

JOURNAL OF THE HOUSE.

Tuesday, July 15, 2003.

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: With hope and trust in You, we turn our thoughts and attention to You, God Our Creator, and to the relevance of spiritual values in our daily living, in dealing justly with others and in formulating personal and legislative decisions. In recognizing and accepting Your ways, which are not always identified to our own, we can achieve that peace of mind and spirit which You offer to us daily. In Your goodness, help us to clarify today's culture and values by holding in the highest esteem the importance of each individual person, personal responsibility for personal choices and the obligation of promoting the common good, by a common effort. In these unusual times teach us to have an open mind to new and accurate information, a willingness to listen to others and the humility to recognize our own deficiencies. 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.

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. Any roll calls that he missed today is due entirely to the reason stated.

Statement of Representative Fox of Boston.

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

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

Statement Concerning Representative George of Yarmouth.

A statement of Mr. Jones of North Reading concerning Mr. George of Yarmouth 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 George of Yarmouth, will not be present in the House Chamber for today's sitting due to illness. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement of Representative Toomey of Cambridge.

A statement of Mr. Toomey of Cambridge 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 Representatives Blumer of Framingham, Wolf of Cambridge and I were not present in the House Chamber for a portion of today's sitting due to our attendance at a press conference regarding bilingual education. Any roll calls that we missed today is due entirely to the reason stated.

Statement of Representative Travis of Rehoboth.

A statement of Mr. Travis of Rehoboth was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will be unable to be present in the House Chamber for the remainder today's sitting due to a previously scheduled commitment outside the State House. If I could be present for the vote on passing to be engrossed House Bill 3950, I would vote in the affirmative. Any roll calls that I may miss is due entirely to the reason stated.

Statement of Representative Verga of Gloucester.

A statement of Representative Verga of Gloucester was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not able to be present in the House Chamber for a portion of today's sitting due to a previously scheduled medical appointment. Any roll calls that I may have missed today is due entirely to the reason stated.

Petition.

Mr. Murphy of Burlington presented a petition (accompanied by bill, House, No. 3954) of Charles A. Murphy and Robert A. Havern (by vote of the town) that the town of Burlington be authorized to establish a fee for the parking of certain motor vehicles in said town; and the same was referred to the committee on Taxation. Sent to the Senate for concurrence.

Paper from the Senate.

A Bill authorizing the city of Lawrence to use certain park land for school purposes (Senate, No. 2022, amended in section 1, in line 6, by striking out the date "March 3" and inserting in place thereof the date "July 14") (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.

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

Reports of Committees.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the use of park land in the town of Swampscott for school purposes (printed as Senate, No. 2015) [Local Approval Received] be scheduled for consideration by the House.

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

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Maynard to issue additional alcoholic beverages licenses (House, No. 3904) be scheduled for consideration by the House.

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

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

Punishing the failure to report certain fires (Senate, No. 1281);

Requiring the appointment of 2 call or volunteer firefighters on the Massachusetts Fire Training Council (Senate, No. 1291) [Representatives Toomey of Cambridge, Atsalis of Barnstable, Reinstein of Revere and Donelan of Orange, of the committee on Public Safety, dissenting].

Requiring the appointment of a call or volunteer firefighter on the Massachusetts Fire Service Commission (Senate, No. 1292) [Representatives Toomey of Cambridge, Atsalis of Barnstable, Reinstein of Revere and Donelan of Orange, of the committee on Public Safety, dissenting]; and

Designating a portion of state highway Route 2 as the Johnny Appleseed Trail (Senate, No. 1621); and

House bills

To discourage fraud (House, No. 921);

Prohibiting discrimination against veterans in employment (House, No. 1053); and

Placing the fire department of the town of Dracut under the civil service law (House, No. 3903) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting for a second reading.

Orders of the Day.

House bills

Designating Regatta Field in the city of Lowell as the Anne Dean Welcome Field (House, No. 1535) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the use of the name of financial institutions (House, No. 1623);

Relative to the preliminary elections in the city of Malden in the year 2003 (House, No. 3740) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of Mashpee to convey certain conservation land (House, No. 3846);

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

The Senate Bill designating a portion of state highway routes 1A and 133 in the towns of Newbury, Rowley, Ipswich and Essex and the cities of Newburyport and Gloucester as a scenic byway (Senate, No. 1898); and

House bills

Relative to the use of motorcyclist's head gear in parades (House, No. 206, changed);

Further regulating the use of lights on motor vehicles (House, No. 1739);

Relative to speed limits in cities and towns (House, No. 1917);

Establishing an affordable housing trust fund in the city of Salem (House, No. 3735);

Designating certain Metropolitan District Commission property in the city of Boston as the Guido Salvucci Bocci Court (House, No. 3883); and

Relative to the appointment of retired police officers as special police officers in the town of Acushnet (House, No. 3923);

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

House reports

Of the committee on Banks and Banking, ought NOT to pass, on the petition (accompanied by bill, House, No. 97) of Bruce J. Ayers that banking and lending institutions be required to issue monthly statements to mortgage loan customers; and

Of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 979) of James H. Fagan relative to the suspension of licenses to operate motor vehicles for driving under the influence of intoxicating liquor;

Severally were accepted.

The House Bill authorizing the Division of Capital Asset Management and Maintenance to convey an easement in certain land located in the town of Concord (House, No. 1375, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Atkins of Concord moved that it be amended by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith grant an easement in certain lands located in the town of Concord for highway purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted; and the bill (House, No. 1375, amended) was passed to be engrossed. Sent to the Senate for con-currence.

The House Bill establishing a sick leave bank for Richard F. Ryan III, an employee of the Trial Court of the Commonwealth (House, No. 2272) (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.

Pending the question on passing the bill to be engrossed, Mr. Walsh of Boston moved that it be amended by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trail court, therefore it is

hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendment was adopted; and the bill (House, No. 2272, amended) was passed to be engrossed. Sent to the Senate for con-currence.

The House report of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 3383) of Bradley H. Jones, Jr. and other members of the House that the Department of Correction be directed to study the efficacy of therapeutic chemical intervention of persons convicted of certain crimes, was considered.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Jones of North Reading.

At twenty-two minutes after eleven o'clock A.M., on motion of Mrs. Walrath of Stow, the House recessed until the hour of one o'clock P.M.; and at six minutes after one o'clock that time the House was called to order with Mr. DiMasi of Boston in the Chair.

The House Bill providing for investments in emerging technologies to stimulate job creation and economic opportunity in the Commonwealth (House, No. 3950) (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.

Pending the question on passing the bill to be engrossed, Mr. Flynn of Hanover asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. DiMasi of Boston), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

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

[See Yea and Nay No. 298 in Supplement.]

Therefore a quorum was present.

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

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

[See Yea and Nay No. 299 in Supplement.]

Therefore a quorum was present.

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

“SECTION 31. Notwithstanding any general or special law to the contrary, the joint committee

on taxation shall study the feasibility of implementing a policy by which the governor may in each tax year reduce the sales tax to an amount not lower than 1 per cent for up to 2 days in said years; provided further, that the governor must give a minimum of six weeks notice to merchants and retailers before implementing said temporary sales tax decrease; provided further, that said committee shall consult merchants and retailers in the course of said study; provided further, that said committee shall ask the commissioner of revenue to determine the best manner in which said temporarily decreased sales taxes may be collected; provided further, that the governor may not implement said temporary sales tax decrease between the dates November 15 through December 31 in any tax year. Said committee shall report its findings to the House committee on ways and means, the Senate committee on ways and means, and the clerks of the House and the Senate no later than February 15, 2004.”.

Mr. Marzilli of Arlington thereupon raised a point of order that the amendment offered by the gentleman from Auburn was improperly before the House for the reason that it went beyond the scope of the pending bill as reported by the committee on Ways and Means.

The Chair (Mr. DiMasi of Boston) stated that the point of order was well taken; and the amendment was laid aside accordingly.

Mr. Jones of North Reading, thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Peterson of Grafton.

The question was then put “Shall the decision of the Chair stand as the judgment of the House?”.

Mr. Jones of North Reading then asked for a count of the House to ascertain if a quorum was present. A quorum not being in attendance, the Chair (Mr. DiMasi) directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 154 members were recorded as being in attendance.

[See Yea and Nay No. 300 in Supplement.]

Therefore a quorum was present.

After debate on the appeal from the decision of the Chair (Mr. Tobin of Quincy being in the Chair), the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 133 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 301 in Supplement.]

Therefore the decision of the Chair was sustained.

Representatives St. Fleur of Boston and Sanchez of Boston moved that the bill be amended in section 7 (as printed) by inserting after the word “labor,” in line 13, the words: — “, and the joint committee on education, arts and humanities”; and the amendment was adopted.

Ms. St. Fleur of Boston and other members of the House moved that the bill be amended by striking out section 22 (as printed) and inserting in its place the following:—

“SECTION 7. Chapter 29 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by adding the follow-ing section:

Section 2LLL. (a) There is hereby established and set up on the books of the Commonwealth a separate fund to be known as the Massachusetts mathematics, science, technology and engineering grant fund, hereinafter referred to as the pipeline fund, to which shall be credited

any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto, and such additional funds as may be designated by the corporation for deposit to the pipeline fund, including any pension funds, federal grants or loans, or private donations made available to the chancellor of higher education for this purpose. The board of higher education shall hold the pipeline fund in an account or accounts separate from other funds or accounts. Amounts credited to the fund shall be used by the chancellor of higher education to carry out the purposes of subsection (b).

(b) The public purpose of the pipeline fund shall be to increase the number of Massachusetts students who participate in educational programs that support careers in fields related to mathematics, science, technology and engineering. In furtherance of this public purpose, and in a manner consistent with the recommendations of the special commission on science and technology education, the chancellor of higher education, in consultation with the commissioner of the department of education and the president of the university of Massachusetts, shall employ the pipeline fund through grants and other disbursements and activities that are calculated to increase the number of qualified mathematics and science teachers in the commonwealth and to improve the mathematics and science educational offerings available in public and private schools. Such grants and other disbursements and activities may involve, without limitation, the University of Massachusetts, state and community colleges, business and industry partnerships, private colleges and universities, and public and private schools, and school districts to work together to further the purposes of the pipeline fund. Such grants, and other disbursements and activities may support, without limitation: (i) the development and use of innovative curricula, courses and programs in mathematics and science for new teachers and in-service teachers that provide rigorous mathematics and science content, and instruction in innovative ways to teach mathematics and science, including through the use of hands on, experiential learning, and that are consistent with the Massachusetts standards and curriculum frameworks established pursuant to sections 1D and 1E of chapter 69; (ii) the development of a mathematics, science, technology and engineering network to create, implement, share and make broadly and publicly available best practices and innovative programs relative to mathematics and science instruction and expanding and maintaining student interest in mathematics, science, technology and engineering studies and careers; (iii) effective ways to teach mathematics and science; and (iv) give priority to grants that provide effective course and curricula for in-service teachers in low income schools or school districts. Not more than 20 percent of said fund may be awarded to any single institution.

(c) The board of higher education shall promulgate policies, rules and regulations consistent with this chapter to implement the provision of subsections (a) and (b) of this section. The chancellor of higher education shall file any such policies, rules, and regulations with the joint committee on education, arts and humanities for review and comment at least 30 days prior to the effective date of such policies, rules, and regulations.”.

The amendment was adopted.

Ms. St. Fleur of Boston and other members of the House, Mr. Lar-kin of Pittsfield, moved that the bill be amended by striking section 28 and inserting in place thereof the following section: “SECTION 28. There is hereby established a special commission on science and technology education to investigate, study, and make legislative recommendations on maintaining a specialized workforce to support and expand the science and technology sectors in the Commonwealth, preparing students for the demands of a knowledge-based economy of the

future, and attracting and retaining students entering science and technology fields of study. Said commission shall also investigate the public college and university system, including community colleges, to establish job training programs specifically geared toward creating manufacturing, science and technology employment opportunities and to identify and establish career ladders within science and technology employment opportunities. Said commission shall also investigate the impact of changing demographics on the state and make recommendations on ways to incorporate such changes in order to enhance the state's capacity to build a strong and competitive workforce. Said commission shall consist of 19 members: 1 of whom shall be the commissioner of education, ex-officio, or his designee; 1 of whom shall be the director of workforce development, ex-officio, or his designee; 7 of whom shall be appointed by the Governor, including a CEO of a life-science firm, a CEO of a technology firm, a CEO of a health care corporation, a chancellor of a state university or college, a president of a state college, a president of a community college and a superintendent of a Massachusetts public school system; the executive director of the Massachusetts Technology Collaborative, the executive director of the Massachusetts Development Finance Agency, the President of Associated Industries of Massachusetts, the President of the Massachusetts Federation of Teachers, three members of the senate to be appointed by the senate president, one of whom shall serve as co-chair, and three members of the house of representatives to be appointed by the speaker of the house, one of whom shall serve as co-chair. Said commission shall conduct hearings and file a report on the results of its study, along with recommendations and any legislation necessary to carry out its recommendations with the clerks of the House of Representatives and the Senate not later than June 1, 2004. Said commission shall be administered by the Massachusetts Technology Park Corporation established pursuant to chapter 40J of the General Laws."

The amendment was adopted.

Mr. Jones of North Reading and other members of the House moved that the bill be amended by striking out sections 18 and 19 (as printed) and inserting in place thereof the following section:

"SECTION 16. Section 31A of Chapter 63 of the General Laws, as appearing in the 2000 Official Edition and most recently amended by sections 205 and 206 of Chapter 26 of the Acts of 2003, is hereby amended by striking out subsections (k) and (l) and inserting in place thereof the following sections:—

(k) The provisions of paragraphs (a) and (f) shall not be available for the taxable years ending on or after December 31, 1993.

(l) The provision of paragraphs (i) and (j) shall be available only for the taxable years ending on or after December 31, 1993."

After debate on the question on adoption of the amendment (Mr. Correia of Fall River being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 139 members voted in the affirmative and 13 in the negative.

[See Yea and Nay No. 302 in Supplement.]

Therefore the amendment was adopted.

Mrs. Walrath of Stow then moved that the bill be amended by striking out section 9 (as printed) and the amendment was adopted.

Mr. Rodrigues of Westport then moved that the bill be amended by adding at the end thereof

the following section:

“SECTION 31. Section 6 of Chapter 21E of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out clauses (i), (ii) and (iii) of subsection (b) in lines 69-79 and inserting in place thereof the following:— said owner or operator is not subject to an outstanding administrative or judicial enforcement action under this chapter for a release of oil or hazardous materials at the time of the transfer of the subject property.”.

The amendment was adopted.

Ms. Balser of Newton then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 32. Grants or loans from the funds specified in this act shall be provided only to those organizations, institutions, or companies that agree to provide health insurance to its employees.”.

The same member then asked for a count of the House to ascertain if a quorum was present. A quorum not being in attendance, the Chair (Mr. Correia of Fall River) then directed the Sergeant-at-Arms to secure the presence of a quorum.

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

[See Yea and Nay No. 303 in Supplement.]

Therefore a quorum was present.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Balser of Newton; and on the roll call 48 members voted in the affirmative and 104 in the negative.

[See Yea and Nay No. 304 in Supplement.]

Therefore the amendment was rejected.

Mr. Petersen of Marblehead then moved that the vote be reconsidered by which the House adopted an amendment (offered by Mr. Rodrigues of Westport) by adding at the end thereof a section 31.

After debate on the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of Mr. Petersen; and on the roll call 56 members voted in the affirmative and 97 in the negative.

[See Yea and Nay No. 305 in Supplement.]

Therefore the motion to reconsider was negatived.

Representatives St. Fleur of Boston and other members of the House moved that the bill be amended by adding at the end thereof the following section:

“SECTION 32. Provided, however, that any quasi-public agencies or corporations established in accordance with the General Laws of the Commonwealth receiving funds in accordance with this act shall give preference to projects in economic target areas established in section 3D of chapter 23A and to stimulate certified minority and women owned and led businesses in accordance with section 41 of chapter 23A or in accordance with the Women Business Enterprise National Council.”.

The amendment was adopted.

Messrs. Koutoujian of Newton and Casey of Winchester moved that the bill be amended by striking out section 21 (as printed) and inserting in place thereof the following section:

“SECTION 13. There is hereby established a special commission to investigate, study, and make legislative recommendations on reclassifying corporations for the purpose of taxation which are organized under or subject to chapter 156B and are engaged in manufacturing or in research and development. Said commission shall consist of the members of the Joint Committee on Taxation, the House Committee on Science and Technology, the Senate Committee on Science and Technology, and the Joint Committee on Health Care. The House and Senate Chairs of the Committee on Tax-ation shall serve as chair of the commission. Said commission shall file a report on the results of its study, along with recommendations and any legislation necessary to carry out its recommendations with the clerks of the House of Representatives and the Senate not later than December 31, 2003.”.

Mr. Peterson of Grafton thereupon raised a point of order that the amendment was improperly before the House for the reason that it went beyond the scope of the bill pending before the House.

The Chair (Mr. Correia of Fall River) ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Mr. Jones of North Reading moved that the bill be amended by adding at the end thereof the following section:

“SECTION 33. Notwithstanding any general or special law to the contrary, the board of higher education shall, in consultation with the presidents and chancellors of the Massachusetts state universities, colleges, and community colleges, or their designees, conduct a study of the feasibility of creating courses at the request of businesses residing in Massachusetts, customized to address the special workforce needs of said businesses, for which said businesses will pay the state institution providing the educational service a tuition fee to be set by an agreement between said institution and said businesses. The board shall solicit opinions from state business leaders, including, but not limited to, executives, managers, and other business officials who have a vested interest in the effective education of the state workforce. The board shall issue a report to the joint committee on education, arts and humanities, the joint committee on commerce and labor; and the clerks of the house of representatives and the senate, no later than March 1, 2004, which shall state the findings of the board; provided, that said findings shall include: the cost effectiveness for businesses to utilize state higher education resources for the education and training of their workforce; estimates of the tuition revenue generated by providing customized courses for the education and training of the employees of state businesses, which would be available for the supplementation of the operating budget and endowment of a given state institution of higher education; a detailed synopsis of the proposed subject matter and structure of courses that could be created at the request of businesses for the purpose of workforce education and training; testimonies from state business leaders regarding their interest in utiliz-ing state higher education resources for the purpose of workforce education and training; and any other item the board feels would provide an accurate representation of the feasibility of such policy. The board shall also consider in the course of its study, and include in its report, as provided in this section, the structure of customized business courses provided by business graduate schools for large blue chip and other companies, which are generating hundreds of thousands of dollars in additional revenue for said business graduate schools. The board shall also consider in the course of its study, and include in its report, as

provided in this section, the feasibility of customized courses for the purpose of workforce education and training for workers of all skill levels, across all industries. The board shall consider said study and said report, as provided in this section, to be an important initiative in the state strategy to better integrate the workforce education and training needs of state workers and businesses with the extensive educational resources of the institutions of higher education of the Commonwealth, and shall pursue this study, as provided in this section, and follow the intent of this section, with all appropriate due diligence.”.

The amendment was adopted.

Ms. Callahan of Sutton then moved that the bill be amended in section 23 (as printed), in line 62, by inserting after the word “construction”, the words “including, but not limited to, regional telecommunications master planning,”; and the amendment was adopted.

Mr. Greene of Billerica moved that the bill be amended in section 2 (as printed), by striking out in line 11, the word “of” the words “committee on commerce and labor” and inserting in place thereof the following words “committees on commerce and labor and natural resources and agriculture”. The amendment was adopted.

The same member then moved that the bill be amended in section 11 (as printed), in line 16, by inserting after the word “of” the words “environmental protection,”. The amendment was adopted.

Ms. Gobi of Spencer and other members of the House moved that the bill be amended in section 23 (as printed), by inserting in line 65, after the word “workers,” the words “disadvantaged and impaired workers, new workers, workers needing lifetime skills improvements, as well as displaced workers,”. The amendment was rejected.

Representatives Wolf of Cambridge and Fallon of Malden moved that the bill be amended in section 28 (inserted by amendment), in line 10, by inserting after the word “opportunities.” the following sentence: “Said commission shall also investigate and make recommendation on ways to expand opportunities at the public college and university system, including community colleges, for unemployed or displaced workers and recipients of transitional aid to families with dependent children.”. The amendment was rejected.

Representatives Wolf of Cambridge and Fallon of Malden moved that the bill be amended in section 23 (as printed), by inserting after the word “workers”, in line 65, the following words “and for unemployed or displaced workers and recipients of transitional aid to families with dependent children,”; and the amendment was rejected.

Mr. Finegold of Andover and other members of the House moved that the bill be amended by adding at the end thereof the following section:

“SECTION 34. There shall be a special commission established to study the promotion of minority-owned and women-owned businesses in the area of emerging technology. This study shall focus on how Massachusetts can be a leader in promoting minority-owned and women-owned businesses. This commission shall consist of nine members: two members from the House appointed by the Speaker, two members from the Senate appointed by the President, four members to be appointed by the Governor, two of which must represent private emerging industry, and one member from the Center for Women in Enterprise. The commission shall report findings, along with any recommendations for legislation to the joint committee on commerce and labor no later than December 31, 2003.”.

Mr. Peterson of Grafton thereupon raised a point of order that the amendment offered by Mr. Finegold and other members of the House was improperly before the House for the reason that it went beyond the scope of the pending bill.

The Chair (Mr. Correia of Fall River) stated that the point of order was not well taken. The amendment was adopted.

Mr. Larkin of Pittsfield and other members of the House moved that the bill be amended by striking out section 2 (as printed) and inserting in place thereof the following section:

“SECTION 22. Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall transfer, effective July 31, 2003, to the redevelopment access to capital fund established pursuant to section 60 of chapter 23A, the amount of \$8,000,000 from the health care security trust fund, established pursuant to section 43 of chapter 127 of the acts of 1999, as amended by section 44 of chapter 184 of the acts of 2002. Commencing on October 31, 2003, the secretary of economic development shall report quarterly to the house and senate committees on ways and means, the house and senate committees on science and technology, the joint committee on commerce and labor, and the joint committee on natural resources and agriculture on the location and amounts of financing provided to applicants under this program and the administrative costs charged to the fund.”; and by adding at the end thereof the following section:

“SECTION 35. Subsection (i) of section 60 of chapter 23A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended in line 2, by inserting after the word ‘Fund’, the following: ‘which shall be considered an expendable trust fund on the books of the Commonwealth and’; and by striking the second sentence in its entirety and by inserting in place thereof the following: ‘All monies credited under this subsection shall remain in said Redevelopment Access to Capital Fund, not subject to appropriation, to meet the obligations of the program set forth in this section. The agency shall not utilize said monies for any purpose other than the redevelopment access to capital fund as established herein. Deposits to the fund shall be made in accordance with the provisions of sections thirty-four of chapter 29 in such manner as will secure the highest interest rate available consistent with safety of the fund and with the requirement that all amounts on deposit be available for immediate withdrawal at any time. The fund shall be expended only for the purposes of this section at the direction of the agency and any unexpended balances shall be redeposited, as herein provided, for future use consistent with this section.’.”

The amendments were adopted.

Ms. Story of Amherst and other members of the House moved that the bill be amended in section 12 (as printed), in line 55, by inserting after the word “colleges” the words “provided that half of matching grants shall be appropriated to public institutions of higher education”. After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Story; and on the roll call 31 members voted in the affirmative and 123 in the negative.

[See Yea and Nay No. 306 in Supplement.]

Therefore the amendment was rejected.

Ms. Story of Amherst and other members of the House moved that the bill be amended in section 12 (as printed), in line 64, by inserting after the word “colleges” the words “provided that half of bridge financing shall be provided to public institutions of higher education”. After debate the amendment was rejected.

The same members moved that the bill be amended in section 21 (as printed), in line 23, by inserting after the word “granted” the words “provided further that half of matching funds shall

be provided to public institutions of higher education”; and the amendment was rejected.

Mr. Petersen of Marblehead, Mr. Strauss of Mattapoisett and other members of the House moved that the bill be amended in section 27 (as printed), in line 4, by striking out the word “may” and inserting in place thereof the word “shall”. The amendment was adopted.

Mr. Wagner of Chicopee then moved that the bill be amended in section 1 (as printed), by inserting after the word “investments”, in line 25, the words “; provided that a grant of not less than \$250,000 be provided to the Economic Development Council of Western Massachusetts”. The amendment was rejected.

The same member then moved that the bill be amended in section 4 (as printed), in line 10, after the word “act” by adding the following:— “; provided, however, that said corporation expend not less than \$250,000 for the Economic Development Council of Western Massachusetts”. The amendment was rejected.

Mrs. Paulsen of Belmont and Ms. Khan of Newton moved that the bill be amended in section 23 (as printed and as amended), in line 13, by inserting after the word “board” the words “; at least one of whom shall be from a woman-led business and one from a minority-led business,”. After debate the amendment was adopted.

Mrs. Paulsen of Belmont and other members of the House moved that the bill be amended in section 28 (inserted by amendment), in line 20, by inserting after the words “health care corporation,” the words “one of whom shall be from a woman-led firm and a minority-led firm,”. The amendment was adopted.

Mr. Naughton of Clinton moved that the bill be amended in section 12 (as printed), by inserting after the word “telecommunication”, in line 84, the words “industries involved in the research and development of state-of-the-art medication delivery devices”; and the amendment was adopted.

Mr. Marzilli of Arlington and other members of the House moved that the bill be amended in section 12 (as printed), by striking out, in line 56 and also in line 65, the words “companies and other entities”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Marzilli; and on the roll call 12 members voted in the affirmative and 142 in the negative.

[See Yea and Nay No. 307 in Supplement.]

Therefore the amendment was rejected.

Messrs. Larkin of Pittsfield and Marzilli of Arlington moved that the bill be amended in section 25 (as printed), in line 10, by inserting after the word “regulations” the following: “and only if said friable or non-friable asbestos is located on a listed site under chapter 21E”; and in section 26 (as printed), in line 4, by inserting after the word “years” the following: “and in the same section, in line 20, by inserting after the word ‘limitation’ the following: and provided further, that a credit of 50 per cent of such costs shall be allowed for the removal of friable or non-friable asbestos in compliance with all applicable state and federal laws and regulations only if said friable or non-friable asbestos is located on a listed site under chapter 21E.”

The amendments were adopted.

Mr. Marzilli of Arlington then moved that the bill be amended in section 3 (as printed), by inserting after the word “act.”, in line 11, the following sentence: “The corporation shall apply

no less than 20% of the moneys in said fund to job training and adult basic education programs that increase the skills of lower skilled low to moderate income workers so that they can qualify for jobs at such companies that pay decent wages, include benefits, and have a career ladder. Funds may be used to train existing incumbent workers who have less skills and other low to moderate income workers who need skills to qualify for such jobs. Up to 20% of the funds designated here for job training may be used for the retraining of current workers unemployed from technology industries who also need retraining to remain re-employable in this field.”. After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 24 members voted in the affirmative and 130 in the negative.

[See Yea and Nay No. 308 in Supplement.]

Therefore the amendment was rejected.

Mr. Marzilli of Arlington and other members of the House moved that the bill be amended by adding at the end thereof the following section:

“SECTION 36. (a) Any entity, including, but not limited to, any person, organization, partnership, corporation, group, association, or joint venture, receiving funding under sections one through six of this act shall, prior to the receipt of such funding, report to the secretary of economic development the number of jobs it intends to create within the commonwealth as a result of such funding.

(b) Each entity receiving funding under sections one through six of this act shall, by January 15 of the first calendar year following receipt of such funding, and by January 15 of each the following four calendar years, report to the secretary the number of jobs it has created within the commonwealth as a result of such funding.

(c) Any entity that fails, by the time it files the second of the reports required under paragraph (b), to create the number jobs listed in its initial report, as required by paragraph (a), shall return to the commonwealth one quarter of the funding it has received. If any entity that fails to create the number of jobs listed in its initial report by the time it files its second annual report, shall repay to the commonwealth one quarter of the funding it has received.

(d) The secretary shall have the full investigative authority necessary to determine whether each entity receiving funding under sections one through six of this act has created the jobs listed in each of the reports required by this section, including, but not limited to, the authority to inspect all relevant tax and payroll records.

(e) All reports submitted to the secretary under this section shall be made public.

(f) The secretary shall adopt such regulations as are necessary to carry out this section.”.

The amendment was adopted.

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

“SECTION 37. Notwithstanding the provisions of any general or special law to the contrary, the Comptroller shall in each section where the word transfer occurs in all preceding sections, the Treasurer shall use the Healthcare Security Fund established pursuant to Section 43 of Chapter 127 of the Acts of 1999, as amended by section 44 of Chapter 127 of the Acts of 2002 by posting the necessary amounts by a secured loan at the best available market rates and shall not disburse any funds directly from this fund.

These loans will keep the Health Care Security Fund intact and only the interest earned on this

fund can be used to satisfy any interest payments due. On September 1, 2004, the loans outstanding shall be renegotiated or paid in full as directed by an affirmative vote of the Legislature to either pay these loans or renew these loans outstanding.”.

The amendment was rejected.

Ms. Wolf of Cambridge then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 37. Notwithstanding any general or special law to the contrary, in addition to the requirements set forth in section 5c of chapter 29 of the General Laws, for the fiscal years ending July 1, 2005 through July 1, 2010, the comptroller shall transfer \$25,000,000 to the Health Care Security Trust Fund established pursuant to section 1 of chapter 29D of the General Laws; provided, however, that no such transfer shall occur in any year in which a consolidated net surplus, as defined by section 5b of said chapter 29, has not been achieved.”. The amendment was adopted.

Mr. Coughlin of Dedham and other members of the House moved that the bill be amended by adding at the end thereof the following section:

“SECTION 38. There shall be a special commission established to study how state government can attract more companies to incorporate within Massachusetts. The study shall focus on methods that have been used by other states which have resulted in a disproportionately higher number of companies incorporated within their borders. The commission’s investigation shall focus on, but not be limited to, the subjects of corporate tax policy, flexibility with regards to corporate structure, investor and management liability issues, and ease of incorporation. The commission shall consist of eleven members: two members of the House to be appointed by the Speaker, one of whom shall serve as co-chair, two members of the Senate to be appointed by the Senate President, one of whom shall serve as co-chair, the Secretary of Economic Development, two appointees of the Governor who shall represent private industry, the executive director of the Associated Industries of Massachusetts, the Executive Director of the Massachusetts Business Roundtable, the President of the Massachusetts Taxpayers Foundation, and the Director of the Massachusetts Office of Business Development.”.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Coughlin of Dedham; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 309 in Supplement.]

Therefore the amendment was adopted.

Mr. Marzilli of Arlington and other members of the House moved that the bill be amended in section 28 (inserted by amendment), by striking out the following: “7 of whom shall be appointed by the Governor including,” and inserting in place thereof the following: “8 appointed by the Governor, including a labor economist”; and by striking out, in said section, the following: “19 members” and inserting in place the following: “20 members”.

The amendments were adopted.

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

“SECTION 39. Section 29A of chapter 23G of the General Laws, as appearing in the 2002 Official Edition, is hereby amended, in line 104, by striking out the words, ‘(iii) did not own or operate the site at the time of the release, and (iv)’ and inserting in place thereof the

following:— ‘and (iii)’.”

The amendment was adopted.

Messrs. Marzilli of Arlington and Rodrigues of Westport moved that the bill be amended in section 14 (as printed), by inserting after the word “shall”, in line 6, the words “to a reasonable degree of completeness”; and by striking out section 17 (as printed) and inserting in place thereof the following section:

“SECTION 11. Section 5 of chapter 30A of the General Laws, as so appearing, is hereby amended by striking the first sentence of the second paragraph and inserting in place thereof the following:—

No new rule or regulation so filed with the state secretary, except those filed for the purpose of setting rates, issuing grants or providing loans, and except those filed by the Department of Telecommunications and Energy or the Division of Insurance, shall become effective until a regulatory impact statement has been completed, made public during the hearing process described above and is filed with the state secretary. The secretary of economic development shall review all regulatory impact statements prior to their filing with the state secretary to ensure and certify that a proper methodology and approach was used by the agency submitting said impact statement and to certify that the impact statement as submitted complies with the definition of ‘regulatory impact statement’ as set forth in section 1 of chapter 30A. At the expiration of 5 years from the date of final passage of any regulation promulgated on or after the effective date of this act, the agency promulgating such regulation shall conduct a review of whether said regulation accomplished the objectives set forth in the regulatory impact statement and shall issue a report as to its findings; provided, that notice and opportunity for comment shall be provided to interested parties prior to the issuance of said report.”

The amendment was adopted.

Ms. Wolf of Cambridge and other members of the House moved that the bill be amended in section 4 (as printed), in line 25, by inserting after the word “funding,”, the second time it appears, the words “a potential projection of the number and nature of employment opportunities that may be created in the commonwealth as a result of the various forms of assistance disbursed from said fund,”; and in section 5 (as printed), in line 30, by striking out the words “number and nature of jobs” and inserting in place thereof the words “num-ber and nature of potential new job opportunities in the commonwealth that”, and in line 9, by striking out the words “report quarterly” and inserting in place thereof the words “report annually”.

The amendment was adopted.

Messrs. Larkin of Pittsfield, Dempsey of Haverhill and Rodrigues of Westport moved that the bill be amended in section 13 (as printed), in line 25, by inserting after the word “directors.”, the follow-ing sentence: “The executive director of the Massachusetts Technology Park corporation shall serve as an ex-officio member of said advisory committee.”, and by striking out section 23 (of the printed bill, as amended) and inserting in place thereof the following section:

“SECTION 14. Said chapter 40J, as so appearing, is hereby further amended by inserting after section 6 thereof the following section:—

Section 6A. The corporation shall establish an institute for regional innovation, technology and competitiveness, to be known as the John Adams Innovation Enterprise, and a fund to be known as the Sector Growth Fund, to be held by the corporation separate and apart from its other funds, to finance the activities of said enterprise. The executive director of the corporation shall appoint a qualified individual as director to manage the affairs of said institute. The

corporation, on recommendation of the executive director, shall appoint seven qualified individuals to a governing board to assist the corporation in matters related to said enterprise and said fund and in matters related to the research center matching fund established in section 4F including a president of a state or community college, head of an emerging technology company, a representative of a regional planning agency, and a technology transfer officer or individual qualified in technology commercialization from a university in the Commonwealth. The executive director, the director of the office of business and technology, and the president of the Massachusetts Development Finance Agency shall serve as ex-officio members of said governing board. Said board shall consult with the house and senate committees on science and technology and ways and means during the preparation of a detailed plan for the operation of said enterprise and the matching fund. Upon approval of such detailed plan by the board of directors of the corporation, said board shall delegate such authority to the governing board of the enterprise as it deems appropriate to implement such plan. The members of said governing board shall be deemed to be directors for purposes of the fourth paragraph of section 3. The purpose of the enterprise shall be to serve as an agent of the commonwealth to create and maintain a more favorable and responsive environment in the commonwealth for the development, growth, attraction and retention of technology-intensive and innovation-driven clusters of organizations, with a particular attention paid to promoting economic growth in discrete and underserved regions of the commonwealth by harnessing local support and involvement in such economic development activities and by improving the economic infrastructure for such clusters. In furtherance of these public purposes, the enterprise shall endeavor to identify regions of the commonwealth in which compelling opportunities to make strategic investments appear to be present and develop strategies therefor. The enterprise may also provide development support more generally to organizations in regions across the commonwealth to assist the formation and growth of emerging technology sectors in those regions and may provide support to departments, agencies, and quasi-public entities of the commonwealth for activities that are consistent with the purposes of the center. The enterprise shall work in collaboration with other quasi-public and not-for-profit agencies. Insofar as apt, in the determination of the board, the provisions of this chapter that apply to centers and to the center fund shall apply to said enterprise and to the Innovation Institute Center Fund, respectively. Without limiting the generality of the foregoing, the corporation may apply moneys in said fund to start-up expenses and project costs of said institute and related activities, grants to nonprofit or other organizations to develop proposals for regional economic growth in key technology sectors, business incubator development, investment in one or more privately managed emerging technology sector investment funds, development of industry-university cooperative research centers, industry networking support, business plan preparation, market research, infrastructure repair and construction, workforce development including, but not limited to, providing funds for programs that provide education and training to enhance the skills of low skilled workers, brokered business assistance services and marketing expenses, provided that written notice shall be given to the house and senate committees on ways and means at least ten days prior to any disbursement of funds amounting to \$250,000 or more. The enterprise shall also file an annual report of its activities with the house and senate committees on science and technology and ways and means.”

The amendment was adopted.

On the question on passing the bill, as amended, to be engrossed (the Speaker being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Howland of

Freetown; and on the roll call 143 members voted in the affirmative and 10 in the negative.

[See Yea and Nay No. 310 in Supplement.]

Therefore the bill was passed to be engrossed. Mr. Dempsey of Haverhill moved that this vote be reconsidered; and the motion to reconsider was negatived.

The bill (House, No. 3955, printed as amended) then was sent to the Senate for concurrence.

Order.

On motion of Mr. Frost of Auburn,—

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

Ms. Blumer of Framingham then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the day, at twenty-two minutes before nine o'clock P.M. (the Speaker being in the Chair), the House adjourned to meet tomorrow at one o'clock P.M.
