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Wednesday, April 28, 2010 (at 10:00 o'clock A.M.).

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

God, our Creator, we begin a new day and a new legislative session with our minds and hearts focused on You, Your ways and precepts. We look to You for guidance in our common struggle to serve the people and the Commonwealth in these difficult economic and political times. May we be blessed with Your gifts of knowledge and wisdom in our decision-making actions so the common good and society are well-served. In facing a multiplicity of tasks and needs, grant a sense of proportion so that we keep all challenges and expectations of the people in perspective. May we dialogue and work together to develop public policy which continues to recognize the personal dignity of all individuals as well as the civil, human and religious rights of all. Teach us to keep in mind that we are all members of the one human family which is Your family.

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

Prayer.

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

Pledge of allegiance.

Guests of the House.

During the session, Mr. Costello took the Chair for the purpose of introducing members of a delegation from Beijing, China. The delegation included Huang Wei, Deputy Mayor of Beijing; Zhou Zhengyu, Deputy General Secretary of Beijing Municipal Government; Liu Limin, Director General of Beijing Municipal Commission of Education; Hu Dong, Deputy Director General of Beijing Foreign Affairs Office; Song Jianguo, Director of Beijing Traffic Management Bureau; and Jow Jengjew Lee.

Beijing, China,—
municipal delegation.

During the session, Ms. Fox of Boston took the Chair for the purpose of introducing members of the Massachusetts Senior Action Coalition. They were the guests of Representative Fox.

Senior Action Coalition.

Resolutions.

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

Resolutions (filed by Mr. Vallee of Franklin) honoring retired Army Colonel Michael F. Matondi in celebration of his ninetieth birthday;

Michael F. Matondi.

Resolutions (filed by Messrs. Calter of Kingston and deMacedo of Plymouth) congratulating Warren Phillips on the occasion of his induction into the National Teachers Hall of Fame;

Warren Phillips.

Resolutions (filed by Mr. deMacedo of Plymouth) congratulating Michael James Foran on receiving the Eagle Award of the Boy Scouts of America;

Michael James Foran.

Resolutions (filed by Mr. Fagan of Taunton) honoring James F. Strojny, Jr.;

James F. Strojny.

Resolutions (filed by Messrs. Fagan of Taunton and Canessa of New Bedford)

Taunton, —

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congratulating Walker School on the occasion of its one hundred fifteenth anniversary; and

Walker School.

Resolutions (filed by Mr. Straus of Mattapoisett) calling upon the Secretary of the Department of Commerce of the United States of America to increase the 2010 annual catch limits for the nineteen fish stocks in the Northeast Multispecies Fishery.

Catch limits, —
fishing.

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

Papers from the Senate.

The House Bill establishing a regional wastewater district for the towns of Mansfield, Foxborough and Norton (House, No. 4307) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2349.

Mansfield,
Foxborough
and Norton,—
wastewater.

Under suspension of Rule 35, on motion of Mr. Barrows of Mansfield, 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.

Bills

Amending police appointments in the town of Dudley (Senate, No. 1146) (on a petition) [Local Approval Received]; and

Dudley, —
police.

Exempting the position of fire chief in the city of Gloucester from the civil service law (Senate, No. 2102) (on a petition) [Local Approval Received].

Gloucester, —
police chief.

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.

Reports of Committees.

Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a message from His Excellency the Governor, a Bill authorizing the town of Millbury to pay certain unpaid bills (printed in House, No. 4525). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Millbury,—
unpaid bills.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, reported that the matter be scheduled for consideration by the House.

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

Subsequently, under suspension of the rules, on further motion of Mr. Frost, the bill (having been 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. Sent to the Senate for concurrence.

Engrossed Bills.

The engrossed Bill validating certain nomination papers filed in the town of Millville for the 2010 annual election (see House bill printed in House, No. 4583)

Bill
enacted.

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(which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to the Brewster board of water commissioners (see House, No. 4279) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Id.

Recess.

Mrs. Haddad of Somerset being in the Chair,— At twenty-six minutes after one o'clock P.M. (Wednesday, April 28), on motion of Mr. Hill of Ipswich, the House recessed until the hour of two o'clock; and at eighteen minutes after two o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Recess.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2011 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. 4600, amended) was considered.

General
Appropriation
Bill.

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

“SECTION 55. Notwithstanding any general or special law, rule or regulation to the contrary, in the city of Brockton, or in the towns of West Bridgewater, East Bridgewater and Easton, 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, 2010, shall not be subject to this act. For the purpose 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. Petrolati of Ludlow being in the Chair,— Mr. Perry of Sandwich and other members of the House moved to amend the bill by adding the following section:

“SECTION 55. The General Laws, as appearing in the 2006 Official Edition, are hereby amended by inserting after chapter 117A the following new chapter:—

Chapter 117B

Restrictions on Public Benefits

Section 1. Definitions.

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

‘Emergency Medical Condition,’ the same meaning as provided in section 1396b

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(v) (3) of Title 42 of the United States Code.

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

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

Section 2. (a) Except as otherwise provided in subsection (3) of this section or where exempted by federal law, on and after January 1, 2011, each agency or political subdivision of the commonwealth shall verify the lawful presence in the United States of every natural person eighteen years of age or older who applies for state public benefits or for federal public benefits which are for the benefit of the applicant.

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

(c) Verification of lawful presences in the United States shall not be required:

For any purpose for which lawful presence in the United States is not required by law, ordinance, or rule;

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

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

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

For programs, services, or assistance, such as soup kitchens, crisis counseling and intervention, and short-term shelter specified by Federal laws or regulations that:

Deliver in-kind services at the community level, including services through public or private nonprofit agencies;

Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient’s income or resources; and

Are necessary for the protection of life or safety or;

For parental care.

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

(1) Produce:

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

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

A United States Coast Guard Merchant Mariner card; or

A Native American tribal document.

(2) If such documentation as required in subparagraph (1) of subsection (d) of this section cannot be lawfully produced, execute a notarized affidavit stating:

That he or she is a United States citizen or legal permanent resident; or

That he or she is otherwise lawfully present in the United States pursuant to federal law.

(e) Notwithstanding the requirements of subparagraph (1) of subsection (d) of this section, the Commissioner of the Department of Revenue may issue emergency rule, to be effective until July 1, 2010, providing for additional forms of identification or a waiver process to ensure that an individual seeking benefits pursuant to this section proves lawful presence in the United States. This subsection and all emergency rules authorized hereunder shall cease to be effective as of July 1, 2010.

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

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

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

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

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

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

Section 3. If any provision of this act or the application thereof to any person or circumstance is held by any court to be unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of the section are declared to be severable.”

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

“Section 4. Notwithstanding any special or general law to the contrary, the provisions of this chapter shall not take effect until such time as the executive office of health and human services has furnished a study of its impact on the state’s economy

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and revenue cost to the commonwealth, 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 house and senate committees on ways and means and the joint committee on health care financing and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”.

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

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

[See Yea and Nay No. 371 in Supplement.]

Therefore a quorum was present.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Ms. Forry of Boston; and on the roll call 83 members voted in the affirmative and 75 in the negative.

[See Yea and Nay No. 372 in Supplement.]

Therefore the further amendment was adopted.

Subsequently a statement of Mr. Basile of Boston was spread upon the records, 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.

The amendment offered by Mr. Perry of Sandwich and other members of the House, as amended, then also was adopted. Mr. Sánchez moved that this vote be reconsidered; and the motion to reconsider was negatived.

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

“SECTION 56. 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 recommendations into effect, by filing the same with the clerk of the House of Representatives on or before December 31, 2008.”.

The amendment was rejected.

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

“SECTION 56. Any municipality or town within the Commonwealth that is in detrimental financial trouble with its fiscal year budget as determined by but not limited to the Office of Administration and Finance or Department of Revenue which requires any subsequent action taken by the Legislature in the form of a Special Act

Quorum.

Quorum roll call,— yea and nay No. 371.

Further amendment adopted,— yea and nay No. 372.

Statement of Mr. Basile of Boston.

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and/or Special Legislation to assist said municipality or town in relieving or assisting the specific financial situation; shall be required to be under the immediate control of a five member control board of which its members shall be appointed by the Governor as part of the enabling legislation passed by the Legislature.”.

The amendment was rejected.

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

“SECTION 56. 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. Kocot of Northampton then moved to amend the bill by adding the following new section:

“SECTION 56. All casino and expanded gaming license holder shall assess a twenty dollar per ticket or admission cultural tourism and hospitality industry impact surcharge for all events held in any theatre, convention, assembly or entertainment venue within their licensed location, other than the primary gaming area, holding over three hundred attendees at one time, provided, that all proceeds from said surcharge shall be segregated and distributed as a separate cultural tourism and hospitality local aid line item on the annual “Cherry Sheet” municipal receipt distribution, on a per capita basis, to those communities within sixty miles of said license holder’s venue that have adopted the local option meals tax increase as of January 1, 2011.”.

The amendment was rejected.

Mr. Brownsberger of Belmont then moved to amend the bill by adding the following section:

“SECTION 56. Any federal funds received by the Commonwealth from Section 511 of Title V of the Social Security Act for maternal, infant and early childhood visiting programs shall be administered by state agencies which currently administer maternal, infant and early childhood visiting programs, operate evidence based models, have been in existence for at least three years, and administer healthy families program.”.

The amendment was rejected.

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

“SECTION 56. Chapter 94 of the General Laws is amended by adding the following section: Section 307D (a) No person shall sell, distribute or offer for sale to

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consumers any tobacco product or any component part thereof that: (1) has or produces a distinguishable flavor, taste or aroma (other than tobacco, menthol, wintergreen or mint) that can be readily perceived by a consumer or other person either prior to or during consumption; or (2) does not have or produce such a distinguishable flavor taste or aroma but is nevertheless labeled, advertised or otherwise marketed as having or producing such a distinguishable flavor, taste or aroma. (b) A tobacco product shall be deemed to be subject to this section if its labeling or advertising or a publicly disseminated official statement or formal claim by the manufacturer or importer, or by any person authorized or permitted by the manufacturer or importer to make such statements or claims concerning the tobacco product on its behalf, states that the tobacco product has or produces a flavor, taste, or aroma (other than tobacco, menthol, wintergreen or mint) either prior to or during consumption. (c) A tobacco product shall not be subject to this section solely because it contains certain additives or flavorings or because it has certain additives or flavorings included in any ingredient list. (e) For the purpose of this section “tobacco product” includes any product containing tobacco or nicotine that is expected or intended for consumption except for: (1) any cigarettes subject to the Special Rule for Cigarettes relating to characterizing flavors of the federal Family Smoking and Tobacco Prevention Act; (2) any product that has been approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as a tobacco use cessation product or for other medical purposes and is being marketed and sold solely for that approved purpose. (f) The prohibitions in subsections (a) and (b) shall not apply to any tobacco product sold in a permanent retail sales outlet that does not admit any person under the age of 18, maintains a valid permit for the retail sale of tobacco products as required to be issued by the appropriate authority in the city or town where the establishment is located, is not required to possess a retail food permit and in which the sale of other tobacco products is merely incidental. (g) The Department may issue regulations or rules as necessary or desired to facilitate the administration or enforcement of this section and promote the purposes of this section and Act. (h) Nothing in this section shall preempt further limitation of the sale of tobacco products, or smoking, by the commonwealth or any department, agency or political subdivision of the commonwealth.”

The amendment was rejected.

Ms. Malia of Boston then moved to amend the bill in section 2, in item 5046-0000, by adding the following “; provided further, that Program of Assertive Community Treatment (PACT) services provided by the department in fiscal year 2010 shall continue to be provided in fiscal year 2011”, and in item 5046-2000 by adding the words “services provided shall include community support and emergency psychiatric services”.

The amendments were adopted.

Mr. Rush of Boston then moved to amend the bill in section 2 [A] by striking out item 5920-2000 and inserting in place thereof the following two items: “

“5920-2000 For vendor-operated, community-based, residential adult services, including intensive individual supports; provided, that funds shall be expended towards compliance with the terms of the Rolland settlement agreement, dated June 16, 2008, Civil Action No. 98-30208-KPN, filed in the United States District Court of Massachusetts in order to provide services for class members; provided further, that annualized funding shall be expended for turning 22 clients who began receiving the services in fiscal year 2009 pursuant to item 5920-5000 of section 2 of chapter 182 of the acts of 2008; provided further, that funds shall be

expended to comply with the terms of the Boulet v. Cellucci, 107 F.Supp. 2d 61 (D. MASS. 2000); provided further, that the commissioner of the department of developmental services 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 2011; and provided further, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item..... \$713,875,077

5920-2010 For state-operated, community-based, residential services for adults, including community-based health services; provided, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item; and provided further, that funds shall be expended to comply with the terms of the Boulet v. Cellucci settlement agreement; and provided further, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item..... \$147,876,409”.

Pending the question on adoption of the amendment, the same member moved that it be amended by striking out the text of said amendment [at “A”] and inserting in place thereof the following “, in item 5920-2000, in line 9, by inserting after the following “(D.MASS.2000)” the following “; provided further, that the department shall submit to the House and Senate Committees on Ways and Means, a report detailing, if any, the transfer of beds from state-operated to vendor-operated homes on or before December 31, 2010 and again on March 1, 2011”.

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

At one minute after six o’clock P.M. (Wednesday, April 28), on motion of Mr. Peterson of Grafton (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of seven o’clock; and at nine minutes after seven o’clock the House was called to order with Mr. Donato of Medford in the Chair.

Recess.

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

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 142 members were recorded as being in attendance.

Quorum roll call,—
yea and nay
No. 373.

[See Yea and Nay No. 373 in Supplement.]

Therefore a quorum was present.

Representatives Gobi of Spencer and Pedone of Worcester then moved to amend the bill in section 2, in item 5930-1000, by adding the following [A] “; and provided further, that the department shall take no action to reduce the client population of any state residential-based facility for the mentally retarded, including intensive individual supports, for the purpose of closing said state institutions, and no steps shall be taken to close said institutions through attrition, layoffs or any other means until a study of any

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such reduction or closing shall be completed, and the general court shall have approved by law any such reductions or closing; provided further, that the secretary for administration and finance shall conduct said study, which shall examine the costs, benefits and quality of maintaining said institutions and shall identify alternative methods of providing the services currently provided by said institutions, and said secretary shall report in writing the findings and recommendations of said study or studies to the House and Senate Committees on Ways and Means not later than December 1, 2011”.

Pending the question on adoption of the amendment, the same members moved to amend it by striking out the proposed new text [at A] and inserting in place thereof the following “; and provided further, that the department shall take no action to reduce the client population of any state residential-based facility for the mentally retarded, including intensive individual supports, for the purpose of closing said state institutions, and no steps shall be taken to close said institutions through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed; and provided further nothing in said language shall preclude an individual from exercising his or her rights to transfer to a community based residential-based facility either state or vendor operated provided further, that the secretary for administration and finance shall conduct said study, which shall examine the costs, benefits and quality of maintaining said residential-based facilities (ICFS/MR state and vendor operated), and said secretary shall report in writing the findings and recommendations of said study or studies to the House and Senate Committees on Ways and Means not later than December 1, 2011”.

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

Mr. Murphy of Burlington and other members of the House then moved to amend the bill in section 2 by striking out item 4403-2000 and inserting in place thereof the following item:

[A]“4403-2000 For a program of transitional aid to families with dependent children; provided, that notwithstanding any general or special law to the contrary, benefits under the program of transitional aid to families with dependent children shall be paid only to citizens of the United States and to non-citizens for whom federal funds may be used to provide benefits; provided further, that notwithstanding any general or special law or any provisions of this act to the contrary, no benefits under this item shall be made available to illegal or undocumented aliens; provided further, that the need standard shall be equal to the standard in effect in fiscal year 2010 unless the department determines that a reduction in the monthly payment standard should be implemented before the end of the fiscal year to keep program expenditures within the amounts appropriated in this item; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under subsection (e) of section 110 of chapter 5 of the acts of 1995, or any successor statute, shall be 2.75 per cent below the otherwise applicable payment standard, in fiscal year 2011, pursuant to the state plan required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided further, that the department shall notify parents under the age of 20 receiving benefits from the program of the requirements found in clause (2) of subsection (i) of said section 110 of

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said chapter 5 of the acts of 1995, or any successor statute; provided further, that a \$40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that a nonrecurring children's clothing allowance in the amount of \$150 shall be provided to each child eligible under this program in September 2010; provided further, that the children's clothing allowance shall be included in the standard of need for the month of September 2010; provided further, that benefits under this program shall not be available to those families in which a child has been removed from the household pursuant to a court order after a care and protection hearing under chapter 119 of the General Laws, nor to adult recipients otherwise eligible for transitional aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of children and families in accordance with department procedures; provided further, that notwithstanding section 2 of chapter 118 of the General Laws, or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month the payments are to be made or within the 3 month period after the month of payment, and who, if the child had been born and was living with her in the month of payment would be categorically and financially eligible for transitional aid to families with dependent children benefits; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for the loss; provided further, that the department shall review its disability standards to determine the extent to which they reflect the current medical and vocational criteria and report on the proposed revisions by December 1, 2010, to the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities on the results of that review before any changes to the standards are proposed; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided further, that no funds from this item shall be expended by the department for family reunification benefits or informal child care; provided further, that the department shall provide oral and written notification to all recipients of their child care benefits at the time of application and on a semi-annual basis; provided further, that the notification shall include the full range of child care options available, including center-based child care, family-based child care, and in-home relative child care; provided further, that the notification shall detail available child care benefits for current and former recipients, including employment and training benefits and transitional benefits; provided further, that the notice shall further advise recipients of the availability of supplemental nutrition assistance program benefits; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility for, or levels of benefits under the program, the department shall take into account the amounts available to

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it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding any general or special law to the contrary, 90 days before promulgating any eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the senate and house of representatives a detailed and comprehensive report setting forth the text of, basis, and reasons for the proposed changes; provided further, that in fiscal year 2011, no such determination and report shall be filed prior to December 5, 2010 in order to allow sufficient review of any such proposals by no later than the third Wednesday in November of 2010 or prior to the conclusion of all formal business of the second annual session of the general court no later than the last day of July 2011; and provided further, that the report shall state the department's most accurate assessment of the probable effects of benefit or eligibility changes upon recipient families.....\$319,165,900”;

By striking out item 4408-1000 and inserting in place thereof the following

item:

[B]“4408-1000 For a program of cash assistance to certain residents of the commonwealth, entitled emergency aid to the elderly, disabled and children found by the department to be eligible for the aid under chapter 117A of the General Laws and regulations promulgated by the department and subject to the limitations of appropriation therefore; provided, that benefits under this item shall only be provided to residents who are citizens of the United States or qualified aliens or non-citizens otherwise permanently residing in the United States under color of law and shall not be provided to illegal or undocumented aliens; provided further, that the individual shall not be a subject to sponsor income deeming or related restrictions; provided further, that the payment standard shall equal the payment standard in effect under the general relief program in fiscal year 1991; provided further, that the department may provide benefits to persons age 65 or older who have applied for benefits under chapter 118A of the General Laws, to persons suffering from a medically-determinable impairment or combination of impairments which is expected to last for a period as determined by department regulations and which substantially reduces or eliminates such individuals' capacity to support themselves and which has been verified by a competent authority, to certain persons caring for a disabled person, to otherwise eligible participants in the vocational rehabilitation program of the Massachusetts rehabilitation commission and to dependent children who are ineligible for benefits under both chapter 118 of the General Laws and the separate program created by section 210 of chapter 43 of the acts of 1997 and parents or other caretakers of dependent children who are ineligible under said chapter 118 and under said separate program; provided further, that no ex-offender, person over age 45 without a prior work history or person in a residential treatment facility shall be eligible for benefits under this program unless the person otherwise meets the eligibility criteria described in this item and defined by regulations of the department; provided further, that no person incarcerated in a correctional institution shall be eligible for benefits under the program; provided further, that no

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funds shall be expended from this item for the payment of expenses associated with any medical review team, other disability screening process or costs associated with verifying disability for this program; provided further, that the department shall adopt emergency regulations under chapter 30A of the General Laws to implement the changes to this program required by this item promptly and within the appropriation; provided further, that in initially implementing the program for this fiscal year, the department shall include all eligibility categories permitted in this item at the payment standard in effect for the former general relief program in fiscal year 1991; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility or benefits, including the payment standard, medical benefits and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the amount appropriated in this item; provided further, that the department may promulgate emergency regulations under chapter 30A of the General Laws to implement these eligibility or benefit changes or both; provided further, that nothing in this item shall be construed as creating any right accruing to recipients of the former general relief program; provided further, that reimbursements collected from the Social Security Administration on behalf of former clients of the emergency aid to the elderly, disabled and children program or unprocessed payments from the program that are returned to the department shall be credited to the General Fund; provided further, that notwithstanding any general or special law to the contrary, the funds made available in this item shall be the only funds available for the program, and the department shall not spend funds for the program in excess of the amount made available in this item; provided further, that, notwithstanding any general or special law to the contrary, 90 days before implementing any eligibility or benefit changes, the commissioner shall file 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 the proposed changes; and provided further, that in fiscal year 2011, no such determination and report shall be filed between December 5, 2010 in order to allow sufficient review of any such proposals by no later than the third Wednesday in November of 2010 or prior to the conclusion of all formal business of the second annual session of general court no later than the last day of July 2011 \$84,658,966”,

In item 4510-0040, by adding the following “; and provided further, that not less than \$150,000 be expended for the Healthcare Industry Grant Corporation to provide career ladder job training for healthcare workers[C]”,

In item 4510-0100 by adding the following “; provided further, that not less than \$79,000 shall be expended for programs funded in item 4512-0200 in section 2 of chapter 182 of the acts of 2008 assisting with the Haitian earthquake relief efforts” and in said item by striking out the figures “\$17,920,655” and inserting in place thereof the figure “\$17,999,655”,

In item 4512-0200 by adding the following: “; and provided further, that programs shall receive the amount of funding in fiscal year 2011 as received in fiscal year 2010”,

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In item 4512-0500 by adding the following: “; and provided further, that funds may be expended for the Forsyth Institute’s Center for Children’s Oral Health”, in item 4513-1111 by adding the following: “; provided further that not less than \$100,000 shall be expended for brain aneurysm education, awareness and early detection [D]”,

In item 4580-1000, in lines 8 to 15, inclusive, by striking out the following “each health insurance carrier, as defined in chapter 176O of the General Laws, that conducts business in the commonwealth shall contribute to the total amount determined by the department to be sufficient to cover the costs of purchasing and distributing childhood vaccines for children in this item; and provided further, that the division of health care finance and policy, in consultation with the department, shall specify by regulation the method of calculating a proportional contribution and procedures for payment of the contribution to the General Fund” and inserting in place thereof the following “the costs of purchasing and distributing childhood vaccines for children in this item may be assessed on surcharge payers under section 38 of chapter 118G of the General Laws and may be collected in a manner consistent with said chapter 118G”,

In item 4590-0250[E] by adding the following “; provided further, that the same percentage of funds shall be expended for school nurse programs as those expended in fiscal year 2010; and provided further that funds may be expended for the Massachusetts Model of Community Coalitions”,

In item 4590-0915 by adding the following “; provided further, that the Massachusetts Hospital School shall maintain not less than 75 beds for clients in its inpatient setting”,

In item 4590-1506 by adding the following “[F] ; provided further, that funds shall be expended for grants to the Massachusetts Alliance of Boys & Girls Clubs, YMCA and YWCA organizations, nonprofit community centers and youth development programs; and provided further, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization” and in said item by striking out the figures “\$1,500,000” and inserting in place thereof the figures “\$3,000,000”, by striking out item 4800-0015 and inserting in place thereof the following item:

“4800-0015 For central and area office administration; provided, that the associated expenses of employees whose AA and DD object class costs are paid from item 4800-1100 shall be paid from this item; provided further, that no funds shall be expended from this item for the compensation of unit 8 employees; provided further, that the department shall not place a child or adolescent referred by, or discharged from, the care of the department of mental health until the latter department forwards an assessment and recommendation as to whether the child or adolescent may be appropriately placed in foster care or, if due to severe emotional disturbance, is more appropriate for group care; provided further, that if placement of a child with someone other than a parent becomes necessary, the department shall place the highest priority on identifying a family resource within the child’s kinship or family circle and shall provide services and support to partner with the family resource in meeting the child’s needs; provided further, that the department, in consultation with the department of mental health, shall 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 and the department

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of early education and care shall provide standards for early education and care placements made through the supportive child care program; provided further, that the department of children and families, in collaboration with the department of early education and care, shall maintain a centralized list detailing the number of children eligible for supportive child care services, the number of supportive slots filled and the number of supportive slots available; provided further, that notwithstanding any general or special law to the contrary, the department shall not reduce recoupment amounts recommended by the state auditor; provided further, that on or before October 1, 2010, the department shall issue draft revised regulations for public comment which ensure that the department maintains an independent, timely and fair administrative hearings system; provided further, that the department shall submit the final version of these regulations to the joint committee on children, families, and persons with disabilities by December 1, 2010; provided further, that on or before October 1, 2010, the department shall revise its procedures to ensure that newly requested administrative hearings are scheduled and decided on a timely basis; provided further, that the department shall submit a plan for the elimination of its backlog of administrative hearing requests to the joint committee on children, families, and persons with disabilities by October 1, 2010; provided further, that the plan shall identify the number of fair hearing requests that were pending as of July 1, 2010; provided further, that the department shall set quarterly benchmarks for the elimination of the backlog; provided further, that the department shall submit quarterly reports to the joint committee on children, families, and persons with disabilities on the status of the backlog; provided further, that the department shall employ not less than 1 full-time board-certified physician; provided further, that the department shall employ four to five full-time board certified or board eligible child psychiatrists to serve the area offices; provided further, that hiring and supervision shall be done in conjunction with the department of mental health; provided further, that such physicians shall collaborate with the department's social workers; provided further, that not later than February 15 of the current fiscal year, the department shall provide to the house and senate committees on ways and means and the joint committee on children and families a report detailing the number of medical and psychiatric personnel currently employed by or under contract with the department; provided further, that the report shall include the number of foster care reviews conducted by the department and the average length of time in which each review is completed; provided further, that the report shall contain the number of the department's contracts reviewed by the state auditor and the number of corrective action plans issued; provided further, that the report shall also include the number of corrective action plans entered into by the department; provided further, that the report shall include the number of social workers and supervisors who have earned a bachelors' or masters' degree in social work; provided further, that the report shall include the total number of social workers and the total number of social workers holding licensure, by level; provided further, that the department shall file a report on the first business day of

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each month to the senate and house committees on ways and means and the joint committee on children and families on the caseload of the department; provided further, that caseloads provided in this report shall include: residential placements, group care, foster care, therapeutic foster care, adoption, guardianship, 51A reports, substantiated 51A reports, the number of children who die in the care and custody of the department, the number of children currently eligible for supportive child care and the number of children presently receiving 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 the department of children and families care and custody who are being served in medical or psychiatric care provided through other publicly-funded sources; provided further, that the report shall also contain the number of children served by supervised visitation centers and the number of those children who are reunified with their families; provided further, that the report shall contain information on the total number of children served, their ages, the number of children served in each service plan, the number of children in out-of-home placements and the number of placements each child has had before receiving an out-of-home placement; provided further, that the report shall also contain the number of families receiving multiple 51A reports within a 10-month period, the number of cases reopened within 6 months of being closed and the number of children who return home and then re-enter an out-of-home placement within 6 months; provided further, that the report shall contain, for each area office, the number of kinship guardianship subsidies provided in the month covered by the report, and the number of kinship guardianship subsidies provided in that month for which federal reimbursement was received; provided further, that the report shall contain, for each area office, the total spending on services other than case management services provided to families for the purpose of keeping a child with his family or reunifying the child with his parents, spending by type of service and the unduplicated number of families that receive the services; provided further, that the report shall contain, for each area office, the total number of families in the month residing in shelter paid for by the department, a list of where families are sheltered, the total cost and average cost per family of those shelters and a description of how the department determines who qualifies for shelter; provided further, that the report shall include, for each area office, broken down by type of service, the number of requests for voluntary services, whether the request was approved or denied, the reasons for denying the service, and what, if any, referrals were made for services by other agencies or entities; provided further, that not later than November 2, 2010, the department shall submit a report to the house and

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senate committees on ways and means and the chairs of the joint committee on children and families that includes any rules, regulations, or guidelines established by the department to carry out its duties pursuant to chapter 119, including, but not limited to (a) criteria used to determine whether a child has been abused or neglected; (b) guidelines for removal of a child from the home; and (c) standards to determine what reasonable efforts are made to keep a child in the home; provided further, that the commissioner of the department of children and families may transfer funds between items 4800-0038, and 4800-0041, as necessary, pursuant to an allocation plan, which shall detail, by object class, the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; and provided further, that not more than 5 per cent of any item shall be transferred in fiscal year 2011 \$65,067,732”,

In item 4800-0016 by striking out the figures “\$500,000” and inserting in place thereof the figures “\$2,000,000”,

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

“4800-0038 For guardianship, foster care, adoption, family preservation, and kinship services provided by the department of children and families; provided further, that services funded through this item shall include shelter services, substance abuse treatment, young parent programs, parent aides, education and counseling 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 no less than \$298,000 be expended for alternative school students aged 14 to 16, inclusive, who are determined to be children in need of services or CHINS; provided further, that funding shall be expended on children’s advocacy centers and services for child victims of sexual assault; and provided further, that funds may be expended on programs that received funding in fiscal year 2010..... \$248,981,594”,

By striking out item 5011-0100 and inserting in place thereof the following item:

“5011-0100 For the operation of the department; provided, that no consolidation of area offices shall be implemented prior to the completion of public hearings in each area office locality detailing the nature of the consolidation, the savings generated by the consolidation and the effects of the consolidation on consumers of services provided by the department \$27,180,636”,

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 funds may be expended on juvenile court clinics \$8,081,928”,

By striking out item 5095-0015 and inserting in place thereof the following item:

“5095-0015 For the operation of hospital facilities and community-based mental health services; provided, that in order to comply with the Olmstead decision

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and to enhance care within available resources to clients served by the department, the department shall take steps to consolidate or close psychiatric hospitals managed by the department and shall endeavor within available resources to discharge clients residing in the inpatient facilities to residential services in the community when the following criteria are met: (a) the client is deemed clinically suited for a more integrated setting; (b) community residential service capacity and resources available are sufficient to provide each client with an equal or improved level of service; and (c) the cost to the commonwealth of serving the client in the community is less than or equal to the cost of serving the client in inpatient care; provided further, that any client transferred to another inpatient facility as the result of a facility closure shall receive a level of care that is equal to or better than the care that had been received at the closed facility; provided further, that the department may allocate funds in an amount not to exceed \$5,000,000 from this item to item 5046-0000, as necessary, under allocation plans submitted to the house and senate committees on ways and means 30 days before any transfer, for residential and day services for clients formerly receiving inpatient care at the centers and facilities; provided further, that the department of mental health shall notify the joint committee on mental health and substance abuse and the house and senate committees on ways and means 60 days prior to the closure of any inpatient state hospital beds; [G] and provided further, that 90 days prior to the closures of the Corrigan Mental Health Center and the Pocasset Mental Health Center the department shall submit to the house and senate committees on ways and means a report detailing the associated cost savings of the closures and asserting that the closure will result in a net cost savings to the commonwealth \$133,974,213”, and

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 developmental services; 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 further, that all individuals with a diagnosis of Prader-willi syndrome who do not meet eligibility requirements to receive services provided by the department of developmental services due to definitions provided under 115 CMR 2.01, shall be eligible for such services; provided further, that the department shall provide a report of the number of all applicants with Prader-willi syndrome who do not meet eligibility requirements to receive departmental services due to definitions provided under 115 CMR 2.01 and the associated costs of those services to the house and senate committees on ways and means no later than January 3, 2011; and provided further, that the report shall include the number of individuals with a diagnosis of Prader-willi syndrome eligible for services provided by the department under 115 CMR 2.01, detailing the services by type..... \$57,155,673”; and

By adding the following four sections:

“SECTION 56. The third paragraph of section 47C of chapter 175 of the General

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Laws, amended by section 83 of chapter 27 of the acts of 2009, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles.

SECTION 57. The third paragraph of section 8B of chapter 176A of the General Laws, amended by section 84 of said chapter 27, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles.

SECTION 58. The third paragraph of section 4C of chapter 176B of the General Laws, as amended by section 85 of said chapter 27, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles.

SECTION 59. The second paragraph of section 4 of chapter 176G of the General Laws, as amended by section 86 of said chapter 27, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles.”.

Pending the question on adoption of the amendments, Mr. Sullivan of Fall River moved to amend them [at “G”] by striking out the following “and provided further, that 90 days prior to the closures of the Corrigan Mental Health Center and the Pocasset Mental Health Center the department shall submit to the house and senate committees on ways and means a report detailing the associated cost savings of the closures and asserting that the closure will result in a net cost savings to the commonwealth” and inserting in place thereof the following “and provided further, that 90 days prior to any consolidation or closure the department shall submit to the house and senate committees on ways and means a report detailing any associated cost savings of such consolidation or closure and asserting that the consolidation or closure will result in a net cost savings to the commonwealth”.

After remarks the further amendment was adopted.

Mr. Murphy of Burlington then moved to amend the amendments by striking out [at “A”] proposed item 4403-2000 and inserting in place thereof the following item:

“4403-2000 For a program of transitional aid to families with dependent children; provided, that notwithstanding any general or special law to the contrary, benefits under the program of transitional aid to families with dependent children shall be paid only to citizens of the United States and to non-citizens for whom federal funds may be used to provide benefits; provided further, that the need standard shall be equal to the standard in effect in fiscal year 2010 unless the department determines that a reduction in the monthly payment standard should be implemented before the end of the fiscal year to keep program expenditures within the amounts appropriated in this item; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under subsection (e) of section 110 of chapter 5 of the acts of 1995, or any successor statute, shall be 2.75 per cent below the otherwise applicable payment standard, in fiscal year 2011, pursuant to the state plan required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided further, that the department shall notify parents under the age of 20 receiving

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benefits from the program of the requirements found in clause (2) of subsection (i) of said section 110 of said chapter 5 of the acts of 1995, or any successor statute; provided further, that a \$40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that a nonrecurring children's clothing allowance in the amount of \$150 shall be provided to each child eligible under this program in September 2010; provided further, that the children's clothing allowance shall be included in the standard of need for the month of September 2010; provided further, that benefits under this program shall not be available to those families in which a child has been removed from the household pursuant to a court order after a care and protection hearing under chapter 119 of the General Laws, nor to adult recipients otherwise eligible for transitional aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of children and families in accordance with department procedures; provided further, that notwithstanding section 2 of chapter 118 of the General Laws, or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month the payments are to be made or within the 3 month period after the month of payment, and who, if the child had been born and was living with her in the month of payment would be categorically and financially eligible for transitional aid to families with dependent children benefits; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for the loss; provided further, that the department shall review its disability standards to determine the extent to which they reflect the current medical and vocational criteria and report on the proposed revisions by December 1, 2010, to the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities on the results of that review before any changes to the standards are proposed; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided further, that no funds from this item shall be expended by the department for family reunification benefits or informal child care; provided further, that the department shall provide oral and written notification to all recipients of their child care benefits at the time of application and on a semi-annual basis; provided further, that the notification shall include the full range of child care options available, including center-based child care, family-based child care, and in-home relative child care; provided further, that the notification shall detail available child care benefits for current and former recipients, including employment and training benefits and transitional benefits; provided further, that the notice shall further advise recipients of the availability of supplemental nutrition assistance program benefits; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility for, or levels of benefits under the program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding any general or special law to the contrary, 90 days before promulgating any eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the senate and house of representatives a detailed and comprehensive report setting forth the text of, basis, and reasons for the proposed changes; provided further, that in fiscal year 2011, no such determination and report shall be filed prior to December 5, 2010 in order to allow sufficient review of any such

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proposals by no later than the third Wednesday in November of 2011 or prior to the conclusion of all formal business of the second annual session of the general court no later than the last day of July 2012; and provided further, that the report shall state the department's most accurate assessment of the probable effects of benefit or eligibility changes upon recipient families \$319,165,900",

By striking out [at "B"] proposed item 4408-1000 and inserting the following item:

"4408-1000 For a program of cash assistance to certain residents of the commonwealth, entitled emergency aid to the elderly, disabled and children found by the department to be eligible for the aid under chapter 117A of the General Laws and regulations promulgated by the department and subject to the limitations of appropriation therefore; provided, that benefits under this item shall only be provided to residents who are citizens of the United States or qualified aliens or non-citizens otherwise permanently residing in the United States under color of law; provided further, that the individual shall not be a subject to sponsor income deeming or related restrictions; provided further, that the payment standard shall equal the payment standard in effect under the general relief program in fiscal year 1991; provided further, that the department may provide benefits to persons age 65 or older who have applied for benefits under chapter 118A of the General Laws, to persons suffering from a medically-determinable impairment or combination of impairments which is expected to last for a period as determined by department regulations and which substantially reduces or eliminates such individuals' capacity to support themselves and which has been verified by a competent authority, to certain persons caring for a disabled person, to otherwise eligible participants in the vocational rehabilitation program of the Massachusetts rehabilitation commission and to dependent children who are ineligible for benefits under both chapter 118 of the General Laws and the separate program created by section 210 of chapter 43 of the acts of 1997 and parents or other caretakers of dependent children who are ineligible under said chapter 118 and under said separate program; provided further, that no ex-offender, person over age 45 without a prior work history or person in a residential treatment facility shall be eligible for benefits under this program unless the person otherwise meets the eligibility criteria described in this item and defined by regulations of the department; provided further, that no person incarcerated in a correctional institution shall be eligible for benefits under the program; provided further, that no funds shall be expended from this item for the payment of expenses associated with any medical review team, other disability screening process or costs associated with verifying disability for this program; provided further, that the department shall adopt emergency regulations under chapter 30A of the General Laws to implement the changes to this program required by this item promptly and within the appropriation; provided further, that in initially implementing the program for this fiscal year, the department shall include all eligibility categories permitted in this item at the payment standard in effect for the former general relief program in fiscal year 1991; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility or benefits, including the payment standard, medical benefits and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the amount appropriated in this item; provided further, that the department may promulgate emergency regulations under chapter 30A of the General Laws to implement these eligibility or benefit changes or both; provided further, that nothing in this item shall be construed as creating any right accruing to recipients of the former general relief program; provided further, that

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reimbursements collected from the Social Security Administration on behalf of former clients of the emergency aid to the elderly, disabled and children program or unprocessed payments from the program that are returned to the department shall be credited to the General Fund; provided further, that notwithstanding any general or special law to the contrary, the funds made available in this item shall be the only funds available for the program, and the department shall not spend funds for the program in excess of the amount made available in this item; provided further, that, notwithstanding any general or special law to the contrary, 90 days before implementing any eligibility or benefit changes, the commissioner shall file 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 the proposed changes; and provided further, that in fiscal year 2011, no such determination and report shall be filed before December 5, 2010 in order to allow sufficient review of any such proposals by no later than the third Wednesday in November of 2011 or prior to the conclusion of all formal business of the second annual session of general court no later than the last day of July 2012 \$84,658,966”,

At the end of the text proposed to be added to item 4510-0040, after the word “workers” [at “C”] by adding the following “; and in said item striking out the figures ‘\$421,493’ and inserting in place thereof the figures ‘\$571,493’,

At the end of the text proposed to be added to item 4513-1111, after the word “detection” [at “D”] by adding the following: “; and in said item striking the figures ‘\$6,124,484’ and inserting in place thereof the figures ‘\$6,224,484’,

By striking out [at “E”] the following “by adding the following” and inserting in place thereof the following “, in line 15, by striking out the words “department of education” and inserting after the word ‘with’ the following ‘department of elementary and secondary education; and provided further, that funding shall be expended to address the recommendations of the commission on gay, lesbian, bisexual and transgender youth, established in section 67 of chapter 3 of the General Laws, for the reduction of health disparities for gay, lesbian bisexual and transgendered youth, and by adding at the end of said item the following”’, and

By striking out [at “F”] the following “provided further, that funds shall be expended for grants to the Massachusetts Alliance of Boys & Girls Clubs, YMCA and YWCA organizations, nonprofit community centers and youth development programs; and provided further, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization” and inserting in place thereof the following “provided further that funds shall be expended for grants to the Massachusetts Alliance of Boys & Girls Clubs, and the Alliance of Massachusetts YMCAs and YWCA organizations, nonprofit community centers and youth development programs; and provided further, that the department of public health shall award the full amount of each grant to each organization previously included in the youth-at-risk grants, including the Massachusetts Alliance of Boys & Girls Clubs, the Alliance of YMCAs and YWCAs organizations, nonprofit community centers and youth development programs, upon commitment of matching funds from such organizations”.

The further amendments were adopted.

After debate on the question on adoption of the amendments offered by Mr. Murphy of Burlington, et als, 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 140 members voted in the affirmative and 18 in the negative.

Amendments
adopted,—
yea and nay
No. 374.

[See Yea and Nay No. 374 in Supplement.]

[Mr. Guyer of Dalton answered “Present” in response to his name.]

Therefore the amendments, as amendment, were adopted.

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

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 133 members voted in the affirmative and 26 in the negative.

[See Yea and Nay No. 375 in Supplement.]

Therefore Rule 1A was suspended.

Mr. Kaufman of Lexington and other members of the House then moved to amend the bill [A] in section 5, in line 20, after the word “subgrants”, by inserting the words “tax credits”.

Pending the question on adoption of the amendment, Mr. Kaufman moved to amend it by striking out the text of said amendment [at “A”] and inserting in place thereof the following “by striking out section 5 and inserting in place thereof the following section:—

SECTION 5. Chapter 7 of the General Laws is hereby amended by inserting after section 11 the following section:—

Section 14C. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:—

“Agency”, a commonwealth authority, board, bureau, commission, department, division, executive office, institution, institution of higher education, the secretary of state, the attorney general, the state treasurer, the state auditor, the administrative office of the trial courts, trial court departments, the supreme judicial court, the appeals court, the governor’s office, lieutenant governor’s office, the governor’s council, the house of representatives and the senate.

“Funding source”, the agency and account from where the expenditure is appropriated.

“Recipient”, a business corporation, partnership, firm, unincorporated association or other legal business entity engaged in economic activity within the commonwealth, and any affiliate thereof, which is, or the members of which are, subject to taxation under chapter 62, 63, 64H or 64I. For the purposes of this section, recipient shall include an original grantee or an original contractor of a state award or a political subdivision. A recipient shall not include an individual recipient of state or federal assistance.

“Searchable website”, a website that allows the public at no cost to search for, obtain and aggregate the information identified in subsection (b).

“Secretary”, the secretary of administration and finance.

“State award” or “award”, appropriations, expenditures, grants, subgrants, loans, purchase orders, infrastructure assistance and other forms of financial assistance.

(b) The secretary shall develop and operate a searchable website accessible by the public at no cost that includes:

(1) the name and location of a recipient or agency receiving a state award, the funding source of each award, the date of the award, the amount of funds appropriated and a brief description of the purpose of the award;

(2) local aid to cities and towns including amounts paid to individual municipal agencies;

(3) annual revenues, as determined by the secretary which shall include, but shall

Suspension of
Rule 1A.

Rule 1A
suspended, —yea
and nay No. 375.

not be limited to:

(i) receipts or deposits by an agency into funds established within the state treasury;

(ii) agency earnings including, but not limited to, amounts collected by each agency for services performed and licenses and permits issued;

(iii) compensation for the purchase or lease of state-owned property and interest collected from state-issued loans; and

(iv) federal grants;

(4) a link to all state audits and reports relating to the receipt of state awards by an agency or recipient, including an audit or report issued by the inspector general, state auditor, special commission, legislative committee or executive body;

(5) the reports required by section 88 of chapter 62C; and

(6) any other relevant information specified by the secretary.

(c) The searchable website shall allow users to search electronically by field in a single search, aggregate the data, download information yielded by a search and, where possible, contain graphical representations of the data and a hyperlink to the actual grants issued.

(d) The searchable website shall include and retain information for each fiscal year for not less than 10 fiscal years.

(e) The secretary shall update the searchable website as new data becomes available. All agencies shall provide to the secretary all data that is required to be included in the searchable website not later than 30 days after the data becomes available to the agency. The secretary shall provide guidance to agency heads to ensure compliance with this section.

(f) This section shall not be construed to require the disclosure of: (i) information that is confidential under state or federal law; (ii) payments received by an individual or entity as interest paid by the issuer of any bonds or other public debt.

(g) The secretary shall not be considered in compliance with this section if the data required for the searchable website is not available in a searchable and aggregate manner or if the public is redirected by the searchable website to other government websites, unless each of those websites complies with the requirements of this section.”

After remarks on the question on adoption of the further amendment offered by Mr. Kaufman of Lexington, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 376 in Supplement.]

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

Mr. Kaufman and other members of the House then moved to amend the bill by [A] inserting after section 11 the following section:

“SECTION 11A. (A) Section 1 of chapter 62C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting before the definition of ‘Building contractor’ the following definition:—

‘Administering agency head’, the agency head responsible for administering the applicable state tax credit program. For the brownfields tax credit and the film tax credit the administering agency head is the department of revenue. For the medical device tax credit, the administering agency head is the Massachusetts life sciences center.

(B) Said section 1 of chapter 62C, as so appearing, is hereby further amended by

Further
amendment
adopted,—
yeas and nays
No. 376.

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inserting after the definition of ‘Promoter’ the following definition:–

‘Secretary’, the secretary of administration and finance.

(C) Said section 1 of chapter 62C, as so appearing, is hereby further amended by inserting after the definition of ‘Show’ the following definition:–

‘Tax credit program’, one of the following credits against the state income tax to stimulate economic development and other policy goals: the brownfields tax credit in section 38Q of chapter 63 and subsection (j) of section 6 of chapter 62; the dairy farmer tax credit in section 38Z of chapter 63 and subsection (o) of section 6 of chapter 62; the FDA user fees credit in section 31M of chapter 63 and subsection (n) of section 6 of chapter 62; the film tax credit in subsection (b) of section 38X of chapter 63 and subsection (l) of section 6 of chapter 62; the historic rehabilitation tax credit in section 38R of chapter 63 and section 6J of chapter 62; the life sciences investment tax credit in section 38U of chapter 63 and subsection (m) of section 6 of chapter 62; the low-income housing tax credit in section 31H of chapter 63 and section 6I of chapter 62; the medical device tax credit in section 31L of chapter 63 and section 6 1/2 of chapter 62; the refundable research credit in subsection (j) of section 38M of chapter 63; and the economic development incentive program in section 6 subsection (g) of chapter 62 and section 38N of chapter 63; and any refundable credits under chapter 62 and 63 established after January 1, 2011.

(D) Said chapter 62C is hereby further amended by adding the following section:–

Section 88. (a)(1) On or before May 15 each year, the administering agency head of each tax credit program shall submit a report to the commissioner on each tax credit program authorized for the previous calendar year only, in this section called the report, which shall be a public record. For purposes of this report no information will be used pertaining to credits, exemptions, or deductions awarded or claimed prior to January 1, 2011.

(2) The report shall contain the following information: (i) the identity of each taxpayer authorized by the administering agency head to receive a tax credit; (ii) the amount of tax credit award and issued tax credit for each taxpayer and each project, if applicable; (iii) the date of the tax credit award or issued tax credit for each taxpayer and each project; and (iv) additional data and criteria that the secretary determines to be relevant for analyzing the effectiveness of that tax credit program.

(b)(1) On or before February 15 of every year, each taxpayer receiving an authorized tax credit from the administering agency head in the previous calendar year shall submit data and analysis reasonably determined by the Secretary to be relevant to analyzing the effectiveness of the tax credit program.

(2) On or before May 15 of each year, or by another date that the secretary determines to be practicable, the administering agency head shall submit to the commissioner, in a form prescribed by the commissioner, copies of any data and analysis required by paragraph (1), with the report required by subsection (a). The commissioner shall provide this information on a government internet website for public disclosure.

(E) The commissioner shall provide this information on the searchable website created in Section 5 of this bill.

(F) This section shall take effect on January 1, 2011.”.

Pending the question on adoption of the amendment, Mr. Kaufman moved to amend it by striking out the text of said amendment [at “A”] and inserting in place thereof the following “adding the following five sections:–

SECTION 60. Section 1 of chapter 62C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting before the definition of ‘Building

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contractor' the following 2 definitions:—

'Administering agency head', the agency head responsible for administering the applicable state tax credit program. For the brownfields tax credit and the film tax credit the administering agency head is the commissioner. For the medical device tax credit, the administering agency head is the Massachusetts life sciences center.

'Authorized tax credit', a tax credit granted pursuant to a tax credit program.

SECTION 61. Said section 1 of said chapter 62C, as so appearing, is hereby further amended by inserting after the definition of 'Promoter' the following definition:—

'Secretary', the secretary of administration and finance.

SECTION 62. Said section 1 of chapter 62C, as so appearing, is hereby further amended by inserting after the definition of 'Show' the following definition:—

"Tax credit program", 1 of the following credits against the state income tax to stimulate economic development and other policy goals: the brownfields tax credit in section 38Q of chapter 63 and subsection (j) of section 6 of chapter 62; the dairy farmer tax credit in section 38Z of chapter 63 and subsection (o) of section 6 of chapter 62; the FDA user fees credit in section 31M of chapter 63 and subsection (n) of section 6 of chapter 62; the film tax credit in subsection (b) of section 38X of chapter 63 and subsection (l) of section 6 of chapter 62; the historic rehabilitation tax credit in section 38R of chapter 63 and section 6J of chapter 62; the life sciences investment tax credit in section 38U of chapter 63 and subsection (m) of section 6 of chapter 62; the low-income housing tax credit in section 31H of chapter 63 and section 6I of chapter 62; the medical device tax credit in section 31L of chapter 63 and section 6 1/2 of chapter 62; the refundable research credit in subsection (j) of section 38M of chapter 63; and the economic development incentive program in section 6 subsection (g) of chapter 62 and section 38N of chapter 63; and any refundable credits under chapter 62 and 63 established after January 1, 2011.

SECTION 63. Said chapter 62C is hereby further amended by adding the following section:—

Section 88. (a)(1) Annually on or before May 15, the administering agency head of each tax credit program shall submit a report to the commissioner on each tax credit program authorized for the previous calendar year, in this section called the report, which shall be a public record. For purposes of this report no information shall be used pertaining to credits, exemptions or deductions awarded or claimed prior to January 1, 2011.

(2) The report shall contain the following information: (i) the identity of each taxpayer receiving an authorized tax credit and from which tax credit program the credit was received; (ii) the amount of the authorized tax credit awarded and issued for each taxpayer and each project, if applicable; and (iii) the date that the authorized tax credit is awarded and issued for each taxpayer and each project.

SECTION 64. Sections 60 to 63, inclusive, shall take effect on January 1, 2011."

After remarks on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 130 members voted in the affirmative and 27 in the negative.

[See Yeas and Nays No. 377 in Supplement.]

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

Messrs. Straus of Mattapoisett and Peterson of Grafton then moved to amend the bill in section 2, in item 2310-0200, by striking out the figures "9,006,199" and inserting in place thereof the figures "9,506,199".

Further amendment adopted,— yeas and nays No. 377.

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. Straus; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 378 in Supplement.]

Therefore the amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 11 the following six sections:

“SECTION 11A. Section 5 of chapter 32 of the General Laws, as most recently amended by chapter 21 of the Acts of 2009, is hereby further amended by inserting at the end thereof the following subdivision: (5) Payments to a member retired under the provisions of this section who is incarcerated for having been convicted of a felony committed on or after the effective date of this paragraph shall cease for the period of such member's incarceration. Under no circumstances shall such payments be recoverable by such member after such period of incarceration.

SECTION 11B. Section 10 of chapter 32 of the General Laws, as most recently amended by chapter 21 of the Acts of 2009, is hereby further amended by inserting at the end thereof the following subdivision: (5) Payments to a member retired under the provisions of this section who is incarcerated for having been convicted of a felony committed on or after the effective date of this paragraph shall cease for the period of such member's incarceration. Under no circumstances shall such payments be recoverable by such member after such period of incarceration.

SECTION 11C. Section 26 of chapter 32 of the General Laws as appearing in the 2008 Official Edition, is hereby amended by inserting at the end thereof the following subdivision: (6) Payments to a member retired under the provisions of this section who is incarcerated for having been convicted of a felony committed on or after the effective date of this paragraph shall cease for the period of such member's incarceration. Under no circumstances shall such payments be recoverable by such member after such period of incarceration.

SECTION 11D. Section 28M of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following paragraph: Payments to a member retired under the provisions of this section who is incarcerated for having been convicted of a felony committed on or after the effective date of this paragraph shall cease for the period of such member's incarceration. Under no circumstances shall such payments be recoverable by such member after such period of incarceration.

SECTION 11E. Section 28N of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following paragraph: Payments to a member retired under the provisions of this section who is incarcerated for having been convicted of a felony committed on or after the effective date of this paragraph shall cease for the period of such member's incarceration. Under no circumstances shall such payments be recoverable by such member after such period of incarceration.

SECTION 11F. Chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after section 65J the following section: Section 65K. Payments to a member retired under the provisions of sections 65A to 65J, inclusive, who is incarcerated for having been convicted of a felony committed on or after the effective date of this paragraph shall cease for the period of such member's incarceration. Under no circumstances shall such payments be recoverable by such member after such period of incarceration.”.

The amendment was adopted.

Mr. Jones and other members of the House then moved to amend the bill by inserting after section 47A (inserted by amendment) the following section:

Amendment
adopted,—
yea and nay
No. 378.

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“SECTION 47B. Notwithstanding any general or special law to the contrary, there shall be a special commission to investigate and study the expenditure of funds received through the American Reinvestment and Recovery Act. The commission shall specifically investigate the possibility that said funds have been spent on or through non-domestic entities, including, but not limited to, the purchase of raw materials, contracting of labor or any transaction of business with companies located, based or incorporated in a foreign country. The commission shall consist of 11 members, as follows: the chairs of the joint committee on federal stimulus oversight, who shall chair the commission; 1 designee appointed by the governor; the house chair of ways and means, or his designee; the senate chair of ways and means, or his designee; the secretary of administration and finance, or his designee; the attorney general, or his designee; the treasurer of the commonwealth, or his designee; the auditor of the commonwealth, or his designee; the comptroller of the commonwealth, or his designee; the minority leader of the senate, or his designee; the minority leader of the house of representatives, or his designee. The commission shall report its findings and recommendations to the clerk of the senate, the clerk of the house of representatives, the house minority leader and the senate minority leader no later than January 30th, 2011.”.

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. Hill of Ipswich; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 379 in Supplement.]

Therefore the amendment was adopted.

Subsequently a statement of Ms. Walz of Boston was spread upon the records, 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 during the previous roll call due to working on the education consolidated amendment in another part of the State House. Had I been present, I would have voted in the affirmative.

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

In item 0810-0338, in lines 4 and 5, and also in item 0810-0399, in lines 4 and 5, by striking out, in each instance, the words “and the associated fringe benefits costs for personnel paid from this item”,

In item 2310-0316 by striking out the figures “\$500,000” and inserting in place thereof the figures “\$1,000,000”,

In item 2511-0100, by adding the following “; provided further, that funds may be expended for the statewide 4-H program”, and

In item 2800-0101, by adding the following “; provided further, that the department shall continue to make payments pursuant to chapter 616 of the acts of 1957, as amended by section 89 of chapter 801 of the acts of 1963; and provided further, that the department shall continue to make payments pursuant to chapter 307 of the acts of 1987 for the use of certain land”;

In section 2E by striking out item 1595-6368 and inserting in place thereof the following item:

“1595-6368 To provide for an operating transfer to the Massachusetts Transportation Trust Fund, established under section 4 of chapter 6C of the General Laws; provided, that the road known as Paul X. Tivnan Drive, located in the towns of Boylston and West Boylston, be placed under the authority of the Massachusetts Department of Transportation for all

Amendment adopted,—
yea and nay
No. 379.

Statement of
Ms. Walz
of Boston.

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maintenance..... \$200,126,756”;

In section 47, in line 413, by inserting after the words “president of the senate” the following “; 1 member of the house of representatives appointed by the house minority leader; 1 member of the senate appointed by the senate minority leader”; and

By adding the following three sections:

“SECTION 65. Subsection (a) of section 7 of chapter 236 of the acts of 1988 is hereby amended by adding at the end of the fourth sentence the following:– ; provided, however, that any monies or interest thereon received by the Trust Fund pursuant to section 287 of chapter 110 of the acts of 1993 shall be subject to appropriation.

SECTION 66. Section 23 of chapter 21 of the acts of 2009 is hereby amended by adding the following 2 sentences:– The retirement allowance of any retired member which included in the calculation of such allowance amounts paid as clothing allowance upon which contributions were made shall not be reduced, modified or changed because of the inclusion of such clothing allowance payments. Notwithstanding any special or general law to the contrary, any amount paid to an active member for clothing allowance upon which contributions were made and included in any applicable collective bargaining agreement or individual contract for employment in effect on May 1, 2009, shall continue to be included in the definition of “regular compensation” during the term of that collective bargaining agreement or contract; provided, however, that any such amount, benefit or payment received after June 30, 2012 shall not be considered regular compensation.

SECTION 67. 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 \$2,000,000 from the General Fund to the District Local Technical Assistance Fund, established in section 2XXX of chapter 29 of the General Laws.”.

The amendments were adopted.

Recess.

At twenty-eight minutes after ten o’clock P.M. (Wednesday, April 28), on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until the following day at ten o’clock A.M.; and at

Recess.