

NOTICE: While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, July 8, 2003.

Met at thirteen minutes past eleven o'clock A.M.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the President handed the gavel to the Senator from Middlesex, Suffolk and Essex, Mr. Barrios, who introduced Dr. Bernardo Mora, a city councillor from Envigado, Colombia. He was the guest of Senator Barrios.

There being no objection, the President handed the gavel to the Senator from Norfolk, Bristol and Plymouth, Mr. Joyce, who introduced, seated in the Senate gallery, members of the Neponset Valley Leadership Institute of the Blue Hills Regional High School. The group was part of a School to Career Partnership class led by Katherine Toufek. The students were the guests of Senators Joyce, Morrissey, Walsh, Sprague and Hedlund.

Petitions.

Petitions were presented and referred as follows:

By Mr. Shannon, a petition (accompanied by bill, Senate, No. 2032) of Charles E. Shannon and Paul C. Casey (by vote of the town) for legislation relative to the issuance of additional liquor licenses in the town of Winchester [Local approval received]; and

By Mr. Nuciforo, a petition (accompanied by bill, Senate, No. 2034) of Andrea F. Nuciforo, Jr. and Daniel E. Bosley (by vote of the town) for legislation to authorize the town of Adams to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises [Local approval received];

Severally, under Senate Rule 20, to the committee on Government Regulations.

By Mr. Shannon, a petition (accompanied by bill, Senate, No. 2033) of Charles E. Shannon and Paul C. Casey (by vote of the town) for legislation to establish a local fund for the educational and municipal benefit of the town of Winchester and its residents [Local approval received];

Under Senate Rule 20, to the committee on Taxation.

Severally sent to the House for concurrence.

Reports of Committees.

By Mr. Morrissey, for the committee on Government Regulations, on petition (accompanied by bill, Senate, No. 469), a Bill to protect consumers from unauthorized telephone and cable charges (Senate, No. 2031);

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

Ms. Jacques, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill relative to the Massachusetts business corporation act (Senate, No. 103).

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. Morrissey) “congratulating Charles F. Murphy, Jr. on the occasion of his seventieth birthday.-

At fourteen minutes past eleven o'clock A.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the President declared a recess; and, at nineteen minutes before twelve o'clock noon, the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Message from the Governor — Disapproval and Reductions in General Appropriation Bill.

A message from His Excellency the Governor, 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), which on Friday, June 20, 2003, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4005) was read; and the Senate proceeded to reconsider several items which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 1108-5200 (Group Insurance premiums) was considered, 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 of 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 item 1108-5200 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at nine minutes before twelve o'clock noon, as follows, to wit (yeas 32 — nays 6) [Roll Call No. 77]:

YEAS.

Antonioni, Robert A.	Jacques, Cheryl A.
Baddour, Steven A.	Joyce, Brian A.
Barrios, Jarrett T.	Magnani, David P.
Berry, Frederick E.	McGee, Thomas M.
Brewer, Stephen M.	Melconian, Linda J.
Chandler, Harriette L.	Menard, Joan M.
Creem, Cynthia Stone	Montigny, Mark C.
Fargo, Susan C.	Moore, Richard T.
Glodis, Guy W.	Morrissey, Michael W.
Hart, John A., Jr.	Murray, Therese
Havern, Robert A.	Nuciforo, Andrea F., Jr.
O'Leary, Robert A.	Shannon, Charles E.
Pacheco, Marc R.	Tolman, Steven A.
Panagiotakos, Steven C.	Tucker, Susan C.
Resor, Pamela	Walsh, Marian
Rosenberg, Stanley C.	Wilkerson, Dianne ·

32.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. · 6.

ABSENT OR NOT VOTING.

Creedon, Robert S., Jr. · 1.

The yeas and nays having been completed at five minutes before twelve o'clock noon, item 1108-5200 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Subsequently, Mr. Creedon asked unanimous consent to make a statement; and there being no objection, he addressed the Senate as follows:

MR. PRESIDENT: During the taking of the above yeas and nays vote, I was unable to be present in the Senate Chamber. Had I been present when the vote was taken, I would have voted in the affirmative.

Mr. Creedon then moved that the statement made by him be printed in the Journal of the Senate; and the motion prevailed.

Item 1599-3857 (Fall River manufacturing center) was considered, 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 Governor disapproved this item.]

After debate, the question on passing item 1599- 3857 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at seventeen minutes past twelve o'clock noon, as follows, to wit (yeas 32 — nays 6) [Roll Call No. 78]:

YEAS.

Antonioni, Robert A.	Jacques, Cheryl A.
Baddour, Steven A.	Joyce, Brian A.
Barrios, Jarrett T.	Magnani, David P.
Berry, Frederick E.	McGee, Thomas M.
Brewer, Stephen M.	Melconian, Linda J.
Chandler, Harriette L.	Menard, Joan M.
Creem, Cynthia Stone	Montigny, Mark C.
Fargo, Susan C.	Moore, Richard T.
Glodis, Guy W.	Morrissey, Michael W.
Hart, John A., Jr.	Murray, Therese
Havern, Robert A.	Nuciforo, Andrea F., Jr.
O'Leary, Robert A.	Shannon, Charles E.
Pacheco, Marc R.	Tolman, Steven A.
Panagiotakos, Steven C.	Tucker, Susan C.
Resor, Pamela	Walsh, Marian
Rosenberg, Stanley C.	Wilkerson, Dianne

32.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. · 6.

ABSENT OR NOT VOTING.

Creedon, Robert S., Jr. · 1.

The yeas and nays having been completed at twenty minutes past twelve o'clock noon, item 1599-3857 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Subsequently, Mr. Creedon asked unanimous consent to make a statement; and there being no objection, he addressed the Senate as follows:

MR. PRESIDENT: During the taking of the above yeas and nays vote, I was unable to be present in the Senate chamber. Had I been present when the vote was taken, I would have voted in the affirmative.

Mr. Creedon then moved that the statement made by him be printed in the Journal of the Senate; and the motion prevailed.

Item 7007-0500 (Biotechnology Institute) was considered, 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 Governor disapproved this item.]

Mr. Havern in the Chair, after debate, the question on passing item 7007-0500 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-four minutes before one o'clock P.M., as follows, to wit (yeas 32 — nays 6) [Roll Call No. 79]:

YEAS.

Antonioni, Robert A.	Jacques, Cheryl A.
Baddour, Steven A.	Joyce, Brian A.
Barrios, Jarrett T.	Magnani, David P.
Berry, Frederick E.	McGee, Thomas M.
Brewer, Stephen M.	Melconian, Linda J.
Chandler, Harriette L.	Menard, Joan M.
Creem, Cynthia Stone	Montigny, Mark C.
Fargo, Susan C.	Moore, Richard T.
Glodis, Guy W.	Morrissey, Michael W.
Hart, John A., Jr.	Murray, Therese
Havern, Robert A.	Nuciforo, Andrea F., Jr.
O'Leary, Robert A.	Shannon, Charles E.
Pacheco, Marc R.	Tolman, Steven A.
Panagiotakos, Steven C.	Tucker, Susan C.
Resor, Pamela	Walsh, Marian
Rosenberg, Stanley C.	Wilkerson, Dianne

32.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. · 6.

ABSENT OR NOT VOTING.

Creedon, Robert S., Jr. · 1.

The yeas and nays having been completed at twenty-two minutes before one o'clock P.M., item 7007-0500 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Subsequently, Mr. Creedon asked unanimous consent to make a statement; and there being no objection, he addressed the Senate as follows:

MR. PRESIDENT: During the taking of the above yeas and nays vote, I was unable to be present in the Senate chamber. Had I been present when the vote was taken, I would have voted in the affirmative.

Mr. Creedon then moved that the statement made by him be printed in the Journal of the Senate; and the motion prevailed.

Item 7030-1002 (Kindergarten development grants) 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 of 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”.]

The President in the Chair, after debate, the question on passing item 7030-1002 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at nine minutes past one o'clock P.M., as follows, to wit (yeas 36 — nays 3) [**Roll Call No. 80**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne · 36.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann · 3.
Lees, Brian P.	

The yeas and nays having been completed at twelve minutes past one o'clock P.M., item 7030-1002 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 7030-1003 (Early literacy program) was considered, as follows:—

“7030-1003 For the John Silber early literacy program and teacher training to promote research based schoolwide 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 Governor reduced the item to \$2,100,004 and disapproved of the following wording: “, which shall include maintaining support for existing BayState readers schools and providing additional funds for new schools to participate in said program”.]

After debate, the question on passing item 7030-1003 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at seventeen minutes past one o’clock P.M., as follows, to wit (yeas 33 — nays 6) **[Roll Call No. 81]**:

YEAS.

- | | |
|--------------------------|-----------------------|
| Antonioni, Robert A. | Glodis, Guy W. |
| Baddour, Steven A. | Hart, John A., Jr. |
| Barrios, Jarrett T. | Havern, Robert A. |
| Berry, Frederick E. | Jacques, Cheryl A. |
| Brewer, Stephen M. | Joyce, Brian A. |
| Chandler, Harriette L. | Magnani, David P. |
| Creedon, Robert S., Jr. | McGee, Thomas M. |
| Creem, Cynthia Stone | Melconian, Linda J. |
| Fargo, Susan C. | Menard, Joan M. |
| Montigny, Mark C. | Resor, Pamela |
| Moore, Richard T. | Rosenberg, Stanley C. |
| Morrissey, Michael W. | Shannon, Charles E. |
| Murray, Therese | Tolman, Steven A. |
| Nuciforo, Andrea F., Jr. | Tucker, Susan C. |
| O’Leary, Robert A. | Walsh, Marian |
| Pacheco, Marc R. | Wilkerson, Dianne |

Panagiotakos, Steven C.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. · 6.

The yeas and nays having been completed at twenty-two minutes past one o'clock P.M., item 7030-1003 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 7030-1005 (Early intervention program) 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 Governor disapproved this item.]

After debate, the question on passing item 7030-1005 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-seven minutes past one o'clock P.M., as follows, to wit (yeas 33 — nays 6) [**Roll Call No. 82**]:

YEAS.

Antonioni, Robert A. Glodis, Guy W.
Baddour, Steven A. Hart, John A., Jr.
Barrios, Jarrett T. Havern, Robert A.
Berry, Frederick E. Jacques, Cheryl A.
Brewer, Stephen M. Joyce, Brian A.
Chandler, Harriette L. Magnani, David P.
Creedon, Robert S., Jr. McGee, Thomas M.
Creem, Cynthia Stone Melconian, Linda J.
Fargo, Susan C. Menard, Joan M.
Montigny, Mark C. Resor, Pamela
Moore, Richard T. Rosenberg, Stanley C.
Morrissey, Michael W. Shannon, Charles E.
Murray, Therese Tolman, Steven A.
Nuciforo, Andrea F., Jr. Tucker, Susan C.
O'Leary, Robert A. Walsh, Marian
Pacheco, Marc R. Wilkerson, Dianne ·
33.

Panagiotakos, Steven C.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. · 6.

The yeas and nays having been completed at a half past one o'clock P.M., item 7030-1005 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and

voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 7066-0009 (New England higher education board) was considered, as follows:—

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

[The Governor disapproved this item.]

After debate, the question on passing item 7066-0009 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-seven minutes before two o'clock P.M., as follows, to wit (yeas 33 — nays 6) [**Roll Call No. 83**]:

YEAS.

Antonioni, Robert A.	Glodis, Guy W.
Baddour, Steven A.	Hart, John A., Jr.
Barrios, Jarrett T.	Havern, Robert A.
Berry, Frederick E.	Jacques, Cheryl A.
Brewer, Stephen M.	Joyce, Brian A.
Chandler, Harriette L.	Magnani, David P.
Creedon, Robert S., Jr.	McGee, Thomas M.
Creem, Cynthia Stone	Melconian, Linda J.
Fargo, Susan C.	Menard, Joan M.
Montigny, Mark C.	Resor, Pamela
Moore, Richard T.	Rosenberg, Stanley C.
Morrissey, Michael W.	Shannon, Charles E.
Murray, Therese	Tolman, Steven A.
Nuciforo, Andrea F., Jr.	Tucker, Susan C.
O'Leary, Robert A.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne
Panagiotakos, Steven C.	33.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P. Tisei,	Richard R. · 6.

The yeas and nays having been completed at twenty-three minutes before two o'clock P.M., item 7066-0009 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

At twenty-two minutes before two o'clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the President declared a recess; and, at a half past two o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Message from the Governor — Disapproval and Reductions in General Appropriation Bill.

A message from His Excellency the Governor, 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), which on Friday, June 20, 2003, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4005) was read; and the Senate proceeded to reconsider several items which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 7100-0500 (UMass Amherst honors program) 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”.

[The Governor disapproved this item.]

Mr. Rosenberg in the Chair, after debate, the question on passing item 7100-0500 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at two minutes before three o’clock P.M., as follows, to wit (yeas 33 — nays 6) **[Roll Call No. 84]**:

YEAS.

Antonioni, Robert A.	Glodis, Guy W.
Baddour, Steven A.	Hart, John A., Jr.
Barrios, Jarrett T.	Havern, Robert A.
Berry, Frederick E.	Jacques, Cheryl A.
Brewer, Stephen M.	Joyce, Brian A.
Chandler, Harriette L.	Magnani, David P.
Creedon, Robert S., Jr.	McGee, Thomas M.
Creem, Cynthia Stone	Melconian, Linda J.
Fargo, Susan C.	Menard, Joan M.
Montigny, Mark C.	Resor, Pamela
Moore, Richard T.	Rosenberg, Stanley C.
Morrissey, Michael W.	Shannon, Charles E.
Murray, Therese	Tolman, Steven A.
Nuciforo, Andrea F., Jr.	Tucker, Susan C.
O’Leary, Robert A.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne
	33.
Panagiotakos, Steven C.	

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P. Tisei,	Richard R. · 6.

The yeas and nays having been completed at two minutes past three o’clock P.M., item 7100-0500 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Section 161 (State agencies reports) was considered, 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.”

[The Governor disapproved this section.]

After debate, the question on passing Section 161 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at nine minutes past three o'clock P.M., as follows, to wit (yeas 33 — nays 6) [**Roll Call No. 85**]:

YEAS.

Antonioni, Robert A.	Glodis, Guy W.
Baddour, Steven A.	Hart, John A., Jr.
Barrios, Jarrett T.	Havern, Robert A.
Berry, Frederick E.	Jacques, Cheryl A.
Brewer, Stephen M.	Joyce, Brian A.
Chandler, Harriette L.	Magnani, David P.
Creedon, Robert S., Jr.	McGee, Thomas M.
Creem, Cynthia Stone	Melconian, Linda J.
Fargo, Susan C.	Menard, Joan M.
Montigny, Mark C.	Resor, Pamela
Moore, Richard T.	Rosenberg, Stanley C.
Morrissey, Michael W.	Shannon, Charles E.
Murray, Therese	Tolman, Steven A.
Nuciforo, Andrea F., Jr.	Tucker, Susan C.
O'Leary, Robert A.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne

33.

Panagiotakos, Steven C.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P. Tisei,	Richard R. · 6.

The yeas and nays having been completed at thirteen minutes past three o'clock P.M., Section 161 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Section 167 (Clarification of Spending Reduction Notification) 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.”

[The Governor disapproved this section.]

After debate, the question on passing Section 167 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at sixteen minutes past three o'clock P.M., as follows, to wit (yeas 33 — nays 6) [Roll Call No. 86]:

YEAS.

Antonioni, Robert A.	Glodis, Guy W.
Baddour, Steven A.	Hart, John A., Jr.
Barrios, Jarrett T.	Havern, Robert A.
Berry, Frederick E.	Jacques, Cheryl A.
Brewer, Stephen M.	Joyce, Brian A.
Chandler, Harriette L.	Magnani, David P.
Creedon, Robert S., Jr.	McGee, Thomas M.
Creem, Cynthia Stone	Melconian, Linda J.
Fargo, Susan C.	Menard, Joan M.
Montigny, Mark C.	Resor, Pamela
Moore, Richard T.	Rosenberg, Stanley C.
Morrissey, Michael W.	Shannon, Charles E.
Murray, Therese	Tolman, Steven A.
Nuciforo, Andrea F., Jr.	Tucker, Susan C.
O'Leary, Robert A.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne
	33.
Panagiotakos, Steven C.	

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P. Tisei,	Richard R. · 6.

The yeas and nays having been completed at twenty minutes past three o'clock P.M., Section 167 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Section 683 (Higher education board) was considered, 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 Governor disapproved this section.]

After debate, the question on passing Section 683 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-five minutes past three o'clock P.M., as follows, to wit (yeas 33 — nays 6) [Roll Call No. 87]:

YEAS.

Antonioni, Robert A.	Glodis, Guy W.
Baddour, Steven A.	Hart, John A., Jr.
Barrios, Jarrett T.	Havern, Robert A.

Berry, Frederick E.	Jacques, Cheryl A.
Brewer, Stephen M.	Joyce, Brian A.
Chandler, Harriette L.	Magnani, David P.
Creedon, Robert S., Jr.	McGee, Thomas M.
Creem, Cynthia Stone	Melconian, Linda J.
Fargo, Susan C.	Menard, Joan M.
Montigny, Mark C.	Resor, Pamela
Moore, Richard T.	Rosenberg, Stanley C.
Morrissey, Michael W.	Shannon, Charles E.
Murray, Therese	Tolman, Steven A.
Nuciforo, Andrea F., Jr.	Tucker, Susan C.
O'Leary, Robert A.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne
Panagiotakos, Steven C.	33.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P. Tisei,	Richard R. · 6.

The yeas and nays having been completed at twenty-seven minutes past three o'clock P.M., Section 683 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Section 129 (Stabilization Fund — Cap Increase) 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.”

[The Governor disapproved this section.]

After debate, the question on passing Section 129 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-eight minutes before four o'clock P.M., as follows, to wit (yeas 33 — nays 6) **[Roll Call No. 88]:**

YEAS.

Antonioni, Robert A.	Glodis, Guy W.
Baddour, Steven A.	Hart, John A., Jr.
Barrios, Jarrett T.	Havern, Robert A.
Berry, Frederick E.	Jacques, Cheryl A.
Brewer, Stephen M.	Joyce, Brian A.
Chandler, Harriette L.	Magnani, David P.
Creedon, Robert S., Jr.	McGee, Thomas M.
Creem, Cynthia Stone	Melconian, Linda J.
Fargo, Susan C.	Menard, Joan M.
Montigny, Mark C.	Resor, Pamela
Moore, Richard T.	Rosenberg, Stanley C.
Morrissey, Michael W.	Shannon, Charles E.
Murray, Therese	Tolman, Steven A.
Nuciforo, Andrea F., Jr.	Tucker, Susan C.

O'Leary, Robert A. Walsh, Marian
Pacheco, Marc R. Wilkerson, Dianne
Panagiotakos, Steven C. 33.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. 6.

The yeas and nays having been completed at twenty-five minutes before four o'clock P.M., Section 129 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Section 163 (Pension Funding Schedule I) 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.”

[The Governor disapproved this section.]

After debate, the question on passing Section 163 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty minutes before four o'clock P.M., as follows, to wit (yeas 33 — nays 6) [Roll Call No. 89]:

YEAS.

Antonioni, Robert A. Glodis, Guy W.
Baddour, Steven A. Hart, John A., Jr.
Barrios, Jarrett T. Havern, Robert A.
Berry, Frederick E. Jacques, Cheryl A.
Brewer, Stephen M. Joyce, Brian A.
Chandler, Harriette L. Magnani, David P.
Creedon, Robert S., Jr. McGee, Thomas M.
Creem, Cynthia Stone Melconian, Linda J.
Fargo, Susan C. Menard, Joan M.
Montigny, Mark C. Resor, Pamela
Moore, Richard T. Rosenberg, Stanley C.
Morrissey, Michael W. Shannon, Charles E.
Murray, Therese Tolman, Steven A.
Nuciforo, Andrea F., Jr. Tucker, Susan C.

O'Leary, Robert A. Walsh, Marian
Pacheco, Marc R. Wilkerson, Dianne ·
33.

Panagiotakos, Steven C.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. · **6.**

The yeas and nays having been completed at eighteen minutes before four o'clock P.M., Section 163 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Section 176 (Pension Funding Schedule II) 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 Governor disapproved this section.]

The question on passing Section 176 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at seventeen minutes before four o'clock P.M., as follows, to wit (yeas 33 — nays 6) **[Roll Call No. 90]:**

YEAS.

Antonioni, Robert A. Glodis, Guy W.
Baddour, Steven A. Hart, John A., Jr.
Barrios, Jarrett T. Havern, Robert A.
Berry, Frederick E. Jacques, Cheryl A.
Brewer, Stephen M. Joyce, Brian A.
Chandler, Harriette L. Magnani, David P.
Creedon, Robert S., Jr. McGee, Thomas M.
Creem, Cynthia Stone Melconian, Linda J.
Fargo, Susan C. Menard, Joan M.
Montigny, Mark C. Resor, Pamela
Moore, Richard T. Rosenberg, Stanley C.
Morrissey, Michael W. Shannon, Charles E.
Murray, Therese Tolman, Steven A.
Nuciforo, Andrea F., Jr. Tucker, Susan C.
O'Leary, Robert A. Walsh, Marian
Pacheco, Marc R. Wilkerson, Dianne ·
33.

Panagiotakos, Steven C.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. · **6.**

**The yeas and nays having been completed at a quarter before four o'clock P.M., Section 176 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 177 (Pension Funding Schedule III) 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 Governor disapproved this section.]

The question on passing Section 177 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at fourteen minutes before four o'clock P.M., as follows, to wit (yeas 33 — nays 6)
[Roll Call No. 91]:

YEAS.

Antonioni, Robert A.	Glodis, Guy W.
Baddour, Steven A.	Hart, John A., Jr.
Barrios, Jarrett T.	Havern, Robert A.
Berry, Frederick E.	Jacques, Cheryl A.
Brewer, Stephen M.	Joyce, Brian A.
Chandler, Harriette L.	Magnani, David P.
Creedon, Robert S., Jr.	McGee, Thomas M.
Creem, Cynthia Stone	Melconian, Linda J.
Fargo, Susan C.	Menard, Joan M.
Montigny, Mark C.	Resor, Pamela
Moore, Richard T.	Rosenberg, Stanley C.
Morrissey, Michael W.	Shannon, Charles E.
Murray, Therese	Tolman, Steven A.
Nuciforo, Andrea F., Jr.	Tucker, Susan C.
O'Leary, Robert A.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne
	33.
Panagiotakos, Steven C.	

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P. Tisei,	Richard R. · 6.

**The yeas and nays having been completed at twelve minutes before four o'clock P.M., Section 177 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 178 (Pension Funding Schedule IV) 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 Governor disapproved this section.]

The question on passing Section 178 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at eleven minutes before four o'clock P.M., as follows, to wit (yeas 33 — nays 6) [Roll Call No. 92]:

YEAS.

Antonioni, Robert A.	Glodis, Guy W.
Baddour, Steven A.	Hart, John A., Jr.
Barrios, Jarrett T.	Havern, Robert A.
Berry, Frederick E.	Jacques, Cheryl A.
Brewer, Stephen M.	Joyce, Brian A.
Chandler, Harriette L.	Magnani, David P.
Creedon, Robert S., Jr.	McGee, Thomas M.
Creem, Cynthia Stone	Melconian, Linda J.
Fargo, Susan C.	Menard, Joan M.
Montigny, Mark C.	Resor, Pamela
Moore, Richard T.	Rosenberg, Stanley C.
Morrissey, Michael W.	Shannon, Charles E.
Murray, Therese	Tolman, Steven A.
Nuciforo, Andrea F., Jr.	Tucker, Susan C.
O'Leary, Robert A.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne
	33.
Panagiotakos, Steven C.	

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P. Tisei,	Richard R. · 6.

The yeas and nays having been completed at ten minutes before four o'clock P.M., Section 178 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Section 179 (Pension Funding Schedule V) 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 Governor disapproved this section.]

The question on passing Section 179 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at nine minutes before four o'clock P.M., as follows, to wit (yeas 33 — nays 6) [Roll Call No. 93]:

YEAS.

Antonioni, Robert A.	Glodis, Guy W.
Baddour, Steven A.	Hart, John A., Jr.
Barrios, Jarrett T.	Havern, Robert A.
Berry, Frederick E.	Jacques, Cheryl A.
Brewer, Stephen M.	Joyce, Brian A.
Chandler, Harriette L.	Magnani, David P.
Creedon, Robert S., Jr.	McGee, Thomas M.

Creem, Cynthia Stone	Melconian, Linda J.
Fargo, Susan C.	Menard, Joan M.
Montigny, Mark C.	Resor, Pamela
Moore, Richard T.	Rosenberg, Stanley C.
Morrissey, Michael W.	Shannon, Charles E.
Murray, Therese	Tolman, Steven A.
Nuciforo, Andrea F., Jr.	Tucker, Susan C.
O'Leary, Robert A.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne

33.

Panagiotakos, Steven C.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P. Tisei,	Richard R. · 6.

The yeas and nays having been completed at seven minutes before four o'clock P.M., Section 179 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Section 12 (Sex Offender Registry Board) was considered, as follows:—

“SECTION 12. Said chapter 6 is hereby further amended by inserting after section 178P the following section:—

Section 178Q. The sex offender registry board shall assess upon every sex offender a sex offender registration fee of \$75, hereinafter referred to as a sex offender registry fee. Said offender shall pay said sex offender registry fee upon his initial registration as a sex offender and annually thereafter on the anniversary of said registration; provided, however, that no such fee shall be assessed or collected until the offender has either (1) waived his right to petition for an evidentiary hearing to challenge his duty to register as a sex offender as set forth in section 178L or (2) has completely exhausted the legal remedies made available to him to so challenge said duty to register pursuant to sections 178L and 178M and has not prevailed in his attempt to eliminate said duty. A sex offender's duty to pay the fee established by this section shall only terminate upon the termination of said offender's duty to register as a sex offender as set forth in section 178G.

The sex offender registry board may waive payment of said sex offender registry fee if it determines that such payment would constitute an undue hardship on said person or his family due to limited income, employment status, or any other relevant factor. Any such waiver so granted shall be in effect only during the period of time that said person is determined to be unable to pay the sex offender registry fee. The sex offender registry board shall establish procedures relative to the collection and waiver of such fee by regulation. Said sex offender registry fee shall be collected by the sex offender registry board and shall be transmitted to the treasurer for deposit into the General Fund. The sex offender registry board shall account for all such fees received and report said fees annually to the secretary of administration and finance and the house and senate committees on ways and means.”

[The Governor disapproved this section.]

The President in the Chair, after debate, the question on passing Section 12 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at two minutes before four o'clock P.M., as follows, to wit (yeas 32 — nays 7) **[Roll Call No. 94]**:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.

Creedon, Robert S., Jr.	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian · 32.

NAYS.

Creem, Cynthia Stone	Rosenberg, Stanley C.
Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Wilkerson, Dianne · 7.
Lees, Brian P.	

The yeas and nays having been completed at one minute past four o'clock P.M., Section 12 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 8000-0225 (Sex Offender Registry fees) was considered, as follows:—

“8000-0225 The sex offender registry board may expend an amount not to exceed \$750,000 from revenue collected from sex offender registration fees for the purpose of expediting the final classification of sex offenders and reducing the current case backlog; provided, that \$200,000 shall be expended for interagency service agreements between the sex offender registry board and the various district attorneys in order to defray the costs incurred by said district attorneys from proceedings relative to the civil commitment of sexually dangerous persons including, but not limited to, probable cause hearings and trials initiated pursuant to sections 12 through 15, inclusive, of chapter 123A of the General Laws 750,000”.

[The Governor disapproved this item.]

After debate, the question on passing item 8000-0225 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at three minutes past four o'clock P.M., as follows, to wit (yeas 34 — nays 5) **[Roll Call No. 95]**:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tolman, Steven A.

Magnani, David P. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne ·
34.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tisei, Richard R. · **5.**
Lees, Brian P.

The yeas and nays having been completed at five minutes past four o'clock P.M., item 8000-0225 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 2820-4420 (Ponkapoag Golf Course Retained Revenue) was considered, as follows:—

“2820-4420 For the operation and maintenance of the Ponkapoag golf course; provided, that the division of urban parks and recreation may expend revenues up to \$1,100,000 collected from fees generated by the golf course; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenue and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account are positions requiring the services of an incumbent, on either a full-time or less than a full-time basis beginning no earlier than April 1 and ending no later than November 30 1,100,000”.

[The Governor reduced the item to \$850,000 and struck out the words “; provided, that the division of urban parks and recreation may expend revenues up to \$1,100,000 collected from fees generated by the golf course” and inserted the following words:— “; provided, that the division of urban parks and recreation may expend revenues up to \$850,000 collected from fees generated by the golf course”.]

After debate, the question on passing item 2820-4420 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at nine minutes past four o'clock P.M, as follows, to wit (yeas 33 — nays 6) [**Roll Call No. 96**]:

YEAS.

Antonioni, Robert A. Glodis, Guy W.
Baddour, Steven A. Hart, John A., Jr.
Barrios, Jarrett T. Havern, Robert A.
Berry, Frederick E. Jacques, Cheryl A.
Brewer, Stephen M. Joyce, Brian A.
Chandler, Harriette L. Magnani, David P.
Creedon, Robert S., Jr. McGee, Thomas M.
Creem, Cynthia Stone Melconian, Linda J.
Fargo, Susan C. Menard, Joan M.
Montigny, Mark C. Resor, Pamela
Moore, Richard T. Rosenberg, Stanley C.
Morrissey, Michael W. Shannon, Charles E.
Murray, Therese Tolman, Steven A.
Nuciforo, Andrea F., Jr. Tucker, Susan C.
O'Leary, Robert A. Walsh, Marian
Pacheco, Marc R. Wilkerson, Dianne ·
33.
Panagiotakos, Steven C.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. · 6.

Ms. Menard in the Chair, the yeas and nays having been completed at twelve minutes past four o'clock P.M., item 2820-4420 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 2820-4421 (Leo Martin Golf Course Retained Revenue) was considered, as follows:—

“2820-4421 For the operation and maintenance of the Leo J. Martin golf course; provided, that the division of urban parks and recreation may expend revenues up to \$700,000 collected from fees generated by the golf course; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenue and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account are positions requiring the services of an incumbent, on either a full-time or less than a full-time basis beginning no earlier than April 1 and ending no later than November 30 700,000”.

[The Governor reduced the item to \$550,000 and struck out the words “; provided, that the division of urban parks and recreation may expend revenues up to \$700,000 collected from fees generated by the golf course” and inserted the following words:— “; provided, that the division of urban parks and recreation may expend revenues up to \$550,000 collected from fees generated by the golf course”.]

After debate, the question on passing item 2820-4421 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at seventeen minutes past four o'clock P.M., as follows, to wit (yeas 33 — nays 6) [**Roll Call No. 97**]:

YEAS.

Antonioni, Robert A. Glodis, Guy W.
Baddour, Steven A. Hart, John A., Jr.
Barrios, Jarrett T. Havern, Robert A.
Berry, Frederick E. Jacques, Cheryl A.
Brewer, Stephen M. Joyce, Brian A.
Chandler, Harriette L. Magnani, David P.
Creedon, Robert S., Jr. McGee, Thomas M.
Creem, Cynthia Stone Melconian, Linda J.
Fargo, Susan C. Menard, Joan M.
Montigny, Mark C. Resor, Pamela
Moore, Richard T. Rosenberg, Stanley C.
Morrisey, Michael W. Shannon, Charles E.
Murray, Therese Tolman, Steven A.
Nuciforo, Andrea F., Jr. Tucker, Susan C.
O'Leary, Robert A. Walsh, Marian
Pacheco, Marc R. Wilkerson, Dianne ·
33.
Panagiotakos, Steven C.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. · 6.

The yeas and nays having been completed at twenty minutes past four o'clock P.M., item 2820-4421 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members

**present and voting, having approved the same.
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Bill Recalled from the Governor

Laid Before the Senate.

On motion of Mr. Havern, it was voted that a messenger be appointed to wait upon His Excellency the Governor, requesting the return to the Senate of the engrossed Bill designating certain bridges and a park in the town of Billerica (see House, No. 1036).

Mr. Havern was appointed the messenger. Subsequently, the bill was returned and was laid before the Senate.

There being no objection, on motion of Mr. Havern, the Senate reconsidered the vote by which, at a previous session, it had passed the bill to be enacted.

On motion of the same Senator, Senate Rule 49 was suspended and the bill was amended, on further motion of the same Senator, in section 1, by striking out, in the first sentence, the word "George" and inserting in place thereof the following word:—"Gordon".

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

Message from the Governor — Disapproval and Reductions in General Appropriation Bill.

A message from His Excellency the Governor, 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), which on Friday, June 20, 2003, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4005) was read; and the Senate proceeded to reconsider several items which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 4512-0225 (Gamblers Treatment Program) was considered, as follows:—

"4512-0225 The department of public health may expend for a compulsive gamblers' treatment program an amount not to exceed \$654,942 from unclaimed prize money held in the state lottery fund for more than 1 year from the date of the drawing when the unclaimed prize money was won, and from the proceeds of a multi-jurisdictional lottery game under subsection (e) of section 24A of chapter 10 of the General Laws; provided, that the state comptroller shall transfer the amount to the General Fund 654,942".

[The Governor disapproved this item.]

After debate, the question on passing item 4512-0225 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-four minutes before five o'clock P.M., as follows, to wit (yeas 34 — nays 5) **[Roll Call No. 98]**:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela

Hart, John A., Jr. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.
Jacques, Cheryl A. Tarr, Bruce E.
Joyce, Brian A. Tolman, Steven A.
Magnani, David P. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne ·
 34.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tisei, Richard R. · **5.**
Lees, Brian P.

The yeas and nays having been completed at twenty-one minutes before five o'clock P.M., item 4512-0225 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 7006-0067 (Item pricing violations) was considered, as follows:—

“7006-0067 The division of standards may expend for enforcement of weights and measures laws an amount not to exceed \$358,900 from revenues received from item pricing violations collected through municipal inspection efforts, and from weights and measures fees and fines collected from cities and towns 358,900”.

[The Governor disapproved this item.]

After debate, the question on passing item 7006-0067 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty minutes before five o'clock P.M., as follows, to wit (yeas 33 — nays 6) [**Roll Call No. 99**]:

YEAS.

Antonioni, Robert A. Glodis, Guy W.
Baddour, Steven A. Hart, John A., Jr.
Barrios, Jarrett T. Havern, Robert A.
Berry, Frederick E. Jacques, Cheryl A.
Brewer, Stephen M. Joyce, Brian A.
Chandler, Harriette L. Magnani, David P.
Creedon, Robert S., Jr. McGee, Thomas M.
Creem, Cynthia Stone Melconian, Linda J.
Fargo, Susan C. Menard, Joan M.
Montigny, Mark C. Resor, Pamela
Moore, Richard T. Rosenberg, Stanley C.
Morrissey, Michael W. Shannon, Charles E.
Murray, Therese Tolman, Steven A.
Nuciforo, Andrea F., Jr. Tucker, Susan C.
O·Leary, Robert A. Walsh, Marian
Pacheco, Marc R. Wilkerson, Dianne ·
 33.
Panagiotakos, Steven C.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.

Lees, Brian P. Tisei, Richard R. · 6.

The yeas and nays having been completed at seventeen minutes before five o'clock P.M., item 7006-0067 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 7006-0068 (Auto repair shop licensing fees) was considered, as follows:—

“7006-0068 The division of standards may expend an amount not to exceed \$450,000 from revenue received from license fees assessed to owners of motor vehicle repair shops 450,000”.

[The Governor reduced the item to \$200,000 and struck out the words “The division of standards may expend an amount not to exceed \$450,000 from revenue received from license fees assessed to owners of motor vehicle repair shops” and inserted the following words:— “The division of standards may expend an amount not to exceed \$200,000 from revenue received from license fees assessed to owners of motor vehicle repair shops”.]

After debate, the question on passing item 7006-0068 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at sixteen minutes before five o'clock P.M., as follows to wit (yeas 33 — nays 6) [**Roll Call No. 100**]:

YEAS.

Antonioni, Robert A.	Glodis, Guy W.
Baddour, Steven A.	Hart, John A., Jr.
Barrios, Jarrett T.	Havern, Robert A.
Berry, Frederick E.	Jacques, Cheryl A.
Brewer, Stephen M.	Joyce, Brian A.
Chandler, Harriette L.	Magnani, David P.
Creedon, Robert S., Jr.	McGee, Thomas M.
Creem, Cynthia Stone	Melconian, Linda J.
Fargo, Susan C.	Menard, Joan M.
Montigny, Mark C.	Resor, Pamela
Moore, Richard T.	Rosenberg, Stanley C.
Morrissey, Michael W.	Shannon, Charles E.
Murray, Therese	Tolman, Steven A.
Nuciforo, Andrea F., Jr.	Tucker, Susan C.
O'Leary, Robert A.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne ·

33.

Panagiotakos, Steven C.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P. Tisei,	Richard R. · 6.

The yeas and nays having been completed at thirteen minutes before five o'clock P.M., item 7006-0068 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Section 594 (Pension Funding Schedule VI) 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 Governor disapproved this section.]

After remarks, the question on passing Section 594 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at eleven minutes before five o'clock P.M., as follows, to wit (yeas 39 — nays 0) [Roll Call No. 101]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Barrios, Jarrett T. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Chandler, Harriette L. Nuciforo, Andrea F., Jr.
Creedon, Robert S., O'Leary, Robert A.
Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Resor, Pamela
Hart, John A., Jr. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.
Hedlund, Robert L. Sprague, Jo Ann
Jacques, Cheryl A. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Tucker, Susan C.
Magnani, David P. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne · 39.
Melconian, Linda J.

NAYS · 0.

The yeas and nays having been completed at seven minutes before five o'clock P.M., Section 594 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Section 650 (Elevator inspection fees) was considered, as follows:—

“SECTION 650. Notwithstanding any general or special law, rule or regulation to the contrary, the department of public safety shall charge the following fees; (a) fees for annual elevator inspections shall be at least \$400 per inspection and (b) overtime elevator inspection fees shall be at least \$400 per inspection.”

[The Governor disapproved this section.]

After debate, the question on passing Section 650 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at six minutes before five o'clock P.M., as follows, to wit (yeas 30 — nays 9) [Roll Call No. 102]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne · 30.

NAYS.

Baddour, Steven A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tucker, Susan C. · 9.
Lees, Brian P.	

The yeas and nays having been completed at three minutes before five o'clock P.M., Section 650 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Section 630 (Alcohol retailers licensing fees) was considered, as follows:—

“SECTION 630. Notwithstanding any general or special law or regulation to the contrary, the secretary of administration and finance shall increase the retailer license fee set forth in 801 CMR 4.02 to \$200 per license; provided, however, that said fee increase shall take effect on July 1, 2003.”

[The Governor disapproved this section.]

After debate, the question on passing Section 630 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at two minutes before five o'clock P.M., as follows, to wit (yeas 33 — nays 6) [Roll Call No. 103]:

YEAS.

Antonioni, Robert A.	Glodis, Guy W.
Baddour, Steven A.	Hart, John A., Jr.

Barrios, Jarrett T.	Havern, Robert A.
Berry, Frederick E.	Jacques, Cheryl A.
Brewer, Stephen M.	Joyce, Brian A.
Chandler, Harriette L.	Magnani, David P.
Creedon, Robert S., Jr.	McGee, Thomas M.
Creem, Cynthia Stone	Melconian, Linda J.
Fargo, Susan C.	Menard, Joan M.
Montigny, Mark C.	Resor, Pamela
Moore, Richard T.	Rosenberg, Stanley C.
Morrissey, Michael W.	Shannon, Charles E.
Murray, Therese	Tolman, Steven A.
Nuciforo, Andrea F., Jr.	Tucker, Susan C.
O'Leary, Robert A.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne
Panagiotakos, Steven C.	33.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P. Tisei,	Richard R. · 6.

The yeas and nays having been completed at one minute past five o'clock P.M., Section 630 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Section 638 (Optician apprentice training fee) was considered, as follows:—

“SECTION 638. Notwithstanding any general or special law to the contrary, the division of apprentice training shall charge a fee of \$40 for an optician apprentice application.”

[The Governor disapproved this section.]

After debate, the question on passing Section 638 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at three minutes past five o'clock P.M., as follows, to wit (yeas 33 — nays 6) [**Roll Call No. 104**]:

YEAS.

Antonioni, Robert A.	Glodis, Guy W.
Baddour, Steven A.	Hart, John A., Jr.
Barrios, Jarrett T.	Havern, Robert A.
Berry, Frederick E.	Jacques, Cheryl A.
Brewer, Stephen M.	Joyce, Brian A.
Chandler, Harriette L.	Magnani, David P.
Creedon, Robert S., Jr.	McGee, Thomas M.
Creem, Cynthia Stone	Melconian, Linda J.
Fargo, Susan C.	Menard, Joan M.
Montigny, Mark C.	Resor, Pamela
Moore, Richard T.	Rosenberg, Stanley C.
Morrissey, Michael W.	Shannon, Charles E.
Murray, Therese	Tolman, Steven A.

Nuciforo, Andrea F., Jr. Tucker, Susan C.
 O'Leary, Robert A. Walsh, Marian
 Pacheco, Marc R. Wilkerson, Dianne ·
33.

Panagiotakos, Steven C.
NAYS.

Hedlund, Robert L. Sprague, Jo Ann
 Knapik, Michael R. Tarr, Bruce E.
 Lees, Brian P. Tisei, Richard R. · **6.**

**The yeas and nays having been completed at five minutes past five o'clock P.M., Section 638 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.
 The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 0611-5500 (Additional assistance to cities and towns) was considered, as follows:—

“0611-5500 For additional assistance to cities and towns to be distributed according to section 3 and for assistance to certain public entities of the commonwealth which have constructed water pollution abatement facilities; provided, that the distribution to the public entities shall equal \$1,249,948; and provided further, that if there is a conflict between the provisions of the distribution set forth in section 3 and any other provisions of this act, the distribution set forth in section 3 shall control 379,767,936”.

[The Governor reduced the item to \$356,767,936 and reduced the corresponding amounts in section 3 to the following amounts:

Additional Municipality Assistance

ACTON	27,892
ACUSHNET	22,424
ADAMS	32,913
AMHERST	209,365
ARLINGTON	4,218,840
ASHLAND	273,880
ATHOL	4,111
AVON	376,292
AYER	41,531
BECKET	8,059
BEDFORD	454,845
BELMONT	777,202
BEVERLY	2,303,424
BILLERICA	2,206,569
BOSTON	154,233,141
BOURNE	331,133
BOXFORD	34,199
BRAINTREE	3,172,780
BROCKTON	4,048,478
BROOKLINE	3,285,207
BURLINGTON	1,302,158
CAMBRIDGE	16,864,990
CANTON	824,652
CARLISLE	13,834
CHELMSFORD	2,381,286

CHELSEA	3,190,459
CHICOPEE	1,122,966
CLARKSBURG	12,317
CLINTON	164,852
COHASSET	156,006
CONCORD	360,628
DANVERS	1,050,980
DEDHAM	1,456,097
DUNSTABLE	28,248
EASTHAMPTON	102,258
EDGARTOWN	26,775
ERVING	12,351
ESSEX	31,772
EVERETT	3,836,178
FAIRHAVEN	367,649
FALL RIVER	2,151,745
FITCHBURG	201,758
FRAMINGHAM	4,412,064
GARDNER	113,410
GEORGETOWN	49,778
GLOUCESTER	1,806,203
GOSNOLD	1,843
HADLEY	129,935
HAMILTON	40,281
HANCOCK	16,566
HANOVER	1,245,798
HARDWICK	3,032
HARVARD	51,743
HAVERHILL	2,351,046
HAWLEY	12,139
HINGHAM	313,847
HOLBROOK	4,468
HOLLISTON	387,247
HOLYOKE	569,784
HOPKINTON	112,978
HULL	1,304,176
IPSWICH	728,314
LAWRENCE	179,112
LENOX	67,762
LEOMINSTER	10,982
LINCOLN	274,268
LITTLETON	154,903
LOWELL	5,955,461
LYNN	8,901,637
LYNNFIELD	340,274
MALDEN	5,247,262

MANSFIELD	680,984
MARBLEHEAD	37,009
MARLBOROUGH	2,562,545
MARSHFIELD	190,436
MAYNARD	551,225
MEDFIELD	699,369
MEDFORD	6,041,591
MEDWAY	175,639
MELROSE	2,539,872
METHUEN	153,120
MIDDLETON	118,879
MILLIS	301,439
MILTON	1,169,486
MONROE	13,081
MONTEREY	11,776
MOUNT WASHINGTON	31,263
NAHANT	117,774
NATICK	1,824,443
NEEDHAM	193,476
NEW ASHFORD	6,869
NEW BEDFORD	672,733
NEWBURYPORT	1,296,200
NEWTON	1,293,340
NORTH ADAMS	174,560
NORTH ANDOVER	113,224
NORTH READING	888,047
NORTHAMPTON	542,806
NORTHBOROUGH	57,398
NORTHBRIDGE	2,884
NORWELL	508,201
NORWOOD	2,503,892
ORANGE	1,986
PEABODY	2,949,462
PHILLIPSTON	4,119
PITTSFIELD	826,795
PROVINCETOWN	20,833
QUINCY	10,864,153
RANDOLPH	1,714,909
READING	1,441,635
REVERE	5,010,306
ROCKLAND	370,375
ROWLEY	107,291
SALEM	3,098,289
SANDWICH	83,034
SAUGUS	1,675,680
SAVOY	12,962

SCITUATE	821,867
SHARON	58,698
SHEFFIELD	11,213
SHERBORN	19,678
SHIRLEY	174,283
SHREWSBURY	280,701
SOMERVILLE	15,234,348
SOUTH HADLEY	18,986
SPRINGFIELD	1,718,330
STONEHAM	1,905,672
STOUGHTON	96,867
STOW	6,550
SUDBURY	602,578
SWAMPSCOTT	330,919
TOLLAND	9,265
TOPSFIELD	237,894
WAKEFIELD	1,350,698
WALPOLE	830,074
WALTHAM	5,127,169
WARE	14,330
WARWICK	27,135
WASHINGTON	22,309
WATERTOWN	4,158,237
WAYLAND	263,337
WEBSTER	58,238
WELLESLEY	90,954
WENDELL	23,982
WENHAM	131,300
WEST BOYLSTON	63,637
WEST BRIDGEWATER	44,343
WEST TISBURY	171,349
WESTBOROUGH	136,244
WESTFORD	841,100
WESTWOOD	34,060
WEYMOUTH	2,276,789
WILMINGTON	1,178,227
WINCHENDON	23,825
WINCHESTER	323,477
WINDSOR	26,317
WINTHROP	2,148,533
WOBURN	3,368,997
WORCESTER	11,091,531

After debate, the question on passing item 0611-5500 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at ten minutes past five o'clock P.M., as follows, to wit (yeas 36 — nays 3) **[Roll Call No. 105]**:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne · 36.

NAYS.

Knapik, Michael R.	Sprague, Jo Ann · 3.
Lees, Brian P.	

The yeas and nays having been completed at thirteen minutes past five o'clock P.M., item 0611-5500 (contained in section 2), in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Reports of a Committee.

The President in the Chair, Ms. Murray, for the committee on Ways and Means, that the House Bill authorizing the transfer of an easement under the control of the Department of Environmental Management in the city of Lynn (House, No. 2018),— ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2035; and by striking out the title and inserting in place thereof the following title:— “An Act authorizing the transfer of an easement under the control of the Department of Conservation and Recreation in the city of Lynn.”.

The rules were suspended, on motion of Mr. Berry, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment. Sent to the House for concurrence in the amendment.

By Ms. Murray, for the committee on Ways and Means, that the House Bill consolidating Massachusetts Housing Finance Agency mortgage loans (House, No. 3734),— ought to pass.

The rules were suspended, on motion of Mr. Berry, and the bill was read a second time, ordered to a third reading and read a third time.

Mr. Berry offered an amendment, 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 authorize forthwith the consolidation of certain loans of the Massachusetts Housing Finance Agency, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

This amendment was adopted.

After remarks, the bill, as amended, was then passed to be engrossed, in concurrence, with the amendment. Sent to the House for concurrence in the amendment.

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Natasha Searcy, an employee of the Trial Court (House, No. 3818),— ought to pass, with an amendment, adding at the end thereof the following sentence:— “Upon such time that Nastasha Searcy terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.”.

The rules were suspended, on motion of Ms. Murray, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment. Sent to the House for concurrence in the amendment.

By Ms. Murray, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Fall River (House, No. 3831),— ought to pass.

The rules were suspended, on motion of Ms. Menard, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Order Adopted.

On motion of Mr. Lees,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. Havern, at twenty-eight minutes past five o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.