

## **JOURNAL OF THE HOUSE.**

Wednesday, December 5, 2001.

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

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

Gracious God, we pause for a moment of spiritual reflection to acknowledge You and Your presence in our midst and simultaneously to pray for Your guidance as we address the items on today's calendar. In Your kindness, help us to keep our attention clearly focused on the issues of the day and the times and to develop a keen sensitivity to the basic needs of people, especially those members of society who cannot care for themselves. In our diverse and pluralistic society, with a wide range of political opinions and philosophies, inspire us to foster, preserve and protect the best interests of the people and the Commonwealth by our legislative objectivity and integrity. Teach us to take advantage of current public safety and economic challenges to better serve the people and our institutions. As we enter the final days of this calendar year, we are grateful to You for Your assistance, especially Your gift of wisdom, in dealing with difficult and complex issues and policies. Our hearts and minds are still filled with trust, hope and confidence in You and Your values as we face the future.

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

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

### *Statement Concerning Representative Festa of Melrose.*

A statement of Mr. DiMasi of Boston concerning Mr. Festa of Melrose was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Festa of Melrose, will not be present in the House Chamber for today's sitting due to a medical emergency and his hospitalization. Any roll calls that he may miss today will be due entirely to the reason stated.

### *Statement of Representative Fox of Boston.*

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

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of today's sitting due to my attendance at a wake. Any roll calls that I may have missed today is due entirely to the reason stated.

*Statement of Representative Harkins of Needham.*

A statement of Mrs. Harkins of Needham was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of today's sitting due official business in another part of the State House. Any roll calls that I may have missed today is due entirely to the reason stated.

*Statement of Representative Kaufman of Lexington.*

A statement of Mr. Kaufman of Lexington was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not able to be present in the House Chamber for a portion of today's sitting due to a previously scheduled professional commitment. Had I been present for the taking of the yeas and nays on passing item 0612-1010 and section 17 (roll call numbers 192 and 193), notwithstanding the objections of the Acting Governor, I would have voted, in each instance, in the affirmative. Any roll calls that I may have missed today is due entirely to the reason stated.

*Statement of Representative Rivera of Springfield.*

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

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of today's sitting due to official business in another part of the State House. Any roll calls that I may have missed today is due entirely to the reason stated.

*Statement Concerning Representative Torrisi of North Andover.*

A statement of Mr. DiMasi of Boston concerning Mr. Torrisi of North Andover was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Torrisi of North Andover, will not be present in the House Chamber for today's sitting due to his being on his honeymoon. Any roll calls that he may miss today will be due entirely to the reason stated.

*Resolutions.*

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

Resolutions (filed by Representatives Brown of Wrentham and Poirier of North Attleborough) honoring the King Philip Regional High School Girls Soccer team on its victorious season;

Resolutions (filed by Mrs. Paulsen of Belmont) congratulating Ralph Burns on the occasion of his one hundredth birthday; and

Resolutions (filed by Mr. Ruane of Salem) on the occasion of the 365th birthday of the founding of the National Guard;

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

*Paper from the Senate.*

A communication from the Board of Trustees of the Health Care Security Trust (under the provisions of Section 4(h) of Chapter 29D of the General Laws) submitting its proposed budget for fiscal year 2002 (Senate, No. 2196), was referred, in concurrence, to the committee on Health Care.

*Recess.*

At three minutes after ten o'clock A.M., the Chair (Mr. Correia of Fall River) declared a recess, subject to the call of the Chair, there being no objection; and at twenty-three minutes after ten o'clock the House was called to order with the Speaker in the Chair.

*Quorum.*

Mr. Marini of Hanson asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (Mr. O'Flaherty of Chelsea being in the Chair) 146 members were recorded as being in attendance.

[\[See Yea and Nay No. 164 in Supplement.\]](#)

Therefore a quorum was present.

*Reports of a Committee.*

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4148, reported, in part, a Bill making appropriations for the fiscal year 2002 to fund certain collective bargaining costs (House, No. 4779) [Direct Appropriations: \$990,000.00], which was read.

The same member then moved that the rules be suspended in order that the bill might be read a second time forthwith. After remarks the rules were suspended; and the bill was read a second time.

After debate on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 165 in Supplement.\]](#)**

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (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, Mr. Pedone of Worcester and other members of the House moved that it be amended in section 2, in item 1599-4012, in line 1, by inserting after the year "2001" the following: "and 2002"; and in said item by striking out the figures "\$990,000" and inserting in place thereof the figures "\$2,528,000".

The amendments were adopted; and the bill, as amended, was passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read: "An Act making appropriations to fund a certain collective bargaining agreement.". The bill (House, No. 4779, amended) then was sent to the Senate for concurrence.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4148, reported, in part, a Bill making appropriations for the fiscal year 2002 to fund certain collective bargaining costs (House, No. 4780) [Direct Appropriations: \$245,000.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith.

After debate on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 166 in Supplement.\]](#)**

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act making appropriations to fund a certain collective bargaining agreement.". Sent to the Senate for concurrence.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4148, reported, in part, a Bill making appropriations for the fiscal year 2002 to fund certain collective bargaining costs (House, No. 4781) [Direct Appropriations: \$120,000.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second time

forthwith.

After remarks on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Ruane of Salem; and on the roll call 156 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 167 in Supplement.\]](#)**

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act making appropriations to fund a certain collective bargaining agreement.". Sent to the Senate for concurrence.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4148, reported, in part, a Bill making appropriations for the fiscal year 2002 to fund certain collective bargaining costs (House, No. 4782) [Direct Appropriations: \$125,000.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith.

After remarks on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Ruane of Salem; and on the roll call 156 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 168 in Supplement.\]](#)**

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act making appropriations to fund a certain collective bargaining agreement.". Sent to the Senate for concurrence.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4148, reported, in part, a Bill making appropriations for the fiscal year 2002 to fund certain collective bargaining costs (House, No. 4783) [Direct Appropriations: \$20,000.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith.

After remarks on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Ruane of Salem; and on the roll call 156 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 169 in Supplement.\]](#)**

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act making appropriations to fund a certain collective bargaining agreement.". Sent to the Senate for concurrence.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4148, reported, in part, a Bill making appropriations for the fiscal year 2002 to fund certain collective bargaining costs (House, No. 4784) [Direct Appropriations: \$825,000.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith.

After remarks on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Ruane of Salem; and on the roll call 156 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 170 in Supplement.\]](#)**

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act making appropriations to fund a certain collective bargaining agreement.". Sent to the Senate for concurrence.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4148, reported, in part, a Bill making appropriations for the fiscal year 2002 to fund certain collective bargaining costs (House, No. 4785) [Direct Appropriations: \$5,813,030.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith.

After remarks on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Ruane of Salem; and on the roll call 156 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 171 in Supplement.\]](#)**

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a

third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act making appropriations to fund a certain collective bargaining agreement.". Sent to the Senate for concurrence.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4148, reported, in part, a Bill making appropriations for the fiscal year 2002 to fund certain collective bargaining costs (House, No. 4786) [Direct Appropriations: \$15,337,223.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith.

After remarks on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 172 in Supplement.\]](#)**

[Mr. Fallon of Malden answered "Present" in response to his name.]

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act making appropriations to fund a certain collective bargaining agreement.". Sent to the Senate for concurrence.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4148, reported, in part, a Bill making appropriations for the fiscal year 2002 to fund certain collective bargaining costs (House, No. 4787) [Direct Appropriations: \$1,243,222.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith.

After remarks on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 173 in Supplement.\]](#)**

[Mr. Fallon of Malden answered "Present" in response to his name.]

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act making appropriations to fund a certain collective bargaining agreement.". Sent to

the Senate for concurrence.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4148, reported, in part, a Bill making appropriations for the fiscal year 2002 to fund certain collective bargaining costs (House, No. 4788) [Direct Appropriations: \$224,045.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith.

After remarks on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 174 in Supplement.\]](#)**

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act making appropriations to fund a certain collective bargaining agreement.". Sent to the Senate for concurrence.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4148, reported, in part, a Bill making appropriations for the fiscal year 2002 to fund certain collective bargaining costs (House, No. 4789) [Direct Appropriations: \$1,526,809.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith.

After remarks on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 175 in Supplement.\]](#)**

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (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, the same member moved that it be amended in section 2, in item 1599-4109, by adding at the end of said item the following:

"Lottery Fund ..... 100%".

The amendment was adopted; and the bill, as amended, was passed to be engrossed, its title



having been changed by the committee on Bills in the Third Reading to read: “An Act making appropriations to fund a certain collective bargaining agreement.”. The bill (House, No. 4789, amended) then was sent to the Senate for concurrence.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4148, reported, in part, a Bill making appropriations for the fiscal year 2002 to fund certain collective bargaining costs (House, No. 4790) [Direct Appropriations: \$187,206.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith.

After remarks on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 176 in Supplement.\]](#)**

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: “An Act making appropriations to fund a certain collective bargaining agreement.”. Sent to the Senate for concurrence.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4148, reported, in part, a Bill making appropriations for the fiscal year 2002 to fund certain collective bargaining costs (House, No. 4791) [Direct Appropriations: \$3,842,602.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith.

After remarks on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 156 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 177 in Supplement.\]](#)**

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: “An Act making appropriations to fund a certain collective bargaining agreement.”. Sent to the Senate for concurrence.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4148, reported, in part, a Bill making appropriations for the fiscal year 2002 to fund certain collective

bargaining costs (House, No. 4792) [Direct Appropriations: \$5,760,000.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith.

After remarks on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 156 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 178 in Supplement.\]](#)**

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act making appropriations to fund a certain collective bargaining agreement.". Sent to the Senate for concurrence.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4148, reported, in part, a Bill making appropriations for the fiscal year 2002 to fund certain collective bargaining costs (House, No. 4793) [Direct Appropriations: \$1,360,000.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith.

After remarks on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 156 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 179 in Supplement.\]](#)**

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act making appropriations to fund a certain collective bargaining agreement.". Sent to the Senate for concurrence.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4148, reported, in part, a Bill making appropriations for the fiscal year 2002 to fund certain collective bargaining costs (House, No. 4794) [Direct Appropriations: \$2,150,000.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith.

After remarks on the question on ordering the bill to a third reading, the sense of the House was

taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 156 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 180 in Supplement.\]](#)**

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act making appropriations to fund a certain collective bargaining agreement.". Sent to the Senate for concurrence.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4148, reported, in part, a Bill making appropriations for the fiscal year 2002 to fund certain collective bargaining costs (House, No. 4795) [Direct Appropriations: \$52,000,000.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith.

After debate on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 181 in Supplement.\]](#)**

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act making appropriations to fund a certain collective bargaining agreement.". Sent to the Senate for concurrence.

*Recesses.*

At twenty minutes before one o'clock P.M., on motion of Mr. Finneran of Boston (Mr. O'Flaherty of Chelsea being in the Chair), the House recessed until a quarter after one o'clock; and at that time the House was called to order with Mr. Fitzgerald of Boston in the Chair.

The House thereupon took a further recess, on further motion of Mr. Finneran, until a quarter before two o'clock P.M.; and at twenty-six minutes before three o'clock the House was called to order with the Speaker in the Chair.

*Paper from the Senate.*

The House Bill making appropriations to fund a certain collective bargaining agreement (House, No. 4780) came from the Senate passed to be engrossed, in concurrence, with certain

amendments in section 2, in item 1599-4013, in line 1, striking out the following: “and 2001” and inserting in place thereof the following: “, 2001 and 2002” and in said item striking out the figures “\$245,000” and inserting in place thereof the figures “\$552,148”.

Under suspension of Rule 35, on motion of Mr. Rogers of Norwood, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

*Engrossed Bills.*

Engrossed bills

Designating a certain portion of state highway Route 169 as the Leonide J. Lemire V.F.W. Post 6055 Memorial Highway (see House, No. 3227, changed and amended);

Authorizing the town of Barnstable to convey certain land (see House, No. 4708);

Making appropriations to fund a certain collective bargaining agreement (see House, No. 4779, amended);

Making appropriations to fund a certain collective bargaining agreement (see House, No. 4780, amended);

Making appropriations to fund a certain collective bargaining agreement (see House, No. 4781);

Making appropriations to fund a certain collective bargaining agreement (see House, No. 4782);

Making appropriations to fund a certain collective bargaining agreement (see House, No. 4783);

Making appropriations to fund a certain collective bargaining agreement (see House, No. 4784);

Making appropriations to fund a certain collective bargaining agreement (see House, No. 4785);

Making appropriations to fund a certain collective bargaining agreement (see House, No. 4786);

Making appropriations to fund a certain collective bargaining agreement (see House, No. 4787);

Making appropriations to fund a certain collective bargaining agreement (see House, No. 4788);

Making appropriations to fund a certain collective bargaining agreement (see House, No. 4789, amended);

Making appropriations to fund a certain collective bargaining agreement (see House, No. 4790);

Making appropriations to fund a certain collective bargaining agreement (see House, No. 4791);

Making appropriations to fund a certain collective bargaining agreement (see House, No. 4792);

Making appropriations to fund a certain collective bargaining agreement (see House, No. 4793);

Making appropriations to fund a certain collective bargaining agreement (see House, No. 4794);  
and

Making appropriations to fund a certain collective bargaining agreement (see House, No. 4795);

(Which severally originated in the House);

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

#### *Quorum.*

Mr. Marini of Hanson asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 152 members were recorded as being in attendance.

#### [\[See Yea and Nay No. 182 in Supplement.\]](#)

Therefore a quorum was present.

#### *Reports of a Committee.*

By Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from Her Honor the Lieutenant-Governor, Acting Governor (for message, see House, No. 4801) returning with her disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2002 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. 4800), reported, in part, in each instance, that certain items (contained in section 2) and outside sections stand (as passed by the General Court).

Under suspension of the rules, in each instance, on motion of the same member, the items and sections 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, and Section 5 of Article LXIII of the Amendments to the Constitution, as follows:

Item 4400-1000 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“4400-1000 For the central administration of the department, including the development and maintenance of automated data processing systems and services in support of department operations, and for the administration of department programs in local transitional assistance offices, including the expenses of operating a food stamp program; provided, that during fiscal

year 2002 the department shall maintain 2 transitional assistance offices in the city of Springfield; provided further, that all costs associated with verifying disability for all programs of the department shall be paid from this item; provided further, that associated expenses of employees whose AA subsidiary payroll costs are paid from item 4400-1100 shall be paid from this item; provided further, that the department shall collect all out-of-court settlement restitution payments; provided further, that the restitution payments shall include, but not be limited to, installment and lump sum payments; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means detailing the total amount of fraudulently obtained benefits identified by the bureau of special investigations of the department of revenue, the total value of settlement restitution payments, actual monthly collections, and any circumstances that produce shortfalls in collections; provided further, that notwithstanding any general or special law to the contrary, unless otherwise expressly provided, federal reimbursements, other than transitional aid to needy families funds, received for the purposes of the department, including reimbursements for administrative, fringe and overhead costs, for fiscal year 2002 and prior fiscal years, shall be credited to the General Fund; provided further, that pursuant to 21 U.S.C. section 862a(d)(1), the department shall exempt individuals from the eligibility restrictions of 21 U.S.C. Section 862a, except that individuals incarcerated for a conviction which would otherwise be disqualifying under 21 U.S.C. section 862a(a) shall not be eligible for cash assistance funded through item 4403-2000 during the first 12 months after release from a correctional institution unless the individual qualifies for an exemption' pursuant to subsection (e) of section 110 of chapter 5 of the acts of 1995 or a domestic violence waiver; provided further, that an application for assistance under chapter 118 of the General Laws shall be deemed an application for assistance under chapter 118E; provided further, that if assistance under chapter 118 is denied, the application shall be transmitted by the department to the division of medical assistance for a determination of eligibility under chapter 118E; provided further, that the department shall submit on a monthly basis to the house and senate committees on ways and means and the secretary of administration and finance a status report on program expenditures, savings and revenues, error rate measurements, public assistance caseloads and benefits; provided further, that the report shall comprehensively track statewide use of the emergency assistance program by eligibility category including, but not limited to, caseload, average length of use or stay, and monthly expenditures; provided further, that the department, in consultation with the office of the state auditor and any other appropriate department, shall report to the house and senate committees on ways and means not later than February 15, 2002 on recommendations for appropriate legislative steps and other measures that can be taken to maximize the collection of court-held transitional assistance fraud receivables; provided further, that the department shall adopt policies to increase participation in the food stamp program; provided further, that such efforts shall include but not be limited to prompt review and revision of the application for food stamps; provided further, that the revised application shall be the shortest and simplest necessary to achieve its purpose; provided further, that said application shall be drawn in concise and readily understandable language, such that its completion may require no reading skills beyond the third-grade level; provided further, that the department shall provide a copy of the revised application to the house and senate committees on ways and means not later than January 18, 2002; provided further, that the department shall complete transition to the revised application not later than February 28, 2002; provided further, that the department shall expand its existing pilot program of extended office hours to include all area offices statewide; provided further, that the extended hours shall include I weekday morning and

evening and Saturday morning from 9:00 a.m. until 12:00 noon; provided further, that nothing in this item shall authorize, require or permit the commonwealth to abrogate, in whole or in part any agreement, including any collective bargaining agreement, negotiated with any employee organization under chapter 150E of the General Laws or to interfere with or detract from the rights of any employee under chapter 31 of the General Laws; provided further, that the department shall accomplish the staffing of these extended office hours to the maximum extent possible through the use of flex-time that shall allow workers to modify their working hours to accommodate their specific personal and family needs; provided further, that the department shall begin a program placing workers at community and human service organizations for the purposes of facilitating food stamp applications and redeterminations; provided further, that staff placements shall include, but need not be limited to, shelters, soup kitchens, food pantries, community health centers, hospitals and low-income housing developments; provided further, that the department shall within 30 days after the effective date of this act produce a resource guide describing available benefits and services for low-income families with dependent children; provided further, that for all families receiving such resource guide whose income is determined to be no higher than 200 per cent of the federal poverty level, at least 50 per cent of the costs of such guide shall be charged to the Transitional Aid to Needy Families Fund or General Fund expenditures meeting federal temporary assistance for needy families maintenance of effort requirements in furtherance of 42 U.S.C. sections 601(a)(1) and (2); provided further, that families whose income is no higher than 200 per cent of the federal poverty level shall be considered categorically eligible for food stamps in accordance with 7 CFR section 273.2(j)(2)(i)(B); provided further, that the department shall pursue the option of continuing food stamp benefits for households receiving funds from the transitional aid to families with dependent children program or the supplemental transitional aid to families with dependent children program for the first 3 months following the termination of the households from either of the programs; provided further, that for the purpose of accomplishing this objective the department shall within 30 days after the effective date of this act submit a request to the United States Department of Agriculture Food and Nutrition Service for a waiver to implement the transitional benefits alternative described in 7 C.F.R. section 273.12(f)(4) for all cases for which transitional benefits may be provided and shall implement such waiver not later than 60 days after approval; provided further, that the department shall submit a request to the United States Department of Agriculture Food and Nutrition Service for a waiver to require reporting, recertifications and face-to-face interviews for the food stamp program as infrequently and with as few eligibility items as the United States Department of Agriculture may permit and shall implement such waiver not later than 60 days after approval; provided further, that the department shall only implement such waiver upon determination that said request shall not result in an increase in error rates that would subject the commonwealth to error rate penalties; provided further, that the department shall report to the house and senate committees on ways and means not later than February 28, 2002 on the programs and policies contained within this item to increase food stamp participation in the commonwealth; provided further, that the report shall include information on the utilization of the extended office hours and of the workers placed at community and human service organizations for food stamp purposes, information on the implementation status of categorical eligibility benefits, information on the implementation of the continuation of food stamp benefits for people terminated from the transitional aid to families with dependent children and supplemental transitional aid to families with dependent children programs, and information on the status of

implementing less frequent reporting requirements; and provided further, that the report shall also contain recommendations for any legislative action necessary to fully implement these policies and programs 74,552,824

General Fund 83.0%

Transitional Aid to Needy Families Fund 17.0% ”.

[The Acting Governor reduced the item by striking out the following:— “; provided further, that pursuant to 21 U.S.C. section 862a(d)(1), the department shall exempt individuals from the eligibility restrictions of 21 U.S.C. section 862a, except that individuals incarcerated for a conviction which would otherwise be disqualifying under 21 U.S.C. section 862a(a) shall not be eligible for cash assistance funded through item 4403-2000 during the first 12 months after release from a correctional institution unless the individual qualifies for an exemption pursuant to subsection (e) of section 110 of chapter 5 of the acts of 1995 or a domestic violence waiver; provided further, that an application for assistance under chapter 118 of the General Laws shall be deemed an application for assistance under chapter 118E; and “; provided further, that if assistance under chapter 118 is denied, the application shall be transmitted by the department to the division of medical assistance for a determination of eligibility under chapter 118E”; provided further, that such efforts shall include but not be limited to prompt review and revision of the application for food stamps; provided further, that the revised application shall be the shortest and simplest necessary to achieve its purpose; provided further, that said application shall be drawn in concise and readily understandable language, such that its completion may require no reading skills beyond the third-grade level; provided further, that the department shall provide a copy of the revised application to the house and senate committees on ways and means not later than January 18, 2002; provided further, that the department shall complete transition to the revised application not later than February 28, 2002; provided further, that the department shall expand its existing pilot program of extended office hours to include all area offices statewide; provided further, that the extended hours shall include 1 weekday morning and evening and Saturday morning from 9:00 a.m. until 12:00 noon; provided further, that nothing in this item shall authorize, require or permit the commonwealth to abrogate, in whole or in part any agreement, including any collective bargaining agreement, negotiated with any employee organization under chapter 150E of the General Laws or to interfere with or detract from the rights of any employee under chapter 31 of the General Laws; provided further, that the department shall accomplish the staffing of these extended office hours to the maximum extent possible through the use of flex-time that shall allow workers to modify their working hours to accommodate their specific personal and family needs; provided further, that the department shall begin a program placing workers at community and human service organizations for the purposes of facilitating food stamp applications and redeterminations; provided further, that staff placements shall include, but need not be limited to, shelters, soup kitchens, food pantries, community health centers, hospitals and low-income housing developments”; and “; provided further, that for all families receiving such resource guide whose income is determined to be no higher than 200 per cent of the federal poverty level, at least 50 per cent of the costs of such guide shall be charged to the Transitional Aid to Needy Families Fund or General Fund expenditures meeting federal temporary assistance for needy families maintenance of effort requirements in furtherance of 42 U.S.C. sections 601(a)(1) and (2); provided further, that families whose income is no higher than 200 per cent of the federal poverty level shall be



considered categorically eligible for food stamps in accordance with 7 CFR section 273.2(j)(2)(i)(B); provided further, that the department shall pursue the option of continuing food stamp benefits for households receiving funds from the transitional aid to families with dependent children program or the supplemental transitional aid to families with dependent children program for the first 3 months following the termination of the households from either of the programs; provided further, that for the purpose of accomplishing this objective the department shall within 30 days after the effective date of this act submit a request to the United States Department of Agriculture Food and Nutrition Service for a waiver to implement the transitional benefits alternative described in 7 C.F.R. section 273.12(f) (4) for all cases for which transitional benefits may be provided and shall implement such waiver not later than 60 days after approval; provided further, that the department shall submit a request to the United States Department of Agriculture Food and Nutrition Service for a waiver to require reporting, recertifications and face-to-face interviews for the food stamp program as infrequently and with as few eligibility items as the United States Department of Agriculture may permit and shall implement such waiver not later than 60 days after approval; provided further, that the department shall only implement such waiver upon determination that said request shall not result in an increase in error rates that would subject the commonwealth to error rate penalties”; and “; provided further, that the report shall include information on the utilization of the extended office hours and of the workers placed at community and human service organizations for food stamp purposes, information on the implementation status of categorical eligibility benefits, information on the implementation of the continuation of food stamp benefits for people terminated from the transitional aid to families with dependent children and supplemental transitional aid to families with dependent children programs, and information on the status of implementing less frequent reporting requirements; and provided further, that the report shall also contain recommendations for any legislative action necessary to fully implement these policies and programs”.]

After debate, the question on passing said item, notwithstanding the reductions of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 183 in Supplement.]**

Therefore item 4400-1000 passed, notwithstanding the reductions of the Acting 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 Acting Governor, was considered as follows:—

“4403-2000 For a program of transitional aid to families with dependent children, and for a program of supplemental transitional aid to families with dependent children pursuant to the provisions of section 210 of chapter 43 of the acts of 1997; provided, that notwithstanding any general or special law to the contrary, benefits under the program of transitional aid to families with dependent children shall be paid only to citizens of the United States and to non-citizens for whom federal funds may be used to provide benefits; provided further, that benefits under the program of supplemental transitional aid to families with dependent children shall be

provided only to persons who are not citizens of the United States, and for whom, pursuant to section 401, 402, or 403 of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. section 1611, 1612, or 1613, federal funds may not be used to provide benefits pursuant to chapter 118 of the General Laws, but who are qualified aliens within the meaning of section 431 of said Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. section 1641 or are otherwise permanently residing in the United States under color of law; provided further, that the number of assistance units receiving benefits funded from the supplemental transitional aid to families with dependent children at any 1 time shall not exceed the number of assistance units comprised of qualified aliens or persons permanently residing under color of law which were receiving benefits provided under item 4403-2000 of chapter 151 of the acts of 1996 on June 1, 1997, plus 640 assistance units; provided further, that notwithstanding any general or special law, or any provisions of this act to the contrary, no benefits under this item shall be made available to illegal or undocumented aliens; provided further, that the need standard shall be equal to the standard in effect in fiscal year 2001; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under the provisions of subsection (e) of section 110 of chapter 5 of the acts of 1995 shall be  $2\frac{3}{4}$  per cent below the otherwise applicable payment standard, in fiscal year 2002, pursuant to the provisions of the state plan required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided' further, that the department shall notify all teen parents receiving benefits from the program of the requirements found in clause (2) of subsection (i) of said section 110 of said chapter 5; provided further, that a \$40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that a nonrecurring children's clothing allowance in the amount of \$150 shall be provided to each child eligible under this program in September 2001; provided further, that the children's clothing allowance shall be included in the standard of need for the month of September, 2001; provided further, that benefits under this program shall not be available to those families where a child has been removed from the household pursuant to a court order after a care and protection hearing on child abuse, nor to adult recipients otherwise eligible for transitional aid to families with dependent children or supplemental transitional aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of social services in accordance with department procedures; provided further, that notwithstanding section 2 of chapter 118 of the General Laws, or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month such payments are to be made or within the 3-month period following such month of payment, and who, if such child had been born and was living with her in the month of payment would be categorically and financially eligible for transitional aid to families with dependent children or supplemental transitional aid to families with dependent children benefits; provided further, that not less than \$318,074 shall be expended for the purposes of the operation of the transportation assistance program operated by the traveler's aid society of Boston; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for such loss; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided

further, that no funds from this item shall be expended by the department for family reunification benefits or informal child care; provided further, that the department shall provide oral and written notification to all recipients of their child care benefits on a semiannual basis; provided further, that the notification shall include the full range of child care options available, including center-based child care, so-called, family-based child care, so-called, and in-home relative child care, so-called; provided further, that the notification shall detail available child care benefits for current and former recipients, including employment and training benefits, transitional benefits, so-called, and post-transitional benefits, so-called; provided further, that the department shall work with the office of child care services to ensure that both recipients currently receiving benefits and former recipients during the 1 year period following termination of benefits are provided written and verbal information about child care services; provided further, that the notice shall further advise recipients of the availability of food stamps benefits; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility for, or levels of, benefits under the program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding any general or special law or of this item to the contrary, 30 days before implementing any eligibility or benefit changes or both, 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 the basis for, and text of, the proposed changes; and provided further, that notwithstanding any special or general law to the contrary, the comptroller shall transfer any unexpended balance remaining in this item at the close of the fiscal year to the Caseload

Increase Mitigation Fund 289,650,459

General Fund 48.0%

Transitional Aid to Needy Families Fund 52.0%".

[The Acting Governor reduced the item by striking out the following:— “ ; provided further, that notwithstanding any general or special law or of this item to the contrary, 30 days before implementing any eligibility or benefit changes or both, 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 the basis for, and text of, the proposed changes”.]

After debate, the question on passing said item notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 22 in the negative.

**[\[See Yea and Nay No. 184 in Supplement.\]](#)**

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

Item 4403-2110 (contained in section 2), which had been reduced by the Acting Governor, was considered, as follows:

“4403-2110 For expenses of the emergency assistance program directly attributable to rent liability; provided, that families with income under 130 per cent of the federal poverty level, that would otherwise be eligible for rent arrearage benefits but for their income, shall be eligible for rent arrearage benefits; provided further, that no funds shall be expended for heat or utility arrearages, so-called; provided further, that the department may provide limited related services in the event of a disaster as defined by regulations promulgated by the department; provided further, that the services shall be defined as payments for advance rent, security deposits, shelter, housing search, food, clothing and housing supplies; provided further, that in promulgating, amending or rescinding regulations with respect to eligibility or benefits under the program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding any general or special law or this item to the contrary, 30 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 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; provided further, that the department shall prepare and promulgate rules and regulations to prevent abuse in the emergency assistance program in items 4403-2110 and 4403-2120; provided further, that the rules and regulations shall include, but not be limited to, a year-to-year cross-check of recipients to determine if a person has received similar benefits in the previous 36 months; provided further, that if a person has utilized emergency assistance benefits more than once within 36 months, the department shall place the person on a protective payment schedule for the entire period during which the person is receiving the benefits; provided further, that no advance payments shall be paid in fiscal year 2002; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States and shall not be provided to illegal or undocumented aliens; provided further, that nothing herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to services other than to the extent that such rights or entitlements exist pursuant to the regulations promulgated by the department or section 210 of chapter 43 of the acts of 1997; 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; and provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized herein 9,132,859

Transitional Aid to Needy Families Fund 90.0%

General Fund 10.0%”.

[The Acting Governor reduced the item by striking out the following:— “ ; provided further, that notwithstanding any general of special law or this item to the contrary, 30 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 house of representatives and

the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the proposed changes”;

and

”; provided further, that 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”.]

After debate, the question on passing said item, notwithstanding the reductions of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 131 members voted in the affirmative and 23 in the negative.

**[See Yea and Nay No. 185 in Supplement.]**

Therefore item 4403-2110 passed, notwithstanding the reductions of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

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

“4403-2120 For certain expenses of the emergency assistance program as herein delineated: (i) contracted family shelters; (ii) transitional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes and Nantucket counties; (iv) residential education centers for single mothers with children; (v) intake centers, so-called; (vi) hotel and motel payments on behalf of homeless families; and (vii) voucher shelters, so-called; provided, that families with income under 130 per cent of the federal poverty level, that would otherwise be eligible for family shelter emergency assistance benefits but for their income, shall be eligible for family shelter benefits; provided further, that no funds may be expended for heat or utility arrearages, so-called; provided further, that in promulgating, amending, or rescinding regulations with respect to eligibility or benefits under said program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the amount appropriated herein; provided further, that the department shall promulgate regulations to prevent abuse in the emergency assistance program in item 4403-2110 and in this item of section 2; provided further, that said rules and regulations shall include but not be limited to a year-to-year cross-check of recipients to determine if a person has received similar benefits in the previous 36 months; provided further, that if a person has utilized emergency assistance benefits more than once within 36 months, the department is hereby authorized and directed to place said person on a protective payment schedule for the entire period during which said person is receiving said benefits; provided further, that no advance payments shall be paid in fiscal year 2002; provided further, that an otherwise eligible household shall be authorized for temporary emergency shelter even if that household has been authorized to receive a rental arrearage payment within the past 12 months; provided further, that an eligible household shall be sheltered within 20 miles of its home community, unless such household requests otherwise; provided further, that if no such shelter placement is available within 20 miles because of lack of vacancies, the

household size or composition of such a homeless family, or the concerns of the department regarding the performance and administration of a particular shelter, said household shall be placed in the closest possible appropriate shelter beyond said 20 miles; provided further, that said household shall be transferred to an appropriate shelter within 20 miles of its community at the earliest possible date, unless the household requests otherwise; provided further, that placements made beyond the 20 mile limit shall be reported on a quarterly basis to the secretary of administration and finance, the joint committee on human services and elderly affairs, and the house and senate committees on ways and means; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized by this item; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States and shall not be provided to illegal or undocumented aliens; provided further, that notwithstanding the provisions of any general or special law to the contrary, 30 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 said program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that nothing herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to services other than to the extent that such rights or entitlements exist pursuant to the regulations promulgated by the department; and 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 49,628,138".

[The Acting Governor reduced the item by striking out the following:— “ ; provided further, that notwithstanding the provisions of any general or special law to the contrary, 30 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and the 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 said program will be insufficient to meet projected expenses and a report setting forth such proposed changes”;

and

“ ; and provided further, that nothing in the proceeding 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”.]

After remarks, the question on passing said item, notwithstanding the reductions of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 131 members voted in the affirmative and 23 in the negative.

**[\[See Yea and Nay No. 186 in Supplement.\]](#)**

Therefore item 4403-2120 passed, notwithstanding the reductions of the Acting 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 Acting Governor, was considered as follows:

“4408-1000 For a program of cash assistance to certain residents of the commonwealth pursuant to chapter 117A of the General Laws, entitled emergency aid to the elderly, disabled and children found by the department to be eligible for such aid, pursuant to regulations promulgated by said department and subject to the limitations of appropriation therefore; provided, that benefits under this item shall only be provided to residents who are citizens of the United States or qualified aliens, so-called, or non-citizens otherwise permanently residing in the United States under color of law and shall not be provided to illegal or undocumented aliens; provided further, that the payment standard shall equal the payment standard in effect under the general relief program in fiscal year 1991; provided further, that a \$35 rent allowance, to the extent possible within the amount of this appropriation, shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that the department may provide benefits to persons age 65 or older who have applied for benefits under chapter 118A of the General Laws, to persons suffering from a medically determinable impairment or combination of impairments which is expected to last for a period as determined by department regulations and which substantially reduces or eliminates the individual’s capacity to support him or herself and which have been verified by a competent authority, to certain persons caring for a disabled person, to otherwise eligible participants in the vocational rehabilitation program of the Massachusetts rehabilitation commission, to otherwise eligible students under age 21 who are regularly attending a full time grade school, high school, technical or vocational school not beyond the secondary level, and to dependent children who are ineligible for benefits under both chapter 118 of the General Laws and the separate program created by section 210 of chapter 43 of the acts of 1997 and parents or other caretakers of dependent children who are ineligible under said chapter 118 and under said separate program; provided further, that no ex-offender, person over age 45 without a prior work history, or person in a residential treatment facility shall be eligible for benefits under this program unless said person otherwise meets the eligibility criteria described herein and defined by regulations of the department; provided further, that any person incarcerated in a correctional institution shall not be eligible for benefits under said program; provided further, that no funds shall be expended from this item for the payment of expenses associated with any medical review team, other disability screening process or costs associated with verifying disability for this program; provided further, that the department shall promulgate emergency regulations pursuant to chapter 30A of the General Laws to implement the changes to this program required by this act promptly and within the appropriation; provided further, that in initially implementing the program for this fiscal year, the department shall include all eligibility categories permitted herein at the payment standard in effect for the former general relief program in fiscal year 1991; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility or benefits, including the payment standard, medical benefits and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the amount appropriated herein; provided further, that the department may promulgate emergency regulations pursuant to chapter 30A of the General Laws to implement these eligibility or benefit changes or both; provided further, that



nothing herein shall be construed as creating any right accruing to recipients of the former general relief program; provided further, that the secretary of health and human services shall report monthly to the house and senate committees on ways and means for the preceding month on the number of persons applying for benefits under this program, by category, age and disability, if any, and the number of persons receiving and denied benefits under this program by category, age and disability, if any; provided further, that reimbursements collected from the social security administration on behalf of former clients of the emergency aid to the elderly, disabled and children program, or unprocessed payments from said program that are returned to the department, not to exceed an amount of \$14,437,383 shall be credited to this account and may be expended without further appropriation for the purposes of this program; provided further, that notwithstanding any general or special law to the contrary, the funds made available herein shall be the only funds available for said programs, and the department shall not spend funds for said program in excess of the amount made available herein; and provided further, that notwithstanding the provisions of any general or special law, or of this item to the contrary, 30 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 said program will be insufficient to meet projected expenses and a

report setting such proposed changes 39,932,702”.

[The Acting Governor reduced the item by striking out the following: “; provided further, that notwithstanding any general or special law or of this item to the contrary, 30 days before implementing any eligibility or benefit changes, or both, 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 such proposed changes”.]

After debate, the question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 187 in Supplement.]**

Therefore item 4408-1000 passed, notwithstanding the reduction of the Acting 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 Acting Governor, was considered as follows:

“6000-0100 For the office of the secretary of transportation and construction; provided, that the office shall collaborate with efforts of the department of transitional assistance to develop a program of transportation services for current and former recipients of the transitional aid to families with dependent children program pursuant to item 4401-1000; provided further, that said 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, so-called, 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 said projects, and the source of funds for the projects; provided further, that said office shall also provide said 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 said 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 said office shall submit to the house and senate committees on ways and means quarterly reports detailing all personnel-related expenditures made from capital funds; provided further, that the reports shall delineate for the executive office and for each agency, board, authority or commission under its control, the amounts paid in the prior quarter as compensation for each type of position assigned to capital projects that were charged to each such funding source; provided further, that the reports shall also delineate by funding source any other amounts paid for personnel-related costs that were charged to said funds, including payroll allocations for budgetary employees, fringe recovery and other chargebacks; provided further, that said reports shall identify the number of full time equivalent personnel classified in each position type; provided further, that the reports shall list all employees who are paid from items 6000-0100, 6010-0002, 6010-1000, and 6006-0003 who also receive payments from any capital funds; provided further, that the reports shall include for each of said employees how much money the employees receive from said items and how much money each employee receives from any capital funds; provided further, that the reports shall delineate said information for full time employees, part-time employees and contracted personnel; provided further, that the secretary of the executive office of transportation and construction shall conduct a study of the Middleborough and Plymouth commuter rail lines to include time schedule, rider volume, rider destination, and other information that the secretary deems necessary to determine the impact of the current commuter rail system on the Braintree community; and provided further, that the secretary of the executive office of transportation and construction shall no later than February 1, 2002, submit to the clerk of the house and the senate a report describing the plan to address the backlog of bicycle and pedestrian projects; provided further, that said executive office of transportation and construction shall conduct a thorough study of ways to encourage pedestrian access to and from the Quincy Adams station; provided further, that said study shall include, but not be limited to, an examination of the feasibility of pedestrian access via Independence avenue, Federal street in the city of Quincy and Centre street in the town of Braintree; provided further, that said study shall also include a comprehensive set of recommendations made by the executive office of transportation and construction to encourage pedestrian access to said station; provided further, that said study shall also include a vehicular traffic analysis for said station that shall include a study of traffic volume at said station during peak travel hours; provided further, that said study be submitted to the joint committee on transportation not later than February 1, 2002; and provided further that said committee shall forward a copy of said report to the town

of Braintree and the city of Quincy 196,636

Highway Fund 100.0%”.

[The Acting Governor reduced the item by striking out the following: [The Acting Governor disapproved of the following wording: “; provided further, that said 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, so-called, 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 said projects, and the source of funds for the projects; provided further, that said office shall also provide said 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 said 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 said office shall submit to the house and senate committees on ways and means quarterly reports detailing all personnel-related expenditures made from capital funds; provided further, that the reports shall delineate for the executive office and for each agency, board, authority or commission under its control, the amounts paid in the prior quarter as compensation for each type of position assigned to capital projects that were charged to each such funding source; provided further, that the reports shall also delineate by funding source any other amounts paid for personnel-related costs that were charged to said funds, including payroll allocations for budgetary employees, fringe recovery and other chargebacks; provided further, that said reports shall identify the number of full time equivalent personnel classified in each position type; provided further, that the reports shall list all employees who are paid from items 6000-0100, 6010-0002, 6010-1000, and 6006-0003 who also receive payments from any capital funds; provided further, that the reports shall include for each of said employees how much money the employees receive from said items and how much money each employee receives from any capital funds; provided further, that the reports shall delineate said information for full time employees, part-time employees and contracted personnel”];

and

“; and provided further, that the secretary of the executive office of transportation and construction shall no later than February 1, 2002, submit to the clerk of the house and the senate a report describing the plan to address the backlog of bicycle and pedestrian projects”.]

After remarks, the question on passing said item, notwithstanding the reductions of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 188 in Supplement.]**

Therefore item 0000-0100 passed, notwithstanding the reductions of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4590-0250 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“4590-0250 For the continuation of smoking prevention and cessation programs; provided, that said programs shall include the following components: (1) enforcing local ordinances, bylaws and regulations relative to tobacco control; (2) a smoking cessation program, which may include providing smokers with vouchers to be used for counseling and cessation products and low incomes smokers' nicotine replacement therapy; (3) grants to evaluate current anti-tobacco efforts and to pursue scientific and policy research including, but not limited to, smoking prevention, addiction, mortality associated with secondhand smoke, issues unique to minority communities and youth smoking; and (4) increased enforcement efforts and media campaigns by health and community agencies in minority communities which demonstrate a high rate of tobacco use; provided further, that not less than \$158,333 shall be expended for low income smokers' nicotine replacement therapy; provided further, that not less than \$150,000 shall be expended for black male health, for the purposes of decreasing disparities and improving the health conditions of black males and for the purposes of research, education and health awareness programs to be executed by the department; provided further, that said program shall set forth an educational campaign highlighting the importance of preventative health programs that lead to early detection of life threatening diseases; provided further, that \$250,000 shall be expended to the H.E.L.P. program, so called, for black male health; provided further, that not less than \$200,000 shall be obligated for a contract with the women enjoying longer lives program, so-called; provided further, that not less than \$125,000 shall be expended for an environmental and behavioral study of elevated lung cancer rates for the Canal Power Plant, Cape Cod area; provided further, that the research, education, and health awareness programs, executed by the department of public health, are run in conjunction with the University of Massachusetts; provided further, that \$16,140,000 shall be expended for the school health services program, including enhanced school health services, partially funded in 4590-0300; provided further, that said services shall meet standards and eligibility guidelines established by the department of public health in consultation with the department of education; provided further, that funds shall be expended from this item for said services in public and non-public schools; provided further, that services shall include but not be limited to: (1) strengthenIng the infrastructure of school health services in the areas of personnel and policy development, programming, and interdisciplinary collaboration; (2) developing linkages between school health services programs and community health providers, and (3) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services; provided further, that the department shall report to the house and senate committees on ways and means by not later than October 1, 2002 on the feasibility of including an oral health component to the school health services program, including additional grant money to be awarded to those school districts whose program includes an oral health component; provided further, that \$3,956,025 shall be expended for school based health centers, partially funded in 4590-0300; provided further, that said school

health services programs and school based health centers shall include an educational component and campaign on smokeless tobacco and smoking cessation; provided further, that the department of public health, and the department of education shall jointly establish standards and criteria for said school health service programs; and provided further, that notwithstanding the provisions of section 72 of chapter 44 of the General Laws, any federal reimbursement collected as a result of the purposes described in this item shall be credited to Tobacco Settlement Fund, established pursuant to section 2XX

of chapter 29 of the General Laws 37,867,379

Tobacco Settlement

Fund 100.0%”.

[The Acting Governor reduced the item to \$26,754,968].

After debate, the question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 147 members voted in the affirmative and 9 in the negative.

**[\[See Yea and Nay No. 189 in Supplement.\]](#)**

Therefore item 4590-0250 passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4590-0300 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“4590-0300 For the smoking prevention and cessation program established pursuant to chapter 254 of the acts of 1992; provided, that priority shall be given to funding programs in communities with high smoking rates among women; provided further, that not less than \$13,806,919 shall be allocated from this item to the department of education for grants to cities, towns and regional school districts for comprehensive health education programs, including education on smoking prevention; provided further, that any funds distributed under this item shall be deposited with the treasurer of any such city, town or regional school district, held in a separate account and expended without further appropriation by the school committee; provided further, that not less than \$5,177,595 shall be expended from this item for a school health service program, including enhanced school health centers; provided further, that programs funded in this item shall include an educational component and campaign on smokeless tobacco; provided further, that the department of public health and the department of education shall jointly establish standards and criteria for said school health service programs; provided further, that not less than \$1,605,000 shall be expended for tobacco control coalitions; provided further, that not less than \$215,733 shall be expended for a discretionary grant program available to nonprofit organizations operating satellite programs which provide outreach services to teenagers involving substance abuse prevention, health programs and community service in the

context of recreation and youth development; provided further, that no funds shall be expended from this item for an interagency service agreement with the department of revenue; provided further, that no funds appropriated herein shall be expended for administrative, space leasing or energy expenses of the department; provided further, that not less than \$200,000 shall be allocated from this item to the Berkshire County Area Health Education Center, Inc. for programs including but not limited to alcohol, drug and tobacco prevention; provided further, that not less than \$50,000 shall be allocated for the smoking cessation program at North Adams Regional Hospital; and provided further, that not less than \$50,000 shall be allocated for the Project Reach Out smoking cessation program at the Boys and

Girls Club of Metro West 50,342,217

Health Protection Fund 100.0%”.

[The Acting Governor reduced the item to \$44,329,347].

After debate, the question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 144 members voted in the affirmative and 12 in the negative.

**[\[See Yea and Nay No. 190 in Supplement.\]](#)**

Therefore item 4590-0300 passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4513-1115 (contained in section 2), which had been vetoed by the Acting Governor, was considered as follows:

“4513-1115 For a multiple sclerosis screening, information,

education and treatment program 438,700

Tobacco Settlement

Fund 100.0%”.

After remarks, the question on passing said item, notwithstanding the objections of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 141 members voted in the affirmative and 15 in the negative.

**[\[See Yea and Nay No. 191 in Supplement.\]](#)**

Therefore item 4513-1115 passed, notwithstanding the objections of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0612-1010 (contained in section 2), which had been reduced by the Acting Governor, was

considered as follows:

“0612-1010 For the Commonwealth’s Pension Liability Fund established under section 22 of chapter 32 of the General Laws; provided, that the amount appropriated herein shall constitute the first payment of a triennial funding schedule as part of the 18 year funding schedule for the commonwealth’s unfunded pension liability pursuant to section 22 of said chapter 32, as amended by this act; provided further, that the amount appropriated herein shall meet the commonwealth’s obligations under section 22C of said chapter 32, including retirement benefits payable by the state employees’ and the state teachers’ retirement systems, for the costs associated with a 3 per cent cost-of-living adjustment pursuant to the provisions of section 102 of said chapter 32, the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to section 102 of said chapter 32, and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984; provided further, that subject to the rules and regulations promulgated by the treasurer, the state retirement board and each city, town, county and district shall verify the cost thereof and the treasurer shall be authorized to make such payments upon a transfer of funds as hereinafter provided, to reimburse certain cities and towns for pensions to retired teachers and including any other obligations which the commonwealth has assumed on behalf of any retirement system other than the state employees’ or state teachers’ retirement systems and including the commonwealth’s share of the amounts to be appropriated pursuant to section 22B of said chapter 32 and the amounts to be appropriated pursuant to subsection (a) of the last paragraph of section 21 of chapter 138 of the General Laws; provided further, that all payments for the purposes herein described shall be made only pursuant to distribution of monies from the fund; provided further, that any such distribution and the payments for which distributions are required shall be detailed in a written report filed quarterly by the commissioner of administration with the house and senate committees on ways and means and the joint committee on public service in advance of such distribution; provided further, that such distributions shall not be made in advance of the date on which a payment is actually to be made; provided further, that the state retirement board may expend an amount for the purposes of the higher education coordinating council’s optional retirement program pursuant to section 40 of chapter 15A of the General Laws; provided further, that except where authorized herein, no funds shall be expended from this item, other than deposits to the Commonwealth’s Pension Liability Fund; and provided further, that to the extent that the amount appropriated herein exceeds the amount necessary to adequately fund this item, said excess amount shall be credited to the Pension Reserves Investment Trust Fund of the commonwealth for the purpose of reducing the unfunded pension liability of the common-

wealth 912,373,000

Local Aid Fund 59.00%

General Fund 33.90%

Highway Fund 7.00%

Inland Fisheries and

Game Fund 0.10% ”.

[The Acting Governor reduced the item to \$778,408,000 and disapproved the following: “; that the amount appropriated herein shall constitute the first payment of a triennial funding schedule as part of the 18 year funding schedule for the commonwealth’s unfunded pension liability pursuant to section 22 of said chapter 32, as amended by this act; provided further”.]

After debate, the question on passing said item, notwithstanding the reductions of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 122 members voted in the affirmative and 33 in the negative.

**[See Yea and Nay No. 192 in Supplement.]**

Therefore item 0612-1010 passed, notwithstanding the reductions of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 17, which had been vetoed by the Acting Governor, was considered as follows:

“SECTION 17. Subsection (1) of section 22C of said chapter 32 of the General Laws of the 2000 Official Edition, as so appearing, is hereby further amended by adding the following paragraph:—

Notwithstanding any general or special law to the contrary, appropriations made to the commonwealth’s pension liability fund in fiscal year 2002 to 2004, inclusive, shall be made in accordance with the following funding schedule: \$912,373,000 in fiscal year 2002, \$926,087,000 in fiscal year 2003 and \$940,486,000 in fiscal year 2004.”.

The question on passing said item, notwithstanding the objections of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 193 in Supplement.]**

Therefore section 17 passed, notwithstanding the objections of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 6030-7201 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“6030-7201 For the cost of hired and leased equipment, so-called, used for snow and ice control; provided, that the secretary of administration and finance shall submit to the house and senate committees on ways and means a report no later than February 1, 2002 which shall include, but not be limited to, the following: (a) a list of amounts paid to each vendor from state appropriations for snow and ice control efforts for fiscal years 1999, 2000 and 2001; (b) a comparison of the average snowfall by county as reported by the national weather service and the amount of state snow and ice control effort funds appropriated by county for fiscal years

1999, 2000 and 2001; (c) a detailed account of the administrative oversight exercised by either the secretary of administration and finance, the secretary of transportation and construction or the department of highways for snow and ice control efforts, including an explanation of measures taken to verify services provided, audit vendor payment vouchers, or any other measures taken to ensure accountability relative to the expenditure of the state funds for snow and ice control efforts; (d) fiscal year 2002 snow and ice control effort expenses to date, projected further expenses, and estimates of incurrence run out and actual appropriation run out dates, so-called, of snow and ice control related appropriations; and (e) any other information that said secretary determines is necessary to account for the expenditures of state appropriations for the control and removal of snow and ice; and provided further, that no funds appropriated herein shall be used for materials, overtime costs or

vehicle repair related to snow and ice control 6,727,688

Highway Fund 100.0%”.

[The Acting Governor disapproved the following: “that the secretary of administration and finance shall submit to the house and senate committees on ways and means a report no later than February 1, 2002 which shall include, but not be limited to, the following: (a) a list of amounts paid to each vendor from state appropriations for snow and ice control efforts for fiscal years 1999, 2000 and 2001; (b) a comparison of the average snowfall by county as reported by the national weather service and the amount of state snow and ice control effort funds appropriated by county for fiscal years 1999, 2000 and 2001; (c) a detailed account of the administrative oversight exercised by either the secretary of administration and finance, the secretary of transportation and construction or the department of highways for snow and ice control efforts, including an explanation of measures taken to verify services provided, audit vendor payment vouchers, or any other measures taken to ensure accountability relative to the expenditure of the state funds for snow and ice control efforts; (d) fiscal year 2002 snow and ice control effort expenses to date, projected further expenses, and estimates of incurrence run out and actual appropriation run out dates, so-called, of snow and ice control related appropriations; and (e) any other information that said secretary determines is necessary to account for the expenditures of state appropriations for the control and removal of snow and ice; and provided further.”.]

The question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 124 members voted in the affirmative and 31 in the negative.

**[\[See Yea and Nay No. 194 in Supplement.\]](#)**

Therefore item 6030-7201 passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 6005-0015 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“6005-0015 For certain assistance to the regional transit authorities, including operating grants



and reimbursements to increase the accessibility of transit provided to the elderly and disabled under the mobility assistance program, the regional transit authority program, and the intercity bus capital assistance program; provided, that the commonwealth, acting by and through the executive office for administration and finance, for the period beginning July 1, 2001 and ending June 30, 2002, may enter into contracts with the authorities; provided further, that notwithstanding the provisions of section 152A of chapter 161, and of section 23 of chapter 161B of the General Laws, at least 50 per cent and up to 75 per cent of the net cost of service of each authority incurred in fiscal year 2001 shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities; provided further, that the share assessed upon said cities and towns shall be at least 25 per cent of said net cost of service; provided further, that in the event that 25 per cent of said net cost of service of each authority exceeds 102.5 per cent of the previous year's local assessment, excluding payments made by cities and towns for the costs of new service, for which said cities and towns have not previously been assessed, as allowed by chapter 580 of the acts of 1980, the regional transit authority shall reduce its operating expenses or increase its revenues to meet the difference; provided further, that operating expenditures of each of the regional transit authorities for fiscal year 2002 shall not exceed 102.5 per cent of its operating expenditures for fiscal year 2001; provided further, that for the purposes of this item operating expenditures shall not include federal, private or additional municipal nonstate revenue sources or any expenses arising from the provision of services required by the Americans with Disabilities Act, or new services implemented after July 1, 1999 in an amount not to exceed a total of \$3,613,905 for the 15 regional transit authorities; provided further, that said new services must have first received approval of the appropriate regional transit authority advisory board; provided further, that not less than 25 per cent of the net cost of service of said new services shall be assessed to the cities and towns of the appropriate transit authority, as detailed previously in this item; provided further, that each regional transit authority which provides said new services must file a report with the house and senate committees on ways and means and the joint committee on transportation, detailing the total costs and revenues associated with said new service; provided further, that the cost of said new services shall not annualize to more than \$3,613,905; provided further, that not later than January 1, 2002, each of the 15 regional transit authorities shall submit to the house and senate committees on ways and means a report detailing any and all revenues collected as a result of services provided pursuant to item 4401-1001; provided further, that the Massachusetts Bay Transportation Authority be directed to study the construction of a noise barrier wall along the south side of the Boston Engine Terminal and Yard 14 so-called and report said findings to the Commissioner of

Transportation by February 1, 2002 42,226,834

Local Aid Fund 40.0%

General Fund 40.0%

Highway Fund 20.0%”.

[The Acting Governor disapproved the following: “; provided further, that the Massachusetts Bay Transportation Authority be directed to study the construction of a noise barrier wall along the south side of the Boston Engine Terminal and Yard 14 so-called and report said findings to

the secretary of of transportation and construction by February 1, 2002”.]

After debate, the question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 195 in Supplement.]**

Therefore item 6005-0015 passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7007-0950 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“7007-0950 For grants to public and private non-profit local and regional organizations to be awarded by the Massachusetts office of travel and tourism for tourism promotion; provided, that said organizations shall not expend more than 20 per cent of any grant for the cost of administrative services; provided further, that said organizations shall be required, as a condition of receiving said grant, to submit a total operating budget which shall identify each source and use of operating and capital funds; provided further, that said grants shall not replace or supplant funding otherwise available to said centers from local chambers of commerce, so-called, regional tourist councils, so-called, and other public or private funding sources; provided further, that not less than \$200,000 shall be expended as a grant for the bay state games, so-called; provided further, that notwithstanding any general or special law to the contrary, a grant of \$250,000 shall be transferred from this item to the Massachusetts office of business development for regional tourism and economic development in southeastern Massachusetts including the southcoast development project; provided further, that not less than \$470,292 shall be expended for the town of Westwood for the relocation of the historic Obed Baker House, so-called; provided further, that not less than \$250,000 shall be expended as a grant for the town of Dedham for the restoration of the historic revolutionary war memorial cemetery, so-called; provided further, that not less than \$150,000 shall be expended for the expansion of the Marlborough visitors bureau to include Westborough and for the operation thereof; provided further, that \$100,000 shall be expended for the Puerto Rican cultural council in the city of Springfield; provided further, that not less than \$50,000 shall be expended for the rehabilitation for the Highfield Hall in Falmouth; provided further, that not less than \$25,000 shall be expended for the rehabilitation of Grange Hall in Pembroke; provided further, that not less than \$100,000 shall be expended for City Stage; provided further, that not less than \$125,000 shall be expended for the city of Boston office of cultural affairs; provided further, that a grant for not less than \$450,000 shall be expended for costs incurred by the Massachusetts Sports Partnership, Inc.; and provided further, that not less than \$50,000 shall be expended for a Korean war memorial in the city of Haverhill; provided further, that not less than \$10,000 shall be expended for the Vietnam Veterans Memorial park in Billerica; provided further, that the office may choose to fund each of the following earmarks up to a maximum of the specified dollar amount; provided further, that not more than \$100,000 shall be expended for the Worcester Cultural Center; provided further, that not more than \$100,000 shall be expended for the freedom trail foundation; provided further, that not more than \$25,000 shall be expended as a grant to the

town of Salisbury to maximize said town's tourism industry; provided further, that not more than \$30,000 shall be expended to the Johnny Appleseeds trail association for the state highway route 2 visitor center in Lancaster; provided further, that no more than \$100,000 shall be expended for the Springfield tourist information center; provided further, that not more than \$40,000 shall be expended as a grant for the Pioneer Valley visitors and tourist information center; provided further, that said grant shall not replace or supplant funding otherwise available to said center from local chambers of commerce, regional tourist councils, and public or private funding sources; provided further, that not more than \$40,000 shall be expended as a grant for the Cape Cod chamber of commerce visitors information network system; provided further, not more than \$50,000 shall be expended as a grant to the South Shore Chamber of Commerce regional tourism initiative; provided further, that not more than \$294,092 shall be obligated to the Springfield department of public works in consultation with the Forest Park Partnership Fund, and the Springfield parks department for the installation of historic street lights and signs; provided further, that not more than \$150,000 shall be expended for the Tercentennial Park, so-called, in Framingham; provided further, that not more than \$140,000 shall be expended for a grant for Artworks!, so called; provided further, that \$40,000 of said grant amount shall be expended for the affiliated art museum; provided further, that not more than \$500,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2001 for the highway information centers operating year round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both in the city of Boston; and provided further, that not more than \$2,500 shall be expended for the construction of the George Spanos memorial, so-called, at the

Wilmington MBTA station, so-called 3,801,885”.

[The Acting Governor reduced the item to \$3,031,593 and disapproved of the following: “; provided further, that not less than \$470,292 shall be expended for the town of Westwood for the relocation of the historic Obed Baker House, so-called; provided further, that not less than \$250,000 shall be expended as a grant for the town of Dedham for the restoration of the historic revolutionary war memorial cemetery, so-called”];

and

“; and provided further, that not less than \$50,000 shall be expended for a Korean war memorial in the city of Haverhill”].

The question on passing said item, notwithstanding the reductions of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 124 members voted in the affirmative and 31 in the negative.

**[\[See Yea and Nay No. 196 in Supplement.\]](#)**

Therefore item 7007-0950 passed, notwithstanding the reductions of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7061-0006 (contained in section 2), which had been vetoed by the Acting Governor, was

considered as follows:

“7061-0006 For enrollment aid for schools districts which experienced past extraordinary enrollment growth; provided, that said enrollment aid shall be provided to any school district for which the following criteria are met: (i) the foundation enrollment used to calculate the fiscal year 2000 state education aid exceeded the foundation enrollment used to calculate the fiscal year 1994 state education aid by a percentage that exceeded, by 10 per cent or more, the state average growth percentage for the same period; (ii) the amount of state education aid received by such district in fiscal year 2000 was no greater than 35 per cent of the fiscal year 2000 district foundation budget; and (iii) the fiscal year 2000 actual net school spending was no greater than 120 per cent of the fiscal year 2000 district foundation budget; provided further, that for any district for which such criteria are met, enrollment aid shall be provided in an amount that is equal to the product of the following: (i) the foundation enrollment used to calculate the fiscal year 2000 state education aid; and (ii) the product of \$65 and the percentage by which such district’s enrollment growth percentage for such period exceeds the state average percentage growth for such period; provided further, that notwithstanding such calculation, enrollment aid for such eligible districts shall be not less than \$50 per pupil nor more than \$75 per pupil; and provided further, that enrollment aid shall be considered part of base aid for fiscal year 2003 for the pur-

poses of chapter 70 of the General Laws 5,000,000

Local Aid Fund 100.0% ”.

After remarks, the question on passing said item, notwithstanding the objections of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 136 members voted in the affirmative and 19 in the negative.

**[See Yea and Nay No. 197 in Supplement.]**

Therefore item 7061-0006 passed, notwithstanding the objections of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7030-1002 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“7030-1002 For kindergarten development grants to provide ongoing grant awards to continue quality enhancement of existing full day kindergarten classrooms and to encourage the transition of half day classrooms into full day kindergarten classrooms; provided, that the office of school readiness shall administer a grant program to encourage the voluntary expansion of high quality, full day kindergarten education throughout the commonwealth; provided further, that grants of not more than \$18,000 per classroom shall be made available to public schools for the enhancement of existing full day kindergarten classrooms and for the transition of existing half day kindergarten classrooms into full day kindergarten classrooms; provided further, that said grants shall be awarded pursuant to guidelines established by the department relative to the application and award process which shall include eligibility criteria, allowable grant expenditures and grant recipient obligations; provided further, that guidelines for transition

grants shall require applicants for such grants to identify obstacles that impede the transition to full day kindergarten; provided further, that said guidelines shall require grant recipients to identify the anticipated date by which the implementation of quality enhancement or transition projects shall commence; provided further, that said guidelines shall detail the range of permissible grant expenditures which shall include, but not be limited to, the expenditure of funds for facility improvements or other expenses necessary to provide adequate space for the transition from half day kindergarten classrooms into full day kindergarten classrooms; provided further, that grants funded through this appropriation shall not annualize to more than \$18,000 per classroom in subsequent fiscal years; provided further, that preference shall be given to grant applicants with high percentages of students scoring in levels 1 or 2 on the Massachusetts comprehensive assessment system exam, so-called, as determined by the department based on available data; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that such program shall supplement and shall not supplant currently funded local, state and federal programs at the school or district; provided further, that not later than January 15, 2002, said department shall report to the house and senate committees on ways and means on the total number of enhancement and transition grants requested and awarded; provided further, that said report shall detail common factors associated with both successful and unsuccessful applications and shall include the total number of full day and half day kindergarten classrooms projected to be in operation in Massachusetts public schools in fiscal year 2003; provided further, that funds appropriated herein for transition grant awards may be expended through August 31, 2002 for the purposes of transition projects scheduled for the school year beginning in September, 2002; and provided further, that the department may expend not more than \$200,000 to administer

the grants program established herein 31,066,550

Local Aid Fund 100.0% ”.

[The Acting Governor reduced the item to \$26,566,745.]

After debate, the question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 143 members voted in the affirmative and 10 in the negative.

**[\[See Yea and Nay No. 198 in Supplement.\]](#)**

[Mr. Donnelly of Boston answered “Present” in response to his name.]

Therefore item 7030-1002 passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7030-1004 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“7030-1004 For grants for the home-based parenting and family literacy program known as the Parent-Child Home Program; provided, that the department of education shall distribute said funds to expand capacity at existing Parent-Child Home Program sites in the commonwealth and to establish replication sites in cities and towns where high concentrations of low income families reside; provided further, that for grants awarded to establish said replication sites, the department shall consider applications from school districts or social service agencies who demonstrate the capacity to replicate said home visiting program to serve area low income families; and provided further, that the preference for said grants shall be given to applicants who demonstrate a commitment to maximize federal and local funding for the operation of said

replication site 3,346,405

Local Aid Fund 100.0%”.

[The Acting Governor reduced the item to \$3,000,000.]

After debate, the question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 23 in the negative.

**[\[See Yea and Nay No. 199 in Supplement.\]](#)**

Therefore item 7030-1004 passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7061-9200 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“7061-9200 For the education technology program, so-called; provided, that the department of education shall file a spending plan for the amounts appropriated herein with the joint committee on education and the house and senate committees on ways and means by January 2, 2002; provided further, that if the department determines that savings could be achieved through the conversion of contracted personnel to state employees, said department shall report said determination to the house and senate committees on ways and means; and provided further, that said report shall demonstrate that the services performed by such contracted personnel are ongoing and that the conversion of such employees to state employees will result in sav-

ings to the commonwealth 1,654,973

Local Aid Fund 100.0% ”.

[The Acting Governor reduced the item to \$985,544.]

After debate, the question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 17 in the negative.



**[See Yea and Nay No. 200 in Supplement.]**

Therefore item 7061-9200 passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4000-0100 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“4000-0100 For the operation of the executive office; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by the department of social services, the division of medical assistance and the department of transitional assistance, and shall ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction; provided further, that the executive office shall report to the house and senate committees on ways and means and the secretary of administration and finance on the progress of such projects and enhancements and the measures taken to ensure interagency cooperation not later than January 15, 2002; provided further, that executive office shall continue to develop and implement the common client identifier; provided further, that executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that not more than \$55,000 shall be expended for the annualized cost of a domestic violence coordinator; provided further, that the secretary of health and human services shall personally approve and sign all contracts entered into by the office of refugees and immigrants to prevent future deficiencies by said office; provided further, that the executive office of health and human services and its agencies, when contracting for services on the islands of Martha’s Vineyard and Nantucket, shall take into consideration the increased costs associated with the provisions of goods, services, and housing on said islands; provided further, that the secretary shall explore the possibility of utilizing the Health Insurance Portability and Accountability Act Fund established pursuant to section 2AAA of chapter 29 of the General Laws to provide a grant program to health care providers to defray the portion of their costs related to compliance with the Health Insurance Portability and Accountability Act and attributable to their participation in Medicaid and shall report his conclusions to the house and senate committees on ways and means and to the joint committee on health care by February 1, 2002; provided further, that said executive office shall expend \$50,000 for the purpose of a study of kinship families, so called, to be conducted by the Massachusetts Gerontology Institute; provided further, that said study shall include, but not be limited to, an estimate of the number of kinship families in the commonwealth, and an identification of available public, nonprofit, and private sources of financial assistance for said families; provided further, that said study shall be submitted to the house and senate committees on ways and means not later than March 20, 2002; provided further, that all agencies within the executive office shall provide sufficient information to the division of medical assistance to enable the division to determine whether any persons receiving health services through such agencies are or could be (1) eligible for medical assistance or benefits under chapter 118E of the General Laws; or (2) beneficiaries under any policy of insurance available or in force in the commonwealth; provided further, that notwithstanding any general or special law to the

contrary, the department of mental health, the department of public health, the division of medical assistance and the division of health care finance and policy shall take any appropriate action to obtain the maximum amount of federal financial participation available for amounts paid for low-income care costs at mental health and public health facilities determined to be disproportionate share hospitals in accordance with requirements of Title XIX of the Social Security Act; provided further, that the appropriate action may include, but shall not be limited to, the establishment of a separate account within the Uncompensated Care Trust Fund, established by section 18 of chapter 118G of the General Laws, for the purpose of making disproportionate share adjustment payments to such qualifying mental health and public health facilities pursuant to relevant division of health care finance and policy regulations and the related Title XIX state plan amendment submitted by the division of medical assistance to the Health Care Financing Administration; provided further, that the division of medical assistance, the department of public health and the department of mental health may expend amounts transferred to it from the separate account within the Uncompensated Care Trust Fund without further appropriation; provided further, that federal funds obtained as a result of actions taken pursuant to this section shall be deposited in the General Fund; provided further that the state treasurer and the comptroller shall establish procedures necessary to accomplish the purpose of this section, including procedures for the proper accounting and expenditure of funds pursuant to this section; provided further, that notwithstanding the provisions of any general or special law to the contrary, direct and subcontracted providers of health related services, including so called purchase-of-service providers, financed from appropriation items for said executive office and its agencies shall be required to participate in an initiative to maximize Title XIX and all other federal, state, and private health insurance coverage available to offset costs to the commonwealth; provided further, that providers shall collect client information necessary to determine the extent to which clients may be eligible for medical assistance benefits under said chapter 118E or beneficiaries of any insurance policy unless such program has received an exemption from said executive office; provided further, that such data shall be forwarded to the purchasing agency on a monthly basis for all clients served during the previous month; provided further, that such data shall only be used to match against available databases for the purpose of identifying all sources of potential payment for services; provided further, that providers shall bill or re-bill all verified third party sources where appropriate so that the commonwealth agency remains the payer of last resort and costs to the commonwealth are minimized; provided further, that said executive office and the operational services division within the executive office for administration and finance shall review the provisions of regulations, contracting forms, service delivery reports, and uniform financial reporting requirements to determine what changes may be necessary for the successful implementation of this initiative; provided further, that the secretary shall develop a comprehensive and ongoing plan to address the community integration needs of qualified disabled persons who are in state institutions or who are at imminent risk of being placed in state institutions and have been determined by treatment professionals to be ready for immediate discharge to an integrated community-based residential setting; provided further, that said plan shall require ongoing assessments of the needs of such qualified disabled persons and the identification of qualified disabled persons who are or may become ready for discharge to an integrated community-based residential setting; provided further, that such plan shall establish a process for transferring such qualified disabled persons to proper treatment settings, which shall include clear and reasonable guidelines and expected timetables for any placement on any waiting list, but only if the affected disabled person does



not oppose such transfer; provided further, that such plan shall propose reasonable modifications to existing state programs and services and identify areas in which discharge of such qualified disabled persons to proper treatment settings will entail a fundamental alteration of said existing state programs and services; provided, further, that such plan shall ensure that the commonwealth fulfills its obligations, pursuant to Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. §12132, to avoid discrimination in the area of institutionalization and to distribute its limited resources fairly so that all disabled persons benefit from the allocation of such resources; provided further, that individuals with disabilities and their representatives shall participate in the development of the plan; provided further, that the secretary shall forward said plan to the chairs of the house and senate committees on ways and means and the chairs of the joint committees on health care and human services not later than March 31, 2002 and shall report quarterly thereafter on the ongoing planning process; provided further, that the secretary shall utilize such planning process to analyze the range of state services currently provided to disabled individuals and frail elders and to examine the demographic trends in long-term care, the ability of such state services to adapt to such trends, and the steps required or advisable to implement any necessary adaptation of such state services and shall coordinate with the commission to study the future of long-term care in the commonwealth established pursuant to section 9110-0100; provided further, that the executive office and its agencies shall not restrict the discretion of any office, agency or vendor program that receives funds from the executive office or its agencies to hire or not hire a candidate with criminal history; provided further, that prior to hiring any candidate the hiring authority has obtained the candidate's criminal record information and, if the candidate has a criminal record, has determined in writing that the candidate does not pose a danger to the program's clients after giving due weight to the time since the conviction, the candidate's age at the time of the offense, the seriousness and circumstances of the offense, the number of offenses, any relevant evidence of rehabilitation or lack thereof, the nature of the work to be performed, and any other relevant information; provided further, that prior to commencement of employment, the director of said office, agency or vendor program shall provide said determination to the head of the state agency with primary funding responsibility for said program, documenting why the candidate is an appropriate candidate; provided further, that said state agency head may disapprove of said hire within 5 business days of receiving said determination from the director of said program; provided further, that notwithstanding any provisions of this item to the contrary, a candidate who has been convicted of any of the crimes listed in Table A of 101 CMR 15.00 in effect as of July 1, 2001 or who has an outstanding warrant related to any criminal offense shall be presumed ineligible for employment or work as a volunteer or trainee for a position potentially involving unsupervised contact with any executive office client served by any office, agency or vendor program that receives funds from the executive office or its agencies; provided further, that the executive office or its agencies provide any such candidates with a fair opportunity to rebut the presumption that he or she is ineligible for employment; and provided further, that the secretary, in consultation with the departments of public health, mental retardation, mental health and education, shall establish a clearinghouse of information on autism, pervasive developmental disorders, and Asperger's syndrome, which shall assist parents and families in accessing available state services, provide information about existing support groups, parents' groups and other community-based supports, compile a resource collection of available studies and other resources about such diagnoses, and maintain a directory of therapists, physicians and specialists who-treat indi-

viduals with such diagnoses or their families 2,066,417”.

[The Acting Governor reduced the item by striking out the following: “; provided further, that the secretary of health and human services shall personally approve and sign all contracts entered into by the office of refugees and immigrants to prevent future deficiencies by said office”;

and

“; provided further, that the secretary shall explore the possibility of utilizing the Health Insurance Portability and Accountability Act Fund established pursuant to section 2AAA of chapter 29 of the General Laws to provide a grant program to health care providers to defray the portion of their costs related to compliance with the federal Health Insurance Portability and Accountability Act and attributable to their participation in Medicaid and shall report his conclusions to the house and senate committees on ways and means and to the joint committee on health care by February 1, 2002”;

and

“; provided further, that the secretary shall develop a comprehensive and ongoing plan to address the community integration needs of qualified disabled persons who are in state institutions or who are at imminent risk of being placed in state institutions and have been determined by treatment professionals to be ready for immediate discharge to an integrated community-based residential setting; provided further, that said plan shall require ongoing assessments of the needs of such qualified disabled persons and the identification of qualified disabled persons who are or may become ready for discharge to an integrated community-based residential setting; provided further, that such plan shall establish a process for transferring such qualified disabled persons to proper treatment settings, which shall include clear and reasonable guidelines and expected timetables for any placement on any waiting list, but only if the affected disabled person does not oppose such transfer; provided further, that such plan shall propose reasonable modifications to existing state programs and services and identify areas in which discharge of such qualified disabled persons to proper treatment settings will entail a fundamental alteration of said existing state programs and services; provided, further, that such plan shall ensure that the commonwealth fulfills its obligations, pursuant to Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. §12132, to avoid discrimination in the area of institutionalization and to distribute its limited resources fairly so that all disabled persons benefit from the allocation of such resources; provided further, that individuals with disabilities and their representatives shall participate in the development of the plan; provided further, that the secretary shall forward said plan to the chairs of the house and senate committees on ways and means and the chairs of the joint committees on health care and human services not later than March 31, 2002 and shall report quarterly thereafter on the ongoing planning process; provided further, that the secretary shall utilize such planning process to analyze the range of state services currently provided to disabled individuals and frail elders and to examine the demographic trends in long-term care, the ability of such state services to adapt to such trends, and the steps required or advisable to implement any necessary adaptation of such state services and shall coordinate with the commission to study the future of long-term health care in the

commonwealth established pursuant to section 9110-0100”.]

The question on passing said item, notwithstanding the reductions of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 201 in Supplement.]**

Therefore item 4000-0100 passed, notwithstanding the reductions of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

*Suspension of Rule 1A.*

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

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 115 members voted in the affirmative and 40 in the negative.

**[See Yea and Nay No. 202 in Supplement.]**

Therefore Rule 1A was suspended.

*Reports of a Committee.*

By Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from Her Honor the Lieutenant-Governor, Acting Governor (for message, see House, No. 4801) returning with her disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2002 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. 4800), reported, in part, in each instance, that certain items (contained in section 2) and outside sections stand (as passed by the General Court).

Under suspension of the rules, in each instance, on motion of the same member, the items and sections 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, and Section 5 of Article LXIII of the Amendments to the Constitution, as follows:

Item 0526-0100 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“0526-0100 For the operation of the Massachusetts historical commission; provided, that fund may be expended for the Essex National Heritage

Commission archives 1,090,749”.

[The Acting Governor reduced the item to \$880,951].

After remarks, the question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 114 members voted in the affirmative and 39 in the negative.

**[See Yea and Nay No. 203 in Supplement.]**

Therefore item 0526-0100 passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1108-5100 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“1108-5100 For the administration of the group insurance commission; provided, that the commission shall generate the maximum amounts allowable under the federal consolidated omnibus budget reconciliation act, as amended, and from reimbursements allowed by sections 8, 10B, 10C and 12 of chapter 32A of the General Laws 2,222,632”.

[The Acting Governor reduced the item to \$648,673].

The question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 130 members voted in the affirmative and 24 in the negative.

**[See Yea and Nay No. 204 in Supplement.]**

Therefore item 1108-5100 passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4512-0501 (contained in section 2), which had been vetoed by the Acting Governor, was considered as follows:

“4512-0501 For a 1-time grant to the Tufts University dental program for the developmentally disabled for the costs associated with the purchase of equipment; provided, that no funds appropriated herein shall be expended for payroll or contracted services; and provided further, that the department of public health in conjunction with Tufts University shall file a report with the house and senate committees on ways and means detailing the equipment purchased with the funds appropriated herein 518,920”.

After debate, the question on passing said item, notwithstanding the objections of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 146 members voted in the affirmative and 8 in the negative.

**[See Yea and Nay No. 205 in Supplement.]**

Therefore item 4512-0501 passed, notwithstanding the objections of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7003-0501 (contained in section 2), was considered as follows:—

“7003-0501 For manufacturing assistance services to be managed by the Commonwealth Corporation; provided, that such funds shall be expended to assist manufacturing extension services, alternative deployment pilot projects, total quality management projects, technology access programs, and shop floor management projects; provided further, that such services shall include the operation of the Massachusetts manufacturing extension partnership; provided further, that funds expended from this item shall be used to maximize federal funding; and provided further, that the Massachusetts manufacturing extension partnership shall submit a detailed report of all fiscal year 2001 expenditures, including rents, salaries and any federal, state or private funding used to support NIST activities in states other than the Commonwealth, to the house and senate committees on

ways and means not later than March 31, 2002 1,100,000”.

[The Acting Governor reduced the item to \$550,000].

The question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 136 members voted in the affirmative and 12 in the negative.

**[See Yea and Nay No. 206 in Supplement.]**

Therefore item 7003-0501 passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 72, which had been reduced by the Acting Governor, was considered as follows:

“SECTION 72. Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer any remaining balance from the Tax Reduction Fund to the General Fund.

Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer \$422,000,000 from the Transitional Escrow Fund to the General Fund. Any remaining balance in the Transitional Escrow Fund shall be transferred to the Commonwealth Stabilization Fund.

In accordance with section 2H of chapter 29 of the General Laws, the comptroller shall transfer an amount not to exceed \$350,000,000 from the Commonwealth Stabilization Fund to the General Fund.”.

[The Acting Governor recommended that the section be reduced by striking out the following:

“Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer any remaining balance from the Tax Reduction Fund to the General Fund.”; and by striking out the following paragraph:

“In accordance with section 2H of chapter 29 of the General Laws, the comptroller shall transfer an amount not to exceed \$350,000,000 from the Commonwealth Stabilization Fund to the General Fund.”; and inserting in place thereof the following paragraph:—

“In accordance with section 2H of chapter 29 of the General Laws, the comptroller shall transfer an amount not to exceed \$158,000,000 from the Commonwealth Stabilization Fund to the General Fund.”.]

After remarks, the question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 207 in Supplement.]**

Therefore section 72 passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 13, which had been vetoed by the Acting Governor, was considered as follows:

“SECTION 13. (A) Section 2H of chapter 29 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 28, the figure ‘7.5’ and inserting in place thereof the following figure:— 10.

B. Said chapter 29 is hereby further amended by inserting after section 2AAA, inserted by section 3 of chapter 7 of the acts of 2001, the following 2 sections:—

Section 2BBB. There shall be set up on the books of the commonwealth a separate fund to be known as the One-Time Capital Projects Improvement Fund. All expenditures from the fund shall be subject to appropriation. There shall be credited to this fund all revenues or other financing sources directed to it in accordance with section 5C and any income derived from the investing of all amounts credited to the fund. Said fund shall at no time during the fiscal year have a negative fund balance. Said fund may be credited with other appropriations, grants, gifts or other contributions explicitly made to said fund. Income derived from the investment of amounts credited to said fund shall remain in said fund and be subject to appropriation.

Section 2CCC. There shall be set up on the books of the commonwealth a separate fund to be known as the Open Space Acquisition Fund. There shall be credited to this fund all revenues or other financing sources directed to it in accordance with section 5C and any income derived from the investing of all amounts credited to the fund. Monies credited to the fund shall be allocated by the executive office of environmental affairs, without further appropriation, to agencies under the jurisdiction of said executive office for the acquisition of open space.

Agencies in receipt of an allocation shall expend funds in accordance with existing programs and regulations governing open space.

C. Section 5C of said chapter 29, as appearing in the 2000 Official Edition, is hereby amended by striking out clauses (b) and (c) and inserting in place thereof the following 4 clauses:—

(b) the comptroller shall transfer 5 per cent of the amount remaining of the consolidated net surplus after amounts made available in clause (a) to the One-Time Capital Projects Improvement Fund established in section 2BBB;

(c) the comptroller shall transfer 15 per cent of the amount remaining of the consolidated net surplus after amounts made available in clause (a) to the Open Space Acquisition Fund established in section 2CCC;

(d) for any fiscal year for which the comptroller determines on or before October 31 of the succeeding fiscal year that there is a negative balance in the funds created pursuant to section 49 as reported in his annual financial report, the comptroller may transfer funds up to 20 per cent of the amount remaining of the consolidated net surplus after amounts made available in clauses (a), (b) and (c) to an account established pursuant to the comptroller's authority under sections 8 and 9 of chapter 7A for the purposes specified in said section 49; and

(e) 60 per cent of any remaining amount of such consolidated net surplus shall be transferred to the Commonwealth Stabilization Fund from the General Fund and 40 per cent of any remaining amount of such consolidated net surplus shall be transferred to the Commonwealth Stabilization Fund from the Local Aid Fund.”.

After debate, the question on passing said item, notwithstanding the objections of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 208 in Supplement.]**

Therefore section 13 passed, notwithstanding the objections of the Acting 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 Acting Governor, was considered as follows:

“4570-1500 For an early breast cancer detection program, mammographies for the uninsured, breast cancer research and a breast cancer detection public awareness program; provided, that not less than \$1,925,000 shall be expended for the purposes of a scientific research grant program to investigate potential environmental factors that contribute to breast cancer in ‘areas of unique opportunity’; provided further, that not less than \$3,000,000 shall be expended for a breast cancer research grant program to support innovative research by investigators who are in the formative stages of their careers; provided further, that the department shall name one of said research grants the ‘Suzanne Sheats Breast Cancer Research Fellowship’; provided further, that said research grants shall be awarded to investigators, post-doctoral fellows and assistant

professors who are within ten years after completion of their highest degree or within ten years after completion of clinical training; provided further, that \$500,000 of such funds shall be made available to fund research grants studying environmental links to breast cancer; provided further, that members of any selection review committee for the breast cancer research grant program shall be subject to chapter 268A of the General Laws and shall not participate in the review or recommendation of an application filed by an organization with which they are affiliated; provided further, that such members may participate in the review and recommendations of applications filed by organizations with which they are not affiliated; provided further, that \$250,000 shall be expended for research grants for experienced researchers, subject to the receipt of matching funds from public or private sources; provided further, that \$1,000,000 shall be expended for the purposes of an early breast cancer detection and education program for uninsured women in identified high-risk communities with increased rates of breast cancer, in order to provide outreach, access, screening and training for early detection and treatment-, and provided further, that the department shall submit to the house and senate committees on ways and means a detailed report delineating the amounts allocated to such high risk communities and the specific purposes of such allocation not later than January 30, 2002 9,383,719

General Fund 80.0%

Health Protection Fund 20.0% ”.

[The Acting Governor reduced the item to \$7,598,591; and struck out, in said item, the figures “\$3,000,000” and inserted in place thereof the figures “\$1,214,409”].

The question on passing said item, notwithstanding the reductions of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 152 members voted in the affirmative and 3 in the negative.

**[See Yea and Nay No. 209 in Supplement.]**

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

Item 4513-1113 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“4513-1113 For a program to raise public awareness and provide health care provider education on colorectal cancer, including dissemination of materials on preventing and screening the disease and cancer registry reporting; provided, that no expenditures shall be made from this item for the cost of personnel 185,260”.

[The Acting Governor reduced the item to \$50,000.]

The question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 150 members voted in the affirmative and 6 in the negative.



**[See Yea and Nay No. 210 in Supplement.]**

Therefore item 4513-1113 passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4513-1112 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“4513-1112 For a prostate cancer screening, education and treatment program; provided, that not less than \$1,700,000 shall be expended for the purposes of a Massachusetts-based scientific research grant program to investigate prostate cancer prevention, detection and treatment; provided further, that said research shall pay particular focus on the high rate of prostate cancer for African American males; and provided further, that \$50,000 shall be expended for a research grant to the Nonprofit Corporation for the Advancement of Medical Technologies to expedite through research the advancement of imaging technologies for early diagnosis and treatment of prostate cancer 3,500,000

Tobacco Settlement Fund 5.71%

General Fund 94.29% ”.

[The Acting Governor reduced the item to \$500,000 and disapproved the following: “; provided, that not less than \$1,700,000 shall be expended for the purposes of a Massachusetts-based scientific research grant program to investigate prostate cancer prevention, detection and treatment; provided further, that said research shall pay particular focus on the high rate of prostate cancer for African-American males; and provided further, that \$50,000 shall be expended for a research grant to the Nonprofit Corporation for the Advancement of Medical Technologies to expedite through research the advancement of imaging technologies for early diagnosis and treatment of prostate cancer”.]

After debate, the question on passing said item, notwithstanding the reductions of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 151 members voted in the affirmative and 5 in the negative.

**[See Yea and Nay No. 211 in Supplement.]**

Therefore item 4513-1112 passed, notwithstanding the reductions of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4513-1111 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“4513-1111 For an osteoporosis education and prevention program; provided, that the program shall include, but not be limited to: (1) development or identification of educational material to promote public awareness of the cause of osteoporosis, options for prevention, the value of early detection and possible treatments, including their benefits and risks, to be made available to

consumers, particularly targeted to high risk groups; (2) development or identification of professional education programs for health care providers; (3) development and maintenance of a list of current providers of specialized services for the prevention and treatment of osteoporosis; and (4) a program for awareness, prevention and treatment of the 'silent disease' hip fracture 548,196

General Fund 64.61%

Health Protection Fund 35.39% ”.

[The Acting Governor reduced the item to \$248,196.]

The question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 135 members voted in the affirmative and 20 in the negative.

**[\[See Yea and Nay No. 212 in Supplement.\]](#)**

Therefore item 4513-1111 passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

#### *Orders of the Day.*

Section 60 contained in the engrossed Bill making appropriations for the fiscal year 2002 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. 4800), which had been returned by Her Honor the Lieutenant-Governor, Acting Governor (pursuant to Article LVI, as amended by Section 3 of Article XC of the Amendments to the Constitution) with recommendation of an amendment specified by her [for message, see House, No. 4802], was considered in the following form (as recommended by the committee on Bills in the Third Reading):

By passage of An Act relative to the Capital Needs Investment Trust Fund (House, No. 4797).

After debate (Mrs. Harkins of Needham being in the Chair) the report was accepted.

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 145 members voted in the affirmative and 11 in the negative.

**[\[See Yea and Nay No. 213 in Supplement.\]](#)**

Therefore the amendment was adopted; and the bill was passed. Sent to the Senate for concurrence.

#### *Reports of a Committee.*

By Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from Her Honor the Lieutenant-Governor, Acting Governor (for message, see House, No. 4801) returning with her disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2002 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. 4800), reported, in part, in each instance, that certain items (contained in section 2) and outside sections stand (as passed by the General Court).

Under suspension of the rules, in each instance, on motion of the same member, the items and sections 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, and Section 5 of Article LXIII of the Amendments to the Constitution, as follows:

Item 7006-0020 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“7006-0020 For the operation of the division of insurance, including the expenses of the board of appeal on motor vehicle policies and bonds, and certain other costs of supervising motor vehicle liability insurance and the expenses of the fraudulent claims board; provided, that the positions of counsel I and counsel II shall not be subject to the provisions of chapter 31 of the General Laws; provided further, that contracts or orders for the purchase of statement blanks for the making of annual reports to the commissioner of insurance shall not be subject to the restrictions prescribed by section 1 of chapter 5 of the General Laws; provided further, that the division shall maintain a phone system in its western Massachusetts office that will immediately transfer calls made to that office to the consumer assistance office in Boston during any business hours when the western Massachusetts office is closed; provided further, that the division shall have an employee or other such person answering all initial incoming telephone calls, excluding all direct in-dial calls, between the hours of 9:00 a.m. and 5:00 p.m.; provided further, that the division shall designate an employee to handle all incoming calls relative to chapter 218 of the acts of 1995 or regulations promulgated under section 2 of said chapter 218; and provided further, that notwithstanding the provision of any general or special law to the contrary, not more than \$1,449,522 of the amount appropriated herein from the Division of Insurance Trust Fund shall be subject to fringe recovery pursuant to section 5D of chapter 29 of the General Laws 9,521,894

General Fund 33.39%

Highway Fund 22.26%

Division of Insurance Trust Fund 44.35% ”.

[The Acting Governor reduced the item to \$9,442,517].

After debate, the question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 90 members voted in the affirmative and 66 in the negative.

**[See Yea and Nay No. 214 in Supplement.]**

Therefore the reduction of the Acting Governor in item 7006-0020 was sustained (less than two-thirds of the members present and voting having voted in the affirmative).

Item 4590-0916 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“4590-0916 For the operational and medical equipment needs and routine facility repairs and improvements of the 4 public health hospitals funded in items 4590-0909, 4590-0910, 4590-0911, and 4590-0912; provided that all funds appropriated herein shall be scheduled and expended in the KK and NN subsidiaries, so called; provided further, that capital funds previously budgeted for the purposes of capital asset maintenance and repairs shall continue to be used for such purposes and that the amounts appropriated herein shall not replace or supplant said budgeted amounts; provided further, that notwithstanding the provisions of section 40B of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance shall delegate project control and supervision to such department over projects funded from this item; and provided further, that amounts allocated to projects in excess of \$500,000 shall be 1-time, nonrecurring expenditures, which shall remain available for expenditure until June 30, 2003 2,000,000”.

[The Acting Governor reduced the item to \$1,204,579].

After debate, the question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 136 members voted in the affirmative and 20 in the negative.

**[See Yea and Nay No. 215 in Supplement.]**

Therefore item 4590-0916 passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 28, which had been vetoed by the Acting Governor, was considered as follows:

“SECTION 28. Chapter 118G of the General Laws is hereby amended by inserting after section 6 the following section:—

Section 6A. (a) In fulfillment of its duties pursuant to clause (a) of the second paragraph of section 2, the division shall collect and analyze such data as it deems necessary in order to better protect the public’s interest in monitoring the financial conditions of acute hospitals. Such information shall be analyzed on an industry-wide and hospital-specific basis and shall include, but not be limited to: (1) gross and net patient service revenues; (2) sources of hospital revenue, including revenue excluded from consideration in the establishment of hospital rates and charges pursuant to section 12; (3) private sector charges; (4) trends in inpatient and outpatient case mix, payor mix, hospital volume and length of stay; and (5) other relevant measures of financial health or distress.

(b) The division shall publish annual reports and establish a continuing program of investigation and study of financial trends in the acute hospital industry, including an analysis of systemic instabilities or inefficiencies that contribute to financial distress in the acute hospital industry. Such reports shall include an identification and examination of hospitals that the division considers to be in financial distress, including any hospitals at risk of closing or discontinuing essential health services, as defined by the department of public health pursuant to section 51G of chapter 111, as a result of financial distress.

(c) The division may modify uniform reporting requirements established pursuant to section 6 and may require hospitals to report required information quarterly to effectuate the purposes of this section.”.

After debate, the question on passing said section, notwithstanding the objections of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 216 in Supplement.]**

Therefore section 28 passed, notwithstanding the objections of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7003-0604 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“7003-0604 For the career ladder grant program in long-term care established pursuant to section 410 of chapter 159 of the acts of 2000; provided, that grants shall be available for certified nurses’ aides, home health aides, homemakers and other entry level workers in long-term care; provided further, that the length of such grants shall not exceed a period of 3 years; provided further, that said corporation shall submit quarterly reports to the house and senate committees on ways and means on said grant program including, but not limited to, the number of grants awarded, the amount of each grant, a description of the career ladder programs, changes in caregiving and workplace practices that have occurred and their impact on quality of care and worker retention, and the certificates, degrees or professional status attained by each participating employee; provided further that the administrative and program management costs for the implementation of said grant program shall not exceed 4% of the amount appropriated herein; provided further that each grant may include funding for technical assistance and evaluation 5,000,000”.

[The Acting Governor reduced the item to \$2,500,000.]

After remarks, the question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 139 members voted in the affirmative and 17 in the negative.

**[See Yea and Nay No. 217 in Supplement.]**

Therefore item 7003-0604 passed, notwithstanding the reduction of the Acting Governor (more

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

Item 8100-0301 (contained in section 2), which had been vetoed by the Acting Governor, was considered as follows:

“8100-0301 For the payroll costs of the state police directed patrols; provided that \$365,000 shall be expended for the Medford state police barracks entitled Zero Tolerance and Fire Risk Prevention to increase patrols and public safety using bicycles and other policing means within the Middlesex Fells Fellsmere Pond area and Mystic River Reservation district; provided further, that the station commanders who have been allocated funding under this item may utilize any special operations units necessary to further the public safety goals of their district; provided further, that this money shall not be used by the special operations marine unit of the State Police unless specifically authorized by the station commander who will denote the hours of need to coincide with the Zero Tolerance Program; provided further, that \$12,700 shall be expended at the direction of the Bourne barracks for increased traffic detail on Cape Cod and in the town of Plymouth; provided further, that \$45,360 shall be expended for the costs associated with providing state police patrols three nights per week in the city of Brockton, south between Montello street and Warren avenue and north to Battle street between Montello street and Warren avenue, or at other locations, and such patrols shall be assigned between the hours of 8:00 p.m. and 4:00 a.m. beginning July 1, 2001 for a period of 18 weeks, as deemed necessary; provided further, that \$30,000 shall be expended for the costs associated with providing state police services at Breakheart Reservation; provided further, that \$75,000 shall be expended for the costs of state police patrols along the Charles river esplanade and the Charlesgate area of the city of Boston; provided further, that \$40,000 shall be expended for patrols along Revere beach, which shall be assigned between the hours of 10 p.m. and 4 a.m. nightly from July 1 through September 15 inclusive; provided further, that \$49,860 shall be expended for the costs of state police patrols at Lynn Shore drive, Lynn beach, Kings beach, Nahant causeway, and Nahant beach; provided further, that \$116,500 shall be expended for the costs associated with state police mounted patrols on Lynn beach, Kings beach, and Red Rock park, so-called; provided further, that \$35,000 shall be expended for the costs associated with patrols of the Wollaston beach, Quincy Shore drive section of Quincy; provided further, that \$355,550 shall be expended for the purposes of increased patrols during the months of April to October, inclusive, at Winthrop beach and Winthrop Shore drive in the town of Winthrop, Revere beach in the city of Revere and Constitutions beach and Belle Islands marsh in the East Boston section of the city of Boston; provided further, that not less than \$282,310 shall be expended to provide motorcycle patrols along the southwest corridor, so-called; provided further, that \$100,000 shall be expended for the plain clothes foot patrol and bike patrol of the Upper Reservation Basin area along the Charles River; provided further, that \$45,000 shall be expended to provide patrols of Blue Hill and Stonybrook reservations and those parklands and roadways under the care and control of the metropolitan district commission patrolled by the state police in the Hyde Park, West Roxbury, Roslindale and Readville sections of the city of Boston and in the towns of Canton, Milton and Randolph; provided further, that \$5,000 shall be expended to patrol the state-owned portion of Willard Street adjacent to the Shea Rink in the city of Quincy and other property under the care, custody and control of the metropolitan district commission in the city of Quincy; provided further, that not less than \$50,000 shall be expended to provide increased patrols during the months of April to October, inclusive, at Mary O’Malley Park in the city of

Chelsea; provided further, that not less than \$130,000 shall be expended for the cost of state police patrols for the Neponset river bicycle path in the town of Milton and the Dorchester section of the city of Boston; provided further, that not less than \$280,000 shall be expended for the costs of increased patrols during the months of June to September, inclusive, for Nantasket beach in the town of Hull; provided further, that not less than \$15,000 shall be expended for the costs of increased patrols from November 1 to December 31 between the hours of 3:30 p.m. and 7:30 p.m. from the state route 24 south ramp to state route 140 in the city of Taunton; provided further, that \$46,666 shall be expended for patrols of properties of the metropolitan district commission located along Day boulevard in the South Boston section of the city of Boston; provided further, that the patrols along Day boulevard shall be assigned between the hours of 8 p.m. and 4 a.m. nightly until November 1, 2001; provided further, that \$40,000 shall be expended for patrols along state highway route 2 between the city of Fitchburg and the town of Greenfield; provided further, that \$15,500 shall be expended for patrols along state highway route 88 in the town of Westport; provided further, that \$18,500 shall be expended for patrols along state highway route 18 in the city of New Bedford; provided further, that the station commanders who have been allocated funding under this item may utilize any special operations units necessary to further the public safety goals of their districts; provided further, that notwithstanding the provisions of any general or special laws to the contrary, all funds appropriated herein shall be scheduled in the AA subsidiary, so-called; provided further, that \$31,000 shall be expended for the purpose of assigning one State Trooper to Fort Revere in the town of Hull during the hours of peak nefarious activity of the summer months; and provided further, that \$20,000 shall be expended for the purpose of a state police patrol in the Willow street area, so-called, of Yarmouth 2,203,946

Local Aid Fund 100.0% ”.

The question on passing said item, notwithstanding the objections of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 123 members voted in the affirmative and 32 in the negative.

**[See Yea and Nay No. 218 in Supplement.]**

Therefore item 8100-0301 passed, notwithstanding the objections of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4510-0710 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“4510-0710 For the operation of the division of health care quality; provided, that said division shall be responsible for assuring the quality of patient care provided by the commonwealth’s health care facilities and services, and for protecting the health and safety of patients who receive care and services in nursing homes, rest homes, clinical laboratories, clinics, institutions for the mentally retarded and the mentally ill, hospitals and infirmaries, including the inspection of ambulance services; provided further, that investigators shall conduct investigations of abuse, neglect, mistreatment and misappropriation pursuant to section 51 and section 72H of chapter 111 of the General Laws; provided further, that the division shall assign such investigators to

perform their duties on staggered shifts which shall be established by the division in order to provide coverage adequate to ensure that all complaints of abuse, neglect, mistreatment, and misappropriation are investigated pursuant to section 51 and section 72H of chapter 111, and that the department shall investigate complaints during evening and weekend hours as needed to assess the validity of the complaint; provided further, that not less than 10 per cent of all routine surveys of said facilities are completed during evening or weekend hours; provided further, that the division shall minimize the need for payment of overtime to investigators in both emergent and non-emergent situations and shall not authorize the assignment of overtime hours for any investigator when the duties can be performed on a non-overtime basis by another investigator; provided further, that all investigators in the division of health care quality responsible for the investigations shall receive training by the medicaid fraud control unit of the office of the attorney general pursuant to a comprehensive training program to be developed by the division and the unit; provided further, that said division shall report quarterly to the house and senate committees on ways and means on the number of incident reports and, for those reports requiring investigations pursuant to said section 72H of said chapter 111, indicating for each such report, the time in which: (1) the division completed its investigation; (2) the division made an evaluation and determination of the validity of the report; (3) made a referral of such report to the appropriate agency or agencies; and provided. further, that if in any quarter said division maintains a backlog of cases requiring investigation that have not been investigated, evaluated and determined within the time frames established in said section 72H of said chapter 111, the division shall include in the report an explanation as to the reasons therefor; provided further, that the division shall include in the report a list of all instances of the payment of overtime for investigators and the justification therefor and in each quarter shall compare the overtime expenditures from this item with the overtime expenditures made in the corresponding quarter of fiscal year 2001; provided further, that the division of health care quality of the department of public health shall expend \$100,000 to develop, in consultation with the nursing home industry and consumer representatives, a confidential consumer satisfaction survey for long-term care facilities; provided further, the division shall conduct said survey at least annually and shall survey consumers of each facility as well as family members, guardians or other resident designees; provided further, the division may survey a representative sample of residents in each facility selected at random to participate in said survey, but the sample of residents must be of sufficient size to allow for statistically significant comparisons between and among facilities; provided further, the division shall allow family members, guardians or other resident designees to assist a surveyed resident in completing said survey and shall prohibit employees and volunteers of such a facility from assisting a resident with or attempting to influence a resident's response to said survey; provided further, the division shall survey family members or guardians when a resident is mentally incapable of responding to the survey; provided further, in addition to resident surveys, the division shall survey family members and guardians or other resident designees separately; provided further, that the division shall ensure that the identities of the survey respondents are kept confidential; provided further, that the division shall compile the survey results and make the results available in print as well as electronically; provided further, that \$100,000 shall be expended by the division for a comprehensive training, education and outreach program for nursing home administrators and managers and other supervisory personnel in long-term care to improve the quality of care in long-term care facilities; provided further, that the program shall promote the use of best practices, models of quality caregiving and the culture of workforce retention within said facilities and shall focus on systemic ways to



reduce deficiencies; and provided further, that the department shall report to the house and senate committees on the results of the program no later than April 30, 2002 8,114,771”.

[The Acting Governor reduced the item to \$7,672,075].

After remarks, the question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 85 members voted in the affirmative and 71 in the negative.

**[See Yea and Nay No. 219 in Supplement.]**

Therefore the reduction of the Acting Governor in item 4510-0710 was sustained (less than two-thirds of the members present and voting having voted in the affirmative).

Item 4513-1000 (contained in section 2), which had been reduced by the Acting Governor, was considered as follows:

“4513-1000 For the operation of the division of family health services, including a program of maternal and child health in addition to any federal funds received for this program; provided, that not less than \$200,000 shall be expended for a child health diary entitled Growing Up Healthy/Creciendo Sano, so-called; provided further, that the department of public health shall endeavor to raise matching funds or in-kind contributions from the private sector and federal government agencies; provided further, that 79 per cent of the diaries printed shall be printed in English, 14 per cent shall be printed in Spanish, and 7 per cent shall be printed in Portuguese; provided further, that not less than \$2,371,000 shall be expended for rape prevention and victim services, including not less than \$325,000 for rape crisis centers and not less than \$100,000 for the state-wide Spanish-language hotline for sexual abuse; provided further, that not less than \$4,463,000 shall be expended for family planning services and expanded outreach and education provided by agencies certified as comprehensive family planning agencies; provided further, that not less than \$1,290,063 shall be expended for school and community-based teen health programs; provided further, that not less than \$200,000 shall be provided to the Northeastern university conflict resolution program; provided further, that not less than \$100,000 shall be expended for latinas y ninos to provide a full-time child advocate-parent educator specialist to attend to the needs of Latino women in recovery with a focus on pregnant women, new parents and mothers recently reunified with children; provided further, that not less than \$800,000 shall be expended for state-wide suicide prevention outreach and violence prevention outreach to gay and lesbian youth; provided further, that this allocation shall not be used for sex education; and provided further, that \$49,999 be expended for self-esteem Boston, so called 12,828,292

General Fund 80.74%

Health Protection Fund 19.26% ”.

[The Acting Governor reduced the item to \$11,842,866 and disapproved the following:— “; provided, that not less than \$200,000 shall be expended for a child health diary entitled Growing Up Healthy/Creciendo Sano, so-called”;and

“ ; provided further, that not less than \$200,000 shall be provided to the Northeastern university

conflict resolution program”.

The question on passing said item, notwithstanding the reductions of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 220 in Supplement.]**

Therefore item 4513-1000 passed, notwithstanding the reductions of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 2440-1900 (contained in section 2), which had been vetoed by the Acting Governor, was considered as follows:

“2440-1900 For the maintenance and improvements of the parks facilities and properties of the commonwealth; provided, that the commission shall expend \$150, 000 for maintenance of the southwest corridor park in the city of Boston and shall enter into contracts for personnel and other resources necessary for such maintenance, including the costs of 2 horticulturists and a foreman; provided further, that not more than \$95,000 shall be expended for improvements to the Charles River Road Park in Watertown; provided further, that not less than \$200,000 be expended for curb and sidewalk improvements to Revere Beach; provided further that not less than \$50,000 be expended for a drainage analysis study for a drainage system along Revere Beach; provided further that \$30,000 shall be expended for the maintenance of the Red Rock Park on Lynn Shore Drive in the city of Lynn; provided further, that not more than \$65,000 shall be expended to upgrade certain traffic signals in the city of Quincy; provided further, that the department is hereby authorized and directed to transfer control of said traffic signals from said commission to the city of Quincy; provided further, that \$50,000 shall be expended for improvements to the land and facilities of the Charles River Esplanade in the city of Boston; provided further, that not less than \$50,000 shall be expended for the purposes of maintaining adequate flood control in the town of Winthrop; provided further, that not more than \$10,000 shall be expended to complete renovations to Pellegrini Park in the town of Newton; and Provided further that not less than \$500,000 shall be expended on the construction of a pedestrian underpass under the Mystic Wellington bridge on state highway route 28 in the city of Somerville 1,200,000

Highway Fund 60.00%

Local Aid 40.00% ”.

After remarks, the question on passing said item, notwithstanding the objections of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 112 members voted in the affirmative and 44 in the negative.

**[See Yea and Nay No. 221 in Supplement.]**

Therefore item 2440-1900 passed, notwithstanding the objections of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the

Senate for its action.

*Engrossed Bill.*

The engrossed Bill relative to capital needs investment trust funds (see House, No. 4797) (which originated in the House) (which had been returned by Her Honor the Lieutenant-Governor, Acting Governor, with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted; and it was signed by the acting Speaker and sent to the Senate.

The Speaker having returned to the Chair,—

At ten minutes after twelve o'clock midnight (Thursday, December 6), without further consideration of the Orders of the Day, on motion of Mr. Marini of Hanson, the House adjourned to meet the same day at eleven o'clock A.M., in an Informal Session.