

## JOURNAL OF THE HOUSE.

Wednesday, July 7, 2010.

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

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

God, our Creator, we begin today's formal legislative session with a prayer which enables us to seek Your help during this day to reflect on spiritual values and to speak to You in our own words. Your words and Your ways give meaning and direction to us as we struggle with each day's stresses, schedules and obligations. We also pray for peace in our hearts and minds as we deal with each other and the difficult legislative issues which we face as elected leaders. We pray for Your gifts of knowledge to understand legislative items correctly and the gift of wisdom to make right decisions and choices. In our diverse communities teach us to respect the dignity and the human and religious rights of all so that we work together to build strong, peaceful and ethical communities.

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

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

### *Statement Concerning Representative Khan of Newton.*

A statement of Mrs. Haddad of Somerset concerning Ms. Khan of Newton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Ms. Khan of Newton, will not be present in the House Chamber for today's sitting due to being in Ethiopia on a health and human services trip. If she were able to be present for the roll call on passing to be engrossed, in concurrence, the Senate Bill relative to economic development reorganization (Senate, No. 2380), she would vote in the affirmative. Her missing of roll calls today and tomorrow will be due entirely to the reason stated.

### *Resolutions.*

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

Resolutions (filed by Mr. Ayers of Quincy) recognizing Department of Conservation and Recreation Park Ranger Stephen MacKay for his heroic actions at Houghton's Pond in the Blue Hills Reservation;

Resolutions (filed by Messrs. Kocot of Northampton, Kulik of Worthington and Scibak of South Hadley) congratulating Szawlowski Potato Farms on the occasion of their one hundredth anniversary; and

Resolutions (filed by Messrs. Pignatelli of Lenox, Bosley of North Adams, Guyer of Dalton and Speranzo of Pittsfield) celebrating the twenty-fifth anniversary of Hillcrest Educational Centers.

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

*Petition.*

Representative Fernandes of Milford and Senator Moore presented a joint petition (accompanied by bill, House, No. 4849) of John V. Fernandes and Richard T. Moore (by vote of the town) for legislation to place on the ballot in the current year the filling of a vacancy on the board of selectmen in the town of Mendon; and the same was referred to the committee on Election Laws. Sent to the Senate for concurrence.

*Papers from the Senate.*

The Senate Bill to protect motor vehicle owners' and independent repairers' right to repair (Senate, No. 2517, amended by adding the following section:

"SECTION 6. The attorney general shall promulgate rules and regulations to implement the provisions of this act.") (on Senate bill No. 2268), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A petition of Stephen M. Brewer and Lewis G. Evangelidis for legislation to validate certain proceedings of the Pathfinder Regional Vocational High School District, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Education.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2536) was referred, in concurrence, to the committee on Education.

*Reports of Committees.*

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 following petitions:

Petition (accompanied by bill) of Karyn E. Polito, Bradley H. Jones, Jr. and others for legislation to require dangerousness hearings for defendants arrested in cases of sexual abuse of children.

Petition (accompanied by bill) of Harriett L. Stanley and Michael A. Costello for legislation to authorize the Governor to designate additional justices of the peace in the towns of Groveland and Rowley.

Severally to the committee on the Judiciary.

Petition (accompanied by bill) of Elizabeth Poirier and James E. Timilty relative to authorizing the Office of the Inspector General to establish a sick leave bank for John K. Ryan, an employee of said office. To the committee on the Public Service.

Under suspension of the rules, on motion of Mr. Costello of Newburyport, the reports were considered forthwith. Joint Rule 12 was suspended, in each instance. Severally sent to the Senate for concurrence.

Mendon,—  
ballot  
question.

Auto  
owners,—  
right to  
repair.

Pathfinder  
Regional  
Vocational  
Technical  
High School  
District.

Dangerousness  
hearings.

Groveland and  
Rowley,—  
justices of  
the peace.

John K.  
Ryan,—  
sick leave.

Wareham,—  
liquor  
licenses.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill authorizing the town of Wareham to issue eight (8) additional liquor licenses (Senate, No. 2520), be scheduled for consideration by the House.

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

A report of the committee on Health Care Financing, that the Bill relative to the registration of podiatrists (House, No. 2044) ought not to pass (under Joint Rule 10), was considered forthwith, under suspension of the rules, on motion of Ms. Stanley of West Newbury; and the bill was read.

The question on rejection (under Joint Rule 10) then was negated; and the bill was recommitted, on motion of the same member.

A report of the committee on Health Care Financing, that the Bill requiring the sterilization of musical instruments in schools (House, No. 4633) ought not to pass (under Joint Rule 10), was considered forthwith, under suspension of the rules, on motion of Ms. Stanley of West Newbury; and the bill was read.

The question on rejection (under Joint Rule 10) then was negated; and the bill was recommitted, on motion of the same member.

By Ms. Walz of Boston, for the committee on Education, on House, Nos. 345, 346, 348, 349, 353, 358, 360, 362, 368, 372, 373, 380, 381, 382, 383, 386, 387, 390, 392, 393, 394, 401, 405, 416, 417, 418, 426, 427, 429, 430, 433, 434, 435, 438, 441, 445, 450, 451, 458, 459, 460, 461, 465, 469, 479, 484, 490, 491, 500, 504, 505, 506, 507, 508, 516, 517, 519, 522, 641, 3413, 3431, 3432, 3660, 3803, 3875, 3877, 3878, 4077, 4078, 4163 and 4166, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning education issues (House, No. 4829).

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Binienda of Worcester, for said committees, reported, asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Ms. Walz of Boston, for the committee on Education, on House, Nos. 359, 361, 365, 366, 369, 376, 384, 389, 422, 442, 443, 444, 452, 453, 454, 462, 466, 477, 488, 489, 496, 509, 510, 511, 512, 514, 518, 520, 525, 526, 528, 530, 3548, and 3876, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning education issues (House, No. 4855).

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Binienda of Worcester, for said committees, reported, asking to be discharged from further consideration of said

Podiatrists,—  
regulate.

Musical  
instruments,—  
sterilization.

Education,—  
study.

Id.

Procurement.

order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

House bills

- Procurement. Relative to public procurement (House, No. 12);
- Inspector General. Authorizing employees of the Inspector General's Office to participate in representative town meeting (House, No. 13);
- Firefighters. To re-train disabled firefighters (House, No. 4463);
- Foxborough,— sewer act. Amending and updating the Foxborough Sewer Act (House, No. 4680) [Local Approval Received];
- Pittsfield,— licensing. Relative to the composition of the licensing board for the city of Pittsfield (House, No. 4682) [Local Approval Received];
- Meghan Savage. Establishing a sick leave bank for Meghan Savage (House, No. 4798);
- Danvers,— liquor license. Authorizing the town of Danvers to grant an additional license for the sale of wine and malt beverages (House, No. 4816) [Local Approval Received];
- Id. Authorizing the town of Danvers to grant an additional license for the sale of wine and malt beverages (House, No. 4817) [Local Approval Received]; and
- Darnell's law. The House Resolve declaring Chapter 397 of the Acts of 2008 "Darnell's Law" (House, No. 1139).  
Severally placed in the Orders of the Day for the next sitting for a second reading.

*Emergency Measures.*

Andover,— land. The engrossed Bill authorizing the granting of easements and the conveyance of certain land in the town of Andover (see Senate, No. 2154) (which originated in the Senate), 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 13 to 0. Sent to the Senate for concurrence.

Subsequently (the noon recess having terminated), the Senate having concurred in adoption of the emergency preamble, the bill was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 149 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 425 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Explosives,— regulation. The engrossed Bill relative to the regulation of explosives (see Senate, No. 2468), 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 14 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 House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

*Engrossed Bill.*

The engrossed Bill authorizing the Bristol County Commissioners to borrow money for the repair of sewer extension facilities at the Bristol County Agricultural High School (see House, No. 4763, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

*Engrossed Bills and Resolves.*

Engrossed bills and resolve  
Relative to a betterment assessment in the town of Sturbridge (see Senate, No. 2043); and  
Exempting the position of fire chief in the city of Gloucester from the civil service law (see Senate, No. 2102);  
(Which severally originated in the Senate);  
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate. Bills enacted.

The engrossed Resolve reviving and continuing the special commission relative to the establishment of a Cranberry Heritage Area (see Senate, No. 1876) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed; and it was signed by the acting Speaker and sent to the Senate. Resolve passed.

*Recess.*

At seven minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at a quarter after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair. Recess.

*Motion to Discharge a Certain Matter from the Orders of the Day.*

The Senate Bill relative to economic development reorganization (Senate, No. 2380) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Dempsey of Haverhill. Economic development reorganization.

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The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4820,— then was adopted; and after remarks the bill (Senate, No. 2380, amended) was ordered to a third reading.

Subsequently under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, as amended, in concurrence, Ms. Peisch of Wellesley moved to amend it by adding the following section:

“SECTION 135. Chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 24K the following section:—

Section 24L. (a) As used in this section, the following words shall have the following meanings:

‘Employee’, an individual who is considered an employee under section 148B of chapter 149 of the General Laws.

‘Employee noncompetition agreement’, an agreement between an employer and employee, or otherwise arising out of an actual or expected employment relationship, under which the employee or expected employee agrees to any extent that he will not engage in activities directly or indirectly competitive with his employer after the employment relationship has been severed. Employee noncompetition agreements include forfeiture for competition agreements, but do not include either: (i) noncompetition agreements made in connection with the sale of a business, sale of assets of a business, or otherwise outside of the employment relationship; (ii) forfeiture agreements; or (iii) agreements by which an employee agrees to not reapply for employment to the same employer after termination of the employee.

‘Forfeiture agreement’, an agreement that imposes adverse financial consequences on a former employee as a result of the termination of an employment relationship, regardless of whether the employee engages in competitive activities following cessation of the employment relationship. Forfeiture agreements do not include forfeiture for competition agreements.

‘Forfeiture for competition agreement’, an agreement that imposes adverse financial consequences on a former employee as a result of the termination of an employment relationship if the employee engages in competitive activities.

‘Inevitable disclosure doctrine’, a doctrine by which, in the absence of an enforceable employee noncompetition agreement, a former employee may be prevented from working at a competitor based on the expectation that the employment would likely lead to the disclosure of a trade secret or confidential information of the employer.

‘Restricted period’, the period of time after employment during which an employee is restricted by an employee noncompetition agreement from engaging in activities competitive with his or her employer.

(b) To be valid and enforceable, an employee noncompetition agreement must meet the minimum requirements of subsections (i) through (iv) hereof and meet or be capable of being reformed to meet the minimum requirements in subsections (v) through (ix) hereof.

(i) The agreement must be in writing, in a separate document, and signed by the employer and employee.

(ii) The agreement must apply only to an employee whose average annualized federal gross income derived from the employer during the 3 years immediately prior to the employee’s cessation of employment, or such shorter period if the employment was for less than 3 years, is greater than \$75,000 plus \$1,500 for each full year from the effective date of this section.

(iii) If the agreement is a condition of employment, the agreement together with an express statement that the agreement is a condition of employment must, to the extent reasonably feasible, be provided to the employee by the earlier of 7 business days before the commencement of the employee’s employment or when any written offer of employment is first sent to the employee, provided that if an offer of employment is first communicated orally, the employee also must either: (A) simultaneously be informed that a noncompetition agreement will be a condition of employment or (B) receive the required written notification prior to tendering resignation from any then-current employment.

(iv) If the agreement is entered into after commencement of employment, it must be supported by reasonably adequate consideration, which consideration does not include the continuation of employment, and notice of the agreement must be provided at least 2 weeks before the agreement is to be effective. Consideration in the amount of 10 percent or more of the employee’s then current annual compensation will be deemed presumptively reasonably adequate.

(v) The agreement must be necessary to protect 1 or more of the following legitimate business interests of the employer: (A) the employer’s trade secrets, as that term is defined in section 30 of chapter 266, to which the employee had access while employed; (B) the employer’s confidential information that otherwise would not qualify as a trade secret; and (C) the employer’s goodwill.

(vi) The agreement must be reasonable in duration in relation to the interests served and the duration of actual employment, and in no event may the stated term exceed 1 year from the date of cessation of employment. A stated restricted period of no more than 6 months is presumptively reasonable. An agreement may permit the restricted period to be tolled by a court if the employee’s breach of the employee noncompetition agreement was neither known to nor reasonably discoverable by the employer. Such tolling period will not count for purposes of the temporal standards specified herein.

(vii) The agreement must be reasonable in geographic reach in relation to the interests served. A geographic reach that is limited to only the geographic area in which the employee provided services or had a material presence or influence is presumptively reasonable.

(viii) The agreement must be reasonable in the scope of proscribed activities in relation to the interests served. A restriction on activities that protects a legitimate business interest and is limited to only the specific types of services provided by the employee at any time during no more than the last 2 years of employment is presumptively reasonable.

(viii) The agreement must be consonant with public policy.

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(c) Notwithstanding anything to the contrary in this section, a court may, in its discretion, reform an employee noncompetition agreement so as to render it valid and enforceable.

(d) Notwithstanding anything to the contrary in this section, a court may decline to enforce some or all of the restrictions in an otherwise valid and enforceable employee noncompetition agreement: (1) in extraordinary circumstances; (2) where otherwise necessary to prevent injustice or an unduly harsh result; or (3) based on any other common law or statutory legal or equitable defense or doctrine, or on other equitable factors that would militate against enforcement.

(e) A court shall award the employee reasonable attorneys' fees and costs incurred in defending against the enforcement of any employee noncompetition agreement: (1) if the court declines to enforce a material restriction or reforms a restriction in material respect, unless the specific rejected or reformed restriction is presumptively reasonable as set forth above; or (2) if the court finds the employer to have acted in bad faith in connection with the enforcement of the employee noncompetition agreement. The entitlement to legal fees shall also apply to an employee who commences a lawsuit challenging his or her employee noncompetition agreement, provided that at least 2 business days prior to the filing of such lawsuit, the employee provided the former employer with specific measures that the employee would take to protect the employer's legitimate business interests, which measures are substantially adopted by a court as part of a hearing on preliminary injunctive relief. The entitlement to legal fees shall apply regardless of whether the employee pays the legal fees him or herself or if they are paid by another person or entity. A court may award attorneys' fees and costs at any time during the proceedings, including as part of a decision in connection with a preliminary injunction motion. Any such award of fees and costs shall be immediately due and payable to the employee. A court may require the employer, at any point, to post a bond or multiple bonds to cover any anticipated fees and costs.

(f) A court may award the former employer its reasonable attorneys' fees and costs permitted by contract or statute only if: (1) the employee noncompetition agreement was presumptively reasonable in duration, geographic reach, and scope of proscribed activities; (2) the employee noncompetition agreement was enforced by the court without substantial modification; and (3) the court finds that the employee engaged in bad faith conduct.

(g) The substantive, procedural, and remedial rights provided to the employee in this section are not subject to advance waiver.

(h) Except as expressly provided by this section, a person defending against or otherwise opposing the enforcement of an employee noncompetition agreement, including by way of challenging the waiver of a substantive, procedural or remedial right provided in this section, shall not be subject to any contractual penalty, requirement to indemnify, tender back or any other disadvantage imposed as a consequence of such defense or opposition, and shall continue to be entitled to the rest of the benefits flowing from the contract. Any contractual provision to the contrary is void.

(i) No choice of law provision that would have the effect of avoiding the requirements of this section will be enforceable if the employee is, and has been for at least 30 days, a resident of or working in Massachusetts at the time of his or her termination of employment. This provision may not be avoided by an involuntary transfer of the employee out of Massachusetts.

(j) Forfeiture agreements otherwise permitted by law are enforceable only if and to the extent that: (1) they comply with subsections (b)(i) through (b)(iii) and (2) the forfeiture is directly and reasonably related to the harm caused to the employer by the employee's departure, provided that such harm threatens the continued viability of the employer. Any harm that may result from increased competition or the replacement of the employee is not considered harm for purposes of this subsection.

(k) This section may expand, but shall not narrow, the prohibitions imposed by: (1) sections 12X, 74D, 129B, or 135C of chapter 112; (2) section 186 of chapter 149; or (3) applicable industry or other regulation or rules.

(l) Nothing in this section shall expand or restrict the right of any person to protect trade secrets or other confidential information by injunction or any other lawful means under other applicable laws or agreements. Notwithstanding the forgoing, the inevitable disclosure doctrine is rejected and shall not be utilized, although an employee who has disclosed trade secrets or other confidential information belonging to his or her prior employer may be enjoined in any respect that a court of competent jurisdiction deems appropriate.

(m) This section shall not apply to or alter existing law concerning: (1) covenants not to solicit employees of the employer; (2) covenants not to solicit or transact business with customers of the employer; (3) restrictive covenants made in connection with the sale of a business or the assets of a business; (4) agreements by which an employee agrees to not reapply to the same employer after termination of employment; or (5) the payment of wages.

(n) This section shall not apply to employee noncompetition agreements entered into before January 1, 2011.

The amendment was rejected.

Mr. Guyer of Dalton then moved to amend the bill by adding the following five sections:

"SECTION 135. Section 56C of Chapter 164 of the General Laws as appearing in the 2008 Official Edition is hereby amended by striking out in line 17, the words 'ten nor more than one hundred', and inserting in the place thereof the following:— five hundred nor more than ten thousand.

SECTION 136. Section 56D of said Chapter 164 as so appearing, is hereby amended by striking in its entirety, and inserting in the place thereof the following:— Any contract entered into by any municipal lighting plant, or municipal lighting plant cooperative, for the construction of a lighting facility, shall be procured using the provisions of chapter 30B, and preference shall be given to corporations based in Massachusetts.

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SECTION 137. The General Laws are hereby amended by inserting the following chapter:—

CHAPTER 164C.  
PUBLICLY-ASSISTED ENERGY  
CORPORATIONS PROCUREMENT.

Section 1. An energy corporation, hereafter known as a corporation, constructing an energy facility, any plant or equipment used to produce, manufacture, or otherwise generate electricity, any ancillary facilities such as roadways, transmission or distribution lines, substations and any other buildings, structures or equipment whose primary purpose is to support the generation and delivery of electricity, which derives at least 10% of project funding from any state or municipal assistance, including but not limited to grants, tax credits, or appropriations, shall be required to comply with the provisions of this section.

Section 2. As used in this chapter, the following words shall, unless the context clearly requires otherwise have the following meanings:

'Corporation', any corporation, cooperative, or individual constructing an energy facility which derives at least 10% of project funding from any state assistance, including but not limited to grants, tax credits, or appropriations

Section 3. A corporation shall maintain a file on each contract for the purchase of any contract related to an assisted energy facility, in the amount of five thousand dollars or more, shall include in such file a copy of all written documents related to said contract. Written documents required by this chapter shall be retained by the corporation for at least six years from the date of final payment under the contract, and the records shall be open to public inspection.

(a) For the procurement of a supply or service in the amount of \$5,000 or greater, but less than \$25,000, a corporation shall seek written or oral quotations from no fewer than three persons customarily providing such supply or service. The corporation shall record the names and addresses of all persons from whom quotations were sought, the names of the persons submitting quotations and the date and amount of each quotation. A corporation may require that procurements in amounts of less than \$25,000 be based on written quotations or be subject to the provisions of section five.

(b) The corporation shall award the contract to the responsible person offering the needed quality of supply or service at the lowest quotation.

(c) A procurement in the amount of less than \$5,000 shall be obtained through the exercise of sound business practices.

Section 4. (a) Except as permitted under section five or section seven, award of procurement contracts in the amount of \$25,000 or more, other than contracts for the procurement of real property, shall conform to the competitive sealed bidding procedures set forth in this section.

(b) A corporation shall issue an invitation for bids for a procurement contract. The invitation for bids shall include:

(1) the time and date for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance by the corporation;

(2) the purchase description and all evaluation criteria to be utilized pursuant to paragraph (e); and

(3) all contractual terms and conditions applicable to the procurement.

The invitation for bids may incorporate documents by reference; provided, however, that the invitation for bids specifies where prospective bidders may obtain the documents. The procurement officer shall make copies of the invitation for bids available to all persons on an equal basis.

(c) The procurement officer shall give public notice of the invitation for bids a reasonable time prior to the date for the opening of bids. The notice shall:

(1) indicate where, when and for how long invitations for bids may be obtained;

(2) describe the supply or service desired;

(3) if award of the contract is subject to the approval of any board, committee, commission or other body, so state and identify each such body;

(4) remain posted, for at least two weeks, in a conspicuous place in or near the offices of the corporation until the time specified in the invitation for bids; and

(5) be published at least once, not less than two weeks prior to the time specified for the receipt of bids, in a newspaper of general circulation within the area served by the corporation.

The corporation may distribute copies of the notice to prospective bidders, and may compile and maintain lists of prospective bidders to which notices may be sent.

(6) shall state that preference shall be given to Massachusetts corporations

(d) A representative appointed by the corporation shall open bids publicly in the presence of one or more witnesses, and the representative and said witnesses shall sign a statement under penalties of perjury listing the names of all bidders and the amounts of their bids and declaring that said list is a complete and accurate list of bids opened in the presence of said witnesses. Such statement, or a certified copy thereof, shall be filed with the contract.

(e) The corporation shall evaluate a bid based solely on the requirements and criteria set forth in the invitation for bids. Such criteria shall include the standards by which the procurement officer will determine acceptability as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose.

(f) The corporation shall unconditionally accept a bid without alteration or correction, except as provided in this paragraph. A bidder may correct, modify, or withdraw a bid by written notice received in the office designated in the invitation for bids prior to the time and date set for the bid opening. After bid opening, a bidder may not change the price or any other provision of the bid in a manner prejudicial to the interests of the corporation or fair competition. The corporation shall waive minor informalities or allow the bidder to correct them. If a mistake and the intended bid are clearly evident on the face of the bid document, the corporation shall correct the mistake to reflect the intended correct bid and so notify the bidder in writing, and the bidder may not withdraw the bid. A bidder may withdraw a bid if a mistake is clearly

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evident on the face of the bid document but the intended correct bid is not similarly evident.

(g) The corporation shall award the contract to the lowest responsible and responsive bidder. A contract requiring payment to the corporation of a net monetary amount shall be awarded to the highest responsible and responsive bidder. The corporation shall award the contract by written notice to the selected bidder within the time for acceptance specified in the invitation for bids. The time for acceptance may be extended for up to 45 days by mutual agreement between the corporation and the apparent lowest responsible and responsive bidder or, for a contract requiring payment to the corporation, by mutual agreement between the corporation and the highest apparent responsible and responsive bidder.

Section 5. (a) A corporation may enter into procurement contracts in the amount of \$25,000 or more utilizing competitive sealed proposals, in accordance with the provisions of this section. The corporation shall not solicit competitive sealed proposals unless he has determined in writing that selection of the most advantageous offer requires comparative judgments of factors in addition to price, specifying the reasons for his determination.

(b) The corporation shall solicit proposals through a request for proposals. The request for proposals shall include:

(1) the time and date for receipt of proposals, the address of the office to which the proposals are to be delivered, the maximum time for proposal acceptance by the corporation;

(2) the purchase description and all evaluation criteria that will be utilized pursuant to paragraph (e); and

(3) all contractual terms and conditions applicable to the procurement provided that the contract may incorporate by reference a plan submitted by the selected offeror for providing the required supplies or services.

The request for proposals may incorporate documents by reference; provided, however, that the request for proposals specifies where prospective offerors may obtain the documents. The request for proposals shall provide for the separate submission of price, and shall indicate when and how the offerors shall submit the price. The chief procurement officer shall make copies of the request for proposals available to all persons on an equal basis.

(c) Public notice of the request for proposals shall conform to the procedures set forth in paragraph (c) of section five.

(d) The corporation shall open the proposals publicly. Notwithstanding the provisions of section seven of chapter four, until the completion of the evaluations, or until the time for acceptance specified in the request for proposals, whichever occurs earlier, the contents of the proposals shall remain confidential and shall not be disclosed to competing offerors. At the opening of proposals the corporation shall prepare a register of proposals which shall include the name of each offeror and the number of modifications, if any, received. The register of proposals shall be open for public inspection. The corporation may open the price proposals at a later time, and shall open the price proposals so as to avoid disclosure to the individuals evaluating the proposals on the basis of criteria other than price.

(e) The corporation shall designate the individual or individuals responsible for the evaluation of the proposals on the basis of criteria other than price. The designated individuals shall prepare their evaluations based solely on the criteria set forth in the request for proposals. Such criteria shall include all standards by which acceptability will be determined as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose, and shall also include all other performance measures that will be utilized. The evaluations shall specify in writing:

(1) for each evaluation criterion, a rating of each proposal as highly advantageous, advantageous, not advantageous, or unacceptable, and the reasons for the rating;

(2) a composite rating for each proposal, and the reasons for the rating; and

(3) revisions, if any, to each proposed plan for providing the required supplies or services which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal.

(f) A proposal may be corrected, modified or withdrawn to the extent provided in paragraph (f) of section five.

(g) The corporation shall determine the most advantageous proposal from a responsible and responsive offeror taking into consideration price and the evaluation criteria set forth in the request for proposals. The corporation shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement. The corporation may condition an award on successful negotiation of the revisions specified in the evaluation, and shall explain in writing the reasons for omitting any such revision from a plan incorporated by reference in the contract.

(h) If the corporation awards the contract to an offeror who did not submit the lowest price, the corporation shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the quality of supplies or services under the contract will not exceed the corporation's actual needs.

(i) If a contract requiring payment to the corporation of a net monetary sum is awarded to an offeror who did not submit the highest price, the corporation shall explain the reasons for the award in writing as set forth in paragraph (h).

Section 6. Whenever the time required to comply with a requirement of this chapter would endanger the health or safety of the corporation or their assisted property a corporation may make an emergency procurement without following that requirement. An emergency procurement shall be limited to only supplies or services necessary to meet the emergency and shall conform to the requirements of this chapter to the extent practicable under the circumstances. The procurement officer shall make a record of each emergency as soon after the procurement as practicable, specifying each contractor's name, the amount and the type of each contract, a listing of the supply or service provided under each contract, and the basis for determining the need for an emergency procurement.

The corporation shall submit a copy of this record at the earliest possible time to the state secretary for placement in any publication

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established by the state secretary for the advertisement of procurements.

Section 7. A person submitting a bid or a proposal for the procurement or disposal of supplies or services to any corporation shall certify in writing, on the bid or proposal, as follows:

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word 'person' shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

\_\_\_\_\_  
(Signature of individual submitting bid or proposal)

\_\_\_\_\_  
(Name of business)

Section 8. No person shall cause or conspire to cause the splitting or division of any procurement, specification, invitation for bids, request for proposals, proposal, solicitation, or quotation for the purpose of evading a requirement of this chapter.

Section 9. (a) Unless otherwise provided by law and subject to paragraph (b), a corporation may enter into a contract for any period of time which serves the best interests of the corporation; provided, however, that the corporation shall include in the solicitation the term of the contract and conditions of renewal, extension or purchase, if any. The corporation shall not enter into a contract unless funds are available for the first year at the time of contracting. Payment and performance obligations for succeeding years shall depend on the availability and appropriation of funds.

(b) The invitation for bids, request for proposals, or other solicitation of any contract for a term exceeding one year, including a renewal, extension or option, shall state, in addition to the other information required by this chapter:

(1) the amount of supplies or services required for the proposed contract period, and whether such amount is the actual amount required or an estimate;

(2) that the bidder or offeror shall give a unit price for each supply or service, and that the unit price shall remain the same throughout the contract, except to the extent that the solicitation and resulting contract provides for price adjustments;

(3) that the corporation shall cancel the contract if funds are not appropriated or otherwise made available to support continuation of performance in any year succeeding the first year;

(4) whether the bidder or offeror shall submit prices for:

(i) the first year only;

(ii) the entire time of performance only; or

(iii) both the first year and the entire time of performance; and

(5) how the award will be determined, including, if the contractor submits prices for the first year and the entire time of performance, how the prices will be compared.

When a contract is to contain an option for renewal, extension, or purchase, the solicitation shall include notice of the provision. The corporation shall retain sole discretion in exercising the option, and no exercise of an option shall be subject to agreement or acceptance by the contractor.

(c) When funds are not available to support continuation of performance in a subsequent year, the procurement officer shall cancel the contract.

(d) The corporation shall not exercise an option for renewal, extension or purchase unless the corporation, after reasonable investigation of costs and benefits, has determined in writing that the exercise of the option is more advantageous than alternate means of procuring comparable supplies or services.

Section 10. The corporation may increase the quantity of supplies or services or both specified in a contract provided:

(1) the unit prices remain the same or less;

(2) the procurement officer has specified in writing that an increase is necessary to fulfill the actual needs of the corporation and is more economical and practical than awarding another contract;

(3) the parties agree to the increase in writing; and

(4) the increase in the total contract price does not exceed 25 per cent but a contract for the purchase of gasoline, special fuel, fuel oil, or other ice and snow control supplies shall not be subject to this limit; and

(5) the corporation, with the agreement of the contractor, may reduce the unit price for supplies or services or both specified in a contract to be paid by the corporation at any time during the term of the contract or when an option to renew, extend or purchase is exercised.

Section 11. Unless no other manner of description suffices, and the corporation so determines in writing, setting forth the basis for the determination, all specifications shall be written in a manner which describes the requirements to be met without having the effect of exclusively requiring a proprietary supply or service, or a procurement from a sole source.

Section 12. (a) A corporation shall dispose of a tangible supply, no longer useful to the corporation but having resale or salvage value, in accordance with this section. This section does not apply to the disposal of assisted real property.

(b) The corporation shall offer such supply through competitive sealed bids, public auction, or established markets.

(c) Notice of sale by bid or auction shall conform with the procedures set forth in paragraph (c) of section four. The notice shall indicate the supply offered for sale, designate the location and method for inspection of such supply, state the terms and conditions of sale including the place, date and time for the bid opening or auction, and state that the corporation retains the right to reject any and all bids.

(d) If the corporation rejects the bid of the highest responsive bidder, the corporation may:

(1) negotiate a sale of such supply so long as the negotiated sale price is higher than the bid price; or

(2) resolicit bids.



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(e) A corporation may trade-in a supply listed for trade-in in the invitation for bids or request for proposals.

(f) For a supply with an estimated net value of less than \$5,000, the corporation shall dispose of such supply using written procedures approved by the corporation.

(g) Notwithstanding any other requirement of this section, a corporation may by majority vote, unless otherwise prohibited by law, dispose of a tangible supply no longer useful to the corporation but having resale or salvage value, at less than the fair market value to a charitable organization which has received a tax exemption from the United States by reason of its charitable nature.

Section 13. (a) If a corporation duly authorized by general or special law to engage in such transaction determines that it shall rent, convey, or otherwise dispose of real property, the corporation shall declare the property available for disposition and shall specify the restrictions, if any, that it will place on the subsequent use of the property.

(b) The corporation shall determine the value of the property through procedures customarily accepted by the appraising profession as valid.

(c) A corporation shall solicit proposals prior to:

(1) acquiring by purchase or rental real property or an interest therein from any person at a cost exceeding twenty-five thousand dollars; or

(2) disposing of, by sale or rental to any person, real property or any interest therein, determined in accordance with paragraph (b) to exceed twenty-five thousand dollars in value.

(d) The corporation shall place an advertisement inviting the submission of proposals in a newspaper with a circulation in the locality sufficient to inform the people of the affected locality. The corporation shall publish the advertisement at least once a week for two consecutive weeks. The last publication shall occur at least eight days preceding the day for opening proposals. The advertisement shall specify the geographical area, terms and requirements of the proposed transaction, and the time and place for the submission of proposals. In the case of the acquisition or disposition of more than twenty-five hundred square feet of real property, the corporation shall also cause such advertisement to be published, at least thirty days before the opening of proposals, in the central register published by the state secretary pursuant to section twenty A of chapter nine.

(e) The corporation may shorten or waive the advertising requirement if:

(1) the corporation determines that an emergency exists and the time required to comply with the requirements would endanger the health or safety of the people or their assisted property; provided, however, that the corporation shall state the reasons for declaring the emergency in the central register at the earliest opportunity; or

(2) in the case of a proposed acquisition, the corporation determines in writing that advertising will not benefit the corporation's interest because of the unique qualities or location of the assisted property needed. The determination shall specify the manner in which the assisted property proposed for acquisition satisfies the unique requirements. The corporation shall publish the determination and the reasons

for the determination, along with the names of the parties having a beneficial interest in the property pursuant to section forty J of chapter seven, the location and size of the assisted property, and the proposed purchase price or rental terms, in the central register not less than thirty days before the corporation executes a binding agreement to acquire the assisted property.

(f) Proposals shall be opened publicly at the time and place designated in the advertisement. The corporation shall submit the name of the person selected as party to a real property transaction, and the amount of the transaction, to the state secretary for publication in the central register.

(g) If the corporation decides to dispose of assisted property at a price less than the value as determined pursuant to paragraph (b), the corporation shall publish notice of its decision in the central register, explaining the reasons for its decision and disclosing the difference between such value and the price to be received.

Section 14. (a) All contracts in the amount of five thousand dollars or more shall be in writing, and the corporation shall make no payment for a supply or service rendered prior to the execution of such contract.

(b) A person who causes or conspires with another to cause a contract to be solicited or awarded in violation of a provision of this chapter shall forfeit and pay to the appropriate corporation a sum of not more than twenty thousand dollars for each violation. In addition, the person shall pay double the amount of damages sustained by the corporation by reason of the violation, together with the costs of any action. If more than one person participates in the violation, the damages and costs may be apportioned among them.

(c) The inspector general shall have authority to institute a civil action to enforce paragraph (b) if authorized by the attorney general.

SECTION 138. Section 19 of Chapter 775 of the Acts of 1975 is hereby amended by striking subsection (f) and inserting in the place thereof the following subsection:

(f) Wherever the corporation has primary responsibility for the construction or operation of any electric power facility within the commonwealth, no contract for construction, reconstruction, alteration, remodeling repair or demolition of the facility or equipment, supplies or materials for the facility, except in cases of special emergency involving the health, safety or welfare of the people or their property, shall be awarded unless proposals for the same have been invited by advertisement in a newspaper published in the city of Boston, as well as a newspaper published in the county of said facility, such publication to be at least one week before the time specified for the opening of said proposals. Such advertisements shall state the time and place for opening the proposals in answer to said advertisement, and shall require the company to select the lowest qualified proposal, with preference to companies based in Massachusetts. All such proposals shall be opened in public. No bid or contract shall be split or divided for the purpose of evading these requirements.

Sections twenty-six to twenty-nine, inclusive, and sections forty-four A to forty-four L, inclusive, of chapter one hundred and forty-nine and sections thirty-nine F to thirty-nine N, inclusive, of chapter thirty of the General Laws shall apply to the corporation.

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SECTION 139. Chapter 535 of the Acts of 2008 is hereby amended by striking Section 9.”.

The amendment was rejected.

Mr. Straus of Mattapoisett then moved to amend the bill by striking out section 55; and the amendment was adopted.

Representatives Balsler of Newton and Khan of Newton then moved to amend the bill by adding the following section:

“SECTION 135. There shall be a commission to study the feasibility of establishing a bank owned by the commonwealth or by a public authority constituted by the commonwealth.

(b) The commission shall consist of the secretary for administration and finance and the secretary of housing and economic development or their respective designees, who shall serve as co-chairs of the commission; the state treasurer or the treasurer’s designee; the state comptroller or the comptroller’s designee; 2 persons to be appointed by the president of the senate, 1 of whom shall be a member of the senate; 1 person to be appointed by the minority leader of the senate; 2 persons to be appointed by the speaker of the house of representatives; 1 of whom shall be a member of the house of representatives; 1 person to be appointed by the minority leader of the house; the executive directors of the Massachusetts Development Financing Agency and the Massachusetts Housing Finance Agency or their designees; president of the Massachusetts Growth Capital Corporation or the president’s; and 8 persons to be appointed by the governor who shall not be employees of the executive branch, 3 of whom shall be drawn from a list of 5 names submitted by the Massachusetts Bankers Association, at least 1 of whom shall be a representative of a community bank operating in the commonwealth, 1 of whom shall be drawn from a list of 3 names submitted by the Associated Industries of Massachusetts, 1 of whom shall be drawn from a list of 3 names submitted by the Small Business Association of New England and 1 of whom shall be a professor at an institution of higher education in the commonwealth who has researched and published articles on banking. Of the governor’s remaining appointments, not more than 1 may be a representative of a financial services firm located in the commonwealth. The governor shall ensure geographic diversity in the governor’s appointments to the commission. The members of the commission shall be appointed not later 90 days after the effective date of this act.

(c) The commission shall examine the technical, legal and financial feasibility of establishing a commonwealth-owned bank, including but not limited to a commonwealth-owned bank for infrastructure investment purposes. The commission shall seek participation in its deliberations from the president of the Federal Reserve Bank of Boston or the president’s designee. The commission shall evaluate the experiences of other states with state-owned banks, identifying the financial performance of such banks and evaluating the lending practices of such banks to show whether such banks successfully fill lending gaps not filled by the private sector. The commission shall also evaluate the manner in which public funds are invested or deposited by the commonwealth and its political subdivisions including funds managed by the state treasurer; the Massachusetts Municipal Depository Trust and state and local pension funds. The commission shall examine the infra-

structure investment activities conducted by other states with state-owned banks. The commission shall also examine the lending practices, including lending to support infrastructure, of the existing public agencies in the commonwealth that perform lending services. The Massachusetts development finance agency, Massachusetts Housing Finance Agency, Health and Educational Facilities Authority, Massachusetts Growth Capital Corporation and any other public authority in the commonwealth that lends money shall cooperate fully with the commission and shall supply information reasonably required by the commission to carry out its charge.

(d) The commission shall hold at least 3 public hearings in distinct geographic regions of the commonwealth.

(e) The commission shall publish its findings and recommendations, together with drafts of legislation, if any, necessary to carry those recommendations into effect, in a written report not later than 1 year after the effective date of this act. The report shall be published on the official website of the commonwealth, and shall be contemporaneously filed with the house and senate committees on ways and means and the house and senate chairs of the joint committee on financial services.”.

The amendment was rejected.

Ms. Walz of Boston and other members then moved to amend the bill by inserting the following section:

“SECTION 135. There is hereby established a Special Commission to develop an Index of Creative and Innovative Education in the Commonwealth’s Public Schools. The commission membership shall include: 5 members to be appointed by the governor and who shall reside in different geographic regions of the Commonwealth, 1 of whom shall be a representative of the Massachusetts Advocates for the Arts, Sciences and Humanities, 1 of whom shall be a representative of the Associated Industries of Massachusetts, 1 of whom shall be a representative of the Massachusetts Business Roundtable; the secretary of education, or a designee; the secretary of housing and economic development, or a designee; the secretary of labor and workforce development, or a designee; 3 members to be appointed by the president of the senate and who shall reside in different geographic regions of the Commonwealth; 3 members to be appointed by the speaker of the house of representatives and who shall reside in different geographic regions of the Commonwealth; and the executive director of the Massachusetts Cultural Council. Each of the members of the commission shall be an expert or have experience in the fields of education, public policy, artistic development, workforce development or cultural development. The members of the commission shall be appointed no later than 30 days after the effective date of this resolve.

In the course of its deliberations, the commission shall develop recommendations on how to produce and implement an Index of Creative and Innovative Education in the Commonwealth’s Public Schools, what funding or finance measures the Commonwealth would need to implement such an index, and any recommendation for inter-agency agreements, inter-municipal agreements, or other cooperative agreements that would be required to foster creative and innovative education programs in the Commonwealth’s public schools. The index shall

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rate every public school in the Commonwealth on teaching, encouraging, and fostering creativity in students. The index would be based in part on the creative opportunities in each school as measured by the availability of classes and before and after-school programs offered by and through school districts in the Commonwealth that provide creative opportunities for students in the public schools of the Commonwealth, including, but not limited to, arts education, debate clubs, science fairs, theatre performances, concerts, film-making, and independent research. The commission may hold public hearings to assist in the collection and evaluation of data and testimony.

The commission shall complete a written report detailing any factors to be considered in an Index of Creative and Innovative Education in the Commonwealth's Public Schools and any financial measures that would be needed for implementation. The commission shall submit its report to the governor, the clerks of the house of representatives and the senate, the joint committee on tourism, arts and cultural development, and the joint committee on education no later than December 31, 2010.

Any research, analysis or other staff support that the commission reasonably requires shall be provided by the department of elementary and secondary education, the executive office of housing and economic development, and the executive office of labor and workforce development, in cooperation with the Massachusetts Cultural Council."

The amendment was adopted.

Mr. Keenan of Salem then moved to amend the bill in section 18, in line 242, by striking out the figures "11" and inserting in place thereof the figures "12", in line 248, by inserting after the word "organization," the following "an individual representing the Massachusetts film industry, provided that said individual shall have significant experience in the local film, television, and digital media, and further, shall be selected from a list of 3 names submitted by the Massachusetts production Coalition or its successor organization;" and by striking out the paragraph contained in lines 313 and 314 and inserting in place thereof the following paragraph:

"Section 13B. There shall be within the partnership the following offices: the office of travel and tourism, the Massachusetts International Trade Office, the Commonwealth Marketing Office, the Massachusetts Film Office, which shall be the Official and lead agency to facilitate motion picture production and development within the Commonwealth; and the Massachusetts Sports Partnership, which shall be the official and lead agency to facilitate and attract major sports events and championships in the Commonwealth."

The amendments were adopted.

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

"SECTION 136. Chapter 3 of the General Laws is hereby amended by adding the following section:—

Section 70. A permanent commission is hereby established for the purpose of evaluating the continuing impacts on state laws and regulations by international trade policy and international trade agreements, examining proposed international trade agreements, maintaining active

communications with any individual or entity, as the commission determines appropriate, regarding ongoing developments in international trade agreements and policy; and examining any aspects of international trade, international economic integration and international trade agreements that the members of the commission consider appropriate. An 'international trade agreement' is defined as any international trade or investment agreement or treaty, including but not limited to, the North American Free Trade Agreement (NAFTA), the Central American Free Trade Agreement (CAFTA), and agreements concluded by the World Trade Organization (WTO).

Said Commission shall engage in at least one public hearing annually and shall report on the economic and sovereignty impacts of international trade agreements on the Commonwealth of Massachusetts. Such report may include recommendations of support or opposition of revisions in United States trade policy or commitments, including but not limited to proposed international trade agreements. This annual report shall be transmitted to the General Court, the Governor, the Attorney General of the Commonwealth of Massachusetts; the United States Trade Representative and members of the Massachusetts Congressional delegation.

Said commission shall consist of 3 members of the Senate of the General Court, 2 of whom shall be appointed by the president of the Senate and 1 of whom shall be appointed by the minority leader of the Senate; 3 members of the House of Representatives of the General Court, 2 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; the Governor or his designee; the Attorney General or her designee; the Treasurer or his designee; a representative from the Office of International Trade & Investment; and 9 persons appointed by the Governor, one of whom shall be a representative of organized labor, one of whom shall represent small business, one of whom shall be a representative from a human rights organization, one of whom shall represent farmers, one of whom shall be a representative from an environmental group, one of whom shall be a representative of the Massachusetts Municipal Association, one of whom shall be engaged in the business of exporting goods internationally, one of whom shall be a member of a graduate faculty of law, with expertise in issues of constitutional federalism, of a private university in the commonwealth, and one of whom shall be a member of a graduate faculty of economics or labor studies of the University of Massachusetts."

The amendment was adopted.

Mr. Keenan of Salem and other members then moved to amend the bill by adding the following section:

"SECTION 137. Chapter 10 of the General Laws is hereby amended by inserting after section 53 the following section:—

Section 53A. The Massachusetts Cultural Council ('the Council'), shall establish criteria and guidelines for state designated cultural and creative districts. A cultural and creative district shall be a well recognized, labeled, mixed-use, compact area of a city or town in which a high concentration of cultural and creative facilities serves as an anchor. The goals of a cultural and creative district shall include attracting artists and creative enterprises to a community, encouraging business

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and job development, establishing tourist destinations, preserving and reusing historic buildings, enhancing property values and fostering local cultural and economic development. A city or town may create and designate a cultural and creative district subject to certification by the Council. The Council shall develop a certification program to prepare a city or town to become home to a state designated cultural and creative district by creating an application process and developing qualifying criteria and guidelines. A cultural and creative district certification shall remain in effect for 10 years following the date of certification. Two or more cities or counties may apply jointly for certification of a district that extends across a common boundary. Agencies of the executive branch, constitutional offices and quasi governmental agencies shall identify programs and services that support and enhance the development of cultural and creative districts and assures that they are accessible to such districts.

The Council shall in cooperation with the executive branch, constitutional offices, quasi governmental agencies and the Joint Committee on Tourism, Arts and Cultural development identify additional and existing state incentives and resources that will enhance state designated cultural and creative districts and shall report their findings together with drafts of legislation as may be necessary to carry its recommendations into effect by filing same with the clerk of the house of representatives, the clerk of the senate, and the co-chairs of the Joint Committee on Tourism, Arts and Cultural Development no later than December 1, 2010."

The amendment was adopted.

Mr. Fennell of Lynn then moved to amend the bill by adding the following section:

"SECTION 138. Section 60 of chapter 147 of the Massachusetts General Laws is hereby amended by inserting after the words 'employed by any licensee' the following words:— to install, monitor, or sell security systems."

The amendment was rejected.

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

"SECTION 138. It is hereby found and declared that the North Shore Community College is a critical element of the commonwealth's higher education system and fulfilling the mission of North Shore Community College to provide educational resources to the citizens of the commonwealth is essential to providing students with skills and opportunities necessary to a full and productive life. It is further declared that providing physical and financial resources necessary to meet the needs of the North Shore Community College now and in the future is critical to the ability of North Shore Community College to fulfill its mission including providing the workforce with skills necessary to allow for the maintenance and expansion of the business, industrial, technological and manufacturing sectors of the commonwealth's economy. It is further found and declared that creation of a nonprofit assistance with certain statutory authority will provide a vehicle with the necessary flexibility to prudently pursue opportunities for the benefit of North Shore Community College, its present and future students and the commonwealth. It is therefore expressly declared that the pro-

visions of this act constitute a needed program in the public interest in furtherance of an essential governmental function and serve a necessary and valid public purpose for which public money may be expended or invested.

SECTION 139. As used in this act the following terms shall, unless otherwise required, have the following meanings:

'Board of directors', the board of directors of the North Shore Community Assistance Corporation created by this act;

'Board of higher education', the board of higher education established pursuant to section 4 of chapter 15A of the General Laws;

'Board of trustees', the board of trustees of the North Shore Community College;

'College', the North Shore Community College or, should the North Shore Community College be dissolved or fail to qualify either as a political subdivision of the commonwealth or an educational institution exempt from federal income tax under Section 501(c)(3) of the Code, then such other educational institution of higher learning established and operating in the commonwealth as shall be designated by the board of higher education, which is either such a political subdivision or such an exempt organization;

'Code', the Internal Revenue Code of 1986, as the same may, from time to time, be amended;

'Corporation', the North Shore Community College Assistance Corporation created by this act;

'Educational institution', an educational organization within the meaning of section 170(b)(1)(A)(ii) of the Code.

SECTION 140. (a) There shall be a body politic and corporate to be known as the North Shore Community College Assistance Corporation. The corporation is not and shall not be deemed a public agency or state agency within the meaning of such terms in chapter 7 of the General Laws for any purposes.

The corporation shall be governed by a board of directors consisting of the following 15 members: the chairman of the board of trustees of the college, the president of the college, the mayor of the city of Lynn, the president of the Lynn City Council, the director of the Lynn Economic Development Industrial Corporation, or successor thereto, 3 members appointed by the governor, 1 member appointed by the Lynn Chamber of Commerce, or successor thereto, and 6 members appointed by the president of the college. Of the 3 members appointed by the governor at least 1 shall be a person experienced in the financial aspects of real estate development and management, and 1 shall be a person experienced in planning. Of the 6 members appointed by the president of the college, at least 2 shall be persons experienced in higher education administration.

(b) The appointed members of the board of directors shall serve 3-year terms. Of those initially appointed by the governor, 1 shall be appointed for 1 year, 1 for 2 years, and 1 for 3 years. Of those initially appointed by the president of the college, 2 shall be appointed for 1 year, 2 shall be appointed for 2 years, and 3 shall be appointed for 3 years. The individual initially appointed by the Lynn Chamber of Commerce shall be appointed for 2 years. Vacancies arising from other than the expiration of the term shall be filled by the party responsible

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for the initial appointment. Directors shall serve without compensation but may be reimbursed for expenses necessarily incurred in the performance of their duties.

(c) The board of directors from time to time shall elect from among themselves a chairman, a vice chairman and a secretary. The secretary shall be the custodian of all books, documents and papers of the corporation and its minute book and seal. Unless otherwise provided in by-laws adopted by the board of directors, the number of directors required to constitute a quorum shall be a majority of the directors then in office. If a quorum is present, a majority of the directors may take any action on behalf of the board of directors except to the extent that a larger number is required by this act, or other applicable laws or by-laws adopted by the board of directors.

SECTION 141. The purposes of the corporation shall be to (i) promote the orderly growth and development of the college; and (ii) to assist the college in securing physical and financial resources necessary for the acquisition and development of sites for use by the college. In furtherance of such purpose the corporation shall, subject only to the restrictions and limitations hereinafter contained, have the following powers:

(a) to make and execute contracts and any other instruments necessary or convenient for the exercise of its powers or the discharge of its duties and incur liabilities for any other purposes of the corporation;

(b) to have a corporate seal which it may alter at its pleasure;

(c) to adopt by-laws for the regulation of its affairs;

(d) to accept, acquire, receive, take, and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer, judicial order or decree or otherwise, for any of its objects and purposes, any property both real and personal reasonably related to the acquisition and development of sites for use by the college, and to develop such sites, including, but not limited to, the construction, renovation, operation and maintenance of buildings thereon;

(e) to sue or be sued, provided, however, a director or officer of the corporation shall not be liable for the performance of his duties if he acts in compliance with section 6C of chapter 180 of the General Laws;

(f) to sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of any such property, both real and personal, as the objects and purposes of the corporation may require;

(g) to borrow money, and from time to time, to make, accept, endorse, execute, and issue promissory notes, bills of exchange, and other obligations of the corporation for monies borrowed or in payment for property acquired or for any of the other purposes of the corporation, and to secure the payment of any such obligation by mortgage, pledge, deed, agreement, or other instrument of trust, or other lien upon, assignment of, or agreement in regard to all or any part of the property rights or privileges of the corporation, whether now owned or hereafter to be acquired;

(h) to receive stocks, bonds, donations, gifts and to otherwise raise money for the corporation's purposes;

(i) to elect, appoint and employ officers, agents and employees; to fix their compensation and define their duties and obligations and to indemnify corporate personnel;

(j) to enter into agreements for other transactions with any person, including, without limitation, any governmental instrumentalities or agencies in connection with any of its powers or duties and any governmental agency is hereby authorized to enter into such agreements or transactions with the corporation; and

(k) to do all acts and things necessary or convenient to the exercise of any power or the discharge of any duty provided for by this section.

SECTION 142. The corporation is hereby deemed to be an 'institution for higher education' solely for the purposes such term is used in chapter 614 of the acts of 1968. Any acquisition of property by purchase, lease, or other method by the corporation shall be deemed a 'project' as such term is used in chapter 614 of the acts of 1968. The corporation shall be fully eligible to receive any and all assistance from the Massachusetts Health and Education Facilities Authority created by chapter 614 of the acts of 1968 in the same manner as any institution for higher education.

SECTION 143. (a) The corporation shall assess the space needs of the college on a regular basis and may acquire sites for use by the college. The corporation may lease or rent land or space in any facility under the control of the corporation to any entities other than the college only after making a determination that the college does not have a foreseeable need for such space or land for the term of the lease or rental agreement.

(b) In no event shall the corporation sell, convey, transfer, exchange or otherwise dispose of any real property without notifying in writing and consulting with the board of trustees and the board of higher education, and after such consultation making a determination that such sale, conveyance, transfer or exchange is in the best interests of the college. Any such sale, conveyance, transfer or exchange shall require a vote of two-thirds of the members of the board of directors.

SECTION 144. The college or any state agency or entity acting on the college's behalf, may enter into an agreement to rent, lease or otherwise utilize any facility owned by, or under the control of the corporation. The corporation shall be paid rent and costs for such facilities at a rate agreed to by the corporation and college or state agency or entity entering into an agreement on the college's behalf, provided that such amount may not exceed the fair market value for the use of such facilities at the time the agreement is made. Subject to this limitation, the college's determination to rent, lease or otherwise utilize any facility owned or under the control of the corporation and any agreement related thereto shall not be subject to chapter 7 of the General Laws.

SECTION 145. (a) The corporation shall not have the authority to engage in any activities which are not in furtherance of its corporate purposes or to support or benefit any organization other than the college, and all of the powers granted under this act to the corporation shall be exercised in a manner consistent therewith.

(b) Notwithstanding any other provision herein contained, neither the directors and officers of the corporation nor the corporation shall participate in any 'prohibited transaction' within the meaning of Section 503 of the Code, nor shall the corporation be operated at any time for the primary purpose of carrying on a trade or business for profit.

SECTION 146. Subject to the other provisions of this act, the corporation shall use or distribute all property from time to time held by

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the corporation solely in the furtherance of its corporate purposes in such manner as the board of directors shall determine. No part of the assets or net earnings, if any, of the corporation shall inure to the benefit of, or be distributable to, its directors, its officers or any private individual, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its corporate purposes. The corporation shall not directly or indirectly participate in or intervene in, including the publishing or distributing of statements, any political campaign on behalf of or in opposition to any candidate for public office. No substantial part of the activities of the corporation shall be carrying on of propaganda, or otherwise attempting to influence legislation, except to the extent the corporation makes expenditures for purposes of influencing legislation in conformity with the requirements of Section 501(h) of the Code. If the corporation is deemed to be a private foundation as defined in Section 509 of the Code, the provisions of chapter 68 A of the General Laws shall apply to it.

SECTION 147. (a) The operation and maintenance of projects by the corporation shall constitute the performance of an essential governmental function, and the corporation shall not be required to pay any taxes or special, betterment or other assessments within the commonwealth, including, without limitation, taxes on real or personal property and any ad valorem taxes, upon any property owned, constructed, acquired, leased or used by it under the provisions of this section. The corporation shall not be subject to any taxes based upon or measured by income which may be enacted by the commonwealth. Obligations issued by the corporation under this act, and any income derived therefrom, including any sale, exchange or transfer of such obligation, shall at all times be free from taxation within the commonwealth.

(b) Land, buildings and tangible personal property of the corporation if leased to the extent permitted under this act for any activity or transaction entered into by the lessee for financial profit or gain, shall be taxed or assessed by the city of town in which such land, buildings and tangible personal property may be situated to the lessees thereof respectively, in the same manner as such land, buildings and tangible personal property would be taxed or assessed to such lessees if they were owners thereof, except as follows:

(1) the payment of the tax or assessment shall not be enforced by any lien upon or sale of such land or buildings, but for the purpose of enforcing the payment of such taxes or assessments by such lessees to the city or town in which such land or buildings are situated, a sale of the leasehold interest therein may be made by the collection of the city or town in the manner provided by law for selling real estate for the nonpayment of real estate taxes;

(2) such land, buildings and tangible personal property leased to any political subdivision of the commonwealth or to any public charity described in section 8 of chapter 12 of the General Laws for its charitable purposes shall not be taxed or assessed to any such lessees;

(3) that in lieu of taxes, and any betterment or special assessments, the city of Lynn may determine a sum to be paid to it annually in any year or period of years, such sum to be in any year equal to or

less than the amount that would be levied at the then current tax rate upon the then current assessed value of such real estate, including buildings and other structures, the valuation for each year being reduced by all abatements thereon. In no event however, shall any amount be due prior to the first year in which the corporation has leased some portion of the real property to a third party and has received rental payments for fees in return therefore and any amount so due shall be prorated based upon the percentage of the property for which rental payments or fees have been received;

(4) if any such lessee is subject to the excise levied under the provisions of sections 30 to 42B, inclusive, of chapter 63 of the General Laws, such tangible personal property shall be treated as though it were owned by such lessee for the purposes of such excise, and it shall be valued at eight times its annual rental rate, unless and to the extent that such property is treated by the lessee as owned by it for federal income tax purposes, in which case its value shall be its adjusted basis, as defined in the applicable provisions of the Code; and

(5) all tangible property, real or personal, so leased shall be considered tangible property owned or rented and used in the commonwealth by such lessee for the purposes of section 38 of chapter 63 of the General Laws.

SECTION 148. The corporation shall not exercise any of the following powers, duties, actions:

(a) responsibilities or authorities in the absence of review and comment by the inspector general of the commonwealth, which review and comment shall be provided within 2 weeks of submission by the corporation of a plan setting forth the power, duty, action, responsibility or authority proposed to be taken:

(1) entering into a contract requiring an annual expenditure in excess of \$100,000 by the corporation; provided, however, that the corporation is authorized to enter into those contracts necessary to acquire sites, without further review by the inspector general, but pursuant to a memorandum of understanding with the secretary of administration and finance with respect to the acquisition, renovation, operation, and potential disposition of sites;

(2) borrowing monies such that the outstanding amount of monies borrowed by the corporation exceed \$100,000;

(3) entering into a contract requiring the sale of any asset of the corporation purchased with monies appropriated by the commonwealth; and

(4) entering into a contract requiring the sale of all or substantially all of the assets of the corporation.

(b) The inspector general in carrying out the provisions of this act shall have access to all the corporation's records, reports, audits, reviews, papers, books, documents, recommendations, correspondence, including information relative to the purchase of services or anticipated purchase of services from any contractor by the corporation, and any other data and material that is maintained by or available to the corporation which in any way relates to the programs and operations with respect to which the inspector general has duties and responsibilities under this act, except records to which the provisions of section 18 of chapter 66 of the General Laws apply.

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The inspector general may request such information, cooperation and assistance from the corporation as may be necessary for carrying out his duties and responsibilities under this act. Upon receipt of such request the person in charge of the corporation's governing body shall furnish to the inspector general or his authorized agent or representative such information, cooperation and assistance, including information relative to the purchase of services or anticipated purchase of services from any contractor by the corporation except records to which the provisions of said section 18 of said chapter 66 apply. He may make such investigation, audits and reports relating to the administration of the programs and operations of the corporation as are in the judgment of the inspector general necessary and may conduct an examination of any documents of the corporation to prevent or detect fraud, waste and abuse in the expenditure of public funds. The inspector general shall have direct and prompt access to the head of the corporation when necessary for any purpose pertaining to the performance of his duties and responsibilities under this act. He may request the production, on a voluntary basis, of testimony or documents from any individual firm or non-governmental entity which relate to his duties and responsibilities under this act.

(c) The inspector general may require by summons, the production of all records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material relevant to any matter under audit or investigation pursuant to the provisions of this act, except records to which the provisions of said section 18 of said chapter 66 apply. Such summons shall be served in the same manner as a summons for the production of documents in civil cases issued on behalf of the commonwealth, and all provisions of law relative to said summons shall apply to a summons issued pursuant to this act. Any justice or the superior court department in the trial court may, upon application by the inspector general, issue an order to compel the production of records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material as aforesaid. Any failure to obey such order may be punished by said court as contempt. Any summons issued pursuant to this act shall not be made public by the inspector general or any officer or employee of his department, nor shall any documents provided pursuant to this act be made public until such time as it is necessary for the inspector general to do so in the performance of his duties under this act. The production of such books and papers pursuant to summons shall be governed by the same provisions with reference to secrecy which govern proceedings of a grand jury. Disclosure of such production, attendance and testimony may be made to such members of the staff of the inspector general as is deemed necessary by the inspector general to assist him in the performance of his duties and responsibilities under this act and such members of the staff may be present at the production of records.

(d) The corporation shall submit annually an audited financial statement to the house and senate committees on ways and means, and the joint committee on higher education.

SECTION 149. Upon dissolution of the corporation after payment of all of the liabilities of the corporation or due provision therefore, all

of the assets of the corporation shall be distributed to the board of higher education, to be held in trust for the benefit and purposes of the college, and shall not inure to the benefit of or be distributed to any private individual."

The amendment was rejected.

Mr. Madden of Nantucket then moved to amend the bill by adding the following section:

"SECTION 138. The fourth paragraph of section 15 of chapter 701 of the acts of 1960, as most recently amended by chapter 167 of the acts of 1990 is hereby amended by striking out in line 4 the word 'ten' and inserting in place thereof the word:— twenty five."

The amendment was adopted.

Messrs. Quinn of Dartmouth and McCarthy of East Bridgewater then moved to amend the bill by striking out sections 106 and 107; and the amendment was rejected.

Mr. Rodrigues of Westport then moved to amend the bill in section 18, in line 435, by striking out the words "Bristol County Convention and Visitors Bureau" and inserting in place thereof the words "Southeastern Massachusetts Convention and Visitors Bureau". The amendment was adopted.

The same member then moved to amend the bill in section 127, in lines 2106 and 2107, by striking out the following "(iii) or any permit or approval granted to a project receiving funds from the commonwealth's infrastructure investment incentive program" and inserting in place thereof the following "(iii) or any project that has received funds prior to July 1, 2010 from the Massachusetts Development Finance Agency through the commonwealth's infrastructure investment incentive program created pursuant to chapter 129 of the acts of 2008."

The amendment was adopted.

Ms. Provost of Somerville then moved to amend the bill in section 40, in line 757, by inserting after the word "pharmaceuticals" the words "clean and renewable energy technology; vehicles powered by clean and renewable energy". The amendment was adopted.

The same member then moved to amend the bill by striking out section 127; and the amendment was rejected.

The same member then moved to amend the bill in section 18, in line 249; in section 25, in line 582; and also in section 58, in line 1015, by striking out the words "has principal place of business in the commonwealth;" and inserting thereof, in each instance, the words "has a principal place of business in the commonwealth, and whose business is incorporated under the law of the commonwealth".

The amendments were rejected.

Ms. Provost then moved to amend the bill in section 4, in line 36, by striking out the figures "12" and inserting in place thereof the figures "15", and in line 45, after the word "commerce", by inserting the following "1 of whom shall be a member of a regional economic development group, 1 of whom shall be a member of a local economic development group, 1 of whom shall be a member of the business community".

The amendments were rejected.

Ms. Forry of Boston then moved to amend the bill in section 49, in line 910, and also in section 50, in line 923, by inserting after the word

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“regulation.”, in each instance, the following sentence “This statement of consideration must be completed 30 days before the proposed regulation is to take effect.”.

The amendments were adopted.

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

“SECTION 139. Notwithstanding any general or special law to the contrary. The Commonwealth hereby directs the Department of Housing and Community Development to require the development of the Qualified Allocation Plan (QAP) for 2011, in which the Department shall work toward a set-aside of 10% of its allocated tax credits for projects sponsored by nonprofits that will provide permanent housing for formerly homeless veterans in a service-based multifamily property and projects of no fewer than 20 units.”.

The amendment was adopted.

Mr. Straus of Mattapoiset then moved to amend the bill by adding the following seven sections:

“SECTION 140. Section 12 of said chapter 138, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:—

The local licensing authority of any city or town wherein the granting of licenses under this section is authorized, irrespective of any limitation of number of licenses contained in section seventeen, may issue a license to the holder of a farmer-winery license under section 19B or in any other state for service to travelers, strangers, and other patrons and customers not under twenty-one (21) years of age, such wine to be served and drunk on the premises of the winery at such locations on the premises of the farm as the local licensing authority may deem reasonable and proper. For purposes of this section, a farm is defined by Chapter 128, Section 1A.

SECTION 141. Section 15 of said chapter 138, as so appearing, is hereby amended by inserting after the words ‘and 19C’, in the first paragraph, the following words:—, or to an applicant licensed to operate as a farmer-winery under section 19B or in any other state.

SECTION 142. Section 15 of said chapter 138, as so appearing, is hereby amended by inserting after the ‘licensing fee’, in the second paragraph, the following words:— and nothing shall prohibit the local licensing authority from establishing reduced fees for special licenses issued pursuant to Section 15F of this Chapter.

SECTION 143. Chapter 138 of the General Laws is hereby amended by inserting after section 15E the following section:—

Section 15F. Special licenses to a Farmer-Winery for the sale of wines at agricultural events; fees.

Notwithstanding any other provision of Chapter 138, in any city or town wherein the granting of licenses to sell wine is authorized under this chapter, the local licensing authority may issue to an applicant authorized to operate a farmer-winery under section nineteen B or in any other state, a special license for the sale of wine produced by or for the licensee in sealed containers for off-premise consumption at an indoor or outdoor agricultural event. All sales of wine shall be conducted by an agent, representative, or solicitor of the licensee to individuals who are at least twenty-one (21) years of age. A licensee under

this section may provide, without charge, samples of wine to prospective customers at an indoor or outdoor agricultural event. All samples of wine shall be served by an agent, representative, or solicitor of the licensee to individuals who are at least twenty-one (21) years of age and all samples must be consumed in the presence of the agent, representative, or solicitor of the licensee. Provided further that no sample shall exceed one (1) ounce of wine and no more than five (5) samples shall be served to any individual customer. For the purposes of this section, the term ‘agricultural event’ shall be limited to those events certified by the department of agricultural resources as set forth herein below.

The licensee under this section shall obtain a special license from the local licensing authority. In order to obtain a special license from the local licensing authority, a licensee under this section shall file an application and plan with the department of agricultural resources that will demonstrate that the event is an agricultural event as set forth herein below. The application shall include a description of the event, the date(s) time and location of the event, a copy of the operational guidelines and/or rules for the event, written approval that the licensee has been approved as a vendor at the event, including the name and contact information of the on-site manager, and a plan depicting the premises and the specific location where the licensee will exercise it.

Upon review of the application and plan, the department may certify that the event is an agricultural event. The department shall consider the following factors in determining whether an event is an ‘agricultural event’ for the purposes of this section: operation as a farmers’ market or agricultural fair approved and/or inspected by the department; frequency and regularity of the event, including date(s), time(s) and location(s); number of vendors; terms of vendor agreements; presence of an on-site manager; training of the on-site manager; operational guidelines and/or rules, which shall include vendor eligibility and produce source; focus of event on local agricultural products grown and/or produced within the market area; types of shows and/or exhibits, including those which are described in section 2(f) of chapter one hundred and twenty eight; and sponsorship and/or operation by an agricultural or horticultural society organized under the laws of the Commonwealth, or by a local grange organization and/or association whose primary purpose is the promotion of agriculture and its allied industries. The department of agricultural resources may promulgate rules and regulations necessary for the operation, oversight, approval, and inspection of agricultural events under this section.

Along with its application and prior to the issuance of a special license, the licensee shall file with the local licensing authority proof of certification from the department of agricultural resources with the local licensing authority prior to the issuance of a special license. The special license issued by the local licensing authority shall designate the specific premises, and date(s), and times covered. Any special license issued by the local licensing authority may be issued for an indoor or outdoor agricultural event which takes place on multiple dates and/or times during a single calendar year; but in no event shall any special license be issued for an agricultural event that will not take



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place within one (1) calendar year. A copy of a special license issued by the local licensing authority shall be submitted to the commission at least seven (7) days prior to the date the agricultural event is first scheduled to take place and shall be displayed conspicuously by the licensee at the licensed premises. The local licensing authority may charge a fee for each such special license issued, but such charge or fee shall not exceed fifty (50) dollars. Any special license granted pursuant to this section shall be nontransferable to any other person, corporation, or organization and shall be clearly marked nontransferable on the face of the license.

The commission may promulgate rules and regulations it deems appropriate to effectuate the purposes of this section.

SECTION 144. Section 17 of said chapter 138, as so appearing, is hereby amended by inserting after the last paragraph the following paragraph:

In addition to the number of licenses otherwise authorized to be granted by the provisions of this section, a city or town may grant additional licenses under sections twelve, fifteen or fifteen F to the holder of farmer-winery license under section 19B or in any other state for the sale of wine produced by or for said applicant. Any license issued by a city or town under section twelve, fifteen or fifteen F shall not be counted as a license for purposes of determining the number of licenses allowed to be issued by a city or town under the provisions of this section. Any license granted pursuant to this section shall be nontransferable to any other person, corporation or organization and shall be clearly marked nontransferable on the face of the license.

SECTION 145. Section 19B of said chapter 138, as so appearing, is hereby amended by inserting after the words 'foreign country,' in subsection (g)(4), the following words:—

(5) at retail by the bottle to consumers, for consumption off the winery premises in accordance with a license issued under section fifteen or fifteen F of this chapter.

(6) at retail by the glass or bottle to be consumed on the premises prescribed by a license issued by local authority pursuant to section twelve of this chapter.

SECTION 146. Section 19B of said chapter 138, as so appearing, is hereby amended by striking subsection (h) and inserting in place thereof the following words:—

(h) A winegrower may not sell at retail to consumers any wine or winery product not produced by the winery or produced for the winery and sold under the winery brand name. All retail sales must be made on the winery premises, except where a winegrower obtains additional licenses for the sale of wine to consumers at additional locations off the winery premises at locations authorized by a license issued pursuant to sections fifteen and fifteen F of this chapter.”.

The amendment was adopted.

Mr. Basile of Boston then moved to amend the bill by striking out section 115 and inserting in place thereof the following section:

“SECTION 115. The Massachusetts Port Authority shall cooperate with the office of performance management and oversight established by the secretary of housing and economic development.”.

The amendment was adopted.

Mr. Honan of Boston then moved to amend the bill by adding the following sections:

“SECTION 147. Section 61 of Chapter 62 of the General Laws is hereby amended by deleting the phrases ‘, if allocated a federal low income housing tax credit with respect to a project,’ and substituting ‘a’ for ‘the same’ in paragraph (1) of subsection (c).

SECTION 148. Section 31H of Chapter 63 of the General Laws is hereby amended by deleting the phrases ‘, if allocated a federal low income housing tax credit with respect to a project,’ and substituting ‘a’ for ‘the same’ in paragraph (1) of subsection (c).”.

The amendment was adopted.

Mr. Kaufman of Lexington then moved to amend the bill in section 129, in line 2145, after the word “passage.” by inserting the following sentence: “Sections 82, 93, and 100 shall be effective through December 31, 2015.”.

The amendment was adopted.

Mr. Sánchez of Boston and other members then moved to amend the bill in section 17, in lines 130 to 137, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

“Section 3J. (a) The Massachusetts office of business development, or MOBD, shall partner with statewide and regional economic development organizations, including, but not limited to, public-private alliances promoting economic development, to establish a plan for business development to support statewide and regionally-based efforts to grow and retain existing businesses and attract new business to the commonwealth. The plan shall include the municipalities which comprise the region to be served under the plan and a contact for businesses seeking assistance, services or information from the commonwealth in that region. MOBD may contract with economic development organizations to implement the statewide and regional plan and provide services, including statewide site finding, to businesses.”.

The amendment was adopted.

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

“SECTION 149. Notwithstanding any other general or special law to the contrary. The Executive Office of Labor and Workforce Development shall partner with the Department of Higher Education and the Department of Veteran Services to study and report back its finding on the feasibility of creating a program to give returning veterans opportunities to attend community colleges and technological trade programs within the Commonwealth that will assist veterans with already acquired technical skills from military service and assist them in transitioning those skills into a civilian workforce setting. The findings of said report are due by December 31, 2010.”.

The amendment was adopted.

Mr. Keenan of Salem then moved to amend the bill by striking out section 114 and inserting in place thereof the following section:

“SECTION 114. Section 22 of said chapter 218, as so appearing, is hereby amended by adding the following paragraph:—

The procedure shall include the beginning of actions with an entry fee of \$30 for claims of \$500 or less, \$40 for claims of greater than

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\$500 but less than or equal to \$2000, \$90 for claims of greater than \$2000 but less than or equal to \$5000, and \$140 for claims greater than \$5000, plus the surcharge required by section four C of chapter two hundred and sixty-two, but without summons and complaint and without requirement, except by special order of court, of any pleading other than a concise written statement of the claim.”.

The amendment was adopted.

Mr. Hill of Ipswich then moved to amend the bill by inserting after section 94 the following section:

“SECTION 94A. Section 67D of chapter 62C of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking subsection (a) and replacing it with the following subsection:—

(a) When used in this section, the following words shall have the following meaning:

‘Application year’, the calendar year for which a biotechnology or medical device manufacturing or marine science technology company or small business submits the information required for a determination as to a jobs incentive payment.

‘Biotechnology company’, a business primarily engaged in the research, development, production or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes including, but not limited to, medical, pharmaceutical, nutritional and other health-related purposes or a person engaged in providing services or products necessary for such research, development, production or provision. This term shall include contract manufacturers engaged in the production of biotechnology products for a biotechnology company or a medical device manufacturing or marine science technology company.

‘Business’, a corporation, sole proprietorship, partnership, limited liability company or any other form of business organization.

‘Commissioner’, the commissioner of revenue.

‘Eligible Jobs’, a number determined by first multiplying each of the local jobs created by a biotechnology or medical device manufacturing company or small business during a single calendar year by the job qualifier for that job, and then totaling the number for all of the local jobs created.

‘Full time employee’, a person who is employed for consideration for at least 35 hours per week and whose salary is subject to withholding as provided in chapter 62B.

‘Job qualifier fraction’, in the case of either a full-time employee or a part-time employee of a biotechnology or medical device manufacturing or marine science technology company or small business, the figure that determines the extent to which that employee is employed in the commonwealth during a single calendar year. The job qualifier fraction for each employer shall be determined by multiplying the following percentages together: (i) the percentage of time that an employee worked while employed by the company expressed as average hours worked per week out of 35 hours, not to exceed 100 per cent; (ii) that employee’s time attributable to work in the commonwealth, as a portion of that employee’s total work for the company; and (iii) the portion of the year the employee worked for the company.

‘Jobs incentive payment’, a business employment incentive payment for biotechnology or medical device manufacturing or marine science technology companies or small businesses as provided for in this section.

‘Local jobs created’, the total number of jobs created by a biotechnology or medical device manufacturing or marine science technology company or small business during a single calendar year in which the new employees perform qualified services at least 1 in-state location, including jobs performed by persons that are transferred within the company to work at an in-state location from a location based outside the state.

‘Marine science technology company’, a business engaged in research, exploration, operations, monitoring, or defense in marine settings. This term shall include contract manufacturers engaged in the production of these products for a marine science technology company.

‘Medical device manufacturing company’, a business primarily engaged in manufacturing medical or surgical instruments, surgical appliances or supplies or electromedical, electrotherapeutic or irradiation apparatus. This term shall include contract manufacturers engaged in the production of such products for a medical device manufacturing company or a biotechnology company.

‘Part-time employee’, a person who is employed for consideration for less than 35 hours a week and whose salary is subject to withholding as provided in chapter 62B.

‘Payment years’, in the case of a biotechnology or medical device manufacturing or marine science technology company or small business that is determined to be eligible for a jobs incentive payment, the 3 calendar years following the application year.

‘Qualified services’, for an employee of a biotechnology or medical device manufacturing company, direct production manufacturing services performed that consist primarily of at least 1 of the following services: medicinal and botanical manufacturing, pharmaceutical and preparation manufacturing, in vitro diagnostic substance manufacturing, biological product, except diagnostic, manufacturing, surgical and medical instrument manufacturing, electromedical and electrotherapeutic apparatus manufacturing, surgical appliance and supplies manufacturing and irradiation apparatus manufacturing. These services are as referenced in the federal NAICS Codes for biotechnology manufacturing, numbers 325411-325414, 339112, 314510, 339113 and 334517, respectively or direct manufacturing or professional services performed by an employee of a marine science technology company during a calendar year that consists of research, exploration, operations, monitoring, or defense in a marine setting.

‘Weighted, average employment’, for a calendar year, the total number of jobs maintained by a biotechnology or medical device manufacturing or marine science technology company in which the employees performed employment services in at least 1 in-state location. The number is to be determined by first multiplying each of the individual jobs maintained by the company for that year by the job qualifier fraction for that job and then totaling the number for all of these jobs.”; and by inserting after section 123 the following section:

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“SECTION 123A. Section 2B of Chapter 130 of the Acts of 2008 is hereby amended by striking the figures ‘\$500,000,000’ and inserting in its place the figures:— \$400,000,000.”

The amendments were rejected.

Mr. Rice of Gardner then moved to amend the bill by inserting after section 11 the following section:

“SECTION 12. Said section 3A of said chapter 23A is further amended by striking out, in the definition of ‘gateway municipalities’, the words:— population greater than 35,000.”

After remarks the amendment was rejected.

Mr. Cabral of New Bedford then moved to amend the bill in section 2B, in line 24, by striking out the words “joint committee on bonding, capital expenditures and state assets” and inserting in place thereof the words “senate and house committees on bonding, capital expenditures and state assets.”

The amendment was adopted.

The same member then moved to amend the bill by inserting after section 11 the following section:

“SECTION 11A. Said section 3A of said chapter 23A is hereby further amended by inserting after ‘35,000’ the following:— and less than 250,000.”

The amendment was adopted.

Mr. Cabral then moved to amend the bill in section 13, in lines 101, 102 and 103, by striking out the following “generates a net increase or retention of a minimum of at least 50 permanent full-time positions or creates a minimum of 25 new full-time positions” and inserting in place thereof the following “retains a minimum of at least 50 permanent full-time positions or creates a minimum of 25 new full-time positions”, in line 111, by striking out the words “or increase”, and in line 112, by striking out the word “employees” and inserting in place thereof the word “positions”.

The amendments were adopted.

Mr. Cabral of New Bedford then moved to amend the bill in section 82, in line 1450, and also in line 1479, by striking out the figures “20” and inserting in place thereof, in each instance, the figures “80”, and by striking out lines 1451 and 1452 and inserting in place thereof the following: “ ‘Market rate residential unit’, a residential unit priced for households above 110% of the area’s household median income”; and in section 88, in line 1679, by striking out the figures “50” and inserting in place thereof the figures “10”.

The amendments were adopted.

Representatives Wolf of Cambridge and Cantwell of Marshfield then moved to amend the bill by striking out section 127 (as previously amended); and, there being no objection, the amendment was adopted.

Mr. Kane of Holyoke then moved to amend the bill by adding the following section:

“SECTION 150. The Massachusetts Growth Capital Corporation established pursuant to chapter 40F shall examine the Massachusetts opportunity rebuilding and expansion infrastructure program as filed in the 2009-2010 legislative session and make legislative recommendations for filing and action on the implementation of said program to the clerks of the house of representatives and senate before July 31, 2011.”

The amendment was adopted.

Ms. Callahan of Sutton then moved to amend the bill by adding the following section:

“SECTION 151. Chapter 7 of the General Laws is hereby amended by adding the following section:—

For purposes of this section, ‘lean enterprise’ means a performance system that leads, promotes and facilitates continuous improvement efforts across state government through the use of a set of proven quality tools, methods and strategies commonly known as ‘lean six sigma or kaizen’ for the purposes of better organizing and managing public services, programs, and operations to achieve measurable results, increase efficiency, reduce variation and errors, eliminate waste, improve public value and enhance service delivery.

The Executive Office of Administration and Finance (ANF) shall be responsible for implementing and overseeing a comprehensive Lean Enterprise Performance Program. The function of the program is to ensure state wide implementation of lean tools and techniques as a component of an overall performance management system for all executive branch agencies and departments, to enhance economic development and improve service efficiency. The Governor and ANF shall be responsible for researching and reviewing how other states have successfully implemented and continue to execute lean performance models and measures. The governor shall make recommendations to ANF on the desired structure to implement such a program and the initial necessary educational resources or consulting services needed to pilot and subsequently provide for full implementation of the program. Funding for a Lean Enterprise Performance Program shall be made via annual fiscal appropriations contained within ANF.”

After remarks the amendment was rejected.

Mr. Michlewitz of Boston then moved to amend the bill by adding the following two sections:

“SECTION 151. Section 1 of Chapter 62 of the General Laws is hereby amended by adding after section 6L the following new section:—

Section 6M. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:—

‘Commissioner’, the Massachusetts Commissioner of Revenue.

‘Project’, the design, development and construction of buildings and structures, that shall be used by nonprofit entities for recreational, cultural, or educational purposes or other enrichment programs related thereto, along the Rose Kennedy Greenway in the City of Boston on Parcels 6, as identified in the Central Artery Tunnel Project Joint Development Protocol for Surface Parcels dated June 26, 2003.

‘Taxpayer’, an individual, corporation, financial institution, corporate trust, limited liability company, partnership or other entity subject to the income tax imposed by the provisions of this chapter or chapter 63, or a nonprofit organization engaged in a project.

(b) A taxpayer engaged in a project, as so defined in section (a), along the greenway shall be allowed a credit equal to 20 per cent of the cost of the design, development and construction of any said project.

(c) The tax credit shall be taken against the taxes imposed under this chapter or chapter 63, at the election of the taxpayer, said credit shall be refundable or transferable as provided for in subsection (d). Any amount of the tax credit that exceeds the tax due for a taxable

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year may be carried forward by the taxpayer to any of the 5 subsequent taxable years.

(d) (1) All or any portion of tax credits issued in accordance with this subsection may be transferred, sold, or assigned to one or more taxpayers with tax liabilities under this chapter or chapter 63. Any tax credit that is transferred, sold, or assigned and taken against taxes imposed by this chapter or said chapter 63 shall not be refundable. Any amount of the tax credit that exceeds the tax due for a taxable year may be carried forward by the transferee, buyer or assignee to any of the 5 subsequent taxable years from which a certificate is initially issued by the department of revenue.

(2) An owner or transferee desiring to make a transfer, sale or assignment shall submit to the commissioner a statement which describes the amount of tax credit for which the transfer, sale or assignment of tax credit is eligible. The owner or transferee shall provide to the commissioner information as the commissioner may require for the proper allocation of the credit. The commissioner shall provide to the taxpayer a certificate of eligibility to transfer, sell or assign the tax credits. The commissioner shall not issue a certificate to a taxpayer that has an outstanding tax obligation with the Commonwealth of Massachusetts in connection to any prior taxable year. A tax credit shall not be transferred, sold or assigned without a certificate.

(e) The total amount of tax credits provided under this subsection in connection with any one project shall not exceed \$10,000,000.

(f) The commissioner shall promulgate regulations necessary for the administration of this subsection.

SECTION 152. Section 151 shall be effective for tax years beginning on and after January 1, 2014.”

The amendment was rejected.

Mr. Dempsey of Haverhill then moved to amend the bill by adding the following three sections:

“SECTION 151. Clause (c) of paragraph 5 of section 30 of chapter 63 of the General Laws, as so appearing, is hereby amended by striking subclause (iii).

SECTION 152. Said paragraph 5 of said section 30 of said chapter 63, as so appearing, is hereby amended by adding the following clauses:—

(d) Notwithstanding any other provision of this section, in the case of a business corporation, losses incurred before the corporation becomes subject to tax liability in this commonwealth shall not be allowed.

(e) Notwithstanding any other provision of this section, when a net operating loss is otherwise allowed to a corporation under this chapter, the loss is to be determined and carried forward by multiplying the loss by the corporation’s apportionment percentage as determined under this chapter for the taxable year in which the loss is sustained, with respect to the business that generated the loss, and is to be deducted by the corporation from its taxable net income allocated or apportioned to the commonwealth. The commissioner shall adopt rules or regulations to implement this section and to coordinate the application of this section with the other provisions of this chapter.

SECTION 153. Section 152 shall be effective for net operating losses and loss carry forwards determined or claimed as a deduction in tax years beginning on or after January 1, 2010. The commissioner or revenue may adopt rules or regulations to address any transition issues in implementing this section.”

The amendment was adopted.

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

“SECTION 154. Subsection (g) of section 11F of chapter 25A, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word ‘megawatts’ , in line 141, the following words:— or from solar photovoltaic or solar thermal electric energy sources having a power production capacity of not more than 6 megawatts.”

The amendment was adopted.

Messrs. Kafka of Stoughton and Galvin of Canton then moved that the bill be amended in section 17, after line 207, by inserting the following paragraph:

“(k) The MOBD shall work with the Massachusetts Department of Transportation to establish an economic development plan for the communities in which the construction of the South Coast Rail project is to be undertaken. Special consideration shall be given to the downtown regions of the communities which currently maintain an active commuter rail station and whose layout will be altered by said project, as well as exploration of opportunities to site agencies or businesses in the area of the rail stations for the purpose of economic development.”

The amendment was adopted.

Mr. Finegold of Andover then moved to amend the bill in section 47, in lines 891 and 892, by striking out the words “by the general public” and inserting in place thereof the words “, in whole or in part, by the general public or by representatives of member cities or towns”.

The amendment was adopted.

Mr. Jones of North Reading and other members then moved to amend the bill by inserting after section 128 the following section:

“SECTION 128B. Notwithstanding any general or special law to the contrary, subsection (b) of section 39 of chapter 7 of the General Laws, as appearing in the 2008 Official Edition, is hereby suspended, beginning January 1, 2010, and ending December 31, 2012.”

The amendment was adopted.

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

“SECTION 154A. Notwithstanding any general or special act to the contrary, the operational services division within the executive office for administration and finance shall endeavor to ensure that in any fiscal year no less than 15% of statewide procurement contracts are entered into with small businesses. For the purposes of this section, small business shall mean a business entity, including its affiliates, that (i) is independently owned and operated; (ii) has a principal place of business in the commonwealth; and (iii) would be defined as a small business under applicable federal law.”

The amendment was adopted.

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Mr. Walsh of Lynn then moved to amend the bill in section 2B, in line 26, by inserting after the word "technologies" the words ", the chairs of the Joint Committee on State Administration and Regulatory Oversight"; and the amendment was adopted.

The same member then moved to amend the bill in section 18, in lines 305 and 306, by striking out the following "Section 11A½ of Chapter 30A" and inserting in place thereof the following "section 18 through section 25 of chapter 30A", and in line 306, by striking out the following "Section 11A½" and inserting in place thereof the following "section 18".

The amendments were adopted.

Mr. Donato of Medford being in the Chair,—

Mr. Kaufman of Lexington then moved to amend the bill by adding the following section:

"SECTION 155. (a)(1) Notwithstanding any general or special law to the contrary, the commissioner of the department of revenue, in consultation with the executive office of housing and economic development, shall conduct a study on the costs and benefits of Section 89 and Section 95 and shall file a report with the clerks of the Senate and House of Representatives on or before October 15th of each year.

(a)(2) The report shall include an analysis of the impact on investment in Massachusetts based companies, including, but not limited to, the number of start-up companies created, the amount of investment in start-up companies, the number of jobs created and the impact on corporate income tax collections.

(b) The executive office of housing and economic development shall submit to the commissioner, on or before May 15th of each year, data the commissioner deems necessary to complete the report required in sections (a)(1) and (2)."

The amendment was adopted.

The same member then moved to amend the bill by inserting after section 94 the following section:

"SECTION 94A. Section 1 of said chapter 62C, as so appearing in the 2008 General Laws of Massachusetts, is hereby amended by adding the following definition:—

"Tax credit program", (i) the tax credit in subsection (j) of section 6 of chapter 62 and section 38Q of chapter 63; (ii) the dairy farmer tax credit in subsection (o) of said section 6 of said chapter 62 and the dairy farm tax credit in section 38Z of said chapter 63; (iii) the U.S.F.D.A. user fees credit in section 31M of said chapter 63 and subsection (n) of said section 6 of said chapter 62; (iv) the film tax credit in subsection (b) of section 38X of said chapter 63 and subsection (l) of said section 6 of said chapter 62; (v) the historic rehabilitation tax credit in section 38R of said chapter 63 and section 6J of said chapter 62; (vi) the life sciences investment tax credit in section 38U of said chapter 63 and subsection (m) of said section 6 of said chapter 62; (vii) the low-income housing tax credit in section 31H of said chapter 63 and section 6I of said chapter 62; (viii) the medical device tax credit in section 31L of said chapter 63 and section 6 1/2 of said chapter 62; (ix) the refundable research credit in subsection (j) of section 38M of said chapter 63; (x) the economic development incentive program in subsection (g) of said section 6 of said chapter 62 and sec-

tion 38N of said chapter 63; and (xi) any transferrable or refundable credits under chapter 62 and 63 established on or after July 1, 2010."

The amendment was adopted.

Ms. Hogan of Stow then moved to amend the bill in section 4, in line 52, by inserting after the word "administration" the following "and shall give consideration to any impacts the plan may have on businesses employing 10 or fewer people".

The amendment was adopted.

Mr. Dempsey of Haverhill then moved to amend the bill:

In section 17, in line 169, by striking out the words "the primary" and inserting in place thereof the word "a";

In section 18, in line 393, by striking out the words "shall contract with another" and inserting in place thereof the following "shall contract with MOBD or a";

In section 25, in lines 581, 582 and 583, by striking out the definition of "small business" and inserting in place thereof the following:—

" 'Small business', shall mean any business that has less than 250 full-time equivalent employees";

In section 28, in line 594, by striking out the word "board" and inserting in place thereof the word "chair";

In section 40, in line 822, by inserting after the word "director" the words "or his designee";

By striking out section 45;

In section 89, in line 1689, by inserting after the word "investment" the following "and complies with subsections (e)(1), (e)(2), (e)(5), and (e)(6) of Section 1202 of the Internal Revenue Service Code", in line 1689, by striking out the following "3 years or more" and inserting in place thereof the following "3 years or more", in line 1691, by inserting after the word "incorporation" the following "and, to the extent consistent with the provisions of this subsection, shall be in stock in a corporation that satisfies the requirements for treatment as 'qualified small business stock' under section 1202(c) of the federal Internal Revenue Code (without regard to the requirement that the corporation be a 'C corporation')", and by striking out the paragraph contained in lines 1692, 1693 and 1694;

By striking out section 92 and inserting in place thereof the following section:

"SECTION 92. Said subsection (g) of said section 6 of said chapter 62, inserted by section 21 of chapter 166 of the acts of 2009, is hereby amended by striking out paragraph (1) inserting the following paragraph:

(1) A credit shall be allowed against the tax liability imposed by this chapter, to the extent authorized by the economic assistance coordinating council established in section 3B of chapter 23A, up to an amount equal to 50 per cent of such liability in any taxable year; provided, however, that the 50 per cent limitation shall not apply where the credit is refundable under paragraph (5): (i) for certified expansion projects and certified enhanced expansion projects, as defined in sections 3A and 3F of said chapter 23A, an amount up to 10 per cent, and (ii) for certified manufacturing retention projects, as defined in said sections 3A and 3F of said chapter 23A, an amount up to 40 per cent of the cost of property that would qualify for the credit allowed by section 31A

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of chapter 63 if the property were purchased by a manufacturing corporation or a business corporation engaged primarily in research and development and used exclusively in a certified project as defined in said sections 3A and 3F of said chapter 23A. A lessee may be eligible for a credit pursuant to this subsection for real property leased pursuant to an operating lease. If such property is disposed of or ceases to be in qualified use within the meaning of said section 31A of said chapter 63 or if such property ceases to be used exclusively in a certified project, as defined in said sections 3A and 3F of said chapter 23A, before the end of its useful life, the recapture provisions of subsection (e) of said section 31A of said chapter 63 shall apply and an amount determined thereunder shall be added to the tax imposed by this chapter.

The total amount of credits that may be authorized by the economic assistance coordinating council in a calendar year pursuant to this section and section 38N of chapter 63 shall not exceed an annual cap equal to \$25,000,000 minus the credits granted and carryforwards of credits from prior years pursuant to subsection (q)(5) of section 6 of this chapter and section 38BB(5) of said chapter 63, and shall include: (1) refundable credits granted during the year pursuant to this section or said section 38N of said chapter 63; (2) nonrefundable credits granted during the year pursuant to this section or said section 38N of said chapter 63, to the extent that such nonrefundable credits are estimated by the commissioner to offset tax liabilities during the year; and (3) carryforwards of credits from prior years pursuant to this section or said section 38N of said chapter 63, to the extent that such credit carryforwards are estimated by the commissioner to offset tax liabilities during the year. Of these allowable credits, the economic assistance coordinating council may award not more than \$5,000,000 in a calendar year to certified enhanced expansion projects as defined in sections 3A and 3F of chapter 23A, and not more than \$5,000,000 for certified manufacturing retention projects as defined in said sections 3A and 3F of said chapter 23A. Any portion of the annual cap not awarded by the economic assistance coordinating council in a calendar year shall not be applied to awards in a subsequent year. The economic assistance coordinating council shall provide the commissioner of revenue with any documentation that the commissioner deems necessary to confirm compliance with the annual cap and the commissioner shall provide a report confirming compliance with the annual cap to the secretary of administration and finance and the secretary of housing and economic development.”;

In section 95, in line 1769, by inserting after the word “on” the words “or after”;

By striking out section 96 and inserting in place thereof the following section:

“SECTION 96. Section 38N of chapter 63, inserted by section 23 of chapter 166 of the acts of 2009, is hereby amended by striking out subsection (a) and inserting in place thereof the following:

(a) A corporation subject to tax under this chapter that participates in a certified project as defined in sections 3A and 3F of chapter 23A, may take a credit against the excise imposed by this chapter to the extent authorized by the economic assistance coordinating council established by section 3B of said chapter 23A, in an amount not to exceed 50 per cent of such liability in a taxable year; provided, how-

ever, that the 50 per cent limitation shall not apply if the credit is refundable under subsection (b): (i) for certified expansion projects and certified enhanced expansion projects, as defined in said sections 3A and 3F of said chapter 23A, an amount up to 10 per cent; and (ii) for certified manufacturing retention projects, as defined in said sections 3A and 3F of said chapter 23A, an amount up to 40 per cent of the cost of any property that would qualify for the credit allowed by section 31A if the property were purchased by a manufacturing corporation or a business corporation engaged primarily in research and development and is used exclusively in a certified project as defined in said sections 3A and 3F of said chapter 23A. A lessee may be eligible for a credit pursuant to this subsection for real property leased pursuant to an operating lease.

The total amount of credits that may be authorized by the economic assistance coordinating council in a calendar year pursuant to subsection (g) of section 6 of chapter 62 and this section shall not exceed an annual cap equal to \$25,000,000 minus the credits granted and carryforwards of credits from prior years pursuant to section 38BB(5) of this chapter and subsection (q)(5) of section 6 of chapter 62, and shall include: (1) refundable credits granted during the year pursuant to said subsection (g) of said section 6 of said chapter 62 or this section; (2) nonrefundable credits granted during the year pursuant to said subsection (g) of said section 6 of said chapter 62 or this section, to the extent that such nonrefundable credits are estimated by the commissioner to offset tax liabilities during the year; and (3) carryforwards of credits from prior years pursuant to said subsection (g) of said section 6 of said chapter 62 or this section, to the extent that such credit carryforwards are estimated by the commissioner to offset tax liabilities during the year. Of these allowable credits, the economic assistance coordinating council may award not more than \$5,000,000 in a calendar year to certified enhanced expansion projects as defined in sections 3A and 3F of chapter 23A and not more than \$5,000,000 for certified manufacturing retention projects as defined in said sections 3A and 3F of said chapter 23A. Any portion of the annual cap not awarded by the economic assistance coordinating council in a calendar year shall not be applied to awards in a subsequent year. The economic assistance coordinating council shall provide the commissioner with any documentation that the commissioner deems necessary to confirm compliance with the annual cap and the commissioner shall provide a report confirming compliance with the annual cap to the secretary of administration and finance and the secretary of housing and economic development.

The credit allowed under this section may be taken by an eligible corporation; provided, however, that the credit allowed by section 31A or section 31H shall not be taken by such corporation. For purposes of this paragraph, the corporation need not be a manufacturing corporation or a business corporation engaged primarily in research and development. If such property is disposed of or ceases to be in qualified use within the meaning of said section 31A or if such property ceases to be used exclusively in a certified project before the end of its useful life, the recapture provisions of subsection (e) of said section 31A shall apply.

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As used in this paragraph, 'EACC' shall mean the economic assistance coordinating council established in section 3B of chapter 23A. A credit allowed under this section may be taken only after the taxpayer completes a report signed by an authorized representative of the corporation and files the report with the EACC within 2 years after the initial project certification by the EACC and annually thereafter. The report shall contain pertinent employment data needed to determine whether the taxpayer has reasonably satisfied the employment projections set forth in its original project proposal granted pursuant to section 3F of said chapter 23A. Paragraph (3) of section 3F of said chapter 23A shall apply to tax benefits awarded under this section. Nothing in this section shall limit the authority of the commissioner to make adjustments to a corporation's liability upon audit."

In section 125, in line 2034, by striking out the year "1956" and inserting in place thereof the year "1968";

In section 128, in line 2141, by inserting before the word "Notwithstanding" the following "SECTION 128A", and in said line, by striking out the words "the comptroller" and inserting in place thereof the words "the Massachusetts Development Finance Agency";

In section 129, in lines 2144 to 2145, by striking out the following "90 to 99, 101 to 112, 115 to 117, and 119 to 128" and inserting in place thereof the following "90, 91, 94, 95, 98, 99, 101 to 112, 115 to 117, 119, 121 to 123, and 125 to 128";

In section 130, in line 2146, by striking out the following "and section 118" and inserting in place thereof the following " , 118, 120 and 124"; and

By adding the following ten sections:

"SECTION 157. To meet the expenditures necessary in carrying out section 2A, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$75,000,000. All such bonds issued by the commonwealth shall be designated on their face, Job Creation by Small Business Act of 2010, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2045. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 158. Section 5 of chapter 23A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 9, the words ' , in the department of economic development'.

SECTION 159. Section 6 of said chapter 23A, as so appearing, is hereby amended by striking out, in line 2, the words 'of economic development'.

SECTION 160. Notwithstanding any other general or special law to the contrary a stock purchase agreement between the commonwealth and the Community Development Finance Corporation, or CDFC, in existence on the effective date of this act which contains outstanding

obligations on the part of the commonwealth and which has been pledged as security for the payment of debt obligations issued by the CDFC which are also outstanding on the effective date of this act shall continue to constitute a general obligation of the commonwealth for which the faith and credit of the commonwealth remains pledged for the benefit of the CDFC and of the holders of said debt obligations of the CDFC until the terms of said debt obligations are satisfied.

SECTION 161. (a) Notwithstanding any general or special law to the contrary, this section shall facilitate the orderly transfer of the employees, proceedings, rules and regulations, property and legal obligations of the following functions of state government from the transferor agency to the transferee agency, defined as follows: (1) the functions of the Massachusetts Sports and Entertainment Commission, as the transferor agency, to the Massachusetts marketing partnership, as the transferee agency; (2) the functions of the Community Development Finance Corporation and the Economic Stabilization Trust, as transferor agencies, to the Massachusetts Growth Capital Corporation, as the transferee agency; (3) the functions of the department of business development, as the transferor agency, to the Massachusetts office of business development, as the transferee agency; (4) the functions of the office of travel and tourism in the department of business development, as the transferor agency, to the office of travel and tourism in the Massachusetts marketing partnership, as the transferee agency; (5) the functions of the office of international trade and investment in the department of business development, as the transferor agency, to the Massachusetts international trade office in the Massachusetts marketing partnership, as the transferee agency; and (6) the function of the office of small business and entrepreneurship, as the transferor agency, to the Massachusetts Office of Business Development, as the transferee agency.

(b) The employees of each transferor agency, including those who immediately before the effective date of this act hold permanent appointment in positions classified under chapter 31 of the General Laws or have tenure in their positions as provided by section 9A of chapter 30 of the General Laws or do not hold such tenure, or hold confidential positions, are hereby transferred to the respective transferee agency, without interruption of service, without impairment of seniority, retirement or other rights of the employee, and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits.

The reorganization shall not impair the civil service status of any such reassigned employee who immediately before the effective date of this act either holds a permanent appointment in a position classified under chapter 31 of the General Laws or has tenure in a position by reason of section 9A of chapter 30 of the General Laws.

Notwithstanding the provisions of any general or special law to the contrary, all such employees shall continue to retain their right to collectively bargain under chapter 150E of the General Laws and shall be considered employees for the purposes of said chapter 150E. Nothing in this section shall be construed to confer upon an employee a right not held immediately before the date of said transfer, or to prohibit a

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reduction of salary grade, transfer, reassignment, suspension, discharge, layoff or abolition of position not prohibited before such date.

(c) All petitions, requests, investigations and other proceedings appropriately and duly brought before each transferor agency or duly begun by each transferor agency and pending before it before the effective date of this act, shall continue unabated and remain in force, but shall be assumed and completed by the transferee agency.

(d) All orders, rules and regulations duly made and all approvals duly granted by each transferor agency, which are in force immediately before the effective date of this act, shall continue in force and shall thereafter be enforced, until superseded, revised, rescinded or canceled, in accordance with law, by the transferee agency.

(e) All books, papers, records, documents, equipment, buildings, facilities, cash and other property, both personal and real, including all such property held in trust, which immediately before the effective date of this act are in the custody of each transferor agency shall be transferred to the transferee agency.

(f) All duly existing contracts, leases and obligations of each transferor agency shall continue in effect but shall be assumed by the respective transferee agency. No existing right or remedy of any character shall be lost, impaired or affected by this act.

SECTION 162. Sections 92, 93, 96 and 97 shall take effect January 1, 2011.

SECTION 163. The provisions of section 89 of this act shall not be deemed severable. If any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction, all of the provisions of this section shall be deemed to be void.

SECTION 164. Subsection (b) of section 21 of chapter 62C of the General Laws, as most recently amended by section 34 of chapter 27 of the Acts of 2009, is hereby further amended by adding the following clause:—

(26) the disclosure to members of the Joint Enforcement Task Force on the Underground Economy and Employee Misclassification, established by Executive Order 499, of information relating to the classification by a business entity of individuals providing services to such business entity as employees or independent contractors, including but not limited to information relating to the business entity's withholding or failure to withhold personal income tax pursuant to chapter 62B with respect to payments to particular individuals and the amount of any such payments or withholding.

SECTION 165. Section 1 of chapter 63 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended in subsection (b) of the definition of 'Net Income' by striking out the words 'other taxable years' and inserting in place thereof the following words:— taxable years beginning before January 1, 2012.

SECTION 166. Subsection (I)(b)(ii) of section 52A of chapter 63 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the words 'other taxable years' and inserting in place thereof the following words:— taxable years beginning before January 1, 2012.”.

The amendments were adopted.

Mr. Walsh of Lynn then moved to amend the bill by adding the following four sections:

“SECTION 167. Section 6(j)(1) of Chapter 62 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking the words 'on or before August 5, 2011', in line 2 and adding the following words in place thereof:— on or before August 5, 2013.

SECTION 168. Section 6(j)(1) of Chapter 62 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking the words 'January 1, 2012' and inserting in place thereof:— January 1, 2014.

SECTION 169. Section 38(Q)(a) of Chapter 63 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by deleting the words 'on or before August 5, 2011', in lines 1 and 2, and adding in place thereof the words:— on or before August 5, 2013.

SECTION 170. Section 38(Q)(a) of said Chapter 63, as so appearing, is hereby further amended by deleting the words 'between August 1, 1988 and January 1, 2012', in lines 5 and 6 and adding in place thereof the words:— between August 1, 1998 and January 1, 2014.”.

The amendment was adopted.

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

“SECTION 171. Notwithstanding any general or special law to the contrary, for the days of August 14, 2010 and August 15, 2010, an excise shall not be imposed upon nonbusiness sales at retail of tangible personal property, as defined in section 1 of chapter 64H of the General Laws. For the purposes of this act, tangible personal property shall not include telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals or a single item the price of which is in excess of \$2,500.

SECTION 172. Notwithstanding any general or special law to the contrary, for the days of August 14, 2010 and August 15, 2010, a vendor shall not add to the sales price or collect from a nonbusiness purchaser an excise upon sales at retail of tangible personal property, as defined in section 1 of chapter 64H of the General Laws. The commissioner of revenue shall not require a vendor to collect and pay excise upon sales at retail of tangible personal property purchased on August 14, 2010 and August 15, 2010. An excise erroneously or improperly collected during the days of August 14, 2010 and August 15, 2010, shall be remitted to the department of revenue. This section shall not apply to the sale of telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals or a single item the price of which is in excess of \$2,500.

SECTION 173. Reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to, the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales for the days of August 14, 2010, and August 15, 2010.

SECTION 174. On or before December 31, 2010, the commissioner of revenue shall certify to the comptroller the amount of sales tax for-



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gone, as well as new revenue raised from personal and corporate income taxes and other sources, pursuant to this act. The commissioner shall file a report with the joint committee on revenue and the house and senate committees on ways and means detailing by fund the amounts under general and special laws governing the distribution of revenues under chapter 64H of the General Laws which would have been deposited in each fund, without this act.

SECTION 175. The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act.

SECTION 176. Eligible sales at retail of tangible personal property under sections 1 and 2 are restricted to those transactions occurring on August 14, 2010 and August 15, 2010. Transfer of possession of or payment in full for the property shall occur on 1 of those days, and prior sales or layaway sales shall be ineligible.”

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Pedone of Worcester; and on the roll call 136 members voted in the affirmative and 13 in the negative.

**[See Ye and Nay No. 426 in Supplement.]**

Therefore the amendment was adopted.

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

“SECTION 177. Subsection (c)(3) of section 32B of Chapter 63 of the General Laws, as enacted by chapter 173 of the Acts of 2008, is hereby amended by inserting the following clause at the end thereof:—

(iv) Where a combined group determines its taxable net income or loss on a water’s edge basis, an item of income of a corporation that is organized outside of the United States shall not be included in the combined group’s taxable income to the extent that such item is exempt from US federal income tax by virtue of the provisions of a federal income tax treaty. Any items of expense and apportionment factors related to such item of exempt income shall be excluded in the determination of taxable net income or loss to the extent provided in regulations issued by the commissioner. However, any such item of exempt income shall be taken into account for purposes of determining whether the corporation is included in the water’s edge group pursuant to clauses (ii) or (iii). If a corporation organized outside of the United States is included in a water’s edge combined group and has an item of income that is exempt from US federal income tax by virtue of the provisions of a federal tax treaty, the corporation shall be considered to be included in the combined group pursuant to that clause only with regard to any items of income described in that clause that are not so exempt, taking into account items of expense and apportionment factors associated with such items of non-exempt income to the extent provided by regulations issued by the commissioner. Nothing in this clause shall prevent the Commissioner from adjusting, pursuant to sections 31I, 31J, 31K, or 39A of this chapter, section 3A of chapter 62C, or any other provision of law, any deduction claimed by the payer for amounts that are excluded from the combined group’s taxable income in accordance with this clause. The Commissioner may require the reporting of the amounts of such excluded income and the documenta-

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tion of any claimed treaty exemption as conditions to be met by a payer claiming a deduction of such payments.

SECTION 178. Section 177 shall apply to taxable years beginning on or after January 1, 2009.”

The amendment was adopted.

Ms. Wolf of Cambridge then moved to amend the bill by striking out section 105.

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. Lewis of Winchester; and on the roll call 40 members voted in the affirmative and 108 in the negative.

**[See Ye and Nay No. 427 in Supplement.]**

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

Therefore the amendment was rejected.

Mr. Michlewitz of Boston then moved to amend the bill by striking out section 105 and inserting in place thereof the following section:

“SECTION 105. Chapter 305 of the Acts of 2008 are amended in Section 14, subsection 2(1)(c) by adding after the word ‘setting’ the words:— or a restaurant licensed pursuant to Chapter 140 of the Massachusetts General Laws; or”.

The amendment was rejected.

Mr. Walsh of Lynn then moved to amend the bill by adding the following three sections:

“SECTION 179. Section 184B of chapter 94 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:—

‘Food department’, any seller other than a food store or warehouse club with any grocery item section, area, or display and which sells one hundred or more different food items for consumption off the seller’s premises at least in part to individuals for their own personal, family, or household use; provided, however, that any food section which is within a larger business and is the functional equivalent of a supermarket with its own separate checkout, may be deemed a food store by the director of standards.

SECTION 180. Section 184B of said Chapter 94, as so appearing, is hereby further amended by striking out the ninth paragraph and inserting in place thereof the following paragraph:—

‘Food store’, any store, shop, supermarket, grocer, convenience store, or other seller whose primary business is selling either food for consumption off the seller’s premises alone or in combination with grocery items or other nondurable items typically found in a supermarket, and such items are sold at least in part to individuals for their own personal, family, or household use. For purposes of this section and sections 184C to 184E, a warehouse club shall not be considered a food store.

SECTION 181. Section 184B of said Chapter 94, as so appearing, is hereby further amended by adding the following final paragraph:—

‘Warehouse club’, a retail store in which customers pay annual membership fees in order to purchase items at member-only prices.”

Amendment  
rejected,—  
yea and nay  
No. 427.

Economic development reorganization.

Pending the question on adoption of the amendment, Ms. Forry of Boston moved that it be amended by adding at the following three sections:

"SECTION 182. The definition of 'food store' in said section 184B of said chapter 94, as amended by section 180, is hereby further amended by striking the words 'For purposes of this section and sections 184C to 184E, a warehouse club shall not be considered a food store.'

SECTION 183. The definition of 'warehouse club' in said section 184B of said chapter 94, as amended by section 181, is hereby repealed.

SECTION 184. Sections 182 and 183 shall take effect on December 1, 2011."

The further amendment was adopted.

The amendment, as amended, then also was adopted.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays at the request of Mr. Dempsey of Haverhill; and on the roll call 145 members voted in the affirmative and 4 in the negative.

**[See Ye and Nay No. 428 in Supplement.]**

Therefore the bill, as amended, was passed to be engrossed, in concurrence (for text of bill as amended by the House, see House, No. 4863, published as amended). The bill (Senate, No. 2380, amended) then was sent to the Senate for concurrence in the amendment.

*Orders of the Day.*

House bills

Relative to certain banking laws (House, No. 4341) (its title having been changed by the committee on Bills in the Third Reading);

Relative to seawalls in the town of Duxbury (House, No. 4655); and Authorizing the town of Amesbury to grant additional licenses for the sale of all alcoholic beverages (House, No. 4818).

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

Senate bills

Further regulating above ground tanks used for the storage of certain fluids (Senate, No. 914);

Authorizing a certain question relative to a charter revision in the town of Palmer to be placed on the state election ballot (Senate, No. 2352);

Relative to the sale of antique barometers, thermometers and clocks (Senate, No. 2403); and

Relating to safety regulations for school athletic programs (Senate, No. 2469); and

House bills

Further regulating the appointment of certain guardians (House, No. 1513);

Relative to the development of air rights over the Massachusetts Turnpike (House, No. 3364);

Relative to apprentice training (House, No. 4580);

Establishing the Caleb Chase revenue account for the town of Harwich (House, No. 4587);

Relative to room occupancy excise tax in the town of Provincetown (House, No. 4653);

Exempting all positions in the Provincetown police department from the civil service law (House, No. 4656);

Authorizing the town of Westford, acting by and through its conservation commission, to lease a certain parcel of land for camp purposes (House, No. 4662);

Authorizing the city of Boston parks and recreation commission to lease certain real property under its control and owned by the city of Boston (House, No. 4663);

Providing for the leasing and construction of improvements to the North Branch Library and East Branch Library Buildings in the town of Watertown. (House, No. 4667);

Authorizing the city of Gardner to convey certain land under the control of the Gardner Conservation Commission (House, No. 4679);

Authorizing the town of Southbridge to match debt repayment for school projects to the retirement of other outstanding debt (House, No. 4695);

Establishing a linkage extraction program in the city of Everett (House, No. 4696);

Authorizing the city of Everett to create an inspectional services department in the city of Everett (House, No. 4697);

Authorizing the town of Sudbury to enter into or extend wireless facility contracts or leases for periods in excess of twenty years (House, No. 4715);

Establishing a sick leave bank for Susan Spera (House, No. 4717);

Authorizing the town of Sudbury to enter into long-term energy related leases / contracts including power purchase agreements (House, No. 4718);

Authorizing the town of Westborough to remove a condition of a full liquor license (House, No. 4735);

Authorizing the town of Winthrop and the Winthrop Housing Authority to grant certain easements for underground electric and intelligence transmission and distribution cables (House, No. 4766); and

Relative to cutting down, trimming or removing bushes and small trees (House, No. 4791).

Severally were read a second time; and they were ordered to a third reading.

The recommitted House Bill improving coordination of the youth workforce development system in the Commonwealth House, No. 4624) was considered, the question being on ordering the bill to a third reading.

The amendment previously recommended by the committee on Labor and Workforce Development,— that the bill be amended by substitution of a bill with the same title (House, No. 4724),— was adopted.

The substituted bill then was ordered to a third reading.

Bill passed to be engrossed,— ye and nay No. 428.

Third reading bills.

Second reading bills.

Second reading bill amended.

Second reading  
bill amended.

The Senate Bill establishing an organ and tissue donor registration fund (Senate, No. 2515, amended) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4860,— was adopted.

The bill (Senate, No. 2515, amended) then was ordered to a third reading.

Id.

The House Bill relative to post partum depression (House, No. 4668) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4859),— was adopted.

The substituted bill then was ordered to a third reading.

George M.  
Sanborn  
Library.

The House Bill naming the state transportation library the George M. Sanborn Library (House, No. 3266), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Malia of Boston moved to amend it in lines 2 and 3, by striking out the words "Library and shall remain such as long as it is maintained for a library collection" and inserting in place thereof the following "transportation library and resource center in memory of George M. Sanborn. The Massachusetts Department of Transportation shall place a suitable marker bearing this designation in compliance with standards of the department."

The amendment was adopted; and the bill (House, No. 3266, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Maria  
Hudson,—  
sick leave  
bank.

The House Bill establishing a sick leave bank for Maria Hudson, an employee of the Department of Revenue (House, No. 4797) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by adding the following sentence "Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department."

The amendment was adopted; and the bill (House, No. 4797, amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

*Ordered,* That when the House adjourns today, it adjourn to meet tomorrow at one o'clock P.M.

Next  
sitting.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eleven minutes before eight o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the next day at one o'clock P.M.