

JOURNAL OF THE HOUSE.

Monday, May 10, 2004.

Met according to adjournment, at eleven o'clock A.M.

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

God, Our Creator, we begin each week with the intention of serving You and the people who depend upon our reasoned judgments, conscientiously. In Your goodness, grant us the wisdom and integrity of mind and heart to remain faithful to our personal goals and priorities. In these uncertain times with new and complex legislative, public policy and personal challenges, grant us Your gift of understanding which enables us to keep old issues in objective and clear focus. As legislators, we pray for the patience to evaluate accurately and to judge critically the vast amount of information and data which comes to us. Help us to remain faithful to our basic principles and spiritual values in our service to people and to the common good.

Prayer.

Bestow Your blessings on the Speaker, the members and employees of this House and their families. Amen.

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

Pledge of
allegiance.

Message from the Acting Governor.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to assisting elders and the disabled in accessing transitional assistance program Medicare drug benefits (House, No. 4712) was filed in the office of the Clerk on Friday, May 7.

Elders and
disabled,
Medicare
drugs.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Health Care. Sent to the Senate for concurrence.

Statement of Representative Connolly of Everett.

A statement of Mr. Connolly of Everett 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 will not be present in the House Chamber for a portion of today's sitting due to a previously scheduled doctor's appointment. Any roll calls that I may miss today is due entirely to the reason stated.

Statement of
Representative
Connolly of
Everett.

Statement Concerning Representative Donato of Medford.

A statement of Mr. DiMasi of Boston concerning Mr. Donato of Medford 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 Donato of Medford, will not be present in the House Chamber for today's sitting due to a previously scheduled business commitment outside of the Common-

Statement
concerning
Representative
Donato of
Medford.

wealth. Any roll calls that he may miss today is due entirely to the reason stated.

Statement Concerning Representative Murphy of Burlington.

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A statement of Mr. DiMasi of Boston concerning Mr. Murphy of Burlington 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 Murphy of Burlington, will not be present in the House Chamber for today's sitting due to a previously scheduled family obligation. Any roll calls that he may miss today is 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 Ms. Candaras of Wilbraham) recognizing the 2004 National Women's Health Week;

Women's
Health Week.

Resolutions (filed by Mr. Connolly of Everett) congratulating Nicholas and Barbara Parisi on their fiftieth wedding anniversary;

Nicholas
and Barbara
Parisi.

Resolutions (filed by Representatives Frost of Auburn, Callahan of Sutton and Peterson of Grafton) congratulating the town of Sutton on the occasion of its three hundredth anniversary;

Sutton,
anniversary.

Resolutions (filed by Representatives L'Italien of Andover and Finegold of Andover) congratulating Gerry Silverman upon receiving the "Make a Difference" Award;

Gerry
Silverman.

Resolutions (filed by Mr. Miceli of Wilmington) congratulating Beverly Bennett upon receiving the Salvation Army's William Booth Award;

Beverly
Bennett.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Andrew Dodge Kemp on receiving the Eagle Award of the Boy Scouts of America;

Andrew
Dodge
Kemp.

Resolutions (filed by Mr. Travis of Rehoboth and other members of the House) honoring J. Michael Ruane;

J. Michael
Ruane.

Resolutions (filed by Mr. Vallee of Franklin) honoring United States Army Staff Sergeant Kenneth Gormley on the occasion of his safe return from serving the United States of America as part of Operation Iraqi Freedom; and

Kenneth
Gormley.

Resolutions (filed by Ms. Wolf of Cambridge) congratulating the Guidance Center of Cambridge and Somerville on the occasion of its fiftieth anniversary;

Guidance
Center.

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

Petition.

Mr. Greene of Billerica presented a petition (subject to Joint Rule 12) of William G. Greene, Jr., and other members of the General Court relative to oil spill prevention and response in Buzzards Bay

Oil spill
prevention.

and other harbors and bays of the Commonwealth; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

The Senate Bill relative to adjudicatory hearings of the Board of Registration in Medicine (Senate, No. 2151, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4538), with the following further amendment:

Taylor's
Law.

Striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2311.

Under suspension of Rule 35, on motion of Mr. Webster of Hanson, the further amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A Bill relative to certain conservation land in the town of Amherst (Senate, No. 2261) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Amherst,
conservation
land.

Reports of Committees.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Taxation to make an investigation and study of certain House documents concerning revenue and taxation matters in the Commonwealth (House, No. 4651), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3908) of Barbara A. L'Italien, Bruce E. Tarr and Bradford Hill (by vote of the town) relative to certain real property tax exemptions in the town of Boxford,— and recommending that the same be recommitted to the committee on Taxation. Under Rule 42, the report was considered forthwith; and it was accepted.

Boxford,
tax
exemptions.

By Mrs. Parente of Milford, for the committee on Long-Term Debt and Capital Expenditures, that the Bill authorizing Barnstable County to administer the repair, replacement and upgrade of septic systems (Senate, No. 2123) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Barnstable
County,
septic
systems.

By Mrs. Parente of Milford, for the committee on Long-Term Debt and Capital Expenditures, on a petition, a Bill authorizing the town of Hingham to issue pension obligation bonds (House, No. 3688) [Local Approval Received].

Hingham,
pension
obligation
bonds.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Brookline to issue pension obligation bonds (House, No. 4404) [Local Approval Received].

Brookline,
pension
obligation
bonds.

By Mr. Mariano of Quincy, for the committee on Insurance, on House, No. 1689, a Bill to further prevent insurance fraud (House, No. 4713).

Insurance
fraud.

Level 3
sex offenders,
tracking
system.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a tracking system for level 3 sex offenders (House, No. 4575, changed in line 6, by inserting after the following: "chapter 6" the following: "at all times while said level 3 sex offenders are subject to the supervision of the probation or parole services").

Community
development
projects.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill to facilitate community development projects (House, No. 4074).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Medicare,
drug
benefits.

By Mr. Koutoujian of Waltham, for the committee on Health Care, on House, No. 4712, a Bill assisting elders and the disabled in accessing transitional assistance program Medicare drug benefits (House, No. 4714). Read; and referred, under Rule 33C, to the committee on Medicaid.

Identity
theft.

By Mr. Rodrigues of Westport, for the committee on Commerce and Labor, that the recommitted Bill relative to identity theft and consumer rights (House, No. 4556) ought to pass.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government on the part of the House, that the following bills ought to pass:

School
employees.

Bill to clarify eligibility for health insurance for school employees (House, No. 241);

Municipalities,
pensions.

Bill providing a minimum pension for certain retired municipal employees (House, No. 243, changed); and

Regional
health care.

Bill relative to regional health care (House, No. 3752).

Criminally
negligent
homicide.

By Mr. Scaccia of Boston, for the committee on Rules that the Bill criminally negligent homicide (House, No. 3486) ought to pass.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Circulars
and
posters,
unsigned.

By Mr. Straus of Mattapoisett, for the committee on Election Laws, on a recommitted petition, a Bill relative to unsigned circulars and posters (House, No. 1078) [Senators Shannon and Brown, and Representative Eldridge of Acton, dissenting].

Housing
construction.

By Mr. Honan of Boston, for the committee on Housing and Urban Development, on a recommitted petition, a Bill relative to housing (House, No. 1295).

David Ponte,
sick leave
bank.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for David Ponte an employee of the Trial Court (House, No. 4632).

Coastal
damages,
mitigation
accounts.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill providing for a certain fund in cities and towns (House, No. 190).

Municipalities,
ordinance
clarification.

By the same member, for the same committee, on a petition, a Bill to clarify the scope of authority of ordinances and by-laws adopted by municipal governments (House, No. 585).

By the same member, for the same committee, on a petition, a Bill amending the procedures for supporting the operation of charter commissions elected by the voters (House, No. 586).

By the same member, for the same committee, on a petition, a Bill relative to settlement and incorporation celebrations of cities and towns (House, No. 1150).

By the same member, for the same committee, on a petition, a Bill relative to the joint operations of governmental units (House, No. 1151).

By the same member, for the same committee, on a petition, a Bill authorizing the town of Lakeville to establish a consultant account (House, No. 4086) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill merging the Woodland Water District of Auburn with the Auburn Water District (House, No. 4333).

By the same member, for the same committee, on a petition, a Bill establishing a capital investment fund in the town of Winchendon (House, No. 4338) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the charter of the city known as the town of Watertown (House, No. 4399) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the treasurer of the town of Brookline to invest the trust funds of said town in accordance with the Prudent Man Rule (House, No. 4400) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the town of Marion apportioning sewer assessments over a maximum of thirty annual payments and charging interest at a rate of interest chargeable to the town (House, No. 4402) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill validating certain health insurance payments made by the town of Orleans (House, No. 4427) [Local Approval Received].

By the same member, for the same committee, on a message from His Excellency the Governor, a Bill validating the action taken at a special town meeting held by the town of Williamsburg (printed in House, No. 4445).

By the same member, for the same committee, on a petition, a Bill authorizing the town of Wayland to incur certain debt (House, No. 4450) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to certain land sales in the city of Gloucester (House, No. 4451) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Ashby to establish a capital reserve account (House, No. 4474) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Easton to pay a certain unpaid bill (House, No. 4498) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Charter
commissions.

Cities and
towns,
celebrations.

Local
governments,
joint
operations.

Lakeville,
consultant
account.

Auburn and
Woodland
Water District.

Winchendon,
capital
investment
fund.

Watertown,
charter.

Brookline,
trust
funds.

Marion,
sewer
assessments.

Orleans,
health
insurance.

Williamsburg,
validate act.

Wayland,
high
school.

Gloucester,
land
sales.

Ashby,
capital
reserve
account.

Easton,
Northeast
Reclamation
Corp.

*Engrossed Bills.*Bill
enacted.

The engrossed Bill establishing a sick leave bank for Sheila Mahan, an employee of the Trial Court (see House, No. 4481) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

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The engrossed Bill relative to the Sandwich water district (see Senate, No. 1163, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

*Orders of the Day.*Third
reading
bills.

Senate bills

Authorizing the town of Lunenburg to establish a capital improvement trust fund and a bond and note proceeds investment fund (Senate, No. 1144, amended);

Authorizing the town of Southwick to grant an easement to Carol K. Collins (Senate, No. 1940); and

Relative to the Dedham-Westwood Water District (Senate, No. 1965, changed);

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

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House bills

Authorizing the Department of Revenue to make a certain refund (House, No. 3101);

Relative to parking violations in the town of Provincetown (House, No. 3841)

Authorizing the town of Wareham to construct a sewer in certain park land (House, No. 4150); and

Replacing the existing harborline and to establish a new harborline in Gloucester Harbor (House, No. 4265) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Second
reading
bills.

Senate bills

Increasing the availability of protective gear for renters of recreational sports equipment (Senate, No. 1355);

Requiring late counting of certain overseas absentee ballots in city elections (Senate, No. 2164);

Authorizing the town of Maynard to grant an easement over certain conservation land (printed in Senate, No. 2169, amended); and

Clarifying the procedures for municipalities and districts to accept statutes (Senate, No. 2218); and

House bills

Making corrective changes in certain laws pertaining to animal health (House, No. 46);

Making the uniform the law regarding trade secrets (House, No. 94);
Relative to dress codes in public schools (House, No. 116, changed);
Allowing widows of veterans to retain ownership of veterans' plates (House, No. 216);

Designating a certain bridge in Hyde Park as the Thomas J. Geraghty Bridge (House, No. 294);

Providing visitation rights for great grandparents (House, No. 384);

Relative to certain proceedings relating to corporations (House, No. 734);

To prevent animal fighting (House, No. 1131);

Relative to community preservation (House, No. 1509);

Authorizing the service of faxed copies of restraining orders as legal documents (House, No. 1901);

Pertaining to firefighter injuries (House, No. 1903);

Establishing a sick leave bank for a certain employee of the trial court of the commonwealth (House, No. 2270);

Relative to the list of legal investments prepared by the Commissioner of Banks (House, No. 2560);

Relative to the Winchendon District Court (House, No. 2638);

Establishing a sick leave bank for Kevin J. Welch, an employee of the trial court (House, No. 2994);

Protecting a minor's identity (House, No. 2997);

Relative to veterans' graves protection (House, No. 3673);

Relative to the establishment of mandatory school uniform programs in the city of Springfield (House, No. 3715);

Relative to cross-country skiing at the Quabbin Reservoir (House, No. 3856);

Providing for the annual observance of Massachusetts History Day (House, No. 4270);

Authorizing the town of Edgartown to enter a certain lease (House, No. 4339);

Designating a certain bridge along Route 3 in the town of Bedford in memory of Michael P. Lenihan for his tireless effort in ensuring the success of the Route 3 expansion project (House, No. 4394);

Relative to veterinarians (House, No. 4414);

Allowing the town of Marion to develop and maintain a subsidized housing plan for low and moderate income, housing (House, No. 4631); and

Relative to energy efficient appliances (House, No. 4647);

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

The House Bill relative to dental hygienists (House, No. 699) was read a second time.

The amendment previously recommended by the committee on Health Care,— that the bill be amended by substitution of a bill with the same title (House, No. 4653),— was adopted.

The substituted bill then was ordered to a third reading.

House reports

Of the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 1263) of Cory Atkins for legislation to limit out-of-state contributions to ballot initiative committees;

Second reading
bill amended.House
reports.

House
reports.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1456) of Theodore C. Speliotis for legislation to limit contributions for the promotion or defeat of ballot questions or initiative petitions;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1650) of Ronald Mariano relative to the method of conducting recounts of elections in the Commonwealth; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3643) of Peter J. Larkin and Vincent P. Ciampa for legislation to regulate out-of-state contributions to ballot question committees;

Of the committee on Local Affairs and Regional Government, ought NOT to pass, on the petition (accompanied by bill, House, No. 4022) of John P. Fresolo, Joan M. Menard and another relative to payment for off-duty or special detail work performed by municipal employees; and

Of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 286) of Angelo M. Scaccia relative to the assessment of local taxes of resident owners of cooperative housing corporations;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 471) of Philip Travis relative to the distribution of sales tax revenues to cities and towns;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 473) of Philip Travis for legislation to provide for uniform sales and use tax administration;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 632) of Thomas G. Greene relative to further regulating real estate tax exemptions;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 633) of Thomas G. Greene relative to further regulating foreclosure proceedings by municipalities of land acquired by right of redemption under a tax title or taking;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 634) of Thomas G. Greene for legislation to eliminate real estate taxes for certain elderly persons;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 635) of Thomas G. Greene relative to providing real estate tax abatements to certain elderly persons;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 636) of Thomas G. Greene relative to the payment of interest on unpaid real estate taxes;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 637) of and Thomas G. Greene relative to eliminating real estate taxes on certain property owned and occupied by persons seventy years of age or older;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 639) of Barry R. Finegold relative to the taxation of limited liability companies and further regulating the operation of such companies;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 649) of Stephen Kulik, Stephen M. Brewer, Andrea F. Nuciforo, Jr. and Christopher J. Donelan relative to the establishment of a local roads fund in the office of the State Treasurer;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 845) of Daniel E. Bosley that provision be made for an income tax credit for certain costs of rehabilitating historic properties;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 847) of Daniel E. Bosley relative to the utilization of tax increment financing involving incentives for economic development in cities and towns;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 851) of Marie J. Parente relative to income tax deductions for private school tuitions;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1227) of John E. Whipple for legislation to establish a local income tax;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1390) of Gale D. Candaras and Emile J. Goguen for legislation to provide relief from liability in the filing of certain tax returns;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1392) of Paul C. Casey and Matthew C. Patrick relative to the taxation of certain nonresident income;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1393) of Paul C. Casey and Matthew C. Patrick relative to the filing requirements for corporate trusts under the tax laws of the Commonwealth;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1394) of Paul C. Casey, Stephen P. LeDuc and Matthew C. Patrick relative to the taxation of domestic business and foreign corporations;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1395) of Paul C. Casey, Brian A. Joyce and Matthew C. Patrick relative to the organization and taxation of limited liability companies having one member;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1398) of Paul C. Demakis and Marian Walsh relative to the affidavit of address required for the assessment of taxes;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1410) of David M. Nangle relative to the sales tax imposed on prepaid calling arrangements;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1604) of Robert Spellane and other members of the General Court for legislation to develop infrastructure and housing in cities and towns through tax increment financing and borrowing;

House
reports.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1773) of Ronald Mariano for legislation to reduce the rate of taxation on capital gains from the sale of stock in Massachusetts corporations;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1968) of J. James Marzilli, Jr., Douglas W. Petersen and Bruce E. Tarr for legislation to provide an income tax credit for the rehabilitation of historic structures;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1971) of Thomas M. Menino, Anthony Petruccelli, Angelo M. Scaccia, Brian P. Wallace, John A. Hart, Jr., and Marie P. St. Fleur for legislation to provide for a jet fuel excise payment schedule;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1976) of Thomas M. Menino, Angelo M. Scaccia and other members of the General Court relative to real estate tax exemptions for parking lots;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1978) of Thomas M. Menino, Angelo M. Scaccia, Paul C. Demakis, Kevin G. Honan, Brian P. Wallace, Dianne Wilkerson and Marian Walsh relative to release of information and the filing of affidavits concerning ownership of property under the real estate tax laws;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2545) of Geoffrey D. Hall and Steven C. Panagiotakos that the Commissioner of Revenue be required to report certain tax information to cities and towns;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2550) of Peter J. Larkin, Stephen P. LeDuc and Dianne Wilkerson relative to district improvement financing;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2705) of Brian Knuuttila, John P. Fresolo, David Paul Linsky, Gloria L. Fox and Stephen M. Brewer relative to the taxation of certain professional athletes;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2709) of Charles A. Murphy and other members of the House for legislation to make the investment tax credit permanent;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2903) of Vincent A. Pedone, Salvatore F. DiMasi, Michael R. Knapik, Mark C. Montigny, Jarrett T. Barrios and J. James Marzilli, Jr., for legislation to provide certain tax incentives for the rehabilitation of certain historic structures;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3244) of Viriato Manuel deMacedo and other members of the General Court relative to providing for tax deductions for the cost of health insurance payments made by self-employed persons;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3249) of Bradley H. Jones, Jr. and other members of the House relative to making the investment tax credit permanent;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3250) of Peter J. Larkin, Christopher G. Fallon, Anthony J. Verga and David P. Magnani relative to making the investment tax credit permanent;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3251) of Peter J. Larkin and Brian A. Joyce relative to the taxation of limited liability companies;

Of the same committee, ought NOT to pass, on the petition (accompanied by resolve, House, No. 3450) of Lida E. Harkins and other members of the House for an investigation by a special commission (including members of the General Court) relative to alternatives to using the property tax to fund public education; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3613) of Salvatore LaRicca for legislation to provide for an increase in the income tax to be distributed to cities and towns and to repeal the tax on real estate;

Severally were accepted.

The House report of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 3620) of Leonard H. Golder relative to providing for a local option income tax, was considered.

Local
option
income
tax.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Casey of Winchester.

Recess.

At twenty-three minutes before twelve o'clock noon, on motion of Mr. O'Brien of Kingston, the House recessed until one o'clock P.M.; and at that time the House was called to order.

Recess.

Quorum.

Mr. Keenan of Southwick thereupon 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.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

Quorum,
yea and nay
No. 624.

[See Yea and Nay No. 624 in Supplement.]

Therefore a quorum was present.

Reports of Committees.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill promoting affordable housing and community planning in the Commonwealth (House, No. 4240) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Affordable
housing.

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

Affordable
housing.

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

Subsequently, under suspension of the rules, on further motion of Mr. Honan, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act relative to affordable housing and community planning in the Commonwealth."

After remarks on the question on passing the bill to be engrossed, Mr. Hall of Westford moved that it be amended in section 4 (as printed), in line 9, by striking out the figures "10" and inserting in place thereof the figure "5"; in line 48, by inserting after the word "chapter" the following words: "and any other housing occupied by low or moderate income households and mobile homes"; and in section 5 (as printed), in line 17, by striking out the figures "10" and inserting in place thereof the figure "5"; and in section 6 (as printed), in line 23, by inserting after the word "site" the following words: "and the site is located in a zone zoned multi-family residential".

The amendments were rejected.

Quorum

Mr. Petrolati of Ludlow then 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.

Quorum,
yea and nay
No. 625.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 150 members were recorded as being in attendance.

[See Yea and Nay No. 625 in Supplement.]

Therefore a quorum was present.

After remarks on the question on passing the bill to be engrossed, Ms. Malia of Boston moved that it be amended by inserting after section 10 (as printed) the following section:

"SECTION 7A Notwithstanding any general or special law to the contrary, the executive office of environmental affairs, the executive office of transportation and construction, the department of housing and community development and the secretary of administration and finance shall, when awarding discretionary funds, give priority to cities or towns that have met their affordable housing threshold as defined in section 20 of chapter 40B of the General Laws and to those cities and towns in compliance with an approved affordable housing plan pursuant to section 20A of chapter 40B of the General Laws."

The amendment was rejected.

Mr. Toomey of Cambridge then moved that the bill be amended by inserting after section 10 (as printed) the following section:

"SECTION 7A. There is hereby established a special commission to study the opportunity to increase the availability of housing for extremely low to moderate income families and individuals in the Commonwealth by prioritizing the redevelopment of brownfield sites, so-called, and commercial areas for residential purposes. Said commission shall consist of three members of the senate, three members of the house of representatives, one from each branch shall

serve as co-chairmen, the director of housing and community development or his designee, the director of mass development or his designee, and five persons to be appointed by the governor, one of whom shall be a representative from Citizen's Housing and Planning Association, Inc., one of whom shall be a representative of the Greater Boston Chamber of Commerce, one of whom shall be a representative from the Massachusetts Homebuilders Association, and one of whom shall be a representative from the Massachusetts Municipal Association. Said commission shall file its recommendations together with the recommendations for legislation, if any, with the house and senate clerks who shall forward the same to house and senate committees on housing and urban development on or before November 15th 2004."

The amendment was adopted.

Mr. Hynes of Marshfield and other members of the House then moved that the bill be amended by adding after section 7A (inserted by amendment) the following two sections:

"SECTION 7B. Said chapter 40B, as so appearing, is hereby amended by inserting after section 23 the following new section:—

Section 23A. Inclusionary zoning.

A city or town, by vote of its legislative body, may adopt a rule or regulation that every plan for any residential development shall include affordable dwelling units. "Residential development" shall be defined in this section as any development resulting in the creation of new dwelling units of any sort. The required affordable dwelling units shall be at least 10 percent of every residential development. These required dwelling units shall be affordable for a period of at least 99 years to persons whose household income shall not exceed 80 percent of the area median income, as such income is most recently determined by the federal Department of Housing and Urban Development. Such requirements may be higher than 10 percent, and may be made available to persons whose household income shall not exceed 120 percent of the area median income if, by authorization via zoning ordinance or bylaw of the city or town, there is a provision for an increase in the permissible density or intensity of the particular use.

Notwithstanding the provision of required affordable dwelling units within a residential development, a planning board rule or regulation may allow for the provision of such units off-site, the dedication of land in a manner satisfactory to the board for such a purpose, or the payment of sufficient funds to the Affordable Housing Trust Fund of the city or town, provided the applicant demonstrates to the satisfaction of the board that the units cannot be otherwise provided on-site or that an alternative proposal does not better meet the needs of the city or town with respect to the provision of affordable housing. Off-site units, land dedication, or payment in-lieu of units must provide a benefit equivalent to the provision of on-site units, which benefit shall be determined by the planning board consistently and uniformly. Any agreement must be satisfactory to the planning board.

There shall be, within the department of housing and community development, a five member task force. The task force shall consist

Affordable
housing.

of the director of the department, or his or her designee, who shall be the chair of the task force, a representative from the Massachusetts Municipal Association, a representative from the Massachusetts Housing Partnership, a representative from the Massachusetts Chapter of the American Planning Association, and a member appointed by the Governor. The task force shall be responsible for adopting rules and regulations to implement this section. The department shall determine every five years thereafter whether cities and towns that accept this section are in compliance with these provisions, provided, however, that the department shall have the authority to review a municipality's compliance at any time and issue a declaration of non-compliance.

In cities and towns that enact a zoning ordinance or bylaw under this section and are determined to be in compliance with this section by the department, the provisions of chapter 40B, sections 20 to 23, inclusive, shall not apply. In cities and towns that have not enacted a zoning ordinance or bylaw under this section or are determined to be not in compliance with this section by the department, the provisions of chapter 40B, sections 20 to 23, inclusive, shall remain in effect.

SECTION 7C. Chapter 44 of the General Laws, as so appearing, is hereby amended by inserting after section 53E½ the following new section:—

Section 53E¾. Affordable Housing Trust Fund.

Notwithstanding the provisions of section fifty-three, a city or town that accepts the provisions of chapter 40B section 23A shall establish an Affordable Housing Trust Fund for any monies accrued under that section. These funds shall be accounted for separately from all other monies in such city or town, and to which shall be credited all funds accrued under chapter 40B section 23A and to which may be credited any other funds available to the municipality for affordable housing. Expenditures may be made from such fund by vote of a city or town's legislative body provided, however, that expenditures shall not be made nor liabilities incurred from the fund in excess of the balance of the fund. Interest earned on any fund balance shall be treated as part of the fund. The fund's monies shall be used only to construct affordable housing or to purchase land for said purpose.”.

After debate on the question on adoption of the amendment (Ms. St. Fleur of Boston being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Hynes; and on the roll call 42 members voted in the affirmative and 112 in the negative.

[See Yeas and Nays No. 626 in Supplement.]

Therefore the amendment was rejected.

Mr. Petrolati of Ludlow being in the Chair,— Mr. Hynes of Marshfield and other members of the House moved that the bill be amended by inserting after section 7A (inserted by amendment) the following two sections:

“SECTION 7B. Section 6I of chapter 62 of the General Laws, as so appearing, is hereby amended by adding at the end thereof the following:—

Limited dividend organizations seeking to construct housing units pursuant to the provisions of sections 20 to 23, inclusive, of chapter

40B of the General Laws, and to which are granted tax credits for said housing pursuant to this section or section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, shall include a declaration of intention to pursue such tax credits on the pro forma filed for such housing with the appropriate federal or state government subsidizing agency.

SECTION 7C. Section 31H of chapter 63 of the General Laws, as so appearing, is hereby amended by adding at the end thereof the following:—

Limited dividend organizations seeking to construct housing units pursuant to the provisions of sections 20 to 23, inclusive, of chapter 40B of the General Laws, and to which are granted tax credits for said housing pursuant to this section or section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, shall include a declaration of intention to pursue such tax credits on the pro forma filed for such housing with the appropriate federal or state government subsidizing agency.”.

The Speaker thereupon took the Chair and, pending the question on adoption of the amendment, at a quarter after three o'clock P.M., on motion of Mr. Hynes, the House recessed until a quarter before four o'clock; and at that time the House was called to order.

The Speaker thereupon declared a further recess until twenty minutes after four o'clock; and at that time the House was called to order with the Speaker in the Chair.

After remarks, the pending amendment was rejected.

Mrs. Paulsen of Belmont and other members of the House then moved that the bill be amended in section 6 (as printed), in lines 68 to 75, inclusive, by striking out the subsection contained therein and inserting in place thereof the following subsection:

“(iii) In addition to the foregoing, a subsidizing agency shall consider the following in making a determination of project eligibility: overall density and size; environmental impact, including impacts on watersheds, rivers and water bodies, wildlife habitat and existing land uses; consistency with principles of smart growth, including without limitation land use protections set forth in the open space and recreation plans adopted by the planning board of the municipalities, or by the Town Meeting or City Council and approved by the Executive Office of Environmental Affairs; impact on historical resources; the impact of other pending applications for housing development; and other local concerns of the city or town where the project is located.”.

The amendment was adopted.

Messrs. Hynes of Marshfield and Bradley of Hingham then moved that the bill be amended by striking out section 9 (as printed) and inserting in place thereof the following section:

“SECTION 9. Sections 22 and 23 of said chapter 40B, as so appearing, are hereby amended by striking out sections 22 and 23 and inserting in place thereof the following section:—

Section 22. Appeals of zoning board decisions.

Whenever an application filed under the provisions of section twenty-one is denied, or is granted with such conditions and requirements as to make the building or operation of such housing uneco-

Amendment
rejected,
yea and nay
No 626

Recesses

Affordable
housing.

nomic, the applicant shall have the right to appeal to the superior court in accordance with the provisions of chapter thirty A for a review of the same. Such appeal shall be taken within twenty days after the date of the notice of the decision by the board of appeals by filing with the court a statement of the prior proceedings and the reasons upon which the appeal is based.”.

The amendment was rejected.

Ms. Polito of Shrewsbury then moved that the bill be amended in section 5 (as printed), by adding after subsection (6) the following subsection:

“(7) less than 20% of the property tax base in the city or town is comprised of commercial/industrial zoned land and the application is for a project to be developed on property that was zoned commercial/industrial as of January 1, 2004; provided the city or town has public water and sewer and has a minimum single family residential lot size of 20,000 square feet or less, or the city or town does not have public water and sewer and has a minimum single family residential lot size of 40,000 square feet or less; and provided further, however, that the city or town may choose to waive this exemption.”.

The amendment was rejected.

Messrs. Hynes of Marshfield and Bradley of Hingham then moved that the bill be amended in section 4 (as printed), in line 49, by inserting before the word “Subsidy” the following paragraph:

“‘Reasonable return’, a profit margin that shall not exceed the median profit margin realized by conventional developments, provided that a developer’s pro forma shall be scrutinized at the beginning and end of a project by a certified public accountant hired by the zoning board of appeals and the department in concert.”; and in section 6, in line 16, by striking out the words “the amounts set by the subsidizing agency or program” and inserting in place thereof the words “a reasonable return”.

The amendment was rejected.

Mr. Galvin of Canton and other members of the House then moved that the bill be amended in section 4 (as printed), in line 10, by inserting after the word “unit” the following words:— minus the numbers of existing low and moderate housing units.

The amendment was rejected.

Mr. Coppola of Foxborough then moved that the bill be amended in section 6 (as printed), in lines 183 to 185, inclusive, by striking out the following: “2 times the actual number of such restricted units, not to exceed the total number of homeownership units authorized by the permit” and inserting in place thereof the following:— then all of the housing units authorized by a comprehensive permit.

The amendment was rejected.

Mr. Fagan of Taunton then moved that the bill be amended in section 6 (as printed), by adding after subsection viii. the following subsection:

“ix. Manufactured Housing Units: 100 percent of the total of all manufactured homes, as defined in section 32Q of chapter 140, in a manufactured housing community, as defined in section 32F of chapter 140, located within a city or town shall be counted toward the city or town’s affordable housing threshold.”.

The amendment was rejected.

Mr. Golden of Lowell then moved that the bill be amended by inserting after section 7A (inserted by amendment) the following section:

“SECTION 7B. Section 335 of Chapter 164 of the Acts of 1997 is hereby amended by striking, in line 2, the following words ‘installed prior to July 1, 1997,’”.

The amendment was rejected.

Mr. Greene of Billerica then moved that the bill be amended in section 5 (as printed), in line 172, by inserting after the word “final.” the following sentence:— The board shall have the authority to choose among multiple applicants which comprehensive permits will be accepted.

The amendment was adopted.

The same member then moved that the bill be amended in section 4 (as printed), in line 44, by inserting after the word “program” the following:— , or any year round housing whose assessed value is affordable by low or moderate-income households.

The amendment was rejected.

Mr. Greene then moved that the bill be amended in section 6 (as printed), in line 196, by adding after the word “threshold” the following sentence:— ; Homeownership units constructed shall not be counted for the purpose of calculating the 10 percent of the federal census for determining the 10 percent threshold pursuant to chapter 40B.

The amendment was rejected.

Messrs. Hynes of Marshfield and Bradley of Hingham then moved that the bill be amended in section 4 (as printed), in lines 43 to 48, inclusive, by striking out the following: words: “any year round housing subsidized by the federal or state government under any program, or subsidized by a local government under a local program authorized and approved by the department, to produce housing which serves low or moderate-income households as defined in the chapter” and inserting in place thereof the following: words: “any year round occupied housing which serves low or moderate income households as defined in this chapter”.

The amendment was rejected.

Mrs. Paulsen of Belmont then moved that the bill be amended in section 5 (as printed), by adding after subsection (6) the following:—A developer that has requested a zoning change and that request has been accepted by the Town Meeting or the City Council may not seek a 40B approval for one year following the zoning change.

The amendment was adopted.

Mr. Murphy of Weymouth and other members of the House then moved that the bill be amended in section 5 (as printed), in line 19, by inserting after the word “town”, the following: “; or on sites comprising one and one half per cent or more of total land area zoned for residential, commercial or industrial use”; and in section 4, in line 11, by inserting after the word “inventory”, the following words:— or on sites comprising one and one half per cent or more of total land area zoned for residential, commercial or industrial use.

After remarks the amendments were adopted.

Affordable
housing.

Mr. Turkington of Falmouth then moved that the bill be amended by inserting after section 7A (inserted by amendment) the following four sections:

Luxury Mansion Surcharge for Affordable Housing

"SECTION 7B. Definitions

'Addition' shall mean an increase in the building area, aggregate floor area, height, or number of stories in a structure.

'Alteration' shall mean a change or modification of a building or a structure or the service equipment thereof that affects safety or health and is not classified as an ordinary repair.

'Community Housing' shall be defined herein as new or pre-existing affordable rental housing owned by a Local Housing Authority or local nonprofit housing corporation.

'Dwelling Unit' shall be defined herein as a room or enclosed floor space used, or to be used, as a habitable for one (1) family or household, with facilities for sleeping, cooking, and sanitation.

'Luxury Mansion Surcharge' shall mean the surcharge to existing building permit fees as set forth in section 2.

'Total Floor Area' shall be the floor area within the perimeter of the outside walls of the building under consideration, without deductions for hallways, stairs, closets, thickness of walls, columns, or other features. It does not include unoccupied accessory areas such as unfinished basements, attics or lofts, and does not include porches, decks, unenclosed breezeways, and window walks.

SECTION 7C. In any city or town which accepts this section by a vote of its legislative body and subsequently by a majority of voters in a ballot referendum, in addition to any local fee that may be imposed by said or town pursuant to Chapter 40, section 22F, of the General Laws, or any other applicable statute, the city or town is hereby authorized to impose, collect, and disburse as set forth below a fee on new residential construction of single family dwellings over 3000 square feet in total floor area, herein referred to as the 'Luxury Mansion Surcharge' as follows:

(a) The Luxury Mansion Surcharge shall be imposed on those persons who apply for a residential building permit from the city or town, and is to be paid upon issuance of a building permit by the building Commissioner of said city or town. The amount of the surcharge shall be computed at the rate of \$10.00 per square foot of total floor area of new construction space in excess of 3000 square feet for each dwelling unit, with no fee being due if the total floor area of the proposed new construction per dwelling unit is less than 3000 square feet.

(b) The Luxury Mansion Surcharge will be collected at the same time as, and in addition to, the city or town's local building permit fees, by the city or town's Building Commissioner, to be turned over to the Treasurer of the City of Town.

(c) Additions/Alterations: No surcharge shall be levied for additions or alterations, unless the Application for Building Permit for the Addition or Alteration is filed within three (3) years of receipt of a Certificate of Occupancy for the Dwelling Unit upon which the Addition or Alteration is proposed. In this instance, square footage of Net Floor Area will be calculated by combining the actual Total

Floor Area of the original Dwelling Unit and the amount to be created by the new Addition or Alteration.

SECTION 7D. Any city or town which accepts this section, acting by and through its Legislative Body shall appropriate receipts of this Luxury Mansion Surcharge solely for the purposes of purchasing, acquiring, constructing, operating, maintaining, or making repairs to existing community housing within said city or town, including engineering, architectural, planning, design, and permitting costs associated therewith.

SECTION 7E. The imposition and collection of the Luxury Mansion Surcharge described above shall expire on June 30, 2014."

The amendment was rejected.

Messrs. Hynes of Marshfield and Bradley of Hingham then moved that the bill be amended in section 5 (as printed), by adding at the end thereof the following two subsections:

"(7) Low or moderate income housing exists on sites comprising one and one half per cent or more of the total land area zoned for residential, commercial, or industrial use; or

(8) The application before the board would result in the commencement of construction of such housing on sites comprising more than three tenths of one per cent of such land area or ten acres, whichever is larger, in any one calendar year; provided, however, that land area owned by the United States, the commonwealth, or any political subdivision thereof, or any public authority, shall be excluded from the total land area referred to above when making such determination of consistency with local needs."

The amendment was rejected.

Ms. St. Fleur of Boston then moved that the bill be amended by inserting after section 7A (inserted by amendment) the following section:

"SECTION 7B. Section 32C of Chapter 140 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the words 'from time to time' and inserting the word:—annually."

The amendment was rejected.

The same member then moved that the bill be amended in section 6 (as printed), by inserting after subparagraph (c)(1)vi the following:

"vii. Manufactured Housing Units: manufactured housing units that are inspected annually and found to comply with the state sanitary code and occupied as a permanent residence by a low or moderate-income household that does not pay more than 30 per cent of its annual income for housing expenses shall be eligible to be included toward up to 5 per cent of a city or town's affordable housing threshold. Each city or town shall certify annually to the department of housing and community development the number of manufactured housing units within its borders that meet these criteria in order for these units to be counted toward the city or town's affordable housing threshold."

The amendment was rejected.

Ms. St. Fleur then moved that the bill be amended in section 6 (as printed), in lines 181 to 196, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

Affordable
housing.

"ii. Homeownership Units: (a) for housing units developed prior to the effective date of this act, only the housing units restricted to serve low or moderate-income households shall be eligible to be included toward the city or town's affordable housing threshold; (b) after the effective date of this act, if at least 25 percent of housing units within a development are restricted to serve low or moderate-income households, 2 times the actual number of such restricted units, not to exceed the total number of homeownership units authorized by the permit shall be included toward the city or town's affordable housing threshold or (c) after the effective date of this act, if at least 20 percent of housing units within a development serve households earning at or below 50 percent of area median income, 2 times the actual number of units serving such households, not to exceed the total number of homeownership units authorized by the permit shall be included toward the city or town's affordable housing threshold. If fewer than 25 percent of housing units within a development are restricted to serve low or moderate-income households, only such units which are restricted to serve low or moderate-income households shall be eligible to be included toward the city or town's affordable housing threshold;"

The amendment was rejected.

Mr. Honan of Boston then moved that the bill be amended in section 4 (as printed), in line 10, by inserting after the word "units", in line 10, the words ", as enumerated in the most recent federal decennial census,"; by striking out, in line 26, the word "unit" and inserting in place thereof the words "community housing unit or bed"; by striking out, in line 34, the words "or town" and inserting in place thereof the words ",town or county"; by striking out, in lines 38 to 40, inclusive, the words "metropolitan statistical area, primary metropolitan statistical area, or the county in which the housing unit is located" and inserting in place thereof the words "county in which the housing unit is located or an area as defined by the United States Office of Management and Budget"; in section 5 (as printed), by inserting, in line 18, after the first instance of the word "the", the words "year round"; in line 22, by inserting after the word "more" the words "year round"; in line 28, by inserting after the figures "7,500" the words "year round"; in line 32, by inserting after the figure "5,000" the words "year round"; in line 36, by inserting after the figures "2,500" the words "year round"; in lines 45, 147, 161 and 167, in each instance, by inserting after the word "total" the words "year round"; in line 60, by inserting after the word "total" the words "year round housing"; in section 6, in lines 10 to 20, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"(i) The applicant shall be a public agency, a nonprofit organization, or be, or agree to become, limited dividend organization. An applicant shall satisfy the limited dividend organization requirement if the owner of the project stipulates in writing to execute a regulatory agreement with a subsidizing agency which limits the owner's return on building or operating the project to the amounts set by the subsidizing agency or program if a comprehensive permit is issued. Such regulatory agreement shall be recorded or filed prior to the

beginning of construction of the land records with the registry of deeds or land court in the registry district or district office of the land court in which the project is located."; in lines 163 and 181, by inserting after the word "Units" the word "Developments"; in lines 198 and 199, by striking out the words "restricted to occupancy by persons of" and inserting in place thereof the words "subject to a use restriction requiring occupancy by"; in line 230, by inserting after the figures "40" the words "and subject to a use restriction"; in line 246, by inserting after the word "town", the second time it appears, the words "supported by the evidence thereof"; in line 247, by inserting after the word "permit", the second time it appears, the words "which authorizes the creation of low or moderate income housing subject to a use restriction"; in line 250, by striking out the word "the" and inserting in place thereof the word "such"; in line 252, by striking out the word "the", the second time it appears, and inserting in place thereof the word "such", in line 257, by striking out the word "a" and inserting in place thereof the word "such"; in section 7 (as printed), by adding at the end thereof the following sentence: "Such fee shall be payable upon the filing of a comprehensive permit application."; and by striking out section 11 (as printed) and inserting in place thereof the following section:

"SECTION 8. This act shall take effect on December 1, 2004."

The amendments were adopted.

Ms. Wolf of Cambridge then moved that the bill be amended in section 6 (as printed), in line 238, by striking out the words "the department shall have the discretion to count such units pursuant to guidelines promulgated by the department toward a city or town's affordable housing threshold as recorded in the subsidized housing inventory" and inserting in place thereof the words: "only those housing units that continue to serve low or moderate-income households; provided further that if such units were constructed pursuant to a comprehensive permit under Chapter 40B they shall be eligible to be included toward the city or town's affordable housing threshold".

The amendment was adopted.

Mr. O'Brien of Kingston and other members of the House then moved that the bill be amended in section 6 (as printed), by adding after subsection (c)(1)viii the following subsection:

"ix. Manufactured Housing Units: 50% of the homes in a community, as defined by section 32Q of chapter 140, shall be eligible to be included toward the city or town's affordable housing threshold as documented on the subsidized housing inventory".

The amendment was adopted.

Mr. Hynes of Marshfield and other members of the House then moved that the bill be amended in section 5 (as printed), in line 4, by striking out the words "zoning board of appeals" and inserting in place thereof the words "planning board"; in line 12, by striking out the words "board of zoning appeals" and inserting in place thereof the words: "planning board"; and in line 22, by striking out the words "planning board" and inserting in place thereof the words "board of zoning appeals"; and by inserting after section 7A (inserted by amendment) the following section:

Affordable
housing.

"SECTION 7B. Section 21 of said chapter 40B, as so appearing, is hereby amended by striking out, in lines 3 and 4, the following: 'board of appeals, established under section twelve of chapter forty A' and inserting in place thereof the following: 'planning board, established under section 70 of chapter 41' and is hereby further amended by striking out, in lines 5, 9, 17, 20 and 24 the following: 'board of appeals' and inserting in place thereof, in each instance, the following: 'planning board'.

SECTION 7C. Section 22 of said chapter 40B, as so appearing, is hereby amended by striking out, in lines 7 and 10, the following: 'board of appeals' and inserting in place thereof, in each instance, the following: 'planning board'.

SECTION 7D. Section 23 of said chapter 40B, as so appearing, is hereby amended by striking out, in lines 4, 9, 23 and 30, the following: 'board of appeals' and inserting in place thereof, in each instance, the following: 'planning board'."

The amendments were adopted.

Mr. Hynes and other members of the House then moved that the bill be amended in section 5 (as printed), in line 9, by inserting after the word "spaces" the following words: "and the quality of drinking water supply and water resources."

The amendment was adopted.

Mr. Bradley of Hingham and other members of the House then moved that the bill be amended by inserting after section 7D (inserted by amendment) the following section:

"SECTION 7E. Seventy-five percent of assisted living units as defined under the General Laws requiring an entrance deposit and a monthly fee shall be considered as rental housing units."

The amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Honan of Boston; and on the roll call 153 members voted in the affirmative and 1 in the negative.

[See Ye and Nay No. 627 in Supplement.]

Therefore the bill (House, No. 4715, printed as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Regional
housing.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill promoting regional housing cooperation (House, No. 4241) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Subsequently, under suspension of the rules, on further motion of Mr. Honan, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act relative to regional housing cooperations."

Bill passed
to be
engrossed,
yea and nay
No 627.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Honan of Boston; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 628 in Supplement.]

Therefore the bill was passed to be engrossed. Sent to the Senate for concurrence.

Orders of the Day.

The House Bill relative to home ownership opportunities (House, No. 4708) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Honan of Boston; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 629 in Supplement.]

Therefore the bill (House, No. 4708) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill establishing municipal affordable housing trust funds (House, No. 4709) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Honan of Boston; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 630 in Supplement.]

Therefore the bill (House, No. 4709) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to housing in the Commonwealth (House, No. 4710) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Honan of Boston; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 631 in Supplement.]

Therefore the bill (House, No. 4710) was passed to be engrossed. Sent to the Senate for concurrence.

House bills

Relative to the discontinuance of a portion of Dock Lane in Beverly (House, No. 4189); and

Relative to the appointment of retired police officers in the city of Fitchburg (House, No. 4617);

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

Bill passed
to be
engrossed,
yea and nay
No 628.

Homeownership
opportunities.

Bill passed
to be
engrossed,
yea and nay
No 629.

Municipal
housing
trust
funds.

Bill passed
to be
engrossed,
yea and nay
No 630.

Housing
opportunities.

Bill passed
to be
engrossed,
yea and nay
No 631.

Beverly,
Dock Lane.

Fitchburg,
retired police.

Reports of Committees.

Notary
publics.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill granting authority over notary publics to the Secretary of State (House, No. 4595) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of Mr. Rogers, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Mr. Rodrigues of Westport moved that it be amended by adding at the end thereof the following two sections:

“SECTION 3. Section 15 of chapter 9 of the General Laws, as appearing in the 2002 Official Edition, is hereby repealed.

SECTION 4. Chapter 2 of the general laws is hereby amended by inserting after section 9, the following section:—

Section 9B. The secretary shall send by first class mail to every justice of the peace or notary public a notice of the time of expiration of his commission, not more than 60 days before such expiration.”.

The amendment was adopted; and the bill (House, No. 4595, amended) was ordered to a third reading.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at seventeen minutes after six o'clock P.M., on motion of Mr. Binienda of Worcester (the Speaker being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.