton Youth Entrepreneurship Project; provided further, that not less than \$350,000 shall be expended to fund need-based workforce development related to continuing education grants administered by the Access Program of Boston; provided further, that not less than \$250,000 shall be expended for the

Charles E. Shannon Jr. At-Risk Youth Project, operated by the Center for Teen Empowerment Inc., for the community of Somerville; provided further, that not less than \$100,000 shall be expended to Inquilinos Boricuas en Accion (IBA) for the Pathways to Technology Initiative; provided further, that not less than \$105,000 shall be expended for the operation of the E-Team Machinist Program of the North Shore; provided further, that not less than \$95,000 shall be expended for the Mature Workers Program of the Cape and Islands Workforce Investment Board; provided further, that not less than \$150,000 shall be provided to Lazarus House for the continued operation of a job training program; provided further, that not less than \$150,000 shall be expended for the Martin Luther King, Jr. Business Empowerment Center in the city of Worcester; provided further, that not less than \$750,000 shall be expended for a high school science program in biotechnology by Commonwealth Corporation, in consultation with the Massachusetts Biotechnology Council, including teacher and guidance counselor training, biotechnology lab equipment, and biotechnology lab supplies evaluation and technical assistance; provided further, that not less than \$500,000 shall be expended on the Commonwealth Corporation; provided further, that not less than \$300,000 shall be expended for a hospital skill training program operated by the Commonwealth Corporation; provided further, that not less than \$50,000 shall be expended for a human service academy pilot program to be operated by People Inc. of Fall River; provided further, that not less than \$100,000 shall be expended to maintain a post-secondary nursing degree and certification program at the Blackstone Valley Vocational Regional School in partnership with Quinsigamond Community College; provided further, that not less than \$250,000 shall be expended to support the Technology Initiative of the Metro South/West Regional Employment Board for the development of the Technology Centers of Excellence serving the region's youth and business, and said grant shall require a 200 percent match from the private sector; provided further, that not less than \$200,000 shall be expended on the Southeastern Economic Development Corporation's microenterprise programs as a supplemental match to conduct an entrepreneurial training and technical assistance program for support of emerging high-growth microenterprises that are owned by or employ income-eligible residents; provided further, that not less than \$75,000 shall be expended for the Massachusetts School of Professional Psy-

chology to recruit and provide career support and workforce retention of graduate students training for careers in public sector behavioral health service delivery; provided further, that not less than \$900,000 shall be expended on the Massachusetts Service Alliance for the operation of the youth, senior service and conservation corps program; provided further, that not less than \$215,000 shall be expended for rapid response labor specialists at the Massachusetts AFL-CIO; provided further, that not less than \$150,000 shall be expended for worker coordinators at the Massachusetts AFL-CIO; provided further, that not less than \$150,000 shall be expended for the Latino After-School Initiative (LASI) Youth Development Project; provided further, that not less than \$100,000 shall be expended for Centro Latino de Chelsea to provide workforce training, educational services, and other transitional services in the city of Chelsea; provided further, that not less than \$400,000 shall be expended to provide employment, training and job placement by Year Up, Inc. of Boston; provided further, that not less than \$200,000 be expended for the 1199SEIU Training and Upgrading Fund; provided further, that not less than \$50,000 shall be made available to More Than Words in the city of Waltham for the purpose of expanding operations to an additional city to be determined in consultation with the commissioner; provided further, that not less than \$200,000 shall be expended for Women’s Career Mentoring Program and the Women’s Union Woman to Woman Program; provided further, that not less than \$250,000 shall be expended for a grant to the south shore tri-town development corporation established pursuant to chapter 301 of the acts of 1998; provided further, that not less than \$200,000 shall be expended for the North Shore Alliance for Economic Development; provided further that no less than \$250,000 shall be expended for the operation and programs of AWAKE (Alive with Awareness, Knowledge, and Empowerment) in Springfield; provided further that \$200,000 be expended on the Western Massachusetts Enterprise Fund; provided further that not less than \$250,000.00 shall be expended to the Massachusetts Career Development Institute (MCDI), Inc., in the city of Springfield to provide job training, employability development and career counseling to the unemployed and underemployed; provided further, that not less than \$75,000 be expended for the Lower Pioneer Valley Education Collaborative for the purpose of implementing an educational program enabling on-site technical training; provided further, that not less than

\$100,000 shall be provided for the Work Certified Program operated by the Greater New Bedford Workforce Investment Board, Inc.; provided further that not less than \$105,000 shall be expended to the E-Team Machinist Program in the North Shore; and provided further that not less than \$10,000 shall be provided for the William J. Bresnahan Scouting and Community Center in Ashburnham 11,284,500”;

By inserting after item 7003-0803 the following item:

“7003-1641 For a grant for the Small Business Association of New England for the layoff aversion through management assistance program for consultant and technical assistance to manufacturing companies in Massachusetts to prevent business closure and employee displacement; provided, that the expenditure of the layoff aversion through management program as provided for in this item shall leverage at least \$1 in matching funds for every \$1 granted pursuant to this item; provided further, the president of the Small Business Association of New England shall file a quarterly report with the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development on the number of employees and manufacturing-based companies that have received financial assistance through this item, a detailed description of the services provided to manufacturing companies in the commonwealth through the layoff aversion through management program, and a detailed account of the expenditures of the layoff aversion program, including administrative costs 100,000”;

By striking out item 7007-0300 and inserting the place thereof the following item:

“7007-0300 For the operation of the Massachusetts office of business development, which shall include the operation and support of capital grants programs, including the Massachusetts Opportunities Relocation and Expansion Jobs Capital Program, established in chapter 123 of the acts of 2006, and for marketing and promoting the commonwealth in order to attract and retain targeted businesses and industries; provided, that the office shall maintain business development assistance services at an office to be located at the University of Massachusetts at Dartmouth for the purposes of responding to inquiries and providing assistance to businesses seeking to expand or relocate to southeastern Massachusetts; 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 \$250,000.00 shall be expended for Springfield Technical Assistance Program to be operated by the Affiliated Chambers of Commerce of Greater Springfield; and provided further that \$220,845 be expended for maintenance rent costs 4,408,692”;

By striking out item 7007-0334 and inserting the place thereof the following item:

“7007-0334 For the operation of the office of small business and entrepreneurship and for grants to community development corporations, community development financial institutions or non-profit community-based organizations for the purpose of providing technical assistance or training programs to businesses with 20 employees or fewer; provided further that no less than \$100,000 shall be expended for the Massachusetts Latino Chamber of Commerce in Springfield 1,360,697”;

By striking out item 7007-0500 and inserting the place thereof the following item:

“7007-0500 For the operation and maintenance of the Massachusetts Biotechnology Research Institute for the purpose of promoting the commercialization of new, academic-based research and development, and raising the scientific awareness of the communities of the commonwealth; provided that no less than \$60,000 shall be expended to the city of Lynn to promote a Biotechnology incubator space within the city’s smart growth district 760,000”;

By striking out item 7007-0951 and inserting the place thereof the following item:

“7007-0951 For the operation of the Commonwealth Zoological Corporation established pursuant to chapter 92B of the General Laws; provided, that funds appropriated in this item shall be expended for the purposes of promoting private fundraising, achieving self-sufficiency and serving as a catalyst for urban economic development and job opportunities for local residents; provided further, that the corporation shall take all steps necessary to increase the amount of private funding available for the operation of the zoos; provided further, that funding in this line item may not be transferred through interdepartmental service agreements; provided further, that the corporation shall report to the house and senate committees on ways and means not later than February 1, 2009 on the status of, and amounts collected from,

the private fundraising and enhanced revenue efforts identified in the draft Massachusetts Zoos Business and Operations Plan, dated December, 1996; 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 in the town of Milton; and provided further, that \$250,000 be expended on a matching program to encourage private and corporate donations to support the Franklin Park Zoo and Stone Zoo ... 7,050,000”;

In item 7007-1300 by striking out the figures “960,000” and inserting in place thereof the figures “1,460,000”; and

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

“7007-0900 For the operation and administration of the office of travel and tourism; provided, that performance-based standards shall be incorporated in all contracts executed by said office for the procurement of tourism marketing and advertising services; provided further, that not less than \$1,250,000 of the amount appropriated herein shall be expended for the operation and administration of the Massachusetts Sports and Entertainment Commission; provided, however, that the Massachusetts Sports and Entertainment Commission shall be the official and lead agency to facilitate and attract major sports events and championships in the commonwealth; provided further, that the Massachusetts Sports and Entertainment Commission shall establish a division within the commission which shall be the official and lead agency to facilitate motion picture production and development within the commonwealth; provided further, that not less than \$150,000 shall be expended for a child safety program in the city of Revere; provided further, that not less than \$150,000 shall be expended for a child safety program in the town of Winthrop; provided further, that not less than \$100,000 shall be expended for the Bacon Free Library in Natick; provided further, that \$100,000 shall be expended for the Unity Church in Easton; provided further, that \$50,000 shall be expended for the Freedom Trail Foundation Historic Preservation Trust Development Fund; provided further, that \$150,000 shall be expended for the Old Provincial State House; provided further that no less than \$50,000 be expended for the Peter’s Park Art Wall of the Urban Art Institute; provided further that no less than

\$50,000 be expended for the Friends of Peter's Park; provided further, that not less than \$100,000 shall be expended for the Kwong Kong Chinese School in Boston; provided further, not less than \$100,000 shall be expended for Chinatown Tourism and Trust in the city of Boston; provided further, that not less than \$175,000 shall be expended for the Springfield Business Improvement District (SBID) of Springfield to be used for the installation of a video camera surveillance monitoring system throughout the central business district area of the city of Springfield; provided further, that not less than \$200,000 shall be expended for the City Stage of Springfield; provided further, that not less than \$200,000 shall be expended for the Spirit of Springfield; provided further, that not less than \$50,000 shall be expended for the Springfield Symphony Orchestra; provided further, that no less than \$200,000 be expended for the Wilmington Historical Commission; provided further, that \$50,000 be expended by the town of Westhampton to support the renovation of and supplement existing funding for the Westhampton town library; provided further, that not less than \$129,000 shall be expended for the operation of Discover Quincy; provided further, that not less than \$200,000 shall be expended to the Mahaiwe Performing Arts Center in Great Barrington; provided further, that not less than \$200,000 shall be expended to The Boston Symphony Orchestra for the Renovation, repairs, design and construction to the grounds at Tanglewood; provided further, that not less than \$17,100 shall be expended for a technology grant for the Hopedale Police Department; provided further, that not less than \$125,000, shall be expended for the Hancock Shaker Village for educational programming and marketing purposes; provided further, that not less than \$50,000 shall be expended for the Russian Community Association in Springfield; provided further, that not less than \$50,000 shall be expended for a child safety grant for the city of Everett; provided further, that not less than \$100,000 shall be expended for a small business program in the city of Everett; provided further, that not less than \$100,000 shall be expended for the Merrimack Repertory Theatre; provided further, that not less than \$75,000 shall be expended for the renovation of the Bing Theatre, and provided further, that not less than \$75,000 shall be expended for the installation of street lights in the Forest Park area of Springfield; provided further, that no less than \$100,000 shall be expended for the Italian Cultural Center of Western Massachusetts; provided further, that

not less than \$250,000 shall be expended for the North Central Massachusetts Development Corporation; provided further, that not less than \$10,000 shall be expended for the operation of the Payson Park Music Festival in Belmont; provided further, that not less than \$250,000 shall be expended for The Berkshire Museum, in the city of Pittsfield; provided further, that not less than \$75,000 shall be expended for the rehabilitation and restoration of the Samuel Harrison House in the city of Pittsfield; provided further, that not less than \$250,000, subject to a 100 per cent matching fund, shall be expended for the Berkshire Economic Development Corporation; provided further, that not less than \$9,000 shall be expended for operating expenses for the Route 195 Visitor Information Center in Wareham; provided further, that not less than \$50,000 shall be expended for the purposes of the operation of the programs of the Riverside Theatre Works, an organization located in the Hyde Park section of the city of Boston; provided further, that not less than \$125,000 shall be expended for New England Puerto Rican Association; provided further, that not less than \$50,000 shall be expended to operate the Cape Cod Junior Technology Council; provided further, that not less than \$300,000 shall be expended for the Sturbridge Heritage and Preservation Partnership; provided further, that not less than \$250,000 shall be expended for the 495/MetroWest Corridor Partnership; provided further, that not less than \$25,000 shall be expended for the town of Halifax's 275th Anniversary Celebration; 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 2009 for the highway information centers operating year-round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both in the city of Boston, and the Adams Visitor Center in Adams; provided further, that not less than \$50,000 shall be expended for the operation and administration of the Commonwealth Cup, a series within the Canadian-American Association of Professional Baseball; provided further, that not less than \$50,000 shall be expended on Brockton's Fuller Craft Museum; provided further, that not less than \$150,000 shall be expended to the town of Wendell for an emergency assistance safety grant; provided further, not less than \$100,000 shall be expended for Battleship Cove in the city of Fall River to assist the Commonwealth's official World War II and 9/11 memo-

rials' educational and tourism endeavors; provided further, that not less than \$100,000 shall be expended for the Waltham Tourism Council; provided further, that not less than \$40,000 shall be expended for the Newburyport initiative to attract new businesses and industries; provided further, that not less than \$50,000 shall be expended for the economic development project at the Salisbury Chamber of Commerce; provided further, that not less than \$150,000 shall be expended for a child safety program for the city of Melrose; provided further, that not less than \$150,000 shall be expended for a child safety program for the town of Wakefield; provided further, that not less than \$50,000 shall be expended to the Merry-Go-Round at Heritage State Park in Holyoke; provided further, that not less than \$65,000 shall be expended for the Designing an Industry initiative at Massachusetts College of Art and Design for cluster research and promotion of the statewide design industry; provided further, that \$100,000 shall be expended for the historic Hadley Hall in Hadley; provided further, that \$100,000 shall be expended for the Central Square Theater in Cambridge; provided further, that \$500,000 shall be expended for the Old Provincial State House for stabilization and restoration of the building; provided further, that not less than \$80,000 shall be expended as a grant for the Pioneer Valley Visitors and Tourist Information Center in Greenfield; provided further, that not less than \$200,000 shall be allocated for environmental improvements in downtown Methuen; provided further, that not less than \$50,000 shall be expended for the START Partnership in Framingham; provided further, that not less than \$100,000 shall be expended for the Cape Cod Economic Development Council; provided further, that \$75,000 shall be expended for the Cultural Center of Cape Cod; provided further, that not less than \$100,000 shall be expended for the Cape Cod Maritime Museum located in Hyannis; provided further, that not less than \$50,000 shall be expended for the Enterprise Center at Salem State College for the purpose of furthering economic development on the North Shore; provided further, that \$125,000 shall be expended for the purposes of matching a federally-funded grant entitled, the Essex National Heritage Commission Cooperative Agreement; provided further, that not less than \$50,000 shall be expended for the purposes of furthering the Historic Ports Initiative; provided that \$250,000 shall be expended for the western Massachusetts economic development council for development, marketing and advertising purposes;

provided further, that not less than \$300,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that \$100,000 shall be expended for the Grand Army of the Republic (GAR) Museum in the city of Lynn; provided further, that not less than \$100,000 shall be expended by the local chambers on Cape Cod to include Cape Cod Canal Region, Brewster, Chatham, Dennis, Eastham, Falmouth, Harwich, Hyannis, Mashpee, Orleans and Yarmouth, for the purpose of operating visitor centers; provided further, that not less than \$250,000 shall be expended for the Massachusetts Lodging Association for the continuation of Massachusetts Great Escapes, upgrades to the Massachusetts Lodging Association's web-marketing program, and related marketing programs; provided further, that no less than \$2,500,000 shall be expended for a promotional program by the Massachusetts Office of Travel and Tourism to enhance the international tourism market share of the commonwealth, said program to include but not be limited to the countries of Canada, Argentina, Brazil, Great Britain, Ireland, Italy, France, Germany, Japan and Spain; provided further, that no less than \$74,000 shall be expended for the Spectacle of Lights at Heritage Museums and Gardens in Sandwich; provided further, that not less than \$250,000 shall be expended for the SouthCoast Development Partnership for the purposes of regional tourism and economic development; provided further, that not less than \$225,000 shall be expended for the International Trade Assistance Center in Fall River; provided further, that not less than \$250,000 shall be expended for the Free Shakespeare Company, a program of The Citi Performing Arts Center, for production support for performances offered for free to the public and for a pilot program to expand performances to Springfield and other cities; provided further, that \$200,000 shall be expended for the operation of the Massachusetts Fisheries Recovery Commission on condition that said commission meet quarterly with written notice to all commission members and that the chairmanship and vice-chairmanship of said commission shall be determined by a vote of the commission annually during the first meeting of the fiscal year; provided further, that not less than \$200,000 be expended for the western Massachusetts Economic Development Council for developing, marketing and advertising purposes; provided further, that no less than \$100,000 shall be expended for the historic restoration of the main pier at the Gloucester Maritime Heritage Center in the port of Gloucester; provided fur-

ther, that not less than \$200,000 shall be expended as grants for the Bay State Games; provided further, that not less than \$300,000 shall be expended to the Basketball Hall of Fame in Springfield; provided further that not less than \$25,000 for the town of West Boylston's bicentennial as a one time request to maintain and modestly expand its programs and continue its successful marketing efforts; provided further, that not less than \$150,000 shall be expended for streetscape improvements along Humphrey Street in the town of Swampscott; provided further, that not less than \$10,000 shall be expended for the Revere Beach Partnership, for programs only; provided further, that not less than \$10,000 be expended to the Rumney Marsh Burial Ground Restoration Committee for the purpose of rehabilitating the Rumney Marsh Burial Ground in Revere; provided further, that no less than \$50,000 shall be expended for the Petersham Historical Society; provided further, that no less than \$25,000 shall be expended for the Quaboag Historical Society; provided further that not less than \$50,000 shall be expended for the Johnny Appleseed Visitors' Center; provided further, that not less than \$75,000 be expended for 'Marlborough 2010'; provided further, that not less than \$200,000 shall be expended for the head of the Charles Regatta; provided further, that not less than \$150,000 shall be expended for restoration and repairs to the historical Crocker Field in the city of Fitchburg; provided further, that not less than \$100,000 shall be expended for an economic development grant in the town of Braintree; provided further, that not less than \$100,000 shall be expended for the law enforcement technology fund in the town of Franklin; provided further, that not less than \$100,000 shall be expended for the Medway Senior Center; provided further, that not less than \$200,000 shall be expended for the Zeiterion Performing Arts Center in New Bedford; provided further, that not less than \$50,000 shall be expended for the New Bedford Art Museum for tourism production; provided further, that not less than \$1,000,000 shall be expended for the international education and foreign language grant program fund established pursuant to Section 2VVV of chapter 29 of the General Laws; provided further, that not less than \$250,000 shall be expended for new seating in the historic Chevalier auditorium in Medford; provided further, that not less than \$80,000 shall be expended to the Hull Life-saving Museum for the purpose of planning the Massachusetts Maritime Trail; provided further, that not less than \$200,000 shall be expended

for a child safety grant in the town of Hull; provided further, that not less than \$120,000 shall be expended for patrols in Wompatuck state park, Hingham Square and the Hingham Harbor sections of Hingham; provided further, that not less than \$100,000 shall be expended for the Reagle Players; provided further, that not less than \$100,000 shall be expended for the Russian Community Association of Massachusetts (RCAM) in Boston; provided further, that not less than \$25,000 shall be expended for Essex Street, between houses 506 and 509, in the Town of Saugus; provided further, that not less than \$20,000 shall be expended for the Cultural Center at Elms in Chicopee; provided further, that not less than \$100,000 shall be expended for a grant for the Fino Field Complex in Milford provided further, that not less than \$75,000 of the funds appropriated herein shall be used to assist year round rural theater organizations on the Lower and Outer Cape through grants for non-prime season operating expenses and audience enhancement initiatives; provided further that not less than \$150,000 shall be expended for the North Adams Armory; provided further, that not less than \$300,000 be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce; provided further, that \$100,000 shall be expended for School Zone safety projects in Arlington; provided further, that the Executive Office of Public Safety shall receive a grant not less than \$200,000 to support the establishment of a pilot transitional employment project in four sites for very high-risk youth and young adults ages 16 – 24 in the cities and/or geographic areas with high incidences of violence, incarceration, court-involvement and related activities; provided further, that the Secretary of Public Safety shall distribute grant funds through a competitive grant program that gives preference to applications that: serve communities that have been identified as being high risk communities for youth and young adult violence; demonstrate multi-disciplinary collaboration, including youth/young adult serving community organizations, state agencies, local law enforcement, medical and public health professionals, and faith-based organizations; utilize a stages of change framework that includes addressing intervention work with young people including but not limited to transitional employment, education, employment readiness, life skills, substance abuse education and treatment referral as needed, re-entry, promoting accountability, and work with other organizations and the Executive Office of Public Safety to determine best

practices and long-term programming for transitional employment; commitment and ability to develop and implement the pilot as proposed in the model including, but not limited to, intensive case management component, re-hire component for transitional employment, work with TA provider, purchase and implementation of Efforts Towards Outcomes for tracking work and outcomes, work with evaluator, and willingness to work as a group to demonstrate the capacity and improve the model; have the ability to provide a minimum match of \$200,000 to pilot the project and have the administrative capacity and organizational mission to implement such a program; and demonstrate the ability to work with the department staff to conduct comprehensive evaluations of program development and implementation activities; provided further, that \$125,000 shall be expended for the historic registry in the town of Stoneham; provided further, that \$125,000 shall be expended for the Sanborn House in the town of Winchester; provided further, that not less than \$250,000 shall be expended for the Prince Hall Youth Mentoring Program; provided further, that not less than \$100,000 shall be expended for the operation of Learn to Cope; provided further, that not less than \$50,000 shall be expended for a traffic safety grant regarding the intersection of Highland Glenn Road and High Street in the town of Westwood; provided further, that \$100,000 shall be expended for senior transportation services provided by SCM Community Transportation in Somerville, Cambridge, and Medford; provided further, that not less than \$150,000 shall be expended for an emergency grant resulting from FEMA declared disaster #1512; provided further, that not less than \$75,000 shall be available for a public safety enhancement grant for the City of Pittsfield; provided further, that not less than \$50,000 shall be expended for the YouthGROW program; provided further, that not less than \$75,000 shall be expended for the Captain Leonard House in Agawam; provided further, that not less than \$25,000 shall be expended for the South Cultural Council; and provided further, that not less than \$250,000 shall be expended for Puerto Rican Cultural Center of Springfield; provided further, that \$100,000 be expended for costs at the Major General Thomas J. Foley Stadium located in the city of Worcester; provided further, that not less than \$150,000 shall be expended for the Zumix Cultural Organization in East Boston; provided further, that not less than \$50,000 shall be expended for Framingham Downtown Renaissance economic, tourism and cultural

development programs; provided further, that not less than \$175,000 be expended for planning and design funding for an economic development program for Needham Heights; provided further, that not less than \$175,000 be expended for construction plans and bid documents for a new park and recreation building utilizing green technologies in the town of Medfield; provided further, that \$51,000 shall be expended for the purpose of funding the Francis Wyman Project; provided further, that \$300,000 shall be expended for a transportation grant to the town of Weston; provided further, that not less than \$225,000 shall be expended for the International Trade Assistance Center in Fall River. provided further, that not less than \$20,000 shall be expended for a Community Development Clinic to be operated by the Southern New England School of Law; provided further, that not less than \$100,000 shall be expended for a public safety program in the town of Dudley; provided further, that not less than \$75,000 shall be expended as a matching grant for the Josiah Dennis Manse; provided further, that not less than \$25,000 shall be provided for an emergency preparedness program for the town of Millville; provided further, that not less than \$50,000 shall be provided for a public safety grant for the town of Uxbridge; provided further, that not less than \$60,000 shall be expended by the Framingham office of the department of social services for the Metrowest Campership program operated by the Ashland youth advisory board; provided further, that \$50,000 be expended for the David Tilden House in the town of Canton; provided further, that not less than \$150,000 shall be expended for a feasibility study on Meadowbrook Road in the town of Chelmsford; provided further, that not less than \$100,000 shall be expended for a transportation development grant in Arlington; provided further, that not less than \$200,000 shall be expended to the Town of Andover for a child safety grant; provided further, that not less than \$25,000 shall be expended for a feasibility study at the Fairhaven Council on Aging facility; provided further, that not less than \$50,000 be expended for a safety enhancement grant for the town of Canton; provided further, that not less than \$50,000 shall be expended for a child safety grant for the town of East Bridgewater; provided further that not less than \$15,000 shall be expended for the New Bedford Festival Theatre; provided further that not less than \$75,000 shall be expended for the Boston Landmarks Orchestra to provide free classical music performances and educational programs at

Boston's Hatch Shell and in the communities of Dorchester, Jamaica Plain, Quincy, Charlestown, Roxbury and East Boston; provided further, that \$100,000 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; provided further that not less than \$100,000 shall be expended to the Dunbar Community Center (DCC), Inc., so-called, in Springfield to operate the DCC Teen Safe Zone Program; provided further, that not less than \$350,000 shall be expended for amelioration of an area bounded by Middle, Garey and Commercial Streets in the Town of Weymouth 34,187,514";

Housing and
Economic
Development
amendments
adopted,
yea and nay
No. 365.

and in section 54, in line 2, by striking out the figures "229,000,000" and inserting in place thereof the figures "412,000,000".

Bill passed
to be
engrossed,
yea and nay
No. 366.

On the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. DeLeo of Winthrop; and on the roll call 137 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 365 in Supplement.]

Therefore the amendments were adopted.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. DeLeo; and on the roll call 136 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 366 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed. Mr. DeLeo moved that this vote be reconsidered; and the motion to reconsider was considered forthwith and it was negatived. The bill (House, No. 4701, printed as amended) then was sent to the Senate for concurrence.

Next
sitting.

Order.

On motion of Mr. Scaccia of Boston,—

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

At twenty-two minutes after twelve o'clock midnight (Saturday, May 3), there being no objection, on motion of Mr. Rogers of Norwood (the Speaker being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.