

JOURNAL OF THE HOUSE.

Thursday, July 14, 2005.

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 pause for a moment of personal reflection and prayer, and to review and perhaps, rearrange our present goals and priorities. We believe that we are members of the one human family, Your family. As You are concerned with our personal human and spiritual daily needs, teach us to be aware of and concerned with the human and spiritual needs of our neighbors and constituents. In these changing times may we be especially alert to the concerns of our children and senior adults. As the electorate depends upon our sound, rational and logical decisions teach us to be open to the ideas and experiences of others as we formulate public policy.

Prayer.

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

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

Pledge of allegiance.

Statement Concerning Representative Connolly of Everett.

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

MADAM SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Connolly of Everett, was not present in the House Chamber for today's sitting due his hospitalization. Had he been present on the taking of the yeas and nays on overriding the Governor's vetoes and reductions to the fiscal year 2006 budget, he would have voted in the affirmative, in each instance, to override. Any roll calls that he may have missed today was due entirely to the reason stated.

Statement concerning Representative Connolly of Everett.

Statement Concerning Representative Flynn of Bridgewater.

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

MADAM SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Flynn of Bridgewater, was not present in the House Chamber for today's sitting due to a long-standing personal family commitment. Had he been present on the taking of the yeas and nays on overriding the Governor's vetoes and reductions to the fiscal year 2006 budget, he would have voted in the affirmative, in each instance, to override. Any roll calls that he may have missed today was due entirely to the reason stated.

Statement concerning Representative Flynn of Bridgewater.

Statement Concerning Representative Humason of Westfield.

A statement of Mr. Jones of North Reading concerning Mr. Humason of Westfield was spread upon the records of the House, as follows:

MADAM SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Humason of Westfield, will not be present in the House Chamber for today's sitting due to his attending the Emerging Political Leaders Program at the Darden Graduate School of Business Administration, University of Virginia, Charlottesville. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement concerning Representative Humason of Westfield.

Statement Concerning Representative Kennedy of Brockton.

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

MADAM SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kennedy of Brockton, was not present in the House Chamber for today's sitting due to being under medical care. Had he been present, he would have voted in the affirmative, in each instance, to override the Governor's vetoes and reductions to the fiscal year 2006 budget. Any roll calls that he missed today and the next several days will be due entirely to the reason stated.

Statement concerning Representative Kennedy of Brockton.

Resolutions.

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

Resolutions (filed by Mr. Jones of North Reading and other members of the House) supporting private property rights in Massachusetts and protecting them from abuse of the right of taking by eminent domain;

Resolutions (filed by Representatives Bradley of Hingham and Canavan of Brockton) proclaiming Operation Lifesaver Day;

Resolutions (filed by Mr. Cabral of New Bedford) on the occasion of the South End Golden Age Club Day, August 14, 2005; and

Resolutions (filed by Mr. Smola of Palmer) congratulating Anna Mary Severage on the occasion of her one hundredth birthday;

Mrs. Parente of Milford, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Rogeness of Longmeadow, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Property rights.

Operation Lifesaver Day. South End Golden Age Club Day. Anna Mary Severage.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That, notwithstanding the provisions of the rules, the Speaker shall assign a court officer to cast the votes, except for quorum roll calls, for Representative O'Flaherty of Chelsea while said member is conducting a public hearing in the State House on the subject of capital punishment.

Representative O'Flaherty of Chelsea, voting.

Monthly Report.

The monthly report of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws) relative to the condition of the Commonwealth's Unemployment Trust Fund for May, 2005, was placed on file.

Unemployment Trust Fund.

Petitions.

Petitions severally were presented and referred as follows:

By Mrs. Harkins of Needham, petition (accompanied by bill, House, No. 4254) of Lida E. Harkins and Richard J. Ross (by vote of the town) for legislation to authorize the town of Mansfield to lease a certain parcel of land for the construction of a sports and recreation center;

Medfield, land lease.

By Mr. Kafka of Sharon, petition (accompanied by bill, House, No. 4255) of Louis L. Kafka and others (by vote of the town) that the town of Stoughton be authorized to establish a capital infrastructure fund for costs incurred as a member of the Water Resources Authority; and

Stoughton, M.W.R.A. fund.

By Mr. Costello of Newburyport, petition (accompanied by bill, House, No. 4256) of Michael A. Costello (with the approval of the mayor and city council) that the city of Newburyport be authorized to transfer certain balances into the capital improvements and stabilization fund of said city;

Newburyport, capital improvement funds.

Severally to the committee on Municipalities and Regional Government.

By the same member, petition (accompanied by bill, House, No. 4257) of Michael A. Costello (by vote of the town) that the position of chief of police in the town of Salisbury be exempt from provisions of the civil service law; and

Salisbury, police chief.

By Mr. Kennedy of Brockton, petition (accompanied by bill, House, No. 4258) of Thomas P. Kennedy and others (with the approval of the mayor and city council) that the retirement board of the city of Brockton be required to make adjustments in the years of service of certain part-time employees of the public library system of said city;

Brockton, retirement adjustments.

Severally to the committee on Public Service.

Severally sent to the Senate for concurrence.

Mr. Jones of North Reading presented a petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., and others relative to the provision of water services to the town of Reading by the Massachusetts Water Resources Authority; and the same was referred, under Rule 24, to the committee on Rules.

Reading, water resources.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Jones, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the Senate for concurrence.

Reading, water resources.

Subsequently, the Senate having concurred, Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on the foregoing petition, a Bill relative to the town of Reading (House, No. 4259). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Petitions severally were presented and referred as follows:

Maureen A. Sullivan, sick leave bank.

By Mr. Ayers of Quincy (by request), petition (subject to Joint Rule 12) of Maureen A. Sullivan that the Parole Board be directed to establish a sick leave bank for Maureen A. Sullivan, an employee of said board.

Cape Cod, airport employees.

By Mr. Atsalis of Barnstable, petition (subject to Joint Rule 12) of Demetrius J. Atsalis that employees of airports on Cape Cod be placed in Group 4 and granted certain other benefits under the public employees retirement law.

Children, immunization.

By Mr. Bradley of Hingham, petition (subject to Joint Rule 12) of Garrett J. Bradley for legislation to regulate the amount of mercury contained in immunization vaccines administered to certain children.

Real estate brokers.

By Mr. Broadhurst of Methuen, petition (subject to Joint Rule 12) of Arthur J. Broadhurst for legislation to clarify the relationship of real estate brokers and salespersons.

Elderly, real estate taxes.

By Mr. Kafka of Sharon, petition (subject to Joint Rule 12) of Louis L. Kafka relative to increasing the real estate tax reduction for voluntary services by certain elderly persons in cities and towns.

Bail, liens and restitution.

By Mr. O'Flaherty of Chelsea, petition (subject to Joint Rule 12) of Eugene L. O'Flaherty for legislation to establish a bail lien and restitution process for certain defendants in the court system of the Commonwealth.

Public ways, signs.

By Mr. Patrick of Falmouth, petition (subject to Joint Rule 12) of Matthew C. Patrick for legislation to require cities and towns to erect street signs on all public ways.

Karl T. Haglund, retirement.

By Mrs. Paulsen of Belmont, petition (subject to Joint Rule 12) of Anne M. Paulsen that the State Retirement Board be directed to grant certain creditable service to Karl T. Haglund, a former employee of the Metropolitan District Commission.

Brookline, Fisher Hill Reservoir.

By Mr. Rush of Boston, petition (subject to Joint Rule 12) of Michael F. Rush and others (by vote of the town) that the Division of Asset Management and Maintenance be authorized to transfer the former Fisher Hill Reservoir in the town of Brookline to said town.

Rowley, environmental protection cases.

By Ms. Stanley of West Newbury, petition (subject to Joint Rule 12) of Bruce E. Tarr relative to vesting jurisdiction in the town of Rowley over certain cases pending before the Department of Environmental Protection.

Eminent domain, regulating.

By Mr. Stanley of Waltham, petition (subject to Joint Rule 12) of Thomas M. Stanley for legislation to further regulate the taking

of property for private economic development under the eminent domain laws of the Commonwealth.

By Mr. Turkington of Falmouth, petition (subject to Joint Rule 12) of Eric Turkington and Therese Murray for an investigation by a special commission (including members of the General Court) relative to the erosion of beaches in the Commonwealth.

Severally, under Rule 24, to the committee on Rules.

Beach erosion, study.

Papers from the Senate.

A Resolve establishing a special commission relative to the training of law enforcement officers in mental health issues (Senate, No. 1352, changed in line 17 by inserting after the word "designee," the words "the Massachusetts Psychological Association, the Mental Health and Substance Abuse Corporation of Massachusetts, Inc., M-Power,") (on a petition);

Mental health training, law enforcement.

Bills

Authorizing the Department of Highways to acquire and transfer certain parcels of land in the town of Bourne (Senate, No. 2078) (on a petition);

Bourne, land transfer.

Relative to the installation of carbon monoxide alarms and smoke detectors in residential buildings (Senate, No. 2152) (on Senate bill, No. 2134);

Carbon monoxide alarms.

Relative to tax laws (Senate, No. 2156) (on Senate bill, No. 2092);

Tax laws.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

A Bill authorizing certain municipal borrowing for underground utility construction (Senate, No. 1192) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Underground utilities, bonding.

A report of the committee on Higher Education, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 778) of Pamela P. Resor, J. James Marzilli, Jr., Louis L. Kafka, Robert A. O'Leary and other members of the General Court for legislation to promote sustainable agriculture and the use of non toxic pest management, and recommending that the same be referred to the committee on Environment, Natural Resources and Agriculture,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Agriculture, non toxic.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the Western Massachusetts Correctional Alcohol Center, in the city of Springfield, was spread upon the records of the House; and returned to the Senate.

Correctional Alcohol Center, inspection.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2154) of Stanley C. Rosenberg and Ellen Story (by vote of the town) for legislation relative to voting hours in the town of Amherst. To the committee on Election Laws.

Amherst, voting hours.

Avon,
Paul
Chapman.

Petition (accompanied by bill, Senate, No. 2150) of Brian A. Joyce (by vote of the town) for legislation to authorize Paul Chapman to receive a salary as a police officer in addition to receiving a retirement allowance. To the committee on Public Service.

Wendell,
land
classification.

Petition (accompanied by bill, Senate, No. 2155) of Stanley C. Rosenberg and Stephen Kulik (by vote of the town) for legislation to authorize the late filing of a certain application for classification of land under the provisions of chapter 61 of the general laws. To the committee on Revenue.

Report of a Committee.

Affordable
housing.

By Mr. Honan of Boston, for the committee on Housing, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3200) of Thomas M. Menino and others that cities and towns be authorized to establish special trust funds to provide for additional housing programs,— and recommending that the same be referred to the committee on Revenue. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Orders of the Day.

Third
reading
bills.

House bills
Designating the Attleboro District Courthouse as the James H. Sullivan Courthouse (House, No. 842);
Relative to the personnel powers of the town manager in the town of Framingham (House, No. 3141); and
Establishing a voting precinct in the city of Peabody (House, No. 3415);

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.

Recesses.

Recesses.

At twenty minutes after eleven o'clock A.M., on motion of Mr. Rushing of Boston (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at eight minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Verga of Gloucester, until half past one o'clock; and at twenty-five minutes before two o'clock the House was called to order with Mr. Donato in the Chair.

Quorum.

Quorum.

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

Quorum,
yea and nay
No. 89.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (Mrs. Harkins of

Needham being in the Chair) 134 members were recorded as being in attendance.

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

Therefore a quorum was present.

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

MADAM SPEAKER: I would like to call to the attention of the House the fact that Representatives Blumer of Framingham, Callahan of Sutton, Falzone of Saugus, Malia of Boston, Ross of Wrentham, Stanley of Waltham and I were not present in the House Chamber during the taking of the preceding quorum roll call due to official business in another part of the State House and therefore not recorded.

Statement
concerning
Representatives
Blumer,
Callahan,
Falzone,
Malia, Rivera,
Ross and
Stanley of
Waltham.

Reports of Committees.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4230), returning with His disapproval of certain items and a section and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4200), reported, in part, in each instance, that certain items (contained in section 2) and section 23 stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

General
Appropriation
Bill,
reductions
and
disapprovals.

Mr. Donato of Medford, for said committee, reported, in each instance, that the matters be scheduled for consideration by the House.

Under suspension of Rule 7A, in each instance, on motion of Mr. Jones of North Reading, the following items were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

Item 4403-2120 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$73,600,000 to \$70,626,707 and reduced said item by striking out the following: “; provided, that eligibility shall be limited to families with income at or below 130 per cent of the federal poverty level; provided, however, that any family whose income exceeds 130 per cent of the federal poverty level while the family is receiving assistance funded by this item shall not become ineligible for assistance due to exceeding the income limit for a period of 6 months from the date that the 130 per cent level was exceeded; provided further, that the department shall establish reasonable requirements for such families to escrow some or all of the portion of their income which exceeds 130 per cent of the federal poverty level; provided further, that any such escrowed funds shall be exempt from otherwise applicable asset limits; provided

General
Appropriation
Bill,
reductions
and
disapprovals.

further that the family shall be allowed to withdraw the amount placed in escrow upon transition to permanent housing or losing eligibility for shelter services”, “; provided further, that eligibility for shelter by an otherwise eligible family shall not be impaired by prior receipt of any nonshelter benefit; provided further, that the department shall within 30 days of the effective date of this act revise its regulations to implement the preceding proviso”, “; provided further, that the department shall within 30 days of the effective date of this act revise its regulations to implement the preceding proviso; provided further, that notwithstanding any other general or special law to the contrary, the department shall immediately provide shelter for up to 30 days to families who appear to be eligible for such shelter based on statements provided by the family and any other information in the possession of the department but who need additional time to obtain any third-party verifications reasonably required by the department”, “; provided further, that the department shall within 30 days of the effective date of this act revise its regulations to implement the preceding proviso” and “; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that all of this item shall be subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated by this item; provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels, except to the extent that such changes are needed to avoid a deficiency in this item; provided further, that the department shall report quarterly to the house and senate committees on ways and means an unduplicated count of families who apply for emergency assistance funded family shelter during the fiscal year; provided further that the report shall include the total number of applications received, the number of families approved for shelter, the number of families denied shelter along with reasons for denials, the number of families who are approved for shelter benefits within 12 months of an initial denial, the home community of families receiving shelter, the number of families receiving shelter within each home community, the number of available shelter slots within each home community, the income level of families receiving shelter, the number of families receiving shelter who had previously accessed state-funded programs to reduce homelessness and the programs that had been accessed, the composition of families receiving shelter, the reason that the household is seeking emergency family shelter, the reasons that families exit shelters, including reasons for voluntary departure and termination, exiting families’ housing plans,

including type of housing arrangements, subsidy status, monthly rent, and gross monthly income, and any other information that the department determines to be necessary in evaluating the operation of the emergency assistance family shelters program; provided further, that the report shall also include information, by type of shelter, on average length of stay, average cost per household served, average number of shelter slots not used either as the result of no placement being made or of a placed family not making use of shelter, and an analysis of this data, including an analysis of causes relating to any significant differences in the data for each type of shelter; provided further, that the report shall also include a status report on the outcomes of department-funded homelessness prevention initiatives, providing information on the nature and total cost of each such initiative, the number of families served by each such initiative, the average cost per family of each such initiative, the affordability and stability of housing or alternative shelter placements for prevention program recipients, including type of housing arrangement, subsidy status, monthly rent, and gross monthly income, and any other information that the department determines to be necessary in evaluating the operation of state-funded homeless prevention programs” and inserting the following: “; provided, that eligibility shall be limited to families with income at or below 100 per cent of the federal poverty level”.

After debate the question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 151 members voted in the affirmative and 0 in the negative.

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

Therefore item 4403-2120 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 3000-1000 (contained in section 2), which had been reduced by the Governor from “\$9,570,077” to “\$9,114,743” then was considered.

The question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 139 members voted in the affirmative and 12 in the negative.

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

Therefore item 3000-1000 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 3000-6000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor disapproved the following wording: “; and provided further, that no funds shall be expended, obligated or transferred from this item prior to the submission of written certification

Emergency
Assistance
Family
Shelters
item
4403-2120
stands,
yea and nay
No. 90.

Early
Education
and Care
item
3000-1000
stands,
yea and nay
No. 91.

by the commissioner to the house and senate committees on ways and means that all planned expenditures and allocations from this item shall have no fiscal impact beyond fiscal year 2006”.

The question on passing said item, notwithstanding said wording disapproval of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 135 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 92 in Supplement.]

Therefore item 3000-6000 (contained in section 2) was passed, notwithstanding the wording disapproval of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1599-4408 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor disapproved the following wording: “; provided further, that the secretary of administration and finance, the commissioner of the department of transitional assistance and the commissioner of the department of early education and care, shall, not later than January 15, 2006, jointly issue a preliminary report, and not later than April 1, 2006, issue a final report on planned expenditures from this item, on any federal actions impacting the state transitional assistance program, and on any legislative proposals the department may recommend in response to the actions; provided further, that, if the reports include legislative or administrative recommendations in response to federal actions, the reports shall include a description of all new requirements proposed to be imposed on recipients of transitional aid to families with dependent children as a result of federal actions, an analysis of the individuals proposed to be subject to work requirements as a result of the actions, including an analysis of which individuals may reasonably be expected to obtain employment with proper assistance and which require an alternative plan or strategy for achieving self-sufficiency, and a detailed plan for addressing the needs of any recipient who would be subject to work requirements under such proposal; provided further, that the reports shall be provided to the chairpersons of the house and senate ways and means committees, the house and senate chairpersons of the joint committee on children and families and the house and senate chairpersons of the joint committee on education; and provided further, that nothing in the foregoing authorizes the department of transitional assistance to impose rules or requirements that are not authorized by section 110 of chapter 5 of the acts of 1995”.

The question on passing said item, notwithstanding said wording disapproval of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 130 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 93 in Supplement.]

Therefore item 1599-4408 (contained in section 2) was passed, notwithstanding the wording disapproval of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Early
Education
and Care
item
3000-6000
stands,
yea and nay
No. 92.

Welfare
reform
reserve
item
1599-4408
stands,
yea and nay
No. 93.

Item 2310-0200 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor disapproved the following wording: “; provided further, that the executive office shall conduct a study on the severity of invasive weeds in the commonwealth’s bodies of natural water; provided further, that said study shall include, but not be limited to the costs associated with full clean-up and eradication, a priority list of projects, an analysis of future environmental concerns stemming from invasive weeds, and plans for communities to prevent future growth of invasive weeds; provided further, that the executive office shall also conduct a study of the advantages and disadvantages of future maintenance of invasive weeds in the state; and provided further, that the executive office shall report to the general court the results and recommendations, if any, together with drafts of legislation necessary to carry out recommendations into effect by filing the same with the clerk of the house of representatives, the house and senate committees on ways and means, and the joint committee on environment, natural resources and agriculture on or before the last Wednesday of February 2006”.

The question on passing said item, notwithstanding said wording disapproval of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 94 in Supplement.]

Therefore item 2310-0200 (contained in section 2) was passed, notwithstanding the wording disapproval of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1599-0042 (contained in section 2), which had been reduced by the Governor from “\$12,500,000” to “\$10,000,000” then was considered.

After debate the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 139 members voted in the affirmative and 11 in the negative.

[See Yea and Nay No. 95 in Supplement.]

Therefore item 1599-0042 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 6010-0003 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor disapproved the following wording: “; provided further, that the report shall be filed with the house and senate committees on ways and means 30 days prior to any encumbrance of the funds”.

The question on passing said item, notwithstanding said wording disapproval of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 20 in the negative.

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

Fisheries
and Wildlife
item
2310-0200
stands,
yea and nay
No. 94.

Child care
salary reserve
item
1599-0042
stands,
yea and nay
No. 95.

Mass Highway
billboard
retained
revenue
item
6010-0003
stands,
yea and nay
No. 96.

Therefore item 6010-0003 (contained in section 2) was passed, notwithstanding the wording disapproval of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4000-0112 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$3,610,000 to \$2,000,000 and reduced said item by striking out the following: “; provided further, that not less than \$80,000 shall be expended for the young parents program of the Newton Community Service Centers; provided further, that not less than \$40,000 shall be expended for the public partnership program between the greater Lynn YMCA and YWCA and the public partnership program between the town of Saugus and the Saugus YMCA and YWCA; provided further, that not less than \$50,000 be expended for programs and improvements at the Northeast Family YMCA; provided further, that not less than \$50,000 be expended for programs and improvements at the Haverhill YWCA; provided further, that not less than \$500,000 shall be expended for the YMCA of greater Boston to facilitate capital projects approved by the board of directors of the YMCA including, but not limited to, capital projects in the town of Norwood, the West Roxbury section of Boston, East Boston, Woburn, Bedford and in other cities and towns within the greater Boston area; provided further, that not less than \$100,000 shall be expended for programs and improvements to the YWCA of Newburyport; provided further, that not less than \$50,000 shall be expended for the Project Adventure Youth Leadership Program administered by Family Services Incorporated of Lawrence; provided further, that not less than \$50,000 shall be expended for programs at the Girls Incorporated of Holyoke drop-in center; provided further, that not less than \$25,000 shall be expended for programs at the Fishing Academy, Incorporated; provided further, that not less than \$225,000 shall be expended for Camp Coca Cola New England to provide youth development services with an emphasis on leadership training and community service; provided further, that no less than \$125,000 shall be expended for the Greater Worcester YMCA Youth Programs; provided further, that not less than \$50,000 shall be expended for the Chelsea YMCA for building rehabilitation purposes; provided further, that not less than \$40,000 shall be expended for the Saugus YMCA; provided further, that not less than \$50,000 shall be expended to the Franklin Community Action Corporation for youth service; provided further, that not less than \$150,000 shall be expended for nonprofit Youth Services in Andover; provided further, that not less than \$25,000 shall be expended for the Southwick Recreation Center, Inc.; and provided further, that the secretary shall report to the house and senate committees on ways and means on the exact amount distributed in fiscal year 2006 by March 1, 2006”.

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 13 in the negative.

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

Matching grants to municipalities item 4000-0112 stands, yea and nay No. 97.

[Mr. deMacedo of Plymouth answered “Present” in response to his name.]

Therefore item 4000-0112 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4190-0102 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor disapproved the following wording: “; provided further, that no funds appropriated in this item shall be expended until the superintendent has submitted a report to the secretary and the house and senate committees on ways and means detailing projected expenditures for fiscal years 2006 and 2007 and any and all assumptions used to project outpatient pharmacy spending for the outpatient pharmacy program from this item and item 4190-0100 by September 1, 2005”.

The question on passing said item, notwithstanding said wording disapproval of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 19 in the negative.

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

Therefore item 4190-0102 (contained in section 2) was passed, notwithstanding the wording disapproval of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Holyoke Soldiers Home Pharmacy item 4190-0102 stands, yea and nay No. 98.

Item 1599-7780 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$1,358,000 to \$1,250,000 and disapproved the following wording: “; provided further, that no less than \$118,000 shall be expended for the Norfolk district attorney’s office”.

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 99 in Supplement.]

Therefore item 1599-7780 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Essex County District Attorney item 1599-7780 stands, yea and nay No. 99.

Item 4512-0200 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$47,599,186 to \$46,626,186 and disapproved the following wording: “; provided further, that not less than \$50,000 shall be expended for the Louis D. Brown Peace Institute for homicide victims’ family support services and anti-violence advocacy programs” and “; provided further, that not less than \$833,000 shall be expended for the Volunteers of America Rebound Youth Residential Recovery Program at Long Island Hospital in the city of Boston for substance abuse and rehabilitation services to

youths with addictions; provided further, that not less than \$90,000 shall be expended for a batterer prevention program in the city of New Bedford”.

After remarks the question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 19 in the negative.

[See Yeas and Nays No. 100 in Supplement.]

Therefore item 4512-0200 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4570-1500 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$3,392,333 to \$3,284,833 and disapproved the following wording: “; and provided further that not less than \$107,500 shall be expended for Silent Spring Institute to complete the Household Exposure Study”.

After debate the question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call (Ms. Candaras of Wilbraham being in the Chair) 151 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 101 in Supplement.]

Therefore item 4570-1500 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4530-9000 (contained in section 2), which had been reduced by the Governor from “\$2,000,000” to “\$1,092,643” then was considered.

The question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 149 members voted in the affirmative and 0 in the negative.

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

Therefore item 4530-9000 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7007-0500 (contained in section 2), which had been reduced by the Governor from “\$500,000” to “\$250,000” then was considered.

The question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 12 in the negative.

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

Therefore item 7007-0500 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Substance abuse services item 4512-0200 stands, yea and nay No. 100.

Early breast cancer detection item 4570-1500 stands, yea and nay No. 101.

Teenage pregnancy prevention item 4530-9000 stands, yea and nay No. 102.

Biotech Research Institute item 7007-0500 stands, yea and nay No. 103.

Item 7100-0350 (contained in section 2), which had been vetoed by the Governor, then was considered.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 148 members voted in the affirmative and 4 in the negative.

[See Yeas and Nays No. 104 in Supplement.]

Therefore item 7100-0350 (contained in section 2) was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 8100-0000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$211,186,780 to \$211,049,380 and disapproved the following wording: “; provided further, that \$75,000 shall be expended for the 5-A program in the city of Springfield” and “; and provided further, that not less than \$62,400 shall be expended for the state police-South Yarmouth to prevent accidents and expedite traffic flow in the town of Yarmouth”.

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 141 members voted in the affirmative and 11 in the negative.

[See Yeas and Nays No. 105 in Supplement.]

Therefore item 8100-0000 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 8324-0000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$10,323,098 to \$10,223,098 and disapproved the following wording: “; provided further, that \$100,000 shall be expended to Norfolk County for the purpose of the establishment of the Norfolk County dispatch center at the Massachusetts Hospital School in Canton”.

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 18 in the negative.

[See Yeas and Nays No. 106 in Supplement.]

Therefore item 8324-0000 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 8800-0300 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$165,356 to \$90,356 and disapproved the following wording: “; provided further, that not less than \$75,000 shall be expended for the upgrading and installation of updated monitoring equipment for C-10 of Newburyport this

Toxic chemicals study item 7100-0350 stands, yea and nay No. 104.

State Police administration item 8100-0000 stands, yea and nay No. 105.

Fire Services administration item 8324-0000 stands, yea and nay No. 106.

expense shall be apportioned according to the formula stated above; and provided further, that the department shall report to the house and senate committees on ways and means not later than March 1, 2006 the results of the monitoring project between the department and the citizens monitoring group, including but not limited to, the reasons for increases and decreases in radiation levels”.

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 14 in the negative.

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

Therefore item 8800-0300 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 8900-0001 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$430,966,325 to \$429,255,825 and disapproved the following wording: “; provided, that the department shall expend not less than \$1,010,500 to cities and towns hosting facilities; provided further, that one-half of the number of inmates incarcerated at Souza Baranowski correctional center shall be deemed to be incarcerated within a correctional facility in the town of Shirley and one-half shall be deemed to be incarcerated within a correctional facility in the town of Lancaster”, “; provided further, that not less than \$200,000 shall be provided for the Aid to Incarcerated Mothers organization” and “; provided further, that the department shall expend not less than \$500,000 to the community hosting the facility at Cedar Junction”.

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 18 in the negative.

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

Therefore item 8900-0001 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7511-0101 (contained in section 2), which had been vetoed by the Governor, then was considered.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 18 in the negative.

[See Ye and Nay No. 109 in Supplement.]

Therefore item 7511-0101 (contained in section 2) was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Seabrook nuclear monitoring item 8800-0300 stands, yea and nay No. 107.

D O C consolidated facilities item 8900-0001 stands, yea and nay No. 108.

Public Policy Institute item 7511-0101 stands, yea and nay No. 109.

Item 1775-0100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor disapproved the following wording: “; provided further, that notwithstanding any general or special law to the contrary, the division of purchased services of the operational services division which, under section 274 of chapter 110 of the acts of 1993, is responsible for determining prices for programs under chapter 71B of the General Laws, shall set all such prices in fiscal year 2006 by increasing the final fiscal year 2005 price by the rate of inflation as determined by the division; provided further, that the division shall also adjust prices for Extraordinary Relief, as defined in 808 CMR 1.06(4); provided further, that the department shall accept applications for Program Reconstruction in fiscal year 2006; provided further, that programs for which prices in fiscal year 2005 were lower than the full amount permitted by the division of purchased services shall be permitted to charge in fiscal year 2006 the full price calculated for fiscal year 2005 adjusted by the rate of inflation as determined by the division; provided further, that upon the request of a program, the operational services division shall authorize a minimum price for the program to charge out-of-state purchasers; and provided further, that the division shall determine said minimum price for out-of-state purchasers by identifying the most recent price calculated for the program and applying the estimated rates of inflation which are established by December 1 of each year pursuant to section 274 of chapter 110 of the acts of 1993 in a compounded manner for each fiscal year following the most recent calculated price”.

The question on passing said item, notwithstanding said wording disapproval of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 146 members voted in the affirmative and 4 in the negative.

[See Ye and Nay No. 110 in Supplement.]

Therefore item 1775-0100 (contained in section 2) was passed, notwithstanding the wording disapproval of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4000-0300 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor disapproved the following wording: “; provided further, that a hospital with a unit designated as a pediatric specialty unit, or which maintains a level 1 burn and trauma center for pediatrics as defined in this item shall be exempt from the inpatient and outpatient efficiency standards being applied to their rate methodology; provided further, that notwithstanding section 1 of chapter 118G of the General Laws or any general or special law to the contrary, for fiscal year 2006 the definition of a ‘pediatric specialty unit’ shall mean a level 1 burn and trauma center for pediatrics or a pediatric unit of an acute care hospital in which the ratio of licensed pediatric beds to total licensed hospital beds as of July 1, 1994, exceeded 0.20; provided further, that in calculating that ratio, licensed

Operational Services item 1775-0100 stands, yea and nay No. 110.

General
Appropriation
Bill,
reductions
and
disapprovals.

pediatric beds shall include the total of all pediatric service beds, and the total of all licensed hospital beds shall include the total of all licensed acute care hospital beds, consistent with Medicare's acute care hospital reimbursement methodology as put forth in the Provider Reimbursement Manual Part 1, Section 2405.3G", "mothers until their youngest child reaches the age of 3" (both time it appears), "provided further, that in determining inpatient rates for any acute hospitals the executive office shall utilize the same payment methodology, including all exemptions, rate adjustments and passthrough payments, as was in effect on July 1, 2003, except as provided in item 4000-1401; provided further, that in determining outpatient rates for any acute hospitals the executive office shall utilize the same payment methodology, including all exemptions and rate adjustments, as was in effect on October 1, 2003; provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient services at acute care pediatric hospitals and pediatric specialty units as defined in section 1 of chapter 118G of the General Laws, the executive office shall make a supplemental payment, if necessary, sufficient to assure that payment for inpatient cases with a case mix acuity greater than 5.0 shall be at least equal to 85% of the expenses incurred in providing services to those children; provided further, that said executive office shall not reduce the supplement to chronic disease and rehab hospitals administrative day rate below that which was granted during hospital fiscal year 2005; provided further, that said executive office in fiscal year 2006 shall not eliminate payment to hospital outpatient departments for primary care provided to MassHealth members" and "; provided further, that in determining the inpatient and outpatient nonacute hospital rates of payment, the executive office and its contractors shall utilize a payment methodology so that rates of payment are not less than those in effect during fiscal year 2005; and provided further, that notwithstanding any general or special law to the contrary, the executive office shall adopt regulations which restrict eligibility and covered services only after public notice and hearing".

The question on passing said item, notwithstanding said wording disapproval of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 150 members voted in the affirmative and 0 in the negative.

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

Therefore item 4000-0300 (contained in section 2) was passed, notwithstanding the wording disapproval of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4000-0600 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$1,890,925,627 to \$1,845,926,627 and disapproved the following wording: "; provided further, that in the event the division of health care finance and policy conducts or utilizes an audit of nursing facilities' calendar year 2002 base year

Division of
Medical
Assistance
item
4000-0300
stands,
yea and nay
No. 111.

costs for the purpose of reducing rates below levels that would be in effect in the absence of the audit, the division shall disallow no more than \$22,000,000 in the aggregate in fiscal year 2006 rates", "; provided further, that effective July 1, 2005, nursing facility Medicaid rates shall be adjusted by no less than \$43,500,000 in the aggregate for the purpose of funding inflationary cost" and "; provided further, that notwithstanding any general or special law to the contrary, medicaid rates paid by the commonwealth through the office of medicaid or its third party agents to cover the cost of care provided by the only mentally involved/medically involved (MIMI) nursing facility in the commonwealth shall be sufficient to cover the cost of care provided by such a facility, and in no event shall be less than 15 per cent more than the fiscal year 2005 medicaid reimbursement per patient day received by such a facility".

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 149 members voted in the affirmative and 0 in the negative.

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

Therefore item 4000-0600 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

MassHealth
long-term
care
item
4000-0600
stands,
yea and nay
No. 112.

Item 2000-0100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$6,309,486 to \$5,994,486 and disapproved the following wording: "; provided further, that said secretary shall file a plan with the house and senate committees on ways and means 20 days before entering into any interdepartmental service agreements with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the secretary shall file a plan with the house and senate committees on ways and means and to the joint committee on the environment, natural resources and agriculture 90 days prior to the initiation of any proposal or plan that would consolidate any function with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the plan shall include, but not be limited to the following: (1) an identification of the employees that would be affected by consolidation and the item of appropriation that they are paid from, (2) the savings or efficiencies to be realized, (3) the improvements to the services expected, and (4) the source and amount of funding necessary to accomplish the consolidation; and provided further, that the secretary shall provide a 90 day notice prior to the implementation of any memorandum of understanding, interagency service agreements, or other contacts, or agreements that would enable such consolidation of services to take place; provided further, that \$75,000 shall be expended for a study of traffic patterns during rush hour commutes on department

of conservation and recreation controlled roadways serving Lynn, Swampscott and Nahant; provided further, that not less than \$40,000 shall be expended for the completion of a comprehensive cost study of a master plan for the maintenance and improvement of all property under the care, custody and control of the division in the West Roxbury section of the city of Boston including such measures but not limited to the planting, pruning, reforestation, enhancement of pedestrian access walks and the removal of leaves, snow and debris in said property” and “; provided further, that not less than \$50,000 shall be expended for new flood insurance rate maps for Salisbury beach; and provided further, that \$150,000 shall be expended for a coastal water quality and natural resource monitoring program in Buzzards Bay administered by the Coalition for Buzzards Bay”.

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 16 in the negative.

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

Therefore item 2000-0100 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 2800-0100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$5,477,272 to \$5,377,272 and disapproved the following wording: “; provided further, that not less than \$100,000 shall be expended within thirty days of receipt of said funds, for the maintenance of the facility and animal upkeep of the mounted unit in the Blue Hills Reservation, which are not subject to said reimbursement to the department”, “; provided further, that notwithstanding the provisions of any general or special law or administrative bulletin to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the operational services division; provided further, that the department shall, in collaboration with the department of environmental protection and the department of fish and game, establish and maintain a comprehensive inventory of all dams in Massachusetts, and develop a coordinated permitting and regulatory approach to dam removal for stream restoration and public safety” and “; provided further, that any employee paid from this item as of August 1, 2004, that was included in the report required from said item in chapter 149 of the acts of 2004, and any employees assigned to that item after August 1, 2004, shall not be paid from any other item of appropriation; provided further, that the department of conservation and recreation shall provide the house and senate committees on ways and means with a 30 day notice before any inter subsidiary transfers or inter-agency service agreements and the reason for said transfer; provided further, that no funds shall be expended for deputy commissioner

positions; provided further, that no funds shall be expended for deputy associate commissioners”.

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 130 members voted in the affirmative and 19 in the negative.

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

Therefore item 2800-0100 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 2820-0100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$23,608,929 to \$23,568,929 and disapproved the following wording: “; provided further, that \$40,000 shall be provided for a traffic study administered by the commissioner of the department of conservation and recreation shall be commissioned to improve public safety along Nonantum road and adjacent parklands, including developing alternatives for narrowing the parkway cross-section, alternatives for safety improvements at the intersections of Charlesbank road and Maple street, alternatives for landscape, pathway, lighting, and drainage improvements, and a schedule and cost estimate for the design and construction of the recommendation; provided further, that the commissioner shall report progress to the Stewardship Council at each meeting until the study reaches completion; provided further, that the commissioner shall ensure public input through two public hearings held in Newton and Watertown during the study — one prior to the initial recommendation, one after release of the initial recommendation but prior to the final recommendation; provided further, that the commissioner shall ensure public awareness by publishing quarterly progress reports on the department of conservation and recreation website’s press release section; and provided further, that upon completion of the study, the commissioner shall deliver the recommendation of the study along with a report addressing public opinion not reflected in the recommendation to the Stewardship Council provided further, that the commissioner shall develop a capital project plan to enact the recommendation of the traffic study, including design and implementation” and “; provided further, that the commissioner shall submit this plan for the next fiscal year budget following the completion of the traffic study”.

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 19 in the negative.

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

Therefore item 2820-0100 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-

Environmental
Affairs
item
2000-0100
stands,
yea and nay
No. 113.

Conservation
and
Recreation
item
2800-0100
stands,
yea and nay
No. 114.

Urban Parks
and
Recreation
item
2820-0100
stands,
yea and nay
No. 115.

thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4000-0500 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$2,102,005,676 to \$2,100,005,676 and reduced the following wording: “; provided further, that not less than \$12,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric specialty hospitals and units, including pediatric chronic and rehabilitation long-term care hospitals as allowable under federal law” to the following wording: “; provided further, that not less than \$10,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric specialty hospitals and units, including pediatric chronic and rehabilitation long-term care hospitals as allowable under federal law”.

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 148 members voted in the affirmative and 1 in the negative.

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

Therefore item 4000-0500 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4403-2000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor disapproved the following wording: “; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the senate and house of representatives a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the text of and basis for such proposed changes”.

The question on passing said item, notwithstanding said wording disapproval of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 19 in the negative.

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

Therefore item 4403-2000 (contained in section 2) was passed, notwithstanding the wording disapproval of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7100-0700 (contained in section 2), which had been vetoed by the Governor, then was considered.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by

the Constitution; and on the roll call 134 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 118 in Supplement.]

Therefore item 7100-0700 (contained in section 2) was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4408-1000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor disapproved the following wording: “; and provided further, that notwithstanding any general or special law this item to the contrary, 60 days before implementing any eligibility or benefit changes, or both, the commissioner shall file with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the proposed changes”.

The question on passing said item, notwithstanding said wording disapproval of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 13 in the negative.

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

Therefore item 4408-1000 (contained in section 2) was passed, notwithstanding the wording disapproval of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4510-0600 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$3,453,403 to \$3,188,603 and disapproved the following wording: “; provided further, that \$100,000 shall be expended for a renal disease program administered by the National Kidney Foundation of Massachusetts, Rhode Island and Vermont for nutritional supplements and early intervention services for those affected by renal disease and those at risk of renal disease”, “; provided further, that not less than \$14,800 shall be allocated to the Franklin Regional Council of Governments for costs associated with the regional public health program” and “; provided further, that \$150,000 shall be expended for the ALS registry created by section 26 of chapter 140 of the acts of 2003”.

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 151 members voted in the affirmative and 0 in the negative.

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

Therefore item 4510-0600 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

item
7100-0700
stands,
yea and nay
No. 118.

Elderly,
disabled
and
children
item
4408-1000
stands,
yea and nay
No. 119.

Environmental
and
community
health
item
4510-0600
stands,
yea and nay
No. 120.

MassHealth
managed
care
item
4000-0500
stands,
yea and nay
No. 116.

Transitional
AFDC
item
4403-2000
stands,
yea and nay
No. 117.

Dispute
Resolution

Section 23, which had been vetoed by the Governor, then was considered, there being no objection.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 19 in the negative.

[See Ye and Nay No. 121 in Supplement.]

Therefore section 23 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7003-0702 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$7,959,000 to \$7,629,000 and disapproved the following wording: “; provided further, that not less than \$195,000 shall be expended for 3 full-time equivalent rapid response labor specialists at the Massachusetts AFL-CIO” and “; provided further, that not less than \$135,000 shall be expended for incumbent worker coordinators at the Massachusetts AFL-CIO”.

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 19 in the negative.

[See Ye and Nay No. 122 in Supplement.]

Therefore item 7003-0702 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 5095-0015 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor disapproved the following wording: “and the General Court shall have approved the closure of Worcester State Hospital and Westborough State Hospital”.

The question on passing said item, notwithstanding said wording disapproval of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 135 members voted in the affirmative and 16 in the negative.

[See Ye and Nay No. 123 in Supplement.]

Therefore item 5095-0015 (contained in section 2) was passed, notwithstanding the wording disapproval of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 5930-1000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor disapproved the following wording: “; provided further, that said plan shall be subject to the approval of the house and senate committees on ways and means”.

The question on passing said item, notwithstanding said wording disapproval of the Governor, was determined by yeas and nays, as

required by the Constitution; and on the roll call 132 members voted in the affirmative and 19 in the negative.

[See Ye and Nay No. 124 in Supplement.]

Therefore item 5930-1000 (contained in section 2) was passed, notwithstanding the wording disapproval of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 6000-0100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor disapproved the following wording: “; provided further, that the office shall submit to the joint committee on transportation and the house and senate committees on ways and means monthly reports detailing projects funded through the statewide transportation improvement program including, but not limited to, the location of the projects, the cost of the projects, the date of advertisement of the projects, the commencement date of the projects, the projected completion date of the projects and the source of funds for the projects; provided further, that the office shall also provide the committees with quarterly reports detailing construction and reconstruction projects on town and county ways as described in paragraph (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws for which municipalities are projected to seek, have filed claims or have been paid state reimbursement; provided further, that a city or town shall comply with the procedures established by the secretary to obtain the necessary information to produce the reports; provided further, that the reports shall include, but not be limited to, the cost of the projects by city or town, the source of funding of the projects by city or town and the commencement and completion dates of the projects by city or town; provided further, that the secretary of the executive office of transportation, in collaboration with the commissioner of highways, shall file a report each year with the joint committee on transportation and the house and senate committees on ways and means by June 30, 2006 and the last day of each subsequent fiscal year”.

The question on passing said item, notwithstanding said wording disapproval of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 19 in the negative.

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

Therefore item 6000-0100 (contained in section 2) was passed, notwithstanding the wording disapproval of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7003-0605 (contained in section 2), which had been vetoed by the Governor, then was considered.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 141 members voted in the affirmative and 10 in the negative.

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

Quincy Medical Center section 23 stands, yea and nay No. 121.

Workforce Development item 7003-0702 stands, yea and nay No. 122.

State psychiatric hospitals item 5095-0015 stands, yea and nay No. 123.

Facilities operation

item 5930-1000 stands, yea and nay No. 124.

Transportation and Construction item 6000-0100 stands, yea and nay No. 125.

Manufacturing partnership item 7003-0605 stands, yea and nay No. 126.

Therefore item 7003-0605 (contained in section 2) was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7004-3036 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$1,221,925 to \$1,000,000 and disapproved the following wording: “; provided further, that not less than \$141,000 shall be expended for the Just-A-Start Corporation to administer a housing stabilization conflict management services program to prevent homelessness; provided further, that \$80,925 shall be expended for the Central Massachusetts Housing Alliance”.

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 143 members voted in the affirmative and 8 in the negative.

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

Therefore item 7004-3036 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7010-0005 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$9,597,805 to \$9,522,805 and disapproved the following wording: “; provided, that the department, in collaboration with the governor’s commission on gay and lesbian youth, shall allocate not less than \$75,000 for programming to ensure public schools’ compliance with the board of education’s recommendations for the support and safety of gay and lesbian students and the implementation of related suicide-prevention and violence-prevention efforts”.

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 13 in the negative.

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

Therefore item 7010-0005 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7061-0029 (contained in section 2), which had been reduced by the Governor from “\$3,435,979” to “\$2,829,470” then was considered.

The question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 131 members voted in the affirmative and 20 in the negative.

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

Housing service contracts item 7004-3036 stands, yea and nay No. 127.

Department of Education item 7010-0005 stands, yea and nay No. 128.

Education reform audits 7061-0029 stands, yea and nay No. 129.

Therefore item 7061-0029 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1000-0001 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor disapproved the following wording: “; provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall deduct an amount of \$1,000 from any item of appropriation in section 2 of this act in which a reporting requirement is stipulated within said item and which report is not filed within 10 days of the stated due date; provided further, that any and all amounts deducted shall be deposited in the General Fund and the comptroller shall notify the house and senate committees on ways and means of any and all amounts so deducted”.

The question on passing said item, notwithstanding said wording disapproval of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 19 in the negative.

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

Therefore item 1000-0001 (contained in section 2) was passed, notwithstanding the wording disapproval of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1107-2400 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$730,280 to \$605,280 and disapproved the following wording: “; provided, that \$125,000 shall be used to develop training materials for employees working in the state house on the Americans With Disabilities Act, including how to assist people with disabilities within the state house”.

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 18 in the negative.

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

Therefore item 1107-2400 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Order.

On motion of Mr. DiMasi of Boston,—
Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o’clock A.M.

State Comptroller item 1000-0001 stands, yea and nay No. 130.

Office on Disability item 1107-2400 stands, yea and nay No. 131.

Next sitting.

Mr. Jones of North Reading then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eight minutes before six o'clock P.M. (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.