

## **JOURNAL OF THE HOUSE.**

**Monday, July 7, 2003.**

Met at seven minutes after eleven o'clock A.M.

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

Eternal God, we believe in You, we place our trust in You and in Your mysterious ways of dealing with us, which we often find difficult to understand and accept. As we live our daily lives, help us to remain faithful to You, our philosophical ideals, our religious faith and our high ethical standards. Your guidance and assistance enables us to address correctly and fairly the current needs of the people and the complex issues of our diverse society. As legislators, inspire us to build confidence in the relevance of our basic institutions, which help us to establish peace, civility and stability in our changing society and culture.

Grant Your blessings to 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.

### **Message from the Governor.**

A message from His Excellency the Governor recommending legislation relative to authorizing the Department of Highways to acquire certain parcels of land in the town of Bourne (House, No. 3943) was filed in the office of the Clerk on Thursday, July 3.

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

### **Statement Concerning Representative Costello of Newburyport.**

A statement of Mr. DiMasi of Boston concerning Mr. Costello of Newburyport 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 Costello of Newburyport, will not be present in the House Chamber for today's sitting due to a death in his family. Any roll calls that he may miss today will be due entirely to the reason stated.

### **Statement Concerning Representative Dempsey of Haverhill.**

A statement of Mr. DiMasi of Boston concerning Mr. Dempsey of Haverhill 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 Dempsey of Haverhill, will not be present in the House Chamber for today's sitting due to a family obligation. Any roll calls that he may miss today will be due entirely to the reason stated.

### **Statement Concerning Representative Fagan of Taunton.**

A statement of Mr. DiMasi of Boston concerning Mr. Fagan of Taunton 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 Fagan of Taunton, was not present in the House Chamber for today's sitting due to a previously scheduled family obligation. Had he been present for the taking of yea and nay number 137, he would have voted in the negative. On yea and nay numbers 138 through 155, he would have voted, in each instance, in the affirmative. Any roll calls that he missed today was due entirely to the reason stated.

### **Resolutions.**

Resolutions (filed with the Clerk by Ms. Rogeness of Longmeadow and other members of the House) on the occasion of the National Foundation for Women Legislators endorsement of President George W. Bush's Access to Recovery Initiative, were referred, under Rule 85, to the committee on Rules.

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

### **Papers from the Senate.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2028) of Michael W. Morrissey and Robert J. Nyman (by vote of the town) for legislation to authorize the town of Rockland to increase its hotel-motel tax to six percent to increase its capital improvement and stabilization funds. To the committee on Taxation.

Petition (accompanied by bill, Senate, No. 2029) of Stanley C. Rosenberg and Ellen Story (by vote of the town) for legislation to authorize local voting rights for permanent resident aliens residing in the town of Amherst. To the committee on Election Laws.

### **Engrossed Bills.**

The engrossed Bill validating the action taken at the annual town meeting held in the town of Winchendon (see House bill printed in House, No. 3933) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the Speaker and sent to the Senate.

The engrossed Bill authorizing the city of Medford to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3865, amended) (which originated in the House), 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.

### **Recesses.**

At twenty-three minutes after eleven o'clock A.M., on motion of Mr. Donato of Medford, the House recessed until one o'clock P.M.; and at twelve minutes after one o'clock the House was called to order with the Speaker in the Chair.

The House thereupon took a further recess, on motion of Ms. Rogeness of Longmeadow, until two o'clock; and at twenty-five minutes after two o'clock the House was called to order with the Speaker in the Chair.

### **Motion to Suspend Rule 24(2).**

Mr. Peterson of Grafton moved that Rule 24(2) be suspended so that he might offer the following order:

Ordered, That any vetoes by the Governor concerning House Bill 4004, the Fiscal Year 2004 General Appropriation Act, which are reported by the Committee on Ways and Means for consideration by the House be placed on the Calendar for consideration by the House at its next formal session.

The motion to suspend Rule 24(2) prevailed.

After remarks on the question on adoption of the order, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 24 members voted in the affirmative and 129 in the negative.

[\[See Yea and Nay No. 137 in Supplement.\]](#)

Therefore the order was rejected.

### **Reports of a Committee.**

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4005), returning with His disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 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 (see House, No. 4004), reported, in part, in each instance, that certain items (contained in section 2) and certain sections stand (as passed by the General Court).

Under suspension of the rules, in each instance, on motion of the same member, the following sections were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

Section 129, which had been vetoed by the Governor, was considered, as follows:

“SECTION 129. The second paragraph of section 2H of said chapter 29 as appearing in subsection A of section 13 of chapter 177 of the acts of 2001, is hereby amended by striking out, in line 2, the figure ‘10’ and inserting in place thereof the following figure: — 15.”.

After debate, the question on passing said section, notwithstanding the objections of the

Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 131 members voted in the affirmative and 23 in the negative.

**[See Yea and Nay No. 138 in Supplement.]**

Therefore section 129 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 167, which had been vetoed by the Governor, was considered, as follows:

“SECTION 167. Said chapter 29 is hereby further amended by striking out section 9C, as amended by section 3 of chapter 1 of the acts of 2003, and inserting in place thereof the following section: —

Section 9C. Whenever, in the opinion of the commissioner of administration, available revenues as determined by him from time to time during any fiscal year under section 5B will be insufficient to meet all of the expenditures authorized to be made from any fund, whether by appropriation or distribution, he shall within 5 days notify in writing the governor and the house and senate committees on ways and means of the amount of such probable deficiency of revenue and the governor shall, within 15 days after such notification, reduce allotments under section 9B, and submit in writing a report stating the reason for and effect of such reductions, or submit to the general court specific proposals to raise additional revenues by a total amount equal to such deficiency. Any action challenging the legality of an allotment reduction pursuant to this section shall be commenced in the supreme judicial court for Suffolk county.

Whenever the governor reduces allotments under the preceding paragraph, the governor shall notify the house and senate committees on ways and means in writing 15 days before any alterations to the original allotment reduction plan. Any alterations to the original allotment reduction plan that would seek to increase an allotment must provide an equal reduction in other allotments or propose to raise additional revenues to total the amount of the allotment increase.

As an alternative to the submission of such proposals to raise additional revenues and to the extent funds are available, the governor may recommend an appropriation equal to such deficiency from the Commonwealth Stabilization Fund in the manner provided in section 2H.”.

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

**[See Yea and Nay No. 139 in Supplement.]**

Therefore section 167 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 163, which had been vetoed by the Governor, was considered, as follows:

“SECTION 163. Section 5B of said chapter 29, is hereby further amended by striking out the last paragraph, as amended by section 42 of chapter 184 of the acts of 2002, and inserting in

place thereof the following paragraph:—

On or before January 15, the commissioner shall meet with the house and senate committees on ways and means and shall jointly develop a consensus tax revenue forecast for the budget for the ensuing fiscal year which shall be agreed to by the commissioner and said committees. In developing such a consensus tax revenue forecast, the commissioner and said committees, or subcommittees of said committees, are hereby authorized to hold joint hearings on the economy of the commonwealth and its impact on tax revenue forecasts; provided, however, that in the first year of the term of office of a governor who has not served in the preceding year, said parties shall agree to the consensus tax revenue forecast not later than January 31 of said year. Said consensus tax estimate shall be net of the amount necessary to transfer, from the General Fund to the Commonwealth's Pension Liability Fund, to fully fund the system according to the schedule established pursuant to paragraph (1) of section 22C of chapter 32. Said consensus tax estimate shall also include an estimate of taxes collected pursuant to chapter 62 for capital gain income, as defined therein. The department of revenue shall report on a monthly basis to the house and senate committees on ways and means and the joint committee on taxation the amount of revenues estimated to be collected in that month from capital gains income. Said consensus tax revenue forecast shall be included in a joint resolution and placed before the members of the general court for their consideration. Such joint resolution, if passed by both branches of the general court, shall establish the maximum amount of tax revenue which may be considered for the general appropriation act for the ensuing fiscal year.”.

After debate, the question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 118 members voted in the affirmative and 35 in the negative.

**[See Yea and Nay No. 140 in Supplement.]**

Therefore section 163 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 176, which had been vetoed by the Governor, was considered, as follows:

“SECTION 176. The first paragraph of subsection (1) of section 22C of chapter 32 of the General Laws, as most recently amended by section 5 of chapter 46 of the acts of 2002, is hereby further amended by striking the first sentence and inserting in place thereof the following two sentences:— In each fiscal year, there shall be transferred from the General Fund by the comptroller, without further appropriation, to the Commonwealth's Pension Liability Fund the amount necessary to fully fund the system as determined by the schedule set forth in this section, including, without limitation, the amounts required under section 104. The comptroller may make such transfer in increments during the fiscal year as he deems appropriate to meet the cash flow needs of the commonwealth.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 119 members voted in the affirmative and 35 in the negative.

**[See Yea and Nay No. 141 in Supplement.]**

Therefore section 176 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 177, which had been vetoed by the Governor, was considered, as follows:

“SECTION 177. Said subsection (1) of said section 22C of said chapter 32, as most recently amended by section 5 of said chapter 46, is hereby further amended by inserting after the word ‘appropriations’, in line 47, the following words:— or transfers.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 119 members voted in the affirmative and 35 in the negative.

**[See Yea and Nay No. 142 in Supplement.]**

Therefore section 177 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 178, which had been vetoed by the Governor, was considered, as follows:

“SECTION 178. The second paragraph of said subsection (1) of said section 22C of said chapter 32, as amended by section 4 of chapter 118 of the acts of 2002, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:— If said schedule is not so approved such payments or transfers shall be made in accordance with the most recent three year actuarial valuation which was so approved; provided, that such payments shall be an amount which is not less than the then previous year’s appropriations, or transfers.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 131 members voted in the affirmative and 23 in the negative.

**[See Yea and Nay No. 143 in Supplement.]**

Therefore section 178 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 179, which had been vetoed by the Governor, was considered, as follows:

“SECTION 179. The last paragraph of said subsection (1) of said section 22C of said chapter 32, added by section 17 of chapter 177 of the acts of 2001, is hereby amended by inserting after the word ‘appropriations’, in line 2, the following words: — or transfers.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 119 members voted in the affirmative and 35 in the negative.

**[See Yea and Nay No. 144 in Supplement.]**

Therefore section 179 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 594, which had been vetoed by the Governor, was considered, as follows:

“SECTION 594. The amounts transferred pursuant to section 5B of chapter 29, as amended by this act, shall be made available for the Commonwealth’s Pension Liability Fund established under section 22 of chapter 32 of the General Laws. The amounts transferred pursuant to said section 5B of said chapter 29 shall meet the commonwealth’s obligations under section 22C of said chapter 32, including retirement benefits payable by the state employees’ and the state teachers’ retirement systems, for the costs associated with a 3 per cent cost-of-living adjustment pursuant to section 102 of said chapter 32, the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to section 102 of said chapter 32, and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984.

Notwithstanding said section 22C of said chapter 32, the amounts transferred shall be the scheduled amount less amounts satisfied by asset transfers for said purpose as required by this act. Subject to the rules and regulations promulgated by the treasurer, the state retirement board and each city, town, county and district shall verify the cost thereof and the treasurer may make such payments upon a transfer of funds to reimburse certain cities and towns for pensions to retired teachers and including any other obligations which the commonwealth has assumed on behalf of any retirement system other than the state employees’ or state teachers’ retirement systems and including the commonwealth’s share of the amounts to be transferred pursuant to section 22B of said chapter 32 and the amounts to be transferred pursuant to subsection (a) of the last paragraph of section 21 of chapter 138 of the General Laws. All payments for the purposes described in this item shall be made only pursuant to distribution of monies from the fund, and any such distribution and the payments for which distributions are required shall be detailed in a written report filed quarterly by the commissioner of administration with the house and senate committees on ways and means and the joint committee on public service in advance of such distribution. Such distributions shall not be made in advance of the date on which a payment is actually to be made. The state retirement board may expend an amount for the purposes of the higher education coordinating council’s optional retirement program pursuant to section 40 of chapter 15A of the General Laws. To the extent that the amount transferred pursuant to section 5B of said chapter 29 exceeds the amount necessary to adequately fund the annual pension obligations, the excess amount shall be credited to the Pension Reserves Investment Trust Fund of the commonwealth for the purpose of reducing the unfunded pension liability of the commonwealth.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 154 members

voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 145 in Supplement.]**

Therefore section 594 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Under suspension of the rules, in each instance, on motion of Ms. St. Fleur of Boston, the following items were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

Item 7100-0500 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“7100-0500 For the operation of the board of higher education’s Commonwealth College honors program at the University of Massachusetts at Amherst 1,715,000”.

After debate, the question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 143 members voted in the affirmative and 11 in the negative.

**[See Yea and Nay No. 146 in Supplement.]**

Therefore item 7100-0500 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7030-1005 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“7030-1005 For early intervention individual tutorial literacy programs designed as a pre-special education referral and short term intervention for children who are at risk of failing to read in the first grade; provided, that such programs shall be research-based with proven long term results, including identifying students in need of additional help not later than mid-first grade, providing ongoing training and support to program teachers, and including ongoing documentation and evaluation of results 1,910,788”.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 129 members voted in the affirmative and 23 in the negative.

**[See Yea and Nay No. 147 in Supplement.]**

Therefore item 7030-1005 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the



Senate for its action.

Item 7030-1003 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“7030-1003 For the John Silber early literacy program and teacher training to promote research based school-wide literacy education and to promote literacy among children in grades K through three in the commonwealth; provided, that the office of school readiness shall administer said early literacy grant programs to improve the quality and effectiveness of literacy education in the commonwealth to the greatest extent possible, which shall include maintaining support for existing BayState readers schools and providing additional funds for new schools to participate in said program; provided further, that such early literacy education programs shall be based on a scientifically-based reading research program consistent with the federal Reading First Initiative, so-called, may be correlated to the National Reading Panel’s Report on Teaching Children to Read, may be integrated easily into the classroom by managing automatic student rotation, and may provide for authentic assessments including recorded portfolios of student’s oral reading; provided further, that such school-wide literacy education programs shall provide for the evaluation and tracking of all students’ reading and writing skills annually for at least three years, shall include measurable goals and benchmarks, shall be lead by a school-based planning team which includes teaching faculty and the school principal, shall provide for the training of teachers in effective strategies for reading instruction and shall include a school-wide literacy coordinator who shall be responsible for the coordination and training of other school staff; provided further, that \$225,000 shall be expended for JFY.net, so-called, a Jobs for Youth initiative for high technology, literacy and job skill instruction to youth and adults through advanced software and existing infrastructure capacity in schools and community agencies; provided further, that the department shall establish guidelines for said grant programs consistent with the federal Reading First Initiative, so-called; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district, without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that funds shall be expended for the BayState Readers Initiative, so-called, modeled on the research-based best practices of the Alabama Reading Initiative; provided further, that said initiative shall provide for the training of teachers in effective strategies for reading instruction and shall otherwise be consistent with the overall purpose of this item and with the Reading First Initiative, so-called; provided further, that in its evaluation of applications for said initiative, said office may take into consideration schools’ cumulative grade four MCAS scores; provided further, that funds appropriated herein for said initiative may be expended through August 31, 2004; provided further, that not more than \$500,000 shall be made available for matching grants to fund the Reach Out and Read program, so-called, to provide books to at-risk children in the commonwealth through book distribution programs established in community health centers, medical practices and hospitals for at-risk children; provided further, that the funds distributed through the Reach Out and Read program shall be contingent upon a match of not less than \$1 in private or corporate contributions for every dollar in state funding distributed through said grant program; and provided further, that such program shall supplement currently funded local, state and federal programs at the school or district 3,892,994”.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 15 in the negative.

**[See Yea and Nay No. 148 in Supplement.]**

Therefore item 7030-1003 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

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

“7030-1002 For kindergarten development grants to provide ongoing grant awards to continue quality enhancement of existing full day kindergarten classrooms and to encourage the transition of half day classrooms into full day kindergarten classrooms; provided, that the office of school readiness shall administer a grant program to encourage the voluntary expansion of high quality, full day kindergarten education throughout the commonwealth; provided further, that grants of not more than \$18,000 per classroom shall be made available to public schools for the enhancement of existing full day kindergarten classrooms and for the transition of existing half day kindergarten classrooms into full day kindergarten classrooms; provided further, that said grants shall be awarded pursuant to guidelines established by the department relative to the application and award process which shall include eligibility criteria, allowable grant expenditures and grant recipient obligations; provided further, that guidelines for transition grants shall require applicants for such grants to identify obstacles that impede the transition to full day kindergarten; provided further, that the guidelines shall require grant recipients to identify the anticipated date by which the implementation of quality enhancement or transition projects shall commence; provided further, that the guidelines shall detail the range of permissible grant expenditures which shall include, but not be limited to, the expenditure of funds for facility improvements or other expenses necessary to provide adequate space for the transition from half day kindergarten classrooms into full day kindergarten classrooms; provided further, that grants funded through this appropriation shall not annualize to more than \$18,000 per classroom in subsequent fiscal years; provided further, that preference shall be given to grant applicants with high percentages of students scoring in levels 1 or 2 on the Massachusetts comprehensive assessment system exam, so-called, as determined by the department based on available data; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that such program shall supplement and shall not supplant currently funded local, state and federal programs at the school or district; provided further, that not later than January 15, 2004 the department shall report to the house and senate committees on ways and means on the total number of enhancement and transition grants requested and awarded; provided further, that the report shall detail common factors associated with both successful and unsuccessful applications and shall include the total number of full day and half day kindergarten classrooms projected to be in operation in Massachusetts

public schools in fiscal year 2005; provided further, that funds appropriated in this item for transition grant awards may be expended through August 31, 2004 for the purposes of transition projects scheduled for the school year beginning in September, 2004; and provided further, that the department may expend not more than \$200,000 to administer the grants program established herein 23,000,000”.

[The Governor reduced the item to \$13,000,000 and disapproved the following wording: “; provided further, that not later than January 15, 2004 the department shall report to the house and senate committees on ways and means on the total number of enhancement and transition grants requested and awarded; provided further, that the report shall detail common factors associated with both successful and unsuccessful applications and shall include the total number of full day and half day kindergarten classrooms projected to be in operation in Massachusetts public schools in fiscal year 2005;

After debate the question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 141 members voted in the affirmative and 12 in the negative.

**[See Yea and Nay No. 149 in Supplement.]**

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

Under suspension of the rules, on motion of Mr. Pedone of Worcester, item 7007-0500 (contained in section 2), which had been vetoed by the Governor, was considered; and the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

“7007-0500 For the operation and maintenance of the Massachusetts Biotechnology Research Institute for the purpose of promoting the commercialization of new, academic-based research and development, and raising the scientific awareness of the communities of the commonwealth 200,000”.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 135 members voted in the affirmative and 19 in the negative.

**[See Yea and Nay No. 150 in Supplement.]**

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

Under suspension of the rules, on motion of Mr. Correia of Fall River, item 1599-3857 (contained in section 2), which had been vetoed by the Governor, was considered; and the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

“1599-3857 For capital lease payments from the university of Massachusetts to the Massachusetts development finance agency and for annual operations of the advanced technology and manufacturing center in Fall River 550,442”.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 130 members voted in the affirmative and 23 in the negative.

**[\[See Yea and Nay No. 151 in Supplement.\]](#)**

Therefore item 1599-3857 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Under suspension of the rules, on motion of Ms. St. Fleur of Boston, item 7066-0009 (contained in section 2), which had been vetoed by the Governor, was considered; and the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

“7066-0009 For the New England Board of Higher Education 367,402”.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 20 in the negative.

**[\[See Yea and Nay No. 152 in Supplement.\]](#)**

Therefore item 7066-0009 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Under suspension of the rules, on motion of Mr. Koczera of New Bedford, item 1108-5200 (contained in section 2), which had been reduced by the Governor, was considered; and the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

“1108-5200 For the commonwealth’s share of the group insurance premium and plan costs incurred in fiscal year 2004; provided, that the secretary of administration and finance shall charge the division of unemployment assistance and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided further, that prior year costs incurred by the state indemnity health insurance plan and the preferred provider organization shall be funded from this item; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means the amounts expended from this item for said prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the

secretary of administration and finance may charge all agencies for the commonwealth's share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than one year; provided further, that the amounts received in payment for such charges shall be credited to the General Fund; provided further, that notwithstanding section 26 of chapter 29 of the General Laws, the commission may negotiate, purchase and execute contracts before July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of said chapter 32A and for the purposes of section 14 of said chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commonwealth's share of the group insurance premium for active employees upon retirement shall be 85 per cent; provided further, that notwithstanding section 8 of chapter 32A of the General Laws, the commonwealth's share of such premiums for active state employees and their dependents whose salary, as determined by the group insurance commission in consultation with the human resources division and the office of the state comptroller, is between \$0 and \$34,999 shall be 85 per cent of such premiums and rates; provided further, that the commonwealth's share of such premiums for active state employees and their dependents whose salary, as determined by the group insurance commission in consultation with the human resources division and the office of the state comptroller, is \$35,000 and greater shall be 80 per cent of such premiums and rates; provided further, that the preceding provisions pursuant to employee contributions shall sunset June 30, 2005 at which time the commonwealth's share of such premiums for active state employees and their dependents shall be 85 per cent; provided further, that the commonwealth's share of such premiums for active state employees and their dependents who are hired after June 30, 2003 shall be 75 per cent of such premiums and rates; provided further, that notwithstanding any general or special law to the contrary, during fiscal year 2004, said commission shall continue to provide health insurance coverage for employees and members of the board of bar examiners, both full-time and part-time, that were employed by said board as of January 1, 2003 consistent with coverage provided to state employees pursuant to this item; and provided further, that the commission shall notify the house and senate committees on ways and means by March 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year 756,569,003".

[The Governor reduced the item to \$756,539,003 and disapproved the following wording: “; provided further, that the preceding provisions pursuant to employee contributions shall sunset June 30, 2005 at which time the commonwealth's share of such premiums for active state employees and their dependents shall be 85 per cent”; and “; provided further, that notwithstanding any general or special law to the contrary, during fiscal year 2004, said commission shall continue to provide health insurance coverage for employees and members of the board of bar examiners, both full-time and part-time, that were employed by said board as of January 1, 2003 consistent with coverage provided to state employees pursuant to this item”.]

After debate, the question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 130 members voted in the affirmative and 23 in the negative.

**[See Yea and Nay No. 153 in Supplement.]**

Therefore item 1108-5200 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Under suspension of the rules, on motion of Mr. Rogers of Norwood, section 161, which had been vetoed by the Governor, was considered; and the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

“SECTION 161. Said chapter 29 is hereby further amended by striking out section 3A and inserting in place thereof the following section:—

Section 3A. Any officer having charge of any state agency which receives a periodic appropriation from the commonwealth, or any officer of a state authority or commission, shall upon the request of any standing committee of the house or senate, or of any joint standing committee of the general court, furnish in writing to such committee, in a format prescribed by such committee, any information requested by such committee that is necessary for the committee to perform its duties. The information shall include, but not be limited to, historical, current or proposed operational costs funded through any appropriation, capital accounts, federal grants, trust funds or other funding sources, the officer’s estimate of the cost of proposed legislation affecting activities which are or would be under his supervision, estimates of and reasons for any supplemental funding that is projected to be needed during the fiscal year, estimates of revenue collections, estimates of proposed changes in fees or taxes, and any other such information as may be required by the committee. Such estimates shall be provided to such committee within 10 days of the receipt of such a request by the officer. If the officer fails to respond within 10 days, the matter shall be referred to the house or senate committee on post audit and oversight which shall, in conjunction with the committee that originally requested the information, determine if further action is necessary.”.

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

**[See Yea and Nay No. 154 in Supplement.]**

Therefore section 161 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Under suspension of the rules, on motion of Ms. St. Fleur of Boston, section 683, which had been vetoed by the Governor, was considered; and the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

“SECTION 683. Chapter 15A of the General Laws is hereby amended by striking out section 4, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:—

Section 4. (a) The board of higher education, hereinafter referred to as the board, shall be composed of 11 voting members, consisting of the commissioner of education, ex officio, 7 members appointed by the governor reflecting regional geographic representation, and 3 members chosen to represent public institutions of higher education. Of the appointed members,

at least 1 shall be a representative of organized labor, at least 1 shall be a representative of the business community, and 1 shall be a member whom the governor shall choose from among not more than 3 full-time undergraduate students who shall be nominated, and who are currently enrolled in a public institution set forth in section 5. Nominated students shall have maintained satisfactory academic progress as determined by the policy of the institution at which such student is enrolled. Nominations shall be submitted by student members of the board of trustees for each such institution who, for the purpose of this section, shall be referred to as the student advisory committee. Such nominations may include, but not be limited to, students elected as trustees in accordance with the provisions of section 21. Of the 3 members chosen to represent public institutions of higher education, 1 shall be a member of the board of trustees of the state university selected by the chair of the board of trustees for the university, 1 shall be a member of a board of trustees of a state college chosen by vote of the chairs of the boards of trustees of each of the state colleges, and 1 shall be a member of a board of trustees of a community college chosen by vote of the chairs of the boards of trustees of each of the community colleges. For the purposes of this section the Massachusetts College of Art and the Massachusetts Maritime Academy shall be deemed to be state colleges. There shall be an office of the board consisting of a chancellor and employees appointed by the board.

(b) Members of the board shall be appointed to serve 5-year terms, except that the undergraduate student members shall be appointed annually to serve terms of 1 year commencing initially upon appointment by the governor and expiring on April 30 and each year thereafter commencing on May 1 and expiring on April 30 as long as the member remains a full-time undergraduate throughout his 1-year term. Within 3 consecutive years, the student appointee shall in the first year be a student attending the state university, in the second year, shall be a student attending a community college and, in the third year, shall be a student attending a state college. This cycle shall repeat. Each of the student government associations at each of the public institutions may submit to the student advisory committee an individual nominated to be the undergraduate student member of the board. All guidelines for procedures and deadlines for the selection process of the undergraduate board members shall be established by the student advisory committee, except as provided in this section. No member shall be appointed for more than 2 consecutive terms, except that a student member may serve for only 1 term. Upon expiration of the term of office of a member, a successor shall be appointed in like manner. A vacancy shall be filled by the governor for the remainder of the term, except that if a member chosen to represent the public institutions of higher education ceases to be a member, the resultant vacancy shall be filled for the remainder of the term by the chairs of the boards of trustees of the public institutions in the same manner as in paragraph (a). The chairperson of the board, who shall be appointed by the governor, shall notify the governor whenever a vacancy exists. The board shall have an executive committee and such other committees as the board may from time to time establish.

(c) The members of the board shall serve without compensation but shall be reimbursed for all expenses reasonably incurred in the performance of their duties.

(d) No member of the board shall be principally employed within the public higher education system of the commonwealth. Not more than one third of the members shall be principally employed by the commonwealth. A member of the board shall cease to be a member if such member ceases to be qualified for appointment or if he is absent from 5 regularly scheduled meetings during a calendar year.

(e) A person affiliated with an independent institution of higher education shall be eligible for

membership on the board. No member of the board shall be found to be in violation of section 6 of chapter 268A for conduct which involves his participation, as a member of the board, in a particular matter before the board which may affect the financial interest of an independent institution of higher education with which he is affiliated; provided, however, that the member, his immediate family or partner has no personal and direct financial interest in the particular matter; and provided further, that such affiliation is disclosed to the board and recorded in the minutes of the board.

(f) The board shall meet 6 times per year, and at least once every 2 months, omitting meetings in the months of July and August; the chair may call additional meetings at other times.

(g) Six members of the board shall constitute a quorum and the affirmative vote of 6 members shall be necessary for any action taken by the board.

(h) All members of the board appointed by the governor shall be appointed according to section 18B of chapter 6.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 130 members voted in the affirmative and 23 in the negative.

**[\[See Yea and Nay No. 155 in Supplement.\]](#)**

Therefore section 683 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Mr. Larkin of Pittsfield, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2014) of the House Bill providing relief and flexibility to municipal officials (House, No. 4003), reported, in part, a Bill providing relief and flexibility to municipal officials (House, No. 3944). Placed in the Orders of the Day for the next sitting, the question being on acceptance.

**Order.**

On motion of Mr. Flynn of Bridgewater,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at twelve o'clock noon.

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Mr. Nyman of Hanover then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to consideration of the matter in the Orders of the Day, at twenty-nine minutes after six o'clock P.M. the House adjourned, to meet tomorrow at twelve o'clock noon.



