

JOURNAL OF THE HOUSE.

Monday, May 5, 2003.

Met at fourteen minutes before eleven o'clock A.M.

At the request of the Speaker, the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Appointments to State Workforce Development Board.

The Speaker announced the appointment of Representatives Rodrigues of Westport and Atsalis of Barnstable to the State Workforce Development Board (established under Executive Order No. 413 of 1999).

Statement of Representative Gomes of Harwich.

A statement of Mrs. Gomes of Harwich 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 today's sitting due to a previously scheduled engagement. Any roll calls that I may have missed today is due entirely to the reason stated.

Statement Concerning Representative Travis of Rehoboth.

A statement of Mr. Petrolati of Ludlow concerning Mr. Travis of Rehoboth 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 Travis of Rehoboth, will not be present in the House Chamber for a portion of today's sitting due to a previous commitment to the Beckwith Middle School in Rehoboth. 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 Mr. Connolly of Everett) congratulating Mr. and Mrs. John J. Redmond on their fiftieth wedding anniversary;

Resolutions (filed by Mr. Howland of Freetown and other members of the House) honoring Private First Class Jessica Lynch; and

Resolutions (filed by Mr. Koczera of New Bedford) congratulating William Anthony Krause III, on receiving the Eagle Award of the Boy Scouts of America;

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

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions: Petition (accompanied by bill) of William M. Straus and another for legislation to further regulate contributions and expenditures under the campaign finance laws. To the committee on Election Laws.

Petition (accompanied by bill) of Thomas P. Kennedy, Robert S. Creedon, Jr., Geraldine Creedon and Christine E. Canavan (with the approval of the mayor and city council) relative to the issuance of pension funding bonds by the city of Brockton. To the committee on Public Service.

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

Reports of Committees on Proposals for Legislative Amendments to the Constitution.

By Mr. Straus of Mattapoisett, for the committee on Election Laws, on the petition (accompanied by proposal, Senate, No. 352) of Richard T. Moore, Susan W. Pope, Jo Ann Sprague, Stephen M. Brewer and other members of the General Court for a legislative amendment to the Constitution to increase the term of office for the General Court from two to four years,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 352), ought NOT to pass.

By the same member, for the same committee, on the petition (accompanied by proposal, Senate, No. 355) of Richard T. Moore, Jo Ann Sprague and Scott P. Brown for a legislative amendment to the Constitution relative to emergency appointments of elected officials,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 355), ought NOT to pass.

By the same member, for the same committee, on the petition (accompanied by proposal, Senate, No. 362) of Stanley C. Rosenberg, Robert Spellane, Richard T. Moore, Robert A. O'Leary and other members of the General Court for a legislative amendment to the Constitution promoting the representative character of ballot questions,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 362), ought NOT to pass.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 1077) of Ronald Lagasse for a legislative amendment to the Constitution to limit the power of repeal by the General Court,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1077), ought NOT to pass [Senator Nuciforo dissenting].

The reports were severally read and place on file, in accordance with the requirements of said rule.

Under the provisions of Joint Rule 23, the following proposals were placed on file, the time within which the following committees were required to report having expired:—

Of the committee on the Judiciary, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, Senate, No. 1065) of Michael R. Knapik, Michael F. Kane, Brian P.

Lees, Richard R. Tisei and Donald Humason, Jr. for a legislative amendment to the Constitution relative to the election of judges.

Of the same committee, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, Senate, No. 1984) of Brian A. Joyce, Barry R. Finegold, Richard T. Moore and Robert L. Hedlund for a legislative amendment to the Constitution to abolish the Governor's Council.

Of the same committee, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 184) of George N. Peterson, Jr., for a legislative amendment to the Constitution to increase the terms of office for Senators and Representatives in the General Court from two years to four years.

Of the same committee, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 727) of Jay R. Kaufman and other members of the General Court for a legislative amendment to the Constitution relative to a vacancy in the office of Governor or Lieutenant-Governor.

Of the same committee, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 946) of Frank M. Hynes for legislative amendment to the Constitution abolishing the Executive Council.

Of the same committee, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 3190) of Philip Travis, other members of the General Court and another for a legislative amendment to the Constitution to provide that only the union of one man and one woman shall be valid or recognized as marriage.

Of the joint committee on Ways and Means, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 3287) of Frank M. Hynes for a legislative amendment to the Constitution relative to limiting the content of appropriation bills.

Of the same committee, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 3288) of Frank M. Hynes for a legislative amendment to the Constitution to require biennial state budgets.

Recess.

At ten minutes before eleven o'clock A.M., the Speaker declared a recess subject to the call of the Chair; and at nine minutes before twelve o'clock noon the House was called to order with Mr. DiMasi of Boston in the Chair.

Quorum.

Mr. O'Flaherty of Chelsea then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. DiMasi), 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 ascertain-ing the presence of a quorum; and on the roll call (the Speaker having returned to the Chair) 148 members were recorded as being in attendance.

[\[See Yea and Nay No. 73 in Supplement.\]](#)

Therefore a quorum was present.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2004 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4000, amended), was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended in section 456, in lines 7 and 8, by striking out the sentence contained therein and inserting in place thereof the following sentence: "No such transfer shall occur until 10 days after the revised funding schedules have been submitted in written form to the house and senate committees on ways and means."; and the report was accepted.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Rogers of Norwood and other members of the House moved that it be amended in section 2, in item 1107-2400 by striking out the figures "544,343" and inserting in place thereof the figures "574,343"; in item 1107-2501 by striking out the figures "1,455,119" and inserting in place thereof the figures "1,497,454"; in item 4110-1000 by striking out the figures "3,246,070" and inserting in place thereof the figures "3,673,070"; in item 4110-4000 by striking out the figures "1,834,200" and inserting in place thereof the figures "1,884,200"; by striking out items 4120-2000, 4120-3000 and 4120-4000 and inserting in place thereof the following three items:

"4120-2000 For vocational rehabilitation services operated in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally reimbursed state employees; and provided further, that not less than \$100,000 shall be expended on special vocational projects

in Charlestown for people with disabilities 7,159,207;

4120-3000 For employment assistance services; provided, that vocational evaluation and employment services for severely disabled adults may, subject to appropriation, be provided; and provided further that not less than \$100,000 shall be expended on special projects in Charlestown for

people with disabilities 7,680,098;

4120-4000 For independent living assistance service; provided, that not more than \$858,000 shall be expended for assistive technology devices and training for individuals with severe disabilities; and provided further that no less than \$20,000 will be used to assist the Living Independently

for Equality, Inc. of Brockton 7,271,512";

by striking out item 4120-4010 and inserting in place thereof the following item:

"4120-4010 For services to clients of the department who turn 22 years of age, provided, that the amount appropriated herein shall not annualize to more than \$605,000 in stated fiscal year 2005; and provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to the services funded

herein 565,000";

in item 4120-5000 by striking out the figures "4,243,733" and inserting in place thereof the figures "4,342,733"; by striking out item 4120-6000 and inserting in place thereof the following item:

“4120-6000 For head injured services; provided, that the commission shall work with the division of medical assistance to maximize federal reimbursement for clients receiving head injured services; and provided further, that not less than \$50,000 shall be expended for the Cape Cod head injury

program 7,779,149”;

in item 4125-0100 by striking out the figures “4,455,536” and insert-ing in place thereof the figures “4,929,536”; and by striking out section 331.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Cabral of New Bedford; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 74 in Supplement.]

Therefore the amendments were adopted.

Mr. Rodrigues of Westport then moved that the bill be amended by inserting after section 148 (as printed) the following four sections:

“SECTION 148A. Section 1 of Chapter 30A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the definition of ‘regulation’ in paragraph (5) the following new paragraph:—

(6) ‘Regulatory impact statement’ a statement by the promulgating agency which shall (a) identify the statutory change, problem, issue or deficiency addressed by the proposed regulation; (b) identify the methodology of approach, including identification of expert information and analysis, used to address the statutory change, problem, issue or deficiency; (c) identify specifically who is affected and to what extent by the proposed regulation; (d) identify when such regulation becomes effective, when such regulation will be changed, if known, and how and when the regulation will be reviewed in the future, if at all; (e) identify and describe the immediate and long term financial impacts of the regulation on the issuing agency, each affected person, party or group of affected parties, state government, and the public, including permitting costs, internal compliance costs, and indirect costs, if any; (f) identify the fiscal effect on the public and private sectors for the first and second year of the regulation’s existence, and provide a projection of fiscal impact over the first five years; and (g) identify and describe specifically the benefits of the regulation. Any data, including written information or material, statistics, measurements, calculations or other information used as the basis for reasoning, recommendation or conclusions, including any such information provided to the agency by a consultant, vendor or other third party, shall be part of the record and available to the public upon request.

SECTION 148B. Section 2 of said chapter 30A of the General Laws, as so appearing, is hereby amended by inserting after the third paragraph the following new paragraph:—

Every agency issuing rules and regulations shall maintain a notification list of persons and groups who are interested in the agency’s rulemaking and who request preliminary notification of agency rulemaking, with such request renewed annually by persons or groups in December. No later than thirty days prior to the notice of hearing described above, the agency shall send a preliminary notification of rulemaking to the appropriate committee of the Legislature that has legislative jurisdiction for the rule issuing agency and to the Ways and Means Committees of both the House of Representatives and the Senate. The preliminary notification of rulemaking

shall (a) identify the rule to be noticed for hearing and the scope of the proposed rule, (b) provide the statutory authority for such proposed rulemaking, and (c) identify the persons within the agency responsible for the rulemaking and who can be contacted for more information.

SECTION 148C. Section 3 of said chapter 30A of the General Laws, as so appearing, is hereby amended by inserting after the second paragraph the following:—

Every agency issuing rules and regulations shall maintain a notification list of persons and groups interested in the agency's rulemaking and who request preliminary notification of agency rulemaking, such request renewed annually by persons and groups in December. No later than thirty days prior to the notice described above the agency shall send a preliminary notification of agency rulemaking to each person or group who has requested preliminary notification of agency rulemaking and to the appropriate committee of the Legislature that has legislative jurisdiction for the rule issuing agency and to the Ways and Means committee of the House of Representatives and the Senate. The preliminary notification shall (a) identify the rule to be noticed and the scope of the proposed rule, (b) provide the statutory authority for such proposed rulemaking, and (c) identify the person within the agency responsible for the rulemaking and who can be contacted for further information.

SECTION 148D. Section 5 of chapter 30A of the General Laws, as so appearing, is hereby amended by deleting the first sentence of the second paragraph and inserting in place thereof:—

No rule or regulation so filed with the state secretary, except those filed for the purpose of setting rates, issuing grants or providing loans, and except those filed by the Department of Telecommunications and Energy or the Division of Insurance, shall become effective until a regulatory impact statement has been completed, made public during the hearing process described above, approved by the secretary of economic development, and filed with the state secretary. No regulation will be in effect for a period of more than five years from the date of adoption; provided however, that the issuing agency may affirmatively extend the regulations so long as a new regulatory impact statement is completed prior to expiration of the regulations, proper notice is given to interested parties and a public comment period is provided. The secretary of economic development shall adopt regulations to further define and implement the use of regulatory impact statements in agency rulemaking.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Patrick of Falmouth; and on the roll call 108 members voted in the affirmative and 44 in the negative.

[\[See Yea and Nay No. 75 in Supplement.\]](#)

[Mr. Naughton of Clinton answered “Present” in response to his name.]

Therefore the amendment was adopted.

Mr. Rogers of Norwood and other members of the House then moved that the bill be amended in section 2 by striking out item 4800-0038 and inserting in place thereof the following item: “4800-0038 For stabilization, unification, reunification, permanency, adoption, guardianship, and foster care services provided by the department of social services; provided, that services funded through this item shall include shelter services, substance abuse treatment, family reunification networks, parent aides, education and counseling services, family preservation

services, foster care, adoption and guardianship subsidies, tiered reimbursements used to promote the foster care placement of children with special medical and social needs, assessment of the appropriateness of adoption for children in the care of the department for more than 12 months, protective services provided by partnership agencies, targeted recruitment and retention of foster families, respite care services, post-adoption services, support services for foster, kinship and adoptive families, and juvenile firesetter programs; provided further, that any child eligible for a clothing benefit under regulations in place on January 1, 2003 shall receive a clothing benefit in fiscal 2004; provided further, that the department shall report monthly to the house and senate committees on ways and means on the number of clients served, the cost per unit of service and any available information on the outcome of services provided for each program funded from this item; provided further, that not less than \$30,000 shall be expended for a contract with Big Brothers and Big Sisters of Cape Cod and the Islands; provided further, that not less than \$90,000 shall be expended for the Children's Cove Cape and Islands Child Advocacy Center; provided further, that the department shall expend no less than \$348,850 for Casa Esperanza to implement a family stabilization and reunification program; provided further, that not more than \$140,000 shall be expended for the Comprehensive School Age Parenting Program, for a year-round school based program in Boston high schools and middle schools for pregnant teens, young mothers and fathers and other youth at high risk for school drop out; provided further, that not more than \$100,000 shall be provided for the operation of the Healthy Families program, so-called; provided further, that not less than \$298,000 shall be expended for alternative schools for students aged 14 to 16 inclusive, who are placed before the court on child in need of services petitions in region 6; provided further, that not more than \$295,000 shall be expended for the Massachusetts Families for Kids program, so-called; provided further, that not more than \$200,000 be expended for the Berkshire Area Health Education Center, Inc. for the support and implementation of model community coalitions and community capacity building activities; provided further, that the department shall expend a sum of not more than \$48,000 in Region 1 for a community-based family unification counseling program to prevent juvenile delinquency; provided further, that not less than \$150,000 shall be expended for a contract with Julie's Family Learning Program in the South Boston section of the city of Boston; provided further, that not less than \$250,000 shall be expended for a contract for an integrated family services team in region 6; provided further, that \$200,000 shall be expended for a state-wide contract with Northeastern University for a violence prevention and conflict resolution mentoring program; provided further, that not less than \$35,000 shall be expended by the Framingham office of the Department of Social Services for the MetroWest Campership program operated by the Ashland youth advisory in partnership with said department; provided further, not less than \$50,000 shall be expended for the purpose of providing case management services for the Amity Transitional Housing program in the city of Lynn; provided further, that not less than \$15,000 shall be expended on a teen pregnancy prevention program operated by Girls, Inc. of Lynn; provided further, that service providers shall provide the department with all information necessary to allow the completion of these reports; and provided further, that not later than February 17 of the current fiscal year the department shall provide to the house and senate committees on ways and means a recommendation on whether or not to discontinue any program, including earmarked programs, whose cost per unit of service or service outcomes do not fall within a reasonable standard 247,500,783"; and by striking out items 4800-1100, 4800-1400 and 4800-1600 and inserting in place thereof

the following three items:

“4800-1100 For the AA subsidiary costs of the department’s social workers; provided, that funds shall be directed toward mitigating social worker caseloads in those area offices furthest above the statewide weighted caseload standard and toward achieving a social worker caseload ratio of 18 to 1 statewide; provided further, that the department shall report monthly to the house and senate committees on ways and means on the current social worker caseloads by type of case and level of social worker assigned to cases, the caseload ratio of each social worker with a caseload ratio in excess of 18 to 1, the office in which each of the social workers works and the total number of social workers in excess of the 18 to 1 ratio by region; provided further, that the department shall develop a management plan so that no social worker shall be over the 18 to 1 caseload standard for more than two consecutive months; provided further, that the department shall report on said management plan to House Ways & Means and Senate Ways & Means by January 15, 2004; provided further, that only employees of bargaining unit 8 as identified in the Massachusetts personnel administrative reporting and information system shall be paid from this item; and provided further, that any other payroll or administrative expenses associated with the management or support of such employees shall be paid from item 4800-0015 128,177,063

4800-1400 For shelters and support services for women and children at risk of domestic violence, including supervised visitation program; provided, that the department shall pursue the establishment of public-private partnership agreements established for family stabilization services funded from sources other than the commonwealth; provided further, that funding shall be made available for certified batterer intervention programs to assist indigent batterers and their families; provided further, that funding shall be expended for community-based domestic violence prevention and intervention programs; provided further, that funds from this account shall be expended for a scattered site transitional housing program for victims of domestic violence and their dependents; provided, that the department shall collaborate with the department of social services to ensure that participants in battered women’s programs are provided with information regarding local transitional housing resources; provided further, that the program shall assist victims of domestic violence in finding and maintaining permanent housing; provided further, that funding shall be made available to enhance counseling services for children who have witnessed domestic violence; provided further, that funding shall be made available for emergency shelters for substance abusing battered women; provided further, that funding shall be made available for statewide domestic violence hotline; provided further, that domestic violence prevention specialists, including those that service recipients of transitional assistance, shall be funded from this item; provided further, that not less than \$45,000 be expended for a domestic violence prevention program called ‘Teens-at-Risk’, operated by Portal of Hope for the communities of Everett, Lynn, Malden, and Medford; provided further, that not less than \$10,000 be expended for the Words not Weapons mentoring project in Saugus; provided further, that not less than \$50,000 shall be expended for the On The Rise shelter for homeless women in Cambridge; and provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth’s obligation for the purpose of this item to exceed the amount appropriated herein 21,173,488

4800-1600 For programs to provide support and counseling to young parents; provided, that funds shall be expended for the young parent programs, so-called, operated through the Department of Transitional Assistance; provided that the child care for children of teen parents

receiving transitional aid to families with dependent children benefits, teen parents receiving supplemental security income payments and whose dependent children receive aid, and teen parents at risk of becoming eligible for transitional aid to families with dependent children benefits shall be paid from this item; provided further, that \$300,000 shall be expended for Summerhill House in Norwood; provided further, that funds shall be expended on structured settings as provided in subsection (i) of section 110 of chapter 5 of the acts of 1995 for parents under the age of 20 who are receiving benefits under the transitional aid to families with dependent children program; and provided further, that expenditures from this item shall not exceed the

amount appropriated in this item 18,842,950”.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Cabral of New Bedford; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 76 in Supplement.]

Therefore the amendments were adopted.

Mr. Tobin of Quincy being in the Chair,—

Mr. Rogers of Norwood and other members of the House moved that the bill be amended in section 2 by striking out item 1410-0012 and inserting in place thereof the following item:

“1410-0012 For services to veterans, including the maintenance and operation of outreach centers; provided, that not more than \$80,029 shall be obligated for a contract with the Puerto Rican Veteran Association in Springfield; provided further, that not more than \$89,100 shall be obligated for a contract with NamVets of the Cape and Islands; provided further, that not more than \$157,818 shall be obligated for a contract with the Montachusett Veterans Outreach Center in Gardner; provided further, that not more than \$80,029 shall be obligated for a contract with the Veterans Association of Bristol County in Fall River; and provided further, that not less than \$511,639 shall be made available to those veterans organizations who respond to a request for proposal and meet those qualifications for funding 918,615”;

by striking out item 1410-0250 and inserting in place thereof the following two items:

“1410-0100 For the revenue maximization project of the executive office of elder affairs to identify individuals eligible for veterans’ pensions who are currently receiving home health care services 98,000

1410-0250 For homelessness services, including the maintenance and operation of homeless shelters and transitional housing for veterans; provided, that funds shall be obligated for a contract with the New England Shelter for Homeless Veterans located in the city of Boston; provided further, that not more than \$100,000 shall be expended for the Veterans Benefits Clearinghouse located in Dorchester; provided further, that not more than \$100,000 shall be expended for the Veterans Benefits Clearinghouse located in Roxbury; provided further, that not more than \$90,000 shall be obligated for a contract with the southeastern Massachusetts veterans housing program located in the city of New Bedford; provided further, that not more than \$81,000 shall be obligated for a contract with the Unity House located in the city of Gardner; provided further, that not more than \$25,515 shall be obligated for a contract with the Homestead in Hyannis; provided further, that not more than \$97,200 shall be obligated for a contract with the veterans hospice homestead in the city of Leominster and the veterans hospice

in the town of Fitchburg; provided further, that not more than \$81,000 shall be obligated for a contract with Habitat PLUS in the city of Lynn [A]; provided further, that not more than \$46,778 shall be obligated for a contract with the Springfield Bilingual Veterans Outreach Center; provided further, that not less than \$2,666,366 shall be made available to those veterans organizations who respond to a request for proposal and meet those qualification for funding; and provided further, that the commissioner may distribute funds on a per person, per bed basis 3,087,859”;

in item 1410-0630 by striking out the figures “364,908” and insert-ing in place thereof the figures “429,908”; in item 4190-0100 by striking out the figures “16,279,209” and inserting in place thereof the figures “16,390,209”; and by adding at the end thereof the follow-ing section: “SECTION 483. Notwithstanding the provisions of any general or special law to the contrary, the department of veteran’s services shall be under the authority of the executive office of health and human services; provided further, that the Soldier’s Home in Massachusetts and the Soldiers Home in Holyoke shall be under the authority of the department of veteran’s services.”.

After debate on the question on adoption of the amendments, Mr. Pedone of Worcester and other members of the House moved that the amendment offered by Mr. Rogers of Norwood, et als, be amended by inserting after the word “Lynn” [at “A”] the following: “; provided further, that \$86,000 shall be obligated for a contract for the Central Massachusetts Veterans Shelter in the city of Worcester”. The further amendment was adopted.

After debate on the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Cabral of New Bedford; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 77 in Supplement.]

Therefore the amendments, as amended, were adopted.

Mr. Naughton of Clinton then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 483. Notwithstanding any general or special law to the contrary, a special commission consisting of two members of the Judiciary Committee of the House of Representatives, two members of the Judiciary Committee of the Senate, the Chair of the House Committee on Ways and Means or his designee, one justice of the District Court department of the Trial Court, one criminal defense attorney, the President of the Massachusetts Bar Association or his designee, is hereby established for the purpose of making an investigation and study of the standards by which indigent counsel are appointed in the Commonwealth, including but not limited to, the criteria by which justices determine eligibility for indigent counsel, the compensation of indigent counsel, and the financial status of any defendant under consideration for appointment of counsel. Said commission shall report to the General Court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect by filing the same with the Clerk of the House of Representatives on or before the first Wednesday in November, two thousand and [A]four.”

After remarks on the question on adoption of the amendment, Mr. Jones of North Reading and other members of the House moved that the amendment be amended at the end of the proposed

new section by striking out [at “A”] the word “four” and inserting in place thereof the word “three”; and the further amendment was adopted.

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

After debate Mr. Jones of North Reading and other members of the House moved that the bill be amended by adding at the end thereof the following section:

“SECTION 484. The department of parks and recreation is hereby authorized to develop guidelines and criteria on the subject of the public sale of naming rights for state forests and parks or for facilities within state forests and parks; provided, that said division shall provide a report and recommendations on such criteria and guidelines to the committees on ways and means and the joint committee on natural resources and agriculture by November 15, 2003.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Travis of Rehoboth; and on the roll call 86 members voted in the affirmative and 71 in the negative.

[\[See Yea and Nay No. 78 in Supplement.\]](#)

Therefore the amendment was adopted. Mr. Scaccia of Boston then moved that this vote be reconsidered.

Pending the question on the motion to reconsider, at twenty-nine minutes before six o'clock P.M., on motion of Mr. Finneran of Boston (Mr. Tobin of Quincy being the Chair), the House recessed until half past six o'clock; and at nineteen minutes before seven o'clock the House was called to order with Mr. Correia of Fall River in the Chair.

The motion of Mr. Scaccia of Boston, that the vote be reconsidered by which the House, previously to the recess, adopted an amendment offered by Mr. Jones of North Reading, et als, adding section 484, was negatived.

Ms. Haddad of Somerset then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Correia of Fall River), 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 156 members were recorded as being in attendance.

[\[See Yea and Nay No. 79 in Supplement.\]](#)

Therefore a quorum was present.

Mr. Rogers of Norwood and other members of the House then moved that the bill be amended in section 2 by striking out item 4000-0100 and inserting in place thereof the following item:

“4000-0100 For the operation of the executive office, including the operation of the managed care oversight board and the Betsey Lehman Center for patient safety and medical error reduction; 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 time-tables 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 continue to

develop and implement the common client identifier; provided further, that the executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that not more than \$50,000 shall be expended for the West End Boys and Girls Club in the Allston-Brighton section of the city of Boston; provided further, that not more than \$25,000 shall be expended for the Brockton Boys and Girls Club; provided further, that not more than \$95,000 shall be expended for a matching grant to the Taunton Boys and Girls Club; provided further, that not more than \$80,000 shall be expended for the young parents programs of the Newton Community Service Centers, Inc.; provided further, that not more than \$40,000 shall be expended for the public partnership program between the greater Lynn YMCA and YWCA and the public partnership program between the town of Saugus and the Saugus YMCA and YWCA; provided further, that not more than \$60,000 shall be expended for the Billerica Boys and Girls Club; provided further, that not more than \$150,000 shall be expended for the Massachusetts Alliance of Boys and Girls Clubs; provided further, that the executive office 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 provision of goods, services and housing on the islands; provided further, that for the purposes of pharmaceutical purchasing, all agencies under the jurisdiction of said executive office, including the state office of pharmacy services within the department of public health and the department of corrections, shall collaborate with the division of medical assistance and incorporate said division's preferred drug list, the MassHealth Drug List, so-called, into each agency's purchasing practices; and provided further, that not later than January 20, 2004, said executive office shall submit a report to the house and senate committees on ways and means detailing the savings achieved by mandating the use of this uniform drug list and the effect, if any, of this list on the delivery of

services and pharmaceuticals to clients 2,083,812";

by striking out item 4130-3050 and inserting in place thereof the following item:

"4130-3050 For child care vouchers and contracted child care programs for low-income families; provided, that the employment services child care program for recipients of transitional and supplemental transitional aid to families with dependent children and the absent parents of the recipients, former recipients of the program who are working for up to one year after termination of benefits, former recipients of the program participating in education or training programs authorized by department of transitional assistance regulations, and parents under the age of eighteen currently enrolled in a job training program who would qualify for benefits under provisions of chapter 118 of the General Laws but for the deeming of grandparents' income shall be funded from this item; provided further, that post-transitional child care vouchers for former recipients of transitional aid to families with dependent children who have been working for more than one year after termination of program benefits shall be funded from this item; provided further, that income-eligible child care programs shall be funded from this item; provided further, that not fewer than 500 child care slots shall be reserved for children in the foster care program at the department of social services; provided further, that child care for the children of teen parents receiving transitional aid to families with dependent children benefits, teen parents receiving supplemental security income payments and whose dependent children receive the aid, and teen parents at risk of becoming eligible for transitional aid to families with dependent children benefits shall be paid from this item; provided further, that all teens eligible for year-round full-time child care services shall be

participating in school, education, work and training-related activities or a combination thereof for at least the minimum number of hours required by regulations promulgated for the program of transitional aid, provided further, that informal child care benefits shall be funded from this item; provided further, that not more than \$2.00 per child per hour shall be paid for such services; provided further, that child care slots funded from this item shall be distributed geographically in a manner that provides fair and adequate access to child care for all eligible individuals; and provided further, that all child care providers that are part of a public school system shall be required to accept child care vouchers from recipients funded through this appropriation [A]272,326,418”;

in item 4401-1000, in line 8, by striking out the words “job search assistance” [F] and in line 14 by inserting after the word “program” the words “; provided further, that funds may be expended for substantive, pre-employment education and training programs provided by the workforce investment areas, so-called, and community colleges designed to remove barriers to employment; provided further, that expenditures for other services authorized by this item shall be limited to the extent necessary to enable the department to comply with the preceding provisions”; by striking out item 4403-2000 and inserting in place thereof the following item: “4403-2000 For a program of transitional aid to families with dependent children; provided, that notwithstanding any general or special law to the contrary, benefits under the program of transitional aid to families with dependent children shall be paid only to citizens of the United States and to non-citizens for whom federal funds may be used to provide benefits; provided further, that 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 2003; 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 2004, 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 non-recurring children’s clothing allowance in the amount of \$150 shall be provided to each child eligible under this program in September 2003; provided further, that the children’s clothing allowance shall be included in the standard of need for the month of September, 2003; 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 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 three 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 benefits; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for 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 semi-annual 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 one 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 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 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 general or special 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 [B]326,374,779";

in item 4403-2120, in line 15, by inserting after the word "months" the following: "; provided further, that the department may use monies from this account to add 150 new units of scattered site and rolling stock units contracted for in FY03; provided further, that these new units shall be located in areas of greatest need to facilitate placement of eligible families within 20 miles of the home community; provided further, that these new units shall be used to reduce the population placed in hotels and motels"; in item 4406-3000, in line 6, by inserting after the word "receive" the following: [G]"90 percent of the"; [C]by striking out section 393; and by adding at the end thereof the following [D]section:

"SECTION 486. Section 5 of chapter 244 of the acts of 2002 is hereby amended by adding the following paragraph at the end thereof:—

During fiscal year 2004, funds shall be expended by the department of housing and community development, from the sums set forth and made available in item 7004-7013 of section 2, to institute a program of rolling stock housing for households that are eligible for residence in and who have actually resided in scattered site shelters funded through line item 4403-2120 of

section 2 of the General Appropriations Act, as said item funding is administered by the department of transitional assistance, for not less than 6 months. Said department of transitional assistance, in conjunction and collaboration with the department of housing and community development, shall assist families from such eligible households in negotiating rental agreements for permanent housing at the current scattered site placement or, if possible, at an alternative placement located within 20 miles of the household's home community with the assistance of any state rental voucher program or federal housing choice voucher program. During fiscal year 2004, said program shall seek to provide such rolling stock housing for not less than 400 eligible families.”[E].

Pending the question on adoption of the amendments, Mr. Jones of North Reading and other members of the House moved that the amendments offered by Mr. Rogers of Norwood, et als, be amended in proposed item 4130-3050 by striking out [at “A”] the figures “272,326,418” and inserting in place thereof the figures “277,326,418”; in proposed item 4403-2000 by striking out [at “B”] the figures “326,374,779” and inserting in place thereof the figures “321,374,779”; by striking out [at “C”] the following: “By striking out section 393”; by striking out [at “D”] the word “section” and inserting in place thereof the words “two sections”; and by inserting after the word “families.” [at “E”] the following section:

“SECTION 487. Subsection (j) of section 10 of chapter 5 of the acts of 1995 is hereby amended by inserting at the end thereof the following:—

Recipients not qualifying as exempt under the provisions of subsection (e) and whose child of record is under the age at which full-time school attendance is mandatory in the city or town in which such child resides, may meet 10 hours of said work requirement through education and training programs that meet the requirements of the federal Personal Work and Responsibility Act of 1996.”.

After debate on the question on adoption of the further amendments, the sense of the House was taken by yeas and nays, at the request of Ms. St. Fleur of Boston; and on the roll call 106 members voted in the affirmative and 51 in the negative.

[\[See Yea and Nay No. 80 in Supplement.\]](#)

Therefore the further amendments were adopted.

Mr. Cabral of New Bedford and other members of the House then moved that the amendments offered by Mr. Rogers of Norwood, et als, be amended by inserting before the word “and” [at “F”] the following “in line 12 by inserting after the word ‘costs’ the follow-ing: ‘; provided further, that \$1,950,000 shall be expended for the young parent programs’; and by striking out the figures ‘9,067,679’ and inserting in place thereof the figures: ‘11,017,679’”; and by inserting after the following: “‘90 percent of the’;” [at “G”] the following: “in item 4800-1600 by striking out the figures ‘18,842,950’ and inserting in place thereof the figures:— 16,892,950.”.

The further amendments were adopted.

After debate on the question on adoption of the amendments offered by Mr. Rogers of Norwood, et als, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Larkin of Pittsfield; and on the roll call 141 members voted in the affirmative and 15 in the negative.

[\[See Yea and Nay No. 81 in Supplement.\]](#)

Therefore the amendments, as amended, were adopted.

Mr. Rogers of Norwood and other members of the House then moved that the bill be amended in section 112, in lines 13, 14 and 15, by striking out the words “determination by the general court to transfer and appropriate for any such purpose shall be made, after a hearing before the joint committee on ways and means and a comprehensive analysis of alternative legislative action and revenue sources, upon a finding that the transfer and” and inserting in place thereof the words “determination, by a two-thirds majority vote, of the general court to transfer or appropriate for any such purpose shall be made, after a hearing before the joint committee on ways and means and a comprehensive analysis of alternative legislative action and revenue sources, upon a finding that the transfer or”; and by striking out section 454 [A] and inserting in place thereof the following:

“SECTION 454. Notwithstanding any general or special law to the contrary, the executive office for administration and finance shall develop and implement an \$800,000,000 per year capital program. Said executive office shall not issue more than \$800,000,000 in general obligation debt in fiscal years 2004, 2005, 2006, 2007 and 2008. Said executive office shall file a 5 year capital plan no later than September 1, 2003 with the house and senate committees on long-term debt detailing by executive office, agency, project and capital authorization line item how said \$800,000,000 shall be allocated each year of the 5 year plan. [B] Provided, that if more than \$20,000,000 in bonds are issued during fiscal year 2004 then the following shall occur prior to June 30, 2004; (a) not less than \$20,000,000 shall be issued and expended for the purpose of affordable housing; (b) that the executive office of administration and finance in cooperation with the executive office of environmental affairs and the department of environmental protection, shall authorize and issue bonds to fully meet its obligations under the biosolids improvement project grant award #WPC-MASS-S141 and #WPC-MASS-S142 by June 30, 2006; (c) that the executive office of administration and finance in cooperation the Metropolitan District Commission or any successor agency that will administer the Connors Memorial swimming pool, is hereby authorized and directed to authorize and issue bonds and shall undertake, the design and reconstruction of the Connors Memorial swimming pool in the city of Waltham and said project shall be completed under the supervision of the engineering and construction division of the commission or succeeding agency; (d) that Blackstone Housing Authority shall receive a capital appropriation for replacement of a fire alarm protection system that does not meet the minimum requirements prescribed in the Massachusetts Comprehensive Fire Safety Code.

The provisions of this section shall be deemed severable, and if any part of this section shall be adjudged unconstitutional or invalid, such judgment shall not affect other valid parts of this section or this act.”.

Pending the question on adoption of the amendments, Mr. Jones of North Reading and other members of the House moved that they be amended by striking out all the text after [“A”].

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 43 members voted in the affirmative and 113 in the negative.

[\[See Yea and Nay No. 82 in Supplement.\]](#)

Therefore the further amendment was rejected.

Mr. Rogers of Norwood then moved that the amendments offered by him, et als, be amended in proposed section 454 by striking out the fourth sentence; and the further amendment was adopted.

On the question on adoption of the amendments offered by Mr. Rogers of Norwood, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call (the Speaker having returned to the Chair), 130 members voted in the affirmative and 25 in the negative.

[\[See Yea and Nay No. 83 in Supplement.\]](#)

Therefore the amendments were adopted.

Recess.

At one minute after nine o'clock P.M., on motion of Mr. Ruane of Salem) (the Speaker being in the Chair), the House recessed until the hour of ten o'clock A.M. on Tuesday, May 6
