

JOURNAL OF THE HOUSE.

Monday, April 28, 2014.

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

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.

Guest of the House.

During the session, Mr. Bradley of Hingham took the Chair, declared a brief recess and introduced the president and CEO of Granite Telecommunications, Robert Hale, Jr., of Hingham. He was the guest of Representative Bradley.

Resolutions.

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

Resolutions (filed by Representatives DeLeo of Winthrop, Cariddi of North Adams, Lawn of Watertown and Stanley of Waltham) congratulating the Bentley University women's basketball team on winning the program's first national title and completing a perfect 35-0 season;

Resolutions (filed by Messrs. Hill of Ipswich, Costello of Newburyport, Fennell of Lynn and Mirra of West Newbury) congratulating the Triton High School varsity cheerleading team on its undefeated season and 2014 Division III state championship;

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and Kafka of Stoughton) congratulating Christopher McKay on receiving the Eagle Scout Award of the Boy Scouts of America;

Resolutions (filed by Mr. Dwyer of Woburn and other members of the House) on the celebration of North Adams American Occupational Safety and Health Week and Occupational Safety and Health Professional Day;

Resolutions (filed by Representatives Ehrlich of Marblehead, Fennell of Lynn and Wong of Saugus) congratulating Marion Court College on the occasion of its fiftieth anniversary;

Resolutions (filed by Messrs. Fernandes of Milford and Kuros of Uxbridge) congratulating Kevin Pierro on receiving the Eagle Scout Award of the Boy Scouts of America;

Resolutions (filed by Ms. Peisch of Wellesley) honoring Tyler John Piazza on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mr. Swan of Springfield) congratulating the Roger L. Putnam Vocational-Technical Academy boys varsity basketball team on its 2014 season and Division I state championship;

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. Scibak of South Hadley, the resolutions (reported by the committee on Bills in the Third Reading to correctly drawn) were considered forthwith; and they were adopted.

Order.

An Order (offered by Mr. Mariano of Quincy) was considered forthwith, there being no objection; and it was adopted, as follows:

Ordered, That notwithstanding any rule to the contrary, a court officer shall be assigned to cast roll call votes, except quorum roll calls, for the Chairman and Vice-Chairman of the committee on Ways and Means whenever said members are conducting deliberations on amendment categories of the General Appropriation Bill, during consideration of said General Appropriation Bill.

Annual Report.

The annual report of the Massachusetts Workers' Compensation Advisory Council (under the provisions of Section 17 (2) of Chapter 23E of the General Laws) on the state of the Workers' Compensation System for fiscal year 2013 [copies of said report forwarded to the committee on Ways and Means and the committee on Labor and Workforce Development], was placed on file.

Paper from the Senate.

A Bill authorizing the town of Milton to assess an additional amount of real estate and personal property taxes (Senate, No. 1872) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Alexander Rodriguez, an employee of the Trial Court (see Senate, No. 1968), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 46 to 0. Sent to the Senate for concurrence.

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

Engrossed Bills.

Engrossed bills
Relative to the withdrawal of the town of Worthington from the Gateway Regional School District (see House, No. 3815, amended); and

Pledge of allegiance.

Hingham,—
Robert Hale.

Bentley,—
basketball team.

Triton High School cheerleaders.

Christopher McKay.

Occupational Safety, etc. Week.

Marion Court College.

Kevin Pierro.

Tyler John Piazza.

Putnam Academy.

Messrs. Dempsey of Haverhill and Kulik of Worthington,—
voting.

Workers' Compensation.

Milton,—
taxes.

Alexander Rodriguez,—
sick leave.

Bill enacted.

Bills enacted.

Bills enacted.

Relative to the Essex North Shore Agricultural and Technical School District (see House, No. 3959, amended); (Which severally originated in the House) Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

General Appropriation Bill.

The House Bill making appropriations for the fiscal year 2015 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. 4000) [Total appropriation: \$36,182,451,053.00], was read a second time.

After remarks on the question on ordering the bill to a third reading, Mr. D'Emilia of Bridgewater and other members of the House moved to amend it by adding the following section:

"SECTION 106. Chapter 64A of the General Laws, as most recently amended by chapter 46 of the acts of 2013, is hereby amended by inserting, after section 7A, the following section:—

Section 7B. The sale of fuel to a city or town which having consumed the same for any municipal purpose shall be exempt from the excise established by this chapter."

Pending the question on adoption of the amendment, Mr. Kulik of Worthington moved to amend it by adding the following section:

"SECTION 107. Notwithstanding any special or general law to the contrary, the provisions of section 106 shall not take effect until such time as the executive office of administration and finance and the department of revenue has furnished a study of its impact on the state's economy and revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states and any anticipated change in employment and ancillary economic activity to the joint committee on revenue and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution."

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. D'Emilia; and on the roll call 119 members voted in the affirmative and 32 in the negative.

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

Therefore the further amendment was adopted.

The amendment offered by Mr. D'Emilia, et al, as amended, then also was adopted.

Mr. Lombardo of Billerica then moved to amend the bill by adding the following two sections:

"SECTION 108. (a) Section 2 of Chapter 64H of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking '6.25 per cent' and replacing it with '5 per cent'.

(b) SECTION 108A. Section 2 of Chapter 64I of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking '6.25 per cent' and replacing it with '5 per cent'."

Further amendment adopted,—yea and nay No. 335.

Pending the question on adoption of the amendment, Mr. Kulik of Worthington moved to amend it by adding the following section:

"SECTION 109. Notwithstanding any special or general law to the contrary, the provisions of section 108 and section 108A amending chapter 64I of the General Laws shall not take effect until such time as the executive office for administration and finance, in conjunction with the department of revenue, has furnished a study of the legislation's impact on the economy of the commonwealth and its municipalities, including, but not limited to, a distributional analysis of the impact to taxpayers of varying income levels, the current practice of other states, anticipated changes in employment levels and other ancillary economic activity to the joint committee on revenue and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution."

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Lombardo; and on the roll call 115 members voted in the affirmative and 36 in the negative.

[See Ye and Nay No. 336 in Supplement.]

Therefore the further amendment was adopted.

The amendment offered by Mr. Lombardo of Billerica, as amended, then also was adopted.

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

"SECTION 110. (a) Section 4 of said chapter 62 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:—

(b) Part B taxable income shall be taxed at the rate of 5 percent.

(b) Subsection (a) of this act shall be effective beginning January 1, 2015."

Pending the question on adoption of the amendment, Mr. Kulik of Worthington moved to amend it by adding the following section:

"SECTION 111. Notwithstanding any special or general law to the contrary, the provisions of section 110 shall not take effect until such time as the executive office for administration and finance, in conjunction with the department of revenue, has furnished a study of the legislation's impact on the economy of the commonwealth and its municipalities, including, but not limited to, a distributional analysis of the impact to taxpayers of varying income levels, the current practice of other states, anticipated changes in employment levels and other ancillary economic activity to the joint committee on revenue and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution."

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Lombardo; and on the roll call 118 members voted in the affirmative and 32 in the negative.

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

Therefore the further amendment was adopted.

The amendment offered by Mr. Lombardo of Billerica, as amended, then also was adopted.

Further amendment adopted,—yea and nay No. 336.

Further amendment adopted,—yea and nay No. 337.

General
Appropriation
Bill.

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

"SECTION 112. Section 1 of chapter 64H of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'services,' in line 204 the following new sentence:— In the case of the sale by a vendor of a mobile telecommunications device with mobile telecommunications services, the tax shall be imposed upon the price paid by the consumer at the point of sale of the mobile telecommunications device."

Pending the question on adoption of the amendment, Mr. Kaufman of Lexington moved to amend it by adding the following section:

"SECTION 113. Notwithstanding any special or general law to the contrary, the provisions section 112 shall not take effect until such time as the executive office of administration, in conjunction with the department of revenue, has furnished a study of its impact on the economy of the commonwealth and revenue cost to its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, anticipated changes in employment levels and any ancillary economic activity to the joint committee on revenue and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution."

On the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Hill of Ipswich; and on the roll call 104 members voted in the affirmative and 47 in the negative.

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

Therefore the further amendment was adopted.

The amendment offered by Mr. Cutler, et al, as amended, then also was adopted.

Mr. Frost of Auburn then moved to amend the bill by adding the following section:

"SECTION 114. (a) Notwithstanding any general or special law to the contrary, there shall be a special commission to study and report on the inventory tax. The commission shall consist of 2 members of the house of representatives, 1 of whom shall be appointed by the speaker of the house, and 1 of whom shall be appointed by the minority leader of the house; 2 members of the senate, 1 of whom shall be appointed by the senate president, and 1 of whom shall be appointed by the minority leader of the senate; 1 representative of the National Federation of Independent Business; 1 representative of the department of revenue; and 1 representative of the Massachusetts Municipal Association. The scope of the commission shall include, but shall not be limited to, studying: the impact of the inventory tax on the state budget and on municipal budgets; the budgetary cost of phasing out or eliminating the inventory tax; the financial and employment impacts on businesses within the commonwealth; a comprehensive review and evaluation of the inventory tax throughout the United States; and the results of reforming, phasing out or eliminating the inventory tax throughout the United States. As used in this section, the term 'inventory tax' shall refer collectively to the following: (1) both the tangible property measure and the net-worth measure of the non-income portion of the corporate

Further
Amendment
adopted,—
yea and nay
No. 338.

excise tax, as levied by the department of revenue; and (2) personal property tax, as levied by municipalities within the commonwealth.

(b) The commission shall report the results of its investigation and study and its recommendations by filing the same with the clerk of the senate, the clerk of the house of representatives, the department of revenue, and the joint committee on revenue not later than one year after the first meeting of the commission is convened.

(c) The commission shall conduct its first meeting not later than 60 days after the effective date of this act."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 339 in Supplement.]

Therefore the amendment was adopted.

Mrs. Haddad of Somerset being in the Chair,—

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

"SECTION 115. Subsection (E) of section 2 of section 2(a) of chapter 63 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding, after the words '10 U.S.C. section 1072', the following:— or any income received from the Commonwealth of Massachusetts as retirement pay for a retired member of any branch of the Massachusetts National Guard."

The amendment was adopted.

After remarks, Mr. Fernandes of Milford moved to amend it in section 19, in line 331, by inserting after the following: "6A" the words: "; provided, however, the authority to transfer unexpended balances shall not apply to any judgments received on behalf of the commonwealth". The amendment was adopted.

Mr. Scaccia of Boston then moved to amend the bill by inserting after section 38 the following two sections:

"SECTION 38A. Section 6J of chapter 62 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 37, the following figure '2017' and inserting in place thereof the following figure:— 2019."

SECTION 38B. Section 38R of chapter 63 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 36, the figure '2017' and inserting in place thereof the following figure:— 2019."

The amendment was adopted.

The same member then moved to amend the bill by inserting after section 10 the following section:

"SECTION 10A. Section 31 of chapter 9 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 9 and 11, in each instance, the figure '2016' and inserting in place thereof the following figure:— 2018."; and by inserting before section 33 the following section:

"SECTION 32B. Section 41 of Chapter 36 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 9 and 11, in each instance, the figure '2016' and inserting in place thereof the following figure:— 2018."

The amendments were adopted.

Amendment
adopted,—
yea and nay
No. 339.

General
Appropriation
Bill.

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

"SECTION 116. (a) Notwithstanding any general or special law to the contrary, the commissioner of revenue shall establish a tax amnesty program during which all penalties that could be assessed by the commissioner shall be waived without the need for any showing by the taxpayer of reasonable cause or the absence of willful neglect for the failure of the taxpayer to: (i) timely file any proper return for any tax type and for any tax period; (ii) file proper returns which report the full amount of the taxpayer's liability for any tax type and for any tax period; (iii) timely pay any tax liability; or (iv) pay the proper amount of any required estimated payment toward a tax liability. The waiver of a taxpayer's liability under this section shall apply if the taxpayer files returns, makes payments as required by the commissioner or otherwise comes into compliance with the tax laws of the commonwealth as required by the commissioner pursuant to the tax amnesty program. The scope of the program, including the particular tax types and periods covered, including any limited look-back period for unfiled returns, shall be determined by the commissioner; provided, however, the commissioner shall include, but not be limited to, the following tax types within the scope: sales and use tax, sales tax on telecommunications services, meals tax, meals tax local option, materialman sales tax, withholding income, performer withholding, pass-through entity withholding, lottery annuity withholding, room occupancy excise, room occupancy excise local option, convention center financing fees on room occupancy in Boston, Cambridge, Chicopee, Springfield, West Springfield, and Worcester, convention center financing surcharge for sightseeing tours, convention center financing surcharge on vehicle rentals in Boston, convention center financing surcharge on parking in Boston, Springfield, and Worcester, deeds excise, cigarette excise, cigars and smoking tobacco excise, club alcohol beverage excise, gasoline excise, special fuels excise, special fuels excise local option, and boat and recreational vehicles sales tax.

(b) The amnesty program shall be established for 2 consecutive months within fiscal year 2015 to be determined by the commissioner, such period to expire not later than June 30, 2015, and all required payments shall be made on or before June 30, 2015, in order for the amnesty to apply. If a taxpayer fails to pay the full liability before June 30, 2015, the commissioner shall retain any payments made and shall apply those payments against the outstanding liability, and the provisions of the tax amnesty program shall not apply.

(c) The commissioner's authority to waive penalties during the amnesty period shall not apply to any taxpayer who, before the start date of the amnesty program selected by the commissioner, was the subject of a tax-related criminal investigation or prosecution. The amnesty program shall not authorize the waiver of interest or any amount treated as interest. The commissioner may offer tax amnesty to those taxpayers who have either an unpaid self-assessed liability or who have been assessed a tax liability, whether before or after the filing of a return, which assessed liability remains unpaid.

(d) To the extent that a taxpayer within the scope of the amnesty program as determined by the commissioner and wishing to participate in the amnesty program has postponed the payment of an assessment

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

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

(f) The commissioner shall maintain records of the amnesty provided under this section including, but not limited to: (i) the number of taxpayers provided with amnesty; (ii) the types of tax liability for which amnesty was provided and, for each type of liability, the amount of tax liability collected and the amount of penalties foregone by virtue of the amnesty program; and (iii) the total outstanding tax liability for amnesty-eligible taxpayers at the conclusion of the tax amnesty program after the collection of all funds under this section. The commissioner shall file a report detailing such information with the clerks of the house of representatives and the senate, the joint committee on revenue, the house and senate committees on ways and means, the minority leader of the house and the minority leader of the senate not later than September 1, 2015; provided, however, that such report shall not contain information sufficient to identify an individual taxpayer or the amnesty that an individual taxpayer was provided under this section.

(g) Any taxpayer who utilizes the provisions of this tax amnesty program shall be precluded from utilizing any future tax amnesty programs for the next consecutive ten years, beginning in calendar year 2015.

SECTION 117. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Opioid Overdose Prevention and Education Trust Fund to be used, without appropriation, by the executive office of health and human services, in consultation with the department of public health and the department of mental health, for the purposes of opioid overdose prevention and education including but not limited to the following: providing communities with drug take-back boxes; for bulk purchases of intra-nasal naloxone from the federal government to provide to communities at discounted rates; and increased access to naloxone for all emergency responders. Funds may be expended for the opioid overdose prevention and reversal project, pursuant to chapter 94C of the general laws. One-half of the revenues received by the commonwealth pursuant to section 116 of this act shall be deposited into the trust fund; provided, the amount deposited is no more than \$5,000,000. All monies deposited into the fund shall be expended exclusively for the purposes set forth in this section. No expenditure from said fund shall cause said fund to be in deficiency at the close of a fiscal year.

SECTION 118. Any remaining amount of revenues received by the commonwealth, pursuant to section 116 of this act, after amounts made available in section 117 of this act, shall be deposited into the General Fund.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 149 members voted in the affirmative and 1 in the negative.

[See Ye and Nay No. 340 in Supplement.]

Therefore the amendment was adopted.

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

“SECTION 119. (a) There is hereby established a commission to study the feasibility of establishing a tax credit for medical device manufacturing companies that are adversely affected by increases in the medical device tax pursuant to section 1405 of the Patient Protection and Affordable Care Act, Public Law 111-148. In studying the feasibility of such a credit, the commission shall examine, including but not limited to: the potential cost to the commonwealth; the potential benefit derived by affected businesses; and the economic impact on the commonwealth of instituting such a credit.

(b) The commission shall be comprised of the following 9 members: the commissioner of the department of revenue or a designee who shall serve as chair; 1 member of the Senate appointed by the Senate President; 1 member appointed by the Senate Minority Leader; 1 member of the House of Representatives appointed by the Speaker of the House; 1 member of the House of Representatives appointed by the House Minority Leader; 1 representative of the Massachusetts Medical Society; 1 representative of the Medical Device Industry Council; 1 representative of the Associated Industries of Massachusetts; and 1 representative of the Massachusetts Biotechnology Council.

(c) The commission shall hold its first meeting within 60 days after passage of this act. The commission shall file a report detailing its work, findings, and the feasibility of such a credit, including any legislative recommendations, with the Clerks of the House of Representatives and the Senate on or before December 31, 2014.”

After remarks the amendment was adopted.

Mr. Diehl of Whitman and other members of the House then moved to amend the bill by adding the following two sections:

“SECTION 120. Section 2A of Chapter 65C of the General Laws is hereby amended by inserting the following sections:—

(f) All farmland included as part of an estate for purposes of this section and utilized by the executor, administrator, heir-at-law, beneficiary or trustee as farmland, shall be appraised at its use value according to applicable federal and state law and not at its full and fair cash value.

(g) (1) For decedents whose death occurs on or after January 1, 1992, but prior to January 1, 2002, a tax is imposed upon the transfer of the net estate of every resident or nonresident decedent as a tax upon the right to transfer. The tax is a sum equal to the maximum credit for state death taxes allowed by 26 U.S.C. section 2011.

(2) For decedents whose death occurs on or after January 1, 2002, but prior to January 1, 2010 a tax is imposed upon the transfer of the net estate of every resident or nonresident decedent as a tax upon the right to transfer. The tax is a sum equal to the maximum credit for state death taxes allowed by 26 U.S.C. section 2011 as it was in effect as of January 1, 2001; provided, however, that the tax shall be imposed only if the net taxable estate shall exceed six hundred seventy-five thousand dollars (\$675,000). Any scheduled increase in the unified credit provided in 26 U.S.C. section 2010 in effect on January 1, 2001, or thereafter, shall not apply.

(3) For decedents whose death occurs on or after January 1, 2010, a tax is imposed upon the transfer of the net estate of every resident or nonresident decedent as a tax upon the right to transfer. The tax is a sum equal to the maximum credit for state death taxes allowed by 26 U.S.C. section 2011 as it was in effect as of January 1, 2001; provided, however, that the tax shall be imposed only if the net taxable estate shall exceed eight hundred and fifty thousand dollars (\$850,000); provided, further, beginning on January 1, 2011 and each January 1 thereafter, said amount shall be adjusted by the percentage of increase in the Consumer Price Index for all Urban Consumers (CPI-U) as published by the United States Department of Labor Statistics determined as of September 30 of the prior calendar year; said adjustment shall be compounded annually and shall be rounded up to the nearest five dollar (\$5.00) increment; provided, that for any small business as defined by 26 U.S.C. 1 et seq., or any farm located within the state of Massachusetts, the first five million dollars (\$5,000,000) in value shall be excluded from computation. Any scheduled increase in the unified credit provided in 26 U.S.C. section 2010 in effect on January 1, 2003, or thereafter, shall not apply.

(b) If the decedent’s estate contains property having a tax situs not within the state, then the tax determined by this section is reduced to an amount determined by multiplying the tax by a fraction whose numerator is the gross estate excluding all property having a tax situs not within the state at the decedent’s death and whose denominator is the gross estate. In determining the fraction, no deductions are considered and the gross estate is not reduced by a mortgage or other indebtedness for which the decedent’s estate is not liable.

(c) (1) The terms ‘gross taxable estate’, ‘federal gross estate’ or ‘net taxable estate’ used in this chapter or chapter 23 of this title has the same meaning as when used in a comparable context in the laws of the United States, unless a different meaning is clearly required by the provisions of this chapter or chapter 23 of this title. Any reference in this chapter or chapter 23 of this title to the Internal Revenue Code or other laws of the United States means the Internal Revenue Code of 1954, 26 U.S.C. section 1 et seq.

(2) For decedents whose death occurs on or after January 1, 2002, the terms ‘gross taxable estate’ ‘federal gross estate’ or ‘net taxable estate’ used in this chapter or chapter 23 of this title has the same meaning as when used in a comparable context in the laws of the United States, unless a different meaning is clearly required by the provisions of this chapter or chapter 23 of this title. Any reference in this

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chapter or chapter 23 of this title to the Internal Revenue Code or other laws of the United States means the Internal Revenue Code of 1954, 26 U.S.C. section 1 et seq., as they were in effect as of January 1, 2001, unless otherwise provided.

(d) All values are as finally determined for federal estate tax purposes.

(e) Property has a tax situs within the state of Massachusetts:

(1) If it is real estate or tangible personal property and has actual situs within the state of Massachusetts; or

(2) If it is intangible personal property and the decedent was a resident. SECTION 121. This act shall take effect upon passage.”

After debate on the question on adoption of the amendment, the same member moved to amend it by adding the following section:

“SECTION 122. Section 3 of Chapter 65C of the General Laws is hereby amended by inserting the following section:

(c) Provided, however, that notwithstanding any other provision of law to the contrary, for any small business as defined by 26 U.S.C. 1 et seq., located within the Commonwealth of Massachusetts or any farmland located within the commonwealth of Massachusetts, and in continuing utilization by the executor, administrator, heir-at-law, beneficiary or trustees as a small business so defined or as farmland, the first five million dollars (\$5,000,000) in value of said small business or farmland shall be exempt in computing the Massachusetts taxable estate; provided further that all farmland included as part of an estate shall be appraised at its use value according to applicable federal and state law and not at its full and fair cash value.”

After remarks on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Diehl; and on the roll call 31 members voted in the affirmative and 118 in the negative.

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

Therefore the further amendment was rejected.

The amendment then also was rejected.

Mr. Lombardo of Billerica then moved to amend the bill by adding the following two sections:

“SECTION 120. Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as most recently amended by section 62 of chapter 68 of the acts of 2011, is hereby further amended by adding the following subparagraph:—

(17) In the case of a police officer who serves a school district pursuant to section 37P of chapter 71, an amount equal to the lesser of the officer’s total earned credit or \$8,000. For purposes of this subparagraph, ‘earned credit’ shall mean the number of hours served in a given school pursuant to section 37P of chapter 71 multiplied by the police detail rate of the municipality in which the school resides. The amount of hours served shall be verified in a writing signed by the municipality’s chief of police or his or her designee and the district’s superintendent or his or her designee during each week the officer serves. The commissioner shall adopt any necessary regulations for the implementation of this subparagraph.

SECTION 121. Chapter 71 of the General Laws is hereby amended by inserting after section 37O the following section:—

Further amendment rejected,—yeas and nays No. 341.

Section 37P. (a) For purposes of this section, ‘police officer’ shall mean a duly sworn municipal, state or special state police officer, including a part-time or retired officer, provided that the officer has the necessary training, up-to-date certificates and a license to carry a firearm.

(b) A school district may supplement its staff with volunteer police officers to serve the safety and security of its schools. Officers that volunteer to serve a school district under this section shall not be paid by the district, municipality or any other person.”

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 29 members voted in the affirmative and 118 in the negative.

Amendment rejected,—yeas and nays No. 342.

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

Therefore the amendment was rejected.

Mr. Diehl of Whitman then moved to amend the bill by adding the following four sections:

“SECTION 120. Chapter 60B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out sections 1 through 6 and inserting in place thereof the following new sections:—

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

‘Commissioner’, the commissioner of revenue.

‘Director’, the director of the division of law enforcement of the department of fisheries, wildlife and environmental law enforcement.

‘Habitually moored or docked’, the place where the owner has usual mooring or dockage during July and August for the summer season.

‘Principally situated’, for a registered ship or vessel where it is registered, and for a non registered ship or vessel, whether documented or not, the city or town in Massachusetts where it is principally located during the year.

‘Vessel’, every watercraft, including documented boats and ships, used or capable of being used as a means of transportation on water, and includes all equipment, including mode of power, and furnishings that are normally required aboard the vessel during accomplishment of the functions for which the vessel is being utilized.

Section 2. (a) Except as hereinafter provided there shall be assessed and levied by each city and town in each fiscal year on every vessel, regardless of registration of origin and its equipment, for the privilege of using the waterways of the commonwealth, an excise measured by the value thereof, as hereinafter defined and determined, at the rate of 5 dollars per 1000 of valuation, provided, that the excise imposed by this section shall in no event be less than 5 dollars or exceed 2,000 dollars.

(b) Any person who owns such a vessel on July 1 shall annually, on or before September 1, make a return on oath to the assessors of the city or town where such vessel is habitually moored or docked or in the case of a vessel which has no mooring or docking space, where said vessel is principally situated, setting forth the vessel’s registration or documentation number, if any; an adequate description, and the place of habitual mooring or docking or other principal location of said vessel.

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(c) For the purpose of the excise, the value of each vessel, and its equipment, including any engine or motor used to propel said vessel, shall be deemed to be the value, as determined by the commissioner, of vessels and equipment of the same make, type, model and year of manufacture as designated by the manufacturer, but not in excess of the following percentages of the list price established by the manufacturer for the year of manufacture:—

In the year of manufacture	50%
In the second year	40%
In the third year	30%
In the fourth year	20%
In the fifth and succeeding years	10%

The commissioner shall, as he deems best, make available to the local assessors the information showing the values as determined under this subsection.

(d) The payment of such excise shall exempt such owner from any other tax applicable to said vessels and their equipment under chapter 59.

(e) If an owner fails to make such a return within the time herein provided, the assessors may abate the tax otherwise imposed by this chapter if such owner provides the assessors with a reasonable excuse for failure to file such return and if the return is filed on or before October 31 of the year in which the tax is assessed; but no abatement hereunder shall reduce the tax otherwise imposed to an amount less than the sum of the excise imposed by this section plus 50 per cent thereof.

(f) Said excise shall be assessed in the city or town where the vessel is habitually moored or docked, or in the case of a ship or vessel which has no mooring or docking space, where the ship or vessel is principally situated; provided, however, that if more than 1 municipality owns property in a harbor, the municipality which maintains such harbor in which the vessel is habitually moored, docked or situated shall assess and collect said excise; and provided, further, that where more than 1 municipality maintains portions of the harbor, the municipality which maintains that portion of the harbor in which the vessel is habitually moored, docked or situated shall assess and collect said excise.

(g) Nothing in this section shall be construed to prevent the board of assessors from granting an abatement in any case in which the excise aforesaid is, in the opinion of the board, excessive. No abatement under this section shall reduce any excise to less than 5 dollars; no abatement shall be granted in an amount less than 5 dollars and no refund shall be paid in an amount less than 5 dollars.

(h) If during any fiscal year ownership of a vessel subject to an excise under this chapter is transferred by sale or otherwise and the registration of such vessel is surrendered, or if during any fiscal year the owner of a vessel subject to such an excise removes to another state and registers a vessel in such other state and surrenders or does not renew his registration in this state, the excise under this chapter shall be reduced, upon application, by an abatement equal to the proportion of an excise under this chapter on such vessel for the full fiscal year which the number of months in said year remaining after the month in which such transfer by sale or otherwise or such surrender or expiration of registration occurs bears to 12.

(i) All sums received from the excise imposed under this chapter shall be paid into the treasury of the city or town and 50 per cent of said excise shall be credited to the municipal waterways improvement and maintenance fund established under section 5G of chapter 40.

Section 3. The excise imposed by this chapter shall not apply to vessels described in section 8 of chapter 59 and in section 67 of chapter 63; to vessels owned by the commonwealth or any political subdivision thereof; to law enforcement vessels; to vessels under construction; to ferries; to boats, fishing gear and nets, with a value of 50 thousand dollars or less, owned and actually used by the owner in the prosecution of his business if engaged in commercial fishing and if no less than 50 per cent of his income is from commercial fishing; nor to other vessels with a value of 1 thousand dollars or less. Said exemptions shall not subject said vessels and their equipment to any other tax under chapter 59.

Section 4. The board of assessors, upon assessing the excise imposed by this chapter, shall commit the same to the collector of taxes with their warrant for the collection thereof. The collector of taxes shall seasonably notify the owner of the excise assessed and the due date, but failure to receive notice shall not affect the validity of the excise. Said excise shall be due and payable at the expiration of 60 days from the date upon which the notice was issued by the collector pursuant to this chapter.

Failure to pay said excise by the due date shall result in a penalty being imposed which shall be equal to 20 dollars or 20 per cent of the amount of the excise due, whichever is greater. The penalty shall be in addition to the amount of excise due and any interest thereon imposed by law. If said excise remains unpaid after the due date, the harbormaster of a city or town shall refuse to allow the vessel to moor, dock, or otherwise be situated within the waterways of said city or town. All sums received from said penalty shall be credited to the municipal waterways improvement and maintenance fund established under section 5G of chapter 40.

Section 5. The provisions of law relative to the collection, payment, abatement, verification and administration of the motor vehicle excise imposed under chapter 60A shall so far as pertinent apply to the excise imposed under this chapter.

Section 5A. No owner of a vessel shall be issued a registration decal or certificate of number, or renewal of such decal or certificate, under sections 2A and 3 of chapter 90B unless the owner has included with the application for such decal or certificate proof of payment of the full amount of the excise assessed for the prior fiscal year for any vessel for which the owner has a decal or certificate on July 1 of such year. Upon failure of the applicant to provide such proof of payment, or receipt of such other notice of non-payment made by the local tax collector that the director may determine, the director shall place the matter on record and not issue or renew a registration decal or certificate of number for any vessel owned by the person to whom the unpaid excise tax was assessed until after notice from the local tax collector that the matter has been disposed of in accordance with law. The provisions of section 2A of chapter 60A shall apply to any notifications of non-payment made by the local tax collector.

Section 6. The director shall annually, on or before October 1, transmit to the board of assessors of each city and town a list of all ships or

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vessels which were documented or registered on the immediately preceding July 1. The list shall include for each vessel, the name and residential address of the owner, if an individual, or name and principal place of business, if a corporation, partnership or other entity, the city or town in which the vessel is habitually moored or docked, the name of the manufacturer, the year of manufacture as designated by the manufacturer, the model type, the length, the horsepower of the engine or motor used to propel the vessel, the document number or certificate of number and the value as determined by the commissioner. The director may require from the owner such information as may be necessary for purposes of this chapter.

SECTION 121. Chapter 90B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 2 the following section:—

Section 2A. The owner of a vessel, which has a valid marine document issued by the Bureau of Customs of the United States or any federal agency successor thereto and is homeported in the commonwealth or maintained in commonwealth waters by a resident of the commonwealth, shall apply to the director on a form prescribed him for a registration decal or renewal thereof. The application shall be signed by the owner of the vessel and submitted to the director together with a fee, as determined annually by the commissioner of administration under the provision of section 3B of chapter 7.

The registration decal shall be displayed, so as to be visible to any law enforcement officer, on the upper left section of the transom while facing the transom.

Registration decal information for such documented vessels shall be maintained by the department and transmitted to the board of assessors of each city and town for the purposes of assessing the excise imposed by chapter 60B.

This section shall not apply to owners of vessels documented for commercial use.

SECTION 122. Section 3 of Chapter 90B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following subsection:—

(l) Registration information for such motorboats shall be maintained by the department and transmitted to the board of assessors of each city and town for the purposes of assessing the excise imposed by chapter 60B.

SECTION 123. This act shall apply to excises assessed for any fiscal year beginning on or after July 1, 2014.”

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. Diehl; and on the roll call 1 member voted in the affirmative and 149 in the negative.

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

Therefore the amendment was rejected.

The bill (House, No. 4000, amended) then was ordered to a third reading.

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

After remarks on the question on passing the bill, as amended, to be engrossed, at twenty-four minutes before six o'clock P.M., on motion of Mr. Peterson of Grafton (Mrs. Haddad of Somerset being in the Chair), the House recessed until seven o'clock P.M.; and at twelve minutes before eight o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Recess.

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

“SECTION 120. Section 110 of Chapter 205 of the Acts of 1996 is hereby amended in the first sentence by inserting, after the words ‘Massachusetts Port Authority properties’, the following:— provided, however that any municipal police department that adopts this section, shall have concurrent jurisdiction with the department of the state police in all Massachusetts Port Authority properties located within the municipality, except those properties exclusive to aviation and port operations, and a memorandum of understanding shall be executed, as appropriate and in the interest of public safety, upon consultation with the Massachusetts Port Authority, between the department of state police and the municipal police department that shall include, but not limited to, procedures involving: (i) assignment of police officers; (ii) first responder calls and emergency 911 dispatch; (iii) emergencies occurring on Massachusetts Port Authority properties; (iv) criminal investigations of incidents and crimes; and, (v) arrests and processing of individuals taken into custody.”

The amendment was rejected.

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

“SECTION 120. Any person (1) who provides account-based access to a website or an online service (‘Service’) to a primary or secondary school, a school district, or a board of cooperative educational services (‘educational institution’), (2) who marketed and designed the Service for educational institutions, and (3) who has knowledge that the Service collects data related to a student (‘student data’), may not use the Service to sell student data or to process student data in furtherance of advertising; provided that the Service provider may process student data to provide, improve, develop, or maintain the integrity of its Services.”

The amendment was adopted.

Ms. Ehrlich of Marblehead and others members of the House then moved to amend the bill by inserting after section 38B (inserted by amendment) the following section:

“SECTION 38C. Chapter 70 of the General Laws is hereby amended by striking out section 4, as so appearing, and inserting in place thereof the following section:—

Section 4. Upon action of the General Court, there shall periodically be a foundation budget review commission to review the way in which foundation budgets are calculated and to make recommendations for potential changes in those calculations as the commission deems appropriate. In conducting such review, the commission shall seek to determine the educational programs and services necessary to achieve the commonwealth’s educational goals and to prepare students to achieve passing scores on the Massachusetts Comprehensive Assessment System examinations. The review shall include, but not be limited to those

Amendment
rejected,—
yea and nay
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components of the foundation budget created pursuant to section 2 of chapter 70 and subsequent changes made to the foundation budget in statute or within an appropriations act. In addition, the commission shall seek to determine and recommend measures to promote the adoption of ways in which resources can be most effectively utilized and consider various models of efficient and effective resource allocation. In carrying out the review, the commissioner of elementary and secondary education shall provide to the commission any data and information the commissioner deems relevant to the commission's charge.

The commission shall include the house and senate chairs of the joint committee on education, who shall serve as co-chairs, the secretary of education, the commissioner of elementary and secondary education, the commissioner of early education and care, the speaker of the house of representatives or a designee, the president of the senate or a designee, the minority leader of the house of representatives or a designee, the minority leader of the senate or a designee, the governor or a designee, the chair of the house committee on ways and means or a designee, the chair of the senate committee on ways and means or a designee and 1 member to be appointed by each of the following organizations: the Massachusetts Municipal Association, the Massachusetts Business Alliance for Education, the Massachusetts Association of School Committees, the Massachusetts Association of School Superintendents, the Massachusetts Teachers Association, the American Federation of Teachers Massachusetts, the Massachusetts Association of Vocational Administrators, the Massachusetts Association of Regional Schools and the Massachusetts Association of School Business Officials. Members shall receive no compensation for their services but may receive reimbursement for the reasonable expenses incurred in carrying out their responsibilities as members of the commission. The commissioner of elementary and secondary education shall furnish reasonable staff and other support for the work of the commission. Prior to issuing its recommendations, the commission shall conduct not fewer than 4 public hearings across regions of the commonwealth. It shall not constitute a violation of chapter 268A for a person employed by a school district to serve on the commission or to participate in commission deliberations that may have a financial impact on the district employing that person or on the rate at which that person may be compensated. The commission may establish procedures to ensure that no such person participates in commission deliberations that may directly affect the school districts employing those persons or that may directly affect the rate at which those persons are compensated.”; and by inserting after section 103 the following section:

“SECTION 103A. (a) The foundation budget review commission established in section 38A shall file its final report on or before June 30, 2015. A copy of said report and recommendations shall be made publicly available on the website of the department of elementary and secondary education and submitted to the joint committee on education.

(b) In addition to the membership listed in section 1 and for the purposes of this review, there shall be 1 advisory non-voting member of the foundation budget review commission from each of the following organizations: the League of Women Voters of Massachusetts, the Massachusetts Budget and Policy Center, the Massachusetts Business

Roundtable, the Massachusetts Parent Teacher Association, the Massachusetts Taxpayers Foundation, Stand for Children Massachusetts, and Strategies for Children. Advisory members shall be informed in advance of any public hearings or meetings scheduled by the commission and may be provided with written or electronic materials deemed appropriate by the commission's co-chairs. Prior to finalizing its recommendations, the Foundation Budget Commission established in section 4 of chapter 70 of the General Laws shall solicit input from advisory members who may offer comments or further recommendations for the commission's consideration.”.

The amendments were adopted.

Mr. Cusack of Braintree then moved to amend the bill by adding the following section:

“SECTION 121. Chapter 239 of the Acts of 2012, as most recently amended by section 22 of Chapter 3 of the Acts of 2013, is hereby amended by striking out section 52 and inserting in place thereof the following section:—

Section 52. The bureau of pipefitters, refrigeration technicians and sprinkler fitters shall adopt regulations and issue procedures related to the process piping pipefitter license under section 82 of chapter 146 of the General Laws not later than July 1, 2014. A person who was not required to be licensed under section 84 of said chapter 146 who submits satisfactory proof to the bureau of pipefitters, refrigeration technicians and sprinkler fitters that the person has been actively engaged in any area of process piping as defined by Section 81 of chapter 146 of the General Laws for a period of 4 years prior to the effective date of this act, and who has applied for a license within 180 days after the effective date of the regulations adopted under this section shall, upon payment of the applicable fee, be issued a process piping pipefitter license. A person with less than 4 years of documented relevant work experience shall demonstrate sufficient knowledge of the regulations in order to be issued a process piping pipefitter license. Any proof required to be submitted under this section shall be accompanied by a statement under the penalties of perjury.”.

The amendment was adopted.

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

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 119 members voted in the affirmative and 31 in the negative.

[See Yeas and Nays No. 344 in Supplement.]

Therefore Rule 1A was suspended.

Messrs. Lyons of Andover and Lombardo of Billerica then moved to amend the bill by adding the following section:

“SECTION 122. (a) Section 9 of chapter 15A of the General Laws is hereby amended by adding the following paragraph:—

Notwithstanding any general or special law to the contrary, for the purpose of determining eligibility for in-state tuition rates and fees at public institutions of higher education, in the case of an individual who is not a citizen or permanent resident of the United States as those

Rule 1A.

Rule 1A
suspended,—
yeas and nays
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terms are defined under federal immigration law, the individual shall not be eligible for in-state tuition.

(b) Subsection (t) of Section 9 of chapter 15A of the General Laws is hereby further amended striking out subsection (t), and inserting in place thereof the following subsection:—

(t) issue regulations defining resident of the commonwealth and proof of the same for the purpose of admission and tuition expenses of public institutions of higher education and prepare uniform proofs of residence to be used by all public institutions; provided, however, for the purposes of this clause, a resident of the commonwealth shall also be a citizen or permanent resident of the United States, as provided in section 1621 of Title 8 of the United States Code; provided further, that insofar as the Massachusetts Maritime Academy is designated a regional maritime academy by the United States maritime administration, residents of the states comprising the designated region and attending the Massachusetts Maritime Academy shall be considered Massachusetts residents for the purposes of admission and tuition.”.

Pending the question on adoption of the amendment, Mr. Sannicandro of Ashland moved to amend it by adding the following section:

“SECTION 123. Notwithstanding any general or special law to the contrary, the provisions of section 122, including sections (a) and (b) shall not take effect until such time as (i) the board of higher education, in consultation with the executive office of health and human services, furnishes an analysis to the joint committee on higher education on the impacts of the current policy, restricting in-state tuition eligibility to United States citizens and documented immigrants, including but not limited to: (1) proposals to expand access to higher education in Massachusetts, including proposals to permit U.S. veterans who establish residency in Massachusetts within one year of matriculation in a Massachusetts public institution of higher learning to be classified as state residents for tuition purposes and to base in-state tuition eligibility at Massachusetts public institutions of higher education on attendance at a Massachusetts high school for at least 3 years combined with graduation from said high school or attainment of an equivalent credential; (2) proposals to restrict access to higher education in Massachusetts by barring all documented immigrants who are not green card holders from in-state tuition eligibility; (3) comparative impacts on public institutions of higher education in the commonwealth, including any projected changes in tuition revenues and on admissions competitiveness; (4) comparative impacts on the commonwealth’s ability to meet workforce needs, including STEM and health care workforce needs, and to compete economically with surrounding states and with the global economy; (5) comparative impacts on the commonwealth’s ability to retain and attract entrepreneurs; (6) comparative impacts on the commonwealth’s income tax base; (7) any anticipated cost to the state of defending against litigation on behalf of documented immigrants who are not green card holders; (8) implications of any proposed federal immigration legislation which would impact the tuition eligibility of immigrants in the commonwealth; and (9) comparative impacts on the commonwealth’s ability to successfully integrate returning veterans; and (ii) legislation necessary to carry out the recommendations in the report has been filed and enacted pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”.

After debate on the question on adoption of the further amendment, at seventeen minutes after nine o’clock P.M., 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 fourteen minutes after ten o’clock the House was called to order with Mr. Donato in the Chair.

Recess.

Tuesday, April 29, 2014 (at 10:14 o’clock A.M.).

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

Pledge of
allegiance.

Guests of the House.

During the session, Messrs. Swan of Springfield and Devers of Lawrence took the Chair, declared a brief recess, and introduced Sarah Collins Rudolph, the lone survivor of an act of domestic terrorism, which occurred at the 16th Street Baptist Church in Birmingham, Alabama on September 15, 1963. Killed in the bombing were her sister, Addie Mae Collins, and three other young girls. The terrible event occurred during the height of the Civil Rights Movement. Mrs. Rudolph was accompanied by her husband, George Rudolph. They were the guests of Representatives Swan of Springfield, Devers of Lawrence and Fox of Boston.

Sarah Collins
Rudolph.

During the session, the Speaker took the Chair, declared a brief recess, and introduced and congratulated the Bentley University women’s basketball team on winning the program’s first national title and completing a perfect 35-0 season. They were accompanied by their Head Coach Barbara Stevens and assistant coach Carolyn White. Mr. Stanley of Waltham then presented the coach with resolutions of the House. The Coach then briefly addressed the House. They were the guests of Representatives DeLeo, Stanley of Waltham, Cariddi of North Adams and Lawn of Watertown.

Bentley
University
women’s
basketball
team.

During the session, the Speaker took the Chair, declared a brief recess, and introduced the Winthrop High School Girls basketball ball boy, Frankie Fabiano of Winthrop. The Speaker announced that Frankie had been selected as the top sports manager on the North Shore. He was the guest of Speaker DeLeo of Winthrop.

Winthrop,—
Frankie
Fabiano.

Resolutions.

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

Resolutions (filed by Messrs. Kafka of Stoughton, Rogers of Norwood, McMurtry of Dedham and Dooley of Norfolk) congratulating Armen Kaspar Andonian on receiving the Eagle Scout Award of the Boy Scouts of America;

Armen Kaspar
Andonian.

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Jacob Steven Archer on receiving the Eagle Scout Award of the Boy Scouts of America;

Jacob Steven
Archer.

Stephen Fitzgerald. Resolutions (filed by Mr. Kafka of Stoughton) congratulating Stephen Raymond Fitzgerald on receiving the Eagle Award of the Boy Scouts of America;

Gare Stoddard Reid. Resolutions (filed by Mr. Kafka of Stoughton) congratulating Gare Stoddard Reid on receiving the Eagle Award of the Boy Scouts of America;

Frank Forest Davidson V. Resolutions (filed by Mr. Linsky of Natick) congratulating Frank Forest Davidson V on receiving the Eagle Award of the Boy Scouts of America; and

Wesley John Gallant. Resolutions (filed by Mr. Linsky of Natick) congratulating Wesley John Gallant on receiving the Eagle Award of the Boy Scouts of America;

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

Order.

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Consumer Protection and Professional Licensure be granted until Tuesday, June 3, 2014, within which to make its final report on current Senate documents numbered 80, 82, 91, 93, 94, 96, 100, 102, 103, 106, 109, 117, 128, 135, 144, 160, 162, and 165 and House documents numbered 177, 182, 183, 190, 194, 199, 201, 203, 213, 230, 231, 234, 236, 239, 243, 244, 248, 256, 258, 260, 262, 267, 270, 286, 291, 293, 294, 296, 299, 300, 3305, 3419, 3466, 3575 and 3913.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Scibak of South Hadley, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Papers from the Senate.

The Senate Order relative to granting the committee on Children, Families and Persons with Disabilities until Friday, June 13, 2014 within which to make its final report on current Senate documents numbered 27, 28, 29, and 30, and House documents numbered 85, 106, 124, and 151, relative Committee on Children, Families and Persons with Disabilities (Senate, No. 2061) (having been approved by the committees on Rules of the two branches, acting concurrently), was considered forthwith, under suspension of the rules, on motion of Ms. Balsler of Newton; and it was adopted, in concurrence.

The House Bill establishing a sick leave bank for Christine Green, an employee of the Worcester Recovery Center and Hospital (House, No. 3957), came from the Senate passed to be engrossed, in concur-

rence, with amendments, striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2115, striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of mental health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and by striking out the title and inserting in place thereof the following title: “An Act establishing a sick leave bank for Christine Green, an employee of the Department of Mental Health”.

The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

Reports of Committees.

Reports

Of the committee on Municipalities and Regional Government, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 3960) of Viriato Manuel deMacedo (by vote of the town) that the town of Plymouth be authorized to exchange a parcel of land held for water purposes for a parcel of land in the town of Plymouth;

Plymouth,—land.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the joint petition (accompanied by bill, House, No. 3961) of Carolyn C. Dykema and Karen E. Spilka (by vote of the town) that the town Holliston be authorized to establish a department of public works; and

Holliston,—public works.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 3962) of Aaron Vega (with the approval of the mayor and city council) relative to unpaid sewer use charges in the city of Holyoke;

Holyoke,—sewer charges.

Under suspension of the rules, in each instance, on a motion of Ms. Peake of Provincetown, the reports were considered forthwith. Pending the question, in each instance, on acceptance of the reports, the petitions were recommitted, on motions of the same member.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the Bill relative to the Massachusetts life and health insurance guaranty association law (House, No. 922), ought to pass. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Life and health insurance.

By Mr. Straus of Mattapoissett, for the committee on Transportation, on a recommitted petition, a Bill designating a certain underpass in the town of Mansfield as the Patrolman Walter P. Langley Memorial Underpass (House, No. 3922). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mansfield,—Langley Underpass.

Mr. Kafka of Stoughton, for said committee, then reported that the matter be scheduled for consideration by the House.

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

Consumer Protection and Professional Licensure committee,—extension of time for reporting.

Children, Families and Persons with Disabilities committee,—extension of time for reporting.

Christine Green,—sick leave.

New Bedford,—
alcoholic
beverages.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the city of New Bedford to issue an additional license to Irmandade do Divino do Espirito Santo do Pico, Inc. for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4054), be scheduled for consideration by the House.

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

Engrossed Bills.

Engrossed bills

Bills
enacted.

Relative to the appointment of special police officers in the city of Newton (see House, No. 3864); and

Relative to the appointment of the harbormaster in the city of New Bedford (see House, No. 3896);
(Which severally originated in the House)

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

Recess.

Recess.

At sixteen minutes after ten o'clock A.M. (Tuesday, April 29), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until half past ten o'clock; and at twenty-five before eleven o'clock the House was called to order with Mr. Donato in the Chair.

Orders of the Day.

Workers
compensation
audits.

The motion of Mr. Peterson of Grafton that the vote be reconsidered by which the House, on Tuesday, April 22, passed to be engrossed the House Bill providing incentives for productive workers compensation audits (House, No. 1771), was negated. Sent to the Senate for concurrence.

Second
reading
bill.

The House Bill relative to limited liability companies (House, No. 3944), was read a second time; and it was ordered to a third reading.

General
Appropriation
Bill.

The House Bill making appropriations for the fiscal year 2015 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interests, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4000, amended), was considered, the main question on passing the bill to be engrossed.

Further
amendment
rejected,—
yea and nay
No. 345.

After debate on the question on adoption of the further amendment (offered by Mr. Sannicandro of Ashland during the previous day's sitting), the sense of the House was taken by yeas and nays, at the request of Mr. Lyons of Andover; and on the roll call 103 members voted in the affirmative and 46 in the negative.

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

Therefore the further amendment was adopted.

The amendment offered by Mr. Lyons of North Andover, et al, then also was adopted.

Mrs. Haddad of Somerset then moved to amend the bill by inserting after section 53 the following section:

"SECTION 53A. Section 91 of chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after the words 'bachelor's degree', in line 8, the following words:— or higher."

The amendment was adopted.

Messrs. Lyons of Andover and Lombardo of Billerica then moved to amend the bill by adding the following section:

"SECTION 124. (a). The Commonwealth of Massachusetts shall provide funding to municipalities for the purpose of property tax relief in accordance with the figures listed in the table in section (b).

(b).

MUNICIPALITY	AMOUNT	MUNICIPALITY	AMOUNT
ABINGTON	\$630,191	BOSTON	\$23,741,467
ACTON	\$6,107,010	BOURNE	\$400,258
ACUSHNET	\$526,851	BOXBOROUGH	\$1,437,558
ADAMS	\$105,947	BOXFORD	\$105,062
AGAWAM	\$1,463,651	BOYLSTON	\$33,787
ALFORD	\$635	BRAINTREE	\$604,710
AMESBURY	\$544,268	BREWSTER	\$79,511
AMHERST	\$822,472	BRIDGEWATER	\$167,714
ANDOVER	\$180,881	BRIMFIELD	\$106,143
AQUINNAH	\$106	BROCKTON	\$6,639,186
ARLINGTON	\$961,645	BROOKFIELD	\$125,431
ASHBURNHAM	\$35,981	BROOKLINE	\$326,877
ASHBY	\$19,816	BUCKLAND	\$13,857
ASHFIELD	\$15,874	BURLINGTON	\$371,326
ASHLAND	\$435,637	CAMBRIDGE	\$236,837
ATHOL	\$119,810	CANTON	\$292,281
ATTLEBORO	\$2,828,880	CARLISLE	\$56,689
AUBURN	\$480,610	CARVER	\$798,335
AVON	\$59,639	CHARLEMONT	\$12,810
AYER	\$34,258	CHARLTON	\$67,294
BARNSTABLE	\$196,838	CHATHAM	\$6,810
BARRE	\$54,626	CHELMSFORD	\$919,126
BECKET	\$10,234	CHELSEA	\$2,251,219
BEDFORD	\$127,248	CHESHIRE	\$38,341
BELCHERTOWN	\$1,088,222	CHESTER	\$18,248
BELLINGHAM	\$670,959	CHESTERFIELD	\$16,897
BELMONT	\$16,177	CHICOPEE	\$4,667,783
BERKLEY	\$317,502	CHILMARK	\$170
BERLIN	\$39,616	CLARKSBURG	\$152,590
BERNARDSTON	\$13,163	CLINTON	\$869,485
BEVERLY	\$524,659	COHASSET	\$96,572
BILLERICA	\$1,587,958	COLRAIN	\$7,916
BLACKSTONE	\$61,709	CONCORD	\$0
BLANDFORD	\$8,235	CONWAY	\$52,629
BOLTON	\$8,934	CUMMINGTON	\$9,670

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MUNICIPALITY	AMOUNT	MUNICIPALITY	AMOUNT	MUNICIPALITY	AMOUNT	MUNICIPALITY	AMOUNT
DALTON	\$73,322	HAMPDEN	\$31,135	MARLBOROUGH	\$875,864	NORWELL	\$207,520
DANVERS	\$359,574	HANCOCK	\$16,054	MARSHFIELD	\$1,099,032	NORWOOD	\$348,736
DARTMOUTH	\$759,750	HANOVER	\$553,304	MASHPEE	\$318,621	OAK BLUFFS	\$42,977
DEDHAM	\$240,959	HANSON	\$48,706	MATTAPOISETT	\$0	OAKHAM	\$8,682
DEERFIELD	\$97,033	HARDWICK	\$13,176	MAYNARD	\$236,719	ORANGE	\$470,267
DENNIS	\$24,646	HARVARD	\$184,383	MEDFIELD	\$464,987	ORLEANS	\$0
DEVENS	\$24,685	HARWICH	\$19,494	MEDFORD	\$1,284,381	OTIS	\$1,646
DIGHTON	\$34,992	HATFIELD	\$66,893	MEDWAY	\$801,114	OXFORD	\$861,273
DOUGLAS	\$674,776	HAVERTHILL	\$3,009,856	MELROSE	\$751,744	PALMER	\$902,523
DOVER	\$4,728	HAWLEY	\$4,775	MENDON	\$19,458	PAXTON	\$24,489
DRACUT	\$1,498,078	HEATH	\$3,786	MERRIMAC	\$0	PEABODY	\$2,437,867
DUDLEY	\$81,597	HINGHAM	\$480,132	METHUEN	\$2,866,777	PELHAM	\$23,094
DUNSTABLE	\$11,130	HINSDALE	\$18,451	MIDDLEBOROUGH	\$1,419,244	PEMBROKE	\$1,035,870
DUXBURY	\$257,963	HOLBROOK	\$29,105	MIDDLEFIELD	\$3,850	PEPPERELL	\$67,544
EAST BRIDGEWATER	\$832,589	HOLDEN	\$86,523	MILFORD	\$1,129,784	PERU	\$11,048
EAST BROOKFIELD	\$0	HOLLAND	\$76,703	MILLBURY	\$486,695	PETERSHAM	\$37,593
EAST LONGMEADOW	\$785,274	HOLLISTON	\$573,163	MILLIS	\$382,102	PHILLIPSTON	\$8,348
EASTHAM	\$28,077	HOLYOKE	\$5,865,533	MILLVILLE	\$47,490	PITTSFIELD	\$3,377,237
EASTHAMPTON	\$697,620	HOPEDALE	\$472,895	MILTON	\$520,566	PLAINFIELD	\$6,352
EASTON	\$759,932	HOPKINTON	\$414,010	MONROE	\$33,510	PLAINVILLE	\$238,893
EDGARTOWN	\$0	HUBBARDSTON	\$20,385	MONSON	\$617,192	PLYMOUTH	\$1,661,541
EGREMONT	\$2,855	HUDSON	\$565,214	MONTAGUE	\$64,856	PLYMPTON	\$12,322
ERVING	\$30,654	HULL	\$364,104	MONTGOMERY	\$2,092	PRINCETON	\$13,399
ESSEX	\$11,080	HUNTINGTON	\$36,211	MONTGOMERY	\$5,610	PROVINCETOWN	\$23,862
EVERETT	\$0	IPSWICH	\$100,696	MOUNT	\$0	QUINCY	\$1,611,886
FAIRHAVEN	\$644,058	KINGSTON	\$347,226	WASHINGTON	\$3,978	RANDOLPH	\$823,304
FALL RIVER	\$6,404,894	LAKEVILLE	\$42,944	NAHANT	\$38,189	RAYNHAM	\$42,017
FALMOUTH	\$143,096	LANCASTER	\$43,294	NANTUCKET	\$0	READING	\$832,478
FITCHBURG	\$2,830,581	LANESBOROUGH	\$70,051	NATICK	\$468,980	REHOBOTH	\$49,906
FLORIDA	\$42,815	LAWRENCE	\$3,529,893	NEEDHAM	\$373,207	REVERE	\$1,363,489
FOXBOROUGH	\$681,515	LEE	\$168,791	NEW ASHFORD	\$15,287	RICHMOND	\$28,487
FRAMINGHAM	\$1,203,205	LEICESTER	\$797,325	NEW BEDFORD	\$7,200,299	ROCHESTER	\$146,132
FRANKLIN	\$2,138,487	LENOX	\$103,351	NEW BRAintree	\$379	ROCKLAND	\$281,633
FREETOWN	\$62,779	LEOMINSTER	\$3,559,216	NEW MARLBOROUGH	\$2,650	ROCKPORT	\$71,923
GARDNER	\$1,646,930	LEVERETT	\$27,555	NEW SALEM	\$4,696	ROWE	\$5,623
GEORGETOWN	\$370,514	LEXINGTON	\$0	NEWBURY	\$6,593	ROWLEY	\$0
GILL	\$11,008	LEYDEN	\$3,726	NEWBURYPORT	\$219,641	ROYALSTON	\$8,136
GLOUCESTER	\$482,605	LINCOLN	\$9,287	NEWTON	\$0	RUSSELL	\$24,654
GOSHEN	\$11,309	LITTLETON	\$292,171	NORFOLK	\$285,846	RUTLAND	\$41,864
GOSNOLD	\$1,408	LONGMEADOW	\$337,872	NORTH ADAMS	\$1,243,357	SALEM	\$1,630,369
GRAFTON	\$832,699	LOWELL	\$6,304,497	NORTH ANDOVER	\$464,519	SALISBURY	\$0
GRANBY	\$379,955	LUDLOW	\$1,131,838	NORTH ATTLEBOROUGH	\$1,601,714	SANDISFIELD	\$1,568
GRANVILLE	\$7,255	LUNENBURG	\$225,056	NORTH BROOKFIELD	\$353,785	SANDWICH	\$500,743
GREAT BARRINGTON	\$34,344	LYNN	\$5,915,365	NORTH READING	\$496,246	SAUGUS	\$173,541
GREENFIELD	\$1,046,623	LYNNFIELD	\$267,372	NORTHAMPTON	\$690,655	SAVOY	\$43,915
GROTON	\$35,055	MALDEN	\$4,040,975	NORTHBOROUGH	\$299,451	SCITUATE	\$417,950
GROVELAND	\$0	MANCHESTER	\$10,064	NORTHBRIDGE	\$1,243,380	SEEKONK	\$294,980
HADLEY	\$32,530	MANSFIELD	\$1,446,022	NORTHFIELD	\$16,350	SHARON	\$521,277
HALIFAX	\$241,027	MARBLEHEAD	\$382,064	NORTON	\$1,013,226	SHEFFIELD	\$12,136
HAMILTON	\$13,560	MARION	\$0			SHELburne	\$12,208

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MUNICIPALITY	AMOUNT	MUNICIPALITY	AMOUNT
SHERBORN	\$31,858	WARREN	\$40,944
SHIRLEY	\$59,375	WARWICK	\$5,755
SHREWSBURY	\$1,489,268	WASHINGTON	\$1,513
SHUTESBURY	\$49,420	WATERTOWN	\$209,997
SOMERSET	\$370,040	WAYLAND	\$0
SOMERVILLE	\$2,562,366	WEBSTER	\$743,371
SOUTH HADLEY	\$683,955	WELLESLEY	\$398,013
SOUTHAMPTON	\$212,938	WELLFLEET	\$0
SOUTHBOROUGH	\$206,293	WENDELL	\$7,886
SOUTHBRIDGE	\$1,150,479	WENHAM	\$10,963
OUTHWICK	\$57,084	WEST BOYLSTON	\$242,897
SPENCER	\$87,008	WEST BRIDGEWATER	\$66,196
SPRINGFIELD	\$19,604,506	WEST BROOKFIELD	\$38,150
STERLING	\$31,375	WEST NEWBURY	\$404
STOCKBRIDGE	\$4,511	WEST SPRINGFIELD	\$1,174,526
STONEHAM	\$261,573	WEST STOCKBRIDGE	\$4,400
STOUGHTON	\$993,413	WEST TISBURY	\$8,406
STOW	\$19,051	WESTBOROUGH	\$142,019
STURBRIDGE	\$60,699	WESTFIELD	\$2,788,568
SUDBURY	\$345,965	WESTFORD	\$1,267,390
SUNDERLAND	\$85,506	WESTHAMPTON	\$39,180
SUTTON	\$413,668	WESTMINSTER	\$29,625
SWAMPSCOTT	\$93,740	WESTON	\$0
SWANSEA	\$189,599	WESTPORT	\$355,994
TAUNTON	\$1,654,961	WESTWOOD	\$198,275
TEMPLETON	\$63,107	WEYMOUTH	\$2,405,079
TEWKSBURY	\$970,484	WHATLEY	\$23,410
TISBURY	\$0	WHITMAN	\$162,464
TOLLAND	\$836	WILBRAHAM	\$66,233
TOPSFIELD	\$81,631	WILLIAMSBURG	\$49,795
TOWNSEND	\$59,476	WILLIAMSTOWN	\$107,357
TRURO	\$2,971	WILMINGTON	\$823,750
TYNGSBOROUGH	\$565,131	WINCHENDON	\$936,541
TYRINGHAM	\$655	WINCHESTER	\$556,568
UPTON	\$25,633	WINDSOR	\$8,489
UXBRIDGE	\$739,873	WINTHROP	\$401,577
WAKEFIELD	\$356,380	WOBURN	\$0
WALES	\$65,885	WORCESTER	\$18,800,623
WALPOLE	\$614,313	WORTHINGTON	\$9,604
WALTHAM	\$395,131	WRENTHAM	\$304,792
WARE	\$709,677	YARMOUTH	\$57,138
WAREHAM	\$1,011,404		
		Total Municipal	\$249,894,333

Amendment rejected.—yea and nay No. 346.

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. Lyons; and on the roll call 31 members voted in the affirmative and 119 in the negative.

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

Therefore the amendment was rejected.

Mrs. Orrall of Lakeville then moved to amend the bill by adding the following section:

“SECTION 124. Notwithstanding any general or special law to the contrary, the commissioner of the department of elementary and secondary education, in collaboration with the secretary of administration and finance, shall analyze the Partnership for the Assessment of Readiness for College and Career (PARCC) tests, and report any preliminary findings to the house and senate committees on ways and means and the clerks of the house and senate no later than September 1, 2014 and submit a report with recommendations on or before June 30, 2015, on, included but not limited to, the following: (a) the informational technology upgrade costs required to give school districts the ability to use PARCC tests; (b) the cost of professional development for educators in the commonwealth to administer the PARCC tests; (c) the aggregate and per-student cost of administering the current tests for the Massachusetts Comprehensive Assessment System; (d) the aggregate and per-student cost of administering the tests for the PARCC; (e) the expected ongoing cost of supporting enhanced technology infrastructure required for online assessments; (f) the impact the online assessments will have on school districts that are not currently equipped to administer such assessments; (g) whether the increased costs of administering online assessments constitutes an unfunded mandate on school districts; and (h) a comprehensive cost-benefit analysis of the adoption and implementation of the PARCC online assessments.”.

After remarks the amendment was adopted.

Mr. Lyons of Andover then moved to amend the bill by adding the following section:

“SECTION 125. Notwithstanding any general or special law to the contrary, The Department of Elementary and Secondary Education (DESE), herein known as the department, shall expend no funds to develop or implement the Common Core State Standards (CCSS), nor shall the department expend any funds to develop or implement the Partnership for Assessment of Readiness for College and Careers (PARCC) assessment.”.

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. Lyons; and on the roll call 31 members voted in the affirmative and 119 in the negative.

Amendment rejected.—yea and nay No. 347.

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

Therefore the amendment was rejected.

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

Mr. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the negative. I now find, however, that due to some inexplicable reason I was recorded as voting in the affirmative.

Statement of Ms. Malia of Boston.

Mr. Lombardo of Billerica then moved to amend the bill by adding the following section:

“SECTION 125. Notwithstanding any general or special law to the contrary, any city or town which fails to enforce federal immigration laws shall not receive unrestricted general government aid, as prescribed by the general appropriations act; provided, quarterly payments

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of unrestricted general government aid to be disbursed to the city or town shall cease upon verification of the failure of the city or town to comply with federal immigration laws. Failure to comply with federal immigration laws shall include, but is not limited to, a declaration of 'sanctuary city' status by the chief executive or executive board or legislative branch of the city or town."

The amendment was rejected.

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

"SECTION 125. Section 9 of Chapter 15A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'tuition;' in line 128, the following words:— provided, however, that any veteran of the United States armed services shall be considered Massachusetts residents for the purpose of admission and tuition expenses for any Massachusetts state college, community college, or state university under the following conditions: the veteran was honorably discharged from the U.S. armed services after at least one year of active service, excluding time spent at a military service academy; the veteran designates Massachusetts as his/her intended domicile, moves to Massachusetts for the purpose of establishing residency, and successfully establishes residency in Massachusetts within one year of matriculation in a Massachusetts public institution of higher learning; failure to successfully meet any of the conditions will result in the Massachusetts state college, community college, or state university revoking discounted tuition rate and invoice the individual the full cost of tuition for any previous enrolled and/or future semesters."

Pending the question on adoption of the amendment, Mr. Sannicandro of Ashland moved to amend it by adding the following section:

"SECTION 126. Notwithstanding any general or special law to the contrary, the provisions of section 125 shall not take effect until such time as (i) the secretary of administration and finance, in consultation with the department of higher education, furnishes an analysis on the fiscal impacts of providing such tuition, which shall include a cost-benefit analysis of the impact on the economy of the commonwealth; the current practices of other states; anticipated changes in employment levels; and any ancillary economic activity; and (ii) legislation necessary to carry out the recommendations in the report has been filed and enacted pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution."

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Lombardo; and on the roll call 107 members voted in the affirmative and 42 in the negative.

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

Therefore the further amendment was adopted.

The amendment offered by Mr. Lombardo, as amended, then also was adopted.

Mr. Durant of Spencer and other members of the House then moved to amend the bill by adding the following two sections:

"SECTION 127. Notwithstanding any general or special law to the contrary, there shall be a special commission to study local contributions to public school districts. The commission shall review the feasibility of limiting a municipality's contribution to a school district's

budget to 2½ per cent above the previous year's contribution on a per pupil basis unless the municipality votes to override the measure at a ballot election. The commission shall evaluate the potential impact the measure may have on municipalities and public school districts within the commonwealth. The commission shall make any recommendations or suggestions as it sees fit.

The commission shall consist of the house and senate chairs of the joint committee on revenue, who shall serve as co-chairs of the commission; 1 member to be appointed by the senate president; 1 member to be appointed by the speaker of the house of representatives; 1 member to be appointed by the senate minority leader; 1 member to be appointed by the house minority leader; the commissioner of the department of revenue or the commissioner's designee; the commissioner of the department of elementary and secondary education or the commissioner's designee, 2 persons to be appointed by the governor and 1 representative from each of the following associations: the Massachusetts Association of School Committees; the Massachusetts Selectmen's Association. All appointments shall be made not later than 30 days after the effective date of this resolve. The chairpersons shall meet with the commission not later than 60 days after the effective date of this resolve.

SECTION 128. The commission shall report to the general court the result of its study and its recommendations, if any, together with any drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the House of Representatives not later than 180 days after the first meeting of the commission."

The amendment was rejected.

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

"SECTION 127. Notwithstanding any general or special law to the contrary, in the event state tax revenues for fiscal year 2015 exceed \$24,337,000,000, the treasurer shall make fifty percent of the excess revenue, up to \$100,000,000, available to cities and towns; provided, the excess revenue shall be distributed on a proportional basis pursuant to the distribution of unrestricted general government aid, as prescribed in section 3 of the annual general appropriations act; provided, the treasurer shall notify the house and senate chairs of the committees on ways and means, the house and senate chairs of the joint committee on education, the commissioner of revenue, the secretary of education, and the secretary of administration and finance of any distribution which is made according to this section not less than 30 days prior to the date such distribution is implemented."

After debate on the question on adoption of the amendment (Mrs. Haddad of Somerset being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 32 members voted in the affirmative and 119 in the negative.

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

Therefore the amendment was rejected.

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

In item 3000-4040 by striking out the figures "7,500,000" and inserting in place thereof the figures "10,000,000",

Further
amendment
adopted,—
yea and nay
No. 348.

Amendment
rejected,—
yea and nay
No. 349.

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(education
and
local aid.

Consolidated amendments (education and local aid.

In item 3000-7050, in line 13, by inserting after the word "collaboratives," the words "the home-based, school readiness and family support program known as the parent-child home program", and by striking out the figures "16,164,890" and inserting in place thereof the figures "18,464,890",

In item 7000-9401 by striking out the figures "9,723,978" and inserting in place thereof the figures "9,805,978";

By inserting after item 7000-9506 the following item:

"7000-9508 For the Massachusetts Center for the Book, Inc., chartered as the Commonwealth Affiliate of the Center for the Book in the Library of Congress; provided, that the Massachusetts Center for the Book, Inc. shall be established as a public-private partnership charged with the development, support and promotion of cultural programming designed to advance the cause of books and reading and enhance the outreach potential of public libraries within the commonwealth \$125,000";

In item 7009-9600 by striking out the figures "800,000" and inserting in place thereof the figures "1,000,000";

In item 7010-0005 by adding the following: "; provided, that not less than \$60,000 shall be expended for school zone safety improvements in the town of Franklin; provided further, that not less than \$85,414 shall be expended for public safety costs for Hull public schools; and provided further, that not less than \$25,000 shall be expended for the continued operation of Camp Pohelo", and by striking out the figures "13,258,243" and inserting in place thereof the figures "13,528,657";

In item 7010-0012 by striking out the figures "18,642,582" and inserting in place thereof the figures "19,142,582";

In item 7010-0033, in line 4, by inserting after the word "thereof" the following: "; provided further, that not less than \$20,000 shall be expended for the operation of a school library pilot program in the town of Tewksbury", and by striking out the figures "1,800,000" and inserting in place thereof the following figures: "2,120,000";

In item 7027-0019 by striking out the figures "1,000,000" and inserting in place thereof the figures "2,750,000";

In item 7035-0002, in line 5, by inserting after the word "education" the following: "; provided further, that not less than \$150,000 shall be expended for Operation A.B.L.E. of Greater Boston to provide basic workforce and skills training, employment services and job re-entry support to older workers; provided further, that not less than \$50,000 shall be allocated to the Lawrence Family Development and Education Fund to assist in citizenship education, citizenship application assistance, English as a second language classes, and computer training for low-income adults; and, provided further, that not less than \$50,000 shall be expended for Casa Dominicana of Lawrence for citizenship, high school equivalency testing, and English as a second language classes for low-income adults", and by striking out the figures "29,156,340" and inserting in place thereof the figures "30,274,160";

In item 7035-0035 by striking out the figures "2,000,000" and inserting in place thereof the figures "2,600,000";

By striking out item 7061-0011 and inserting in place thereof the following item:

"7061-0011 For a reserve to meet extraordinary increases in the minimum required local contribution of a municipality pursuant to the requirements of section 3; provided, that a municipality seeking funds under this item shall apply for a waiver from the department of revenue pursuant to section 6A of chapter 70 of the General Laws; provided further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of elementary and secondary education regarding the merits of the application; provided further, that the department shall provide funds to academic regional school districts that have undergone a change in membership, said funds to be used to reduce assessments on the reconfigured district's remaining member communities; provided further, that not less than \$704,319 shall be expended to mitigate costs related to the merger of the Essex North Shore regional school district; and provided further, that no less than \$250,000 shall be expended to provide extraordinary relief to school district's whose special education costs exceed thirty-percent of total district costs and tuition paid to an approved private school located with the district exceeds both \$1,000,000 and twenty-five percent of all tuition paid to approved private schools \$1,786,319";

By inserting after item 7061-0029 the following item:

"7061-0033 For a reserve to assist towns negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on the military reservation known as Hanscom Air Force Base located within the town's limits ("Hanscom Towns"); provided, that any grants provided under this item shall be expended by a school committee without further appropriation; provided further, that funds may be expended on membership dues for the Interstate Compact on Educational Opportunity for Military Children; and, provided further, that Hanscom Towns may apply for funding in excess of this initial appropriation if funds under this item are increased and a Hanscom Town demonstrates that it would otherwise qualify for an amount greater than the initial funding of this item when compared with all other accepted applications using the same formula applied for in item 7061-0033 in section 2 of chapter 139 of the acts of 2012 \$400,000";

In item 7061-9408 by striking out the figures "7,706,297" and inserting in place thereof the figures "8,006,297";

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In item 7061-9611 by striking out the figures "1,410,000" and inserting in place thereof the figures "1,710,000";

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

"7061-9612 For the safe and supportive schools grant program established by the department of elementary and secondary education to pilot and share an effective process for school and district teams to develop and implement safe and supportive school-wide action plans; provided that said action plans shall be based on all elements of the framework and self-assessment tool created pursuant to section 19 of chapter 321 of the acts of 2008 and described in the final report of the behavioral health and public schools task force; provided that the districts shall create district plans that support the recipient schools \$200,000;

7061-9614 For the alternative education grant program established in section 1N of chapter 69 of the General Laws; provided, that the commissioner shall allocate funds for both subsections (a) and (b) of said section 1N of said chapter 69; provided further, that not less than \$720,000 shall be provided for a grant program to districts, education collaboratives or other inter-district partnerships for the purpose of implementing alternative education programs to provide educational services required under Chapter 222 of the Acts of 2012 \$246,140";

In item 7061-9626 by striking out the figures "2,000,000" and inserting in place thereof the figures "2,250,000";

In item 7061-9634 by striking out the figures "250,000" and inserting in place thereof the figures "400,000";

By inserting after item 7061-9804 the following item:

"7061-9810 For regional bonus aid pursuant to subsection (g) of section 16D of chapter 71 of the General Laws ... \$280,000";

In item 7066-0009 by striking out the figures "184,500" and inserting in place thereof the figures "367,500";

In item 7066-0025, in line 11, by inserting after the word "programs" the words "provided further, that funds shall be expended to promote the adoption of a standard core of course offering and numbering that are honored for common credit toward degrees and certificates across the commonwealth's community colleges, state universities and University of Massachusetts campuses", by striking out the figures "2,500,000" and inserting in place thereof the figures "3,250,000";

In item 7066-1400, in line 5, by inserting after the year "2016" the words "; provided further, that funds shall be expended for costs related to the development of said formula", by striking out the figure "7,948,776" and inserting in place thereof the figure "8,048,776";

In item 7077-0023, in line 9, by inserting after the word "authorities" the following: "; provided further, that \$50,000 shall be expended for a feasibility study to be conducted by the Central Massachusetts Regional Planning Commission for a pilot project for Bay Path Regional Vocational Technical High School students to attend Cummings School of

Veterinary Medicine at Tufts University", and by striking out the figures "4,000,000" and inserting in place thereof the figures "5,550,000";

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

"7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding any general or special law to the contrary, the university may establish and organize auxiliary organizations subject to policies, rules and regulations adopted by the board, to provide essential functions which are integral to the educational mission of the university; provided further, that notwithstanding any general or special law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance; provided further, that not less than \$150,000 shall be allocated for the Clemente Course in the Humanities, administered by the Massachusetts Foundation for the Humanities in partnership with the University of Massachusetts Boston and the University of Massachusetts Dartmouth and local social service agencies, which provides college-level humanities instruction and support service free of charge and for college credit to low income adults; provided further, that the funds shall be contingent upon a match of not less than \$1 in federal contributions or \$1 in private or corporate contributions for every \$1 in state grant funding; provided further, that the University of Massachusetts shall expend funds for the University of Massachusetts at Amherst Cranberry Station; provided further, that not less than \$50,000 shall be expended for the University of Massachusetts at Amherst to conduct a study for the revitalization of former mill buildings and rural village centers in the North Quabbin region; provided further, that the University of Massachusetts shall expend \$148,620 for the operation of the Massachusetts office of public collaboration at the University of Massachusetts Boston; and provided further, that the University of Massachusetts shall expend funds for capital lease payments from the University of Massachusetts to the Massachusetts Development Finance Agency and for annual operations of the advanced technology and manufacturing center in Fall River \$518,955,373";

In item 7100-0700 by striking out the figures "550,000" and inserting in place thereof the figures "750,000";

In item 7112-0100 by adding the following: "; provided, that the Christa McAuliffe Challenger Learning Center at Framingham State University shall receive not less than the amount appropriated in section 2 of chapter 139 of the acts of 2012", and by striking out the figures "25,164,332" and inserting in place thereof the figures "25,364,332";

Consolidated amendments (education and local aid.

By inserting after item 7112-0100 the following item:

"7112-0101	For the MetroWest College Planning Center to be administered by Framingham State University and Massachusetts Bay Community College at 1000 Worcester Road ("1812 House") in the Town of Framingham	\$400,000";
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And by inserting after section 74 the following six sections:

"SECTION 74A. Notwithstanding any general or special law to the contrary, the commissioner of elementary and secondary education shall begin a 4-year phase in of equal increments to include health care costs for retired teachers as part of net school spending for any district which accepts the provisions of this act by a vote taken pursuant to section 4 and in which such costs were not considered part of net school spending in fiscal year 1994. For fiscal year 2016, ¼ of the cost shall be included in calculating fulfillment of net school spending requirements; provided, that in districts currently in level IV or level V status under the commonwealth's accountability and assistance system, the commissioner may delay or limit the inclusion of the costs in calculating net school spending until their such district's status is lowered to level III or below, at which time the commissioner shall begin or resume a 4-year phase in of the remaining costs; and, provided further, that during the 4-year phase in period authorized under this section, the commissioner may waive penalties associated with deficiencies in net school spending requirements up to an amount that can be attributed to non-inclusion of health care costs for retired teachers if the commissioner approves a schedule submitted by the district to meet the requirements not later than at the end of the 4-year phase in period; provided however, that the commissioner shall consider deficiencies in net school spending requirements in fiscal year 2015, if any, when approving such schedule.

SECTION 74B. The commissioner of elementary and secondary education may waive penalties associated with deficiencies in net school spending requirements up to an amount that can be attributed to non-inclusion of health care costs for retired teachers in fiscal years 2013 and 2014.

SECTION 74C. The commissioner of elementary and secondary education may waive penalties associated with deficiencies in net school spending requirements up to an amount that can be attributed to non-inclusion of health care costs for retired teachers in fiscal year 2015 if the district submits a schedule under section 2 and the commissioner approves such schedule.

SECTION 75D. Notwithstanding any general or special law to the contrary, for the period beginning July 1, 2014, and ending June 1, 2015, the provisions of section 1 may be accepted in a city having a Plan D or Plan E charter by majority vote of its city council and approval by the manager; in any other city, by a vote of its city council and approval by the mayor; in a town having a town council form of government, by vote of the town council, subject to the provisions of the charter of such town; in a town, by a vote of the board of selectmen; and in a regional school district, by a vote of the regional district school committee. Such vote shall be by approval of all members of the district.

Approval of each member shall be given in a city having a Plan D or Plan E charter by majority vote of its city council and approval by the manager; in any other city, by a vote of its city council and approval by the mayor; in a town having a town council form of government, by vote of the town council, subject to the provisions of the charter of such town; in a town, by a vote of the board of selectmen.

SECTION 75E. Any school district which accepts the provisions of this act shall annually certify to the commissioner the treatment of retired teacher health insurance costs to ensure accurate counting of such costs toward required net school spending.

SECTION 75F. Section 74A shall take effect July 1, 2015.;"

By inserting after section 102 the following section:

"SECTION 102A. There is hereby established a special commission to make an investigation and study relative to public school library programs. The commission shall consist of 2 members of the house of representatives, 1 of whom shall be the house chair of the joint committee on education or a designee, who shall serve as co-chair, and 1 of whom shall be a member of the minority party appointed by the minority leader; 2 members of the senate, 1 of whom shall be the senate chair of the joint committee on education or a designee, who shall serve as co-chair, and 1 of whom shall be a member of the minority party appointed by the minority leader; the commissioner of elementary and secondary education or a designee; the president of the Massachusetts Association of School Superintendents or a designee; the president of the Massachusetts Association of School Committees or a designee; 2 executive board members of the Massachusetts School Library Association; 2 members chosen by the Massachusetts Chapter of the American Federation of Teachers; 1 member each from the Massachusetts Library Association, the Massachusetts Library System and the board of library commissioners; and 3 persons to be appointed by the governor, 1 of whom shall be from the business community, 1 of whom shall be from a charter school and 1 of whom shall be chosen from a list of 2 members recommended by the Massachusetts Teachers Association. The co-chairs shall convene the organizational session of the commission not later than 60 days after the effective date of this act.

The special commission shall study the public school library programs in the commonwealth. In its investigation and study, the commission shall include, but not be limited to, determining: (i) how school library programs can be further developed to ensure that the programs reflect changing technology; (ii) how many schools in each district have a school library and a full-time or part-time credentialed school librarian; (iii) the ratio of students per credentialed school librarian; (iv) what other support staff work in the school library program; (v) the hours school libraries are open each week for students and faculty to use; (vi) how many hours each week school librarians provide direct library-related instruction to students; (vii) the number of available computers in school libraries; (viii) the size and age of the collection in each school library and the extent to which electronic and digital materials are available for students to access; (ix) the extent to which electronic and digital materials are available for students to access remotely; and (x) current funding per student for school library materials and services.

Consolidated
amendments
(education
and
local aid.

The special commission may conduct public hearings to gather information, including the sponsorship of statewide or regional conferences involving educators, students and the public at large. The department of education may provide staff and other resources to the commission as the department deems appropriate. The special commission's report shall include long-range plans for public school library programs to ensure that the programs best serve the students. The plans may include guidelines for school library facilities, budget, staffing, collection development and curriculum standards for school library programs. The commission shall file its final report and recommendations, if any, together with drafts of legislation necessary to implement such recommendations, with the joint committee on education not later than December 31, 2014."

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Ms. Peisch of Wellesley; and on the roll call 149 members voted in the affirmative and 2 in the negative.

[See Ye and Nay No. 350 in Supplement.]

Therefore the consolidated amendments (education and local aid) were adopted.

Mr. Cutler of Duxbury then moved to amend the bill by inserting before section 102 the following section:

"SECTION 101D. The Massachusetts Bay Transportation Authority shall examine and report on the feasibility of restoring weekend commuter rail service on the Kingston/Plymouth and Greenbush lines. The report shall include, but not be limited to: (i) the cost of restoring and providing service for the Kingston/Plymouth and Greenbush lines; (ii) the levels of weekend ridership on such commuter lines before the weekend service was cancelled on such lines; (iii) a comparison of weekend ridership and cost of providing service on other commuter rail lines; and (iv) the ridership numbers that would be required to warrant restoration of the Kingston/Plymouth and Greenbush lines. The Massachusetts Bay Transportation Authority shall file the report on or before November 30, 2014, with the clerks of the house of representatives and senate and the joint committee on transportation."

After debate the amendment was adopted.

Mr. Coppinger of Boston then moved to amend the bill by inserting after section 87 the following section:

"SECTION 87A. (a) Notwithstanding any general or special law to the contrary, the division of capital asset management and maintenance, hereinafter "the division" may, on behalf of and in coordination with the department of conservation and recreation, hereinafter 'the department', enter into negotiations to execute a lease agreement, hereinafter 'the lease', with 1235-1237 VFW Parkway LLC, the owner of the property located at 1235-1237 Veterans of Foreign Wars parkway in the West Roxbury neighborhood of the city of Boston, hereinafter 'the lessor.' The property consists of approximately 19,781 square feet, or 0.45 acres, currently used as a parking lot. The lease shall be on such terms and conditions as may be determined by the division, in consultation with the department and subject to the requirements of this section.

(b) The division, on behalf of the department, may lease the property from the lessor for an original term of not more than 5 years, and may provide an option to extend the lease term for 1 consecutive term of 5 years; provided, however, that any additional renewal of the lease for any further term of years shall require express statutory authorization by the general court. The lease shall be for not more than fair market value, as determined by an independent appraisal, and shall require that the property only be used as a parking lot, under the care and control of the department, to be used for public parking and increased access to Havey beach, Riverdale park, Rivermoor park, Millennium park, or other nearby properties maintained by the department.

(c) At least 21 days prior to the execution of the lease by the division, the commissioner of the division shall file a copy of the lease with the inspector general and the clerks of the house of representatives and senate. The inspector general shall review the lease and file any comments and recommendations thereon with the division and the chairs of said committee at least 10 days prior to the execution of the lease.

(d) The department shall have the right to renovate, repair or improve the property, subject to the terms of this section. The lessor shall maintain any existing property or liability insurance in an amount and of a type sufficient to protect the commonwealth and its leasehold interest from any action arising for a claim against the property subject to the lease; provided, that the commissioner of capital asset management and maintenance, and the commissioner of conservation and recreation shall review and approve the terms of such insurance.

(e) The division is hereby authorized, if at any time it deems it to be necessary and in the best interest of the commonwealth, to acquire the leasehold interest as well as all other rights, title, and interest in the property by purchase, by eminent domain, or otherwise. Should the division exercise the eminent domain authority provided in this section, the division shall pay the lessor not more than fair market value for the property, as determined by an independent appraisal, and the lessor may pursue its rights as provided by chapter 79 of the General Laws. Any leasehold interest in the property, no matter how acquired, shall be subject to the use restrictions of subsection (b).

(f) No lease agreement executed in accordance with this section, and no renewal or extension of such agreement shall be valid and no payment shall be made to the lessor, or any other lessor, unless a sworn disclosure statement has been filed by the lessor, and in the case of a corporation, by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property, with the division and the department. The provisions of this subsection shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than 10 per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. Such disclosure statement shall also be during the term of the lease agreement in the event of any change of interest in the property, as provided, within 30 days of such change.

Consolidated
amendments
(education
and
local aid)
adopted,—
yea and nay
No. 350.

General
Appropriation
Bill.

Any official elected to public office in the commonwealth, or any employee of the division or department disclosing beneficial interest in real property pursuant to this subsection, shall identify the person's position as part of the disclosure statement.

The division shall keep a copy of each disclosure statement received available for public inspection during regular business hours."

The amendment was adopted.

Mr. Dooley of Norfolk then moved to amend the bill in section 2, in item 1050-0140, by adding the following: "; provided further that notwithstanding Chapter 23K of the General Laws, as appearing in the 2012 Official Edition, or any other general or special law to the contrary, in calendar year 2014, the Town of Plainville shall be included in the payments to cities and towns from the Massachusetts Gaming Commission." The amendment was adopted.

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

"SECTION 127. Chapter 11 of the General Laws as appearing in the 2012 Official Edition, is hereby amended by inserting after section 12 the following new section:— Section 12A. The state auditor shall conduct an annual audit of credit cards issued on behalf of any state agency. The audit shall include, but not be limited to, the number of credit cards issued by each agency; an accounting of credit cards issued to agency employees, be they actively employed or formerly employed by the agency; and the aggregate monetary amount of credit card transactions per agency. The completed audit shall be filed with the clerks of the senate and the house of representatives no later than December 31, 2015."

The amendment was adopted.

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

"SECTION 128. Notwithstanding any general or special law to the contrary, any advertising including, but not limited to print, broadcast, and online media for a state agency, department, program, or commission shall include the following disclosure language:— Brought to you by the Massachusetts Taxpayers."

The amendment was rejected.

Representatives O'Connell of Taunton and Diehl of Whitman then moved to amend the bill by adding the following section:

"SECTION 128. The office of the state treasurer is hereby directed to post on the Open Checkbook website all payouts of severance and settlement agreements involving employee disputes; provided that such information shall include the amount of the settlement and to whom it was paid."

The amendment was adopted.

Representatives O'Connell of Taunton, Diehl of Whitman and Kuros of Uxbridge then moved to amend the bill by adding the following section:

"SECTION 129. Chapter 32 is hereby amended by inserting after Section 20C the following section:

Section 20E. (1) Extraordinary-Status Retirement System. — For the purposes of this section, the words 'extraordinary-status retirement system' shall mean any person, corporation, association, trust, partner-

ship or other legal entity which receives or expends public funds for the payment or administration of pensions as defined in Section 1 of Chapter 32 for any current or former employees of the commonwealth, of any constituent unit or of any political subdivision thereof, excluding any retirement system established under the provisions of Section 20 of this chapter, Chapter 34B, the retirement board of the Massachusetts Water Resources Authority and the Pension Reserves Investment Management Board.

(2) Accounting Standards. — (a) Each extraordinary-status retirement system shall prepare annually financial statements according to the standards established by the Governmental Accounting Standards Board. Such financial statements shall include all required and optional supplementary information as defined by said standards.

(b) Each extraordinary-status retirement system shall prepare annually an actuarial valuation and shall conduct an experience investigation every five years in accordance with standards established by the Public Employee Retirement Administration Commission and file a copy of the report with every governmental unit of the commonwealth from which it has received funds during any of the previous ten calendar years and with the Public Employee Retirement Administration Commission.

(i) The periodic experience investigation required shall accompany the earliest completed actuarial valuation report occurring after the five-year period covered by the investigation.

(ii) Each extraordinary-status retirement system shall file a copy of its report with every governmental unit of the commonwealth from which it has received funds during any of the previous ten calendar years and with the public employee retirement administration commission.

(iii) The actuarial valuation report shall contain actuarial exhibits, financial exhibits and demographic exhibits. The actuarial exhibits shall be prepared and certified by an enrolled actuary. The remaining exhibits may be prepared by a qualified person other than an enrolled actuary. The financial and demographic exhibits shall be prepared as of the year ending immediately prior to the valuation date.

(iv) All applicable actuarial exhibits shall be prepared in accordance with the entry age normal actuarial cost method with entry age established as the actual entry age for all plan members unless there are compelling reasons of an actuarial nature for the use of an alternative actuarial cost method.

(v) The actuarial cost method shall be used to value all aspects of each extraordinary-status retirement system, unless there are compelling reasons of an actuarial nature for the use of approximation techniques other than the actuarial cost method for aspects of the retirement system other than the retirement benefit.

(vi) The actuarial exhibits shall measure all aspects of the retirement system in accordance with modifications in the benefits, if any, and salaries which as of the valuation date are known or can reasonably be expected to be in force during the ensuing calendar year.

(vii) The actuarial exhibits shall use actuarial assumptions which are, in the judgment of the actuary, the best available estimate of future occurrences in the case of each assumption in the aggregate.

General
Appropriation
Bill.

(viii) With respect to economic actuarial assumptions, which shall include estimates of rates of future occurrences concerning, but not necessarily limited to, increases in salary, growth in state revenues, post retirement adjustments, investment earnings, asset appreciation or depreciation and procedures to determine the actuarial value of assets used in the preparation of actuarial valuations of the retirement system and other actuarial calculations, documentation explaining and justifying the choice of assumptions shall be included in the report and shall constitute an inalienable and required part thereof.

(c) The accounting statements and valuation studies for each year shall be completed no later than the end of the following year.

(3) Annual Report. — (a) Each extraordinary-status retirement system shall prepare annually a report which shows the financial condition of the system as of 31 December of the previous year in a manner which can be easily understood by the members of said system. Such report shall contain:

(i) information showing the financial transactions of the previous year;

(ii) statistical information with reference to the membership of the system;

(iii) a summary of the findings of any timely audit reports;

(iv) the board's investment policy;

(v) a summary of the system's investment portfolio as of December thirty-first of the previous year;

(vi) the annual financial statements required by subdivision (2);

(vii) information with regard to the system's most recent actuarial valuation including the unfunded actuarial liability as of the valuation date; and

(viii) a listing of all persons employed by the extraordinary-status retirement system during the year with the corresponding total compensation of each person received from the system during that year.

(b) Each extraordinary-status retirement system shall file a copy of its report with every governmental unit of the commonwealth from which it has received funds during any of the previous ten calendar years and with the Public Employee Retirement Administration Commission.

(c) Each extraordinary-status retirement system shall make available upon request a copy of the report to each member of the system and to any other persons within ten days of such request.

(5) Penalties for Noncompliance. — (a) An actuary who prepares, submits, approves or endorses an actuarial valuation or experience study which does not conform to the standards established in paragraph (b) of subdivision (2) shall be debarred by the meaning of and under the provisions of Section 21A. Any other law or provision notwithstanding, such debarment shall last for a period of at least five years. This paragraph shall apply to both any physical person performing the functions of an actuary that has been found in violation and any legal entity on behalf of which such person is performing those functions pursuant to employment, ownership or contract.

(b) An accountant who prepares, submits, approves or endorses financial statements which do not conform to the standards established in paragraph (a) of subdivision (2), including supplementary information requirements, shall be debarred by the meaning of and under the

provisions of Section 21A. Any other law or provision notwithstanding, such debarment shall last for a period of at least five years. This paragraph shall apply to both any physical person performing the functions of an accountant that has been found in violation and any legal entity on behalf of which such person is performing those functions pursuant to employment, ownership or contract.

(c) A person who causes or conspires with another to cause a violation of subdivision (3) of this section shall forfeit and pay to the appropriate retirement board not more than \$2,000 for each violation.

(d) Any person who willfully refuses or neglects to comply with any provision of this section or any rule or regulation established there under shall be punished for each such violation by a fine of not more than \$1,000 or imprisonment for not more than one year, or both. This punishment shall apply in addition to any payment imposed under paragraph (c) of this subdivision.

(e) Any legal or physical person shall have standing to and may file a civil action in the superior court to enforce paragraph (c) of subdivision (3) and paragraphs (a) and (b) of subdivision (5).

(6) The Public Employee Retirement Administration Commission shall enforce the provisions of this section."

The amendment was adopted.

Mr. Mariano of Quincy then moved to amend the bill by adding the following section:

"SECTION 130. Section 18 of Chapter 161A of the General Laws, as appearing in the 2012 Official 1563 Edition, is hereby amended by adding the following paragraph:

The secretary of administration and finance, on behalf of the commonwealth, shall, with the concurrence of the secretary of the Massachusetts Department of Transportation, enter into a contract with the authority prior to July 1, 2014, providing for payments by the commonwealth of \$160,000,000 annually to the authority, in substantially equal monthly payments not later than the last day of each month, commencing with July 2014. The authority may pledge such contract and the rights of the authority to receive amounts thereunder as security for the payment of notes or bonds issued under the provisions of this chapter. Such contract shall constitute a general obligation of the commonwealth for which the faith and credit of the commonwealth shall be pledged for the benefit of the authority and of the holders of any notes or bonds of the authority which may be secured by a pledge of such contract or of amounts to be received by the authority under such contract."

The amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed Mr. Dempsey of Haverhill and other members of the House moved to amend it in section 2, in item 0526-0100 by adding the following: "; provided further, that not less than \$100,000 be provided for the Prescott building in Lancaster";

In item 0640-0300 by striking out the figures "5,080,801" and inserting in place thereof the figures [A]"8,080,801";

In item 0910-0200 by striking out the figures "2,478,783" and inserting in place thereof the figures "2,528,783";

Consolidated
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(Constitutional
Officers, State
Administration
and
Transportation.

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amendments
(Constitutional
Officers, State
Administration
and
Transportation.

In item 0940-0100 by striking out the figures “2,432,967” and inserting in place thereof the following figures: “2,568,237”;

In item 0950-0000 by striking out the figures “71,500” and inserting in place thereof the figures “100,000”;

In item 0950-0050 by striking out the figures “200,000” and inserting in place thereof the figures: “300,000”;

In item 0950-0080 by striking out the figures “35,000” and inserting in place thereof the figures “50,000”;

In item 0920-0300 by striking out the figures “1,436,196” and inserting in place thereof the figures “1,486,196”;

In section 4, in line 10, by inserting after the word “designee;” the words “the president of the Massachusetts Organization of State Engineers and Scientists, or a designee”;

By inserting after section 8 the following section:

“SECTION 8A. Subsection (a) of section 14C of chapter 7 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the word ‘commonwealth,’ in line 5, the following words:— the regional and metropolitan planning organizations”;

By inserting after section 26 the following six sections:

“SECTION 26A. Section 4 of chapter 30B of the General Laws, as so appearing, is hereby amended by striking out, in each instance, the words ‘\$25,000’ and inserting in place thereof the following figure:— \$35,000.

SECTION 26B. Subsection (a) of section 5 of said chapter 30B is hereby amended by striking out, in line 2, the figure ‘\$25,000’ and inserting in place thereof the following figure:— \$35,000.

SECTION 26C. Subsection (a) of section 6 of said chapter 30B is hereby amended by striking out, in line 2, the figure ‘\$25,000’ and inserting in place thereof the following figure:— \$35,000.

SECTION 26D. Subsection (a) of section 6A of said chapter 30B is hereby amended by striking out, in line 2, the figure ‘\$25,000’ and inserting in place thereof the following figure:— \$35,000.

SECTION 26E. Subsection (a) of section 7 of said chapter 30B is hereby amended by striking out, in line 2, the figure ‘\$25,000’ and inserting in place thereof the following figure:— \$35,000.

SECTION 26F. Subsection (c) of section 16 of said chapter 30B is hereby amended by striking out, in each instance, the words ‘twenty-five thousand dollars’ and inserting in place thereof the following figure:— \$35,000.”;

By inserting after section 27 the following two sections:

“SECTION 27A. Subsection (2A) of section 23 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out the word ‘nine’, in line 179, and inserting in place thereof the following figure:— 11.

SECTION 27B. Said subsection (2A) of said section 23 of said chapter 32, as so appearing, is hereby further amended by inserting after the word ‘board,’ in line 181, the following words:— the Secretary of the Commonwealth or a designee, the president of the Massachusetts Association of Contributory Retirement Systems or a designee.”;

By inserting after section 32 the following section:

“SECTION 32A. Said section 22 of said chapter 32B of the General Laws, as so appearing, is hereby further amended by striking out, in

lines 62, 64 and 68, the words ‘July 1, 2011’, in each instance, and inserting in place thereof the following words:— January 1, 2014.”;

By inserting after section 38C (inserted by amendment) the following new paragraph:—

“SECTION 38D. Section 19A of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting, in line 40, the following new paragraph:—

Notwithstanding a provision of this section or any other section to the contrary, the maximum gross vehicle weight limit, bridge formula limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction system may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than four hundred pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of an idle reduction system. For purposes of this section, an idle reduction system is any system that provides heating, cooling or electrical service to a commercial vehicle cab for the purpose of reducing vehicle idling.”;

And by inserting after section 101 the following section:

“SECTION 101A. There is hereby established a special advisory commission on the uniformity and compatibility of compensation of public officials. The commission shall consist of 3 members: 1 of whom shall be the chief executive of a non-profit business or trade association, who shall be appointed by the governor; 1 of whom shall be employed in the private sector as a Director of Human Resources, who shall be appointed by the state auditor, and; 1 member who shall be the Dean of a School of Business Administration, who shall be appointed by the state secretary. The commission shall review present compensation levels of public officials to determine the consistency of such levels of compensation and submit a report, including any recommendations for possible legislation, on or before December 31, 2014. The state comptroller is hereby directed to provide the special commission with all records of compensation requested by the commission.”.

Pending the question on adoption of the amendments, Mr. Dempsey moved to amend it in item 0640-0300 by striking out the figures “8,080,801” and inserting in place thereof the following figures “9,591,595”.

The further amendment was adopted.

On the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Straus of Mattapoisett; and on the roll call (Mrs. Haddad of Somerset being in the Chair) 143 members voted in the affirmative and 2 in the negative.

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

Therefore the consolidated amendments (transportation, constitutional officers and state administration), as amended, were adopted.

Consolidated
amendments
(Constitutional
Officers, etc.)
adopted,—
yeas and nays
No. 351.

Recess.

At one minute after six o'clock P.M. (Tuesday, April 29), on motion of Ms. Story of Amherst, the House recessed until seven o'clock; and at seven minutes after seven o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Pending the question on passing the bill, as amended, to be engrossed Mr. Hill of Ipswich moved to amend it by adding the following section:

"SECTION 131. Notwithstanding any general or special law to the contrary any historic property, pursuant to the provisions of Section 44 of Chapter 85 of the Acts of 1994 shall not be subject to the provisions of Chapter 59 of the General Laws."

The amendment was adopted.

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

"SECTION 132. Section 7A of chapter 271 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended, in lines 8 and 85, by striking out the word 'twenty-five' and inserting in place thereof, in each instance, the word: two hundred and fifty."

The amendment was adopted.

Mr. Kaufman of Lexington and other members of the House then moved to amend the bill by inserting before section 33 the following section:

"SECTION 32C. Section 29 of chapter 40B of the General Laws, as so appearing, is hereby amended by striking out, in lines 18 to 19, the words 'fifteen cents per capita for the fiscal year nineteen hundred and seventy-five.' and inserting in place thereof the following words:— 50 cents per capita for the fiscal year 2015."

The amendment was adopted.

Mr. Kaufman then moved to amend the bill by adding the following twenty-eight sections:

"SECTION 133. Clause Sixteenth of section 5 of chapter 59 of the General Laws, as amended by sections 29, 30, and 84 of chapter 46 of the acts of 2013, is hereby further amended by striking out clause sixteenth and inserting in place thereof the following clause:—

Sixteenth, (1) In the case of (a) a financial institution as defined in section 1 of chapter 63 of the general laws, (b) a business corporation subject to taxation under chapter sixty-three other than a corporation mentioned in either paragraph (2) or paragraph (3) of this clause, (c) a telephone corporation subject to chapter 166 or (d) a business corporation subject to taxation under section twenty, twenty-three or fifty-eight of said chapter sixty-three, all property owned by such financial institution or corporation other than the following:— real estate, poles, underground conduits, wires and pipes, and machinery used in manufacture or in supplying or distributing water; provided, that in the case of a business corporation subject to taxation under said section twenty or said section twenty-three, the laws of the state of incorporation, or, in the case of a business corporation of another nation, the laws of the state where it has elected to establish its principal office in the United States, grant similar exemption from taxation of tangible property owned by like corporations organized under or created by the laws of the commonwealth.

SECTION 134. Section 1 of chapter 62C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the definition of 'materialman' the following definition:—

'Principal reporting corporation,' the corporation responsible for the filing of a combined report of income pursuant to section 32B of chapter 63, or any successor thereof, as may be provided in regulations or other guidance issued by the commissioner.

SECTION 135. Section 11 of chapter 62C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following paragraph:—

The filing of a combined report pursuant to G.L. c. 63, § 32B, in the manner prescribed by the commissioner, shall satisfy the filing requirements of this section for any business corporation that, pursuant to such combined report, calculates and reports its own individual corporate excise liability, based on the income and non-income measures of the corporate excise or minimum excise tax, as applicable, under G.L. c. 63, §§ 32D or 39. A combined report shall not constitute a filing under this section for any business corporation that does not so calculate and report its own individual corporate excise liability under such sections, whether or not such business corporation's income, sales, or other attributes may be taken into account in the calculation of the excise under this chapter of an affiliated corporation that does calculate and report an individual corporate excise pursuant to such combined report.

SECTION 136. Chapter 62C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after section 11 the following section:—

Section 11A. Combined Reports.

In the case of one or more corporations that participate, or are required to participate, in a filing through the means of a combined report under G.L. c. 63, § 32B, the commissioner may treat the principal reporting corporation as the agent for any and all such corporations with respect to all notices and actions authorized or required by this chapter and chapter 63, whether relating to the income measure or non-income measure of the corporate excise of any such corporation or to the minimum excise tax liability of any such corporation. Such notices and actions include, without limitation, notices and actions associated with processes such as assessment of tax; execution of consents to extend the time for assessment of tax; abatements; hearing requests; refunds; and collection activity. Nothing in this section shall preclude the commissioner from separately taking any such action or directing any notice to any individual corporation subject to tax under any section of G.L. c. 63, even where such corporation participated in or was required to participate in the filing of a combined report. The commissioner may collect under this chapter any unpaid tax from any individual corporation participating or required to participate in a filing through the means of a combined report to the extent of the joint and several liability for such amount under G.L. c. 63, § 32B(e).

SECTION 137. Section 12 of chapter 62C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out subsection (g).

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SECTION 138. Said section 12 of said chapter 62C, is hereby further amended by adding the following subsection:—

(k) The filing of a combined report pursuant to G.L. c. 63, § 32B, in the manner prescribed by the commissioner, shall satisfy the filing requirements under subsection (a) of this section for any financial institution that, pursuant to such combined report, calculates and reports its own individual corporate excise liability, based on the income measure or minimum excise tax, as applicable, under G.L. c. 63, §§ 2 or 2B. A combined report shall not constitute a filing under subsection (a) of this section for any financial institution that does not so calculate and report its own individual corporate excise liability under such sections, whether or not such financial institution's income, sales, or other attributes may be taken into account in the calculation of the excise under this chapter of an affiliated corporation that does calculate and report an individual corporate excise pursuant to such combined report.

SECTION 139. Section 26 of chapter 62C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:—

(b) If the commissioner determines, from the verification of a return or otherwise, that the full amount of any tax has not been assessed or is not deemed to be assessed, he may, at any time within three years after the date the return was filed or the date it was required to be filed, whichever occurs later, assess the same with interest as provided in section thirty-two to the date when the deficiency assessment is required to be paid, first giving notice of his intention to the person to be assessed; provided, however, that said three year period for making an assessment shall be suspended during the period of time that the taxpayer has a bankruptcy case pending under the appropriate chapters of Title 11 of the United States Code. Such person or his representative may confer with the commissioner or his duly authorized representative as to the proposed assessment within thirty days after the date of such notification. After the expiration of thirty days from the date of such notification, the commissioner shall assess the amount of tax remaining due the commonwealth, or any portion thereof, which he believes has not therefore been assessed.

In the case of one or more corporations that participated, or was required to participate, in a filing through the means of a combined report under G.L. c. 63, § 32B, the commissioner may effect the issuance of a notice of intention to assess or a notice of assessment to each corporation that participated, or was required to participate, in the combined report with respect to any tax liability due from such corporation under chapter 63, whether relating to the income measure or non-income measure of the corporate excise or minimum excise tax liability, by issuing a single notice to the principal reporting corporation on its own behalf and as the agent for each corporation that is being assessed. This single notice shall state the net cumulative liability of all such assessed corporations. In such cases, the commissioner will provide detail as to the assessment that is being issued to each corporation included in the cumulative assessment, in the form of work papers made available to the principal reporting corporation in connec-

tion with the notice of the cumulative assessment that is directed to such principal reporting corporation. Nothing in this paragraph shall preclude the commissioner from separately and directly assessing any individual corporation subject to tax under any section of G.L. c. 63, rather than assessing such corporation through the means a cumulative assessment as referenced by this paragraph, even where such corporation participated in or was required to participate in the filing of a combined report.

If the commissioner audits or verifies the returns of the same tax for two or more tax periods and determines, as a result thereof, that the amounts assessed result in overpayments for some tax periods and underpayments for others, he shall offset any overpayments against any underpayments and refund any net overpayment as required by section thirty-six. An application for abatement under section thirty-seven shall not be required for overpayments resulting from assessments made pursuant to this section.

Failure to receive the notice provided for by this section shall not affect the validity of the tax.

SECTION 140. Section 27 of chapter 62C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following paragraph:—

In the case of one or more corporations that participate in a filing through the means of a combined report under G.L. c. 63, § 32B or are required to participate in such filing, the commissioner and the principal reporting corporation may consent in writing to extend the time for assessment of any component of the corporate excise reported or required to be reported under any section of G.L. c. 63 by any such corporation whether relating to the income measure, non-income measure, or a minimum excise tax liability under the corporate excise. This consent shall be effective for (i) any corporation that filed through the means of the combined report, including any corporation that was improperly included in the combined group as determined pursuant to G.L. c. 63, § 32B or that subsequently ceased to be a member of such group, and (ii) any corporation that was improperly excluded from the combined group and that improperly filed a separate return to report its corporate excise under G.L. c. 63. The period so extended by the commissioner and the principal reporting corporation may be further extended by subsequent agreements in writing made before the expiration of the time last extended. The commissioner or his duly authorized representative may examine the books, papers, records, and other data of any corporation that participated in or was required to participate in the filing of the combined report. Nothing in this section shall preclude the commissioner from separately executing consents to extend the time for assessment with any individual corporation subject to tax under any section of G.L. c. 63 for any tax due from such corporation under said chapter or this chapter even where the corporation participated in or was required to participate in the filing of a combined report.

SECTION 141. Section 30 of chapter 62C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following 4 sentences:— In the case of the filing of a combined report filed pursuant to

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G.L. c. 63, § 32B, the principal reporting corporation shall file all notices of change as otherwise provided under this section, together with payment of additional amounts due or an application for abatement, as the case may be, on behalf of any or all corporations participating in the filing of the combined report or required to so participate. Without limitation, such notices of change shall be required from the principal reporting corporation in the event of a final determination of federal change to the income included or required to be included in the combined report, or any portion thereof, without regard to the particular corporation or corporations taking such income into account for federal income tax purposes or to whether such corporations are required to file a return under this chapter. A principal reporting corporation shall be subject to the penalties provided under this section in the event of failure to file a required notice of change under this paragraph.

The commissioner of revenue may promulgate rules and regulations necessary to implement this section.

SECTION 142. Chapter 62C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out section 31 and inserting in place thereof the following section:—

Section 31. If the assessment of any tax is in excess of the amount shown on the return as the tax due, the commissioner shall, as soon as may be, give written notice to the taxpayer of the amount of the assessment, the amount of any balance due and the time when the same is required to be paid. Failure to receive such notice shall not affect the validity of the tax. In the case of one or more corporations that participate in a filing through the means of a combined report under G.L. c. 63, § 32B or are required to participate in such filing, the commissioner may issue a single notice directed to the principal reporting corporation on its own behalf and as the agent for each corporation that is being assessed. This single notice shall state the net cumulative liability of all such assessed corporations.

SECTION 143. Section 37 of chapter 62C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following paragraph:—

In the case of a combined report filed pursuant to G.L. c. 63, § 32B, the principal reporting corporation may act under this section as the agent for any and all corporations that participated in, or were required to participate in, such filing. In the case of such combined report, the commissioner may offset against any abatement with respect to any such corporation, as determined by the commissioner under this section, any additional excise that is due or determined to be due under chapter 63 from any corporation that participated or was required to participate in the filing, whether that additional excise due may result from the application of the income or non-income measures of the corporate excise or to the minimum excise tax, and whether or not the additional tax is based on issues related to the abatement. Offsets based on issues unrelated to the abatement may reduce or eliminate such abatement, but in no case shall such offset give rise to a net amount of tax due where an assessment would otherwise be barred as untimely.

SECTION 144. Paragraph 8 of section 30 of chapter 63 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking clause (3) and replacing it with the following clause:—

(3) the book value on said date of its investment in subsidiary business corporations which represent eighty per cent or more of the voting stock of said corporations, or in the case of a subsidiary business corporation which does not have voting stock, its investment in such business corporation which represents an eighty percent or more ownership interest, as shall be found by multiplying said amount by such corporation's income apportionment percentage, as determined under the provisions of section thirty-eight.

SECTION 145. Section 30 of chapter 63 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking paragraph 9 and inserting in place thereof the following paragraph:—

9. Notwithstanding paragraph 8, the net worth of a business corporation taxable under clause (1) of subsection (a) of section 39 that is a qualified real estate investment trust shall be such portion of the book value of its total assets less its liabilities on the last day of the taxable year as the book value of its tangible assets situated within the commonwealth on said date and not subject to local taxation plus the amount of its intangible assets on said date allocable to this commonwealth, as hereinafter determined, bear to the book value of its total assets on said date. The intangible assets allocable to this commonwealth shall be such portion of the book value of its total intangible assets on the last day of the taxable year, less the book value on said date of its investment in and advances to subsidiary business corporations which represent 80 per cent or more of the voting stock of said corporations, or in the case of a subsidiary business corporation which does not have voting stock, its investment in such business corporation which represents an 80 percent or more ownership interest, as shall be found by multiplying said amount by such corporation's income apportionment percentage, as determined under section 38. In determining the book value of any asset, the commissioner may disallow any reserve, in whole or in part, with respect thereto which, in his judgment, is not reasonable and proper. For the purpose of this paragraph, "qualified real estate investment trust" shall mean a business corporation that both qualifies as a real estate investment trust under section 856 of the Code, as defined in paragraph 16 of this section, and that is required to file with the Securities and Exchange Commission annual and other reports as specified in Section 13 or Section 15(d) of the Securities Exchange Act of 1934, as amended; and "advances" shall mean such interests in a corporation where a corporation-shareholder relationship exists, determined under such regulations as the commissioner may issue and under section 385 of the Federal Internal Revenue Code as amended and in effect for the taxable year and the regulations issued thereunder.

SECTION 146. Subsection (a) of section 31A of chapter 63 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 3 and 23, the following words "thirty-eight C or".

SECTION 147. Subsection (c) of section 31A of chapter 63 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 58 to 59, inclusive, the following word "thirty-two(b)".

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SECTION 148. Subsection (i) of section 31A of chapter 63 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 113 and 131, the following words ‘thirty-eight C or’.

SECTION 149. Section 31N of chapter 63 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting before the word ‘gross’, in lines 13, 16, 17 and 19, the following words:— net or.

SECTION 150. Subsection (d) of Section 31E of chapter 63 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 19, the following words ‘thirty-two (b)’.

SECTION 151. Section 32C of chapter 63 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 6, the following words ‘thirty-two or’.

SECTION 152. Subsection (b) of Section 38P of chapter 63 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 18 to 19, inclusive, the words ‘sections thirty-two or’ and inserting in place thereof, in each instance, the following word:— section.

SECTION 153. Subsection (c) of Section 38P of chapter 63 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 35, the words ‘sections thirty-two (b) and’ and inserting in place thereof, the following word:— section.

SECTION 154. Paragraph (a) of section 38Z of chapter 63 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 2 and 11, the words ‘domestic or foreign’ and inserting in place thereof the following word:— business.

SECTION 155. Section 39A of chapter 63 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 1 and 5, the word ‘foreign’ and inserting in place thereof the following word:— business.

SECTION 156. Said section 39A of said chapter 63, as so appearing, is hereby further amended by striking out, in line 16, the word ‘foreign’ and inserting in place thereof the following word:— business.

SECTION 157. Said section 39A of said chapter 63, as so appearing, is hereby further amended by inserting, in line 21, before the figure ‘9’ the following words:— 8 or.

SECTION 158. Section 42A of chapter 63 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 1, the word ‘foreign’ and inserting in place thereof the following word:— business.

SECTION 159. Subsection (r) of section 6 of chapter 64H of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 251, the words ‘sections thirty-eight C or’ and inserting in place thereof the following word:— section.

SECTION 160. Subsection (s) of section 6 of chapter 64H of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 276, the following words ‘thirty-eight C or.’. The amendment was adopted. Mrs. Nyman of Hanover then moved to amend the bill by adding the following section:

“SECTION 161. Notwithstanding the provision of section 370 of chapter 71 of the General Laws, or any other general or special law to

the contrary, the official anti-bullying seal for the school district of Hanover shall be the ‘Rise Above Bullying’ seal as created by the Cedar Elementary School in the town of Hanover.”.

The amendment was adopted.

Representatives Hecht of Watertown and Benson of Lunenburg then moved to amend the bill by adding the following section:

“SECTION 162. Section 1. Section 2H of chapter 111 of the General Laws, as appearing in the 2012 Official Edition, is amended to add in line 7 immediately after the phrase ‘who shall serve as chairperson;’ the following text:— the house and senate chairs of the joint committee on public health, the house and senate chairs of the joint committee on health care financing.

Section 2. Section 2H of chapter 111 of the General Laws, as appearing in the 2012 Official Edition, is amended to add the following three paragraphs after line 24:—

(c) The board shall evaluate the program authorized under section 2G and shall issue a report. The report shall include an analysis of all relevant data to determine the effectiveness and return on investment of the program including, but not limited to, an analysis of: (i) the extent to which the program impacted the prevalence of preventable health conditions; (ii) the extent to which the program reduced health care costs or the growth in health care cost trends; (iii) whether health care costs were reduced, and who benefited from the reduction; (iv) the extent to which workplace-based wellness or health management programs were expanded, and whether those programs improved employee health, productivity and recidivism; (v) if employee health and productivity was improved or employee recidivism was reduced, the estimated statewide financial benefit to employers; (vi) recommendations for whether the program should be discontinued, amended or expanded, as well as a timetable for implementation of the recommendations; and (vii) recommendations for whether the funding mechanism for the Prevention and Wellness Trust Fund should be extended beyond 2016, or whether an alternative funding mechanism should be established.

(d) The department shall contract with an outside organization with expertise in the analysis of health care financing to assist the board in conducting its evaluation. The outside organization shall, to the extent possible, obtain and use actual health plan data from the all-payer claims database as administered by the center for health information and analysis; provided, however, that such data shall be confidential and shall not be a public record under clause twenty-sixth of section 7 of chapter 4 of the General Laws.

(e) The board shall report the results of its evaluation and its recommendation, if any, together with drafts of legislation necessary to carry out such recommendation to the house and senate committees on ways and means, the joint committee on public health and shall post the board’s report on the department’s website not later than January 31, 2017.

Section 3. Chapter 224 of the Acts of 2012 is hereby amended to strike and repeal Section 276.”.

The amendment was adopted.

Mr. Kafka of Stoughton then moved to amend the bill by adding the following section:

“SECTION 163. Section 35WW of Chapter 10 of the Massachusetts General Laws, as so appearing, is hereby amended by adding, after the last sentence, the following: Funds deposited and expended from the Homeless Animal Prevention and Care Fund shall not be assessed any indirect costs.”

The amendment was adopted.

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

By inserting after item 2000-0100 the following item:

“2000-0101 For the executive office of energy and environmental affairs to coordinate and implement strategies for climate change adaptation and preparedness, including but not limited to: (a) the resiliency of the commonwealth’s transportation, energy and public health infrastructures; (b) built environments; (c) municipal assistance; (d) improved data collection and analysis; and (e) enhanced planning; provided further, that the executive office may enter into interagency service agreements to facilitate and accomplish these efforts.... \$1,000,000”;

In item 2030-1000, in line 5, by inserting after the figures “2030-1004” the following: “; provided further, that not less than \$12,000 shall be expended for a seasonal environmental police officer for the protection and enhancement of Wallum Lake”, and by striking out the figures “9,829,010” and inserting in place thereof the figures “9,841,010”;

By adding at the end of item 2200-0100 the following: “; provided further, that not less than \$50,000 shall be expended for environmental programs in the town of Belmont; and provided further, that not less than \$90,000 shall be expended for Brownfield redevelopment in the city of Lynn”, and in said item by striking out the figures “28,498,668” and inserting in place thereof the figures “28,638,668”;

In item 2200-0107 by striking out the figures “375,000” and inserting in place thereof the figures “500,000”;

In item 2210-0106, in line 11, by inserting after the following: “chapter 211” the following: “; provided further, that not less than \$1,629,860 from this item shall be made available for the operation of the Toxics Use Reduction Institute program at the University of Massachusetts at Lowell; provided further, that the department shall enter into an interagency service agreement with the University of Massachusetts to make such funding available for this purpose; provided further, that not less than \$644,096 from this item shall be made available for toxics use reduction technical assistance and technology in accordance with said chapter 211”;

In item 2260-8870 by adding the following: “; provided, that notwithstanding any general or special law to the contrary, the department of environmental protection shall investigate and report on any state and federal resources available to the owners of the surrounding property on Bolton Street in Marlborough who have sustained damage due to the negligent release of petroleum from an underground storage tank leak during the month of April 2012; and provided further, that said report shall be presented to the house and senate committees on ways and means on or before January 15, 2015”;

In item 2300-0100, in line 8, by inserting after the word “costs” the following: “; provided further, that not less than \$83,400 shall be expended for a Great Marsh Green Crab trapping program”, and in said item by striking out the figures “802,180” and inserting in place thereof the figures “885,580”;

In item 2330-0100, in line 10, by inserting after the word “fisheries” the following: “; provided further, that not less than \$50,000 shall be expended for programs at the Fishing Academy, Inc., for young people in greater Boston; provided further, that not less than \$450,000 shall be expended for a program of collaborative research by the Division of Marine Fisheries through the Marine Fisheries Institute, in collaboration with the School for Marine Science and Technology at the University of Massachusetts Dartmouth, that applies innovative technology to assess the biomass of fish, in the region managed by the New England Fishery Management Council; provided further, that not less than \$100,000 shall be expended for shellfish propagation in Barnstable, Dukes and Nantucket counties to be administered jointly by the director of marine fisheries and counties;”, and in said item by striking out the figures “5,254,213” and inserting in place thereof the figures “5,854,213”;

In item 2330-0300 by adding the following: “; provided further, that not less than \$50,000 shall be expended for the design and engineering cost for a canoe ramp at the Squantum Point Park in the city of Quincy”, and in said item by striking out the figures “1,269,155” and inserting in place thereof the figures “1,319,155”;

In item 2511-0100 by adding the following: “; provided further, that funds shall be expended for the statewide 4-H program; provided further, that not less than \$80,000 shall be expended for the apiary inspection program; provided further, that not less than \$200,000 shall be expended for the cost of any and all products, equipment, and labor associated with the eradication of the arbovirus, as well as the cost of any other type of pesticide or agent, in order to prevent the spread of eastern equine encephalitis and west Nile virus in Bristol and Plymouth Counties; and provided further, that not less than \$300,000 shall be expended to establish a buy local effort in central Massachusetts and to enhance the buy local effort in western, northeastern and southern Massachusetts”, and in said item by striking out the figures “4,826,193” and inserting in place thereof the figures “5,576,193”;

In item 2511-0105, in line 7, by inserting after the word “herein;” the following: “provided further, that not less than \$50,000 shall be expended for Food for the Word Inc.”, and in said item by striking out the figures “15,000,000” and inserting in place thereof the figures “15,050,000”;

In item 2800-0101, in line 7, by inserting after the word “Laws” the following: “; provided further, that not less than \$40,000 shall be expended for the construction of drop inlet structures to reduce flooding in the Assonet neighborhood in the town of Freetown; provided further, that not less than \$50,000 shall be expended for projects and upgrades made through the Blackstone River Watershed Association; provided further, that not less than \$100,000 shall be expended for a one-time grant to the city of Dedham; provided further, that not less than \$100,000 shall be expended for the restoration project at Milford

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Pond in Milford”, and in said item by striking out the figures “1,020,149” and inserting in place thereof the figures “1,310,149”;

In item 2800-0501, in line 7, by inserting after the word “maintained” the following: “; provided further, that no less than \$200,000 shall be expended for the Metropolitan Beaches to be fully maintained and seasonally staffed as recommended by the Metropolitan Beaches Commission in coordination with the department of conservation and recreation”, and in said item by striking out the figures “13,365,377” and inserting in place thereof the figures “13,780,812”;

In item 2800-0700, in line 6, by inserting after the word “safety” the following: “; provided further, that not less than \$22,000 shall be expended for a hydraulic analysis of the dam in Choate Park in the town of Medway; provided further, that not less than \$125,000 shall be expended for the preservation of a historic property in the town of Hadley”, and in said item by striking out the figures “378,543” and inserting in place thereof figures “582,428”;

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

“2810-0100 For the operation of the division of state parks and recreation; provided further, that funds appropriated in this item shall be used: (a) to operate all of the division’s parks, parkways, boulevards, roadways, bridges, and related appurtenances under the care, custody, and control of the division, flood control activities of the division, reservations, campgrounds, beaches, and pools; (b) for the oversight of rinks; (c) to protect and manage the division’s lands and natural resources, including the forest and parks conservation services and the bureau of forestry development; and (d) no less than \$500,000 shall be used to maintain and operate the Metropolitan Beaches in Lynn, Nahant, Revere, Winthrop, East Boston, South Boston, Dorchester, Quincy and Hull; provided further, that the same properties shall be open in fiscal year 2015 as were open in fiscal year 2014; provided further, that the crossing guards located at department of conservation and recreation intersections shall continue to perform the duties where state police previously performed such duties; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the rinks under the control of the department shall remain open and staffed for the full rink season; provided further, that not less than \$30,000 shall be expended for the maintenance of Red Rock Park in Lynn; provided further, that not less than \$350,000 shall be expended for the purposes of aquatic invasive species control; provided further, that no less than \$25,000 shall be expended for the development and maintenance of a community garden in proximity to the commuter rail and/or track running West to East in the city of Malden; provided further, that not

less than \$25,000 shall be expended for the maintenance and improvement of the Fellsmere Pond Reservoir in the city of Malden; provided further, that not less than \$100,000 shall be expended for the maintenance and use of the trailside museum and the Chickatawbut Hill center; provided further, that not less than \$50,000 shall be expended for the Central Plymouth County Water District Commission for the improvement and management of lakes and ponds in said district; provided further, that not less than \$100,000 shall be expended for the maintenance of walking trails at Newton Hill and related improvements in Elm Park in the city of Worcester; provided further, that not less than \$100,000 shall be expended for the operation of the Blue Hills Observatory and Science Center; provided further, that not less than \$100,000 shall be expended for the restoration and repair of the Speaker John F. Thompson Center in the City of Boston; provided further, that not less than \$25,000 shall be expended for the community playground at the Burr Elementary School in the city of Newton; provided further, that not less than \$75,000 shall be expended for the Let’s Row Boston program administered by Community Rowing, Inc. of the city of Boston; provided further, that not less than \$5,000 shall be expended for waterfowl nuisance management at Flax Pond in the city of Lynn; provided further, that funds shall be expended for the cleanup of Pityella algae; provided further, that not less than \$200,000 shall be expended for a park alongside the Merrimack River in the city of Lowell; provided further, that not less than \$100,000 shall be expended for long term care and maintenance of Whitman’s Pond in Weymouth; provided further, that not less than \$50,000 shall be expended for a study to be commissioned for the prospect of a recreational park along the Nashua River in the town of Clinton; provided further, that not less than \$11,000 shall be expended for the maintenance and enhancement of Webster Lake; and provided further, that the department may issue grants to public and non-public entities from this item \$42,992,88”;

By striking out item 2810-2042 and inserting in place thereof the following item:

“2810-2042 For the department of conservation and recreation, which may expend not more than \$14,141,673 from revenue collected by the department including, but not limited to, revenues collected from: (a) campsite reservation transactions from the automated campground reservation and registration program; (b) permits, leases, concessions, fees, rentals, and all other contracts; (c) telecommunications system user fees and other charges

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established by the commissioner of conservation and recreation and as received from the Massachusetts Water Resources Authority, the Massachusetts Convention Center Authority, the division of highways, the Central Artery/Ted Williams Tunnel Project, the department of state police, and quasi-public and private entities; (d) skating rink fees and rentals; (e) Ponkapoag golf course fees and rentals; (f) Leo J. Martin golf course fees and rentals; and (g) activities authorized pursuant to section 34B of chapter 92 of the General Laws; provided, that the department shall retain and deposit 80 per cent of the aforementioned fees; provided further, that if the department of conservation and recreation projects that total revenues from the fees identified in this item will exceed \$17,677,091 the department shall notify the secretary of administration and finance and the house and senate committees on ways and means; provided further, that funds in this item shall be expended for the following purposes: (i) the operation and expenses of the department; (ii) expenses, upkeep, and improvements to the parks and recreation system; (iii) the operation and maintenance of the telecommunications system; (iv) the operation and maintenance of the department's skating rinks at an amount not less than \$1,000,000; (v) the operation and maintenance of the Ponkapoag golf course at an amount not less than \$1,098,011; and (vi) the operation and maintenance of the Leo J. Martin golf course at an amount not less than \$824,790; provided further, that nothing in this item shall impair or diminish the rights of access and utilization of all current users of the telecommunications system under agreements previously entered into; provided further, that this item may be reimbursed by political subdivisions of the commonwealth and private entities for direct and indirect costs expended by the department to maintain the telecommunications system; provided further, that the division may issue grants to public and nonpublic entities from this item and shall issue matching grants of not less than \$190,000 to public and nonpublic entities from this item to support free public events and programs on the Metropolitan Beaches as recommended by the Metropolitan Beaches Commission; provided further, that for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that no expenditures made in advance of the receipts shall be permitted to exceed 75 per cent of the amount of revenues projected by the first

quarterly statement required by section 1B; provided further, that the comptroller shall notify the house and senate committees on ways and means at the time subsequent quarterly statements are published of the variance between actual and projected receipts in each such quarter and the implications of that variance for expenditures made; and provided further, that the department shall continue to review revenue collection processes to maximize revenue generation under current laws and regulations \$14,141,673";

And by inserting after section 101A (inserted by amendment) the following two sections:

SECTION 101B. There is hereby established the Massachusetts Electric Vehicle Commission to study the economic and environmental benefits and costs of increased use of electric vehicles in the commonwealth. The commission shall consist of 23 members: 1 of whom shall be the secretary of energy and environmental affairs, or a designee, who shall serve as chair; 2 of whom shall be undersecretaries of the executive office of energy and environmental affairs, or their designees; 1 of whom shall be the secretary of transportation, or a designee; 1 of whom shall be the commissioner of the department of energy resources, or a designee; 1 of whom shall be the commissioner of the department of environmental protection, or a designee; 1 of whom shall be the director of the office of consumer affairs and business regulation, division of standards, or a designee; 1 of whom shall be appointed by the mayor of the city of Boston; 2 of whom shall be appointed by the Massachusetts Municipal Association; and 13 members to be appointed by the governor, 3 of whom shall be representatives of the environmental community, 2 of whom shall be representatives of the business community, 1 of whom shall be a representative of parking garage or lot owners or operators, 2 of whom shall be representatives of an electric distribution company, 1 of whom shall be a representative of a municipal light plant organization, 2 of whom shall be representatives of electric vehicle service equipment manufacturers, 2 of whom shall be representatives of electric vehicle manufacturers, and additional members with critical expertise as recommended by the secretary of energy and environmental affairs.

The study shall include, but not be limited to, recommended policies to: (i) further expand access to electric vehicle infrastructure in the commonwealth; (ii) encourage the purchase and lease of electric vehicles; (iii) reduce the up-front costs associated with electric vehicle purchases; and (iv) identify strategies for removing barriers to electric vehicle deployment. The commission shall file an action plan based on existing voluntary task force recommendations on or before September 30, 2014. A full report of the commission's findings and recommendations, including any legislation, shall be filed with the clerks of the house and senate on or before April 15, 2015.

SECTION 101C. (a) Notwithstanding any general or special law to the contrary, there shall be established a protected area to be known as the special coastal resource sanctuary, hereinafter referred to as the "sanctuary". The sanctuary shall be comprised of a certain tract of land

Consolidated amendments (energy and environmental affairs).

under water and a water area forming a rectangle containing 1.99 acres, more or less, the description of which is as follows: beginning at a point at latitude 41°35'10" and longitude 70°27'15" thence running southerly a distance of two hundred fifty feet (250') to a point at latitude 41°35'08" and longitude 70°27'17"; thence running westerly a distance of three hundred forty-five feet (345') to a point at latitude 41°35'10" and longitude 70°27'21"; thence running northerly a distance of two hundred fifty feet (250') to a point at latitude 41°35'12" and longitude 70°27'19"; thence running easterly a distance of three hundred forty-five feet (345') to the point of beginning. Said sanctuary shall be protected in perpetuity for natural resource preservation and public water-dependent use purposes.

(b) For the purpose of this section the term "person" shall mean any individual, association, partnership, corporation, company, business, organization, trust, estate, municipality, the Commonwealth or any political subdivision thereof, any administrative agency, public or quasi-public corporation or body or any other legal entity or the legal representative, agents or assignees thereof. Notwithstanding any general or special law or regulation to the contrary, no person shall install, place, construct or affix, or cause to be installed, placed, constructed or affixed, any fill or any man-made structure or equipment including, without limitation, piles, rafts, floats, moorings, pipes, lines, cages, containers, gear or any other physical device either temporarily or permanently, on, in, under or over the land or water area comprising the sanctuary.

(c) Notwithstanding any general or special law to the contrary, the provisions of this section regarding the sanctuary shall apply to any activity that has not commenced before January 1, 2014.

(d) The attorney general shall take such action as may be necessary from time to time to enforce the provisions of this section regarding the sanctuary. Notwithstanding the foregoing, a person may also bring an action to enforce the provisions of this section. The superior court shall have jurisdiction in equity to enforce the provisions of this section."

After debate on the question on adoption of the amendments, the sense of the Consolidated House was taken by yeas and nays, at the request of Mr. Keenan of Salem; and on the roll call (Mr. Donato of Medford being in the Chair) 151 members voted in the affirmative and 0 in the negative.

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

Therefore the consolidated amendments (energy and environmental affairs) were adopted.

Mr. Mariano of Quincy then moved to amend the bill by adding the following three sections:

"SECTION 164. Section 16 of chapter 6D, as added by section 15 of chapter 224 of the acts of 2012, is hereby amended by striking out the following:— 'Utilization review criteria, medical necessity criteria and protocols must be made available to the public at no charge regardless of proprietary claims.' and inserting in its place the following:— 'Utilization review criteria, medical necessity criteria and protocols must be made available:

- (a) with a notice of adverse determination;

(b) upon request to an insured who has not received a notice of adverse determination or to such insured's provider, the applicable criteria and protocols related to specific diagnosis or treatments; and

(c) upon request to the Office of Patient Protection and the Division of Insurance provided that such criteria and protocols shall not be public records and shall be exempt from disclosure under clause Twenty-sixth of section 7 of chapter 4 and section 10 of Chapter 66'.

SECTION 165. Section 12 of chapter 176O, as amended in the fourth sentence by section 199 of chapter 224 of the acts of 2012, is hereby amended by striking out the following: 'but must disclose such criteria to a provider or subscriber upon request.' and inserting in its place the following: 'but must disclose such criteria as required by section 16 of chapter 6D'.

SECTION 166. Section 16 of chapter 176O, as amended by section 202 of chapter 224 of the acts of 2012, is hereby amended, by inserting after the words 'general public' the following:— provided, however, that a carrier shall not be required to disclose licensed, proprietary medical necessity guidelines or criteria purchased by a carrier or utilization review organization on its website, but must disclose such criteria as required by section 16 of chapter 6D."

The amendment was adopted.

Messrs. Lyons of Andover and Lombardo of Billerica then moved to amend the bill in section 2, in item 4800-0015, in line 88, by inserting after the word "policy." the following: "The Department of Children and Families shall immediately prepare a report detailing a full and complete accounting of all funds spent on the Justina Pelletier case since the Department of Children and Families first removed Justina Pelletier from the custody of her family. The Department of Children and Families shall expend no further funds on the Justina Pelletier case until this report has been filed with the House Clerk and made available to the general public. While the report is being prepared, Justina Pelletier is to be remanded back to the custody of her family to receive proper medical and emotional care."

Pending the question on adoption of the amendment, Mr. Lombardo of Billerica then asked for a count of the House to ascertain if a quorum was present. A count showed that 86 members were in attendance.

After remarks on the question on adoption of the amendment, the Chair (Mr. Donato of Medford) 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 122 members voted in the affirmative and 29 in the negative.

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

Therefore Rule 1A was suspended.

After debate on the question on adoption of the amendment, the amendment was rejected.

Mr. Mariano of Quincy being in the Chair,—

Mr. Lombardo of Billerica and other members of the House then moved to amend bill by adding the following four sections:

Consolidated amendments (energy and environment) adopted,— yea and nay No. 352.

Quorum.

Suspension of Rule 1A.

Rule 1A suspended,— yea and nay No. 353.

Consolidated amendments (energy and environmental affairs).

General Appropriation Bill.

“SECTION 167. To provide for certain costs associated with the compensation of private investigators aiding in the search for missing children under the custody of the department of children and families, the sum set forth in section 2E is hereby appropriated from the General Fund to the trust fund named within the item and established pursuant to this act.

SECTION 168. Department of Children and Families.

4800-XXXX	For an operating transfer to the Missing Children Investigation Trust Fund established pursuant to section 2LLLL of chapter 29 of the General Laws	\$200,000.
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SECTION 169. Section 3 of chapter 18B of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following subsection:—

(d) The department may compensate private investigators licensed pursuant to sections 22 to 30, inclusive, of chapter 147 to aid in the search for any child who, while under the custody of the department, went missing or whose current whereabouts are unaccounted for. For purposes of the subsection ‘child’ shall mean a person under the age of 18. The department shall compensate private investigators at a rate of \$50 per hour for services rendered pursuant to this subsection. The department may promulgate rules and regulations necessary for the implementation of this subsection.

SECTION 170. Chapter 29 of the General Laws is hereby amended by inserting after section 2KKKK the following section:—

Section 2LLLL. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Missing Children Investigation Trust Fund, which shall be administered by the commissioner of the department of children and families. Funds from the trust fund shall be expended to hire private investigators licensed pursuant to sections 22 to 30, inclusive, of chapter 147 to search for missing children pursuant to subsection (d) of section 3 of chapter 18B. Amounts credited to the trust fund shall not be subject to further appropriation. The secretary shall report, on or before December 31 of each year, to the house and senate committees on ways and means on expenditure activity within the trust fund.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Lombardo; and on the roll call 29 members voted in the affirmative and 122 in the negative.

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

Therefore the amendment was rejected.

Mr. Lombardo of Billerica then moved to amend the bill adding the following section:

“SECTION 167. Massachusetts General Laws Chapter 119 be amended to add the following new section 51I:

51I: (a) A parent or legal guardian shall not be charged with abusing or neglecting a child’s need for medical care if:

(i) the parent or legal guardian has sought medical care for the child from a licensed medical or mental health provider;

(ii) the licensed medical or mental health provider has made a diagnosis;

(iii) the licensed medical or mental health provider has prescribed a lawful course of treatment; and

(iv) the parent or legal guardian is following or willing to follow the recommended course of treatment.

(b) No mandatory reporter, as defined in Section 21 of this Chapter, shall file a report of abuse or neglect under Section 51 of this Chapter based solely on a parent’s or legal guardian’s decision to follow the recommended treatment of a licensed medical or mental health provider. A parent or legal guardian has the right to follow the advice and treatment plan of a licensed medical or mental health provider over a contrary opinion or recommended treatment plan of another licensed medical or mental health provider when the decision does not involve immediate life-threatening conditions. Even in the case of life-threatening conditions, the decision of the parent or legal guardian to follow the advice or treatment plan of a licensed medical or mental health provider shall not be overridden unless there is clear and convincing evidence to the contrary.”

After remarks the amendment was rejected.

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

“SECTION 167. The department of children and families shall not be granted custody of a child in excess of thirty days if the child is the subject of conflicting medical diagnoses from two or more institutions, pending a third professional medical opinion regarding said diagnosis.”

After remarks the amendment was rejected.

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

“SECTION 167. Notwithstanding an general or special law to the contrary, the department of children and families shall provide a report on the Integrated Casework Practice Model. The report shall provide an evaluation of the effect the program has had on the department since its implementation. The report shall include but not be limited to the impact on reducing child maltreatment; efficient utilization of department resources to meet needs of families receiving services from the department; reducing the ratio of case worker to case load, and the feasibility of expanding the Integrated Casework Practice Model to all the cases within the department. The report, along with any legislative recommendations, shall be field with the clerks of the house of representatives and the senate no later than December 31, 2015.”

The amendment was adopted.

Mr. Dempsey of Haverhill and others members of the House then moved to amend the bill in section 2

In item 1410-0010 by adding the following: “; provided further, that not less than \$30,000 shall be expended for the Veterans’ Oral History Project at the Morse Institute Library in Natick; provided further, that not less than \$25,000 shall be expended for the ongoing maintenance and rehabilitation of the Vietnam Veterans Memorial in the city of Worcester; provided further, that not less than \$25,000 shall be expended for the Veterans’ Memorial Park located in the Roxbury section of the city of Boston; provided further, that not less than \$90,000 shall be expended for support services for a transitional housing program for homeless veterans located in Chelsea, Massachusetts; provided further,

Amendment rejected.—yea and nay No. 354.

Consolidated amendments (social services and veterans).

Consolidated
amendments
(social
services and
veterans).

that not less than \$85,000 shall be expended to train three assistance dogs for male or female veterans; and provided further, that not less than \$100,000 shall be expended for Honor Flight New England", and by striking out the figures "2,571,269" and inserting in place thereof the figures "2,926,269";

In item 1410-0012, in line 4, by inserting after the word "veterans" the following: "; provided further, that not less than \$300,000 shall be expended for the Springfield Partners for Community Action's Veterans First Program, to provide comprehensive outreach services to Veterans in the four Western Massachusetts counties of Berkshire, Franklin, Hampden, and Hampshire; provided further, that not less than \$100,000 shall be expended for Soldier On for the purpose of providing services to homeless veterans in Berkshire, Franklin, Hampden and Hampshire County; provided further, that not less than \$75,000 shall be expended for Martha's Vineyard Community Services; provided further, that \$50,000 shall be allocated to New England Veterans Liberty House", and by striking out the figures "2,383,809" and inserting in place thereof the following figures "2,908,809";

In item 1410-0250 by adding the following: "; provided further, that not less than \$220,000 shall be obligated for a contract with the Soldier On shelter located in the town of Leeds; and provided further, that the Turner House Living Center for Veterans shall receive not less than the amount received in fiscal year 2014", and by striking out the figures "2,668,218" and inserting in place thereof the figures "2,888,218";

In item 1410-0251 by adding the following: "; provided further, that not less than \$200,000 shall be expended for an elevator providing safe access for the Women Veterans' living quarters", and by striking out the figures "2,392,470" and inserting in place thereof the figures "2,592,470";

In item 4401-1000, in line 6, by inserting after the word "benefits" the following: "; provided further, that not less than \$3,000,000 shall be expended for the young parents GED program; provided further, that not less than \$2,000,000 shall be expended for the competitive integrated employment services program"[A], and by striking out the figures "5,000,000" and inserting in place thereof the figures [B]"10,000,000";

In item 4403-2000, in line 27, by inserting after the word "law" the following: "; provided further, that a \$40 per month rental allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public or subsidized housing", and by striking out the figures "251,650,190" and inserting in place thereof the figures "255,650,190";

In item 4800-0015, in line 36, by inserting after the word "auditor" the following: "; provided further, that the department shall report to the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities on December 31, 2014 and March 31, 2015 on: (i) the fair hearing requests filed in fiscal year 2015, stating for each hearing request using non-identifying information: (a) the subject matter of the appeal; (b) the number of days between the hearing request and the first day of the hearing; (c) the number of days between the first day of the hearing and the hearing officer's decision; (d) the number of days between the hearing officer's decision and the agency's final decision; (e) the number of days of con-

tinuance granted at the appellant's request; (f) the number of days of continuance granted at the request of the department of children and families or the hearing officer's request, specifying which; and (g) whether the departmental decision that was the subject of the appeal was affirmed or reversed; and (ii) the fair hearing requests filed prior to fiscal year 2015 which are pending for more than 180 days, stating the number of such cases, how many of such cases have been heard but not decided and how many have been decided by the hearing officer but not yet issued as a final agency decision";

In item 4800-0015, in line 63, by inserting after the word "workers" the following: "; for each area office, (a) the number of kinship guardianship subsidies provided in the quarters covered by the report and the number of kinship guardianship subsidies provided in that quarter for which federal reimbursement was received; (b) the total spending on services other than case management services provided to families for the purposes of keeping a child with the child's parents or reunifying the child with the child's parents, spending by type of service and the unduplicated number of families that receive the services; (c) the total number of families residing in shelters paid for by the department, the total cost and average cost per family of those shelters and a description of how the department determines who does or does not qualify for shelter; (d) the number of requests for voluntary services broken down by type of service requested, whether the request was approved or denied, the number of families that are denied voluntary services and receive a 51A report, the reasons for denying the service and what, if any, referrals were made for services by other agencies or entities";

In item 4800-0038 by adding the following: "; provided further, that not less than \$25,000 shall be expended for the planned learning achievement program for youth in Amherst, in collaboration with the department of elementary and secondary education, through an interagency service agreement; provided further, that not less than \$50,000 shall be expended to the Weymouth teen center to provide job skills training, remedial education services, and to promote a social service program promoting growth and social welfare; provided further, that funds may be expended on programs that received funding in fiscal year 2014; provided further, that the department may contract with provider agencies for the coordination and management of services, including flex services; provided further, that funding shall be expended on children's advocacy centers and services for child victims of sexual abuse and assault; provided further, that not less than \$250,000 shall be expended for the Children's Advocacy Center of Bristol County; provided further, that not less than \$100,000 shall be expended for the Plymouth County Children's Advocacy Center; provided further, that not less than \$140,000 shall be expended for the Children's Cove Cape and Islands Child Advocacy Center; provided further, that not less than \$75,000 shall be allotted for the operation of the Catholic Charities Labouré Center and its Recovery Connections program; and provided further, that not less than \$100,000 shall be expended for the Fragile Beginnings program", and by striking out the figures "265,398,907" and inserting in place thereof the figures "266,631,316";

In item 4800-1100 by striking out the figures "180,351,997" and inserting in place thereof the figures "185,351,997"; and

Consolidated amendments (social services and veterans).

In item 4800-1400, in line 14, by inserting after the word "women" the following: " provided further, that \$150,000 shall be expended for the operation of the Portal to Hope servicing Everett, Malden, and Medford", and by striking out the figures "21,841,360" and inserting in place thereof the figures "23,348,905".

After debate on the question on adoption of the amendments, Mr. Dempsey of Haverhill moved to amend them in item 4401-1000 by inserting after the word "program" [at "A"] the following: "provided further, that the department shall expend no less than \$264,000 more than was appropriated in this item in section 2 of chapter 38 of the acts of 2013 for the programs operated through the Massachusetts Office for Refugees and Immigrants with whom the department of transitional assistance entered into service agreements in fiscal year 2014", by striking out the figures "10,000,000" [at "B"] and inserting in place thereof the figures "10,794,000"; and that the bill be amended

In section 15, in lines 303 and 304, by striking out the following: "3 years" and inserting in place thereof the following: "1 year", by inserting after section 15 the following section:

"SECTION 15A. Section 12 of chapter 18B of the General Laws, as so appearing, is hereby amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:—

A social worker shall have a bachelor's degree at the time of appointment. A supervisory social worker shall have a master's degree in social work or a related field and be a licensed certified social worker or a licensed independent clinical social worker at the time of appointment."

In section 98, by adding the following paragraph:

"On or before December 31, 2014, the office of the child advocate shall be prepare and distribute a survey to clients of the department of children and families and to employees of the department, including social workers and supervisors. The office shall work with the department to ensure that the survey is distributed appropriately and standards for client privacy are upheld. The survey may be returned anonymously to the office. The survey should be designed to assess the problems that clients face with the department. The survey should also be designed to assess the problems that department employees experience during the course of their employment with the department. This office shall study, review and report on the outcome of the surveys and assess the needs and resources of the department of children and families and submit the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerks of the house and senate on or before April 1, 2015."; and

By inserting after section 98 the following section:

"SECTION 98A. Notwithstanding any general or special law to the contrary, the commissioner of children and families shall ensure that all social workers within the department have obtained a license as a social worker on or before July 1, 2015."

The further amendments were adopted.

After debate on the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Linsky of Natick; and on the roll call (Mr. Mariano of

Consolidated amendments (social services and veterans) adopted,—

Quincy being in the Chair) 149 members voted in the affirmative and 1 in the negative.

yea and nay No. 355.

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

Therefore the consolidated amendments (social services and veterans), as amended, were adopted.

Subsequently a statement of Ms. Atkins of Concord was spread upon the records of the House, as follows:

Mr. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call I was absent from the House Chamber on official business in another part of the State House. Had I been present I would have voted in the affirmative.

Statement of Ms. Atkins of Concord.

Recess.

At seventeen minutes before eleven o'clock P.M. (Tuesday, April 29), on motion of Mr. Hill of Ipswich (Mr. Mariano of Quincy being in the Chair), the House recessed until the following day at ten o'clock A.M.; and at four minutes after ten o'clock A.M., the House was called to order with Mr. Donato in the Chair.

Recess.

Wednesday, April 30, 2014 (at 10:04 o'clock A.M.).

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

Pledge of allegiance.

Silent Prayer.

At the request of Messrs. Cutler of Duxbury and Calter of Kingston the members, guests and employees stood in a moment of silent tribute to the memory of Duxbury Firefighter John E. Thomas, who died suddenly this week after 28 years of distinguished service as a firefighter and EMT. He was 56 years old and leaves behind a daughter.

John E. Thomas.

Guests of the House.

During the session, Mr. Murphy of Weymouth took the Chair, declared a brief recess, and introduced the Notre Dame Academy Indoor Track team, winners of the MIAA 2014 Indoor All State Track & Field Championship. Accompanied by their coach, Rick Yates, they were the guests of Representatives Murphy and Bradley of Hingham.

Hingham,— Notre Dame Academy.

During the session, the Speaker took the Chair, declared a brief recess, and introduced the Winthrop High School Cheerleading Team. The Winthrop squad earned its ticket to the Universal Cheerleading Association's National High School Cheerleading Championships held in February at Disney World in Lake Buena Vista, Florida, by surpassing the qualifying score at the State Championships at Wachusett Regional High School in Holden. Winthrop recorded its highest score in school history to take fifth place overall in its division and receive its first-ever berth in the Nationals. They were the guests of Speaker DeLeo and Senator Petrucci.

Winthrop High School Cheerleading Team.

Resolutions.

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

Jacob Lee Cook. Resolutions (filed by Mr. Calter of Kingston) congratulating Jacob Lee Cook on receiving the Eagle Award of the Boy Scouts of America; Daniel Jay Ferguson. Resolutions (filed by Mr. Calter of Kingston) congratulating Daniel Jay Ferguson on receiving the Eagle Award of the Boy Scouts of America; Daniel Jay Ferguson.

Alexander Flood. Resolutions (filed by Mr. Calter of Kingston) congratulating Alexander Flood on receiving the Eagle Award of the Boy Scouts of America;

Timothy Sauchuk. Resolutions (filed by Mr. Calter of Kingston) congratulating Timothy William Sauchuk on receiving the Eagle Award of the Boy Scouts of America;

William B. Linde. Resolutions (filed by Mr. Dooley of Norfolk) congratulating William B. Linde on receiving the Eagle Award of the Boy Scouts of America;

Jason P. Fitch. Resolutions (filed by Mr. Dooley of Norfolk) congratulating Jason P. Fitch on receiving the Eagle Award from the Boy Scouts of America;

Andrew Woodworth. Resolutions (filed by Mr. Dooley of Norfolk) congratulating Andrew Woodworth on receiving the Eagle Award from the Boy Scouts of America; Andrew Woodworth.

Elks National Youth Week. Resolutions (filed by Mr. Miceli of Wilmington) recognizing the first week of May as Elks National Youth Week; and

Distracted Driving Awareness Month. Resolutions (filed by Mr. Roy of Franklin and other members of the House) commending the Massachusetts Academy of Trial Attorneys on its observance of the month of April, 2014 as Distracted Driving Awareness Month;

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. O'Day of West Boylston, the resolutions (reported by the committee on Bills in the Third Reading to correctly drawn) were considered forthwith; and they were adopted.

Reports of Committees.

Children,—protection. By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Sheila C. Harrington and others relative to the care and protection of children. Under suspension of the rules, on motion of Mr. Garballey of Arlington, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Recess.

Recess. At twenty five minutes before eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until eleven o'clock A.M.; and at seven minutes after eleven the House was called to order with the Mr. Donato in the Chair.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2014 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interests, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4000, amended), was considered.

General Appropriation Bill.

Pending the question on passing the bill, as amended, to be engrossed, amendments of Ms. Khan of Newton and other members of the House that the bill be amended in section 2, in item 5046-0000, by adding the following: “; and provided further, that not less than \$75,000 shall be expended to the International Institute of New England for culturally and linguistically appropriate mental health services for immigrants and refugees who have experienced torture and trauma”, and in said item by striking out the figures “361,368,607” and inserting in place thereof the figures “361,443,607”, were considered; and they were adopted.

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

Consolidated amendments (housing, mental health, and disabilities).

By inserting after item 1233-2400 the following item:

“1233-2401 For reimbursements to qualifying cities and towns for additional educational costs under Chapter 40S of the General Laws \$250,000”;

In item 4125-0100 by striking out the figures “5,638,874” and inserting in place thereof the figures “5,738,874”;

In item 5042-5000, in line 9, by inserting after the word “services” the following: “; provided further, that not less than \$45,000 shall be expended for a juvenile firesetter intervention and prevention program in Hampshire and Franklin Counties, the town of Athol, and the city of Holyoke; provided further, that the department shall expend not less than \$3,100,000 for the Massachusetts Child Psychiatry Access Project; provided further, that the commissioner may assess surcharge payors, as defined in section 64 of chapter 118E of the General Laws, for amounts expended from this item for the Massachusetts Child Psychiatry Access Project which are related to services rendered to the commercial clients of such surcharge payors”, and by striking out the figures “87,372,266” and inserting in place thereof the figures “87,417,266”;

In item 5046-0000, in line 8, by striking out the year “2014” and inserting in place thereof the year “2013”, in line 14, by inserting after the words “facilities” the following: “; provided further, that not less than \$100,000 shall be expended for Project Interface, on the South Shore in the communities of Cohasset, Duxbury, Hanover, Hingham, Kingston, Marshfield, Norwell, Pembroke, and Scituate”, and by striking out the figures “361,368,607” and inserting in place thereof the figures “366,497,453”;

In item 5055-0000 by striking out the figures “8,718,876” and inserting in place thereof the figures “8,978,876”;

In item 5911-1003, in line 3, by inserting after the word “services” the following: “; provided further, that not less than \$100,000 shall be expended for peer-to-peer inclusion programs for students with intellectual disabilities through Best Buddies Massachusetts”, and by striking out the figures “65,590,437” and inserting in place thereof the figures “65,690,437”;

Consolidated amendments (housing, mental health, and disabilities).

In item 7004-0099, in line 56, by inserting after the word "housing" the following: "...; provided further, that not less than \$50,000 shall be expended for the Easton Housing Authority; provided further, that not less than \$50,000 shall be expended for the South Worcester Neighborhood Improvement Corporation; provided further, that not less than \$25,000 shall be expended for the Leominster Education Foundation for homeless children in the city of Leominster; provided further, that not less than \$175,000 shall be expended for the provision of emergency services operated by Community Action Programs Inter-City, Inc. for the communities of Chelsea, Revere, and Winthrop; provided further, that not less than \$75,000 shall be expended for World is Our Classroom, Inc. serving the towns of Holyoke, Westfield, Chicopee, and Greenfield", and by striking out the figures "7,045,144" and inserting in place thereof the figures "7,420,144";

In item 7004-0101, in line 127, by inserting after the word "units" the following: "...; provided further, that not less than \$50,000 shall be expended for the Playspace Program operated by Horizons for Homeless Children; provided further, that the department shall develop a pilot program in the Franklin, Hampshire, Hampden, and Berkshire regions of western Massachusetts to assess the need for and to provide nutritious meals to those homeless families placed in hotels and motels in said regions; provided further, that the department shall create a working group, including, but not limited to: the department of transitional assistance; the University of Massachusetts at Amherst; the Smith College School of Social Work; the department of children and families; the department of mental health; the department of elementary and secondary education; the Massachusetts Restaurant Association; faith based organizations; the Community Involved in Sustaining Agriculture; the department of agricultural resources; the network of food pantries and survival centers; the Food Bank of western Massachusetts; HAP, Inc.; the Western Massachusetts Network to End Homelessness; the Western Massachusetts Council of Human Services Providers; and regional community action agencies; provided further, that said pilot project shall develop methods and funding sources to provide access to nutritious meals, including fresh fruits and vegetables, to those temporarily housed in hotels and motels", and by striking out the figures "120,149,718" and inserting in place thereof the figures "120,199,718";

In item 7004-0102, in line 9, by inserting after the word "system" the following: "...; provided further, that not less than \$100,000 shall be expended for Craig's Doors, Inc. of Amherst; provided further, that not less than \$100,000 shall be expended for the River House Shelter in the city of Beverly; provided further, that not less than \$40,000 shall be expended for the Friendly House in the city of Worcester; provided further, that not less than \$125,000 shall be expended for the Western Massachusetts Network to End Homelessness to implement the Opening Doors Strategic Plan to End Homelessness;"; and by striking out the figures "42,200,335" and inserting in place thereof the figures "42,565,335";

In item 7004-0103 by adding the following: "...; and provided further, that not less than \$100,000 shall be expended for People, Inc. for the transportation needs and services of families being housed in emer-

gency assistance hotels or motels in the towns of Swansea and Somerset", and by striking out the figures "15,000,000" and inserting in place thereof the figures "15,100,000";

In item 7004-0108, in lines 14, 15 and 16, by striking out the following: "...; provided further, that a family shall not be able to receive cash assistance hereunder for 12 months from the last date it received cash assistance";

In item 7004-3036 by striking out the figures "1,641,992" and inserting in place thereof the figures "1,741,992";

In item 7004-9005, in line 23, by inserting after the word "item" the following: "...; provided further, that not less than \$35,000 shall be expended for the Clinton Housing Authority", and by striking out the figures "64,000,000" and inserting in place thereof the figures "64,035,000";

In item 7004-9316, in line 10, by striking out the word "non-profit" and inserting in place thereof the word: "HomeBASE", in lines 20 to 24, inclusive, by striking out the following: "...; provided further, that a family shall not be eligible for assistance hereunder for 12 months from the date it received assistance under item 7004-0108 including housing stabilization services and economic self-sufficiency case management services", and by striking out the figures "10,500,000" and inserting in place thereof the figures "11,000,000", and

By striking out item 7004-9322 and inserting in place thereof the following item:

"7004-9322 For the Secure Jobs pilot program for job training, job search services, and 12 months of housing stabilization services, if not otherwise available, to families receiving assistance under 7004-0101, 7004-0103, 7004-0108, 7004-9024, or 7004-9316; provided, that the program shall be administered by agencies that have demonstrated experience working in partnership with regional administering agencies, including, but not limited to: Community Teamwork, Inc.; Father Bill's & MainSpring; HAP, Inc.; Jewish Vocational Services; and SER-Jobs for Progress; and provided further, that the department of housing and community development shall utilize rental assistance provided under 7004-9024 to ensure effective participation under this program \$500,000";

By striking out section 45; By striking out section 101 and inserting in place thereof the following section:

"SECTION 101. There shall be a special task force convened to identify existing structural or policy-based impediments to delivering comprehensive and cost-effective behavioral and mental health treatment within the commonwealth's health care system. The task force shall consist of 14 members: 1 of whom shall be the executive director of the center for health information and analysis, who shall serve as chair; 1 of whom shall be the commissioner of mental health; 1 of whom shall be a representative of the Massachusetts Hospital Association; 1 of whom shall be a representative of the Massachusetts Associ-

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ation of Health Plans; 1 of whom shall be a representative of the Massachusetts Psychiatric Society; 1 of whom shall be a representative of the Massachusetts Psychological Association; 1 of whom shall be a representative of the Massachusetts Association of Registered Nurses; 1 of whom shall be a representative of the Massachusetts Nurses Association; 1 of whom shall be a representative of the Massachusetts Association of Behavioral Health Systems; 1 of whom shall be a representative of the Association for Behavioral Healthcare; 1 of whom shall be a representative of SEIU Local 509; 1 of whom shall be a representative of the Massachusetts College of Emergency Physicians; 1 of whom shall be a representative of the Statewide Primary Care Association serving on behalf of community health centers; and 1 of whom shall be a representative of the National Alliance on Mental Illness Massachusetts.

In its examination, the task force shall review how health care providers deliver behavior health services, including but not limited to: (i) an analysis of existing state and health care provider policies for collecting and evaluating aggregate data regarding the numbers of patients treated for behavioral or mental health diagnoses, provided treatments and patient outcomes; (ii) a review of existing state and industry policies for collecting and evaluating aggregate data regarding the annual number of people hospitalized due to a behavioral or mental health related diagnosis, including emergency room visits, and the associated costs for treatment; (iii) a review and analysis of existing state and industry policies regarding access to behavioral health services data and information, including recommendations to encourage increased coordination and improved access to relevant data among providers, hospitals and state agencies; and (iv) recommendations for necessary industry, regulatory, or legislative changes in order to improve collection and access to behavioral health data among providers, regulators, hospitals and other stakeholders. The task force shall also develop recommendations to reduce the number of long-term patients in department of mental health continuing care facilities, acute psychiatric units, and emergency departments including, but not limited to, increasing the capacity of specialized crisis stabilization units and requiring the department of mental health to implement policies that prioritize the readmission of patients who are discharged from continuing care facilities and subsequently require hospitalization within 30 days of their discharge.

The task force shall submit its report, findings and recommendations, along with any proposed legislation and regulatory changes, to the health policy commission, the joint committee on mental health and substance abuse and the joint committee on health care financing not later than July 1, 2015.”;

By inserting after section 101E the following section:

“SECTION 101F. (a) There is hereby established a legislative-executive working group to examine and make recommendations relative to Bridgewater state hospital, including the provision of mental health services, the care and protection of those housed at the hospital and the development and implementation of specialized or general training requirements for all hospital employees coming into contact with those confined at said hospital. The work group shall consider and make rec-

ommendations for ways to effectuate better coordination and cost containment of mental health services, care and protection, initial and in-service trainings, record keeping and oversight of said hospital.

(b) The working group shall consist of the following: 3 members of the house of representatives, 1 of whom shall be designated as co-chair by the speaker of the house of representatives, and 1 of whom shall be selected by the minority leader; 3 members of the senate, 1 of whom shall be designated as co-chair by the senate president, and 1 of whom shall be selected by the minority leader; the commissioner of the department of mental health, or a designee, the commissioner of the department of corrections, or a designee. As necessary, the working group shall: (i) meet with affected stakeholders; (ii) consult and collaborate with nongovernmental organizations that have expertise that can benefit the commission; and (iii) may create advisory groups that include affected stakeholders, as necessary.

(c) The working group shall file a report, including recommendation and any proposed legislation or proposals for the establishment of special commissions, not later than March 1 2015. Copies of said report shall be filed with the clerk of the senate, the clerk of the house of representatives, the senate and house committees on ways and means and with the senate and house chairs of the joint committee on mental health and substance abuse.”;

By inserting after section 101G the following section:

“SECTION 101E. The secretary of the executive office of health and human services, in coordination with the center for health information and analysis, and the division of insurance, shall convene and chair a special task force to implement new reporting mechanisms for the collection of information related to the provision of mental health or substance abuse services in the commonwealth.

The special task force shall include the legislative chairs of the advisory committee convened pursuant to section 186 of chapter 139 of the acts of 2012, representatives of the insurance agency, patient advocates, and behavioral healthcare providers, including hospitals operating emergency departments.

The task force shall consider the collection and coordination of current emergency department casemix reporting in the commonwealth and develop a statewide plan for the commonwealth collect and centralize the following information: (1) number of visits to each emergency department in the commonwealth per month; broken down by visit type: medical, mental health, substance abuse, and combined medical, mental health or substance abuse; (2) Length of time between admission and evaluation by the attending emergency department physician; (3) The type of insurance and carriers, and the number of patients who are current or former clients of the department of mental health, the department of children and families or the department of developmental services; (4) The number of required evaluations by an emergency service provider, and when applicable, the average length of time between the initial calls to the emergency service provider and the time the emergency service provider responded; (5) Whether the patient’s insurance type required a prior authorization request, and when applicable, the length of time between a submission of a prior authorization request to the patient’s insurance plan and response time

by the insurance plan; and (6) The length of time between the admission decision and the departure time to post-emergency treatment.

The special task force shall file a report detailing its actions, including any recommendations for statutory changes, with the joint committee on mental health and substance abuse and the joint committee on health care financing on or before May 1, 2015.”

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Honan of Boston; and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 356 in Supplement.]

Therefore the consolidated amendments (housing, mental health, and disabilities) were adopted.

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

“SECTION 168. The Massachusetts office of public collaboration at the University of Massachusetts Boston shall conduct a study of current local and regional needs for conflict resolution and collaborative infrastructure in the Commonwealth. The study shall include but not be limited to: (a) a literature review of research and publications on the utilization by local governments of public policy dispute resolution and other collaborative processes to address complex, contentious public issues; (b) a municipal needs assessment involving select Massachusetts local government representatives, representatives of regional planning associations and municipal associations to examine the challenges faced by Massachusetts local governments; (c) investigation of existing state infrastructure that can support municipal conflict resolution and collaborative problem-solving; (d) investigation of programmatic approaches in other states for deployment and funding of community dispute resolution and public engagement and benchmarking effective programs and models for potential replication; (e) preliminary design of an evidence-based policy framework for state and private investment and provision of grants, technical resources and capacity-building services to local governments; (f) recommendations for the infrastructure and resources needed to oversee and administer such a technical assistance grant program and recommendations for implementation and timeframes. The study shall be completed and submitted to the joint committee on municipalities and regional government, and the executive office for administration and finance not later than January 1, 2015.”

The amendment was adopted.

Ms. Cole of Peabody then moved to amend the bill by adding the following four sections:

“SECTION 169. Chapter 111 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out section 25I, and inserting in place thereof the following section:—

Section 25I. The department, in conjunction with the board of registration in pharmacy and the division of medical assistance, shall establish and implement methods to reduce medication waste in facilities licensed by the departments of public health, mental health and corrections. The department shall establish such methods, based on its review, that are determined to be effective in reducing waste without imposing unreasonable costs on the health care delivery system. Such methods

may be based on, but not be limited to, the following: (1) current technology, standards and reimbursement mechanisms for dispensing and distributing medications to facilities; (2) other states’ requirements for limiting prescription drug waste and any cost savings realized; (3) the commonwealth’s standards for the return and re-dispensing of patient-specific schedule VI prescription drugs; and (4) possible incentive mechanisms to prevent the creation of prescription drug waste. The department shall promulgate regulations to implement this section.

SECTION 170. Section 70E of said chapter 111, as so appearing, is hereby amended by inserting after subsection (o), the following subsection:—

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

SECTION 171. The department of public health, in consultation with the board of registration in pharmacy shall, as shall provide to the joint committee on health care financing and the joint committee on public health, on or before April 1, 2015 a report and legislative recommendations relative to issues of implementation of the programs established under subsection p of section 70E of chapter 111 and section 25I of chapter 111, including, but not limited to: savings and costs related to the implementation of the programs established and recommendations related to penalties for violations of subsection (p) of section 70E of chapter 111 and section 25I of chapter 111.

SECTION 172. Notwithstanding any general or special law to the contrary, the department of public health, in consultation with the department of environmental protection, shall make an investigation and study regarding the issue of pharmaceutical drug waste and its effect on the environment in the Commonwealth. The department shall report on the following: (1) the estimated quantity of pharmaceutical drug waste in the Commonwealth; (2) the quantity of such waste that may be recovered prior to disposal; (3) the methods and techniques used in other states or local governments to reduce the amount of pharmaceutical drug waste, and identify model programs used to recover or recycle such waste; and (4) the efforts of pharmaceutical drug industry to mitigate waste through consumer support or take-back programs. The department shall make recommendations, consistent with its report, regarding: (1) the feasibility of expanding a drug recycling program similar to that prescribed in section 25I of chapter 111 to all consumers; (2) the feasibility of adopting similar programs adopted by other states or local governments to reduce drug waste; and (3) the feasibility of the department assisting municipal governments to establish local programs to reduce such waste. The department shall make its

report and recommendations together with legislation to implement those recommendations by filing the same with the clerks of the senate and house not later than July 31, 2015.”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Ms. Cole; and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 357 in Supplement.]

Therefore the amendment was adopted.

Ms. Peisch of Wellesley then moved to amend the bill by inserting after section 11 the following five sections:

“SECTION 11A. Subsection (a)(iii) of section 7 of chapter 15D of the General Laws, as amended by section 10 of chapter 77 of the acts of 2013, is hereby amended by inserting in the first sentence after the words ‘age 15 or older,’ the following words:— with the exception of those applicants and household members subject to section 26A of chapter 119.

SECTION 11B. Subsection (d) of section 8 of chapter 15D of the General Laws, as amended by section 4 of chapter 77 of the acts of 2013, is hereby amended by inserting in the first sentence of the first paragraph of subsection (d) after the words ‘pursuant to 42 U.S.C. section 16962,’ the following words:— with the exception of those applicants and household members subject to section 26A of chapter 119.

SECTION 11C. Said subsection (d) of section 8 of chapter 15D of the General Laws is hereby further amended by inserting in the first sentence of the second paragraph of subsection (d) after the words ‘any prospective adoptive and foster parents and their household members’ the following words:— with the exception of those applicants and household members subject to said section 26A of chapter 119.

SECTION 11D. Subsection (j) of section 8 of chapter 15D of the General Laws, as amended by section 5 of chapter 77 of the acts of 2013, is hereby amended by inserting in the third sentence of subsection (j) after the words ‘all adoptive or foster parent applicants and their household members age 15 or older’ the following words:— with the exception of those applicants and household members subject to said section 26A of chapter 119.

SECTION 11E. Subsection (k) of section 8 of chapter 15D of the General Laws, as amended by section 5 of chapter 77 of the acts of 2013, is hereby amended by inserting in the first sentence of subsection (k) after the words ‘all adoptive or foster parent applicants and their household members age 15 or older’ the following words:— with the exception of those applicants and household members subject to said section 26A of chapter 119.”.

The amendment was adopted.

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

“SECTION 173. Chapter 624 of the Acts of 1986 is hereby amended in Section 5 by striking the following:— and use of Turtle Lane, a private way, and the use of a private driveway shall be restricted to emergency access, except that a temporary easement through Turtle Lane shall be authorized for construction of the Framingham extension relief sewer.”.

The amendment was adopted.

Mr. Bradley of Hingham being in the Chair,—

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

“SECTION 174. Chapter 19B of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting the following three sections:

Section 19. As used in this section, the following words shall have the following meanings:—

(a) ‘Department’, the Department of Developmental Services.

‘Fiscal intermediary’, a financial management service or fiscal intermediary to assist an individual who self-directs in disbursing funds allocated to an individual in their individual budget and in accordance with their person-centered plan. The intermediary shall work at the direction of the individual or an appointed designee identified in the person-centered plan.

‘Individual’, an individual eligible to receive services through the Department of Developmental Services.

‘Individual budget’, a dollar amount for goods, services and supports specified in the person-centered plan that is under the control and direction of the individual.

‘Person-centered plan’, a plan of service for individuals who chose to participate in self-direction.

‘Self-determination’, an approach to providing services that underpins a self-direction model of service delivery. Self-determination is based on five principles:

(1) Freedom, the ability for an individual with disabilities, with chosen family and friends, to plan a life with necessary supports rather than purchase a program;

(2) Authority, the ability for an individual to control a certain sum of dollars in order to purchase these supports, with the backing of a social network or circle of friends, if needed;

(3) Support, the arranging of resources and personnel, both formal and informal, to assist an individual to live a life in the community, rich in community associations and contributions, and;

(4) Responsibility, the acceptance of a valued role in an individual’s community through employment, affiliations, spiritual development, and general caring for others, as well as accountability for spending public dollars in ways that are life-enhancing;

(5) Confirmation, affirming the central role individuals have in leadership and change.

‘Self-determination domains’, for individuals who choose self-direction these are the domains to be prioritized in their service planning:

(1) A place to call home with control over anyone who comes through the front door or otherwise provides any services or supports with freely chosen assistance when necessary;

(2) Economic self-sufficiency through supports or funds as needed provided through jobs, self-employment and active or passive pursuit of private dollars

(3) Family, friends and other significant relationships of the individual’s choosing and receive assistance to develop or maintain these relationships;

(4) Community membership with real connections to citizens and memberships in vital community organizations.

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'Self-direction', a model of service delivery in which services and supports are person-centered, person-defined and person-controlled. Self-direction in a service delivery system includes features ensuring that:

(1) the individual is central to and directs the decision making process that will determine which supports are utilized;

(2) the individual has easy access to information, options, services and supports to enable the individual to self-direct;

(3) the service system is flexible so that the individual can tailor their support to meet their unique needs.

'Support broker', a person chosen by an individual participating in self-direction to assist as dictated by the individual in the development and execution of the person-centered plan. This role can include but is not limited to adviser, advocate, facilitator and support staff.

(b) The general court finds that people with disabilities have the same rights and responsibilities as other citizens and the Commonwealth must assist them to realize those rights and exercise those responsibilities as contributing members of our communities. Further, the general court finds that services should help people achieve quality outcomes regarding personal choices, satisfaction, social integration and increased learning that may lead to rewarding occupations. In order to increase flexibility and choice of services, the Department shall promote the growth of self-determination through a self-direction model of service delivery for persons receiving services and supports funded through the Department.

(c) The Department shall establish a Self-Determination Advisory Board to evaluate and to advise the Department on efforts to implement self-direction and to participate in educational outreach efforts on self-direction. The Self-Determination Advisory Board shall include individuals participating in self-direction, family members of individuals participating in self-direction, providers, service brokers, and representatives of advocacy organizations, including but not limited to: The Arc of Massachusetts, Massachusetts Developmental Disabilities Council, Massachusetts Families Organizing for Change, Massachusetts Advocates Standing Strong, Advocates for Autism of Massachusetts, Massachusetts Down Syndrome Congress, Disability Law Center and the Association of Developmental Disabilities Providers.

(d) All persons eligible for services through the Department shall be eligible for self-direction, including persons with complex medical or behavioral conditions, persons with profound intellectual impairments and persons eligible for services through special eligibility.

(e) The Department shall provide information about self-direction to all persons eligible for services through the Department. (1) The Department shall provide information about self-direction to a person eligible for services upon: (i) the notification to a person of their priority for services; (ii) the beginning of the development of an individual support plan; (iii) the beginning of the renewal of an individual support plan; (iv) the annual notification of persons who have declined an individual support plan of their option to participate in the individual support plan process. (2) The Department shall encourage individuals entering their Turning 22 program that are prioritized for services to pursue self-direction.

(f) (1) The Department shall publish information on the self-determination concept and self-direction options annually and shall make this information available to the public on the Department's website. (2) The Department shall email information on the self-determination concept and self-direction options annually to any organization or interested party that agrees to forward or post the information on their website and who provides their email address. Organizations include: The Arc of Massachusetts, Massachusetts Developmental Disabilities Council, Massachusetts Families Organizing for Change, Massachusetts Advocates Standing Strong, Advocates for Autism of Massachusetts, Massachusetts Down Syndrome Congress, Disability Law Center and the Association of Developmental Disabilities Providers. (3) The Department, in collaboration with the advocacy organizations represented on the Self-Determination Advisory Council, shall hold educational forums with families and individuals to provide information about self-direction no less than four times annually in each service region.

(g) The Department, in collaboration with the advocacy organizations represented on the Self-Determination Advisory Council, shall hold meetings annually with providers to discuss self-direction, how providers can participate, what it means to the present purchase of service system, and how the Department can work with providers to establish self-directed choices within the service system. The Department may offer introductory and on-going training to providers and provider staff on the subjects of self-determination, self-direction and the related elements of person-centered planning and individual budgeting.

(h) The Department shall educate all staff, except for staff classified as janitorial, maintenance, or secretarial, on self-direction not less than two times annually.

(i) For each individual eligible for department services, the Department shall determine an individual budget once a year.

(j) For individuals who choose self-direction, the Department shall implement a person-centered planning process. The individual shall direct the development of the person-centered plan and shall direct who is involved in the planning process. The person-centered plan shall be designed around the self-determination domains.

(k) Individuals who choose to self-direct shall receive an allocation of resources based on their assessed needs. The amount of allocation and development of an individual budget shall be determined through a person-centered plan. The Department shall determine an individual's prioritization for services and the amount allocated for an individual's services in a transparent manner. The individual or a legal representative designated by the individual shall be able to utilize resources allocated to them through the individual budget to choose which services and supports best serve the individual's needs and are consistent with meeting goals developed in line with the self-determination domains.

(l) At the time an individual budget is determined, case managers shall inform the individual that he or she has control over his or her individual budget. The individual shall then have the choice to self-direct services. Case managers shall provide informational materials to individuals as developed by the department about self-direction. Individuals may choose to self-direct all, part, or none of their budget.

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If the individual declines self-direction in any service need, the individual supports plan procedures will be used to identify the supports needed.

(m) (1) Individuals who choose to self-direct shall have access to a support broker to assist in the development of a plan of service and an individual budget in the person-centered planning process, to assist in the purchase of services and to assist in monitoring expenditures through the year. The support broker shall be made available through the Department or through a qualified private sector broker of the individual's choice. (ii) The Department shall establish basic competencies that must be met in order to qualify private sector or public sector support brokers in consultation with the Self-Determination Advisory Board. (2) Individuals who choose to self-direct shall have access to a state-designated or other qualified fiscal intermediary of the individual's choice to assist in the execution of the purchase of services. (3) If an individual chooses to utilize a private sector support broker, an allocation for the purchase of this service shall be included in the individual's budget. If an individual chooses to utilize a private sector fiscal intermediary, an allocation for the purchase of this service shall be included in the individual's budget.

(n) Providers and employees providing services to individuals through self-direction shall be eligible for a proportional amount of any additional appropriation designated for the increase of salary for workers employed by the Department or its providers.

(o) Individuals who choose to self-direct shall be surveyed at least once annually about their experiences with self-direction and potential improvements to the self-direction model and its overall operation.

(p) The Department shall provide an annual report, after consultation with the Self-Determination Advisory Board, to the Joint Committee on Children, Families, and Persons with Disabilities. The report shall document progress in terms of numbers served through self-direction, ongoing improvements to the Department's self-direction program, and challenges related to the Department's self-direction programs. The annual report shall include an analysis of the annual survey of individuals participating in self-direction mandated in section K and strategies to address the issues identified in these surveys.

(q) The Department shall utilize the Home and Community Based Waivers to maximize federal reimbursement for services rendered through self-direction and related models. As necessary, the Department and Executive Office of Health and Human Services shall amend the waiver and take any other steps to ensure that activities or services can be implemented to achieve goals under self-determination domains for individuals.

(r) Funds not spent in individual budgets shall be redistributed in the following manner:

(1) 50 percent of the funds shall be put in the contingency fund established in Section 20 of this chapter;

(2) 50 percent of the funds shall be used by the department at its discretion.

Section 20. (a) The Department shall establish a contingency fund to assist: (1) Individuals in need of services; (2) Individuals who participate or wish to participate in self-direction or self-determination;

(3) Individuals with unanticipated, emergency or changing needs; (4) In the case of an individual who chooses to leave a group living arrangement, in order to mitigate impact to providers. (b) The fund shall be comprised of 40% of the savings from the closure of the Templeton Developmental Center and other funds as they may be available within the Department's budget and at its discretion. The Department shall make every effort to ensure that the pool will retain sufficient funds for individuals utilizing self-determination and provider mitigation throughout the fiscal year. (c) The Department shall develop a policy related to the fund for individuals utilizing self-direction with the assistance of the Self-Determination Advisory Board.

Section 21. (a) Individuals and their guardians shall have choice of Department services or qualified providers and shall be free to change the individual's services or service provider. When an individual or their guardian requests a change, the Department shall initiate the process for requested changes without delay.

(b) Upon an individual or their guardian requesting a change of service or service provider for their group residence of or group living situation, the individual or their guardian and the provider shall take steps to see if a resolution to the situation can be reached. If, at any time, the individual feels that a resolution to the situation cannot be reached, the individual or their guardian can request that the following provision be initiated within 7 days of the individual or their guardian notifying the Department: (1) The Department shall assist the individual in developing an alternative living situation, both the Department and the individual will make a good faith effort to determine a suitable alternative; (2) The Department shall work in conjunction with the individual to transfer to an available alternative as expeditiously as possible and taking no longer than 90 days; (3) As necessary, the Department will work with the provider of the residence or group living situation to ensure stability including the use of the contingency fund for mitigation established in Chapter 19B, Section 20."

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

Amendment
adopted,—
yea and nay
No. 358.

[See Yea and Nay No. 358 in Supplement.]

Therefore the amendments were adopted.

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

"SECTION 175. Chapter 224 of the Acts of 2012 in SECTION 271, in lines 5 and 6, by striking out the words "fiscal year 2015 and fiscal year 2016" and inserting in place thereof the words "fiscal years 2015 through 2021"; in SECTION 307 by striking out the figure "2016" and inserting in place thereof the figure "2021".

The amendment was adopted.

Ms. Fox of Boston then moved to amend the bill by adding the following section:

"SECTION 176. The courthouse in the Roxbury section of the city of Boston as the Edward O. Gourdin Courthouse, therefore, it is necessary for the immediate preservation of the public convenience. To name the courthouse located at 85 Warren Street in the city of Boston

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that houses the Roxbury division of the Boston municipal court department shall be designated and known as the Edward O. Gourdin Courthouse, in memory of the late honorable Edward Orval "Ned" Gourdin for his many contributions to the judiciary, his community and the commonwealth. The division of capital asset management and maintenance shall erect and maintain suitable markers bearing the designation in compliance with any applicable standards."

The amendment was adopted.

Ms. Gobi of Spencer then moved to amend the bill by inserting after section 10A (inserted by amendment) the following five sections:

"SECTION 10B. Chapter 10 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following section:—

Section 75. (a) There is hereby established a Water Supply Protection Program to be administered by and through a separate trust to be known as the Water Supply Protection Trust. Monies in said trust shall be deposited with the state treasurer in such manner as will secure the highest interest rate available consistent with safety of the trust and with the requirement that all amounts on deposit be available for immediate use.

(b) There shall be a board of trustees of the trust, which shall consist of the executive director of the Massachusetts water resources authority, the secretary of the executive office of environmental affairs or his appointee, a member appointed by the speaker of the house, a member appointed by the president of the senate, and a member jointly selected by the North Worcester County Quabbin Anglers and the Quabbin Fishermen's Association.

(c) The board of trustees shall meet quarterly, and shall serve without compensation. For purposes of board of trustee meetings and voting, a quorum shall be comprised of 3 board members. The board of trustees shall choose a chairperson by majority vote and shall make all decisions by majority vote. Annually, the board of trustees shall review and approve the operating plan, the operating budget, the capital budgets, and other aspects of the annual work plan prepared jointly by the department of conservation and recreation and the Massachusetts water resources authority pursuant to an interagency memorandum of understanding between the department and the authority by which memorandum and the annual work plan prepared thereunder shall provide for the watershed and water supply protection responsibilities established for the authority and department pursuant to chapters 92 and 92A½, chapter 372 of the acts of 1984, chapter 36 of the acts of 1992 and chapter 26 of the acts of 2003, and to be satisfactorily discharged. The memorandum, or any amendments adopted thereto, shall not include an authorization to enter into any agreement to acquire, purchase or transfer any property, the title of which is vested in the commonwealth or is considered to be watershed property established pursuant to the general laws or session acts as of July 1, 2014. Said restriction shall not be construed to be inconsistent with the terms and conditions of this section as they relate to the operation and governance of the trust or any other provisions of this section.

Any provisions in the memorandum, as it may be amended from time to time, regarding the operation and governance of the trust shall

be consistent with this section. In the event of an inconsistency between that memorandum and the terms and conditions of this section as they relate to the operation and governance of the trust, the terms and conditions of this section shall be dispositive.

(d) There shall be credited to the trust the following:

(1) all assessments against the authority established pursuant to section 11 of chapter 92A½, except for amounts to be paid in trust by the authority to the division of water supply protection for application to payments in lieu of taxes pursuant to chapter 59 of the General Laws, and against any other public or private entity by the commissioner of the department for the purpose of supporting the watershed and water supply activities set forth in subsection (e);

(2) all revenues generated by the department's division of water supply protection required to be offset from assessments against the authority pursuant to section 11 of said chapter 92A½, which shall include, but not be limited to, the sale of hydroelectricity, recreational or permits fees, and shall also include any access fees established pursuant to chapter 436 of the acts of 1990;

(3) all revenues from the sale of wood products harvested on those watershed lands under the management of the division of water supply protection;

(4) all payments from the authority for debt service under section 12 of said chapter 92A½;

(5) all interest earned on monies in the trust; and

(6) gifts, grants, donations, or other contributions made for the purpose of supporting the watershed and water supply activities set forth in subsection (e).

(e) Notwithstanding any general or special law or other restriction to the contrary, expenditures from the trust shall not be subject to appropriation and balances remaining at the end of any fiscal year shall not revert to the general fund, and expenditures from the trust shall be made only for the purposes set forth in the memorandum and annual work plan as approved by the board pursuant to subsection (c), including:

(1) the maintenance and operating costs of the department's division of water supply protection, as established in sections 1 to 20, inclusive, of chapter 92A½, including the costs of capital improvements necessary to ensure the safety and purity of the water supply and protection of watershed lands pursuant to state and federal standards, capital costs, and the costs of the purchase or leasing of vehicles and all other equipment as considered necessary by the division, and other authorized charges of the division of water supply protection, as set forth in the Annual Work Plan's operating plan, operating budget, and capital budgets prepared jointly by the department and authority, and reviewed and approved by the board of trustees pursuant to subsection (c); provided, that no expenditure may be made for operating, maintenance, and capital costs of the department's division of water supply protection that were previously budgeted as expenses of the former department of environmental management that were non-reimbursable by the authority;

(2) department salaries, staffing levels, other employee expenses, operational expenses, acquisition of capital equipment, and all other expenses, as set forth in the Annual Work Plan's operating plan, operating budget, and capital budgets prepared jointly by the department

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and authority, and reviewed and approved by the board of trustees pursuant to subsection (c); and

(3) debt service payments for bonds authorized by the general court for the acquisition of fee simple, development, and other rights or interests in land in the areas regulated by said division of water supply protection, if the bonds were authorized and bonded indebtedness incurred before the establishment of the trust.

(f) For the purpose of accommodating timing discrepancies between the trust's receipt of revenues and related expenditures, the trust may incur expenses and the comptroller may certify payments from the trust in anticipation of trust receipts; but, the board of trustees shall annually certify to the comptroller that expenditures for the previous fiscal year did not exceed related assessments and trust receipts. No expenditures from said fund shall cause said fund to be in deficiency at the close of a fiscal year.

(g) The board of trustees shall not enter into any agreement to acquire, purchase or transfer any assets or property the title of which is vested in the commonwealth, or considered to be watershed property established pursuant to the general laws or session acts as of July 1, 2014. Said restriction shall not be construed to be inconsistent with the terms and conditions of this section as they relate to the operation and governance of the trust, or any other provisions of this section.

SECTION 10C. The last sentence of section 4 of chapter 92A½ of the General Laws, as so appearing, is hereby amended by striking out the words "general fund" and inserting in place thereof the following words:— Water Supply Protection Trust, established in section 75 of chapter 10.

SECTION 10D. Section 11 of chapter 92A½ of the General Laws, as so appearing, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:— Within 30 days of receipt of the department bill, the treasurer of the authority shall remit the total billed amount to the Water Supply Protection Trust, established in section 75 of chapter 10.

SECTION 10E. Said section 11 of said chapter 92A½, as so appearing, is hereby further amended by striking out the seventh sentence and inserting in place thereof the following sentence:— The commissioner of the department shall forward to the treasurer of the commonwealth the revenues generated by the division, which shall be credited to the Water Supply Protection Trust, established in section 75 of chapter 10.

SECTION 10F. Section 12 of said chapter 92A½, as so appearing, is hereby amended by striking out the second sentence and inserting in place the following 2 sentences:— The revenue shall be deposited into the Water Supply Protection Trust established in section 75 of chapter 10 for the purposes of meeting said debt service costs. The comptroller shall transfer to the General Fund from the Water Supply Protection Trust that portion of annual assessments against the Massachusetts Water Resources Authority identified as reimbursement for debt service payments that have been previously charged to the General Fund."

The amendment was adopted.

Mrs. Haddad of Somerset then moved to amend the bill by adding the following section:

"SECTION 177. (a) Notwithstanding any general law or special law to the contrary, the department of energy resources shall expend an amount not to exceed \$3,000,000 from the RGGI Auction Trust Fund established in section 35II of chapter 10 of the General Laws for a 1-time reimbursement to a municipality that has been negatively impacted by a reduction in property tax receipts from a dual coal and oil fired electric generating station due to a reduction in capacity factor, occurring after July 1, 2012. The municipality shall be entitled to reimbursement under this section of an amount by which the tax receipts, including payments in lieu of taxes or other compensation, paid by the affected property owner of the electric generating station in tax year 2014 is less than the amount of the tax receipts paid by the electric generating station in 2013. Before reimbursement to a municipality under this section, the municipality and the affected property owner of the electric generating station shall negotiate in good faith payments in lieu of taxes or other compensation for subsequent years; but if the municipality and the affected property owner of the electric generating station have not negotiated in good faith payments in lieu of taxes and other compensation, then the facility's tax obligation shall be determined by an independent third party assessor paid by the facility but selected jointly by the municipality and the affected property owner of the electric generating station or, if they are unable to arrive at a joint selection, by the department of revenue."

The amendment was adopted.

Mr. Straus of Mattapoisett then moved to amend the bill by inserting after section 65 the following section:

"SECTION 65A. Section 13D of chapter 265 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting the following paragraph:—

Whoever commits an assault and battery upon a public employee when such person is operating a public transit vehicle shall be punished by imprisonment of not more than 2½ years in a house of correction or by a fine of not less than \$500 nor more than \$5,000, or both such imprisonment and fine."

The amendment was adopted.

Mrs. Haddad of Somerset then moved to amend the bill in section 2, in item 4513-1130, by adding the following: "; provided further, that no less than \$75,000 be allocated for the Katie Brown Educational Program for a pilot instructional initiative, the Train the Trainer program, to train educators and increase the number of Southeastern Massachusetts students who acquire invaluable knowledge about the prevention of relationship violence", and by striking out the figures "5,718,990" and inserting in place thereof the figures "5,878,990".

The amendment was adopted.

Representatives Smola of Warren, Straus of Mattapoisett and other members of the House then moved to amend the bill by adding the following section:

"SECTION 178. There is hereby established a special task force to analyze the feasibility of a vehicle registration plate system that utilizes non-alphanumeric symbols as part of the registration identification for plates issued by the registrar of motor vehicles. The task force

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shall consist of the registrar of motor vehicles, who shall serve as the chair; the colonel of the state police or a designee; a representative of the Massachusetts Chiefs of Police Association; a designee from the Molly Bish Center for Missing and Exploited Children; the secretary of administration and finance or a designee; the secretary of transportation or a designee; the secretary of the executive office of public safety and security or a designee; a representative of the State Police Association of Massachusetts; a member of a labor organization representing police officers designated by the governor; and as ex officio members a representative from the United States Department of Transportation, a representative from the United States Department of Justice, a representative from United States Immigration and Customs Enforcement, and a representative from the United States Department of Homeland Security.

The study shall be directed to the feasibility of such a system, its cost, time frame for implementation, impact on federal, state and local law enforcement and between states and the tools and equipment necessary to produce enhanced recognition and identification registration plates. The study shall assess: human factors involved in the mental recognition of vehicle license plates, including human reaction to numbers, letters, characters and symbols and the ability to cognitively process them; provided, however, that the task force shall rely upon scientific studies that analyze and assess such human reaction and such ability as applied to not fewer than 15 non-alpha-numeric symbols as appearing on license plates traveling on public and non-public ways; provided further, that such scientific studies have been peer reviewed; and provided further, that the task force shall consult with relevant research or clinical scientists and medical professionals in the field of cognitive psychology and perception to verify the accuracy of the information it reviews; (ii) transportation-based factors including, but not limited to, the impact on toll revenues; (iii) interfaces with motor vehicle databases in other states including, without limitation, any licensing and registration system used by the registry of motor vehicles; and (iv) criminal information system accessibility.

The task force may conduct 1 or more public hearings to inform the public of its activities. The report of the task force shall be filed with the clerks of the senate and the house of representatives not later than December 31, 2014."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Smola of Warren; and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 359 in Supplement.]

Therefore the amendment was adopted.

Messrs. Linsky of Natick and Hecht of Watertown then moved to amend the bill by adding the following two sections:

"SECTION 179. Section sixty-three B of chapter one hundred eighty-three is hereby amended by adding the following paragraph:

A. No person, other than the mortgagor, the mortgagor's attorney, or the mortgagee's attorney, shall have in his possession any portion of the mortgage proceeds at the time that the mortgage deed is recorded.

B. Any mortgagor claiming to be aggrieved by a violation of this section may, within three years after the violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for any damages incurred or for one-thousand dollars for each violation, whichever is greater, and for injunctive relief. Any mortgagor so aggrieved and who prevails in such an action shall be awarded triple damages; and the mortgagor shall also be awarded the costs of the litigation and reasonable attorneys' fees.

C. The Undersecretary of the Massachusetts Office Consumer Affairs & Business Regulation is hereby authorized to enforce the provisions of this section including, but not limited to, the promulgation of reasonable rules and regulations, and shall take such affirmative action as in her judgment will effect the purposes of this section.

D. A violation of section sixty-three B of chapter one hundred eighty-three shall also be deemed an unfair and deceptive act and unfair method of competition pursuant to the provisions of chapter 93A, including its private rights of actions and remedies and rights, remedies, and duties of the Attorney General therein.

SECTION 180. Section six of chapter two hundred fifty-five E is amended by inserting after clause (ii) the following clause:

(iii) any violation of section sixty-three B of chapter one hundred eighty-three."

The amendment was adopted.

Mr. Sánchez of Boston and other members of the House then moved to amend the bill in section 2, in item 4510-0110, by adding the following: "; provided further, that \$150,000 be expended on the Design Development and Construction Document Phases of the Sewall Inpatient Detox Building Renovation Project at the Dimock Center in Roxbury"; and by striking out the figures "1,287,593" and inserting in place thereof the figures "1,437,593". The amendments were adopted.

Mr. Dempsey of Haverhill and others members of the House then moved to amend the bill in section 2, in item 4510-0110, by adding the following: "; provided further, that not less than \$250,000 shall be expended for the operation and implementation of the South Boston Community Health Center and its Youth Ambassador Program and South Boston Leadership Initiative; provided further, that not less than \$50,000 be expended to form the Mattapan Integrative Care Partnership Pilot program among the Mattapan Community Health Center, Mattahunt Community Center, Mattahunt Elementary School, and the Wheelock College Social Work Department to establish a behavioral health practice at the Mattapan Community Health Center and support a full time licensed social worker to bring mental health care to the community's youth and to improve the coordination of care"; by striking out the figures "1,287,593" and inserting in place thereof the figures "1,587,593";

In item 4510-0600 by adding the following: "; provided further, that not less than \$50,000 shall be expended for a city wide restaurant and food safety education program in the city of Marlborough"; and by striking out the figures "4,591,980" and inserting in place thereof the figures "4,641,980";

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Amendment
adopted,—
yea and nay
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In item 4510-0712, in line 6, by inserting after the word "recertification" the following: "; provided further, that not less than \$150,000 shall be expended for the hiring of 2 positions, 1 full time data registrar and 1 part-time data analyst in the office of emergency medical services", and by striking out the figures "2,481,081" and inserting in place thereof the figures "2,631,081";

In item 4510-0810 by striking out the figures "3,554,426" and inserting in place thereof the figures "3,754,426";

In item 4512-0103, in line 6, by inserting after the word "conditions" the following: "; provided further, that not less than \$120,000 shall be expended to conduct a hepatitis C pilot program at the North Shore Health Project, and by striking out the figure "\$32,102,505", and inserting in place thereof the following figure:— 32,222,505";

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

"4512-0200 For the division of substance abuse services, including a program to reimburse driver alcohol education programs for services provided for court adjudicated indigent clients; provided, that programs in substantial regulatory and contractual compliance shall receive the same percentage level of funding in fiscal year 2015 as received in fiscal year 2014; provided further, that not less than \$300,000 shall be expended for integrated treatment and stabilization services for individuals and families with co-occurring substance abuse and mental health disorders; provided further, that not less than \$100,000 shall be expended for the New Beginnings program that targets youth at risk and in recovery in collaboration with school districts; provided further, that not less than \$150,000 shall be expended for Self-Esteem Boston's direct services programs for women in the Metro-Boston region and provider training programs; provided further, that not less than \$50,000 shall be expended for the Drug Story Theatre of the South Shore pilot program for substance abuse prevention and education; provided further, that not less than \$15,000 shall be expended for a city wide drug and alcohol awareness campaign for the city of Marlborough; provided further, that not less than \$100,000 shall be expended to the Berkshire County youth development project for youth intervention services; provided further, that not more than \$100,000 shall be expended for Project RIGHT's substance abuse and trauma prevention initiative in the Grove Hall area of Boston; provided further, that not less than \$50,000 shall be expended for the addiction services special commission established in section 1011 of this act; provided further, that not less than \$250,000 shall be expended for a pilot program for young adults aged 17 to 25 to address substance abuse issues for this age group; provided further, that not less

than \$500,000 shall be expended for a voluntary training and accreditation program for owners and operators of alcohol and drug free housing; and provided further, that not less than \$1,300,000 shall be expended to support and strengthen public access to substance abuse services in the commonwealth, including, but not limited to, the following: (i) expanding the number and type of the facilities to provide treatment, (ii) expanding central intake capacity, (iii) placing addiction specialists in selected courts, and (iv) expanding detoxification services in the public system by no less than 32 public detoxification beds and 32 clinical stabilization services beds \$90,267,333";

In item 4512-0204 by striking out the figures "815,000" and inserting in place thereof the figures "1,000,000";

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

"4512-0500 For dental health services; provided, that funds shall be expended to maintain a program of dental services for the developmentally disabled; provided further, that not less than \$300,000 shall be expended for the Forsyth Institute's Center for Children's Oral Health to expand its ForsythKids elementary school program, expand its Forsyth Teens smoking cessation program, and measure each program's impact on school performance; and provided further, that not less than \$1,459,525 shall be expended for the commonwealth's comprehensive dental program for adults with developmental disabilities with no less than \$100,000 for the promotion of services to all dental providers in the commonwealth and increase after-hour, weekend, and holiday coverage with on-call response and if necessary actual clinical evaluation \$2,328,397";

In item 4513-1000 by striking out the figures "4,816,697" and inserting in place thereof the following figures "5,016,697";

In item 4513-1020 by striking out the figures "26,420,583" and inserting in place thereof the figures "27,420,583";

In item 4513-1026 by striking out the figures "3,863,305" and inserting in place thereof the figures "4,000,000";

By inserting after item 4513-1026 the following item:

"4513-1098 For the provision of statewide support services for survivors of homicide victims, including outreach services, burial assistance, grief counseling and other support services; provided, that funds shall be expended as grants in the aggregate amount of \$125,000 to the Louis D. Brown Peace Institute, a community based support organization dedicated to serving families and communities impacted by violence \$125,000";

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In item 4513-1111, by adding the following: “including, but not limited to, the following programs: breast cancer prevention; diabetes screening and outreach; ovarian cancer screening; a statewide STOP stroke program and ongoing stroke prevention and education; hepatitis C prevention and management; multiple sclerosis screening, information, education and treatment programs and the multiple sclerosis home living navigating key services program administered by the Central New England Chapter of the National Multiple Sclerosis Society; colorectal cancer prevention; prostate cancer screening, education and treatment with a particular focus on African American males; osteoporosis education; and maintenance of the statewide lupus database; provided, that funds may be expended for the operation of the Betsy Lehman Center for Patient Safety and Medical Error Reduction; provided further, that not less than \$50,000 shall be expended for education and support of patients diagnosed with PKU or related disorders and their families through a grant to NECPAD; provided further, that notwithstanding any general or special law to the contrary, \$100,000 shall be appropriated to the University of Massachusetts-Dartmouth to be expended for operation of the Cranberry Health Research Center at the University of Massachusetts-Dartmouth; provided further, that not less than \$50,000 shall be expended for the Haitian American Public Health Initiative to provide vital healthcare and education services to families and children in the Haitian community in the city of Boston and town of Milton”, and by striking out the figures “3,242,377” and inserting in place thereof the figures “3,442,377”;

In item 4590-0250, in line 14, by inserting after the word “education” the following: “; provided further, that the department of public health shall expend not less than \$100,000 on the Massachusetts Model of Community Coalitions”, and by striking out the figures “12,177,055” and inserting in place thereof the figures “12,277,055”;

In item 4590-0915, in line 7, by inserting after the following: “section 2B” the following: “; provided further, that the Massachusetts hospital school shall maintain not less than 120 beds for clients in its inpatient setting to the extent feasible within the appropriation”, and by striking out the figures “144,265,923” and inserting in place thereof the figures “148,265,923”;

In item 4590-0925, in line 21, by inserting after the word “standardization” the words: “; provided further, that said research foundation may also expend funds from this item for a prostate cancer public education and awareness program, focusing in particular on men with African-American heritage, family history of the disease, and other men of high risk”;

In item 4590-1506 by striking out the figures “1,000,000” and inserting in place thereof the figures “1,150,000”;

In item 4590-1507 by adding the following: “; provided further, that not less than \$50,000 shall be expended for youth programs at Dennison Memorial Community Center in New Bedford; provided further, that the department of public health shall award not less than \$1,000,000 to the Massachusetts Alliance of Boys & Girls Clubs, which shall be distributed equally between said recipient’s member organizations; provided further, that the department shall award not less than \$900,000 to the Alliance of Massachusetts YMCAs, which shall be distributed

between the recipient’s member organizations; provided further, that not less than \$50,000 shall be expended for the Center for Teen Empowerment, Inc.; provided further, that not less than \$50,000 shall be expended for Crossroads for Kids for expansion of their summer and year round out of school program serving at-risk youth”, and by striking out the figures “1,800,000” and inserting in place thereof the figures “3,850,000”;

By inserting after section 11E (inserted by amendment) the following two sections:

“SECTION 11F. Section 13 of chapter 17 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the third paragraph the following 2 paragraphs:—

The commission shall also prepare a drug formulary of abuse-deterrent interchangeable opioid drug products, which shall be adopted by regulations of the department, and which shall list commercially available abuse-deterrent products that serve as equivalent alternatives to non-abuse-deterrent opioid products. Said formulary shall include formulations of opioid drugs of schedules II through V that are pharmacologically and therapeutically equivalent and interchangeable, and that also incorporate abuse-deterrent technology satisfying at least 2 of the following criteria:

(i) Physical or chemical barriers that can prevent chewing, crushing, cutting, grating, grinding, melting or other physical manipulations that enable abuse, or resist extraction of the opioid by common solvents such as water, alcohol or other organic solvents;

(ii) Agonist/antagonist combinations that interfere with, reduce or defeat the euphoria associated with abuse;

(iii) Aversion qualities that produce an unpleasant effect if the dosage form is manipulated or altered, or a higher dosage than directed is used;

(iv) Delivery systems that, pursuant to United States Food and Drug Administration guidance, offer resistance to abuse;

(v) Product techniques that limit opioid activity until transformed in the gastrointestinal tract; or

(vi) A combination of 2 or more of the above methods to deter abuse, or

(vii) Other techniques as may be identified or recommended by the Food and Drug Administration that offer significant abuse deterrence.

In preparing a formulary of abuse-deterrent opioid drug products that are interchangeable with non-abuse-deterrent opioid drug products, the commission shall consider information contained in an abuse-deterrent opioid drug product’s labeling approved by the United States Food and Drug Administration, and other regulatory and guidance documents distributed by said administration. A determination of interchangeability between 2 drug products shall not require that both products incorporate the same methods of abuse-deterrence, but that the products must have at least the same degree of FDA-approved abuse-deterrent labeling claims. Inclusion of a drug on this formulary shall not be construed to authorize labeling or marketing claims of abuse deterrence potential, unless such claims are authorized by the Food and Drug Administration.

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SECTION 11G. Said section 13 of said chapter 17, as so appearing, is hereby further amended by striking out, in lines 29, 34, and 39 the word 'formulary' and inserting in place thereof, in each instance, the word:—

formularies"; By inserting after section 14 the following section:

"SECTION 14A. Chapter 17 of the General Laws is hereby amended by inserting after section 19 the following section:—

Section 20. (a) There shall be a Massachusetts Interagency Council on Substance Abuse and Prevention. The interagency council shall: (i) support the efforts of the department of public health to supervise, coordinate and establish standards for the operation of substance use prevention and treatment services; (ii) oversee implementation of initiatives and programs that effectively direct the existing resources and minimize the impact of substance abuse; (iii) develop and recommend formal policies and procedures for the coordination and efficient utilization of programs and resources across state agencies and secretariats; (iv) develop an annual report and submit to the governor, on or before November 30 of each year, all activities of the council and recommend further efforts and resource needs; and (v) review the role and functions of the advisory council on alcoholism, and the drug rehabilitation advisory board pursuant to chapter 118E, and recommend changes as necessary.

(b) The interagency council shall consist of the following members or their designees: the secretary of health and human services, who shall serve as chair; the secretary of public safety; the secretary of elder affairs; the secretary of veterans affairs; the commissioner of education; the commissioner of correction; the chair of the parole board; the commissioner of probation; the commissioner of public health; the commissioner of youth services; the commissioner of mental health; the commissioner of developmental services; the commissioner of the Massachusetts rehabilitation commission; the commissioner of transitional assistance; the commissioner of children and families; the commissioner of the center for health information and analysis; the commissioner for the deaf and hard of hearing; the commissioner for early education and care; the assistant commissioner of public health for substance abuse services; the director of the office of Medicaid; a representative of the juvenile court; a representative of the superior court; a representative of the district court; a representative of the governor's office; 1 private citizen who is recovering from substance abuse problems, appointed by the governor; 1 member appointed by the president of the senate; 1 member appointed by the speaker of the house; 1 member appointed by the senate minority leader; 1 member appointed by the house minority leader; and other appropriate representatives as determined by the governor. The council may appoint an executive director to perform administrative functions and advocate on behalf of the council. All members shall serve without compensation in an advisory capacity and at the pleasure of the governor.

(c) The interagency council shall meet at least 4 times annually and shall establish task groups, meetings, forums and any other activity deemed necessary to carry out its mandate.

(d) The interagency council will establish an executive committee composed of a minimum of 11 members that will meet on a bi-monthly basis to provide guidance on the recommendations of the council. At

minimum, the executive committee will be comprised of the following members or their designees: the secretary of health and human services, the secretary of public safety; the commissioner of public health; the commissioner of children and families; the commissioner of correction; the commissioner of mental health; the commissioner of youth services; the director of the office of Medicaid; the assistant commissioner of public health for substance abuse services; and at least 2 additional members from the council.

(e) All affected agencies, departments and boards of the commonwealth shall fully cooperate with the interagency council. The council may call and rely upon the expertise and services of individuals and entities outside of its membership for research, advice, support or other functions necessary and appropriate to further accomplish its mission.;"

By inserting after section 39 the following section:

"SECTION 39A. Section 18 of Chapter 94C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after subsection (e) the following subsection:— (f) A prescription shall not be issued or filled for any opioid drug product or substance contained in schedule II to IV that is formulated as a non-abuse-deterrent opioid drug, as defined in section 12D of chapter 112, unless the drug formulary commission has determined, pursuant to section 13 of chapter 17, that no abuse-deterrent interchangeable opioid drug product is available as a substitute for the indicated product or substance.;"

By inserting after section 44 the following section:

"SECTION 44A. Chapter 111 of the General Laws is hereby amended by inserting after section 4M the following section:—

Section 4M½. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:—

'Hepatitis C screening test', any FDA-approved laboratory screening test, FDA-approved rapid point-of-care test, or other FDA-approved tests that detect the presence of hepatitis C antibodies in the blood.

'Hepatitis C diagnostic test', a laboratory test that detects the presence of hepatitis C virus in the blood and provides confirmation of whether the person whose blood is being tested has a hepatitis C virus infection.

(b) Every individual born between the years of 1945 and 1965 who receives health care services from a primary care provider shall be offered a hepatitis C screening test or Hepatitis C diagnostic test unless the provider believes that: (i) the individual is being treated for a life threatening emergency; or (ii) the individual has previously been offered or has received a hepatitis screening test; or (iii) the individual lacks capacity to consent to a hepatitis C screening test.;"

By inserting after section 45 the following section:

"SECTION 45B. Chapter 111 of the General Laws is hereby amended by inserting after section 78A the following section:

Section 78B. (a) The commissioner, the commissioner of the department of mental health, the director of Medicaid, the executive director of the group insurance commission and the executive director of the health policy commission, in consultation with representatives of hospitals, long term care facilities, outpatient facilities, primary care providers, community health centers, community mental health centers,

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consumer representatives, patients with chronic conditions and any other representatives deemed necessary, shall, subject to appropriation, develop a plan: (1) to reduce the incidence of chronic disease, including, but not limited to, chronic cardiovascular disease, cancer, stroke, chronic lung disease, chronic obstructive pulmonary disease, diabetes, arthritis, chronic metabolic disease and mental illness; (2) to improve chronic care coordination in the commonwealth; and (3) for each type of health care facility and coordinated care organization including integrated care organizations, accountable care organizations and patient-centered medical homes to reduce the incidence and effects of chronic disease.

(b) At least 1 year after completion of the plan required in subsection (a), the commissioners and directors shall submit a bi-annual report to the governor, the chairs of the joint committee on public health, the chairs of the joint committee on mental health, and the chairs of the joint committee on health care financing concerning chronic disease and implementation of said plan. The commissioners and directors shall make the report available on the departments' web sites not later than 30 days after submitting the report. The report shall include, but is not limited to: (1) a description of the chronic diseases that are most likely to cause a person's death or disability, the approximate number of persons affected by each chronic disease and an assessment of the financial effect of each disease on the commonwealth and on hospitals and other health care facilities; (2) a description and assessment of programs and actions that have been implemented by the departments or hospitals and other health care facilities to improve chronic care coordination and prevent disease; (3) the source and amount of funding received by the departments to treat persons with multiple chronic conditions and to treat or reduce the most prevalent chronic diseases in the state; (4) a description of chronic care coordination between the departments and hospitals and other health care facilities and among health care facilities to prevent and treat chronic disease; (5) detailed recommendations concerning actions to be taken by integrated care organizations, accountable care organizations, patient-centered medical homes, hospitals and other health care facilities to reduce the effects of the most prevalent chronic diseases, including recommendations concerning: (i) ways to reduce hospital readmission rates, (ii) transitional care plans, (iii) drug therapy monitoring, (iv) collaborative drug therapy management, (v) comprehensive medication management as defined in section 3503(c) of the Affordable Care Act, section 935 of 42 U.S.C. 299b-35(c), to help patients with multiple chronic conditions achieve clinical and patient goals of therapy and improve clinical outcomes, (vi) adoption of quality standards that are publicly reported evidence-based measures endorsed through a multi-stakeholder process such as the National Quality Forum and (vii) patient self-management training; (6) identification of anticipated results from a hospital or other health care facility's implementation of the recommendations described in clause (5) of this subsection; (7) identification of goals for coordinating care and reducing the incidence of persons having multiple chronic conditions; and (8) an estimate of costs and other resources necessary to implement the recommendations described in clause (5) of this subsection.”;

By inserting after section 53A (inserted by amendment) the following two sections:

“SECTION 53B. Section 12D of Chapter 112 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the definition of ‘Practitioner’ the following 2 definitions:—

‘Non-abuse-deterrent opioid drug product’, any opioid drug product that is approved for medical use but that does not meet the requirements for listing as a abuse-deterrent interchangeable opioid drug product.

‘Abuse-deterrent interchangeable opioid drug product’, an opioid drug that is rated by the U.S. Food and Drug Administration as pharmaceutically and therapeutically equivalent to the prescribed product or substance, and that also incorporates abuse-deterrent technology and has been identified as such by the drug formulary commission in accordance with section 13 of chapter 17.

SECTION 53C. Said section 12D is hereby further amended by inserting after the word ‘practitioner.’, in line 32, the following paragraph:—

Notwithstanding the substitution requirements of this section, or any brand name or ‘no substitution’ indication by the practitioner, the pharmacist shall not, in any case, dispense an opioid drug of schedule II to schedule IV that is formulated as a non-abuse-deterrent opioid drug product, unless the drug formulary commission has determined that no abuse-deterrent interchangeable opioid drug product is available as a substitute for the indicated product or substance.”;

By inserting after section 62 the following section:

“SECTION 62A. Chapter 176O of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after Section 16 the following section:

Section 16A. A carrier may not exclude or deny reimbursement for abuse-deterrent opioid drug products dispensed in accordance with section 12D of chapter 112 solely due to the cost of said abuse-deterrent products; provided, however, that this section shall not be construed to prohibit a carrier from applying prior authorization requirements and utilization reviews for opioid drug products when such measures, and any service denials made pursuant thereto, do not require treatment failures of non-abuse deterrent products in order access abuse-deterrent products.

In section 78, in lines 823 and 824, by striking out the words ‘marketing and prescribing of such controlled substances’ and inserting in place thereof the following words:— distribution of such controlled substances, and by adding the following two paragraphs:

As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings: ‘Abuse-deterrent formulation’, an opioid drug used to treat pain that is considered to have abuse deterrent properties if the FDA determines there is sufficient evidence to support abuse deterrent claims based on published FDA Guidance. ‘Non-abuse-deterrent formulation’, an opioid drug used to treat pain that is not considered an abuse-deterrent formulation.

No health insurance policy issued or renewed in the state that provides coverage for prescription drugs shall require, as a condition of

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coverage, use of a non-abuse-deterrent formulation prior to use of a formulary drug that is an abuse-deterrent formulation, for the treatment of pain.”;

By inserting after section 101F the following two sections:

SECTION 101G. There is hereby established a special commission for the purposes of investigating and studying the development of criteria for mandated treatment or monitoring of nonviolent offenders with substance addictions and to expand effective, evidence based addiction treatment programs for nonviolent substance addicted offenders. The commission shall consist of the court administrator or a designee, who shall serve as co-chair; the director of the bureau of substance abuse services or a designee, who shall serve as co-chair; the chief justice of the trial court or a designee; the attorney general or a designee; the secretary of public safety and security or a designee; the commissioner of the department of correction or a designee; the chair of the parole board or a designee; the commissioner of the department of probation or a designee; the chief counsel of the committee for public counsel services or a designee; the commissioner of the department of mental health or a designee; the secretary of the department of veterans’ services or a designee; 2 members of the senate, 1 of whom shall be appointed by the senate president and 1 of whom shall be appointed by the senate minority leader; 2 members of the house of representatives, 1 of whom shall be appointed by the speaker of the house and 1 of whom shall be appointed by the house minority leader; the president of the Massachusetts District Attorneys Association or a designee; the president of the Massachusetts Bar Association or a designee; and 2 members appointed by the governor, 1 of whom shall be a substance addiction treatment expert and 1 of whom shall be a mental health treatment expert.

Such investigation and study shall include, but not be limited to: (a) an evaluation of the application and effectiveness of “Standards on Substance Abuse,” approved by the justices of the supreme judicial court on April 28, 1998, and recommendations to improve and ensure the consistent application of the standards in the courts; (b) an evaluation and recommendations for improvement of specialty courts that address substance addictions, including current eligibility requirements or practices, availability of such courts and use of best practices in establishing quality of services; (c) the optimum number and estimated expansion costs associated with the drug courts necessary to meet the needs of the total annual number of nonviolent substance addicted offenders; (d) an evaluation of the number and type of nonviolent offenses committed by substance addicted defendants adjudicated in the commonwealth; (e) the development of a definition of nonviolent substance addicted offender; (f) an examination of best practices relative to specialty courts that deal with substance addicted offenders, both within the commonwealth and in other states; (g) an assessment of the quantity, quality and availability of effective, evidence based addiction treatment programs in the commonwealth; and (h) an assessment of the cost of expanding addiction treatment resources to meet the needs of the total annual number of nonviolent substance addicted offenders.

The commission shall submit its report and findings, along with any draft of legislation, to the house and senate committees on ways and

means, the joint committee on the judiciary, the joint committee on public health, the joint committee on mental health and substance abuse, and the clerks of the house of representatives and the senate on or before December 31, 2014.

SECTION 101H. There is hereby established a special commission to study and establish recommendations to promote the safe and appropriate use of opiate medications by patients that may be employed by state agencies and the private sector companies who provide insurance coverage. The commission shall consist of the secretary of administration and finance, or a designee, who shall serve as chair; the commissioner of public health, or a designee; the commissioner of insurance, or a designee; the director of the office of Medicaid, or a designee; the executive director of the group insurance commission, or a designee; and 3 members appointed by the Governor, 1 of whom shall be a representative from the Massachusetts Hospital Association, 1 of whom shall be a representative from the Massachusetts Medical Society and 1 of whom shall be a representative from the Massachusetts Association of Health Plans. The commission shall examine best practices currently used in the public and private sector to ensure patient safety through prescription monitoring of opiates including, but not limited to, prior authorization requirements, restrictions on prescription refills, determination of excessive use, addiction assessments, the need for substance abuse treatment plans and data collection practices. The commission shall file its report and recommendations with the clerks of the house of representatives and senate, the chairs of the joint committee on health care financing and the chairs of the house and senate committees on ways and means on or before January 15, 2015.”

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Sánchez of Boston; and on the roll call (Mr. Donato of Medford being in the Chair) 151 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 360 in Supplement.]

Therefore the consolidated amendments (public health) were adopted.

At seven minutes before six o’clock P.M. (Wednesday, April 30), on motion of Mr. Peterson of Grafton (Mrs. Haddad of Somerset having taken the Chair), the House recessed until seven o’clock P.M.; and at twenty two minutes before eight the House was called to order with the Mr. Donato of Medford in the Chair.

The Speaker being in the Chair,— House Bill designating a certain underpass in the town of Mansfield as the Patrolman Walter P. Langley Memorial Underpass (House, No. 3922), was read a third time, under suspension of the rules, on motion of Mr. Barrows of Mansfield.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it in section 1, in lines 4 to 7, inclusive, by striking out the second sentence and inserting in place thereof the following sentence: “The Massachusetts Department of Transportation

Consolidated
amendments
(public health)
adopted,—
yeas and nays
No. 360.

Recess.

Mansfield,—
Langley
Underpass.

Mansfield,—
Langley
Underpass.

shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.”; by striking out section 2; and by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a memorial in recognition of patrolman Walter P. Langley who was killed in the line of duty, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendments were adopted.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Barrows of Mansfield; and on the roll call (Mr. Donato of Medford being in the Chair) 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 361 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed. The bill (House, No. 3922, amended) then was sent to the Senate for concurrence.

Bill passed to
be engrossed,—
yea and nay
No. 361.

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Appropriation
Bill.

The House Bill making appropriations for the fiscal year 2014 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interests, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 3400, amended), was considered.

Pending the main question on passing the bill, as amended, to be engrossed, Mr. Straus of Mattapoisett then moved to amend it by adding the following section:

“SECTION 181. Subsection (g) of section 19B of chapter 138 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after paragraph (5) the following new paragraph:—

(6) at retail if provided as a sample of wine or winery products to be consumed on the premises; provided, however, that no sample shall exceed 1 ounce and no more than 5 samples shall be served to any individual.”.

The amendment was adopted.

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

“SECTION 182. Section 178L of chapter 6 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking in paragraph (a), in lines 26 through 28, inclusive, the words, ‘his right to retain counsel to represent him at such hearing and his right to have counsel appointed for him if he is found to be indigent as determined by the board using the standards under chapter 211D; provided, however, that such indigent offender may also apply for and the board may grant payment of fees for an expert witness in any case where the board in its classification proceeding intends to rely on the testimony or report of an expert witness prepared specifically for the purposes of the classification proceeding.’ and inserting in place thereof the words:— and his right to retain counsel to represent him at such hearing.

SECTION 183. Section 178L of chapter 6 of the General Laws, as so appearing, is hereby amended by striking in paragraph (c), in lines 65

through 73, inclusive, the words, ‘his right to retain counsel to represent him at such hearing and his right to have counsel appointed for him if he is found to be indigent as determined by the board using the standards under chapter 211D; provided, however, that such indigent offender may also apply for and the board may grant payment of fees for an expert witness in any case where the board in its classification proceeding intends to rely on the testimony or report of an expert witness prepared specifically for the purposes of the classification proceeding.’ and inserting in place thereof the words:— and his right to retain counsel to represent him at such hearing.

SECTION 184. Section 178L of chapter 6 of the General Laws, as so appearing, is hereby amended by striking in subsection (2), in lines 84 through 87, inclusive, the sentence ‘The board shall inform offenders requesting a hearing under the provisions of subsection (1) of their right to have counsel appointed if a sex offender is deemed to be indigent as determined by the board using the standards under chapter 211D.’.”

Pending the question on adoption of the amendment, Mr. Markey of Dartmouth moved to amend it by adding the following section:

“SECTION 185. Notwithstanding any special or general law to the contrary, the provisions of sections 182 to 184, inclusive, shall not take effect until such time as the Attorney General provides a written advisory opinion concerning whether denying the right to counsel for indigent petitioners in sex offender registry board proceedings pursuant to sections 178L and 178M of chapter 6 of the General Laws raises constitutional issues. The opinion shall be filed on or before July 15, 2014, with the clerks of the house of representatives and senate who shall forward the same to the joint committee on the judiciary and the house and senate committees on ways and means.”.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 121 members voted in the affirmative and 29 in the negative.

[See Yea and Nay No. 362 in Supplement.]

Therefore the further amendment was adopted.

The amendment, as amended, then also was adopted.

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

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 120 members voted in the affirmative and 29 in the negative.

[See Yea and Nay No. 363 in Supplement.]

Therefore Rule 1A was suspended.

Mrs. Haddad of Somerset being in the Chair,—

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

“SECTION 186. (a) Notwithstanding any general or special law to the contrary, no license shall be issued under section 14 of chapter 91 of the General Laws to an ethanol storage or blending facility in Cambridge, Chelsea, East Boston, Everett, Revere, Somerville or Chelsea Creek Designated Port Areas until January 1, 2017, unless ethanol

Further
amendment
adopted,—
yea and nay
No. 362.

Suspension of
Rule 1A.

Rule 1A
suspended,—
yea and nay
No. 363.

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Appropriation
Bill.

transport is by barge, ship, or other marine vessel. (b) Notwithstanding any general or special law to the contrary, the status of licenses issued under section 14 of said chapter 91 before the effective date of this section shall not be impacted by this section. (c) Notwithstanding any general or special law to the contrary, the Massachusetts emergency management agency, in this section called MEMA, shall develop a comprehensive ethanol transport response plan with specific plans for all municipalities that accommodate the transport of ethanol by rail. The response plan shall be developed in consultation with the Massachusetts department of transportation, the division of fire services, the department of environmental protection, the department of public health, the public safety departments of the impacted municipalities, the federal Department of Homeland Security, the Federal Railroad Administration, the National Transportation Safety Board, and other relevant federal, state and local agencies and entities that would be involved in emergency response within the specified communities or could be involved in the investigation of rail, route, or shipper safety issues. At least one community representative from each of the following municipalities shall be consulted to assist with developing the response plan: Cambridge, Chelsea, East Boston, Everett, Pittsfield, Revere, Somerville, Springfield and Worcester. The response plan shall include, but not be limited to, the following: (1) training related to ethanol and other flammable materials; (2) identification of critical facilities along the potential ethanol transportation routes, which may include consequence modeling of incidents near such facilities; (3) development of a regional foam response task force, including an inventory and analysis of the amount of alcohol-resistant foam needed to combat an ethanol related accident and the vehicles and equipment needed to utilize the foam effectively; (4) potential evacuation routes and procedures for when the public should be advised to shelter in place; (5) methods to communicate with limited English language speakers in the event of an incident; and (6) necessary improvements to the transportation, infrastructure, and rail facilities to be utilized during ethanol transport. On or before January 1, 2016, MEMA shall file the response plan with the joint committee on public safety and homeland security; provided further, that an interim report on the status of the response plan and any recommendations for an extension shall be filed on or before July 1, 2015. The response plan may also include any legislative recommendations that MEMA considers appropriate. The response plan shall include a methodology under which any entity transporting or receiving ethanol by rail shall be assessed to provide funding for the development of the response plan and the training, equipment and any other mitigation measures as recommended by the response plan. Impacted municipalities and agencies shall pursue federal grants as necessary in order to subsidize, to the extent feasible, the cost of the training and equipment recommended by the response plan. MEMA shall issue regulations to establish the means and methods by which it will assess entities transporting ethanol by rail to fund the development of the response plan and the mitigation measures recommended by MEMA in the response plan.”.

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 Ms. Provost of Somerville; and on the roll call 150 members voted in the affirmative and 0 in the negative.

Amendment
adopted,—
yea and nay
No. 364.

[See Ye and Nay No. 364 in Supplement.]

Therefore the amendment was adopted.

Representatives Lyons of Andover and Lombardo of Billerica then moved to amend the bill by adding the following section:

“SECTION 187. Chapter 211D of the General Laws is hereby amended by inserting, after subsection (i), the following subsection:—

(j) The clerk of the court shall submit a quarterly report to MassHealth, the department of transitional assistance and the registry of motor vehicles detailing the amount of any unresolved counsel fees owed by persons for whom counsel was appointed under this chapter. Said fees shall be considered by MassHealth and the department of transitional assistance as financial benefits to be repaid pursuant to section 22 of chapter 118E and section 5G of chapter 18. The registry of motor vehicles shall not issue or renew a person’s driver’s license or motor vehicle registration for any vehicle subsequently purchased by such person until it receives notification from the clerk of the court that the fee has been resolved.”.

The amendment was adopted.

Mr. deMacedo of Plymouth and other members of the House then moved to amend the bill by adding the following two sections:

“SECTION 188. Section 39H of Chapter 119 of the General Laws, as most recently amended by chapter 240 of the acts of 2012, is hereby amended by inserting in the first line of clause (ii) after the word ‘and’ the word:— preferably.

SECTION 189. Section 39H of Chapter 119 of the General Laws, as so appearing in the 2012 Official Edition, is hereby further amended by striking the sentence ‘A child in custodial protection may not be confined in shackles or similar restraints or in a court lockup facility in connection with any proceedings under sections 39E to 39I inclusive.’ and inserting in place thereof.— The preferred response by law enforcement and court officials when a child is in custodial protection in connection with any proceedings under sections 39E to 39I inclusive is to avoid the use of shackles and court lockup facilities when practicable.”.

The amendment was adopted.

Mr. Markey of Dartmouth then moved to amend the bill by adding the following section:

“SECTION 190. Notwithstanding any general or special law to the contrary, any person currently employed by the parole board as a parole officer, whose appointment or promotion was made provisionally, who has served satisfactorily in the position for at least 6 months immediately before March 1, 2014, and who has passed a qualifying examination prescribed by the personnel administrator, shall be granted permanent civil service status in that position as of the date of the parole officer’s appointment or promotion.”.

The amendment was adopted.

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

General Appropriation Bill.

“SECTION 191. Section 286 of chapter 224 of the acts of 2012, is hereby further amended by striking out ‘2017’ and inserting in place thereof the following:— 2020.”

The amendment was adopted.

Mr. Rogers of Norwood then moved to amend the bill in section 2 by inserting, after item 1599-2004 the following item:

“1599-2014 For a reserve for victim assistance to be paid to the estate of the plaintiff in the case of Davis v. Renie, civil action NO. 96-cv-11598MEL \$500,000”.

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 61 the following five sections:

“SECTION 61A. Section 1 of chapter 138 of the General Laws, as so appearing, is hereby amended by inserting after the definition of ‘commission’ the following definition:—

‘Direct wine shipper’, any person who sells, delivers or exports wine to consumers in the commonwealth.

SECTION 61B. Chapter 138 of the General Laws, as so appearing, is hereby amended by striking section 19F and inserting in place thereof the following section:—

Section 19F. (a) The commission may issue a direct wine shipper license pursuant to this section to any person, firm or corporation that holds a federal basic permit pursuant to the federal Alcohol Administration Act, compiled in 27 U.S.C. § 201 et seq.; holds a license in the commonwealth or any other state to manufacture and export wine; and is in the business of manufacturing, bottling or rectifying wine. (b) In accordance with the requirements of this section, a direct wine shipper licensee shall be authorized to make sales and delivery of wine directly to residents of the commonwealth who are 21 years of age or older, for personal use and not for resale. (c) The fee for a license issued pursuant to this section shall be \$300 per winery; provided that an affiliate, franchise or subsidiary thereof shall require a separate license. Licenses shall be renewed annually at a fee of \$150. If a direct wine shipper’s license expires and is not renewed, a subsequent application shall be treated as an application for a new license. An applicant for a direct wine shipper license shall provide the commission and the department of revenue with a true copy of the applicable alcoholic beverage license to manufacture, export and sell the applicant’s wine as issued by the appropriate licensing authority. A copy of the direct wine shipment license obtained pursuant to this section shall be provided by the commission to the department of revenue. (d) A direct wine shipper licensee under this section shall ship wine in accordance with section 22. (e) A direct wine shipper licensee may ship up to 12 cases of wine, no more than 9 liters each case, per year to a resident of the commonwealth. (f) A licensee under this section shall: (i) report yearly to the commission and the department of revenue the total number of gallons of wine shipped into the commonwealth for the preceding year; (ii) pay to the department of revenue, under the department’s rules and regulations, for each shipment of wine the excise levied on importations of wine calculated under section 21 and any and all other applica-

ble taxes; and (iii) upon request, allow the commission or the department of revenue to perform an audit of the direct shipper licensee’s records. (g) No person, firm or corporation shall ship wine directly to consumers without a direct wine shipper license. A person, firm or corporation who manufactures, transports, imports or exports wine in violation of this section shall be deemed to have engaged in a deceptive act or practice under chapter 93A. (h) Whoever ships wine in violation of this section shall be subject to the following penalties: for a first violation, by suspension of the direct wine shipper license for 60 days or a fine of \$500, or both; for a second violation, by suspension of the direct wine shipper license for 120 days or a fine of \$1,000, or both; and for a third or subsequent violation, by suspension of the direct wine shipper license for 1 year or by a fine of \$3,000, or both. A licensee whose license has been suspended for 1 year or more may apply for a direct wine shipper license and shall be treated as a new applicant. The commission may revoke a direct wine shipper license after 3 or more violations. (i) If a violation of this section involves the sale or delivery of wine to a person under 21 years of age, the commission may impose the following additional penalties: for a first violation, by suspension of the direct shipper license for 180 days or a fine of \$1,000, or both; for a second violation, by suspension of the direct shipper license for 1 year or a fine of \$2,000, or both; and for a third or subsequent violation, by suspension of the direct shipper license for 2 years or by a fine of \$5,000, or both. Nothing in this section shall preclude enforcement of violations of section 34. (j) The commission shall promulgate rules and regulations to effectuate the purposes of this section. The department of revenue may promulgate rules and regulations necessary to effectuate the oversight and collection of taxes due to the commonwealth as a result of the sale and shipment of wine into the commonwealth pursuant to this section. (k) The commission shall issue an annual report to the joint committee on consumer protection and professional licensure, which shall include, but not be limited to, the number of direct wine shipment licenses issued and a review of violations and enforcement measures taken pursuant to this section.

SECTION 61C. Section 22 of said chapter 138, as so appearing, is hereby amended by striking out, in lines 57-58, the words ‘section 19F, or farmer-brewery licensees under section nineteen E’ and inserting in place thereof the following words:— sections 19B, 19C, and 19F.

SECTION 61D. Section 22 of said chapter 138, as so appearing, is hereby further amended by striking out, in lines 63-67, the words ‘CONTAINS ALCOHOL: REQUIRES SIGNATURE OF AND PERSONAL DELIVERY TO A PERSON LEGALLY AUTHORIZED TO CONSUME ALCOHOLIC BEVERAGES IN THE COMMONWEALTH’ and with a seal of licensure attached thereto as provided by the commission.’ and inserting in place thereof the following words:— words that indicate that the package contains alcohol and that the signature of an adult, age 21 years or older, is required for delivery.

SECTION 61F. Section 22 of said chapter 138, as so appearing, is hereby amended by striking out, in line 76, the word ‘twenty liters’ and inserting in place thereof the following words:— 108 liters”.

The amendment was adopted.

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elder affairs).

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

In item 4000-0005, in line 10, by inserting after the word "population" the following: "; provided further, that not less than \$100,000 shall be expended on the Martin Luther King, Jr. Family Services, Inc. to provide youth development and violence prevention services to at-risk youth", and by striking out the figures "4,000,000" and inserting in place thereof the figures "4,100,000";

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

"4000-0300 For the operation of the executive office of health and human services, including the operation of the managed care oversight board; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by all agencies under the purview of the secretariat and shall ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction; provided further, that the executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that funds appropriated in this item shall be expended for administrative and contracted services related to the implementation and operation of programs authorized by chapter 118E of the General Laws; provided further that on or before December 31, 2014, not less than \$100,000 shall be provided to Noble Hospital, a federal and state disproportionate share hospital that is geographically isolated, to improve the access entry way for all patients, especially those challenged with disabilities, provided that such funds are matched by an equal or greater amount by Noble Hospital; provided further, that in consultation with the center for health information and analysis, no rate increase shall be provided to existing Medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act, as codified at 42 U.S.C. chapter 7, subchapter XIX, to ensure that rates of payment to providers do not exceed the rates that are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that funds may be expended for the operation of the office of health equity within the executive office of health and human services; provided further, that the executive office shall contract with Martha's Vineyard

Community Services, Inc. for no less than \$60,000 to increase access to health and human services on Martha's Vineyard and Nantucket, and such funds shall be used to cover feasible travel costs associated with arranging access to health and human services; provided further, that no expenditures shall be made that are not federally reimbursable, including those related to Titles XIX or XXI of the Social Security Act, as codified at 42 U.S.C. chapter 7, subchapters XIX or XXI or the MassHealth demonstration waiver pursuant to section 1115(a) of said Social Security Act, as codified at 42 U.S.C. section 1315(a) or the community first demonstration waiver pursuant to section 1115 of the Social Security Act, as codified at 42 U.S.C. section 1315, whether made by the executive office or another commonwealth entity, except as required for: (a) the equivalent of MassHealth Standard benefits for children under age 21 who are in the care or custody of the department of youth services or the department of children and families; (b) dental benefits provided to clients of the department of developmental services who are age 21 or over; or (c) cost containment efforts the purposes and amounts of which have been submitted to the executive office for administration and finance and the house and senate committees on ways and means 30 days prior to making these expenditures; provided further, that the office of Medicaid shall apply an add-on to reimburse the managed care organizations and senior care organizations under contract with the commonwealth for the full costs associated with the Affordable Care Act's annual insurer fee, as specified in section 9010(a) of the Affordable Care Act, Public Law 111-148; provided, that said add-on shall be exclusive of any additional rate increase currently being proposed for the fiscal year 2015; provided further, that not later than September 15, 2014, MassHealth shall provide a report of the total amount of reimbursement of the Affordable Care Act's insurer fee to managed care organizations and senior care organizations to the house and senate committees on ways and means and the joint committee on health care financing; provided further, that the executive office of health and human services may continue to recover provider overpayments made in the current and prior fiscal years through the Medicaid management information system, and that these recoveries shall be considered current fiscal year expenditure refunds; provided further, that funds shall be provided in an amount not less than the total appropriated in item 1599-2009 in section 2 of chapter 182 of the acts of 2008; provided further, that of the amount allocated in this line item, the office of Medicaid shall provide a two percent rate increase for Medicaid managed

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care organizations that are under contract with the commonwealth to deliver managed care services to Masshealth and care plus enrollees; provided further, that the executive office may collect directly from a liable third party any amounts paid to contracted providers under chapter 118E of the General Laws for which the executive office later discovers another third party is liable if no other course of recoupment is possible; provided further, that no funds shall be expended for interpretive services directly or indirectly related to a settlement or resolution agreement with the office of civil rights or any other office, group, or entity; provided further, that interpretive services currently provided shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that the federal financial participation received from claims filed based on in-kind administrative services related to outreach and eligibility activities performed by certain community organizations, under the 'covering kids initiative,' and in accordance with the federal revenue criteria in 45 CFR 74.23 or any other federal regulation which provides a basis for federal financial participation, shall be credited to this item and may be expended, without further appropriation, on administrative services including those covered under an agreement with the organizations participating in the program; provided further, \$150,000 shall be expended for the work of the Massachusetts unaccompanied homeless youth commission to determine the scope of need among unaccompanied youth and young adults ages 24 and younger who are experiencing homelessness, and to identify and implement potential models for appropriate service delivery to unaccompanied homeless youth in urban, suburban, and rural areas of the commonwealth; provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient and outpatient services at acute care pediatric hospitals and pediatric specialty units as defined in section 8A of Chapter 118E of the General Laws, the executive office shall make a supplemental payment to any acute care pediatric hospital and pediatric specialty unit in the Commonwealth, above base rates, to compensate for high-complexity pediatric care in an amount not less than the amount appropriated in this item in Chapter 38 of the Acts of 2013; provided further, that notwithstanding any general or special law to the contrary, the commissioner of mental health shall approve any prior authorization or other restriction on medication used to treat mental illness in accordance with written policies, procedures, and regulations of the department of mental health; provided fur-

ther, that not later than January 16, 2015, the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing the methodology used to project caseload and utilization in fiscal year 2014 and fiscal year 2015; provided further, that the executive office of health and human services shall report to the house and senate committees on ways and means not later than January 13, 2015 on the number of members served in the dual eligible initiative, the average expenditure per member, the average expenditure per member prior to the demonstration project and the number of clients that receive care at skilled nursing facilities; provided further, that any projection of deficiency in item 4000-0430, 4000-0500, 4000-0600, 4000-0640, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-0940, 4000-0950, 4000-0990, 4000-1400, 4000-1420 or 4000-1425 shall be reported to the house and senate committees on ways and means not less than 90 days before the projected exhaustion of funding; and provided further, that any unexpended balance in these accounts shall revert to the General Fund on June 30, 2015 \$90,557,569";

In item 4000-0500, in line 11, by inserting after the word "level" the following: "; provided further, that of the amount allocated in this line item, that \$8,000,000 shall be allocated for providers in the PCC mental health and substance abuse plan";

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

"4000-0600 For health care services provided to MassHealth members who are seniors and for the operation of the MassHealth senior care options initiative under section 9D of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years; provided further, that funds shall be expended for the community choices initiative; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that benefits of the community choices initiative shall not be reduced below the services provided in fiscal year 2014; provided further, that the eligibility requirements for this demonstration project shall not be more restrictive than those established in fiscal year 2014; provided further, that funds shall be expended from this item to implement the pre-admission counseling and assessment program under the fourth paragraph of section 9 of chapter 118E of the General Laws, which shall be implemented on a statewide basis through aging and disability resource consortia; provided further,

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that notwithstanding any general or special law to the contrary, funds shall be expended from this item to maintain a personal needs allowance of \$72.80 per month for individuals residing in nursing homes and rest homes who are eligible for MassHealth, emergency aid to the elderly, disabled and children program or supplemental security income; provided further, that notwithstanding any general or special law to the contrary, for any nursing home or non-acute chronic disease hospital that provides kosher food to its residents, the executive office of elder affairs, in consultation with the center for health information and analysis, in recognition of the special innovative program status granted by the executive office of health and human services, shall continue to make the standard payment rates established in fiscal year 2006 to reflect the high dietary costs incurred in providing kosher food; provided further that effective October 1, 2014, for the fiscal year ending June 30, 2015, the executive office of health and human services shall establish nursing facility Medicaid rates that are up to \$47,476,982 in payments above the payments made to nursing facilities for fiscal year 2014, for the purpose of establishing the base year at calendar year 2007 costs; provided further, that the \$47,476,982 in payments shall be subject to the availability of federal financial participation; provided further, that the executive office of health and human services shall notify the secretary of administration and finance and the chairs of the house and senate committee on ways and means prior to October 1, 2014, on the ability to obtain federal financial participation; and, provided further, that if federal financial participation is not available for said payments, the executive office of health and human services shall maintain the rates at the 2005 base year and shall make a one-time supplemental payment for nursing facility Medicaid rates for an amount not less than \$23,738,491 \$3,197,069,129”;

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

“4000-0700 For health care services provided to medical assistance recipients under the executive office’s health care indemnity or third party liability plan, to medical assistance recipients not otherwise covered under the executive office’s managed care or senior care plans and for MassHealth benefits provided to children, adolescents, and adults under clauses (a) to (d), inclusive, and clause (h) of subsection (2) of section 9A of chapter 118E of the General Laws and section 16C of said chapter 118E; provided, that no payments for special provider costs shall be made from this item without the prior written approval of the sec-

retary of administration and finance; provided further, that no funds shall be expended from this item for children and adolescents under clause (c) of said subsection (2) of said section 9A of said chapter 118E whose family incomes, as determined by the executive office, exceed 150 per cent of the federal poverty level; provided further, that children who have aged out of the custody of the department of children and families shall be eligible for benefits until they reach age 21; provided further, that funds shall be expended from this item for members who qualify for early intervention services; provided further, that in calculating rates of inpatient and outpatient services for neonatal intensive care units, also known as (NICU), with at least 55 licensed beds within an acute hospital that has at least 109 pediatric intensive NICU beds, the executive office shall make a supplemental payment of not less than \$200,000; provided further, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, the funds appropriated in item 4000-0265 of section 2A of chapter 142 of the acts of 2011 shall again be appropriated for the same dollar amount as in said line item 4000-0265 and shall be distributed in and managed in the same manner as designated in section 60 of chapter 118 of the acts of 2012; provided further, that MassHealth shall provide an additional 5 per cent of its standard payment amount per discharge, or SPAD, above rate year 2013, or of reimbursement provided under any subsequent inpatient payment methodologies and to provide an additional 5 per cent of its outpatient payment amount per episode or PAPE above rate year 2013, or of reimbursement provided under any subsequent outpatient payment methodologies to any acute care hospital that has greater than 63 per cent of its gross patient service revenue from governmental payers and free care as determined by the executive office of health and human services; provided further, that the executive office shall not, in fiscal year 2015, fund programs relating to case management with the intention of reducing length of stay for neonatal intensive care unit cases; provided further, that notwithstanding the foregoing, funds may be expended from this item for the purchase of third party insurance including, but not limited to, Medicare for any medical assistance recipient; provided further, that the executive office may reduce MassHealth premiums or copayments or offer other incentives to encourage enrollees to comply with wellness goals; and provided further, that funds may be expended from this item for activities relating to disability determinations or utilization management and review, including patient

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screenings and evaluations, regardless of whether such activities are performed by a state agency, contractor, agent, or provider \$2,367,151,217”;

In item 9110-1636 by adding the following: “; provided, that not less than \$50,000 shall be expended for the establishment of and administrative support of regional financial abuse specialist teams as recommended by the elder protective service commission established by section 204 of chapter 139 of the acts of 2012; provided further, that the executive office of elder affairs shall provide a report to the house and senate chairs of the joint committee on elder affairs on the implementation of FAST teams on or before June 30, 2015; and provided further, that no less than \$50,000 shall be allocated for the Stanley Street Treatment and Resource Center in the city of Fall River”, and by striking out the figures “22,710,663” and inserting in place thereof the figures “22,810,663”;

In item 9110-1660 by striking out the following: “provided, that providers of naturally occurring retirement communities shall not receive less than the amount appropriated in item 9110-1660 of section 2 of chapter 139 of the acts of 2012” and inserting in place thereof the following: “provided, that not less than \$464,000 shall be expended for providers of naturally occurring retirement communities”, and in said item by striking out the figures “2,086,626” and inserting in place thereof the figures “2,336,626”;

In item 9110-1900 by adding the following: “; and provided further, that not less than \$750,000 shall be expended for home delivered meals”, and by striking out the figures “6,378,317” and inserting in place thereof the figures “7,128,317”, and In item 9110-9002, in line 6, by inserting after the word “affairs;” the following: “provided further, that not less than \$65,000 shall be expended for a one time grant to the city of Everett; provided further, that not less than \$50,000 shall be expended for a one time grant to the city of Westfield;”, and by striking out the figures “11,500,000” and inserting in place thereof the figures “11,615,000”;

By striking out sections 91 and 92;

By inserting after section 45 the following section:

“SECTION 45A. Section 57D of chapter 111 of the General Laws, as appearing in 2012 Official Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:—

The department shall issue for a term of 2 years and renew for a like term a license to maintain a hospice program to any organization it considers responsible and suitable to maintain such a program. The department may issue not more than 8 licenses under this section to maintain an inpatient hospice program and shall promulgate regulations to govern the issuance of licenses to such programs. Hospice program licensees shall be subject to suspension, revocation or refusal to renew for cause. The department shall determine the fee and renewal of the license. Prior to issuing a new license, and every 4 years thereafter, the department, in consultation with the Hospice and Palliative Care Federation of Massachusetts, shall review the number of inpatient hospice facilities operating under this section, as well as the demand for such facilities, and make recommendations on the appropriate num-

ber of inpatient hospice facility licenses that should be available in the commonwealth. The department shall report its recommendations to the executive office of health and human services and the joint committee on public health.”;

By inserting after section 53C (inserted by amendment) the following section:

“SECTION 53D. The third paragraph of section 9 of chapter 118E of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following 3 sentences:— Enrollees with a household income that does not exceed 100 per cent of the federal poverty guidelines shall only be responsible for copayments equal to those required of enrollees in the MassHealth program. No other deductible or cost sharing shall apply to these enrollees. Enrollees with income that does not exceed 150 per cent of said guidelines shall have available to them at least one plan with no premium contribution.”;

By inserting after section 62A (inserted by amendment) the following section:

“SECTION 62B. Section 3 of chapter 176Q of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out clause (b) and inserting in place thereof the following clause:—

(b) to determine each applicant’s eligibility for purchasing insurance offered by the connector, and to establish eligibility criteria and determine eligibility for premium assistance payments or point of service cost-sharing subsidies for applicants at or below 300 per cent of the federal poverty guidelines, provided that individuals receiving premium assistance payments or point-of-service cost-sharing subsidies whose household income does not exceed 100 per cent of the federal poverty guidelines shall only be responsible for copayments equal to those required of enrollees in the MassHealth program, and no other deductible or cost sharing shall apply to these enrollees; provided further that individuals receiving premium assistance or point-of-service cost-sharing subsidies with income that does not exceed 150 per cent of said guidelines shall have available to them at least one plan with no premium contribution.”;

By inserting after section 66 the following section:

“SECTION 66A. Section 113 of chapter 58 of the acts of 2006 is hereby amended by inserting after the first sentence the following sentence:— Managed care organizations shall be required to file with MassHealth any contracts or subcontracts for the management and delivery of behavioral health services by specialty behavioral health organizations to MassHealth members, and MassHealth shall disclose such contracts upon request.”;

By inserting after section 73 the following section:

“SECTION 73A. Section 187 of chapter 38 of the acts of 2013 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:— The commission shall file its recommendations together with the drafts of legislation necessary to carry those into effect, with the clerks of the senate and the house of representatives, not later than 12 months after the first time the commission is convened.”;

By inserting after section 84 the following section:

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“SECTION 84A. The executive office of health and human services shall authorize an additional \$52,000,000 in item 1595-1068 for an operating transfer to the MassHealth provider payment account in the Medical Assistance Trust Fund established pursuant to section 2QQQ of chapter 29 of the General Laws; provided, that, except as otherwise provided in this section, these funds shall be expended on payment demonstration waivers pursuant to section 42 U.S.C. § 1315 for services provided during fiscal year 2015; provided further, that the additional authorization from the Medical Assistance Trust Fund shall be subject to the availability of federal financial participation, shall be made only under federally-approved payment methods, shall be consistent with federal funding requirements and all federal payment limits as determined by the secretary of health and human services and shall be subject to the terms and conditions of an agreement with the executive office of health and human services.”;

By inserting after section 101H (inserted by amendment) the following three sections:

“SECTION 101I. Effective July 1, 2014, MassHealth and any commercial insurer that insures MassHealth subscribers shall provide breast pumps to expectant and new mothers as specifically prescribed by their attending physician, consistent with the provisions of the Affordable Care Act of 2010.

SECTION 101J. Notwithstanding any general or special law to the contrary, the director of MassHealth, in collaboration with the department of correction, shall study the feasibility of enrolling incarcerated persons eligible for medical assistance under chapter 118E into MassHealth. [A]The director shall submit a report of its findings to the clerks of the house of representatives and senate, the joint committee on health care financing and the house and senate committees on ways and means on or before December 31, 2014.

SECTION 101K. There is hereby established a special commission on aphasia which shall consist of 13 members: 1 of whom shall be the secretary of the executive office of health and human services, or a designee, who shall serve as chair; 1 of whom shall be the commissioner of public health, or a designee; 1 of whom shall be the commissioner of insurance, or a designee; 3 members appointed by the senate president, 1 of whom shall be the senate chairman of the joint committee on public health, or a designee, 1 of whom shall be a person with aphasia and 1 of whom provides services to persons with aphasia; 3 members appointed by the speaker of the house of representatives, 1 of whom shall be the house chairman of the joint committee on public health, or a designee, 1 of whom shall be a person with aphasia and 1 of whom provides services to persons with aphasia; and 4 members appointed by the governor, 1 of whom shall be a person with aphasia, 1 of whom provides services to persons with aphasia, and 2 members of the public with demonstrated expertise in issues relating to the work of the commission. The commission shall study and make recommendations regarding the need for support programs to meet the needs of persons with aphasia and their families, and which shall include, but not be limited to: (1) establishing a mechanism in order to ascertain the prevalence of aphasia in Massachusetts, and the unmet

needs of persons with aphasia and those of their families; (2) studying model aphasia support programs, such as the Aphasia Center at Massachusetts General Hospital’s Institute of Health Professions Department of Communication Sciences and Disorders and the Aphasia Resource Center at Boston University College of Health & Rehabilitation Sciences; Sargent College; and (3) providing recommendations for additional legislation, support programs and resources necessary to meet the unmet needs of persons with aphasia and their families. The commission shall organize within 120 days following the appointment of a majority of its members. Vacancies in the membership of the commission shall be filled in the same manner provided for the original appointments. Public members shall serve without compensation, but shall be reimbursed for necessary travel expenses incurred in the performance of their duties. The executive office of health and human services may provide staff support to the commission. The commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the senate and the clerk of the house of representatives on or before December 31, 2014.”; and

By inserting after section 102A (inserted by amendment) the following section:

“SECTION 102B. Notwithstanding any general or special law to the contrary, the executive office of health and human services shall conduct a review of the financial impact of the failure of the health connector website following the implementation of the federal Patient Protection and Affordable Care Act. The review shall include a cost analysis of state funds expended for temporary coverage, including those funds that would have been reimbursed by the federal government had the Connector website been properly functioning. The executive office of health and human services shall provide a report of their findings to the joint committee on health care financing no later than July 31, 2014.”.

Pending the question on adoption of the amendments, Mr. Dempsey moved to amend them in proposed section 101J by striking out the last sentence [at “A”] and inserting in place thereof the following two sentences: “The director’s study shall include, but not be limited to: (i) allowing an individual who is enrolled in MassHealth at the time they become an inmate of a penal institution to have their benefits suspended indefinitely rather than terminated; (ii) the feasibility of immediate reactivation of MassHealth benefits upon release from a penal institution, while inpatients in a medical facility, or while living outside of the penal institution and are on parole, probation or home release; and (iii) an investigation of allowing an inmate of a penal institution to remain eligible for MassHealth while in such institution. The director shall submit a report of its findings, together with any recommended drafts of legislation, to the clerks of the house of representatives and senate, the joint committee on health care financing and the house and senate committees on ways and means on or before December 31, 2014.”.

The further amendment was adopted.

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After debate on the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Sánchez of Boston; and on the roll call (Mrs. Haddad of Somerset being in the Chair) 150 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 365 in Supplement.]

Therefore the consolidated amendments (health and human services and elder affairs), as amended, were adopted.

Mrs. O'Connell of Taunton and other members of House then moved to amend the bill by adding the following four sections:

"SECTION 192. Section 39½ of chapter 119 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 3 and 4, inclusive, the words 'or manned fire station' and inserting in place thereof the following:— , manned fire station or with an emergency responder at an agreed upon location following a 911 call.

SECTION 193. Section 39½ of said chapter 119, as so appearing, is hereby amended by striking, in line 6, in the first instance in which it appears, the word 'an' and inserting in place thereof the following:— and.

SECTION 194. Section 39½ of said chapter 119, as so appearing, is hereby amended by striking out, in lines 16 and 17, inclusive, the words 'hospital, police department or manned fire station' and inserting in place thereof the following:— designated facility.

SECTION 195. Section 39½ of said chapter 119, as so appearing, is hereby amended by inserting, in line 17, after the word 'police' the following:— , emergency responder."

Pending the question on adoption of the amendment, Mr. Bradley of Hingham moved to amend it by striking out the text in its entirety and inserting in place thereof the following:

"SECTION 192. The executive office of public safety and security, in conjunction with the department of children and families, shall investigate and study the feasibility of expanding the protections under section 39½ of chapter 119 of the General Laws to allow the placement into foster care any newborn infant aged 7 days or less that is voluntarily placed with an emergency responder at an agreed upon location following a 911 call. The study shall include, but not be limited to, the following: 1) the safety implications to children and families of such an expansion, and the benefits of allowing emergency responders to interact directly with parents; 2) the potential liability exposure to emergency responders, and the legal protections necessary to shield emergency responders during a request for placement; 3) the need to provide additional training and education for emergency responders and associated costs; and 4) rules, regulations and procedures required for implementation to maximize protections for both children and emergency responders. The executive office shall file its report, including recommendations for legislation, to the joint committee on public safety and homeland security no later than September 30, 2014."

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

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

In item 0320-0010 by striking out the figures "1,499,842" and inserting in place thereof the figures "1,552,213";

In item 0321-1600 by striking out the figures "13,000,000" and inserting in place thereof the figures "15,000,000";

In item 0321-2000 by striking out the figures "901,165" and inserting in place thereof the figures "976,165";

In item 0330-0300, in line 15, by inserting after the word "commonwealth;" the following: "provided further, that not less than \$30,000 shall be expended for the Grandparents Raising Grandchildren Project to provide legal services to such grandparents in the areas of family law and public benefits, and further requiring the chief justice of administration and management to make a report to the General Court on or before January 1, 2015, of all grandparents who requested legal services, their eligibility for such services and whether or not they were denied due to insufficient resources, including the legal problem for which they sought assistance; provided further, that not less than \$50,000 shall be expended for the creation of a special commission on the Grandparents Raising Grandchildren Project;" and by striking out the figures "219,443,472", and inserting in place thereof the figures "219,523,472";

In item 0337-0002 by adding the following: "; provided, that in fiscal year 2015 the department shall not reduce the amount allocated to the CASA programs appearing in item 0337-0300, 0337-0400, 0337-0600, 0337-0700 of section 2 of chapter 182 of the acts of 2008 by more than 5 per cent; and provided further, that no less than \$52,000 shall be expended for the Berkshire County CASA program", and by striking out the figures "18,033,762" and inserting in place thereof the figures "18,530,964";

In item 0340-0100 by striking out the figures "17,574,871" and inserting in place thereof the figures "17,597,589";

In item 0340-0200 by striking out the figures "14,990,024" and inserting in place thereof the figures "15,012,742";

In item 0340-0300 by striking out the figures "9,206,277" and inserting in place thereof the figures "9,228,995";

In item 0340-0400 by striking out the figures "10,066,246" and inserting in place thereof the figures "10,088,964";

In item 0340-0500 by striking out the figures "8,762,982" and inserting in place thereof the figures "8,785,700";

In item 0340-0600, in line 6, by inserting after the word "item;" the following: "provided further, that not less than \$215,000 shall be expended for the Anti-Crime Task Force;" and by striking out the figures "5,457,818" and inserting in place thereof the figures "5,695,536";

In item 0340-0700 by striking out the figures "8,975,851" and inserting in place thereof the figures "8,998,569";

In item 0340-0800 by striking out the figures "7,788,509" and inserting in place thereof the figures "7,811,227";

In item 0340-0900 by striking out the figures "8,102,695" and inserting in place thereof the figures "8,125,413";

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In item 0340-1000 by striking out the figures "3,966,083" and inserting in place thereof the figures "3,988,801";

In item 0340-1100 by striking out the figures "3,963,122" and inserting in place thereof the figures "3,985,840";

In item 0340-2100 by striking out the figures "1,934,406" and inserting in place thereof the figures "2,034,406";

In item 8000-0600 by adding the following: "provided further, that not less than \$300,000 shall be expended to the town of Ludlow for public safety improvements; provided further, that not less than \$50,000 shall be expended to the town of Watertown for public safety improvements; provided further, that not less than \$50,000 shall be expended to the town of Waltham for public safety improvements; provided further, that not less than \$50,000 shall be expended to the town of Hadley for public safety improvements; provided further, that not less than \$50,000 shall be expended to the city of Melrose for public safety improvements; provided further, that not less than \$100,000 shall be expended to the town of Hamilton for public safety improvements; provided further, that not less than \$100,000 shall be expended to the town of Fairhaven for public safety improvements; provided further, that not less than \$33,000 shall be expended to the town of Hopedale for public safety improvements; provided further, that not less than \$75,000 shall be expended to the town of Agawam for public safety improvements; provided further, that not less than \$50,000 shall be expended for the town of Townsend for public safety improvements, provided further, that not less than \$50,000 shall be expended for the town of Seekonk for public safety improvements; and provided further, that not less than \$150,000 shall be expended to the town of Braintree for public safety improvements", and by striking out the figures "2,146,693" and inserting in place thereof the figures "3,204,693";

In item 8100-0111 by striking out the figures "4,000,000" and inserting in place thereof the figures "6,000,000";

In item 8100-1001, in line 17, by inserting after the word "abuse;" the following: "provided further, that not less than \$1,000,000 shall be expended for the payroll costs of the state police directed patrols; provided further, that subject to appropriation communities receiving funds for directed patrols in fiscal year 2008 shall receive an equal disbursement of funds in proportion to the current appropriation in fiscal year 2015; provided further, that funds shall be expended for directed patrols at Constitution Beach in East Boston; provided further, that not less than \$200,000 shall be expended for Operation Cutone; provided further, that there shall be a study submitted to the house and senate committees on ways and means not later than October 31, 2014 on the costs associated with equipping all State Police vehicles with Automated External Defibrillators;", and by striking out the figures "253,925,538" and inserting in place thereof the figures "255,125,538";

In item 8200-0200, in line 4, by inserting after the following "8200-0222;" the following: "provided further, that towns in Worcester County hosting municipal police training academies shall not receive less than the amount appropriated in section 2 of chapter 68 of the acts of 2011;", and by striking out the figures "4,303,373" and inserting in place thereof the figures "4,328,373";

In item 8200-0222 by striking out the figures "1,200,000" and inserting in place thereof the figures "1,800,000";

In item 8324-0000, in line 8, by inserting after the word "option;" the following: "provided further, that \$1,200,000 shall be allocated by the department for the Student Awareness Fire Education program; provided further, that the amount allocated for critical incident stress management services in item 8000-0000 of section 2 of chapter 182 of the acts of 2008 shall be allocated to the program in fiscal year 2015; provided further, that \$200,000 shall be allocated to On-Site Academy, to provide training and treatment programs for emergency personnel for critical incident stress management or substance abuse; provided further, that \$50,000 shall be provided for the city of Quincy fire department hazardous material response team; provided further that not less than \$20,000 shall be expended for the city of Holyoke to purchase or offset the cost of purchasing new turnout gear;", and by striking out the figures "17,003,046" and inserting in place thereof the figures "18,573,046";

In item 8800-0001 by adding the following: "and provided further, that not less than \$100,000 shall be expended for the American Red Cross in Massachusetts", and by striking out the figures "1,645,447" and inserting in place thereof the figures "1,745,447";

In item 8900-0001 by adding the following: "provided further, that the amount allocated for programs for incarcerated mothers in item 8900-0001 of section 2 of chapter 131 of the acts of 2010 shall be allocated to the program in fiscal year 2015; provided further, that not less than \$50,000 shall be expended to continue the opiate abuse pilot programs in cooperation with the Greater Lowell Health Alliance in item 8900-0001 of chapter 38 of the acts of 2013; provided further, that the department shall expend not less than \$2,200,000 for municipalities hosting department of correction facilities; provided further, that of that \$2,200,000, no municipality hosting a department of correction facility shall receive more than \$800,000; provided further, that of the \$2,200,000, the municipality hosting the facility at Cedar Junction shall receive no less than the amount allocated in item 8900-0001 of section 2 of chapter 68 of the acts of 2011; provided further, that of the remaining amount, one hundred per cent shall be distributed to each host municipality by dividing said remaining amount by the average daily prisoner population at all department of correction facilities, multiplied by the average daily prisoner population located within each host municipality; provided further, that the amount allocated for the Dismas House in Worcester in item 8900-0001 of section 2 of chapter 182 of the acts of 2008 shall be expended for the program in fiscal year 2015; and provided further, no less than \$68,000 shall be expended for Dispute Resolutions Services, Inc. of Springfield", and in said item by striking out the figures "559,081,788" and inserting in place thereof the figures "561,679,788";

In item 8910-0102 by striking out the figures "69,489,154" and inserting in place thereof the figures "69,517,654";

In item 8910-0105 by striking out the figures "44,060,699" and inserting in place thereof the figures "44,089,199";

In item 8910-0107 by striking out the figures "67,378,662" and inserting in place thereof the figures "67,407,162";

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In item 8910-0110 by striking out the figures "13,269,940" and inserting in place thereof the figures "13,298,440";

In item 8910-0145 by striking out the figures "17,277,775" and inserting in place thereof the figures "17,306,275";

In item 8910-0108 by adding the following: "; provided further, that no less than \$100,000 shall be expended for the Franklin County Opioid Education and Awareness Task Force", and in said item by striking out the figures "11,018,234" and inserting in place thereof the figures "11,146,734";

In item 8910-0619 by striking out the figures "50,503,975" and inserting in place thereof the figures "50,532,475";

In item 8910-8200 by striking out the figures "27,104,298" and inserting in place thereof the figures "27,132,798";

In item 8910-8300 by striking out the figures "38,972,896" and inserting in place thereof the figures "39,001,396";

In item 8910-8400 by striking out the figures "2,893,447" and inserting in place thereof the figures "2,915,947";

In item 8910-8500 by striking out the figures "747,844" and inserting in place thereof the figures "772,328";

In item 8910-8600 by striking out the figures "29,794,894" and inserting in place thereof the figures "29,823,394";

In item 8910-8700 by striking out the figures "38,087,342" and inserting in place thereof the figures "38,115,842"; and

In item 8910-8800 by striking out the figures "98,426,712" and inserting in place thereof the figures "98,455,212";

By inserting after section 4 the following four sections:

"SECTION 4A. Subsection (a) of section 172 of chapter 6 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following clause:—

(31) Navigator organizations certified by the commonwealth health insurance connector in accordance with section 1311(i) of Public Law 111-148, 42 U.S.C. 18031, may obtain from the department data permitted under section 172L.

SECTION 4B. Section 172A of said chapter 6, as so appearing, is hereby further amended by inserting after the word "entity", in line 7, the following words:—, including any requests from navigator organizations certified by the commonwealth health insurance connector authority in accordance with section 1311(i) of Public Law 111-148, 42 U.S.C. 18031.

SECTION 4C. Said chapter 6 is hereby amended by inserting after section 172K the following section:—

Section 172L. Navigator organizations certified by the commonwealth health insurance connector in accordance with section 1311(i) of Public Law 111-148, 42 U.S.C. 18031 shall obtain from the department all available criminal offender record information prior to accepting any person as a new employee. Navigator organizations shall obtain from the department periodically, but not less frequently than every 3 years, all available criminal offender record information of current employees. Any organization obtaining information pursuant to this section shall not disseminate such information for any purpose other than the protection of persons utilizing a navigator organization's services.

SECTION 4D. Navigator organizations certified by the commonwealth health insurance connector in accordance with section 1311(i) of Public Law 111-148, 42 U.S.C shall obtain from the department of criminal justice information services all available criminal offender record information, as that term is defined in section 167 of chapter 6 of the General Laws, of all current employees within 1 year of the effective date of this act. Any organization obtaining information pursuant to this section shall not disseminate such information for any purpose other than the protection of persons utilizing a navigator organization's services.";

By inserting after section 10F (inserted by amendment) the following section:

"SECTION 10H. Section 15 of chapter 12 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 4, the figure '\$148,843' and inserting in place thereof the following figure:— \$171,561.";

By inserting after section 26F (inserted by amendment) the following section:

"SECTION 26G. Subdivision (2) of section 5 of chapter 32 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the words 'chapter 150E', in line 187, the following words:—, from an increase in salary for a member whose salary amount is specified by statute;"

By inserting after section 32C (inserted by amendment) the following three sections:

"SECTION 32D. Section 17 of chapter 37 of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the figure '\$123,209' and inserting in place thereof the following figure:— \$151,709.

SECTION 32E. Said section 17 of said chapter 37, as so appearing, is hereby further amended by striking out, in line 14, the figure '\$97,271' and inserting in place thereof the following figure:— \$119,771.

SECTION 32F. Said section 17 of said chapter 37, as so appearing, is hereby further amended by striking out, in line 15, the figure '\$71,332' and inserting in place thereof the following figure:— \$95,816.";

By inserting after section 62B (inserted by amendment) the following three sections:

"SECTION 62C. Section 26F½ of chapter 148 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words 'occupied in whole or in part for residential purposes,'.

SECTION 62D. Section 26F½ of chapter 148 of the General Laws, as so appearing, is hereby amended by striking out, in lines 21 and 22, the words 'occupied in whole or in part for residential purposes,'.

SECTION 62E. Section 26F½ of chapter 148 of the General Laws, as so appearing, is hereby amended by striking out, in lines 28 and 29, the words 'occupied in whole or in part for residential purposes,'.";

By inserting after section 66A (inserted by amendment) the following section:

"SECTION 66B. Section 28D½ of chapter 278 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the first paragraph the following 2 paragraphs:—

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The first assistant clerk and the second assistant clerk of the appellate division shall receive from the commonwealth as salary an amount equal to 10 per cent of, and in addition to, the salaries established and paid to them as first assistant clerk and second assistant clerk, respectively, of the superior court for criminal business in the county of Suffolk.

An employee of the office of the clerk of the superior court for criminal business in the county of Suffolk shall be designated by the clerk as a clerical assistant in matters pertaining to the business of the appellate division. The clerical assistant, so designated, shall receive from the commonwealth as salary an amount equal to 10 per cent of, and in addition to, the salary established and paid to said employee in the position held by said employee in the office of the clerk.”

In section 86, in lines 903 to 953, inclusive by striking out the paragraphs contained in those lines;

By inserting after section 101K (inserted by amendment) the following section:

“SECTION 101L. (a) Notwithstanding any general or special law to the contrary, all state crime laboratories and facilities established pursuant to section 7 of chapter 22E of the General Laws, and all local police departments shall undertake a physical inventory of sexual assault evidence collection kits in their possession by November 1, 2014. The director of the state crime laboratory and the chief law enforcement officer of each city and town shall provide a written report to the secretary of public safety and security no later than December 1, 2014 indicating:

(a) the number of sexual assault evidence collection kits in their possession containing forensic evidence, as defined by section 220 of chapter 111 of the General Laws, that have not undergone DNA analysis, as defined by section 1 of chapter 22E of the General Laws, as of September 1, 2014; and (b) the month and year that each untested sexual assault evidence collection kit containing forensic evidence was received by the reporting laboratory or local police department. (b) The secretary of the executive office of public safety and security shall prepare and transmit a report to the clerks of the house of representatives and the senate containing the information reported under this section on or before January 1, 2015.”

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Markey of Dartmouth; and on the roll call (Mr. Donato of Medford being in the Chair) 148 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 366 in Supplement.]

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

Therefore the consolidated amendments (public safety and judiciary) were adopted.

Mrs. Haddad of Somerset being in the Chair,—

Representatives Gordon of Bedford and McMurtry of Dedham then moved to amend the bill by adding the following section:

“SECTION 193. Section 1 of chapter 62D of the General Laws, as so appearing, is hereby amended by inserting after the definition of “Debtor”, the following definition:—

‘Federal tax refund payment’, any overpayment of federal taxes to be refunded to the person making the overpayment after the Internal Revenue Service makes the appropriate credits as provided in 26 U.S.C. §6402(a) and 26 CFR §6402-3(a)(6)(i) for any liabilities for any federal tax on the part of the person who made the overpayment.

Section 1 of chapter 151A of the General Laws, as so appearing, is hereby amended by adding the following subsection:—

(v) ‘Unemployment compensation debt’ shall have the same meaning as ‘covered unemployment compensation debt’ in 26 U.S.C. § 6402(f)(4).

Chapter 151A, as so appearing, is hereby further amended by inserting after section 14P the following section:—

Section 14Q. The commissioner may enter into an agreement with the Secretary of the Department of Treasury, pursuant to the provisions of 26 U.S.C. §6402(f) and 31 CFR §285.8, to transmit valid, unpaid, and overdue unemployment compensation debts to the Financial Management Service, a bureau of the U.S. Department of the Treasury, for collection by offset of federal tax refund payments through the treasury offset program. If the commissioner chooses to participate in the treasury offset program to recover unemployment compensation debt, the commissioner shall adhere to all rules, policies, and guidance as required by the U.S. Department of the Treasury and the U.S. Department of Labor in implementing and administering the program. The commissioner may promulgate such regulations as needed to implement this section.

Section 15 of said chapter 151A, as appearing in the 2012 Official Edition, is hereby amended by adding the following subsection:—

(f) If an assessment, or any administrative decision upon review thereof, has become final and the contributions, payments in lieu of contributions, interest or penalties thereby assessed remain unpaid, the director may refer the unpaid and overdue amount to the secretary of the department of treasury for collection pursuant to the provisions of 26 U.S.C. §6402(f), the treasury offset program; provided, that all procedures for notice and opportunity to present evidence as required by 31 CFR §285.8 have been followed.

Section 69B of said chapter 151A, as so appearing, is hereby amended by adding the following paragraph:

In addition to any other remedy provided by this chapter, the commissioner may request that the amount payable to the department by an individual resulting from an overpayment of unemployment benefits which has become final as specified in 430 CMR 6.12 be set off against any federal tax refund payment owed such individual by the U.S. Department of Treasury, in accordance with the requirements of the Treasury Offset Program pursuant to section 14Q.”

The amendment was adopted.

Representatives Keefe of Worcester and McMurtry of Dedham then moved to amend the bill by adding the following section:

“SECTION 194. Chapter 151A is hereby further amended by striking out section 29D, as so appearing, and inserting in place thereof the following section:—

Section 29D. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:—

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'Affected unit', a specified plant, department, shift or other definable unit that includes 2 or more workers to which an approved worksharing plan applies.

'Director', the director of the department or the director's authorized representative.

'Health and retirement benefits', health benefits, and retirement benefits provided by an employer under a defined benefit pension plan as defined in section 414(j) of the Internal Revenue Code, or contributions under a defined contribution plan defined in section 414(i) of said Code, which are incidents of employment in addition to the cash remuneration earned.

'Worksharing benefits', the unemployment benefits payable to employees in an affected unit under an approved worksharing plan, as distinguished from the unemployment benefits otherwise payable under the unemployment compensation provisions of this chapter.

'Worksharing plan', a plan submitted by an employer, for approval by the director, under which the employer requests the payment of worksharing benefits to workers in an affected unit of the employer to avert layoffs.

'Usual weekly hours of work', the usual hours of work for full-time or regular part-time employees in the affected unit when that unit is operating on its regular basis, not to exceed 40 hours and not including hours of overtime work.

'Unemployment compensation', the unemployment benefits payable under this chapter other than worksharing benefits, including any amounts payable pursuant to an agreement under any Federal law providing for compensation, assistance or allowances with respect to unemployment.

(b) An employer wishing to participate in a worksharing program shall submit a signed written worksharing plan and application form to the director for approval. The director shall develop an application form to request approval of a worksharing plan and an approval process. Any application, whether for initial approval, approval following one or more disapprovals, for modification, or for participation in another worksharing plan after the expiration or termination of an approved plan, shall include: (1) The affected unit or units covered by the plan, including the number of full-time or part-time workers in such unit, the percentage of workers in the affected unit covered by the plan, identification of each individual employee in the affected unit by name, social security number and the employer's unemployment tax account number, and any other information required by the director to identify plan participants.

(2) A description of how workers in the affected unit will be notified of the employer's participation in the worksharing program if such application is approved, including how the employer will notify those workers in a collective bargaining unit, as well as any workers in the affected unit who are not in a collective bargaining unit. If the employer will not provide advance notice to workers in the affected unit, the employer shall explain in a statement in the application why it is not feasible to provide such notice.

(3) A requirement that the employer identify the usual weekly hours of work for employees in the affected unit and the specific percentage

by which their hours will be reduced during all weeks covered by the plan. An application shall specify the percentage of reduction for which a worksharing application may be approved which shall be not less than 10 percent and not more than 60 percent. If the plan includes any week for which the employer regularly provides no work due to a holiday or other plant closing, then such week shall be identified in the application.

(4) Certification by the employer that, if the employer provides health and retirement benefits to any employee whose usual weekly hours of work are reduced under the program, such benefits will continue to be provided to employees participating in the worksharing program under the same terms and conditions as though the usual weekly hours of work of such employee had not been reduced or to the same extent as other employees not participating in the worksharing program.

For defined benefit retirement plans, the hours that are reduced under the worksharing plan shall be credited for purposes of participation, vesting and accrual of benefits as though the usual weekly hours of work had not been reduced. The dollar amount of employer contributions to a defined contribution plan that are based on a percentage of compensation may be less due to the reduction in the employee's compensation.

Notwithstanding the above, an application may contain the required certification when a reduction in health and retirement benefits scheduled to occur during the duration of the plan will be applicable equally to employees who are not participating in the worksharing program and to those employees who are participating.

(5) Certification by the employer that the aggregate reduction in work hours is in lieu of temporary or permanent layoffs, or both. The application shall include an estimate of the number of workers who would have been laid off in the absence of the worksharing plan. The plan shall not serve as a subsidy of seasonal employment during the off season, nor as a subsidy of temporary part-time or intermittent employment.

(6) Agreement by the employer to: furnish reports to the director relating to the proper conduct of the plan; allow the director or the director's authorized representatives access to all records necessary to approve or disapprove the plan application, and after approval of a plan, to monitor and evaluate the plan; and follow any other directives the director deems necessary for the agency to implement the plan and that are consistent with the requirements for plan applications.

(7) Certification by the employer that participation in the worksharing plan and its implementation are consistent with the employer's obligations under applicable federal and state laws.

(8) The effective date and duration of the plan that shall expire not later than the end of the twelfth full calendar month after the effective date.

(9) The written approval by the collective bargaining agent for each collective bargaining agreement for each affected unit is included in the plan.

(10) Any other provision added to the application by the director that the United States Secretary of Labor determines to be appropriate for purposes of a worksharing program.

(c) The director shall approve or disapprove a worksharing plan in writing within 15 days of its receipt and promptly communicate the

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decision to the employer. The disapproval shall be final, but the employer shall be allowed to submit another worksharing plan for approval not earlier than 7 days from the date of the disapproval.

(d) A worksharing plan shall be effective on the date that is mutually agreed upon by the employer and the director, which shall be specified in the notice of approval to the employer. The plan shall expire on the date specified in the notice of approval, which shall be either the date at the end of the twelfth full calendar month after its effective date or an earlier date mutually agreed upon by the employer and the director; provided, however, that if a worksharing plan is revoked by the director pursuant to subsection (e), the plan shall terminate on the date specified in the director's written order of revocation. An employer may terminate a worksharing plan at any time upon written notice to the director. Upon receipt of such notice from the employer, the director shall promptly notify each employee of the affected unit of the termination date. An employer may submit a new application to participate in another worksharing plan at any time after the expiration or termination date.

(e) The director may revoke approval of a worksharing plan for good cause at any time, including upon the request of any of the affected unit's employees. The revocation order shall be in writing and shall specify the reasons for the revocation and the date the revocation is effective.

The director may periodically review the operation of each employer's worksharing plan to assure that no good cause exists for revocation of the approval of the plan. Good cause shall include, but not be limited to, failure to comply with the assurances given in the plan, unreasonable revision of productivity standards for the affected unit, conduct or occurrences tending to defeat the intent and effective operation of the worksharing plan and violation of any criteria on which approval of the plan was based.

(f) An employer may request a modification of an approved plan by filing a written request with the director. The request shall identify the specific provisions proposed to be modified and provide an explanation of why the proposed modification is appropriate for the worksharing plan. The director shall approve or disapprove the proposed modification in writing within 15 days of receipt and promptly communicate the decision to the employer.

The director may approve a request for modification of the plan based on conditions that have changed since the plan was approved; provided that the modification is consistent with and supports the purposes for which the plan was initially approved. A modification does not extend the expiration date of the original plan, and the director shall promptly notify the employer whether the plan modification has been approved and, if approved, the effective date of the modification.

An employer is not required to request approval of a plan modification from the director if the change is not substantial, but the employer shall report every change to the plan to the director promptly and in writing. The director may terminate an employer's plan if the employer fails to meet this reporting requirement. If the director determines that the reported change is substantial, the director shall require the employer to request a modification to the plan.

(g) An individual is eligible to receive worksharing benefits with respect to any week only if the individual is monetarily eligible for unemployment compensation, not otherwise disqualified for unemployment compensation and:

(1) During the week, the individual is employed as a member of an affected unit under an approved worksharing plan, which was approved prior to that week, and the plan is in effect with respect to the week for which worksharing benefits are claimed.

(2) Notwithstanding any other provisions of this chapter relating to availability for work and actively seeking work, the individual is available for the individual's usual hours of work with the worksharing employer, which may include, for purposes of this section, participating in training to enhance job skills that is approved by the director such as employer-sponsored training or training funded under the Workforce Investment Act of 1998.

(3) Notwithstanding any other provision of law, an individual covered by a worksharing plan is deemed unemployed in any week during the duration of such plan if the individual's remuneration as an employee in an affected unit is reduced based on a reduction of the individual's usual weekly hours of work under an approved worksharing plan.

(h) (1) The worksharing weekly benefit amount shall be the product of the regular weekly unemployment compensation amount for a week of total unemployment multiplied by the percentage of reduction in the individual's usual weekly hours of work.

(2) An individual may be eligible for worksharing benefits or unemployment compensation, as appropriate, except that no individual shall be eligible for combined benefits in any benefit year in an amount more than the maximum entitlement established for regular unemployment compensation, nor shall an individual be paid worksharing benefits for more than 52 weeks under a worksharing plan.

(3) The worksharing benefits paid to an individual shall be deducted from the maximum entitlement amount of regular unemployment compensation established for that individual's benefit year.

(4) Provisions applicable to unemployment compensation claimants shall apply to worksharing claimants to the extent that they are not inconsistent with worksharing provisions. An individual who files an initial claim for worksharing benefits shall receive a monetary determination.

(5) The following provisions apply to individuals who work for both a worksharing employer and another employer during weeks covered by the approved worksharing plan:

(i) If combined hours of work in a week for both employers does not result in a reduction of at least 10 per cent or, if higher, the minimum percentage of reduction required to be eligible for a worksharing benefit as provided in this section, of the usual weekly hours of work with the worksharing employer, the individual shall not be entitled to benefits under these worksharing provisions.

(ii) If the combined hours of work for both employers results in a reduction equal to or greater than 10 per cent; or, if higher, the minimum percentage reduction required to be eligible for a worksharing benefit as provided in state law, of the usual weekly hours of work for

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the worksharing employer, the worksharing benefit amount payable to the individual is reduced for that week and is determined by multiplying the weekly unemployment benefit amount for a week of total unemployment by the percentage by which the combined hours of work have been reduced by 10 per cent or, if higher, the minimum percentage reduction required to be eligible for a worksharing benefit as provided in this section, or more of the individual's usual weekly hours of work. A week for which benefits are paid under this provision shall be reported as a week of worksharing.

(iii) If an individual worked the reduced percentage of the usual weekly hours of work for the worksharing employer and is available for all of the individual's usual hours of work with the worksharing employer, and the individual did not work any hours for the other employer, either because of the lack of work with that employer or because the individual is excused from work with the other employer, the individual shall be eligible for worksharing benefits for that week. The benefit amount for such week shall be calculated as provided in subsection (i).

(6) An individual who is not provided any work during a week by the worksharing employer, or any other employer, and who is otherwise eligible for unemployment compensation shall be eligible for the amount of regular unemployment compensation to which the individual would otherwise be eligible.

(7) An individual who is not provided any work by the worksharing employer during a week, but who works for another employer and is otherwise eligible may be paid unemployment compensation for that week subject to the disqualifying income and other provisions applicable to claims for regular compensation.

(i) Worksharing benefits shall be charged to employers' experience rating accounts in the same manner as unemployment compensation is charged under this chapter. Employers liable for payments in lieu of contributions shall have worksharing benefits attributed to service in their employ in the same manner as unemployment compensation is attributed.

(j) An individual who has received all of the worksharing benefits or combined unemployment compensation and worksharing benefits available in a benefit year shall be considered an exhaustee for purposes of extended benefits, as provided under the provisions of section 30A, and if otherwise eligible under those provisions, shall be eligible to receive extended benefits.

(k) Notwithstanding any other provision of this chapter relating to charges, all worksharing benefits shall be charged to the account of the worksharing employer. Benefits paid under this section shall be charged to the employer's account in the same manner as regular benefits are charged, except that, if the employer's account reserve percentage is negative as of the most recent computation date, the employer shall be charged and billed in accordance with the provisions of section 14A as if the employer had elected to make payments in lieu of contributions. Benefits paid under this section to employees of employers who have elected to make payments in lieu of contributions shall be charged in accordance with said section 14A.

(l) The director may utilize any remedies provided by this chapter to recover worksharing benefits that were improperly paid as a result of information that was substantially misleading or that contained a material misrepresentation of fact and was submitted to the director in connection with the approval, modification or implementation of a worksharing plan."

The amendment was adopted.

Representatives Keefe and McMurtry then moved to amend the bill by adding the following section:

"SECTION 195. (A) Section 11E of chapter 23 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 2, the words 'to consist of 8 members, 6 of whom', and inserting in place thereof the following words:— to consist of 10 members, 8 of whom.

(B) Said section 11E of said chapter 23, as so appearing, is hereby further amended by inserting after the fourth sentence the following sentence:— The 2 remaining appointive members shall be members of the public who shall be appointed for terms of 3 years.

(C) Section 11F of said chapter 23, as so appearing, is hereby amended by striking out, in line 3, the word 'training' and inserting in place thereof the following word:— standards.

(D) Section 11G of said chapter 23, as so appearing, is hereby amended by striking out, in line 8, the words 'same trade or group of trades' and inserting in place thereof the following words:— same occupation or group of occupations.

(E) Section 11H of said chapter 23, as so appearing, is hereby amended by inserting after the word 'apprenticed', in line 13, the following words:— , or in the case of licensed occupations, as required by regulations of the licensing board.

(F) Said section 11H of said chapter 23, as so appearing, is hereby further amended by striking out, in line 15, the words 'a skilled trade' and inserting in place thereof the following words:— an occupation.

(G) Said section 11H of said chapter 23, as so appearing, is hereby further amended by inserting after the definition of 'Apprentice program sponsor', the following definition:— "Department", the department of labor standards.

(H) Said section 11H of said chapter 23, as so appearing, is hereby further amended by striking out, in line 29, the words 'apprentice training' and inserting in place thereof the following words:— the department.

(I) Said section 11H of said chapter 23, as so appearing, is hereby further amended by striking out, in line 31, the word 'training' and inserting in place thereof the following word:— standards.

(J) Said section 11H of said chapter 23, as so appearing, is hereby further amended by inserting after the definition of 'Division', the following definition:— 'Licensing entity', a state agency, including the division of professional licensure, established by section 8 of chapter 113, and the department of public safety, established by section 1 of chapter 22, which issues licenses to individuals to engage in occupations.

(K) Said section 11H of said chapter 23, as so appearing, is hereby further amended by striking out, in line 34, the words 'trade or'.

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(L) Section 11I of said chapter 23, as so appearing, is hereby amended by inserting after the word 'apprenticed', in line 9, the following words:—, or in the case of licensed trades, as required by the regulations of the licensing entity, as applicable.

(M) Section 11I of said chapter 23, as so appearing, is hereby further amended by striking out, in lines 13 and 14, the words ', averaging at least ½ of the rate of pay of a journey person over a similar period'.

(N) Section 11I of said chapter 23, as so appearing, is hereby further amended by striking out, in lines 19 and 20, the words '6 months', and inserting in place thereof the following words:— the lesser of (i) 1 year or (ii) 25 per cent of the length of the apprentice program from the date.

(O) Section 11K of said chapter 23, as so appearing, is hereby amended by inserting after the word 'learned', in line 19, the following words:—; or in the case of licensed trades, as required by the regulations of the licensing entity, as applicable.

(P) Section 11T of said chapter 23, as so appearing, is hereby amended by inserting after the figure '10', in lines 36 and 38, in each instance, the following word:— business.

(Q) Section 11U of said chapter 23, as so appearing, is hereby amended by inserting after the figure '10', in line 18, the following word:— business.

(R) Section 11W of said chapter 23, as so appearing, is hereby amended by striking out, in line 4, the figure '\$35'.

(S) Said section 11W of said chapter 23, as so appearing, is hereby further amended by inserting after the word 'prints', in line 5, the following words:— and such other information.

(T) Said section 11W of said chapter 23, as so appearing, is hereby further amended by inserting after the word 'director', in line 6, the following words:—, except that a veteran receiving education benefits from the Department of Veterans Affairs under Title 38 of the United States Code shall not be required to pay a fee.

(U) Said section 11W of said chapter 23, as so appearing, is hereby further amended by striking out, in line 8, the words 'of \$35'.

(V) Said section 11W of said chapter 23, as so appearing, is hereby further amended by striking out, in line 12, the word 'deputy'.

The amendment was adopted.

Mr. Frost of Auburn and other members of the House then moved to amend the bill in section 2, in item 7100-0200, by adding at the end thereof the following: " provided further, not less than \$1,135,000 shall be expended by the University of Massachusetts at Lowell for the Silent Spring Institute for a two year study of environmental contaminants and that any and all findings shall be reported to all communities involved, as well as the Cape Cod Commission to inform the Barnstable County Regional Wastewater Management Plan and the county shall incorporate these findings in its Regional Wastewater Management Plan, provided that such funding may be expended through June 30, 2017." After remarks the amendment was rejected.

Mrs. O'Connell of Taunton and other members of the House then moved to amend the bill by adding the following five sections:

"SECTION 196. Section 27 of chapter 149 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by

striking out the last paragraph and inserting in place thereof the following paragraph:—

Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any lost wages and other benefits. Any employee so aggrieved who prevails in such an action shall, if the violation is willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be awarded damages as determined by the court for any lost wages and other benefits and may also be awarded the costs of the litigation and reasonable attorneys' fees.

SECTION 197. Section 27F of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:—

Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved who prevails in such an action shall, if the violation is willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be awarded damages as determined by the court for any lost wages and other benefits and may also be awarded the costs of the litigation and reasonable attorneys' fees.

SECTION 198. Section 27G of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:—

Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any lost wages and other benefits. Any employee so aggrieved who prevails in such an action shall if the violation is willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be awarded damages as determined by the court for any lost wages and other benefits and the employee may also be awarded the costs of the litigation and reasonable attorneys' fees.

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SECTION 199. Section 27H of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:—

Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any lost wages and other benefits. Any employee so aggrieved who prevails in such an action shall, if the violation is willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be awarded damages as determined by the court for any lost wages and other benefits and may also be awarded the costs of the litigation and reasonable attorneys' fees.

SECTION 200. Section 150 of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:—

Any employee claiming to be aggrieved by a violation of sections 33E, 148, 148A, 148B, 150C, 152, 152A or 159C or section 19 of chapter 151 may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any lost wages and other benefits. Any employee so aggrieved and who prevails in such an action shall, if the violation is willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be awarded damages as determined by the court for any lost wages and other benefits and may also be awarded the costs of the litigation and reasonable attorneys' fees."

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 Mrs. O'Connell; and on the roll call 29 members voted in the affirmative and 121 in the negative.

[See Yea and Nay No. 367 in Supplement.]

Therefore the amendment was rejected.

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2 by striking out item 1599-0026 and inserting in place thereof the following item:

"1599-0026 For a reserve to support municipal improvements; provided, that these funds shall be expended to fund the District Local Technical Assistance Fund, established in section 2XXX of chapter 29 of the General Laws, including projects that encourage regionalization, to be administered by

the division of local services and distributed through the District Local Technical Assistance Fund; provided further, that \$20,000 shall be expended to the Cape Cod Mosquito Control Project to conduct a study to determine a basis for separation from the State Reclamation Board to an independent agency on Cape Cod; provided further, that not less than \$120,000 shall be granted to the town of Canton; provided further, that not less than \$500,000 shall be expended to mitigate student overcrowding in the city of Haverhill; provided further, that not less than \$240,000 shall be expended for a one-time grant to the city of Quincy; and provided further, that \$100,000 shall be expended for the costs associated with the technological upgrades for the Westford public school district..... \$3,780,000";

In item 7002-0010 by adding the following: "; provided further, that not less than \$55,600 shall be expended for the operation of a pilot program at the Blackstone Valley Education Foundation to provide collaboration between public school districts and area manufacturers, including identifying prospective students, offering on-site training sessions, and creating a technical skills-oriented curriculum at participating schools; and provided further, that not less than \$50,000 shall be provided for 495/MetroWest Corridor Partnership, Inc. to coordinate the 495/MetroWest Suburban Edge Community Commission established in section YY"; and by striking out the figures "1,287,712" and inserting in place thereof the figures "1,393,312";

In item 7003-0803 by adding the following: "; provided, that not less than \$200,000 shall be expended for the one-stop career center JobNet in the Boston service delivery area"; and by striking out the figures "4,250,982" and inserting in place thereof the figures "4,950,982";

By inserting after item 7003-0803 the following item:
"7003-0808 For the operation of the Massachusetts Workforce Professionals Association..... \$75,000";

In item 7003-1206 by adding the following: "; provided, that not less than \$250,000 shall be expended towards workforce efforts at the Pine Street Inn in the city of Boston; provided further, that not less than \$50,000 shall be expended for the Moving Ahead Program at the St. Francis House in the city of Boston; provided further, that not less than \$250,000 shall be expended for the New England Farm Workers' Council; provided further, that not less than \$200,000 shall be expended for the Massachusetts Latino Chamber of Commerce; provided further, that not less than \$400,000 shall be expended for the Urban League of Eastern Massachusetts; provided further, that not less than \$400,000 shall be expended for the Urban League of Springfield; provided further, that not less than \$75,000 shall be expended for programs supporting and promoting cultural heritage, diversity, and education in the city of Boston that were in item 7007-0900 of chapter 182 of the acts of 2008; provided further, that not less than \$124,888 shall be expended for the Career Resources Corporation in the city of Haverhill for the provision of employment services to veterans with

Amendment rejected,—yea and nay No. 367.

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disabilities; provided further, that not less than \$15,000 shall be expended for the Turning Point Day Resource Center for the Homeless in the town of Wareham; and provided further, that not less than \$65,000 shall be expended for Tri-City Community Action Program, Inc. in the city of Malden”, and by striking out the figures “600,000” and inserting in place thereof the figures “2,729,888”;

In item 7007-0300 by adding the following: “; provided, that not less than \$100,000 shall be expended for the Springfield Business Improvement District; provided further, that not less than \$100,000 shall be expended for the Massachusetts Development Finance Agency to administer a grant program for early stage development of waterfront community development corporations located in a designated port area established under 301 CMR 25.00 et seq.; and provided, that the community development corporations must demonstrate that (i) the designated port area has been negatively impacted by the decline in fishing stocks; and (ii) the community development corporation’s mission will include, but not be limited to, utilization of federal or state tax credits”, and by striking out the figures “1,691,162” and inserting in place thereof the figures “1,891,162”;

By inserting after item 7007-0800, the following item:

“7007-0801 For microlending grants of up to \$100,000 to be issued to established Community Development Financial Institutions and Community Advantage Lenders making direct microenterprise and small business loans to borrowers on a regional basis, as well as providing technical assistance to applicants and borrowers in order to foster business establishment and success; provided, that the funds shall be used to support the eligible organization’s lending and technical assistance activities \$200,000”;

In item 7007-0952 by striking out the figures “3,700,000” and inserting in place thereof the figures “3,900,000”;

In item 7008-0900, in line 4, by inserting after the word “commonwealth;” the following: “; provided further, that not less than \$75,000 shall be expended as a public safety grant to the town of Swampscott; provided further, that not less than \$50,000 shall be expended for the Wilbraham Nature and Cultural Council; provided further, that not less than \$100,000 shall be expended as a one-time grant to the city of West Springfield; provided further, that not less than \$50,000 shall be expended for the 350th anniversary of the town of Dartmouth; provided further, that not less than \$75,000 shall be expended for the Waltham Tourism Council; provided further, that not less than \$75,000 shall be expended for the operation of the programs of the Riverside Theatre Works, an organization located in the Hyde Park section of the city of Boston; provided further, that not less than \$50,000 shall be expended for the Chinese Communities of New England; provided further, that not less than \$250,000 shall be expended for the Freedom Trail Foundation of Boston for a new visitor center; provided further, that not less than \$500,000 shall be expended for the Greater Boston Convention and Visitors Bureau for the marketing and promotion of Sail Boston/Tall Ships 2017; provided further, that not less than

\$100,000 shall be expended for the Topsfield Town Hall; provided further, that not less than \$25,000 shall be expended for the 250th anniversary of the city of Fitchburg; provided further, that not less than \$100,000 shall be expended for any marketing fees and economic studies associated with visiting historical artifacts touring the commonwealth in 2014; provided further, that not less than \$200,000 shall be expended as grants for the Bay State Games; provided further, that not less than \$50,000 shall be expended for the North Quabbin Chamber of Commerce and the Franklin County Chamber of Commerce to establish a regional tourism council for the North Quabbin area; provided further, that not less than \$100,000 shall be expended for the expansion of the New England Public Radio Foundation, serving all four counties in Western Massachusetts; provided further, that not less than \$200,000 shall be expended for the Rail Trail in the city of Methuen; provided further, that not less than \$200,000 shall be expended for the Perry Auditorium at Gardner City Hall; provided further, that not less than \$15,000 shall be expended for Westfield on Weekends, Inc.; provided further, that not less than \$100,000 shall be expended for a matching grant program to the Enrichment Center located in the Dorchester section of the city of Boston; provided further, that not less than \$50,000 shall be expended for the Independent Film Society of Boston; provided further, that not less than \$50,000 shall be expended for the Old Church in the town of Berlin; provided further, that not less than \$50,000 shall be expended for Stone Soul Inc. for the implementation of the Stone Soul Annual Community Festival and cultural activities in the city of Springfield; provided further, that not less than \$50,000 shall be expended for the central public safety headquarters in Arlington Center; provided further, that not less than \$50,000 shall be expended for the West Medford Community Center; provided further, that not less than \$100,000 shall be expended for the Galaxy Community Council in the city of Chicopee; provided further, that not less than \$50,000 shall be expended for the operations of Zeiterion, Inc. in the city of New Bedford; provided further, that not less than \$50,000 shall be expended for the operations of the World War II Memorial Pool in the town of North Attleboro; provided further, that not less than \$50,000 shall be expended as a matching grant to the town of Hopkinton for the 300th anniversary of the town; provided further, that not less than \$15,000 shall be expended for the New Bedford Festival Theatre; provided further, that not less than \$50,000 shall be expended for the 250th anniversary of the town of Sharon; provided further, that not less than \$90,000 shall be expended for Russian Community Association of Massachusetts, Inc.; provided further, that not less than \$125,000 shall be expended as grants to the Union of Minority Neighborhoods; provided further, that not less than \$50,000 shall be expended for public service announcements to be broadcasted during From the Top, Inc.’s radio programming; provided further, that not less than \$100,000 shall be expended for the Head of the Charles Regatta to cover costs associated with public safety; provided further, that not less than \$100,000 shall be expended for the Grand Army of the Republic Historical Museum in the city of Lynn; provided further, that not less than \$125,000 shall be expended for the 400th anniversary of the founding of the town of Plymouth; provided further, that not less than

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\$250,000 shall be expended as a one-time grant to the city of Lowell for the Ayer's City Industrial Park region; provided further, that not less than \$22,000 shall be expended for the Winchendon Town Hall; provided further, that not less than \$35,000 shall be expended for the 250th anniversary of the city of Newburyport; provided further, that not less than \$50,000 more than the amount allocated to the Pettengill House in item 7061-9404 under chapter 61 of the acts of 2007 shall be expended for the Pettengill House in fiscal year 2015; provided further, that not less than \$50,000 shall be expended as a one-time grant to the city of Amesbury; provided further, that not less than \$30,000 shall be expended for a district wide robotics program in the town of Saugus; provided further, that not less than \$30,000 shall be expended for a one-time child enrichment program in the town of Saugus; provided further, that not less than \$60,000 shall be expended for a planning grant to the town of Falmouth; provided further, that not less than \$50,000 shall be expended for a weekend backpack program in gateway cities; provided further, that not less than \$25,000 shall be expended to the town of Pembroke for pond cleanup; provided further, that not less than \$50,000 shall be expended for athletic fields in the town of Millis; provided further, that not less than \$150,000 shall be expended as a planning grant for the wastewater district established by chapter 101 of the acts of 2010; provided further, that not less than \$5,000 shall be expended as a one-time grant to the town of Groveland; provided further, that not less than \$80,000 shall be expended for the Dr. Arthur and Dr. Martha Pappas Recreation Complex in the town of Auburn; provided further, that not less than \$5,000 shall be expended for summer programming through Auburn Youth and Family Services; provided further, that not less than \$25,000 shall be expended as a public safety grant to the town of Millbury; provided further, that not less than \$5,000 shall be expended for the We the People programs administered by the Massachusetts Center of Civic Engagement; provided further, that not less than \$10,000 shall be expended as a planning grant to the town of Charlton; provided further, that not less than \$60,000 shall be expended for the Center for Hope Foundation in the town of Southbridge; provided further, that not less than \$50,000 shall be expended as a one-time grant to Cape Cod Community College for water remediation efforts; provided further, that not less than \$50,000 shall be expended for the Merrimack Valley Chamber of Commerce; provided further, that not less than \$25,000 shall be expended for the Greater Haverhill Chamber of Commerce; provided further, that not less than the amount appropriated in item 7007-0800 in section 2 in chapter 139 of the acts of 2012 shall be expended for the Winthrop and Revere chambers of commerce; provided further, that not less than \$250,000 shall be expended for a child safety program in the town of Winthrop; provided further, that not less than \$250,000 shall be expended for a child safety program in the town of Revere", and by striking out the figures "5,914,651" and inserting in place thereof the figures "15,126,651";

In item 7008-1000 by striking out the figures "2,000,000" and inserting in place thereof the figures "6,000,000";

By inserting after section 61E (inserted by amendment) the following section:

"SECTION 61F. Section 9 of chapter 140 of the General Laws as so appearing, is hereby amended by inserting, in line 6, after the words 'suspend or revoke his license' the following words:— or impose a fine for the first offense within a 6 month period of not less than \$500 and not more than \$1,000, for the second offense within a 6 month period of not less than \$1,000 and not more than \$2,000, for the third offense within a 6 month period of not less than \$2,000 and not more than \$5,000, for the fourth offense within a 6 month period of not less than \$5,000 and not more than \$10,000, for the fifth offense within a 6 month period of not less than \$10,000.";

By striking out section 90 and inserting in place thereof the following section:

"SECTION 90. (a) Notwithstanding any general or special law to the contrary, after complying with clause (a) of section 5C of chapter 29 of the General Laws, the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2014 by transferring: (i) \$25,000,000 to the Massachusetts Community Preservation Trust Fund, established by section 9 of chapter 44B of the General Laws; (ii) \$10,000,000 to the Massachusetts Life Sciences Investment Fund established by section 6 of chapter 231 of the General Laws; (iii) \$7,500,000 to the Social Innovation Financing Trust Fund, established by section 35VV of chapter 10 of the General Laws; and (iv) the remaining balance to the Commonwealth Stabilization Fund. (b) All transfers pursuant to this section shall be made from the undesignated fund balances in the budgetary funds proportionally from the undesignated fund balances; provided, however, that no such transfer shall cause a deficit in any of the funds.";

By inserting after section 101L (inserted by amendment) the following section:

"SECTION 101M. (a) There shall be a special commission to be known as the 495/MetroWest Suburban Edge Community Commission and to consist of 27 members: 3 members of the Senate, 1 of whom shall be appointed by the minority leader; 3 members from the House of Representatives, 1 of whom shall be appointed by the minority leader; the secretary of housing and economic development or a designee; the secretary of transportation or a designee; the secretary of energy and environmental affairs or a designee; the executive director of the Massachusetts Development Finance Agency or a designee; the Chairman of the John Adams Innovation Institute or a designee; 1 member selected by the 495/MetroWest Corridor Partnership, Inc.; 1 member selected by the Metropolitan Area Planning Council; 1 member selected by the Massachusetts Municipal Association, Inc.; 1 member selected by the Massachusetts Association of Planning Directors; 1 member selected by NAIOP Massachusetts, Inc.; 1 member selected by Massachusetts Water Works Association Inc.; 1 member selected by the MetroWest Regional Transit Authority; and 9 persons to be appointed by the governor, 1 of whom shall be an academic focused on suburban development, 1 of whom shall be a real estate professional with experience working in edge communities, 1 of whom shall be a water resources expert with experience working in edge communities, 1 of whom shall be a transportation engineer with experience working in edge communities, and 5 of whom shall be municipal officials who

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represent different municipalities served by the 495/MetroWest Corridor Partnership, Inc.

(b) The commission shall be established pursuant to section 2A of chapter 4 of the General Laws for the purpose of making an investigation and study relative to development challenges being experienced by edge communities, such as needs to address transportation, water, cellular, and energy infrastructure, transit services, residential development, reuse of former industrial facilities and historic mills, brown-fields reclamation, downtown redevelopment, and other such constraints, and develop policy responses and recommendations to ensure that edge communities can participate in state development initiatives and benefit from state resources. To examine these issues at the needed level of detail, the commission shall focus its investigation and study on the 34 municipalities served by the 495/MetroWest Corridor Partnership, Inc. and develop a pilot program to address the issues to be studied and investigated by the commission. The commission shall choose certain municipalities served by the 495/MetroWest Corridor Partnership, Inc. to partake in the pilot program; provided, however, that the 5 municipalities represented by a municipal official chosen by the governor for appointment on the commission shall partake in the pilot program. For purposes of this section, "edge community" shall mean a municipality with a population of no more than 35,000 that is not adjacent to a gateway municipality as that term is defined in section 3A of chapter 23A of the General Laws.

(c) The commission shall report to the clerks of the house of representatives and senate and the joint committee on economic development and emerging technology the results of its investigation and study and its recommendations, if any, by filing the same with the clerks of the house of representatives and senate on or before December 31, 2015.

(d) All appointments to the commission shall be made within 90 days of the effective date of this act."

The amendment was adopted.

Mr. Dempsey of Haverhill then moved to amend the bill in section 1A, in the SBA Transfer line, by striking out the figures "782.4" and inserting in place thereof, in each instance, the figures "771.5";

In section 2 in item 0526-0100 by striking out the figures "816,000" and inserting in place thereof the figures "916,000";

In item 0540-0900 by striking out the figures "1,100,574" and inserting in place thereof the following figures "1,200,574";

In item 0612-0105 by striking out the figures "200,000" and inserting in place thereof the figures "300,000";

In item 0710-0000, in lines 3 to 7, inclusive, by striking out the words "provided, that the state auditor shall conduct an audit of the department of early education and care which shall include, but not be limited to: (a) vendor payments; (b) adherences to regulations concerning the transportation of students; and (c) the integrity of the current wait list for access to care";

In item 4000-0700 (inserted by amendment), in line 16, by striking out the figures "21" and inserting in place thereof the figures "26";

In item 4000-0880 by adding the following: "; and, provided further, that funds may be expended from this item for health care subsidies provided to eligible individuals under the last paragraph of section 9 and section 16D of said chapter 118E";

In item 7000-9401, in line 16, by striking out the following "39.4 cents" and inserting in place thereof the following "40.7 cents";

In item 7004-0101 by striking out the figures "120,199,718" (inserted by amendment) and inserting in place thereof the figures "125,199,718";

In item 2511-0100 by adding the following: "; provided further, that not less than \$120,000 shall be expended to support the Massachusetts Farm to School Project", and by striking out the figures "5,576,193" (inserted by amendment) and inserting in place thereof the figures "5,676,193";

In item 7066-0000, in line 20, by inserting after the word "program" the following: "; provided further, that funds shall be expended on programs established in item 7066-0040 in chapter 38 of the acts of 2013 in an amount not less than the amount appropriated in said item," and by striking out the figures "3,187,964" and inserting in place thereof the figures "3,437,964";

In item 7010-0005 by adding the following: "; provided further, that not less than \$100,000 shall be expended for regional school district planning association";

In item 7061-9614 (inserted by amendment) by striking out the following "not less than \$720,000" and inserting in place thereof the word: "funds";

In item 8324-0000 by adding the following: "; provided further, that the amount allocated for the regional dispatch center listed in item 8324-0000 of section 2 of chapter 182 of the acts of 2008 shall be allocated in fiscal year 2015", and by striking out the figures "18,573,046" (inserted by amendment) and inserting in place thereof the following figures "18,673,046";

In section 2E, in item 1595-1067, by adding the following: "; and, provided further, that the secretary of health and human services shall make payments of up to \$22,426,667 from the Delivery System Transformation Initiatives Trust Fund to the cambridge public health commission for federal fiscal year 2014 subsequent to the transfer by the cambridge public health commission of up to \$11,213,334 of its funds to said trust fund using a federally permissible source of funds which shall fully satisfy the non-federal share of such payment";

In section 5, in line 38, by inserting after the word "center" the words "; a member from the Massachusetts Business Roundtable", and, in line 51, by inserting after the word "designees." the following sentence: "The governor shall designate 2 members of the council to serve as co-chairs, 1 of whom shall be a member from the public sector and 1 of whom shall be a member from the private sector.";

In section 11F (inserted by amendment) by striking out the words "at least two" and inserting in place thereof the words "any" and in clause (v) by striking out the word "Product" and inserting in place thereof the word "Pro-drug";

In section 15, in line 303, by striking out the word "certified";

In section 19, in line 331, by inserting after the following: "chapter 6A" the words "; provided, however, that the authority to transfer unexpended balances shall not apply to any judgments or settlements received and held in trust by the attorney general.";

In section 33, in line 438, by inserting after the word "shall" the words "be authorized to";

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By striking out section 75;
In section 98, in line 1050, by striking out the words "and the attorney general"; and

In section 102, in line 1132, by striking out the words "until the full implementation of the employment first initiative,"; and in line 1134 by striking out the word "the" and inserting in place thereof the word "any".

The amendments were adopted.

Bill passed to
be engrossed,—
yea and nay
No. 368.

The Speaker being in the Chair,— on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 148 members voted in the affirmative and 2 in the negative.

[See Yea and Nay No. 368 in Supplement.]

Therefore the bill (House, No. 4001, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. Mariano of Quincy,—

Next
sitting.

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

At four minutes after twelve o'clock A.M. (Thursday, May 1), on motion of Mr. Nangle of Lowell (the Speaker being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.