

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.



Wednesday, November 17, 1999.

Met at twenty-two minutes past twelve o'clock noon (Ms. Melconian in the Chair).

Distinguished Guests.

The Chair (Ms. Melconian) introduced, seated in the rear of the Senate Chamber, the Lord Mayor of Plymouth, England, Tom Savery, the Lord Mayoress, Margaret Savery, Peter Tracey, Member Services Manager for Plymouth, England City Council, and Katheryn Flanagan, manager of the Southwest England Regional Development Agency. The Lord Mayor and company were the guests of Senator Murray. They each signed the guest book and withdrew from the Chamber.

Report.

Reports of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of Franklin County Jail and House of Correction and M.C.I. Lancaster (received Tuesday, November 16, 1999),— were read and sent to the House for its information.

Reports of Committees.

By Mr. Magnani, for the committee on Science and Technology, that the Senate bills

Establishing a trust fund to provide funding for research to find a cure for spinal cord injury (Senate, No. 625),— ought to pass, with an amendment, in lines 47 through 49 of Section 2 by striking out the words "Board members shall be reimbursed for ordinary travel expenses, including meals and lodging, incurred in the performance of duties."; in line 62 of Section 2 by striking out the words "and head injury" and in line 8 of Section 3 by striking out the word "surcharge" and inserting in place thereof the word "assessment.", and in lines 4 and 8 of Section 4 by striking out the word "surcharge" and inserting in place thereof the word "assessment.";

To create an exotic aquatic species control program (Senate, No. 994, changed),— ought to pass, with an amendment, in line 124 of Section 4 by striking the amendment made by the joint committee on Natural Resources and Agriculture to insert after the word "plants" the following words:—"shall be submitted to the joint committee on Natural Resources and Agriculture by the technical advisory committee 60 days prior to the final completion of such list. In addition, said committee shall also prepare and submit to the joint committee on Natural Resources and Agriculture a report describing the methodologies for evaluating the effectiveness of this program. Subsequently, this list"; and

Assurance of non-visual access to information technology (Senate, No. 1402),— ought to pass, with an amendment, in line 9 of Section 4 by striking out the words "and non-visual means as by visual means." and inserting in place thereof the words "shall be adaptable for use by non-visual means.";

Severally referred, under Senate Rule 27, to the committee on Ways and Means, with the amendments pending.

By Mr. Tolman, for the committee on Local Affairs, on petition, a Bill providing for the layout and acceptance of certain ways by the city known as the town of Agawam (Senate, No. 2018);

By the same Senator, for the same committee, on petition, a Bill relative to the town of Watertown (Senate, No. 2026) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill providing that the title of executive secretary be changed to town administrator for the town of Acushnet (Senate, No. 2037) [Local approval received];

Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Committee Discharged.

Mr. Montigny, for the committee on Ways and Means, reported, asking to be discharged from further consideration of the House Bill authorizing the town of Wrentham to convey certain conservation land (House, No. 289),— and recommending that the same be referred to the Senate committee on Steering and Policy.

Under Senate Rule 36, the report was considered forthwith and accepted.

Subsequently, Mr. Brewer, for the said committee on Steering and Policy, reported that the matter be placed in the Orders of the Day for the next session.

There being no objection, the rules were suspended, on motion of Ms. Melconian, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

PAPERS FROM THE HOUSE.

Bills

Authorizing and directing the reinstatement of Robert W. Aylward as a member in service of the teachers' retirement system (House, No. 326, changed);

Establishing a sick leave bank for Tracy Morin and Irene Hoffman, employees of the Trial Court (House, No. 4905,— on House, No. 4875); and

To improve the emergency medical services system (House, No. 1946, amended,— on Senate, No. 472 and House, Nos. 662 and 1946);

Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

A Bill relative to the Dracut Water Supply District (House, No. 4833, changed and amended,— on petition),— was read and, under Senate Rule 26, referred to the committee on Steering and Policy.

Bills

Authorizing the town of Canton to rescind its acceptance of certain provisions of the General Laws (House, No. 4326,— on petition) [Local approval received]; and

Relative to the apportionment of sewer costs in the town of Stoughton (House, No. 4554,— on petition) [Local approval received];

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

A petition (accompanied by bill, House, No. 4904) of Douglas W. Stoddart, Cheryl A. Jacques and David P. Magnani that the retirement board of the town of Natick be authorized to pay a certain sum of money to Edward Zullo,— was referred, in concurrence, under suspension of Joint Rule 7B, to the committee on Public Service.

Recess.

There being no objection, at twenty-three minutes past twelve o'clock noon, the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and, at nineteen minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

Resolutions.

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

Resolutions (filed by Messrs. Bernstein and Glodis) "congratulating Doctor Lillian R. Goodman on the occasion of her retirement and the establishment of the Lillian R. Goodman Chair in Graduate Nursing";

Resolutions (filed by Mr. Knapik) "commemorating the tenth anniversary of the Velvet Revolution";

Resolutions (filed by Mrs. Sprague) "honoring the Church of the Blessed Sacrament on the occasion of its one hundred and twenty-fifth anniversary"; and

Resolutions (filed by Mrs. Sprague) "honoring the town of Walpole on the occasion of its two hundred and seventy-fifth anniversary".

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered, as follows:

The House Bill exempting the position of deputy fire chief in the town of Wellesley from the provisions of the civil service law (House, No. 4327),— was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

PAPERS FROM THE HOUSE.

The Senate Bill relative to certain leases for offices of the Department of Public Health in the city of Boston (Senate, No. 1857, amended),— came from the House passed to be engrossed, in concurrence, with amendments, striking out all after the enacting

clause and inserting in place thereof the text contained in House document numbered 4862; amended in section 1, in lines 15 and 16, by striking out the words ", subject to the prior approval of the General Court," and by striking out the title and inserting in place thereof the following title: "An Act relative to the department of Public Health in the city of Boston."

The rules were suspended, on motion of Ms. Wilkerson, and the House amendment was considered forthwith.

On further motion of Ms. Wilkerson, the Senate concurred in the House amendment with a further amendment in section 3, by striking out clause (m) and inserting in place thereof the following clause:—

"(m) that the lease shall be conditioned on the payment by the city of Boston of such amounts and in such form as specified in the Memorandum of Agreement dated June 24, 1999."

Sent to the House for concurrence in the further amendment.

Engrossed Bill.

An engrossed Bill relative to members of financially troubled health maintenance organizations (see House, No. 4848, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at a quarter before two o'clock P.M., on motion of Ms. Melconian, as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. —0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at ten minutes before two o'clock P.M., the bill was passed to be enacted and it was signed by the President and laid before the Governor for his approbation.

The Senate Bill providing for the licensing of home inspectors (Senate, No. 1949, printed as amended),— came from the House passed to be engrossed, in concurrence, with amendments:—

In Section 1, by striking out the sentence contained in lines 6 to 13, inclusive, and inserting in place thereof the following sentence:— "The members so appointed shall be residents of the commonwealth, three of whom shall be licensed home inspectors who have been actively engaged in the practice of home inspection in the commonwealth for at least five years immediately preceding his appointment and each of whom shall have performed not less than 1,000 home inspections for compensation, one of whom shall be a licensed home inspector who has been actively engaged in the practice of home inspection in the commonwealth for at least five years immediately preceding his appointment and who has performed not less than 150 home inspections for compensation and one of whom shall be a consumer who shall be the owner and principal resident of a residential building", by inserting after the word "client.", in line 60, the following sentence:— "The brochure shall also include information regarding inspections for lead paint, radon, and termites and other wood boring insects.";

By striking out section 2 and inserting in place thereof the following section:

"SECTION 2. Chapter 112 of the General Laws is hereby amended by inserting after section 87YY, the following section:— Section 87YY½. At the time of the signing of the first written contract to purchase, real estate brokers and salesmen, or the seller if no broker or salesmen is involved in the sale, shall be required to distribute a brochure, published by the office of consumer affairs and business regulation, educating consumers about the home inspection process. Real estate brokers and salesmen shall not directly recommend a specific home inspection company or home inspector, but may, upon request, provide a complete list of

licensed home inspectors prepared by the board. This prohibition shall not apply if there is a written contractual agreement or a written agency disclosure between the buyer and the real estate broker specifying that the real estate broker is acting exclusively for the buyer as a buyer's broker.";

In Section 3, by inserting after the word "provides", in line 17, the following words:— "pursuant to the sale and transfer of a residential building,"; in lines 77 and 78, by striking out the sentence contained therein and inserting in place thereof the sentence:— "Pursuant to section 3B of chapter 7 of the General Laws, the secretary of administration and finance shall ensure that a licensing fee shall be charged to all applicants in an amount sufficient to defray all administrative costs to the commonwealth associated with the licensure of home inspectors, but in no case shall said fee be less than \$100.";

By inserting after the word "policy.", in line 156, the following paragraph:—

"Any action arising from a house inspection shall be commenced only within three years after the date of each completed written report of the home inspection performed under a license issued by the board."

In lines 198, 199 and 200 by striking out the following:— "or (7) failed to provide a written report of the completed home inspection." and inserting in place thereof the following:—

"(7) failed to provide a written report of the completed home inspection;

(8) reported on the market value of the property or its marketability; or

(9) reported on the advisability or inadvisability of purchase of the property.";

By striking out the paragraph contained in lines 222 to 224, inclusive.

In line 238 by striking out "the supreme judicial court" and inserting in place thereof "superior court";

In section 4, by striking out, in lines 1 and 2, the words "During the first 360 days following the effective date of this act" and inserting in place thereof the following words, "Prior to May 1, 2001"; by striking out section 5 and inserting in place thereof the following section:—

"SECTION 5. The board of registration of home inspectors as set forth in section 96 of chapter 13 of the General Laws shall be appointed on or before September 1, 2000."; and by striking out section 6 (as printed) and inserting in place thereof the following section:—

"SECTION 7. Sections 2 to 4, inclusive, shall take effect on May 1, 2001."

The rules were suspended, on motion of Ms. Jacques, and the House amendments were considered forthwith and adopted, in concurrence.

Report of a Committee.

By Mr. Montigny, for the committee on Ways and Means, pursuant to the provisions of Senate Rule 19, a Bill making appropriations for the fiscal year 2000 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2049).

The bill was read. There being no objection, the rules were suspended, on motion of Mr. Montigny, and the bill was read a second time, ordered to a third reading and read a third time.

After remarks, pending the question on passing the bill to be engrossed, Mr. Lees moved that the bill be amended in section 2A, by adding the following item:—

"4512-xxxx For the operation of a pilot program to be administered by the Springfield department of health for a comprehensive drug treatment for the prevention of AIDS 300,000."

After further remarks, the amendment was rejected.

Mr. Tarr moved that the bill be amended in item 1599-9963, by inserting after the word "so-called" the following words:— "; provided further that funds from this item shall be expended for the resurfacing and repair of state highway Route 127 in the town of Manchester-by-the-Sea."

The amendment was rejected.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-one minutes past two o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.

Bernstein, Robert A. Morrissey, Michael W.

Brewer, Stephen M. Murray, Therese

Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.

Creedon, Robert S., Jr. Pacheco, Marc R.

Creem, Cynthia Stone Panagiotakos, Steven C.

Fargo, Susan C. Rauschenbach, Henri S.

Glodis, Guy W. Resor, Pamela

Havern, Robert A. Rosenberg, Stanley C.

Hedlund, Robert L. Shannon, Charles E.

Jacques, Cheryl A. Sprague, Jo Ann

Jajuga, James P. Tarr, Bruce E.

Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. —0
ABSENT OR NOT VOTING.
Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-six past two o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

Recess.

There being no objection, at twenty-seven minutes past two o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-eight minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Message from His Excellency the Governor

Disapprovals 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 2000 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial fund requirements and for certain permanent improvements (see House, No. 4900) which, on Wednesday, November 10, 1999, had been laid before the Governor for his approbation,— came from the House, several items and sections having passed notwithstanding the objections of the Governor.

The message (House, No. 4901) was read and the Senate proceeded to reconsider several items and sections, 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 2000; provided, that not more than \$300,000 shall be obligated for the evaluation and audit of said premium and plan costs; provided further, that not more than \$300,000 shall be obligated for the evaluation and negotiation of premium rates which may include rates for health benefit plans, prescription drug plans and long-term disability plans; provided further, that not more than \$150,000 shall be obligated for claims utilization analysis; provided further, that the secretary of administration and finance shall charge the division of employment and training 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 is authorized and directed to 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 said charges shall be credited to the general fund; provided further, that, notwithstanding the provisions of section 26 of chapter 29 of the General Laws, the commission is hereby authorized to negotiate, purchase and execute contracts prior to July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; provided further, that notwithstanding the provisions of 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 prior to 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 commission shall provide the number of retirees for whom the commonwealth pays said 85 per cent to the house and senate committees on ways and means by February 1 of each year; provided further, that the commonwealth's share of such premiums for active state employees shall be 85 per cent of said premiums and rates; provided further, that notwithstanding the provisions of chapter 150E

of the General Laws, employees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall continue to pay the same percentage, if any, of the health insurance premium that they paid on June 1, 1994; provided further, that active employees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall pay 15 per cent of such premiums and rates; 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 569,877,508".

[The Governor reduced the item to \$544,877,508 and disapproved the following wording:— "; provided further, that the commonwealth's share of such premiums for active state employees shall be 85 per cent of said premiums and rates"]. After debate, the question on passing item 1108-5200, 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 35 — nays 2):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Glodis, Guy W. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.
Hedlund, Robert L. Sprague, Jo Ann
Jacques, Cheryl A. Tarr, Bruce E.
Jajuga, James P. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
Knapik, Michael R. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 35.
Montigny, Mark C.

NAYS.

Lees, Brian P. Rauschenbach, Henri S. — 2.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at two minutes before four o'clock P.M., item 1108-5200 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 4130-1001 (home visiting program expansion) was considered, as follows:

"4130-1001 For expansion of the statewide neonatal and postnatal home parenting education and home visiting programs for at-risk newborns established in item 4130-1000 of section 2; provided, that such services shall be made available statewide to all parents under the age of 21 years but ineligible for services under item 4130-1000 of section 2, within the amount appropriated herein; provided further, that the annualized cost of said expansion shall not exceed \$8,000,000 in fiscal year 2001 nor \$10,000,000 in fiscal year 2002; and provided further, that no expenditure shall be made from this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act 5,000,000

Tobacco Settlement
Fund 100.0%".

[The Governor disapproved the item].

After debate, the question on passing item 4130-1001, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at eleven minutes past four o'clock P.M., as follows, to wit (yeas 31 — nays 6):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Glodis, Guy W. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 31.
Montigny, Mark C.

NAYS.

Hedlund, Robert L. Rauschenbach, Henri S.
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 6.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at a quarter past four o'clock P.M., item 4130-1001 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 51 (pension cost of living adjustments) was considered, as follows:

"SECTION 51. Section 103 of said chapter 32, as so appearing, is hereby amended by adding the following paragraph:—

(i) Notwithstanding the provisions of paragraph (c) to the contrary, the board of any system may, by accepting the provisions of this as hereinafter provided, elect annually to pay a cost-of-living increase greater than the percentage increase, as recommended in the report prepared in accordance with paragraph (f) of subdivision (3) of section 21 for that year, but not greater than 3 per cent. The board shall conduct such election in a public meeting, properly posted, called specifically for such election. The board shall also notify each legislative body at least 30 days before such election.

Acceptance of this subsection shall be by a majority vote of the board of such system, subject to the approval of the legislative body. For the purpose of this section, legislative body' shall mean, in the case of a city, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a county, the county retirement board advisory council, in the case of a district, the district members, and, in the case of an authority, the governing body. Acceptance of this subsection shall be deemed to have occurred upon the filing of the certification of such vote with the commission. A decision to accept the provisions of this subsection may not be revoked."

After remarks, the question on passing Section 51, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-one minutes past four o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Magnani, David P.
Bernstein, Robert A. Melconian, Linda J.
Brewer, Stephen M. Montigny, Mark C.
Clancy, Edward J., Jr. Moore, Richard T.
Creedon, Robert S., Jr. Morrissey, Michael W.
Creem, Cynthia Stone Murray, Therese
Fargo, Susan C. Nuciforo, Andrea F., Jr.
Glodis, Guy W. Pacheco, Marc R.
Havern, Robert A. Panagiotakos, Steven C.
Hedlund, Robert L. Rauschenbach, Henri S.

Jacques, Cheryl A. Resor, Pamela
Jajuga, James P. Rosenberg, Stanley C.
Joyce, Brian A. Shannon, Charles E.
Knapik, Michael R. Sprague, Jo Ann
Lees, Brian P. Tarr, Bruce E.
Lynch, Stephen F. Tisei, Richard R.
Tolman, Steven A. Walsh, Marian
Travaglini, Robert E. Wilkerson, Dianne — 37.
Tucker, Susan C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

Mr. Travaglini in the Chair, the yeas and nays having been completed at twenty-three minutes past four o'clock P.M., Section 51 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 1599-6898 (private human service providers wage adjustment) was considered, as follows:

"1599-6898

For a reserve to adjust the wages, compensation or salary and associated employee-related costs to personnel earning less than \$30,000 in annual compensation who are employed by private human service providers that deliver human and social services under contract with departments within the executive office of health and human services and the executive office of elder affairs; provided, the secretary of administration and finance is hereby authorized to allocate the funds appropriated herein to said departments in order to implement said initiative; provided further, that the operational services division shall condition the expenditure of such reserve upon assurances that such funds shall be used solely for the purposes of such adjustments to wages, compensation or salary; provided further, that said division shall submit to the house and senate committees on ways and means a report delineating the number of employees, by job title and average salary, receiving such adjustment in fiscal year 2000 and the average percentage adjustment funded by this reserve; provided further, that said report shall also include, for each contract scheduled to receive any allocation from this item in each such department, the total payroll expenditures in each contract for the categories of personnel scheduled to receive such adjustments; provided further, that such adjustments shall be not less than a full 3 per cent for those workers earning less than \$20,000 in annual compensation and shall not be reduced by the expenses of such associated employee-related costs and withholding; provided further, that no funds from this item shall be allocated to special education programs under chapter 71B of the General Laws, contracts for child care services or programs for which payment rates are negotiated and paid as class rates, so-called, as established by the division of health care finance and policy; provided further, that no funds shall be allocated from this item to contracts funded exclusively by federal grants as delineated in section 2D of this act; provided further, that the total fiscal year 2000 cost of the salary adjustments and any other associated employee costs authorized thereunder shall not exceed \$28,000,000; and provided further, that the annualized cost of said adjustments in fiscal year 2001 shall not exceed the amount appropriated herein 28,000,000".

[The Governor reduced the item to \$21,500,000.]

After remarks, the question on passing item 1599-6898, 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 five o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann

Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-five minutes before five o'clock P.M., item 1599-6898 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 4590-0451 (school health services) was considered, as follows:

"4590-0451

For the school health services program; provided, that said services shall meet standards and eligibility guidelines established by the department of public health in consultation with the department of education; provided further, that funds shall be expended from this item for said services in public and non-public schools; provided further, that services shall include but not be limited to: (1) strengthening the infrastructure of school health services in the areas of personnel and policy development, programming, and interdisciplinary collaboration, (2) developing linkages between school health services programs and community health providers, (3) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services; and provided further, that no expenditure shall be made from this item until the comptroller has certified receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the General Laws, as inserted by section 43 of this act 6,500,000

Tobacco Settlement

Fund 100.0%".

[The Governor reduced the item to \$3,250,000].

After remarks, the question on passing item 4590-0451, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at seven minutes before five o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Jajuga, James P.
Bernstein, Robert A. Joyce, Brian A.
Brewer, Stephen M. Knapik, Michael R.
Clancy, Edward J., Jr. Lees, Brian P.
Creedon, Robert S., Jr. Lynch, Stephen F.
Creem, Cynthia Stone Magnani, David P.
Fargo, Susan C. Melconian, Linda J.
Glodis, Guy W. Montigny, Mark C.
Havern, Robert A. Moore, Richard T.
Hedlund, Robert L. Morrissey, Michael W.
Jacques, Cheryl A. Murray, Therese
Nuciforo, Andrea F., Jr. Tarr, Bruce E.
Pacheco, Marc R. Tisei, Richard R.
Panagiotakos, Steven C. Tolman, Steven A.
Rauschenbach, Henri S. Travaglini, Robert E.
Resor, Pamela Tucker, Susan C.
Rosenberg, Stanley C. Walsh, Marian

Shannon, Charles E. Wilkerson, Dianne — 37.
Sprague, Jo Ann

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at five minutes before five o'clock P.M., item 4590-0451 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 4590-0450 (school based health centers) was considered, as follows:

"4590-0450

For expansion of school based health centers partially funded in item 4590-0300; provided, that no expenditure shall be made from this item until the comptroller has certified receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the General Laws, as inserted by section 43 of this act 5,000,000

Tobacco Settlement

Fund 100.0%".

[The Governor reduced the item to \$2,500,000].

After remarks, the question on passing item 4590-0450, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at one minute before five o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Jacques, Cheryl A.
Bernstein, Robert A. Jajuga, James P.
Brewer, Stephen M. Joyce, Brian A.
Clancy, Edward J., Jr. Knapik, Michael R.
Creedon, Robert S., Jr. Lees, Brian P.
Creem, Cynthia Stone Lynch, Stephen F.
Fargo, Susan C. Magnani, David P.
Glodis, Guy W. Melconian, Linda J.
Havern, Robert A. Montigny, Mark C.
Hedlund, Robert L. Moore, Richard T.
Morrissett, Michael W. Sprague, Jo Ann
Murray, Therese Tarr, Bruce E.
Nuciforo, Andrea F., Jr. Tisei, Richard R.
Pacheco, Marc R. Tolman, Steven A.
Panagiotakos, Steven C. Travaglini, Robert E.
Rauschenbach, Henri S. Tucker, Susan C.
Resor, Pamela Walsh, Marian
Rosenberg, Stanley C. Wilkerson, Dianne — 37.
Shannon, Charles E.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at two minutes past five o'clock P.M., item 4590-0450 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 7003-0601 (summer jobs program) was considered, as follows:

"7003-0601

For the summer jobs youth-at-risk program, including the costs of administration; provided, that service levels shall be developed so as not to exceed the appropriation made available herein; provided further, that the same number of youths shall be served in fiscal year 2000 that were served in fiscal year 1999; provided further, that not more than \$3,050,000 of the amount appropriated herein shall be expended prior to June 1, 2000; and provided further, that expenditures made from this item shall be structured so that funding provided herein shall not annualize to an amount greater than \$3,050,000 in fiscal year 2001, prior appropriation continued 3,050,000".

[The Governor reduced the item to \$1,680,000].

After debate, the question on passing item 7003-0601, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at a quarter past five o'clock P.M., as follows, to wit (yeas 31 — nays 6):

YEAS.

Antonioni, Robert A. Creem, Cynthia Stone
Bernstein, Robert A. Fargo, Susan C.
Brewer, Stephen M. Glodis, Guy W.
Clancy, Edward J., Jr. Havern, Robert A.
Creedon, Robert S., Jr. Jacques, Cheryl A.
Jajuga, James P. Panagiotakos, Steven C.
Joyce, Brian A. Resor, Pamela
Lynch, Stephen F. Rosenberg, Stanley C.
Magnani, David P. Shannon, Charles E.
Melconian, Linda J. Sprague, Jo Ann
Montigny, Mark C. Tolman, Steven A.
Moore, Richard T. Travaglini, Robert E.
Morrissey, Michael W. Tucker, Susan C.
Murray, Therese Walsh, Marian
Nuciforo, Andrea F., Jr. Wilkerson, Dianne — 31.
Pacheco, Marc R.

NAYS.

Hedlund, Robert L. Rauschenbach, Henri S.
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 6.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at eighteen minutes past five o'clock P.M., item 7003-0601 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.

Senate Order Adopted.

The President in the Chair, Ms. Melconian offered the following order, to wit:

Ordered, That when the Senate considers various vetoes and reductions in relation to the General Appropriation Bill, debate shall be limited to thirty minutes on each item.

The order was considered forthwith, and it was adopted.

Suspension of Senate Rule 38A.

Mr. Travaglini moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of eight o'clock P.M.; and, there being no objection, on further motion of the same Senator, the rule was suspended without a recorded yea and nay vote.

PAPERS FROM THE HOUSE.

Message from His Excellency the Governor

Disapprovals and Reductions in General Appropriations 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 2000 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial fund requirements and for certain permanent improvements (see House, No. 4900) which, on Wednesday, November 10, 1999, had been laid before the Governor for his approbation,— came from the House, several items and sections having passed notwithstanding the objections of the Governor.

The message (House, No. 4901) was read and the Senate proceeded to reconsider several items and sections, in accordance with the provisions of the Constitution.

Item 4510-1060 (community health centers) was considered, as follows:

"4510-0160

For expansion of community health center services partially funded in item 4510-0150 for the purpose of funding operating and information systems, public health services in minority communities, access to oral health services and to conduct research regarding populations and health needs served by community health centers; provided, that no expenditure shall be made from this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by

section 43 of this act
5,000,000

Tobacco Settlement

Fund 100.0%".

[The Governor disapproved the item].

After debate, the question on passing item 4510-0160, 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 past five o'clock P.M., as follows, to wit (yeas 34 — nays 3):

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Bernstein, Robert A. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Clancy, Edward J., Jr. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Rauschenbach, Henri S.
Havern, Robert A. Resor, Pamela
Hedlund, Robert L. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Sprague, Jo Ann
Joyce, Brian A. Tolman, Steven A.
Knapik, Michael R. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 34.

NAYS.

Lees, Brian P. Tisei, Richard R. — 3.
Tarr, Bruce E.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at half past five o'clock P.M., item 4510-0160 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 7004-0089 (community development action grants) was considered, as follows:

"7004-0089

For state financial assistance in the form of grants to municipalities for economic development and community development; provided, that the department of housing and community development may apply the criteria for the award of such grants established pursuant to section 57A of chapter 121B of the General Laws for any grant awards not otherwise provided for in this item; provided, that sums appropriated herein may be transferred to other items of appropriation; provided further, that not more than \$190,000 shall be expended for a one-time grant to the Allston-Brighton community development corporation for the purpose noise barriers and beautification projects in areas adjacent to the Massachusetts turnpike in the neighborhood of Allston-Brighton in the city of Boston; provided further, that not more than \$250,000 shall be expended for the rehabilitation of property within the city of Lawrence; provided further, that \$200,000 shall be obligated to the town of North Brookfield for the demolition and site remediation at the Aztec Industry Site, so-called; provided further, that not more than \$35,000 shall be expended for the demolition of abandoned buildings, which pose a serious health and safety risk, at 1551, 1553 and 1555 Main street in the city of Worcester; provided further, that not more than \$50,000 shall be expended for the consolidation of functions and other improvements to public buildings in the town of Dennis; provided further, that not more than \$62,000 shall be expended for the construction of an intergenerational community playground at the Davis community playground in the city of Newton; provided further, that \$336,000 shall be expended for the demolition or structural reinforcement of the Bolivar street public works garage in the town of Canton; provided further, that not more than \$100,000 shall be expended for renovations in order to comply with the Americans with Disabilities Act, so-called, for the Veterans Memorial stadium in the town of Rockland; provided further, that not more than \$100,000 shall be expended for the Hollis street project, so-called, in the town of Framingham; provided further, that not more than \$700,000 shall be expended for a matching grant to the city of Fitchburg for the urban renewal program, so-called; provided further, that not less than \$750,000 shall be expended for the demolition and development of property in the city of Lawrence; provided further, that not less than \$750,000 shall be expended for the demolition and site remediation of the Photech site building, so-called, in the town of Williams town; provided further, that a grant for not less than \$75,000 shall be expended for phase one of the Acushnet Downtown Revitalization Project; provided further that said municipality shall provide a one third match; provided further, that a grant of not less than \$100,000 shall be made to the city of New Bedford for the purchase of the Merchants Bank, so-called, for the establishment of the Herman Melville Society and Whaling Museum Art Exhibit; and provided further, that a grant for not less than \$75,000 shall be given to the Town of Dartmouth for improvements, clean up and upgrading of the Ledge Property, so-called, and surrounding area 3,773,000".

[The Governor reduced the item to \$600,000 and disapproved the following wording:— "; provided further, that \$336,000 shall be expended for the demolition or structural reinforcement of the Bolivar street public works garage in the town of Canton" and "; provided further, that not less than \$750,000 shall be expended for the demolition and development of property in the city of Lawrence; provided further, that not less than \$750,000 shall be expended for the demolition and site remediation of the Photech site building, so-called, in the town of Williamstown; provided further, that a grant for not less than \$75,000 shall be expended for phase one of the Acushnet Downtown Revitalization Project; provided further that said municipality shall provide a one third match" and "; and provided further, that a grant for not less than \$75,000 shall be given to the Town of Dartmouth for improvements, clean up and upgrading of the Ledge Property, so-called, and surrounding area"].

After debate, the question on passing item 7004-0089, 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 before six o'clock P.M., as follows, to wit (yeas 30 — nays 7):

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Bernstein, Robert A. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Clancy, Edward J., Jr. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 30.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 7.
Rauschenbach, Henri S.

ABSENT OR NOT VOTING.
Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-three minutes before six o'clock P.M., item 7004-0089 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 5011-1102 (Department of Mental Health capital improvements) was considered, as follows:

"5011-1102

For improvements to the health, safety and well-being of clients of the department of mental health by making repairs and improvements to facilities and community mental health centers operated by the department; provided, that said repairs and improvements shall include, but not be limited to, replacement of emergency generators, modifications for compliance with the Americans with Disabilities Act, remediating harmful environmental conditions, and repairing or replacing roofing, water, ventilation, heating and cooling systems; provided further, said department shall submit an allocation and implementation plan for expenditure of the amount appropriated herein to the house and senate committees on ways and means not later than January 5, 2000; provided further, that operating funds previously budgeted in other items of appropriation for the purposes of such repairs and improvements shall continue to be used for such purposes and that the amounts appropriated herein shall not replace or supplant said budgeted amounts; provided further, that no funds appropriated herein shall be expended for routine upkeep, including, but not limited to, janitorial services, groundskeeping and trash collection; provided further, that notwithstanding the provisions of section 40B of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance may, upon the request of said department, delegate project control and supervision to said department over projects funded from this item whose estimated cost is less than \$500,000 if said commissioner determines that said department has the ability to control and supervise such project; provided further, that expenditures for said repairs and improvements may be made notwithstanding the provisions of sections 39B to 40N, inclusive, of chapter 7 of the General Laws whenever the total cost of such project is \$500,000 or less; provided further, that amounts allocated to projects whose total estimated cost exceeds \$500,000 shall be one-time, non-recurring expenditures, which shall remain available for expenditure until June 30, 2001; and provided further, that no expenditure shall be made from this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws,
as inserted by section 43 of this act 4,000,000

Tobacco Settlement

Fund 100.0%".

[The Governor reduced the item to \$2,000,000].

The question on passing item 5011-1102, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at a quarter before six o'clock P.M., as follows, to wit (yeas 33 — nays 4):

YEAS.

Antonioni, Robert A. Creedon, Robert S., Jr.
Bernstein, Robert A. Creem, Cynthia Stone
Brewer, Stephen M. Fargo, Susan C.
Clancy, Edward J., Jr. Glodis, Guy W.
Havern, Robert A. Panagiotakos, Steven C.
Jacques, Cheryl A. Rauschenbach, Henri S.
Jajuga, James P. Resor, Pamela
Joyce, Brian A. Rosenberg, Stanley C.
Lynch, Stephen F. Shannon, Charles E.
Magnani, David P. Sprague, Jo Ann
Melconian, Linda J. Tisei, Richard R.
Montigny, Mark C. Tolman, Steven A.
Moore, Richard T. Travaglini, Robert E.
Morrissey, Michael W. Tucker, Susan C.

Murray, Therese Walsh, Marian
Nuciforo, Andrea F., Jr. Wilkerson, Dianne — 33.
Pacheco, Marc R.

NAYS.

Hedlund, Robert L. Lees, Brian P.
Knapik, Michael R. Tarr, Bruce E. — 4.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at thirteen minutes before six o'clock P.M., item 5011-1102 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 0526-0101 (historic preservation) was considered, as follows:

"0526-0101

For a program of matching grants to units of municipal government and to private, nonprofit organizations for the preservation of historic properties, landscapes and sites; provided, that such funds shall be awarded in accordance with regulations promulgated by the state secretary in his capacity as chairman of the Massachusetts historical commission; provided, that not more than \$40,000 shall be expended for a one-time grant to the town of Hopedale for the rehabilitation of the statue of hope on the grounds of the Bancroft Memorial Library; and provided further, that not more than \$500,000 shall be expended for the rehabilitation, repairs and improvements to historic Stetson hall in the town of Randolph \$540,000".

[The Governor disapproved this item].

After debate, the question on passing item 0526-0101, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at eight minutes before six o'clock P.M., as follows, to wit (yeas 30 — nays 7):

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Bernstein, Robert A. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Clancy, Edward J., Jr. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 30.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 7.
Rauschenbach, Henri S.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at seven minutes before six o'clock P.M., item 0526-0101 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 8000-0010 (community policing grants) was considered, as follows:

"8000-0010

For community policing grants to be administered by the executive office of public safety; provided, that no such grants shall be awarded to the department of state police; provided further, that not less than \$50,000 shall be provided for community policing in the city of Salem; provided further that not less than \$50,000 shall be provided for community policing in the town of Barnstable; provided further, that not less than \$100,000 shall be provided for community policing in the section of the city of Worcester known as Southern Worcester including but not limited to Vernon Hill and Green Island for the purpose of curtailing gang drug activity and gang formation and recruitment in addition to the grant award to said city in fiscal year 1999; provided further, that not less than \$75,000 shall be provided for the safe city program, so-called, in the city of Lynn; provided further, that not less than \$75,000 dollars shall be provided for community policing in the city of Quincy; provided further, that not less than \$50,000 shall be made available to the town of Weymouth in addition to the grant amount in fiscal year 1999; provided further, that not less than \$75,000 shall be provided for the north Adams community policing program; provided further, that not less than \$40,000 shall be provided for the funding of the community school service anti-violence officer position in the city of Malden in addition to the grant award to such city in fiscal year 1999; provided further, that not less than \$250,000 shall be provided for community policing in the city of Lawrence in addition to the grant award to such city in fiscal year 1998; provided further, that not less than \$40,000 shall be provided for community policing in the town of Holliston; provided further, that not less than \$40,000 shall be provided for community policing in the town of Medway; provided further, that not less than \$40,000 shall be provided for community policing in the town of Hopkinton; provided further, that not less than \$60,000 shall be provided for community policing in the city of Methuen in addition to the grant awarded to such city in fiscal year 1999; provided further, that not less than \$60,000 shall be provided for community policing in the town of Salisbury in addition to the grant awarded to such city in fiscal year 1999; provided further, that not less than \$50,000 shall be provided to the town of Saugus for the drug enforcement unit; provided further, that not less than \$48,000 shall be provided for community policing in the town of Greenfield; provided further, that not less than \$30,000 shall be provided for community policing in the town of Hampden; provided further, that not less than \$30,000 shall be provided for community policing in the town of Granby; provided further, that not less than \$15,500 shall be provided for a pilot community policing program for the elderly at a Deming Way housing project, so-called, in the town of Wilmington; provided further, that not less than \$26,000 shall be provided for community policing in the town of Southborough; provided further, that not less than \$20,000 shall be provided for community policing in the town of Buckland; provided further, that not less than \$20,000 shall be provided for community policing in the town of Deerfield; provided further, that not less than \$20,000 shall be provided for community policing in the town of Dudley; provided further, that grants shall be awarded by said executive office to the municipalities of Abington, Agawam, Amesbury, Andover, Athol, Attleboro, Avon, Bedford, Billerica, Boston, Braintree, Brockton, Brookline, Burlington, Cambridge, Canton, Chelsea, Chicopee, Dalton, Dedham, East Longmeadow, Fall River, Fitchburg, Framingham, Gill, Georgetown, Greenfield, Hanson, Haverhill, Holbrook, Holyoke, Lawrence, Longmeadow, Lowell, Ludlow, Lynn, Malden, Medford, Melrose, Methuen, Milton, Montague, Needham, New Bedford, Newton, North Adams, North Andover, North Attleborough, North Reading, Northampton, Northfield, Orange, Pittsfield, Plainville, Quincy, Randolph, Reading, Revere, Rockland, Saugus, Shelburne, Somerville, Springfield, Stoneham, Turners Falls, Waltham, Weymouth, Wilbraham, Watertown, Westfield, Winchester and Worcester in an amount not less than the amount of the grant or grants each such municipality received in fiscal year 1999, but in no circumstance in an amount of less than \$40,000; provided further, that any such community which received \$42,000 or less in fiscal year 1999 shall be eligible to compete for additional community policing grant awards through the competitive application process administered by said executive office; provided further, that all grant applications shall be subject to said process and the criteria established for grant awards; provided further, that monies awarded by said executive office may include grants made for community policing in state-aided public housing developments; provided further, that \$40,000 shall be provided for the community safety activities of the North Cambridge Crime Task Force; provided further, that not less than \$1,200,000 shall be made available to the city of Boston in addition to the grant amount in fiscal year 1997; provided further, that \$350,000 of said \$1,200,000 shall be made available for community policing in the Bowdoin Street-Geneva Avenue and Uphams Corner sections, so-called, of Dorchester in the city of Boston; provided further, that \$100,000 of said \$1,200,000 shall be provided for community policing in the B-2 sector, so-called, of Mission Hill in the city of Boston for additional enforcement in conjunction with the neighborhood policing program; provided further, that not less than \$20,000 shall be expended for an internship program for the purpose of staffing Lowell police department substations; provided further, that not less than \$5,000 be expended for equipment for the Lowell police department Pawtucketville substation; and provided further, that not later than January 15, 2000, said executive office shall submit a report detailing the amount of grants awarded to said grant recipients and descriptions of said grants to the house to committees on ways and means \$20,460,000

Local Aid Fund
100.0%".

[The Governor reduced the item to \$20,160,000].

The question on passing item 8000-0010, 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 six o'clock P.M., as follows to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at three minutes before six o'clock P.M., item 8000-0010 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 8400-0001 (Registry of Motor Vehicles, Lynn office) was considered, as follows:

"8400-0001

For the administration and operation of the registry of motor vehicles, including the Title division and including all rent and related parking and utility expenses of said registry; provided, that the positions of administrative assistant to the registrar, legislative assistant, executive assistant to the registrar and the director of employee relations shall not be subject to civil service laws and rules; provided further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the information technology division and pursuant to schedules by said division; provided further, that 40 per cent of the costs of personnel services associated with the registry computer, which reflects the proportionate use of the computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business within the commonwealth, pursuant to section 183 of chapter 6 of the General Laws; provided further, that the registry shall operate an office in the city of Fall River; provided further, that said registry shall operate a full service office in the city of Lowell; provided further, that said registry shall establish and operate a license express office so-called, in the city of Lynn; provided further, that said registry may operate a license express office, so-called, in the Grove Hall neighborhood in the city of Boston; provided further, that the registry shall operate an office in the city of Taunton which shall handle license business, learner's permits, road testing and full service registration business to the general public, as provided through April 24, 1998; provided further, that the registry shall establish and maintain a record of all vehicles leased within the commonwealth for a period longer than 30 days; provided further, that such record shall include, but not be limited to, the names and addresses of the lessor and the lessee; provided further, that the registry shall have an employee or other such person answering all initial incoming telephone calls at the customer phone information center between the hours of 9:00 a.m. and 5:00 p.m.; provided further, that said registry shall report to the house and senate committees on ways and means on the actual and projected impacts of the lifetime registration and license policies on the staffing levels in said registry for fiscal years 2000, 2001, 2002; provided further, that the registry shall report to the house and senate committees on ways and means not later than January 15, 2000 on the actual and projected impacts of the lifetime registration and lifetime license policies on the total revenues collected or projected for collection by said registry during fiscal years 2000, 2001 and 2002; provided further, that the report shall detail the monthly average number of total customer transactions completed in person by branch for fiscal years 1994 to 1999, inclusive, including the average length of the

transactions for the same periods; provided further, that the registry shall operate within the Springfield branch a one-stop international registration plan office, so-called, for truck registrations to serve the counties or former counties of Hampden, Hampshire, Franklin and Berkshire; provided further, that the registry shall take all steps necessary to improve customer service within existing resources; and provided further, that said registry shall submit a report to the house and senate committees on ways and means not later than April 1, 2000 detailing the steps taken and the resultant change in customer service 44,445,330

Highway Fund
100.0%".

[The Governor disapproved the following wording:— "; provided further, that said registry shall establish and operate a license express office, so-called, in the city of Lynn"].

After debate, the question on passing item 8400-0001, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at four minutes past six o'clock P.M., as follows, to wit (yeas 32 — nays 5):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Glodis, Guy W. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.
Jacques, Cheryl A. Tarr, Bruce E.
Jajuga, James P. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 32.

NAYS.

Hedlund, Robert L. Rauschenbach, Henri S.
Knapik, Michael R. Sprague, Jo Ann — 5.
Lees, Brian P.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at six minutes past six clock P.M., item 8400-0001 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 2200-0100 (Department of Environmental Protection) was considered, as follows:

"2200-0100

For the operation of the department of environmental protection, including the environmental strike force, the office of environmental results and strategic planning, the bureau of resource protection, the bureau of waste prevention, the Senator William X. Wall experimental station and a contract with the University of Massachusetts for environmental research, notwithstanding the provisions of section 323F of chapter 94 of the General Laws; provided, that the provisions of section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 16 of chapter 21A of the General Laws; provided further, that enactment of the appropriations made available by this act to the department shall be deemed a determination, pursuant to subsection (m) of section 18 of chapter 21A of the General Laws; provided further, that said appropriations for ordinary maintenance of said department from state funds other than the Environmental Challenge Fund and the Environmental Permitting and Compliance Assurance Fund shall be comparable to the baseline figure, as defined in said subsection, based on inflation, the department's demonstrated program improvements and efficiencies in areas other than those

supported by fees and added or reduced programmatic responsibilities of the department; provided further, that \$100,000 shall be expended for the upgrade of equipment at William X. Wall experimental station; provided further, that not more than \$542,000 shall be allocated to the town of Norton for the completed sewer/interceptor project, #WPC-MASS-S145; provided further, that of the amount appropriated herein, not more than \$91,000 shall be expended in conjunction with phase II of the environmental results program, so-called, including one full-time equivalent position, and training; provided further, that not more than \$535,000 shall be expended for technical assistance to communities to comply with provisions of Title V; provided further, that \$50,000 shall be transferred from this item to the University of Massachusetts at Amherst soil and science department for the purpose of collecting data from, and evaluating innovative greywater recycling systems; provided further, that of the amount appropriated herein the department shall expend \$250,000 to develop a comprehensive wastewater management plan, in accordance with all requirements of the department, for communities connected to the Massachusetts Water Resources Authority Braintree/Weymouth interceptor, so-called; provided further, that the department shall conduct a study to determine the adequate staffing level for the wetlands protection program; provided further, that the study shall be submitted to the house and senate committees on ways and means by December 1, 1999; provided further, that not less than \$175,000 shall be allocated to the Massachusetts Military Reservation Environmental Technology Center, pursuant to section 252 of chapter 38 of the acts of 1995; and provided further, that the department shall submit a report to the house and senate committees on ways and means on or before January 3, 2000 detailing the number of full-time equivalent positions assigned to environmental permitting functions and the number of full-time equivalent positions assigned to compliance inspections and environmental enforcement activities; provided further, that not less than \$50,000 shall be expended for a growth management plan for the town of Plymouth; and provided further, that not less than \$50,000 shall be paid to the town of Clinton for the reconstruction and rehabilitation of the Burditt Hill water tank in the town of Clinton 630,906,082

General Fund
41.05%
Environmental Permitting and
Compliance Fund 36.95%
Clean Environment
Fund 22.0% "

[The Governor reduced the item to \$30,806,082 and disapproved the following wording:— "; provided further, that \$50,000 shall be transferred from this item to the University of Massachusetts at Amherst soil and science department for the purpose of collecting data from, and evaluating innovative greywater recycling systems", and "; and provided further, that not less than \$50,000 shall be paid to the town of Clinton for the reconstruction and rehabilitation of the Burditt Hill water tank In the town of Clinton"].

The question on passing item 2200-0100, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at seven minutes past six o'clock P.M., as follows, to wit (yeas 30 — nays 7):

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Bernstein, Robert A. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Clancy, Edward J., Jr. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 30.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 7.
Rauschenbach, Henri S.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at nine minutes past six o'clock P.M., item 2200-0100 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 4200-5150 (Granby residential charter school) was considered, as follows:

"4200-5150

For a subsidy for the Boston University residential charter school located in Granby; provided, that the funds appropriated herein shall be expended solely as tuition for youths in the custody of the department of youth services, department of social services and the department of mental health; provided further, that if the costs incurred in fiscal year 2000 by said school for the provision of services to such youths are less than the amount appropriated herein, said school shall refund the difference to the commonwealth; provided further, that the annualized cost of this item shall not exceed \$1,000,000 in fiscal year 2001; provided further, that said school shall submit a report to the house and senate ways and means committees documenting the total number of youths attending said school and the number of youths placed by each of said departments; and provided further, that said report shall be submitted no later than March 1, 2000 1,000,000".

[The Governor disapproved the item].

The question on passing item 4200-5150, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at ten minutes past six o'clock P.M., as follows, to wit (yeas 30 — nays 7):

YEAS.

Antonioni, Robert A. Melconian, Linda J.
Bernstein, Robert A. Montigny, Mark C.
Brewer, Stephen M. Moore, Richard T.
Clancy, Edward J., Jr. Morrissey, Michael W.
Creedon, Robert S., Jr. Murray, Therese
Fargo, Susan C. Nuciforo, Andrea F., Jr.
Glodis, Guy W. Panagiotakos, Steven C.
Havern, Robert A. Resor, Pamela
Jacques, Cheryl A. Rosenberg, Stanley C.
Jajuga, James P. Shannon, Charles E.
Joyce, Brian A. Tolman, Steven A.
Knapik, Michael R. Travaglini, Robert E.
Lees, Brian P. Tucker, Susan C.
Lynch, Stephen F. Walsh, Marian
Magnani, David P. Wilkerson, Dianne — 30.

NAYS.

Creem, Cynthia Stone Sprague, Jo Ann
Hedlund, Robert L. Tarr, Bruce E.
Pacheco, Marc R. Tisei, Richard R. — 7.
Rauschenbach, Henri S.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

Mr. Travaglini in the Chair, the yeas and nays having been completed at thirteen minutes past six o'clock P.M., item 4200-5150 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 115 (alcohol and drug counselors) was considered, as follows:

"SECTION 115. The General Laws are hereby amended by insert ing after chapter 111I the following chapter:—

CHAPTER 111J.

ALCOHOL AND DRUG COUNSELORS.

Section 1. As used in this section and in sections 2 to 8, inclusive, the following words shall, unless the context clearly indicates otherwise, have the following meanings:

'Approved continuing education', continuing education approved by the department, including research and training programs, college and university courses, in-service training programs, seminars and conferences designed to maintain and enhance the skills of alcohol and drug counselors.

'Approved program', a program approved by the department for the education and training of alcohol and drug counselors.

'Approved work experience', supervised work experience, approved by the department, in alcohol and drug abuse treatment, intervention and prevention.

'Department', the department of public health.

'Licensed alcohol and drug counselor I', a person licensed by the department to conduct an independent practice of alcohol and drug counseling and to provide supervision to other alcohol and drug counselors. A licensed alcohol and drug counselor I shall have received a master's or doctoral degree in behavioral sciences, including a supervised counseling practicum which meets the requirements established by the department or such equivalent educational credits as may be established by the department, shall have at least three years of approved work experience and shall have passed a licensing examination approved by the department.

'Licensed alcohol and drug counselor II', a person licensed by the department to practice alcohol and drug counseling under clinical supervision. A licensed alcohol and drug counselor II shall have completed an approved program of education, including a supervised counseling practicum which meets the requirements established by the department or such equivalent educational credits as may be established by the department, shall have at least three years of approved work experience and shall have passed a licensing examination approved by the department.

Section 2. The department shall establish the requirements for the licensing of alcohol and drug counselors practicing in the commonwealth, evaluate the qualifications of applicants, supervise licensing examinations, collect fees established for licensing and examination, grant and issue licenses to alcohol and drug counselors who satisfy the department's requirements for licensing, require and establish continuing education requirements, investigate complaints and take appropriate disciplinary action to protect the public health, safety and welfare.

The department shall establish requirements for licensed alcohol and drug counselors I and II and may establish other reasonable classifications for alcohol and drug counselors as it finds necessary and appropriate, taking into consideration different levels of education, training and work experience.

The department shall approve and issue certificates of approval of programs for the training of alcohol and drug counselors. The department shall maintain a list of approved programs as well as a current roster of persons serving as licensed alcohol and drug counselors in the commonwealth.

The department shall promulgate such rules and regulations as it deems necessary to implement the provisions of this chapter including rules and regulations establishing the educational and professional requirements for licensing alcohol and drug counselors, establishing fees for licensing and examination and governing the practice and employment of licensed alcohol and drug counselors to promote the public health, safety and welfare.

Section 3. Each applicant for a license shall furnish the department with proof of satisfactory completion of the educational, training and experience requirements for licensure, including completion of an approved program and approved work experience and proof of having passed such licensing examination as approved or administered by the department.

A person serving as a licensed alcohol and drug counselor shall apply for license renewal biennially to the department. An alcohol and drug counselor seeking license renewal shall submit proof of having successfully completed the requirements for such approved continuing education as may be established by regulations.

Applications for licenses and renewals thereof shall be submitted in accordance with procedures established by the department. Each application shall be accompanied by the payment of a fee to be determined by the department.

Section 4. Except as otherwise provided for in this chapter or by regulation, a person who is not licensed or is otherwise exempt from licensing, shall not hold himself out as a licensed alcohol and drug counselor and shall not use the title, initials or description of a licensed alcohol and drug counselor or practice or attempt to practice alcohol and drug counseling. Whoever engages in any such unauthorized action shall be subject to a fine of not less than \$500. In addition, the department may bring a petition in superior court to enjoin such action or any other violation of this chapter or a regulation of the department.

Section 5. The following individuals shall be exempt from the licensing requirements of this chapter:

(a) an educational psychologist, marriage and family therapist, mental health counselor, nurse practitioner, occupational therapist, physician, physician assistant, practical nurse, psychologist, registered nurse, rehabilitation counselor and social worker;

(b) an employee or other agent of a recognized academic institution or employee assistance program or a federal, state, county or local government institution, program, agency or facility or school committee, school district, school board or board of regents while performing alcohol and drug counseling duties solely for the respective agency or under the jurisdiction of such agency; provided, however, that a license pursuant to this chapter need not be a requirement for employment in any state, county or municipal agency;

(c) an employee of an alcohol or drug treatment program or facility which is licensed or approved by the department pursuant to chapters 111B and 111E; provided, however, that such individual perform alcohol and drug counseling solely within or under the jurisdiction of such program or facility.

Nothing in this section shall be construed to prevent qualified members of other professions, including attorneys, Christian Science practitioners or members of the clergy, from providing alcohol or drug counseling consistent with accepted standards of

their respective professions; provided, however, that no such person shall use a title stating or implying that such person is a licensed alcohol and drug counselor.

Nothing in this section shall be construed to prevent members of peer groups or self-help groups from performing peer group or self-help activities; provided, however, that no such person shall use a title stating or implying that such person is a licensed alcohol and drug counselor.

Section 6. The department shall establish procedures for consumers to file written complaints regarding an alcohol and drug counselor who is subject to requirements for licensure.

The department shall investigate all complaints relating to the proper practice of an alcohol and drug counselor holding a license and all complaints relating to any violation of this chapter or regulation of the department.

The department may conduct an adjudicatory proceeding pursuant to chapter 30A, but shall not have the power to issue, vacate, modify or enforce subpoenas pursuant to section 12 of said chapter 30A. The department may, after a hearing pursuant to said chapter 30A, deny, refuse renewal, revoke, limit or suspend a license or otherwise discipline an alcohol and drug counselor licensed pursuant to this chapter. Grounds for denial, refusal to renew, revocation, limitation, suspension or other discipline shall include the following:

(1)

fraud or misrepresentation in obtaining a license;

(2) criminal conduct which the department determines to be of such a nature as to render such person unfit to practice as a licensed alcohol and drug counselor as evidenced by criminal proceedings resulting in a conviction, guilty plea or plea of nolo contendere or an admission of sufficient facts;

(3) violation of any rule or regulation of the department governing the practice of alcohol and drug counselors;

(4) violation of ethical standards which the department determines to be of such a nature as to render such person unfit to practice as a licensed alcohol and drug counselor;

(5) other just and sufficient cause which the department may determine would render a person unfit to practice as a licensed alcohol and drug counselor.

Where denial, refusal to renew, revocation or suspension is based solely on the failure of the licensee to file timely an application or pay prescribed fees or to maintain insurance coverage as required by law or regulation, the department may act without first granting the applicant or licensee a hearing.

Section 7. Examinations for licensed alcohol and drug counselors shall be conducted at least twice a year at times and places designated by the department. Examinations shall be written; provided, however, that portions thereof may be conducted orally. A person who has failed an examination may be admitted to the next subsequent examination.

The department may accept, in lieu of its own examination, a current certificate of any recognized certifying body issued on the basis of an examination satisfactory to the department; provided, however, that the standards of such body shall be at least as stringent as those established by the department.

Section 8. The department may issue a license without examination to an applicant whose qualifications meet the requirements for licensure established by the department if such applicant is licensed or certified in alcohol and drug counseling or a comparable field in another state wherein the requirements for licensure are deemed by the department to be equivalent to or in excess of the requirements of this chapter.

The question on passing Section 115, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at fourteen minutes past six o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Knapik, Michael R.

Bernstein, Robert A. Lees, Brian P.

Brewer, Stephen M. Lynch, Stephen F.

Clancy, Edward J., Jr. Magnani, David P.

Creedon, Robert S., Jr. Melconian, Linda J.

Creem, Cynthia Stone Montigny, Mark C.

Fargo, Susan C. Moore, Richard T.

Glodis, Guy W. Morrissey, Michael W.

Havern, Robert A. Murray, Therese

Hedlund, Robert L. Nuciforo, Andrea F., Jr.

Jacques, Cheryl A. Pacheco, Marc R.

Jajuga, James P. Panagiotakos, Steven C.

Joyce, Brian A. Rauschenbach, Henri S.

Resor, Pamela Tolman, Steven A.

Rosenberg, Stanley C. Travaglini, Robert E.

Shannon, Charles E. Tucker, Susan C.

Sprague, Jo Ann Walsh, Marian

Tarr, Bruce E. Wilkerson, Dianne — 37.

Tisei, Richard R.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at sixteen minutes past six o'clock P.M., Section 115 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.

A Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the city of Salem (House, No. 4895,— on petition) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Mr. Clancy, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Message from His Excellency the Governor

Disapprovals and Reductions in General Appropriations 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 2000 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial fund requirements and for certain permanent improvements (see House, No. 4900) which, on Wednesday, November 10, 1999, had been laid before the Governor for his approbation,— came from the House, several items and sections having passed notwithstanding the objections of the Governor.

The message (House, No. 4901) was read and the Senate proceeded to reconsider several items and sections, in accordance with the provisions of the Constitution.

Item 8324-1500 (Massachusetts Firefighters Academy) was considered, as follows:

"8324-1500

For the fire training program, including the Massachusetts fire training council certification program, municipal and non-municipal fire training, and expenses of the council; provided, that notwithstanding the provisions of any general or special law to the contrary, the estimated expenses of the administration of the academy, including the estimated expenses of training facilities and curriculum for firefighting personnel and training programs, shall not exceed \$3,235,446 in fiscal year 2000; provided further, that not less than \$48,992 shall be available for the community-based fire prevention program in the Fall River area; provided further, that the funds necessary to support this item shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of said assessment from the commissioner of insurance; and provided further, that not less than \$32,500 shall be provided for the community based fire prevention program in the city of Malden; provided further, that not more than \$25,000 shall be expended for a matching grant to the town of Brewster fire department for the conversion of a military surplus vehicle into a heavy duty brush fire apparatus; provided further, that said grant shall not be allotted or disbursed prior to the commitment of equal matching funds from the town of Brewster for said vehicle conversion; and provided further, that \$588,981 shall be used to provide for additional recruit fire training by adding a split days option 3,235,446

Local Aid Fund

100.0%".

[The Governor reduced the item to \$2,646,465 and disapproved of the following wording:— "; and provided further, that \$588,981 shall be used to provide for additional recruit fire training by adding a split days option"].

After debate, the question on passing item 8324-1500, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at nineteen minutes past six o'clock P.M., as follows, to wit (yeas 36 — nays 1):

YEAS.

Antonioni, Robert A. Jacques, Cheryl A.

Bernstein, Robert A. Jajuga, James P.

Brewer, Stephen M. Joyce, Brian A.

Clancy, Edward J., Jr. Knapik, Michael R.

Creedon, Robert S., Jr. Lynch, Stephen F.

Creem, Cynthia Stone Magnani, David P.
Fargo, Susan C. Melconian, Linda J.
Glodis, Guy W. Montigny, Mark C.
Havern, Robert A. Moore, Richard T.
Hedlund, Robert L. Morrissey, Michael W.
Murray, Therese Sprague, Jo Ann
Nuciforo, Andrea F., Jr. Tarr, Bruce E.
Pacheco, Marc R. Tisei, Richard R.
Panagiotakos, Steven C. Tolman, Steven A.
Rauschenbach, Henri S. Travaglini, Robert E.
Resor, Pamela Tucker, Susan C.
Rosenberg, Stanley C. Walsh, Marian
Shannon, Charles E. Wilkerson, Dianne — 36.

NAYS.

Lees, Brian P. — 1.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-two minutes past six o'clock P.M., item 8324-1500 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 215 (Department of Public Health — counseling licenses) was considered, as follows:

"SECTION 215. Notwithstanding the provisions of chapter 111J of the General Laws to the contrary, subject to such rules and regulations as the department of public health may prescribe, said department may issue a license in alcohol and drug counseling without examination to an applicant who is practicing in the commonwealth as an alcohol and drug counselor on the effective date of this act and who applies for licensure within one year of the effective date of this act; provided, however, that the applicant meets all other qualifications and requirements for licensure and establishes, through an alternate means acceptable to the department, competency in each subject area covered by the examination".

[The Governor disapproved the section].

The question on passing Section 215, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-three minutes past six o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Glodis, Guy W.
Bernstein, Robert A. Havern, Robert A.
Brewer, Stephen M. Hedlund, Robert L.
Clancy, Edward J., Jr. Jacques, Cheryl A.
Creedon, Robert S., Jr. Jajuga, James P.
Creem, Cynthia Stone Joyce, Brian A.
Fargo, Susan C. Knapik, Michael R.
Lees, Brian P. Resor, Pamela
Lynch, Stephen F. Rosenberg, Stanley C.
Magnani, David P. Shannon, Charles E.
Melconian, Linda J. Sprague, Jo Ann
Montigny, Mark C. Tarr, Bruce E.
Moore, Richard T. Tisei, Richard R.
Morrissey, Michael W. Tolman, Steven A.
Murray, Therese Travaglini, Robert E.
Nuciforo, Andrea F., Jr. Tucker, Susan C.
Pacheco, Marc R. Walsh, Marian
Panagiotakos, Steven C. Wilkerson, Dianne — 37.
Rauschenbach, Henri S.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-five minutes past six o'clock P.M., Section 215 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 7118-0100 (Massachusetts Maritime Academy) was considered, as follows:

"7118-0100

For the Massachusetts Maritime Academy; provided, that \$250,000 shall be expended for a shipbuilding program in conjunction with the revitalization of the Fore River Shipyard; and provided further, that not less than \$228,000 shall be expended for the establishment of an aquaculture program 10,347,865".

[The Governor reduced the item to \$10,114,666 and disapproved of the following wording:— "; and provided further, that not less than \$228,000 shall be expended for the establishment of an aquaculture program"].

After remarks, the question on passing item 7118-0100, 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 six o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Fargo, Susan C.
Bernstein, Robert A. Glodis, Guy W.
Brewer, Stephen M. Havern, Robert A.
Clancy, Edward J., Jr. Hedlund, Robert L.
Creedon, Robert S., Jr. Jacques, Cheryl A.
Creem, Cynthia Stone Jajuga, James P.
Joyce, Brian A. Rauschenbach, Henri S.
Knapik, Michael R. Resor, Pamela
Lees, Brian P. Rosenberg, Stanley C.
Lynch, Stephen F. Shannon, Charles E.
Magnani, David P. Sprague, Jo Ann
Melconian, Linda J. Tarr, Bruce E.
Montigny, Mark C. Tisei, Richard R.
Moore, Richard T. Tolman, Steven A.
Morrissey, Michael W. Travaglini, Robert E.
Murray, Therese Tucker, Susan C.
Nuciforo, Andrea F., Jr. Walsh, Marian
Pacheco, Marc R. Wilkerson, Dianne — 37.
Panagiotakos, Steven C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at half past six o'clock P.M., item 7118-0100 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 4590-0250 (smoking prevention programs) was considered, as follows:—

"4590-0250

For expansion of smoking prevention and cessation programs; provided, that \$7,000,000 shall be allocated to local communities for the purpose of enforcing local ordinances, bylaws and regulations relative to tobacco control; provided further, that \$6,700,000 shall be expended from this item for a tobacco cessation program, which may include providing smokers with vouchers to be used for counseling and cessation products; provided further, that of said \$6,700,000 not less than \$158,333 shall be expended for low income smokers' nicotine replacement therapy; provided further, that \$2,500,000 shall be expended from

this item for grants to evaluate current anti-tobacco efforts and to pursue scientific and policy research including, but not limited to, smoking prevention, addiction, mortality associated with secondhand smoke, issues unique to minority communities and youth smoking; provided further, that \$6,600,000 shall be appropriated from this item to fund increased enforcement efforts and media campaigns by health and community agencies in minority communities which demonstrate a high rate of tobacco use; provided further, that of said \$6,600,000 not less than \$150,000 shall be expended for black male health, for the purposes of decreasing disparities and improving the health conditions of black males and for the purposes of research, education, and health awareness programs to be executed by the department; and provided further, that no expenditure shall be made from this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act 22,800,000

Tobacco Settlement

Fund 100.0% "

[The Governor reduced the item to \$12,800,000].

After debate, the question on passing item 4590-0250, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-two minutes before seven o'clock P.M., as follows, to wit (yeas 32 — nays 5):

YEAS.

Antonioni, Robert A. Morrissey, Michael W.
Bernstein, Robert A. Murray, Therese
Brewer, Stephen M. Nuciforo, Andrea F., Jr.
Clancy, Edward J., Jr. Pacheco, Marc R.
Creedon, Robert S., Jr. Panagiotakos, Steven C.
Creem, Cynthia Stone Resor, Pamela
Fargo, Susan C. Rosenberg, Stanley C.
Glodis, Guy W. Shannon, Charles E.
Havern, Robert A. Sprague, Jo Ann
Jacques, Cheryl A. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Lynch, Stephen F. Tolman, Steven A.
Magnani, David P. Travaglini, Robert E.
Melconian, Linda J. Tucker, Susan C.
Montigny, Mark C. Walsh, Marian
Moore, Richard T. Wilkerson, Dianne — 32.

NAYS.

Hedlund, Robert L. Lees, Brian P.
Jajuga, James P. Rauschenbach, Henri S. — 5.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at nineteen minutes before seven o'clock P.M., item 4590-0250 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 7007-0950 (Visitor Information Centers) was considered, as follows:

"7007-0950

For grants to public and private non-profit local and regional organizations to be awarded by the Massachusetts office of travel and tourism for tourism promotion; provided, that recipients shall match the amount of said grants 100 per cent, of which not less than 50 per cent shall be in the form of cash; provided further, that said organizations shall be required, as a condition of receiving said grant, to submit a total operating budget which shall identify each source and use of operating and capital funds, and an operating plan which shall demonstrate how said grant promotes tourism; provided further, that said organizations shall be required to minimize, to the maximum extent possible, the overhead costs associated with the expenditure of said grant; provided

further, that said office shall reserve the right to withhold said grants if the conditions outlined herein are not met; provided further, that a grant for not less than \$200,000 shall be expended for the Baystate games, so-called; provided further, that notwithstanding the provisions of any general or special law to the contrary, a grant of \$250,000 shall be transferred from this item to the Massachusetts office of business development for the south coast economic development initiative that promotes regional tourism and economic development that a grant for not less than \$100,000 shall be expended for the Freedom Trail Foundation; provided further, that a grant for not less than \$450,000 shall be expended for costs incurred by the Massachusetts sports partnership, Inc.; provided further, that a grant for not more than \$16,000 shall be expended for Lexington 2000, so-called; provided further, that a grant for not less than \$60,000 shall be expended for the purposes of jointly maintaining the Plymouth rest area, so-called, by the Cape Cod chamber of commerce and the Plymouth County development council; provided further, that a grant for not less than \$10,000 shall be expended for the purpose of maintaining the Yarmouth rest area, so-called, by the Yarmouth chamber of commerce; provided further, that a grant for not less than \$30,000 shall be expended for the purposes of maintaining the Bourne rest area, so-called, by the Cape Cod chamber of commerce; provided further, that a grant for not less than \$25,000 shall be expended for the purposes of the Cape Cod mall visitors information center, so-called, by the Cape Cod chamber of commerce; provided further, that a grant for not less than \$25,000 shall be expended for the purposes of the operation of the Route 6 and Route 132 visitors information center in the town of Yarmouth, so-called, by the Cape Cod chamber of commerce; provided further, that a grant for \$40,000 shall be expended for the Cape Cod chamber of commerce's visitor information network system; provided further, that not less than \$250,000 shall be expended for the first of two grants for the whaling museum in the city of New Bedford; provided further, that said office shall establish rules and regulations relative to the award of said grants which shall encourage the self-sufficiency of said organizations after three years of receiving state financial assistance; provided further, that \$500,000 of the amount appropriated herein shall be allocated to the Massachusetts department of highways through an interagency service agreement for the purposes of installing and enhancing informational and directional tourism signage on state highways; provided, that said department shall consult with said office and the department of economic development in identifying priority locations for signage that will facilitate the ease of travel and convenience for visitors to the commonwealth; provided further, that said departments shall collaborate on a report to be submitted to house and senate committees on ways and means not later than January 12, 2000 that shall detail signage improvements projected to be made from said amount and additional priority locations for which signage improvements are needed; provided further, that \$500,000 of the amount appropriated herein shall be obligated for the costs of extending the hours of operation for highway tourist information centers operating year-round on state highways and federally-assisted highways, including the visitor information centers on Boston Common and at the Prudential Center, both in the city of Boston; provided further, that said office, in cooperation with the department of economic development, shall establish an application process which shall award not more than one grant to each highway tourist information center for the purpose of extending the operation of said centers to at least 10 p.m. during the tourism season; provided further, that said grants shall not replace or supplant funding otherwise available to said centers from local chambers of commerce, so-called, regional tourist councils, so-called, and other public or private funding sources; and provided further, that said office shall file a report with house and senate committees on ways and means not later January 12, 2000 which shall detail the amount and intended use for each center grant 2,456,000

Massachusetts Tourism

Fund 100.0%".

[The Governor reduced the item to \$1,956,000 and disapproved of the following wording:— "; provided further, that \$500,000 of the amount appropriated herein shall be obligated for the costs of extending the hours of operation for highway tourist information centers operating year-round on state highways and federally-assisted highways, including the visitor information centers on Boston Common and at the Prudential Center, both in the city of Boston; provided further, that said office, in cooperation with the department of economic development, shall establish an application process which shall award not more than one grant to each highway tourist information center for the purpose of extending the operation of said centers to at least 10 p.m. during the tourism season"].

After debate, the question on passing item 7007-0950, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at seven minutes before seven o'clock P.M., as follows, to wit (yeas 25 — nays 12):

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Bernstein, Robert A. Moore, Richard T.
Clancy, Edward J., Jr. Morrissey, Michael W.
Creedon, Robert S., Jr. Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Tolman, Steven A.

Joyce, Brian A. Travaglini, Robert E.
Lynch, Stephen F. Walsh, Marian
Magnani, David P. Wilkerson, Dianne — 25.
Melconian, Linda J.

NAYS.

Brewer, Stephen M. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Rauschenbach, Henri S.
Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R.
Murray, Therese Tucker, Susan C. — 12.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at three minutes before seven o'clock P.M., item 7007-0950 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 264 (Quinsigamond Community College) was considered, as follows:

"SECTION 264. Notwithstanding the provisions of any general or special law to the contrary, the city of Worcester is hereby directed to transfer to Quinsigamond Community College an amount equal to 75 per cent of the fiscal year 2000 projected operating costs assumed by said college for the integration of the post-secondary education program of the Worcester Technical Institute. For the purposes of this section, the projected operating costs of said integration shall be determined by the board of higher education. The amount transferred from said city to said college shall not exceed, under any circumstances, that portion of said city's state education aid, calculated pursuant to the provisions of chapter 70 of the General Laws, which is directly attributable to the fiscal year 1999 post-secondary enrollment at Worcester Technical Institute. The amount transferred from said city to said college shall, in fiscal year 2000, be considered part of said city's net school spending requirement, so-called, under chapter 70 of the General Laws."

[The Governor disapproved the section].

After debate, the question on passing Section 264, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at seven o'clock P.M., as follows, to wit (yeas 34 — nays 3):

YEAS.

Antonioni, Robert A. Melconian, Linda J.
Bernstein, Robert A. Montigny, Mark C.
Brewer, Stephen M. Moore, Richard T.
Clancy, Edward J., Jr. Morrissey, Michael W.
Creedon, Robert S., Jr. Murray, Therese
Creem, Cynthia Stone Nuciforo, Andrea F., Jr.
Fargo, Susan C. Pacheco, Marc R.
Glodis, Guy W. Panagiotakos, Steven C.
Havern, Robert A. Resor, Pamela
Jacques, Cheryl A. Rosenberg, Stanley C.
Jajuga, James P. Shannon, Charles E.
Joyce, Brian A. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lynch, Stephen F. Tisei, Richard R.
Magnani, David P. Tolman, Steven A.
Travaglini, Robert E. Walsh, Marian
Tucker, Susan C. Wilkerson, Dianne — 34.

NAYS.

Hedlund, Robert L. Rauschenbach, Henri S. — 3.
Lees, Brian P.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at three minutes past seven o'clock P.M., Section 264 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.

Recess.

There being no objection, at three minutes past seven o'clock P.M., the Chair (Mr. Travaglini) declared a recess subject to the call of the Chair; and, at fourteen minutes before eight o'clock P.M., the Senate reassembled, the President in the Chair.

Papers from the House.

Message from His Excellency the Governor

Disapprovals and Reductions in General Appropriations 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 2000 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial fund requirements and for certain permanent improvements (see House, No. 4900) which, on Wednesday, November 10, 1999, had been laid before the Governor for his approbation,— came from the House, several items and sections having passed notwithstanding the objections of the Governor.

The message (House, No. 4901) was read and the Senate proceeded to reconsider several items and sections, in accordance with the provisions of the Constitution.

Item 8900-0015 (Correctional residential services) was considered, as follows:

"8900-0015

For correctional residential services; provided, that not less than \$500,000 shall be expended for a contracted low-security residential program for incarcerated expectant mothers; and provided, that not less than \$40,000 shall be provided for the Dismas House, so-called, in the city of Worcester; and provided further, that not less than \$150,000 shall be obligated for assistance to incarcerated mothers 770,000".

[The Governor reduced the item to \$730,000 and disapproved of the following wording:— "; and provided, that not less than \$40,000 shall be provided for the Dismas House, so-called, in the city of Worcester"].

The question on passing item 8900-0015, 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 eight o'clock P.M., as follows, to wit (yeas 31 — nays 6):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 31.
Montigny, Mark C.

NAYS.

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

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at eight minutes before eight o'clock P.M., item 8900-0015 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 24 (Head Injury Treatment Services Trust Fund) was considered, as follows:

"SECTION 24. Said chapter 10 is hereby further amended by striking out section 59, as so appearing, and inserting in place thereof the following section:—

Section 59. There is hereby established on the books of the commonwealth a separate fund known as the Head Injury Treatment Services Trust Fund. Said trust fund shall consist of monies paid to the commonwealth pursuant to sections 20 and 24 of chapter 90 and any interest or investment earnings on such monies. The state treasurer, ex officio, shall be the custodian of said trust fund and shall receive, deposit and invest all monies transmitted to him under the provisions of this section and shall credit interest and earnings on the trust fund to said trust fund. Funds collected pursuant to said section 24 shall be appropriated for the purpose of developing and maintaining nonresidential rehabilitation services for head injured persons in such a manner as the commissioner of rehabilitation may direct and may be appropriated for residential services as authorized by law. Funds collected pursuant to said section 20 shall be appropriated by means of a revenue retention account, as defined in section 1 of chapter 29, for the purpose of developing and maintaining residential and nonresidential rehabilitation services for head injured persons in such manner as the commissioner of rehabilitation may direct."

[The Governor disapproved the section].

After debate, the question on passing Section 24, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at three minutes before eight o'clock P.M., as follows, to wit (yeas 35 — nays 2):

YEAS.

Antonioni, Robert A. Morrissey, Michael W.
Bernstein, Robert A. Murray, Therese
Brewer, Stephen M. Nuciforo, Andrea F., Jr.
Clancy, Edward J., Jr. Pacheco, Marc R.
Creedon, Robert S., Jr. Panagiotakos, Steven C.
Creem, Cynthia Stone Rauschenbach, Henri S.
Fargo, Susan C. Resor, Pamela
Glodis, Guy W. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Joyce, Brian A. Tarr, Bruce E.
Knapik, Michael R. Tisei, Richard R.
Lees, Brian P. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 35.
Moore, Richard T.

NAYS.

Hedlund, Robert L. Jajuga, James P. — 2.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at eight o'clock P.M., Section 24 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 107 (Motor vehicle fines to fund Head Injury Treatment Services Trust Fund) was considered, as follows:

"SECTION 107. Section 20 of said chapter 90, as so appearing, is hereby amended by inserting after the third paragraph the following paragraph:—

There shall be a surcharge of \$25 on a fine assessed against any person convicted or found responsible of a violation of the provisions of section 17 or a violation of a special regulation lawfully made under the authority of section 18; but 100 per cent of the moneys collected pursuant to said surcharge shall be transferred by the registrar of motor vehicles to the state treasurer for deposit into the Head Injury Treatment Services Trust Fund established pursuant to the provisions of section 59 of chapter 10."

[The Governor disapproved this section].

After debate, the question on passing Section 107, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twelve minutes past eight o'clock P.M., as follows, to wit (yeas 27 — nays 10):

YEAS.

Antonioni, Robert A. Murray, Therese
Bernstein, Robert A. Nuciforo, Andrea F., Jr.
Clancy, Edward J., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Jacques, Cheryl A. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 27.
Moore, Richard T.

NAYS.

Brewer, Stephen M. Lees, Brian P.
Creedon, Robert S., Jr. Morrissey, Michael W.
Hedlund, Robert L. Shannon, Charles E.
Jajuga, James P. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E. — 10.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at a quarter past eight o'clock P.M., Section 107 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 2300-0101 (Riverways protection program) as considered, as follows:

"2300-0101

For a program of riverways protection, restoration, and promotion of public access to rivers, including grants to public and non-public entities; provided, that the positions funded in this item shall not be subject to the provisions of chapter 31 of the General Laws 517,867

Public Access Fund
47.79%
General Fund 52.21% "

[The Governor reduced the item to \$422,270].

Ms. Melconian in the Chair, after debate, the question on passing item 2300-0101, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at half past eight o'clock P.M., as follows, to wit (yeas 31 — nays 5):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Tarr, Bruce E.
Jajuga, James P. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 31.
Montigny, Mark C.

NAYS.

Knapik, Michael R. Sprague, Jo Ann
Lees, Brian P. Tisei, Richard R. — 5.
Rauschenbach, Henri S.

ABSENT OR NOT VOTING.

Berry, Frederick E. Clancy, Edward J., Jr. — 2.

The yeas and nays having been completed at twenty-seven minutes before nine o'clock P.M., item 2300-0101 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 1100-1400 (Massachusetts Corporation for Educational Tele vision) was considered, as follows:

"1100-1400

For a payment to the Massachusetts corporation for educational telecommunications; provided, that \$385,000 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 said corporation shall submit a spending plan which details the total actual and projected expenditures and revenues for fiscal years 1999 through 2001, inclusive; provided further, that said spending plan shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; and provided further, that said report and said spending plan shall be filed with the house and senate committees on ways and means no later than December 1, 1999 4,062,000".

[The Governor reduced the item to \$3,677,000 and disapproved of the following wording:— "; provided, that \$385,000 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"].

After debate, the question on passing item 1100-1400, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a cal of the yeas and nays, at twenty-five minutes before nine o'clock P.M., as follows, to wit (yeas 30 — nays 7):

YEAS.

Antonioni, Robert A. Glodis, Guy W.
Bernstein, Robert A. Havern, Robert A.
Brewer, Stephen M. Jacques, Cheryl A.
Clancy, Edward J., Jr. Jajuga, James P.
Creedon, Robert S., Jr. Joyce, Brian A.
Creem, Cynthia Stone Lynch, Stephen F.
Fargo, Susan C. Magnani, David P.
Melconian, Linda J. Resor, Pamela

Montigny, Mark C. Rosenberg, Stanley C.
Moore, Richard T. Shannon, Charles E.
Morrissey, Michael W. Tolman, Steven A.
Murray, Therese Travaglini, Robert E.
Nuciforo, Andrea F., Jr. Tucker, Susan C.
Pacheco, Marc R. Walsh, Marian
Panagiotakos, Steven C. Wilkerson, Dianne — 30.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 7.
Rauschenbach, Henri S.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-three minutes before nine o'clock P.M., item 1100-1400 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 2320-0200 (Public access — land and water areas) was considered, as follows:

"2320-0200

For the maintenance, operation, acquisition and improvement of public access land and water areas, as authorized by section 17A of chapter 21 of the General Laws; provided, that the amount necessary to construct a boat ramp in the town of Mattapoisett shall be expended from this item; provided further, that not more than \$62,000 shall be expended for the float-landing systems, so-called, at the Barton Cove and Oxbow boat launching facilities, so-called; and provided further, that not more than \$580,000 shall be expended for the plans, engineering, design, permitting and construction of a multiple lane voting access ramp in appurtenant facilities on the Merrimack River in the city of Lowell 1,541,135

Public Access Fund
62.37%
General Fund 37.63% "

[The Governor reduced the item to \$1,291,135 and disapproved of the following wording: — "; provided, that the amount necessary to construct a boat ramp in the town of Mattapoisett shall be expended from this item"].

The question on passing item 2320-0200, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-two minutes before nine o'clock P.M., as follows, to wit (yeas 30 — nays 7):

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Bernstein, Robert A. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Clancy, Edward J., Jr. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 30.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 7.
Rauschenbach, Henri S.

ABSENT OR NOT VOTING.
Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty minutes before nine o'clock P.M., item 2320-0200 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 259 (Education reform fund audits) was considered, as follows:

"SECTION 259. Notwithstanding the provisions of any general or special law to the contrary, the department of education shall collaborate with the division of local services of the department of revenue to complete audits of city, town and regional school district spending of chapter 70 school aid. Any regulations, guidelines or protocols related to the performance of said audits which are adopted or promulgated separately by said department and said division, shall be compatible and shall identify discrete audit responsibilities for said department and said division for joint audits. Notwithstanding the provisions of executive order 393 to the contrary, verification of financial and spending data conducted for the purposes of said audits shall be the primary duty and obligation of the division of local services, and analysis of district education practices performed for the purposes of said audits shall be the primary duty and obligation of the department of education. Analysis of district education practices shall include, but not be limited to the evaluation of the alignment of curriculum and professional plans with the state curriculum frameworks and assessments as well as a review of the progress of student achievement. For districts with foundation enrollment of 1,000 students or more, said department shall request the assistance of the division of local services of the department of revenue to assist in the financial compliance portion of said audits and shall coordinate the assistance of said division. Said division shall collaborate with said department to perform not less than 24 school district audits. For all joint audits, said department shall coordinate the assistance of said division and publish final audit reports. Said reports shall be standardized in structure, organization, approach and subject content. Each such report shall include a study of the impact of unanticipated growth in enrollments and the costs of special education on municipal education budgets, where applicable, including but not limited to the impact of said costs on other areas of appropriation within the municipal budget. Said department shall make available to said division information collected through its information management system, so-called, to assist in the tracking of individual student data and Massachusetts comprehensive assessment system test results. Said reports shall be made available to the house and senate committees on ways and means, and the joint committee on education, arts, and the humanities, upon their completion."

[The Governor disapproved the section].

After debate, the question on passing Section 259, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at eighteen minutes before nine o'clock P.M., as follows, to wit (yeas 33 — nays 4):

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Bernstein, Robert A. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Clancy, Edward J., Jr. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Rauschenbach, Henri S.
Havern, Robert A. Resor, Pamela
Jacques, Cheryl A. Rosenberg, Stanley C.
Jajuga, James P. Shannon, Charles E.
Joyce, Brian A. Sprague, Jo Ann
Lynch, Stephen F. Tarr, Bruce E.
Magnani, David P. Tolman, Steven A.
Melconian, Linda J. Travaglini, Robert E.
Tucker, Susan C. Wilkerson, Dianne — 33.
Walsh, Marian

NAYS.

Hedlund, Robert L. Lees, Brian P.
Knapik, Michael R. Tisei, Richard R. — 4.

ABSENT OR NOT VOTING.
Berry, Frederick E. — 1.

The yeas and nays having been completed at a quarter before nine o'clock P.M., Section 259 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 343 (Reverse commuting study) was considered, as follows:

"SECTION 343. The Massachusetts Bay Transportation Authority shall prepare a study on the feasibility of providing additional commuter rail and bus transportation services to facilitate reverse commuting services, so-called. Such study shall include, but not be limited to, the following: (1) demand for additional commuter rail services that provide transportation from Boston during both morning and evening rush hour commutes to stations on commuter rail lines; (2) additional bus services and routes necessary to provide north and south connecting services between commuter rail stations located in municipalities along the state highway Route 128 and interstate highway route 495 corridor and the demand for such services; (3) whether such services assist businesses and industries with the recruitment and retention of employees; and (4) the impact of such services on traffic management and congestion; and (5) analyses of the cost and technical requirements of such reverse commuting services. A report of such study shall be filed with the clerks of the house and senate and the joint committee on transportation and the house and senate committees on ways and means not later than March 1, 2000."

[The Governor disapproved this section].

After debate, the question on passing Section 343, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at thirteen minutes before nine o'clock P.M., as follows, to wit (yeas 31 — nays 6):

YEAS.

Antonioni, Robert A. Glodis, Guy W.
Bernstein, Robert A. Havern, Robert A.
Brewer, Stephen M. Jacques, Cheryl A.
Clancy, Edward J., Jr. Jajuga, James P.
Creedon, Robert S., Jr. Joyce, Brian A.
Creem, Cynthia Stone Lynch, Stephen F.
Fargo, Susan C. Magnani, David P.
Melconian, Linda J. Rosenberg, Stanley C.
Montigny, Mark C. Shannon, Charles E.
Moore, Richard T. Sprague, Jo Ann
Morrissey, Michael W. Tolman, Steven A.
Murray, Therese Travaglini, Robert E.
Nuciforo, Andrea F., Jr. Tucker, Susan C.
Pacheco, Marc R. Walsh, Marian
Panagiotakos, Steven C. Wilkerson, Dianne — 31.
Resor, Pamela

NAYS.

Hedlund, Robert L. Rauschenbach, Henri S.
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 6.

ABSENT OR NOT VOTING.
Berry, Frederick E. — 1.

The yeas and nays having been completed at eleven minutes before nine o'clock P.M., Section 343 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 2440-0501 (Metropolitan District Commission) was considered, as follows:

"2440-0501

For deferred maintenance repairs to rinks, pools and other properties under the jurisdiction of the metropolitan district commission; provided, that notwithstanding the provisions of any general or special law, rule or regulation to the contrary, with respect to all activities, including procurement and contract management, required for the purposes of this item and funded by the amount appropriated herein, all authorities and responsibilities normally belonging to the division of capital asset management and maintenance shall belong solely to the commission; provided further, that the commission shall conduct all such activities in a manner consistent with the best interests of the commonwealth and according to sound business practices; provided further, that the commission shall file bimonthly reports detailing all encumbrances and expenditures of funds appropriated herein and the status of all such repairs to be funded from this item, with the secretary of environmental affairs, the secretary of administration and finance and the house and senate committees on ways and means; and provided further, that no funds appropriated herein shall be expended for any personnel or administrative costs of the commission; provided further, that not more than \$25,000 shall be expended for sidewalk repairs and the installation of permanent markers that indicate the distance of walking mileage elapsed along Wollaston beach on Quincy Shore drive in the city of Quincy; provided further, that not more than \$350,000 shall be expended to rehabilitate the pool building at the McCrehan pool on Rindge avenue in the city of Cambridge; provided further, that not more than \$180,000 shall be expended for improvement to the structures and water fountain at the Fellsway Reservoir in the city of Malden; provided further, that not less than \$200,000 shall be expended for improvements to and maintenance of the land surrounding Spot Pond in the town of Stone ham; provided further, that not more than \$150,000 shall be expended for the study and preliminary design of a plan to reconstruct the Mystic Lakes dam in the town of Winchester and the city of Medford; provided further, that not more than \$50,000 shall be expended for Lynn Fells parkway improvements in the town of Saugus; provided further, that not more than \$250,000 shall be expended for the repair of the tidal gates at the mouth of Furnace Brook and Black's Creek in the city of Quincy in accordance with the project specifications and scope of work prepared by the department of highways relative to implementation and construction of the Cunningham Brook/Furnace Brook flood control project, so-called; provided further, that not more than \$25,000 shall be expended for the beautification and clean-up of the Veterans of Foreign Wars parkway and the West Roxbury parkway in the West Roxbury section of the city of Boston; provided further, that not more than \$650,000 shall be expended for the costs of repairs of the Kasabuski Memorial rink in the town of Saugus; provided further, that \$200,000 shall be expended for the construction of a multipurpose recreational field on land under the care and control of said commission in the town of Southborough; provided further, that \$300,000 shall be expended for improvement to and maintenance of Connell memorial rink; and provided further, that \$50,000 shall be expended for the design and repair of the historic one room schoolhouse at Moore State Park in the town of Paxton 2,783,687".

[The Governor reduced the item to \$1,391,843 and disapproved of the following wording: — "; provided further, that \$300,000 shall be expended for improvement to and maintenance of Connell memorial rink; and provided further, that \$50,000 shall be expended for the design and repair of the historic one room schoolhouse at Moore State Park in the town of Paxton.".

After debate, the question on passing item 2440-0501, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at eight minutes before nine o'clock P.M., as follows, to wit (yeas 32 — nays 5):

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Bernstein, Robert A. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Clancy, Edward J., Jr. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Tarr, Bruce E.
Jajuga, James P. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 32.

NAYS.

Knapik, Michael R. Sprague, Jo Ann
Lees, Brian P. Tisei, Richard R. — 5.
Rauschenbach, Henri S.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at six minutes before nine o'clock P.M., item 2440-0501 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 4800-0018 (Department of Social Services — Family unification) was considered, as follows:

"4800-0018

For the family stabilization, unification and reunification programs for non-placement families, families experiencing instability and families whose children are expected to return home following placement, including, but not limited to, shelter services, substance abuse treatment, respite care, family reunification networks, and not less than \$2,613,654 for school and community-based young parent programs, parent aides, and education and counseling services; provided, that the department shall pursue the establishment of public/private partnership agreements established for family stabilization services funded from sources other than the commonwealth; provided further, that not less than \$1,500,000 shall be expended for intensive and expanded parent aid and other support services for families requiring such services for family preservation due to acute conditions; provided further, that the department shall pursue the establishment of public/private partnership agreements established for family unification and reunification services funded from sources other than the commonwealth; provided further, that not less than \$250,000 shall be expended for a contract for an integrated family services team in region 6; provided further, that not less than \$298,000 shall be expended for alternative schools for students aged 14 to 16, inclusive, who are placed before the court on children in need of services petitions (CHINS) in region 6; provided further, that not less than \$130,000 shall be expended for the Children's Cove Cape and Islands Child Advocacy Center; provided further, that \$50,000 shall be expended for the purpose of providing case management services for the Amity Transitional Housing Program, so-called, in the city of Lynn; provided further, that the department shall expend \$110,000 to establish a pilot feasibility study, including not less than \$75,000 shall be expended for Latinas y Ninos and Casa Esperanza to explore family stabilization and reunification through expanded economic training opportunities and \$35,000 shall be expended for contracted services to be provided to the same for programmatic and capital development; provided further, that not less than \$150,000 shall be expended for a contract with Julie's family learning program in South Boston; provided further, that not less than \$69,123 shall be expended for the school age parenting project at Framingham high school; provided further, that not less than \$15,000 shall be expended for a contract with Child and Family Services of Cape Cod for the Court Diversion Program; provided further, that not less than \$30,000 shall be expended for a contract with big brothers and sisters of Cape Cod and the islands; provided further, that the department shall expend a sum of not less than \$40,000 in region 1 for a community-based family unification counseling program to prevent juvenile delinquency; provided further, that the department shall reevaluate services provided from this item in order to maximize compliance with chapter 3 of the acts of 1999 and chapter 6 of the acts of 1999; provided further, that the department shall submit a report to the house and senate ways and means committees detailing the results of said reevaluation no later than February 1, 2000; and provided further, that not less than \$200,000 shall be provided to establish the family center component of the Greater Lowell Family Resource Center 37,589,123

General Fund

70.0%

Social Services Fund 30.0% "

[The Governor reduced the item to \$37,479,123 and disapproved of the following wording:— "; provided further, that the department shall expend \$110,000 to establish a pilot feasibility study, including not less than \$75,000 shall be expended for Latinas y Ninos and Casa Esperanza to explore family stabilization and reunification through expanded economic training opportunities and \$35,000 shall be expended for contracted services to be provided to the same for programmatic and capital development"]].

After debate, the question on passing item 4800-0018, 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 nine o'clock P.M., as follows, to wit (yeas 33 — nays 4):

YEAS.

Antonioni, Robert A. Morrissey, Michael W.

Bernstein, Robert A. Murray, Therese

Brewer, Stephen M. Nuciforo, Andrea F., Jr.

Clancy, Edward J., Jr. Pacheco, Marc R.

Creedon, Robert S., Jr. Panagiotakos, Steven C.

Creem, Cynthia Stone Resor, Pamela

Fargo, Susan C. Rosenberg, Stanley C.

Glodis, Guy W. Shannon, Charles E.
Havern, Robert A. Sprague, Jo Ann
Jacques, Cheryl A. Tarr, Bruce E.
Jajuga, James P. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 33.
Moore, Richard T.

NAYS.

Hedlund, Robert L. Lees, Brian P.
Knapik, Michael R. Rauschenbach, Henri S. — 4.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at nine o'clock P.M., item 4800-0018 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 5911-1102 (Department of Mental Retardation — capital improvements) was considered, as follows:

"5911-1102

For the purpose of improving the health, safety and well-being of clients of the department of mental retardation by repairs and improvements to facilities and community residences operated by the department; provided, that said repairs and improvements shall include, but not be limited to, replacement of emergency generators, modifications for compliance with the Americans with Disabilities Act, remediating harmful environmental conditions, and repairing or replacing roofing, water, ventilation, heating and cooling systems; provided further, said department shall submit an allocation plan for the amount appropriated herein to the house and senate committees on ways and means not later than January 5, 2000; provided further, that operating funds previously budgeted in other items of appropriation for the purposes of such repairs and improvements shall continue to be used for such purposes and that the amounts appropriated herein shall not replace or supplant said budgeted amounts; provided further, that no funds appropriated herein shall be expended for routine upkeep, including, but not limited to, janitorial services, groundskeeping and trash collection; provided further, that notwithstanding the provisions of section 40B of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance may, upon the request of said department, delegate project control and supervision to said department over projects funded from this item whose estimated cost is less than \$500,000 if said commissioner determines that said department has the ability to control and supervise such project; provided further, that expenditures for said repairs and improvements may be made notwithstanding the provisions of sections 39B to 40N, inclusive, of chapter 7 of the General Laws whenever the total cost of such project is \$500,000 or less; provided further, that amounts allocated to projects whose total estimated cost exceeds \$500,000 shall be one-time, non-recurring expenditures, which shall remain available for expenditure until June 30, 2001; and provided further, that no expenditure shall be made from this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the General Laws, as inserted by section 43 of this act 2,200,000

Tobacco Settlement

Fund 100.0%".

[The Governor reduced the item to \$1,100,000].

The question on passing item 5911-1102, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at one minute past nine o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.

Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at three minutes past nine o'clock P.M., item 5911-1102 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 338 (Special Commission on Nurses and Nursing) was considered, as follows:

"SECTION 338. There is hereby established a special commission to investigate and report on matters affecting the practice of nursing and the delivery of healthcare services by nurses. The committee will gather information from healthcare providers and licensed or unlicensed employees, on the impact of their job performance of any/all current regulations, promulgated by any and all state agencies. This information will be compiled for a comprehensive review of the efficacy of any and all regulations on indirect and/or direct patient care.

The committee shall be composed of five members of the house of representatives and five members of the senate. Appointments will be made by the speaker of the house and the president of the senate, respectively.

Said committee may report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to implement such recommendations, by filing the same with the clerks of the house of representatives and the senate. The committee shall file its final report on or before the last Wednesday in December, 2000."

[The Governor disapproved the section].

The question on passing Section 338, 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 nine o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at six minutes past nine o'clock P.M., Section 338 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 1102-3206 (Medfield State Hospital) was considered, as follows:

"1102-3206

For the costs associated with the maintenance and security of surplus state properties, so-called; provided, that not more than \$500,000 shall be expended for basic maintenance and security needs of the state buildings at Medfield State Hospital 1,672,185".

[The Governor reduced the item to \$1,172,185].

The question on passing item 1102-3206, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at six minutes past nine o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at eight minutes past nine o'clock P.M., item 1102-3206 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 6000-0100 (Transportation and Construction — administration) was considered, as follows:

"6000-0100

For the office of the secretary of transportation and construction; provided, that the secretary shall collaborate with the secretary of administration and finance, the state treasurer and the executive director of the Massachusetts bay transportation authority to take all steps necessary to implement the MBTA forward funding initiative, so-called, in fiscal year 2000 in order to establish said authority as a self-financing entity not later than July 1, 2000; provided that said secretary shall direct the general manager of the MBTA to conduct a comprehensive sound study along the Red Line extension to Braintree beginning at the Neponset River Bridge and to develop a noise pollution abatement program for any residential area where the decibel level generated by train and

subway operations exceeds the ambient level by ten or more decibels; provided further, that said office shall collaborate with any efforts of the department of transitional assistance to develop a program of transportation services for current and former recipients of transitional aid to families with dependent children pursuant to item 4401-1001 of section 2 of this act; provided further, that said office shall submit to the joint committee on transportation and the house and senate committees on ways and means monthly reports detailing projects funded through the statewide transportation improvement program (STIP), so-called, including, but not limited to, the location of said projects, the cost of said projects, the date of advertisement of said projects, the commencement date of said projects, the projected completion date of said projects, and the source of funds for said projects; provided further, that said office shall also provide said committees with quarterly reports detailing construction and reconstruction projects on town and county ways as described in paragraph (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws for which municipalities are projected to seek, have filed claims, or have been paid state reimbursement; provided further, that a city or town shall comply with the procedures established by said secretary to obtain the necessary information to produce said reports; and provided further, that said reports shall include, but not be limited to, the cost of said projects by city or town, the source of funding of said projects by city or town, and the commencement and completion dates of said projects by city or town; provided further, that said office shall submit to the house and senate committees on ways and means quarterly reports detailing all personnel-related expenditures made from capital funds; provided further, that said reports shall delineate for the executive office and for each agency, board, authority or commission under its control, the amounts paid in the prior quarter as compensation for each type of position assigned to capital projects that were charged to each such funding source; provided further, that said reports shall also delineate by funding source any other amounts paid for personnel-related costs that were charged to said funds, including payroll allocations for budgetary employees, fringe recovery and other chargebacks; provided further, that said reports shall identify the number of full time equivalent personnel classified in each position type; provided further, that said reports shall list all employees who are paid from items 6000-0100, 6005-0011, 6010-0001, 6010-1000, and 6006-0003 who also receive payments from any capital funds; provided further, that said reports shall include for each of said employees how much money said employees receive from said line items and how much money each employee receives from any capital funds; and provided further, that said reports shall delineate said information for full time employees, part-time employees and contracted personnel; and provided further, that the executive office is hereby authorized and directed to conduct a study of the available methods to design and construct sound barriers along the Massachusetts turnpike as determined necessary by the Massachusetts Turnpike Authority Priority Results, in the city of Newton and the costs associated with such construction 229,316

Highway Fund
100.0%".

[The Governor disapproved the following wording:— "; provided further, that said office shall submit to the joint committee on transportation and the house and senate committees on ways and means monthly reports detailing projects funded through the statewide transportation improvement program (STIP), so-called, including, but not limited to, the location of said projects, the cost of said projects, the date of advertisement of said projects, the commencement date of said projects, the projected completion date of said projects, and the source of funds for said projects; provided further, that said office shall also provide said committees with quarterly reports detailing construction and reconstruction projects on town and county ways as described in paragraph (a) of clause (2) of the first paragraph of section 34 of the General Laws for which municipalities are projected to seek, have filed claims, or have been paid state reimbursement; provided further, that a city or town shall comply with the procedures established by said secretary to obtain the necessary information to produce said reports; and provided further, that said reports shall include, but not be limited to, the cost of said projects by city or town, the source of funding of said projects by city or town, and the commencement and completion dates of said projects by city or town; provided further, that said office shall submit to the house and senate committees on ways and means quarterly reports detailing all personnel-related expenditures made from capital funds; provided further, that said reports shall delineate for the executive office and for each agency, board, authority or commission under its control, the amounts paid in the prior quarter as compensation for each type of position assigned to capital projects that were charged to each such funding source; provided further, that said reports shall also delineate by funding source any other amounts paid for personnel-related costs that were charged to said funds, including payroll allocations for budgetary employees, fringe recovery and other chargebacks; provided further, that said reports shall identify the number of full time equivalent personnel classified in each position type; provided further, that said reports shall list all employees who are paid from items 6000-0100, 6005-0011, 6010-0001, 6010-1000, and 6006-0003 who also receive payments from any capital funds; provided further, that said reports shall include for each of said employees how much money said employees received from said line items and how much money each employee receive from any capital funds; and provided further, that said reports shall delineate said information for full time employees, part-time employees and contracted personnel; and provided further, that the executive office is hereby authorized and directed to conduct a study of the available methods to design and construct sound barriers along the Massachusetts turnpike as determined necessary by the Massachusetts Turnpike Authority Priority Results, in the city of Newton and the costs associated with such construction"].
After debate, the question on passing item 6000-0100, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at eleven minutes past nine o'clock P.M., as follows, to wit (yeas 31 — nays 6):

YEAS.

Antonioni, Robert A. Clancy, Edward J., Jr.
Bernstein, Robert A. Creedon, Robert S., Jr.
Brewer, Stephen M. Creem, Cynthia Stone
Fargo, Susan C. Murray, Therese
Glodis, Guy W. Nuciforo, Andrea F., Jr.
Havern, Robert A. Pacheco, Marc R.
Hedlund, Robert L. Panagiotakos, Steven C.
Jacques, Cheryl A. Resor, Pamela
Jajuga, James P. Rosenberg, Stanley C.
Joyce, Brian A. Shannon, Charles E.
Lynch, Stephen F. Tolman, Steven A.
Magnani, David P. Travaglini, Robert E.
Melconian, Linda J. Tucker, Susan C.
Montigny, Mark C. Walsh, Marian
Moore, Richard T. Wilkerson, Dianne — 31.
Morrissey, Michael W.

NAYS.

Knapik, Michael R. Sprague, Jo Ann
Lees, Brian P. Tarr, Bruce E.
Rauschenbach, Henri S. Tisei, Richard R. — 6.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at fourteen minutes past nine o'clock P.M., item 6000-0100 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 133 (Inmates' litigation) was considered, as follows:

"SECTION 133. Chapter 127 of the General Laws is hereby amended by inserting after section 38D the following four sections:—

Section 38E. (a) The commissioner shall promulgate regulations to establish a fair, impartial, speedy and effective system for the resolution of grievances filed against the department, its officers or employees, by inmates who are committed to, held by or in the custody of the department in a state, county, or federal correctional facility, or the Massachusetts treatment center. The commissioner, in consultation with the county sheriffs, shall also promulgate regulations for the resolution of grievances filed against a county of the commonwealth, its officials or employees, by inmates who are committed to, held by, or in the custody of a county sheriff.

(b)

A grievance system shall provide but not be limited to:

(1) specific maximum time limits for written replies to grievances with reasons for such replies at each decision level within the system;

(2) priority processing of grievances that are of an emergency nature, including matters in which delay would subject the petitioner to substantial risk of personal injury or other damages;

(3) safeguards to avoid reprisals against any petitioner or participant in the resolution of a grievance.

(c) Grievances that may be brought by inmates subject to the provisions of subsections (a) and (b) shall include all grievances arising out of or resulting from a condition of or occurrence during confinement, whether or not said grievance is presented in the form of petition for a writ of habeas corpus. A petition for a writ of habeas corpus seeking only release from unlawful imprisonment or restraint and no other relief shall not be subject to the provisions of this section. All applicable statute of limitations and presentment periods shall be tolled from the date of the filing of a grievance pursuant to this section until the final administrative resolution of the grievance.

Section 38F. An inmate shall not file any claim that may be the subject of a grievance under section 38E unless the inmate has exhausted the administrative remedy established pursuant to said section 38E; but the court may consider such claim if a final administrative resolution of a grievance filed pursuant to said section 38E has not been decided within 180 days from the date of filing such a grievance, or if the inmate can demonstrate to the court that exigent circumstances exist which, if delayed pursuant to the requirements of this section, would jeopardize the life or seriously impair the health of the inmate, or, for actions seeking equitable relief.

Section 38G. Any claim that may be the subject of a grievance under the provisions of section 38E which is pending in any court

when the regulations promulgated pursuant to section 38E take effect, may be dismissed without prejudice or may be continued by the court for up to 80 days, upon a finding that a continuance or dismissal would be appropriate and in the interests of justice to permit resolution of the claim under the terms specified by the grievance procedure established in section 38E.

Section 38H. A final decision with respect to a grievance shall be subject to judicial review in accordance with section 14 of chapter 30A, in the superior court for the county in which the inmate is incarcerated or otherwise being held, or in Suffolk county. A complaint filed with the court by an inmate in accordance with this section shall be accompanied by a copy of the final decision for which review is sought, if any, and a complaint not so accompanied subject to the exclusion in section 38F shall not be accepted for filing. The availability of review under this section shall not be construed to limit any judicial remedies otherwise available."

[The Governor disapproved the section].

The question on passing Section 133, 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 nine o'clock P.M., as follows, to wit (yeas 30 — nays 7):

YEAS.

Antonioni, Robert A. Creem, Cynthia Stone
Bernstein, Robert A. Fargo, Susan C.
Brewer, Stephen M. Glodis, Guy W.
Clancy, Edward J., Jr. Havern, Robert A.
Creedon, Robert S., Jr. Jacques, Cheryl A.
Jajuga, James P. Pacheco, Marc R.
Joyce, Brian A. Panagiotakos, Steven C.
Lynch, Stephen F. Resor, Pamela
Magnani, David P. Rosenberg, Stanley C.
Melconian, Linda J. Shannon, Charles E.
Montigny, Mark C. Tolman, Steven A.
Moore, Richard T. Travaglini, Robert E.
Morrissey, Michael W. Tucker, Susan C.
Murray, Therese Walsh, Marian
Nuciforo, Andrea F., Jr. Wilkerson, Dianne — 30.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 7.
Rauschenbach, Henri S.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at nineteen minutes past nine o'clock P.M., Section 133 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 4590-0914 (Department of Public Health — hospitals) was considered, as follows:

"4590-0914

For a reserve to improve the health, safety and well-being of patients of the four hospitals owned and operated by the department of public health by making repairs and improvements and meeting the one-time medical equipment needs of said hospitals; provided, that said expenditures shall not recur other than as scheduled maintenance expenditures; provided further, that the commissioner of the department of public health shall submit to the house and senate committees on ways and means not later than January 1, 1999, an allocation plan detailing any projects funded from this item, the cost of said projects, and the location of said projects; provided further, that said commissioner shall allocate the amounts appropriated herein to said hospitals pursuant to said allocation plan; provided further, that operating funds previously budgeted for the purposes of capital asset maintenance and repairs in other items of appropriation shall continue to be used for such purposes and that the amounts appropriated herein shall not replace or supplant said budgeted amounts; provided further, that not more than \$4,000,000 shall be expended for the one-time purchase of medical equipment for said hospitals; provided further, that no funds appropriated herein shall be expended for routine upkeep, including, but not limited to, janitorial services, groundskeeping and trash collection; provided further, that no funds appropriated herein shall be used to purchase or replace office equipment, including computers, or vehicles; provided further, that notwithstanding the provisions of section 40B of chapter 7 of the General Laws, the commissioner of the division of

capital asset management and maintenance may, upon the request of the department of public health, delegate project control and supervision to such department over projects funded from this item with an estimated cost of less than \$500,000 if said commissioner determines that said department has the ability to control and supervise such project; provided further, that projects not exceeding said \$500,000 in costs shall not be subject to the provisions of sections 39B to 40N, inclusive, of chapter 7 of the General Laws; and provided further, that amounts allocated to projects in excess of \$500,000 shall be one-time, non-recurring expenditures, which shall remain available for expenditure until June 30, 2001 and provided further, that no expenditure shall be made from this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the General Laws, as inserted by section 43 of this act 7,000,000

Tobacco Settlement

Fund 100.0%".

[The Governor reduced the item to \$3,500,000].

After remarks, the question on passing item 4590-0914, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-one minutes past nine o'clock P.M., as follows, to wit (yeas 31 — nays 6):

YEAS.

Antonioni, Robert A. Glodis, Guy W.
Bernstein, Robert A. Havern, Robert A.
Brewer, Stephen M. Jacques, Cheryl A.
Creedon, Robert S., Jr. Jajuga, James P.
Creem, Cynthia Stone Joyce, Brian A.
Fargo, Susan C. Knapik, Michael R.
Lynch, Stephen F. Resor, Pamela
Magnani, David P. Rosenberg, Stanley C.
Melconian, Linda J. Shannon, Charles E.
Montigny, Mark C. Tisei, Richard R.
Moore, Richard T. Tolman, Steven A.
Morrissey, Michael W. Travaglini, Robert E.
Murray, Therese Tucker, Susan C.
Nuciforo, Andrea F., Jr. Walsh, Marian
Pacheco, Marc R. Wilkerson, Dianne — 31.
Panagiotakos, Steven C.

NAYS.

Clancy, Edward J., Jr. Rauschenbach, Henri S.
Hedlund, Robert L. Sprague, Jo Ann
Lees, Brian P. Tarr, Bruce E. — 6.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-three minutes past nine o'clock P.M., item 4590-0914 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 7100-2000 (University of Massachusetts — capital asset maintenance) was considered, as follows:

"7100-2000

For a reserve to meet the costs of scheduled, emergency, and deferred maintenance and repairs to capital assets of the University of Massachusetts; provided, that projects funded from the amount appropriated herein shall not be considered capital adaptation and renewal for the purposes of spending requirements established by the board of higher education pursuant to the provisions of item 7066-0000 in section 2 of this act; provided further, that operating funds previously budgeted for the purposes of capital asset maintenance and repairs in other items of appropriation shall continue to be used for such purposes and that the amounts appropriated herein shall not replace or supplant said budgeted amounts; provided further, that no funds appropriated herein shall

be expended for routine upkeep, including, but not limited to, janitorial services, groundskeeping and trash collection; provided further, that notwithstanding the provisions of section 40B of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance may, upon the request of an institution of higher education, delegate project control and supervision to such institution over projects funded from this item whose estimated cost is less than \$500,000 if said commissioner determines that said agency has the ability to control and supervise such project; provided further, that funds for said scheduled, emergency, and deferred maintenance and repairs may be expended notwithstanding the provisions of sections 39B to 40N, inclusive, of chapter 7 of the General Laws whenever the total cost of such project is \$500,000 or less; and provided further, that amounts allocated to projects whose total estimated cost exceeds \$500,000 shall remain available for expenditure until June 30, 2001 4,000,000".

[The Governor reduced the item to \$2,000,000].

After remarks, the question on passing item 7100-2000, 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 ten o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-four minutes before ten o'clock P.M., item 7100-2000 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 7077-2000 (State and community colleges — capital asset maintenance) was considered, as follows:

"7077-2000

For a reserve to meet the costs of scheduled, emergency, and deferred maintenance and repairs to capital assets of the state and community colleges; provided that the board of higher education shall submit an allocation plan to the house and senate committees on ways and means not later than January 15, 2000; provided further, that said board shall allocate the amounts appropriated herein to state and community colleges pursuant to said allocation plan; provided, that projects funded from the amount appropriated herein shall not be considered capital adaptation and renewal for the purposes of spending requirements established by the board of higher education pursuant to the provisions of item 7066-0000 in section 2 of this act; provided further, that operating funds previously budgeted for the purposes of capital asset maintenance and repairs in other items of appropriation shall continue to be used for such purposes and that the amounts appropriated herein shall not replace or supplant said budgeted amounts; provided further, that no funds appropriated herein shall be expended for routine upkeep, including, but not limited to, janitorial services, groundskeeping and trash collection; provided further, that notwithstanding the provisions of section 40B of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance may, upon the request of an institution of higher education, delegate project control and supervision to such institution over projects funded from this item whose estimated cost is less than \$500,000 if said commissioner determines that said agency has

the ability to control and supervise such project; provided further, that funds for said scheduled, emergency, and deferred maintenance and repairs may be expended notwithstanding the provisions of sections 39B to 40N, inclusive, of chapter 7 of the General Laws whenever the total cost of such project is \$500,000 or less; and provided further, that amounts allocated to projects whose total estimated cost exceeds \$500,000 shall remain available for expenditure until June 30, 2001; provided further, that not more than \$100,000 shall be expended for capital repairs to public infrastructure adjacent to Bunker Hill community college Chelsea satellite campus; and provided further, that not more than \$140,000 shall be expended for certain capital improvements to the athletic and health facilities at Berkshire community college 4,000,000".

[The Governor reduced the item to \$2,000,000].

After remarks, the question on passing item 7077-2000, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at eighteen minutes before ten o'clock P.M., as follows, to wit (yeas 37 —nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at sixteen minutes before ten o'clock P.M., item 7077-2000 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.

Emergency Preamble Adopted.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the city of Salem (see House, No. 4895), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 14 to 0.

The bill was signed by Ms. Melconian, Acting President, having been appointed by the President (under Senate Rule 4) to perform the duties of the Chair.

Message from His Excellency the Governor

Disapprovals and Reductions in General Appropriations 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 2000 for the

maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial fund requirements and for certain permanent improvements (see House, No. 4900) which, on Wednesday, November 10, 1999, had been laid before the Governor for his approbation,— came from the House, several items and sections having passed notwithstanding the objections of the Governor.

The message (House, No. 4901) was read and the Senate proceeded to reconsider several items and sections, in accordance with the provisions of the Constitution.

Item 8900-0002 (Department of Correction — recidivism study) was considered, as follows:

"8900-0002

For the administration of the department; provided, that employees in the prisoners classification division shall not be subject to civil service law and rules; provided further, that notwithstanding the provisions of any general or special law to the contrary, the personnel administrator shall certify to the commissioner of correction, upon receipt of permanent requisitions, names of correction officers to fill permanent vacancies; provided further, that the commissioner of the department shall submit a report on the recidivism rate of offenders who have been, or currently are, incarcerated in said department; provided further, that said report shall include data from fiscal years 1990 to 1999, inclusive; provided further, that said report shall include information regarding recidivism rates by program and facility; and provided further, that said report shall be submitted to the house and senate committees on ways and means no later than February 29, 2000 4,023,925".

[The Governor disapproved the following wording:— "; provided further, that the commissioner of the department shall submit a report on the recidivism rate of offenders who have been, or currently are, incarcerated in said department; provided further, that said report shall include data from fiscal years 1990 to 1999, inclusive; provided further, that said report shall include information regarding recidivism rates by program and facility; and provided further, that said report shall be submitted to the house and senate committees on ways and means no later than February 29, 2000"].

After debate, the question on passing item 8900-0002, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at thirteen minutes before ten o'clock P.M., as follows, to wit (yeas 32 — nays 4):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Tarr, Bruce E.
Jajuga, James P. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 32.

NAYS.

Knapik, Michael R. Rauschenbach, Henri S.
Lees, Brian P. Sprague, Jo Ann — 4.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1. Clancy, Edward J., Jr. — 2.

The yeas and nays having been completed at eleven minutes before ten o'clock P.M., item 8900-0002 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 350 (METCO program fund distribution) was considered, as follows:

"SECTION 350. The department of education shall conduct a study of the formula for distribution of funds to cities and towns

participating in the METCO program, so-called. Said department shall include in the study the disparity in reimbursement between school districts participating in the program, the school choice reimbursement formula, and the charter school reimbursement formula. Said department shall submit the results of the study, along with any recommendations for legislation, to the clerk of the house of representatives, the clerk of the senate, the house and senate committees on ways and means and the governor not later than December 31, 1999."

[The Governor disapproved the section.]

After debate, the question on passing Section 350, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at six minutes past ten o'clock P.M., as follows, to wit (yeas 31 — nays 6):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Glodis, Guy W. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.
Jacques, Cheryl A. Tisei, Richard R.
Jajuga, James P. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 31.
Montigny, Mark C.

NAYS.

Hedlund, Robert L. Rauschenbach, Henri S.
Knapik, Michael R. Sprague, Jo Ann
Lees, Brian P. Tarr, Bruce E. — 6.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at nine minutes past ten o'clock P.M., Section 350 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.

Papers from the House.

A Bill providing for disposition of land to the Lawrence Redevelopment Authority (House, No. 3923,— on petition) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Ms. Tucker, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

A Bill authorizing the town of Stoneham to grant certain easements (House, No. 4513,— on petition) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Message from His Excellency the Governor

Disapprovals and Reductions in General Appropriations 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 2000 for the

maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial fund requirements and for certain permanent improvements (see House, No. 4900) which, on Wednesday, November 10, 1999, had been laid before the Governor for his approbation, came from the House, several items and sections having passed notwithstanding the objections of the Governor.

The message (House, No. 4901) was read and the Senate proceeded to reconsider several items and sections, in accordance with the provisions of the Constitution.

Item 0332-5900 (Plymouth District Court) was considered, as follows:

"0332-5900

For the third district court of Plymouth at Plymouth; provided, that an additional assistant clerk magistrate, and an additional probation officer shall be appointed and funded from this item in fiscal year 2000; provided further, that the temporary assistant clerk magistrate shall be made the permanent assistant clerk magistrate; and provided further, that not more than 44 employees shall be funded from this item in fiscal year 2000 1,965,738".

[The Governor disapproved the following wording:— "; provided further, that the temporary assistant clerk magistrate shall be made the permanent assistant clerk magistrate; and provided further, that not more than 44 employees shall be funded from this item in fiscal year 2000"].

After debate, the question on passing item 0332-5900, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at thirteen minutes past ten o'clock P.M., as follows, to wit (yeas 32 — nays 5):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Sprague, Jo Ann
Joyce, Brian A. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 32.

NAYS.

Hedlund, Robert L. Tarr, Bruce E.
Knapik, Michael R. Tisei, Richard R. — 5.
Lees, Brian P.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at a quarter past ten o'clock P.M., item 0332-5900 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 0330-4100 (Trial Court vacancy pool) was considered, as follows:

"0330-4100

For a trial court vacancy pool and reserve; provided, that not later than February 15, 2000, the chief justice for administration and management shall submit a report to the house and senate committees on ways and means detailing all assignments and allocations funded from this item 1,000,000".

[The Governor reduced the item to \$287,000]

The question on passing item 0330-4100, 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 ten o'clock P.M., as follows, to wit (yeas 32 — nays 5):

YEAS.

Antonioni, Robert A. Brewer, Stephen M.
Bernstein, Robert A. Clancy, Edward J., Jr.
Creedon, Robert S., Jr. Murray, Therese
Creem, Cynthia Stone Nuciforo, Andrea F., Jr.
Fargo, Susan C. Pacheco, Marc R.
Glodis, Guy W. Panagiotakos, Steven C.
Havern, Robert A. Resor, Pamela
Jacques, Cheryl A. Rosenberg, Stanley C.
Jajuga, James P. Shannon, Charles E.
Joyce, Brian A. Sprague, Jo Ann
Lynch, Stephen F. Tarr, Bruce E.
Magnani, David P. Tolman, Steven A.
Melconian, Linda J. Travaglini, Robert E.
Montigny, Mark C. Tucker, Susan C.
Moore, Richard T. Walsh, Marian
Morrisey, Michael W. Wilkerson, Dianne — 32.

NAYS.

Hedlund, Robert L. Rauschenbach, Henri S.
Knapik, Michael R. Tisei, Richard R. — 5.
Lees, Brian P.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at eighteen minutes past ten o'clock P.M., item 0330-4100 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 7061-0008 and Section 3 (School aid) were considered, as follows:

"7061-0008

For school aid to cities, towns, regional school districts, counties maintaining agricultural schools, independent vocational schools and independent agricultural and technical schools to be distributed pursuant to the provisions of chapters 70 and 76 of the General Laws and section 3; provided, that notwithstanding the provisions of section 3, each school district which receives aid from this item in fiscal year 2000 shall expend from such aid not less than \$125 per student on professional development expenditures as defined in regulations of the department of education; provided further, that such \$125 per student shall include \$100 in such aid previously made available in chapter 194 of the acts of 1998; provided further, that of the amount appropriated herein, \$32,259,702 shall be allocated for one-time, non-recurring payments to certain cities, towns and regional school districts; provided further, that said non-recurring payments shall be distributed according to the allocation schedule set forth in section 3 of this act; provided further, that no funds distributed from said payments shall be considered base aid nor used in the calculation of minimum required local contribution for fiscal year 2001 or any other fiscal year; provided further, that \$150,000 of the funds allocated from this item to the city of Lawrence by said section 3 shall be transferred to the University of Massachusetts at Lowell for its college preparation program; provided further, that \$42,570,481 shall be transferred from item 7061-9100 and credited to this item; provided further, that said \$42,570,481 shall not be subject to the provisions of subsection (b) of section 12 of chapter 70 of the General Laws; provided further, that notwithstanding the provisions of any general or special law to the contrary, no school district shall receive less than \$150 per student in chapter 70 aid, so-called, in fiscal year 2000; provided further, that said aid shall be in addition to the \$100 per student aid authorized and made available in item 7061-0008 of section 2 of chapter 194 of the acts of 1998; and provided further, that each such district shall report to said department the professional development activities funded by such expenditures and such department shall make a determination as to whether said amounts were expended for professional development activities 2,760,762,474

Local Aid Fund

100.0%.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws and section 89 of chapter 71 of the General Laws, for the fiscal year ending June 30, 2000, the distribution to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the Local Aid Fund in accordance with the provisions of clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, shall be \$670,000,000 and shall be apportioned to the cities and towns in accordance with this section; provided, that the amount of any balance in the State Lottery Fund at the end of the fiscal year shall be transferred to the Local Aid Fund; provided, further, that the total amount of lottery distribution in fiscal year 1999 shall be considered general revenue sharing aid received in the prior fiscal year' for purposes of calculating the municipal revenue growth factor pursuant to the provisions of chapter 70 of the General Laws; provided further, that the entire amount of the distribution made by this section shall be exempt from the provisions of section 5 of said chapter 70.

Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws and section 89 of chapter 71 of the General Laws, the total amounts to be distributed and paid to each city, town, regional school district and county maintaining an agricultural school from items 0611-5500 and 7061-0008 of section 2 shall be as set forth in the following lists; provided, that the specified amounts to be distributed from item 7061-0008 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under the provisions of sections 3, 6 and 7 of chapter 70 of the General Laws; provided further, that the amounts to be distributed from item 0611-5500 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under section 37 of chapter 21 of the General Laws. No payments to cities, towns, or counties maintaining an agricultural school pursuant to this section shall be made after November 30 of the fiscal year by the state treasurer until she receives certification from the commissioner of revenue of said commissioner's acceptance of the prior fiscal year's annual financial reports submitted pursuant to the provisions of section 43 of chapter 44 of the General Laws.

Notwithstanding the provisions of any general or special law to the contrary, in fiscal year 2000 the amount of state school aid, allocated by the department of education to cities, towns, regional school districts, counties maintaining agricultural schools, independent vocational schools and independent agricultural and technical schools, shall be calculated pursuant to chapter 70 of the General Laws setting the foundation aid per cent at 100 and minimum aid at \$150. The amount of state school aid allocated by the department to each school district shall be not less than the product of \$150 and the total foundation enrollment, as determined by the department, plus the total amount of chapter 70 allocations, so-called, listed in section 3 of chapter 194 of the acts of 1998. For each such school district for which the fiscal year 2000 foundation budget remains greater than the fiscal year 2000 required net school spending, the department shall allocate an additional amount of aid equal to the remaining difference between said foundation budget and said required net school spending. Beginning in fiscal year 2001, the amounts allocated pursuant to the preceding two sentences shall be considered part of base aid. The amount allocated in item 7061-0008 of section 2 of this act for non-recurring payments shall be distributed and paid to certain cities, towns, and regional school districts as set forth in this section; provided however, that such non-recurring payments shall not be considered part of base aid in fiscal year 2001 or subsequent fiscal years. Terms used in this section shall be as defined in section 2 of chapter 70 of the General Laws.

ABINGTON

5,753,672 -- 1,786,932

ACTON 1,868,353 101,886 37,368 1,220,536

ACUSHNET 4,473,677 106,389 30,043 1,365,413

ADAMS -- 44,096 1,786,766

AGAWAM 10,682,337 -- 3,242,891

ALFORD --- 13,575

AMESBURY 9,067,845 246,707 - 1,801,458

AMHERST 5,478,292 - 280,503 6,960,819

ANDOVER 4,618,867 -- 1,598,436

ARLINGTON 4,861,848 - 5,652,310 3,982,812

ASHBURNHAM --- 589,980

ASHBY --- 350,229

ASHFIELD 115,957 1,649 - 143,559

ASHLAND 1,943,633 - 366,937 895,639

ATHOL -- 5,507 1,912,260

ATTLEBORO 21,470,942 306,333 - 4,894,356

AUBURN 3,646,245 -- 1,475,855

AVON 543,190 - 504,148 360,692

AYER 4,098,348 - 55,642 675,251

BARNSTABLE 5,222,021 530,061 - 1,748,543

BARRE 7,626 -- 679,489

BECKET 86,236 1,890 10,797 67,577

BEDFORD 1,699,305 - 609,391 703,530

BELCHERTOWN 6,910,696 -- 1,315,681

BELLINGHAM 6,950,008 -- 1,683,688

BELMONT 2,708,294 - 1,041,278 1,587,432
BERKLEY 3,627,764 77,203 - 471,080
BERLIN 550,006 18,093 - 200,625
BERNARDSTON - - - 223,809
BEVERLY 6,266,702 - 3,086,077 3,565,231
BILLERICA 12,866,874 - 2,956,313 3,670,648
BLACKSTONE 81,318 2,033 - 1,144,480
BLANDFORD - - - 103,392
BOLTON - - - 162,861
BOSTON 186,151,815 - 206,638,214 55,964,533
BOURNE 2,963,766 9,604 443,645 1,018,230
BOXBOROUGH 1,204,179 48,166 - 208,457
BOXFORD 1,403,430 76,168 45,818 384,251
BOYLSTON 339,386 - - 306,251
BRAintree 4,225,569 - 4,250,822 2,864,500
BREWSTER 804,725 55,749 - 325,200
BRIDGEWATER 115,632 2,040 - 2,770,236
BRIMFIELD 995,975 24,981 - 312,637
BROCKTON 90,559,411 1,549,242 5,424,063 15,602,387
BROOKFIELD 1,535,905 26,138 - 425,110
BROOKLINE 4,535,088 - 4,401,448 3,534,251
BUCKLAND - - - 236,959
BURLINGTON 3,407,608 - 1,744,603 1,387,664
CAMBRIDGE 6,660,769 - 22,595,349 7,201,019
CANTON 2,334,399 - 1,104,851 1,268,370
CARLISLE 520,306 - 18,534 189,244
CARVER 8,162,397 - - 1,236,496
CHARLEMONT 84,325 1,235 - 136,148
CHARLTON - - - 1,100,650
CHATHAM 394,180 - - 147,479
CHELMSFORD 6,181,025 - 3,190,395 2,802,343
CHELSEA 34,980,424 566,900 4,274,507 4,787,166
CHESHIRE 247,923 3,370 - 462,183
CHESTER - - - 142,344
CHESTERFIELD 135,145 2,583 - 105,909
CHICOPEE 32,384,611 - 1,504,526 8,626,359
CHILMARK - - - 3,373
CLARKSBURG 1,191,751 22,148 16,502 320,611
CLINTON 8,206,381 - 220,865 1,929,552
COHASSET 1,107,609 - 209,013 380,740
COLRAIN - - - 193,942
CONCORD 1,446,798 - 483,163 846,131
CONWAY 644,242 13,640 - 142,501
CUMMINGTON 29,808 - - 62,527
DALTON 279,440 - - 866,063
DANVERS 3,055,941 - 1,408,080 1,757,413
DARTMOUTH 6,313,148 - - 2,231,466
DEDHAM 2,834,496 - 1,950,847 1,968,794
DEERFIELD 667,269 - - 426,588
DENNIS - - - 464,603
DIGHTON - - - 611,543
DOUGLAS 4,640,699 100,768 - 571,942
DOVER 287,264 - - 183,847
DRACUT 11,980,227 155,318 - 3,061,814
DUDLEY - - - 1,317,212
DUNSTABLE - - 37,846 163,571
DUXBURY 2,484,172 - - 831,269
EAST
BRIDGEWATER 8,081,170 - - 1,288,645
EAST
BROOKFIELD 13,385 - - 246,123
EAST

LONGMEADOW 3,128,719 -- 1,178,765
EASTHAM 230,580 -- 124,648
EASTHAMPTON 7,015,208 - 137,004 2,363,540
EASTON 5,935,850 -- 1,901,970
EDGARTOWN 300,823 - 35,873 40,046
EGREMONT --- 58,904
ERVING 242,963 - 16,548 56,717
ESSEX 682,429 - 42,569 207,836
EVERETT 14,364,572 466,932 5,139,628 3,064,384
FAIRHAVEN 6,318,463 78,329 492,569 1,796,099
FALL RIVER 75,812,320 551,704 2,882,862 19,979,422
FALMOUTH 4,017,892 -- 1,193,941
FITCHBURG 30,104,969 530,484 270,312 7,186,236
FLORIDA 490,375 -- 45,875
FOXBOROUGH 5,664,594 226,899 - 1,387,656
FRAMINGHAM 6,826,278 - 5,911,189 5,606,482
FRANKLIN 15,887,906 421,379 - 2,157,816
FREETOWN 874,276 -- 842,154
GARDNER 13,688,384 194,029 151,944 3,456,633
GAY HEAD --- 1,933
GEORGETOWN 2,739,937 103,553 66,691 604,399
GILL --- 185,081
GLOUCESTER 5,336,650 136,355 2,419,911 2,297,532
GOSHEN 27,148 1,090 - 60,400
GOSNOLD 2,625 - 2,469 463
GRAFTON 4,407,608 166,134 - 1,373,161
GRANBY 2,490,562 -- 737,019
GRANVILLE 673,804 21,161 - 121,231
GREAT
BARRINGTON --- 700,004
GREENFIELD 8,744,566 182,025 - 2,703,554
GROTON --- 634,056
GROVELAND --- 589,562
HADLEY 526,863 - 174,084 283,610
HALIFAX 2,148,794 -- 808,521
HAMILTON -- 53,967 548,964
HAMPDEN --- 528,321
HANCOCK 84,889 - 22,195 36,173
HANOVER 3,217,573 - 1,669,092 949,372
HANSON --- 1,119,497
HARDWICK 132,016 116,572 4,062 340,662
HARVARD 1,087,243 - 69,324 1,703,479
HARWICH 1,259,010 -- 369,784
HATFIELD 565,484 -- 279,818
HAVERHILL 31,108,834 439,858 3,149,881 6,846,227
HAWLEY 16,524 225 16,264 24,244
HEATH --- 52,763
HINGHAM 3,130,147 - 420,485 1,253,887
HINSDALE 39,107 532 - 182,805
HOLBROOK 4,115,634 - 5,987 1,391,071
HOLDEN 153,149 3,602 - 1,465,330
HOLLAND 666,080 -- 152,740
HOLLISTON 6,092,833 243,475 518,826 1,111,531
HOLYOKE 57,596,400 - 763,384 8,380,784
HOPEDALE 4,440,948 84,724 - 563,664
HOPKINTON 2,182,040 202,079 151,365 561,937
HUBBARDSTON --- 275,881
HUDSON 5,623,347 213,393 - 1,867,471
HULL 4,104,161 - 1,747,307 987,748
HUNTINGTON --- 269,291
IPSWICH 1,807,453 - 975,780 920,533
KINGSTON 2,334,760 85,343 - 800,484

LAKEVILLE 1,678,544 118,956 - 668,135
LANCASTER - - - 793,631
LANESBOROUGH 510,381 - - 327,534
LAWRENCE 94,699,937 1,288,171 239,970 16,270,692
LEE 1,488,928 - - 608,771
LEICESTER 7,347,267 158,442 - 1,528,731
LENOX 1,139,242 - 90,787 509,279
LEOMINSTER 27,297,135 555,720 14,714 4,741,974
LEVERETT 208,163 - - 153,945
LEXINGTON 4,515,456 - - 1,442,134
LEYDEN - - - 60,523
LINCOLN 415,680 - 367,459 431,418
LITTLETON 1,099,252 - 207,535 503,687
LONGMEADOW 3,272,988 - - 1,220,114
LOWELL 91,847,688 433,017 7,978,998 17,073,119
LUDLOW 8,589,370 - - 2,459,208
LUNENBURG 2,886,345 - - 958,643
LYNN 76,471,581 1,077,789 11,926,220 12,734,696
LYNNFIELD 1,618,450 - 455,892 689,496
MALDEN 18,639,402 504,030 7,030,168 7,598,574
MANCHESTER 666,198 - - 223,526
MANSFIELD 6,691,716 323,760 912,368 1,281,805
MARBLEHEAD 2,243,329 - 49,583 1,052,946
MARION 286,380 - - 194,350
MARLBOROUGH 4,497,627 383,154 3,433,241 2,848,729
MARSHFIELD 10,473,431 214,578 255,142 1,866,636
MASHPEE 3,261,701 160,714 - 220,602
MATTAPOISETT 416,518 - - 375,257
MAYNARD 2,076,025 - 738,519 1,018,737
MEDFIELD 2,058,658 204,191 937,000 782,968
MEDFORD 11,320,366 - 8,094,393 6,609,062
MEDWAY 4,713,340 195,890 235,317 895,603
MELROSE 5,189,643 - 3,402,865 2,881,138
MENDON - - - 330,015
MERRIMAC - - - 663,296
METHUEN 19,894,003 545,893 205,147 4,603,791
MIDDLEBOROUGH 12,569,993 66,744 - 2,163,760
MIDDLEFIELD - - - 37,519
MIDDLETON 790,721 55,472 159,272 306,721
MILFORD 10,259,703 - - 2,791,401
MILLBURY 4,662,917 - - 1,572,748
MILLIS 1,732,271 96,628 403,862 712,177
MILLVILLE 16,705 - - 300,801
MILTON 2,918,939 - 1,566,851 2,141,408
MONROE 30,375 - 17,526 6,870
MONSON 4,921,186 - - 1,105,969
MONTAGUE - - - 1,069,724
MONTEREY - - 15,777 33,158
MONTGOMERY - - - 73,230
MT. WASHINGTON 8,841 - 41,886 2,834
NAHANT 355,229 - 157,791 271,449
NANTUCKET 686,560 - - 66,699
NATICK 3,678,089 - 2,444,348 2,137,964
NEEDHAM 3,409,048 - 259,216 1,459,481
NEW ASHFORD 19,792 - 9,203 7,739
NEW BEDFORD 86,440,783 - 901,313 20,617,692
NEW BRAINTREE - - - 95,098
NEWBURY - - - 400,311
NEWBURYPORT 2,926,240 - 1,736,621 1,411,898
NEW
MARLBOROUGH - - - 48,746
NEW SALEM - - - 80,429

NEWTON 8,830,716 - 1,732,789 4,625,628
NORFOLK 2,619,699 84,772 - 831,710
NORTH ADAMS 12,436,148 - 233,872 3,885,831
NORTH ANDOVER 3,449,437 - 151,695 1,638,713
NORTH
ATTLEBOROUGH 12,764,740 326,739 - 2,580,189
NORTH
BROOKFIELD 3,514,046 - - 709,955
NORTH READING 2,403,001 - 1,189,787 947,950
NORTHAMPTON 6,735,654 - 727,239 3,575,319
NORTHBOROUGH 2,407,055 148,202 76,900 931,088
NORTHBRIDGE 9,589,961 193,953 3,865 2,024,615
NORTHFIELD - - - 259,698
NORTON 8,339,183 1,120 - 1,836,331
NORWELL 1,724,954 - 680,878 602,787
NORWOOD 3,258,602 - 3,354,660 2,325,122
OAK BLUFFS 460,903 33,649 - 62,055
OAKHAM 54,245 - - 142,381
ORANGE 5,169,398 - 2,661 1,411,938
ORLEANS 205,515 - - 159,629
OTIS - - - 26,062
OXFORD 7,318,851 - - 1,873,821
PALMER 8,726,904 170,500 - 1,643,337
PAXTON 15,688 545 - 397,978
PEABODY 13,155,362 - 3,951,625 4,393,618
PELHAM 100,200 - - 128,663
PEMBROKE 4,291,723 - - 1,476,740
PEPPERELL - - - 1,105,632
PERU 38,716 - - 91,115
PETERSHAM 156,549 - - 93,110
PHILLIPSTON - - 5,519 134,842
PITTSFIELD 27,083,381 - 1,107,722 6,881,450
PLAINFIELD 50,885 692 - 36,462
PLAINVILLE 1,711,110 55,516 - 652,500
PLYMOUTH 17,798,618 - - 3,201,116
PLYMPTON 440,932 37,861 - 206,406
PRINCETON - - - 259,558
PROVINCETOWN 246,730 - 27,912 129,855
QUINCY 12,679,625 - 14,555,556 9,182,520
RANDOLPH 9,645,447 151,388 2,297,597 3,309,814
RAYNHAM 375 - - 990,738
READING 4,828,594 164,358 1,931,472 1,895,672
REHOBOTH - - - 804,647
REVERE 20,848,148 - 6,712,698 5,351,631
RICHMOND 319,828 - - 102,803
ROCHESTER 811,759 31,590 - 360,406
ROCKLAND 9,128,273 242,418 496,221 2,129,231
ROCKPORT 1,144,872 - - 396,708
ROWE 38,515 - - 3,773
ROWLEY - - 143,746 392,310
ROYALSTON - - - 122,196
RUSSELL - - - 193,441
RUTLAND 284,776 - - 671,798
SALEM 10,663,526 - 4,151,021 3,584,439
SALISBURY - - - 544,940
SANDISFIELD - - - 26,793
SANDWICH 3,497,980 - 111,247 758,436
SAUGUS 3,386,156 - 2,245,040 2,023,325
SAVOY 332,500 1,216 17,367 88,314
SCITUATE 2,885,532 - 1,101,119 1,274,225
SEEKONK 2,944,342 - - 1,077,188
SHARON 4,258,903 258,591 78,642 1,216,533

SHEFFIELD - - 15,023 194,136
SHELBURNE - - - 230,693
SHERBORN 297,346 - 26,364 186,689
SHIRLEY 3,088,305 32,346 233,500 968,745
SHREWSBURY 5,615,772 740 376,077 2,123,910
SHUTESBURY 476,177 15,023 - 124,853
SOMERSET 2,281,203 - - 1,242,233
SOMERVILLE 22,358,019 418,753 20,410,649 11,028,479
SOUTH HADLEY 5,494,673 - 25,437 2,218,515
SOUTHAMPTON 1,752,089 42,479 - 496,005
SOUTHBOROUGH 1,275,077 98,187 - 374,648
SOUTHBRIDGE 12,234,179 - - 3,009,298
SOUTHWICK - - - 964,608
SPENCER 173,374 - - 1,806,781
SPRINGFIELD 178,728,726 2,783,323 2,302,181 28,774,977
STERLING - - - 596,775
STOCKBRIDGE - - - 96,563
STONEHAM 2,373,084 - 2,553,177 1,952,971
STOUGHTON 8,078,683 - 129,781 2,958,620
STOW - - 8,776 369,807
STURBRIDGE 1,000,261 - - 640,217
SUDBURY 1,881,802 204,544 807,321 803,448
SUNDERLAND 684,433 19,296 - 406,675
SUTTON 3,357,235 95,341 - 671,148
SWAMPSCOTT 1,794,304 - 443,359 906,312
SWANSEA 4,317,189 - - 1,707,338
TAUNTON 31,202,959 626,096 - 7,818,930
TEMPLETON - - - 1,058,776
TEWKSBURY 9,814,299 331,650 - 2,598,895
TISBURY 255,485 - - 91,980
TOLLAND - - 12,413 4,899
TOPSFIELD 464,169 - 318,725 377,355
TOWNSEND - - - 1,003,437
TRURO 187,426 - - 26,243
TYNGSBOROUGH 4,948,339 152,585 - 778,947
TYRINGHAM 25,050 - - 11,920
UPTON - - - 440,063
UXBRIDGE 6,779,241 162,778 - 1,256,095
WAKEFIELD 3,884,593 - 1,809,635 2,135,847
WALES 613,948 - - 195,715
WALPOLE 4,243,836 - 1,112,115 1,675,560
WALTHAM 5,907,601 - 6,869,270 4,895,603
WARE 6,301,246 128,583 19,199 1,451,378
WAREHAM 10,194,020 453,691 - 1,862,888
WARREN - - - 620,325
WARWICK - - 36,354 68,021
WASHINGTON 14,418 199 29,889 59,851
WATERTOWN 2,362,662 - 5,571,114 2,758,181
WAYLAND 2,088,049 - 352,813 634,262
WEBSTER 6,682,971 - 78,026 2,077,210
WELLESLEY 2,764,669 - 121,858 1,219,914
WELLFLEET 111,865 - - 55,034
WENDELL - - 32,131 107,403
WENHAM - - 175,913 288,066
WEST BOYLSTON 2,032,498 82,782 85,259 594,274
WEST
BRIDGEWATER 1,690,625 - 59,411 568,957
WEST BROOKFIELD - - - 391,602
WEST NEWBURY - - - 256,214
WEST
SPRINGFIELD 10,988,926 345,809 - 2,884,999
WEST

STOCKBRIDGE - - - 95,137
WEST TISBURY - - 229,569 28,987
WESTBOROUGH 2,375,099 - 182,536 884,457
WESTFIELD 24,070,030 465,592 - 5,189,361
WESTFORD 5,929,284 314,094 1,126,887 1,202,253
WESTHAMPTON 265,136 9,839 - 118,705
WESTMINSTER - - - 531,679
WESTON 1,185,633 - - 362,594
WESTPORT 2,922,717 - - 1,163,251
WESTWOOD 1,908,727 - 45,632 658,858
WEYMOUTH 17,019,744 453,822 3,050,391 6,584,392
WHATELY 88,508 - - 109,999
WHITMAN - - - 1,937,123
WILBRAHAM - - - 1,097,776
WILLIAMSBURG 381,759 - - 276,248
WILLIAMSTOWN 908,135 - - 866,678
WILMINGTON 2,985,879 - 1,578,564 1,238,680
WINCHENDON 8,596,952 157,573 31,919 1,362,967
WINCHESTER 2,862,010 - 433,387 1,166,872
WINDSOR 22,120 301 35,260 54,520
WINTHROP 4,442,483 - 2,878,558 2,320,342
WOBURN 4,133,520 - 4,513,710 2,854,512
WORCESTER 128,086,963 2,579,582 14,860,192 26,895,378
WORTHINGTON - - - 95,181
WRENTHAM 2,886,536 - - 870,796
YARMOUTH - - - 1,050,008 Total Aid to

Regional Schools
465,806,360 5,478,264 - -

Total
2,771,073,253 32,259,702 476,315,282 670,000,000

7061-0008 7061-0006
Chapter 70 Supplemental
Regional School School Aid School Aid

ACTON BOXBOROUGH
2,740,242 -
ADAMS CHESHIRE 9,159,871 -
AMHERST PELHAM 8,116,028 167,379
ASHBURNHAM WESTMINSTER 7,719,788 50,277
ASSABET VALLEY 2,890,763 -
ATHOL ROYALSTON 14,521,620 198,307
BERKSHIRE HILLS 2,940,840 -
BERLIN BOYLSTON 797,459 -
BLACKSTONE MILLVILLE 9,430,127 183,407
BLACKSTONE VALLEY 5,346,323 77,948
BLUE HILLS 3,372,821 -
BRIDGEWATER RAYNHAM 16,513,236 86,695
BRISTOL COUNTY 1,360,203 -
BRISTOL PLYMOUTH 5,217,482 110,715
CAPE COD 1,840,606 -
CENTRAL BERKSHIRE 7,546,703 197,797
CHESTERFIELD GOSHEN 594,096 12,939
CONCORD CARLISLE 1,455,558 -
DENNIS YARMOUTH 6,212,898 -
DIGHTON REHOBOTH 9,498,659 246,903

DOVER SHERBORN 1,151,595 -
DUDLEY CHARLTON 14,939,281 746,986
ESSEX COUNTY 3,561,660 -
FARMINGTON RIVER 357,538 -
FRANKLIN COUNTY 2,102,713 -
FREETOWN LAKEVILLE 4,934,486 -
FRONTIER 2,264,059 56,095
GATEWAY 6,568,649 -
GILL MONTAGUE 6,076,058 -
GREATER FALL RIVER 10,171,235 153,552
GREATER LAWRENCE 11,654,441 231,206
GREATER LOWELL 14,333,975 -
GREATER NEW BEDFORD 15,790,059 241,634
GROTON DUNSTABLE 6,715,761 188,855
HAMILTON WENHAM 2,917,648 -
HAMPDEN WILBRAHAM 7,731,802 -
HAMPSHIRE 1,985,938 -
HAWLEMONT 674,466 -
KING PHILIP 4,158,168 131,006
LINCOLN SUDBURY 1,769,702 -
RALPH C. MAHAR 3,373,561 15,141
MARTHA'S VINEYARD 1,970,200 65,496
MASCONOMET 3,658,677 135,741
MENDON UPTON 4,416,339 136,026
MINUTEMAN 2,325,613 -
MOHAWK TRAIL 6,870,274 -
MONTACHUSETT 6,563,198 -
MOUNT GREYLOCK 1,869,080 -
7061-0008 7061-0006
Chapter 70 Supplemental
Regional School School Aid School Aid

NARRAGANSETT
6,870,129 -
NASHOBA 5,701,204 -
NASHOBA VALLEY 2,097,018 -
NAUSET 3,334,026 -
NEW SALEM WENDELL 704,472 -
NORFOLK COUNTY 692,866 -
NORTH MIDDLESEX 18,732,804 273,994
NORTH SHORE 1,567,880 52,999
NORTHAMPTON SMITH 847,426 26,451
NORTHBORO SOUTHBORO 1,481,044 -
NORTHEAST METROPOLITAN 6,102,842 112,204
NORTHERN BERKSHIRE 2,744,491 -
OLD COLONY 2,036,156 -
OLD ROCHESTER 1,508,825 -
PATHFINDER 2,146,187 -
PENTUCKET 10,380,914 247,782
PIONEER 3,633,787 89,253
QUABBIN 12,607,350 228,513
QUABOAG 7,105,381 65,830
SHAWSHEEN VALLEY 3,406,786 -
SILVER LAKE 9,847,313 -
SOUTH MIDDLESEX 2,492,947 -
SOUTH SHORE 1,974,420 -
SOUTHEASTERN 8,200,458 -
SOUTHERN BERKSHIRE 1,860,750 -
SOUTHERN WORCESTER 4,403,341 -

SOUTHWICK TOLLAND 6,502,394 -
SPENCER EAST BROOKFIELD 10,287,256 133,778
TANTASQUA 5,601,220 136,156
TRI COUNTY 3,275,308 -
TRITON 7,731,410 276,909
UP ISLAND 846,029 -
UPPER CAPE COD 1,955,518 67,597
WACHUSETT 15,641,500 -
WHITMAN HANSON 18,261,694 332,693
WHITTIER 5,041,715 -

Regional Total
465,806,360 5,478,264 "

[The Governor reduced the figure to \$2,728,502,772; disapproved the following wording:— "; provided further, that of the amount appropriated herein, \$32,259,702 shall be allocated for one-time, non-recurring payments to certain cities, towns and regional school districts; provided further, that said non-recurring payments shall be distributed according to the allocation schedule set forth in section 3 of this act; provided further, that no funds distributed from said payments shall be considered base aid nor used in the calculation of minimum required local contribution for fiscal year 2001 or any other fiscal year"; and disapproved the corresponding Non-Recurring Chapter 70 School Aid amounts].
The President in the Chair, after remarks, the question on passing item 7061-0008 and Section 3, notwithstanding the disapproval of his Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-nine minutes before eleven o'clock P.M., as follows, to wit (yeas 38 — nays 0):

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Bernstein, Robert A. Moore, Richard T.
Birmingham, Thomas F. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 38.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-seven minutes before eleven o'clock P.M., item 7061-0008 and Section 3 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 7061-0008 and Section 3 (School aid) [Previously Referenced] were considered, as follows:

[The Governor reduced the item to \$2,666,798,105; disapproved the following wording:— "; provided further, that notwithstanding the provisions of any general or special law to the contrary, no school district shall receive less than \$150 per student in chapter 70 aid, so-called, in fiscal year 2000; provided further, that said aid shall be in addition to the \$100 per student

aid authorized and made available in item 7061-0008 of section 2 of chapter 194 of the acts of 1998"; and reduced the corresponding 7061-0008 Chapter 70 School Aid amounts in Section 3 to the following amounts:—

7061-0008
Chapter 70
Municipality School Aid

ABINGTON
5,698,397
ACTON 1,812,478
ACUSHNET 4,411,660
AGAWAM 10,497,245
AMESBURY 8,960,350
AMHERST 5,337,146
ANDOVER 4,480,542
ARLINGTON 4,754,948
ASHFIELD 101,898
ASHLAND 1,739,918
ATTLEBORO 21,075,709
AUBURN 3,587,420
AVON 528,015
AYER 4,071,973
BARNSTABLE 4,914,908
BARRE 7,626
BECKET 42,918
BEDFORD 1,647,580
BELCHERTOWN 6,813,077
BELLINGHAM 6,631,607
BELMONT 2,622,694
BERKLEY 3,627,764
BERLIN 375,454
BEVERLY 6,150,802
BILLERICA 12,714,624
BLACKSTONE 81,318
BOSTON 180,022,717
BOURNE 2,605,266
BOXBOROUGH 713,891
BOXFORD 1,292,665
BOYLSTON 330,586
BRAintree 4,104,994
BREWSTER 540,226
BRIDGEWATER 89,831
BRIMFIELD 995,975
BROCKTON 90,559,411
BROOKFIELD 1,479,701
BROOKLINE 4,391,563
BURLINGTON 3,317,858
CAMBRIDGE 6,465,944
CANTON 2,266,374
CARLISLE 502,831
CARVER 8,094,797

7061-0008
Chapter 70
Municipality School Aid

CHARLEMONT

58,049
CHATHAM 379,230
CHELMSFORD 6,042,950
CHELSEA 34,936,817
CHESHIRE 247,923
CHESTERFIELD 96,724
CHICOPEE 32,200,361
CLARKSBURG 1,191,751
CLINTON 7,900,531
COHASSET 1,076,634
CONCORD 1,398,098
CONWAY 539,033
CUMMINGTON 29,452
DALTON 279,165
DANVERS 2,962,816
DARTMOUTH 5,720,348
DEDHAM 2,763,771
DEERFIELD 604,419
DOUGLAS 4,336,326
DOVER 274,764
DRACUT 11,666,165
DUXBURY 2,412,522
EAST BRIDGEWATER 7,843,364
EAST BROOKFIELD 12,935
EASTHAM 221,330
EASTHAMPTON 6,720,608
EAST LONGMEADOW 2,974,128
EASTON 5,523,947
EDGARTOWN 289,298
ERVING 237,013
ESSEX 669,379
EVERETT 14,090,652
FAIRHAVEN 6,152,611
FALL RIVER 75,181,198
FALMOUTH 3,902,242
FITCHBURG 30,104,969
FLORIDA 469,975
FOXBOROUGH 5,622,551
FRAMINGHAM 6,629,403
FRANKLIN 15,532,642
FREETOWN 860,101
GARDNER 13,584,112
GEORGETOWN 2,271,458

7061-0008
Chapter 70
Municipality School Aid

GLOUCESTER
5,000,883
GOSHEN 21,641
GOSNOLD 2,500
GRAFTON 4,407,608
GRANBY 2,356,897
GRANVILLE 595,362
GREENFIELD 8,679,442
HADLEY 511,188
HALIFAX 2,119,696
HANCOCK 82,264
HANOVER 2,900,759

HARDWICK 134,231
HARVARD 1,061,218
HARWICH 1,218,860
HATFIELD 553,734
HAVERHILL 30,530,190
HAWLEY 13,103
HINGHAM 3,047,997
HINSDALE 34,802
HOLBROOK 3,942,101
HOLDEN 28,739
HOLLAND 626,030
HOLLISTON 6,001,846
HOLYOKE 56,463,750
HOPEDALE 3,829,287
HOPKINTON 2,023,471
HUDSON 5,387,409
HULL 3,898,375
IPSWICH 1,760,253
KINGSTON 2,334,760
LAKEVILLE 1,797,500
LANESBOROUGH 503,256
LAWRENCE 94,502,426
LEE 1,468,303
LEICESTER 7,347,267
LENOX 1,121,567
LEOMINSTER 27,238,603
LEVERETT 199,885
LEXINGTON 4,377,106
LINCOLN 399,180
LITTLETON 1,066,227
LONGMEADOW 3,198,988
LOWELL 90,594,602
LUDLOW 8,512,445
LUNENBURG 2,828,948
LYNN 76,116,906
LYNNFIELD 1,573,025
MALDEN 18,639,402

7061-0008
Chapter 70
Municipality School Aid

MANCHESTER
647,048
MANSFIELD 6,679,209
MARBLEHEAD 2,172,379
MARION 275,055
MARLBOROUGH 4,003,369
MARSHFIELD 10,332,643
MASHPEE 2,174,086
MATTAPOISETT 403,068
MAYNARD 2,040,518
MEDFIELD 1,887,678
MEDFORD 11,189,941
MEDWAY 4,624,490
MELROSE 5,102,518
METHUEN 19,779,770
MIDDLEBOROUGH 12,636,737
MIDDLETON 768,969
MILFORD 10,157,503

MILLBURY 4,438,457
MILLIS 1,621,078
MILLVILLE 16,598
MILTON 2,823,664
MONROE 29,875
MONSON 4,864,799
MOUNT WASHINGTON 8,616
NAHANT 344,279
NANTUCKET 657,035
NATICK 3,573,989
NEEDHAM 3,303,498
NEW ASHFORD 18,245
NEW BEDFORD 84,386,683
NEWBURYPORT 2,872,265
NEWTON 8,559,091
NORFOLK 2,485,779
NORTH ADAMS 12,121,748
NORTHAMPTON 6,660,479
NORTH ANDOVER 3,348,287
NORTH
ATTLEBOROUGH 12,025,036
NORTHBOROUGH 1,978,002
NORTHBRIDGE 9,570,163
NORTH BROOKFIELD 3,493,796
NORTH READING 2,095,079
NORTON 8,271,904
NORWELL 1,678,254
NORWOOD 3,171,502
OAK BLUFFS 266,210
OAKHAM 53,045
ORANGE 5,085,106

7061-0008
Chapter 70
Municipality School Aid

ORLEANS
197,765
OXFORD 7,267,251
PALMER 8,680,353
PAXTON 12,146
PEABODY 12,193,412
PELHAM 96,575
PEMBROKE 4,067,326
PERU 38,616
PETERSHAM 154,299
PITTSFIELD 26,056,587
PLAINFIELD 50,885
PLAINVILLE 1,696,673
PLYMOUTH 17,582,868
PLYMPTON 478,793
PROVINCETOWN 240,655
QUINCY 12,215,240
RANDOLPH 9,542,435
RAYNHAM 375
READING 4,557,198
REVERE 20,143,562
RICHMOND 313,153
ROCHESTER 570,239
ROCKLAND 9,090,842

ROCKPORT 1,116,622
ROWE 37,240
RUTLAND 256,642
SALEM 10,523,430
SANDWICH 3,404,705
SAUGUS 3,305,281
SAVOY 332,267
SCITUATE 2,811,582
SEEKONK 2,890,667
SHARON 3,529,329
SHERBORN 286,696
SHIRLEY 3,014,315
SHREWSBURY 5,256,914
SHUTESBURY 470,427
SOMERSET 2,214,003
SOMERVILLE 22,189,444
SOUTHAMPTON 1,728,592
SOUTHBOROUGH 853,298
SOUTHBRIDGE 12,172,354
SOUTH HADLEY 5,435,948
SPENCER 161,086
SPRINGFIELD 178,678,726
STONEHAM 2,304,809
STOUGHTON 7,543,401
STURBRIDGE 980,136

7061-0008
Chapter 70
Municipality School Aid

SUDBURY
1,765,021
SUNDERLAND 628,383
SUTTON 3,341,422
SWAMPSCOTT 1,740,804
SWANSEA 4,263,164
TAUNTON 31,131,372
TEWKSBURY 8,973,391
TISBURY 245,610
TOPSFIELD 446,894
TRURO 180,476
TYNGSBOROUGH 4,593,087
TYRINGHAM 23,975
UXBRIDGE 6,522,294
WAKEFIELD 3,801,943
WALES 597,644
WALPOLE 3,766,484
WALTHAM 5,772,701
WARE 6,264,052
WAREHAM 10,088,856
WASHINGTON 14,418
WATERTOWN 2,293,387
WAYLAND 2,021,924
WEBSTER 6,474,504
WELLESLEY 2,674,719
WELLFLEET 108,240
WESTBOROUGH 2,296,274
WEST BOYLSTON 1,533,142
WEST BRIDGEWATER 1,665,750
WESTFIELD 23,654,109

WESTFORD 4,231,166
WESTHAMPTON 248,296
WESTON 1,136,408
WESTPORT 2,845,587
WEST SPRINGFIELD 10,988,926
WESTWOOD 1,847,202
WEYMOUTH 16,815,107
WHATELY 85,633
WILLIAMSBURG 364,902
WILLIAMSTOWN 895,560
WILMINGTON 2,901,129
WINCHENDON 8,511,561
WINCHESTER 2,785,560
WINDSOR 3,827
WINTHROP 4,170,728
WOBURN 4,021,220
WORCESTER 128,086,963
WRENTHAM 2,854,635

Regional School

ACTON BOXBOROUGH
2,688,842
ADAMS CHESHIRE 8,888,371
AMHERST PELHAM 7,120,479
ASUBURNHAM
WESTMINSTER 7,692,163
ASSABET VALLEY 2,873,388
ATHOL ROYALSTON 14,521,620
BERKSHIRE HILLS 2,903,840
BERLIN BOYLSTON 788,484
BLACKSTONE
MILLVILLE 9,421,272
BLACKSTONE VALLEY 5,262,281
BLUE HILLS 3,350,871
BRIDGEWATER
RAYNHAM 16,599,931
BRISTOL COUNTY 1,351,078
BRISTOL PLYMOUTH 4,914,369
CAPE COD 1,820,631
CENTRAL BERKSHIRE 6,961,462
CHESTERFIELD
GOSHEN 547,254
CONCORD CARLISLE 1,432,158
DENNIS YARMOUTH 6,102,973
DIGHTON REHOBOTH 9,293,336
DOVER SHERBORN 1,129,220
DUDLEY CHARLTON 14,899,723
ESSEX COUNTY 3,547,585
FARMINGTON RIVER 350,163
FRANKLIN COUNTY 2,076,210
FREETOWN
LAKEVILLE 4,861,467
FRONTIER 1,279,451
GATEWAY 6,412,108
GILL MONTAGUE 5,856,008
GREATER FALL RIVER 9,977,702
GREATER LAWRENCE 11,646,201
GREATER LOWELL 14,069,107

GREATER
NEW BEDFORD 15,680,007
GROTON DUNSTABLE 5,919,183
HAMILTON WENHAM 2,870,498
HAMPDEN
WILBRAHAM 7,645,327
HAMPSHIRE 1,899,889
HAWLEMONT 652,305
KING PHILIP 4,140,887
LINCOLN SUDBURY 1,741,027
MARTHA'S VINEYARD 790,540
MASCONOMET 2,243,619

Regional School

MENDON UPTON
3,952,277
MINUTEMAN 2,302,003
MOHAWK TRAIL 6,627,424
MONTACHUSETT 6,522,098
MOUNT GREYLOCK 1,850,580
NARRAGANSETT 6,650,379
NASHOBA 5,654,454
NASHOBA VALLEY 2,087,693
NAUSET 3,289,251
NEW SALEM WENDELL 675,972
NORFOLK COUNTY 687,541
NORTH MIDDLESEX 18,667,954
NORTH SHORE 1,479,141
NORTHAMPTON SMITH 820,992
NORTHBORO
SOUTHBORO 1,457,594
NORTHEAST
METROPOLITAN 6,062,237
NORTHERN
BERKSHIRE 2,700,574
OLD COLONY 2,026,693
OLD ROCHESTER 1,461,360
PATHFINDER 2,134,512
PENTUCKET 9,982,556
PIONEER 3,339,893
QUABBIN 11,645,690
QUABOAG 6,870,781
RALPH C. MAHAR 3,265,967
SHAWSHEEN VALLEY 3,378,486
SILVER LAKE 9,469,483
SOUTH MIDDLESEX 2,473,447
SOUTH SHORE 1,911,352
SOUTHEASTERN 8,031,983
SOUTHERN
BERKSHIRE 1,835,300
SOUTHERN
WORCESTER 4,302,578
SOUTHWICK
TOLLAND 6,242,144
SPENCER EAST
BROOKFIELD 10,123,824
TANTASQUA 5,427,862
TRI COUNTY 3,191,958
TRITON 7,358,952

UP-ISLAND 833,904
UPPER CAPE COD 1,647,576
WACHUSETT 15,508,584
WHITMAN HANSON 17,617,981
WHITTIER 4,924,973

After remarks, the question on passing item 7061-0008 and Section 3, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-six minutes before eleven o'clock P.M., as follows, to wit (yeas 38 — nays 0):

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Bernstein, Robert A. Moore, Richard T.
Birmingham, Thomas F. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 38.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-four minutes before eleven o'clock P.M., item 7061-0008 and Section 3 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 1102-3204 (Capital assets — deferred maintenance) was considered, as follows:

"1102-3204

For a reserve to meet the costs of scheduled and deferred maintenance and repairs to capital assets owned by the commonwealth; provided, that the funds appropriated herein shall be allocated in fiscal year 2000 for scheduled and deferred maintenance repairs contingent upon the commissioner's submission of a plan detailing the cost and nature of such maintenance and repair projects; provided further, that said plan shall be submitted to the secretary of administration and finance, the state budget director and the house and senate committees on ways and means not later than January 1, 1999; provided further, that not less than \$100,000 shall be expended for the purpose of a feasibility study to examine the relocation of the Norfolk probate court; provided further, that the report shall be submitted to the house and senate committees on ways and means and the fiscal affairs division not later than March 1, 2000; provided further, that the total square footage of assets under the control and custody of any agency shall not serve as the primary criterion for prioritizing projects to be funded pursuant to said plan; provided further, that said plan may select agencies to participate in a pilot program of comprehensive asset maintenance; provided further, that participation in said pilot program shall be based on a determination that an agency has the statutory capacity to charge user fees or raise other recurring revenues to support the ongoing costs of scheduled maintenance for assets under its control and custody; provided further, that any such agency so selected shall be required to propose the schedule of fees and recurring revenues that shall sustain such a program of ongoing maintenance; provided further, that said plan shall further detail how projects funded by this item alleviate or otherwise impact the costs and schedules of maintenance and repairs otherwise funded or required to be funded by bonded indebtedness; provided further, that the commissioner may transfer funds from this item to other items of appropriation and allocations in accordance with said plan; provided further, that the commissioner shall ensure that funds

previously budgeted for the purposes of capital asset maintenance and repairs in the operating budget of an agency shall continue to be used for such purposes and shall not be replaced or supplanted by the amount appropriated herein; provided further, that no funds appropriated herein shall be expended for routine upkeep including, but not limited to, janitorial services, groundskeeping and trash collection; provided further, that notwithstanding the provisions of section 40B of chapter 7 of the General Laws, the commissioner may, upon the request of a state agency delegate project control and supervision to said agency for projects funded from this item with an estimated cost of not more than \$500,000 upon determination that said agency has the ability to control and supervise such project; provided further, that projects not exceeding said \$500,000 in costs shall not be subject to the provisions of 39B to 40N, inclusive, of chapter 7 of the General Laws; and provided further, that amounts allocated to projects in excess of \$500,000 shall remain available for expenditure until June 30, 2001 14,000,000".

[The Governor reduced the item to \$7,000,000].

The question on passing item 1102-3204, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-three minutes before eleven o'clock P.M., as follows, to wit (yeas 33 — nays 4):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Glodis, Guy W. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.
Hedlund, Robert L. Sprague, Jo Ann
Jacques, Cheryl A. Tisei, Richard R.
Jajuga, James P. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 33.
Montigny, Mark C.

NAYS.

Knapik, Michael R. Rauschenbach, Henri S.
Lees, Brian P. Tarr, Bruce E. — 4.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

Mr. Rosenberg in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), the yeas and nays having been completed at twenty-one minutes before eleven o'clock P.M., item 1102-3204 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 0337-0003 (Juvenile court expansion) was considered, as follows:

"0337-0003

For the personnel and expenses associated with the expansion of the juvenile court, including Berkshire, Essex, Hampshire/Franklin, Middlesex, Norfolk, Suffolk, Worcester and Nan-tucket/Dukes counties; provided, that \$100,000 shall be expended on the CASA program, so-called, in the Lawrence juvenile court; provided further, that \$80,000 shall be expended for the CASA program in the Worcester juvenile court; provided further, that \$80,000 shall be expended for the CASA program in the Plymouth county juvenile court; provided further, that \$80,000 shall be expended for the Franklin/Hampshire CASA program, including Northampton, Greenfield, Orange and Ware district courts; provided further, that \$50,000 shall be expended for a Berkshire CASA program in the Berkshire county juvenile court; provided further, that an assistant clerk magistrate and two additional probation officers for the Norfolk juvenile session in Quincy shall be appointed and funded from this item in fiscal year 2000; provided further, that an additional assistant clerk magistrate for the middlesex juvenile court shall be appointed and

funded from this item in fiscal year 2000; provided further, that one additional assistant clerk magistrate for Essex County, and two additional assistant clerk magistrates for Middlesex County shall be appointed and funded from this line item in fiscal year 2000; and provided further, that not more than 313 employees shall be funded from this item in fiscal year 2000 14,210,638".

[The Governor reduced the item to \$11,383,085 and disapproved the following wording:— "; and provided further, that not more than 313 employees shall be funded from this item in fiscal year 2000"].

After debate, the question on passing item 0337-0003, 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 eleven o'clock P.M., as follows, to wit (yeas 33 — nays 4):

YEAS.

Antonioni, Robert A. Fargo, Susan C.
Bernstein, Robert A. Glodis, Guy W.
Brewer, Stephen M. Havern, Robert A.
Clancy, Edward J., Jr. Jacques, Cheryl A.
Creedon, Robert S., Jr. Jajuga, James P.
Creem, Cynthia Stone Joyce, Brian A.
Lynch, Stephen F. Resor, Pamela
Magnani, David P. Rosenberg, Stanley C.
Melconian, Linda J. Shannon, Charles E.
Montigny, Mark C. Tarr, Bruce E.
Moore, Richard T. Tisei, Richard R.
Morrissey, Michael W. Tolman, Steven A.
Murray, Therese Travaglini, Robert E.
Nuciforo, Andrea F., Jr. Tucker, Susan C.
Pacheco, Marc R. Walsh, Marian
Panagiotakos, Steven C. Wilkerson, Dianne — 33.
Rauschenbach, Henri S.

NAYS.

Hedlund, Robert L. Lees, Brian P.
Knapik, Michael R. Sprague, Jo Ann — 4.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at a quarter before eleven o'clock P.M., item 0337-0003 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.

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town of Mashpee to grant certain easements (see House, No. 4842) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at fourteen minutes before eleven o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Jacques, Cheryl A.
Bernstein, Robert A. Jajuga, James P.
Brewer, Stephen M. Joyce, Brian A.
Clancy, Edward J., Jr. Knapik, Michael R.
Creedon, Robert S., Jr. Lees, Brian P.
Creem, Cynthia Stone Lynch, Stephen F.
Fargo, Susan C. Magnani, David P.
Glodis, Guy W. Melconian, Linda J.
Havern, Robert A. Montigny, Mark C.

Hedlund, Robert L. Moore, Richard T.
Morrisey, Michael W. Sprague, Jo Ann
Murray, Therese Tarr, Bruce E.
Nuciforo, Andrea F., Jr. Tisei, Richard R.
Pacheco, Marc R. Tolman, Steven A.
Panagiotakos, Steven C. Travaglini, Robert E.
Rauschenbach, Henri S. Tucker, Susan C.
Resor, Pamela Walsh, Marian
Rosenberg, Stanley C. Wilkerson, Dianne — 37.
Shannon, Charles E.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twelve minutes before eleven o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Wrentham to convey certain conservation land (see House, No. 289) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII for the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eleven minutes before eleven o'clock P.M., as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Bernstein, Robert A. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Clancy, Edward J., Jr. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Rauschenbach, Henri S.
Havern, Robert A. Resor, Pamela
Hedlund, Robert L. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Sprague, Jo Ann
Joyce, Brian A. Tarr, Bruce E.
Knapik, Michael R. Tisei, Richard R.
Lees, Brian P. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian — 36.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. Wilkerson, Dianne — 2.

The yeas and nays having been completed at nine minutes before eleven o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President and laid before the Governor for his approbation.

An engrossed Bill authorizing the city of Cambridge to grant a surface easement over certain water resource land in the town of Watertown (see House, No. 4420) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land for other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question

on passing it to be enacted was determined by a call of the yeas and nays, at eight minutes before eleven o'clock P.M., as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Bernstein, Robert A. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Clancy, Edward J., Jr. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Rauschenbach, Henri S.
Havern, Robert A. Resor, Pamela
Hedlund, Robert L. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Sprague, Jo Ann
Joyce, Brian A. Tarr, Bruce E.
Knapik, Michael R. Tisei, Richard R.
Lees, Brian P. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian — 36.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. Wilkerson, Dianne — 2.

The yeas and nays having been completed at six minutes before eleven o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President and laid before the Governor for his approbation.

Message from His Excellency the Governor

Disapprovals and Reductions in General Appropriations 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 2000 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial fund requirements and for certain permanent improvements (see House, No. 4900) which, on Wednesday, November 10, 1999, has been laid before the Governor for his approbation,— came from the House, several items and sections having passed notwithstanding the objections of the Governor.

The message (House, No. 4901) was read and the Senate proceeded to reconsider several items and sections, in accordance with the provisions of the Constitution.

Item 7110-0100 (Fitchburg State College) was considered, as follows:

"7110-0100

For Fitchburg State College; provided, that not less than \$250,000 shall be expended for the Fitchburg State College Leadership Academy, so-called 23,574,962".

[The Governor reduced the item to \$23,369,690].

After remarks, the question on passing item 7110-0100, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at four minutes before eleven o'clock P.M., as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Bernstein, Robert A. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.

Clancy, Edward J., Jr. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Rauschenbach, Henri S.
Havern, Robert A. Resor, Pamela
Hedlund, Robert L. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Sprague, Jo Ann
Joyce, Brian A. Tarr, Bruce E.
Knapik, Michael R. Tisei, Richard R.
Lees, Brian P. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian — 36.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. Wilkerson, Dianne — 2.

The yeas and nays having been completed at one minute before eleven o'clock P.M., item 7110-0100 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.

Papers from the House

A Bill authorizing the town of Barnstable to transfer control of a certain parcel of land held for conservation purposes to the West Barnstable Fire District (House, No. 4888, — on petition) [Local approval received], — was read.

There being no objection, the rules were suspended, on motion of Mr. Rauschenbach, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Message from His Excellency the Governor

Disapprovals and Reductions in General Appropriations Bill.

A message from His Excellency the Governor returning, with his a 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 2000 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial fund requirements and for certain permanent improvements (see House, No. 4900) which, on Wednesday, November 10, 1999, had been laid before the Governor for his approbation,— came from the House, several items and sections having passed notwithstanding the objections of the Governor.

The message (House, No. 4901) was read and the Senate proceeded to reconsider several items and sections, in accordance with the provisions of the Constitution.

Item 7112-0100 (Framingham State College) was considered, as follows:

"7112-0100

For Framingham State College; provided, that not less than \$400,000 shall be expended for the Christa McAuliffe Center; provided further, that not less than \$300,000 shall be expended for the operation of the commonwealth's global education centers; and provided further, that not less than \$200,000 shall be expended for the regional economic research center 19,654,761".

[The Governor reduced the item to \$19,422,403].

After remarks, the question on passing item 7112-0100, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at two minutes past eleven o'clock P.M., as follows, to wit (yeas 36 — nays 1):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.

Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Sprague, Jo Ann
Joyce, Brian A. Tarr, Bruce E.
Knapik, Michael R. Tisei, Richard R.
Lees, Brian P. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 36.

NAYS.

Hedlund, Robert L. — 1.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at four minutes past eleven o'clock P.M., item 7112-0100 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 7113-0100 (Massachusetts College of Liberal Arts) was considered, as follows:

"7113-0100

For the Massachusetts College of Liberal Arts 11,970,091".

[The Governor reduced the item to \$11,867,797.]

After remarks, the question on passing item 7113-0100, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at five minutes past eleven o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Fargo, Susan C.
Bernstein, Robert A. Glodis, Guy W.
Brewer, Stephen M. Havern, Robert A.
Clancy, Edward J., Jr. Hedlund, Robert L.
Creedon, Robert S., Jr. Jacques, Cheryl A.
Creem, Cynthia Stone Jajuga, James P.
Joyce, Brian A. Rauschenbach, Henri S.
Knapik, Michael R. Resor, Pamela
Lees, Brian P. Rosenberg, Stanley C.
Lynch, Stephen F. Shannon, Charles E.
Magnani, David P. Sprague, Jo Ann
Melconian, Linda J. Tarr, Bruce E.
Montigny, Mark C. Tisei, Richard R.
Moore, Richard T. Tolman, Steven A.
Morrissey, Michael W. Travaglini, Robert E.
Murray, Therese Tucker, Susan C.
Nuciforo, Andrea F., Jr. Walsh, Marian
Pacheco, Marc R. Wilkerson, Dianne — 37.
Panagiotakos, Steven C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at seven minutes past eleven o'clock P.M., item 7113-0100 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 7114-0100 (Salem State College), was considered, as follows:

"7114-0100

For Salem State College; provided, that a sum of not less than \$98,200 shall be expended for the aquaculture program at said college established pursuant to section 274 of chapter 38 of the acts of 1995 30,439,118".

[The Governor reduced the item to \$29,970,769.]

The question on passing item 7114-0100, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at seven minutes past eleven o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Joyce, Brian A.
Bernstein, Robert A. Knapik, Michael R.
Brewer, Stephen M. Lees, Brian P.
Clancy, Edward J., Jr. Lynch, Stephen F.
Creedon, Robert S., Jr. Magnani, David P.
Creem, Cynthia Stone Melconian, Linda J.
Fargo, Susan C. Montigny, Mark C.
Glodis, Guy W. Moore, Richard T.
Havern, Robert A. Morrissey, Michael W.
Hedlund, Robert L. Murray, Therese
Jacques, Cheryl A. Nuciforo, Andrea F., Jr.
Jajuga, James P. Pacheco, Marc R.
Panagiotakos, Steven C. Tisei, Richard R.
Rauschenbach, Henri S. Tolman, Steven A.
Resor, Pamela Travaglini, Robert E.
Rosenberg, Stanley C. Tucker, Susan C.
Shannon, Charles E. Walsh, Marian
Sprague, Jo Ann Wilkerson, Dianne — 37.
Tarr, Bruce E.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at nine minutes past eleven o'clock P.M., item 7114-0100 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 7115-0100 (Westfield State College) was considered, as follows:

"7115-0100

For Westfield State College 19,501,796".

[The Governor reduced the item to \$19,137,049.]

The question on passing item 7115-0100, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at ten minutes past eleven o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.

Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twelve minutes past eleven o'clock P.M., item 7115-0100 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 7116-0100 (Worcester State College), was considered, as follows:

"7116-0100

For Worcester State College; provided, that funds may be expended for the creation of an allied health center at Worcester state college 19,011,068".

[The Governor reduced the item to \$18,902,922].

The question on passing item 7116-0100, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twelve minutes past eleven o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at a quarter past eleven o'clock P.M., item 7116-0100 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 7117-0100 (Massachusetts College of Art) was considered, as follows:

"7117-0100

For the Massachusetts College of Art; provided, that funds may be expended for the purpose of compliance with the Americans with Disabilities Act 12,484,236".

[The Governor reduced the item to \$12,356,527].

The question on passing item 7117-0100, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at a quarter past eleven o'clock P.M., as follows, to wit (yeas 36 — nays 1):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 36.

NAYS.

Lees, Brian P. — 1.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at a seventeen minutes past eleven o'clock P.M., item 7117-0100 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.

Emergency Preamble Adopted.

An engrossed Bill providing for disposition of land to the Lawrence Redevelopment Authority (see House, No. 3923), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 12 to 0.

The bill was signed by the Acting President and sent to the House for enactment.

Message from His Excellency the Governor

Disapprovals and Reductions in General Appropriations 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 2000 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial fund requirements and for certain permanent improvements (see House, No. 4900) which, on Wednesday, November 10, 1999, had been laid before the Governor for his approbation,— came from the House, several items and sections having passed notwithstanding the objections of the Governor.

The message (House, No. 4901) was read and the Senate proceeded to reconsider several items and sections, in accordance with the provisions of the Constitution.

Item 8910-0107 (Middlesex County Sheriff) was considered, as follows:

"8910-0107

For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Middlesex county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than December 31, 1999 41,045,440".

[The Governor reduced the item to \$40,499,006].

The question on passing item 8910-0107, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at nineteen minutes past eleven o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Creedon, Robert S., Jr.
Bernstein, Robert A. Creem, Cynthia Stone
Brewer, Stephen M. Fargo, Susan C.
Clancy, Edward J., Jr. Glodis, Guy W.
Havern, Robert A. Pacheco, Marc R.
Hedlund, Robert L. Panagiotakos, Steven C.
Jacques, Cheryl A. Rauschenbach, Henri S.
Jajuga, James P. Resor, Pamela
Joyce, Brian A. Rosenberg, Stanley C.
Knapik, Michael R. Shannon, Charles E.
Lees, Brian P. Sprague, Jo Ann
Lynch, Stephen F. Tarr, Bruce E.
Magnani, David P. Tisei, Richard R.
Melconian, Linda J. Tolman, Steven A.
Montigny, Mark C. Travaglini, Robert E.
Moore, Richard T. Tucker, Susan C.
Morrissey, Michael W. Walsh, Marian
Murray, Therese Wilkerson, Dianne — 37.
Nuciforo, Andrea F., Jr.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at a twenty-one minutes past eleven o'clock P.M., item 8910-0107 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 7007-0300 (Massachusetts Office of Business Development) was considered, as follows:

"7007-0300

For the operation of the Massachusetts office of business development, and for marketing and promoting the commonwealth in order to attract and retain targeted businesses and industries; provided, that said office shall file a report with the house and senate committees on ways and means not later than January 15, 2000 which shall identify those companies that contact said office in response to direct mail and marketing campaigns, and which of said companies relocate to the commonwealth; and provided further, that said office shall maintain business development assistance services at an office to be located at the university of

Massachusetts Dartmouth for the purposes of responding to inquiries and providing assistance to businesses seeking to expand in or relocate to southeastern Massachusetts; 3,308,626".

[The Governor disapproved the following wording:— "at an office to be located at the university of Massachusetts Dartmouth"]. The question on passing item 7007-0300, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-two minutes past eleven o'clock P.M., as follows, to wit (yeas 32 — nays 5):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 32.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E. — 5.
Lees, Brian P.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at a twenty-five minutes past eleven o'clock P.M., item 7007-0300 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 4512-0103 (Acquired Immune Deficiency Syndrome prevention) was considered, as follows:

"4512-0103

For acquired immune deficiency syndrome prevention and treatment; provided, that not less than \$300,000 shall be expended for the operation of a pilot program to be administered by the Springfield department of health for a comprehensive drug treatment for the prevention of AIDS; and provided further, that funding for AIDS prevention education in fiscal year 2000, shall not be less than the amount expended on said program in fiscal year 1999 51,776,175

General Fund

93.27%

Health Protection Fund 6.73% "

[The Governor reduced the item to \$50,776,175 and disapproved of the following wording:— "; provided, that not less than \$300,000 shall be expended for the operation of a pilot program to be administered by the Springfield department of health for a comprehensive drug treatment for the prevention of AIDS"].

The question on passing item 4512-0103, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-six minutes past eleven o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.

Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-nine minutes past eleven o'clock P.M., item 4512-0103 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 4000-1500 (Children's pharmacy services) was considered, as follows:

"4000-1500

For expanded pharmacy services for all children to age 18 who are receiving family assistance coverage-premium assistance, so-called, pursuant to section 16C of chapter 118E of the General Laws, section 128 of this act and under the Masshealth demonstration project established pursuant to sections 9A and 9B of chapter 118E of the General Laws, to the extent that the policies of health insurance with respect to which premium assistance payments are being made for the benefit of such children do not cover such services; provided, that the division of medical assistance shall make such expenditures without regard to the availability of federal reimbursement; provided further, that the division shall seek to obtain federal reimbursement for such expenditures through an amendment to the MassHealth demonstration project waiver, so-called; provided further, that said amendment shall be consistent with the provisions of said section 16C of said chapter 118E of the General Laws and section 128 of this act; provided further, that the division shall pursue the highest level of federal reimbursement for the expenditures authorized herein; provided further, that the commissioner of said division shall report to the joint committee on health care every 60 days following the enactment of this act on the steps taken to obtain necessary federal approvals; and provided further, that no expenditure shall be made from this item until the comptroller has certified to the receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the General Laws, as inserted by section 43 of this act 1,500,000

Tobacco Settlement

Fund 100.0% "

[The Governor disapproved the item].

The question on passing item 4000-1500, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-nine minutes past eleven o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Joyce, Brian A.
Bernstein, Robert A. Knapik, Michael R.
Brewer, Stephen M. Lees, Brian P.
Clancy, Edward J., Jr. Lynch, Stephen F.

Creedon, Robert S., Jr. Magnani, David P.
Creem, Cynthia Stone Melconian, Linda J.
Fargo, Susan C. Montigny, Mark C.
Glodis, Guy W. Moore, Richard T.
Havern, Robert A. Morrissey, Michael W.
Hedlund, Robert L. Murray, Therese
Jacques, Cheryl A. Nuciforo, Andrea F., Jr.
Jajuga, James P. Pacheco, Marc R.
Panagiotakos, Steven C. Tisei, Richard R.
Rauschenbach, Henri S. Tolman, Steven A.
Resor, Pamela Travaglini, Robert E.
Rosenberg, Stanley C. Tucker, Susan C.
Shannon, Charles E. Walsh, Marian
Sprague, Jo Ann Wilkerson, Dianne — 37.
Tarr, Bruce E.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-nine minutes before twelve o'clock midnight, item 4000-1500 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 352 (School violence) was considered, as follows:

"SECTION 352. There is hereby established a special commission to study methods of identifying potentially dangerous students and protecting the students, faculty and administration from acts of extreme violence. The study shall include, but not be limited to, the detection of early warning signs, effective methods of intervention once a student is identified, the use of security guards or metal detectors in schools, appropriate levels of punishment for carrying guns in schools and appropriate peer and guidance counseling. Said commission shall consist of 15 members as follows; the house and senate chairmen of the joint committee on public safety; the house and senate chairmen of the joint committee on education, arts, and humanities; a member of the senate to be appointed by the minority leader of the senate; a member of the house to be appointed by the minority leader of the house; the commissioner of education or his designee; one superintendent who shall be appointed by the Massachusetts Association of Superintendents; one principal who shall be appointed by Massachusetts Association of Secondary School Principals; one teacher who shall be appointed by the Massachusetts Teachers' Association; one teacher shall be appointed by the Massachusetts Federation of Teachers; the secretary of public safety or her designee; one chief of police who shall be appointed by the Massachusetts Police Chiefs Association; one ranking officer who is a member of the Massachusetts Safety Officers League who shall be appointed by said league and one patrolman who is a member of the Massachusetts Safety Officers League who shall be appointed by said league. Said commission shall research and develop appropriate guidelines and criteria for a report and recommendations not later than December 1, 1999. Said commission shall conduct five regional hearings across the commonwealth to assist in the development of the guidelines and shall establish criteria for recommendations not later than February 1, 2000. Said commission shall report the results of its study, together with recommendations and drafts of legislation necessary to carry out such recommendations, by filing the same with the clerks of the house of representatives and the senate on or before March 1, 2000."

[The Governor disapproved the section].

The question on passing Section 352, 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 twelve o'clock midnight, as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.

Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-six minutes before twelve o'clock midnight, Section 352 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.

Papers from the House

A Bill authorizing the town of Winchendon to convey certain parcels of land (House, No. 4173,— on petition) [Local approval received], — was read.

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Message from His Excellency the Governor

Disapproval and Reductions in General Appropriations 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 2000 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial fund requirements and for certain permanent improvements (see House, No. 4900) which, on Wednesday, November 10, 1999, had been laid before the Governor for his approbation,— came from the House, several items and sections having passed notwithstanding the objections of the Governor.

The message (House, No. 4901) was read and the Senate proceeded to reconsider several items and sections, in accordance with the provisions of the Constitution.

Section 351 (Prescription drugs — subsidized insurance coverage) was considered, as follows:

"SECTION 351. There is hereby established a special commission to study and develop an actuarially sound subsidized insurance program to provide prescription drug coverage for all persons who are 65 years of age and older and certain persons with disabilities. The commission shall address, through its study, methods for operating said insurance program in conjunction with or incorporated into the current pharmacy program established pursuant to section 16B of chapter 118E of the General Laws.

Said commission shall examine the following eligibility requirements and program features of said subsidized prescription drug insurance program: (1) eligible persons may include individuals who are 65 years of age and older; and persons with disabilities who meet the definition of an eligible person pursuant to section 16B of chapter 118E; (2) required exhaustion of any other pharmacy benefits or coverage, including benefits under section 16B of chapter 118E; (3) deductibles, which may be on a sliding scale; (4) premiums on a sliding scale based on a recipient's income; (5) incentives for each eligible person to apply for benefits at the age of 65 and a penalty for later enrollment; and (6) copayment requirements.

In developing said program, the special commission shall also study relevant issues, including, but not limited to, the following: (1) the types and costs of all out-patient prescription drug coverage, including medigap supplemental plans, currently operating and available to the elderly and disabled in the commonwealth and the extent of coverage or benefits that each plan provides to the policyholder, including but not limited to, Medicare deductibles, coinsurance amounts, co-payments, or premiums required per plan, benefit limits per plan, legend and non-legend drugs covered per plan, and all other aspects of member benefits and regulations that the commission deems relevant to said study; (2) the implications of public financing of prescription drug benefits on the continued availability of private insurance prescription drug coverage in the commonwealth; (3) possible funding sources for said subsidized insurance program through publicly financed or subsidized sources, including, but not limited to, savings from the general fund, contributions by the federal government, or tobacco settlement payments, so-called; and (4) the potential fiscal impact of said special commission's recommendations on the MassHealth demonstration project and budget

neutrality, established pursuant to sections 9A and 9B of chapter 118E of the General Laws.

Said commission shall consist of 21 members as follows: the senate and house chairs of the joint committee on health care, the chairs of the house and senate committees on ways and means or their designees; the secretary of health and human services; the secretary of elder affairs; the commissioner of medical assistance; the commissioner of health care finance and policy; the commissioner of public health; the commissioner of the division of insurance; the executive director of the board of pharmacy; a representative of the biotech council; a representative of Health Care for All; a representative of the Massachusetts Senior Action Council; a representative of the American Association of Retired Persons; a representative of the Alzheimer's Association; a representative of the Massachusetts Association of Health Maintenance Organizations; a representative of the Disability Law Center; and three persons appointed by the governor, one of whom shall be from higher education institutions and shall have expertise in public health or health care economics, one of whom shall represent the pharmaceutical industry, and one of whom shall be an actuary. Said commission shall be chaired jointly by the chairpersons of the house and senate committees on ways and means, or their designees.

Said commission may expend up to \$200,000 for the services of an actuary to provide financial and technical assistance. Said expenses shall be allocated from item 4000-1450 of section 2 in this act. Said actuary shall provide the commission with detailed information including but not limited to the following: (1) an estimate of the total population of seniors and persons with disabilities eligible to participate in said program, delineated by income levels, as individuals and households; (2) an analysis of utilization and cost-per-recipient patterns projected for seniors and persons with disabilities; and (3) the projected cost of providing full or partial subsidies on a sliding scale to certain low income participants.

Said commission shall file a report with recommendations for a proposed program not later than April 30, 2000 with the house and senate committees on ways and means and the joint committee on health care."

[The Governor disapproved the section].

The question on passing Section 351, 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 before twelve o'clock midnight, as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-two minutes before twelve o'clock midnight, Section 351 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 272 (Public higher education employees — retirement study) was considered, as follows:

"SECTION 272. The public employee retirement administration commission shall conduct or contract for an actuarial valuation report regarding the provision of alternative retirement benefits to public higher education employees. Said commission shall submit to the house and senate committees on ways and means and the joint committee on public service in advance of said report the proposed benefits to be evaluated in addition to the actuarial, economic, and demographic assumptions upon which

said actuarial valuation report will be based. Said report shall be submitted to the house and senate committees on ways and means and the joint committee on public service on or before February 15, 2000."

[The Governor disapproved the section].

The question on passing Section 272, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-two minutes before twelve o'clock midnight, as follows, to wit (yeas 33 — nays 4):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Glodis, Guy W. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.
Hedlund, Robert L. Sprague, Jo Ann
Jacques, Cheryl A. Tarr, Bruce E.
Jajuga, James P. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 33.
Montigny, Mark C.

NAYS.

Knapik, Michael R. Rauschenbach, Henri S.
Lees, Brian P. Tisei, Richard R. — 4.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at nineteen minutes before twelve o'clock midnight, Section 272 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 4510-0791 (Emergency medical services coordination) was considered, as follows:

"4510-0791

For the project to expand the coordination and provision of emergency medical services in the commonwealth known as EMS 2000, so-called; provided, that \$500,000 of the amount appropriated herein shall be made available as grants to the regional emergency medical services councils for the coordination of emergency response services; provided further, that each such grant shall be \$100,000; provided further, that no funds from the remaining \$500,000 shall be allocated, transferred, or expended by the department until the plan required by this item has been submitted to the house and senate committees on ways and means; provided further, that said plan shall detail a comprehensive projection (1) for fiscal years 2000, 2001, and 2002 of all state, municipal and private funds necessary to meet the capital costs of upgrading existing emergency medical communication systems, (2) of the annualized costs to the commonwealth for additional resources to the five regional councils, and (3) of operating costs expected to be incurred by the commonwealth and municipalities for each stage of implementing said project; provided further, that said plan shall be filed not later than February 1, 2000; and provided further, that no expenditure shall be made from this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the general laws, as inserted by section 43 of this act 1,000,000

Tobacco Settlement

Fund 100.0% "

[The Governor disapproved the item].

The question on passing item 4510-0791, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at nineteen minutes before twelve o'clock midnight, as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at sixteen minutes before twelve o'clock midnight, item 4510-0791 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 4510-0710 (Division of Health Care Quality) was considered, as follows:

"4510-0710

For the operation of the division of health care quality; provided, that said division shall be responsible for assuring the quality of patient care provided by the commonwealth's health care facilities and services, and for protecting the health and safety of patients who receive care and services in nursing homes, rest homes, clinical laboratories, clinics, institutions for the mentally retarded and the mentally ill, hospitals and infirmaries, including the inspection of ambulance services; provided further, that not less than \$1,452,548 shall be expended for the hire of an additional 25 full time equivalent investigators to conduct investigations of abuse, neglect, mistreatment and misappropriation pursuant to section 51 and section 72H of chapter 111 of the General Laws; provided further, that said amount shall not be used for any purpose other than for the salaries of such additional investigators; provided further, that said division shall assign such additional investigators to perform their duties on staggered shifts which shall be established by said division to provide adequate coverage and shall include regular evening and weekend hours; provided further, that the division shall minimize the need for payment of overtime to investigators in both emergent and non-emergent situations and shall not authorize the assignment of overtime hours for any investigator when said duties can be performed on a non-overtime basis by another investigator; provided further, that all investigators in the division of health care quality responsible for such investigations shall receive training by the medicaid fraud control unit of the office of the attorney general pursuant to a comprehensive training program to be developed by said division and said unit; provided further, that said division shall report quarterly to the house and senate committees on ways and means on the number of incident reports and, for those reports requiring investigations pursuant to said section 72H of said chapter 111, indicating for each such report, the time in which: (1) the division completed its investigation; (2) the division made an evaluation and determination of the validity of the report; and (3) made a referral of such report to the appropriate agency or agencies; and provided further, that if in any quarter said division maintains a backlog of cases requiring investigation that have not been investigated, evaluated and determined within the time frames established in said section 72H of said chapter 111, said division shall include in said report an explanation as to the reasons therefor provided further, that said division shall include in such report a list of all instances of the payment of overtime for investigators and the justification therefor and in each quarter shall compare the overtime expenditures

from this item with the overtime expenditures made in the corresponding quarter of fiscal year 1999 7,164,576".

[The Governor reduced the item to \$6,003,528, disapproved of the following wording:— "; provided further, that not less than \$1,452,548 shall be expended for the hire of an additional 25 full time equivalent investigators" and recommended inserting the following wording:— "; provided further, that not less than \$291,000 shall be expended for the hire of investigators"]. The question on passing item 4510-0710, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at a quarter before twelve o'clock midnight, as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Magnani, David P.
Bernstein, Robert A. Melconian, Linda J.
Brewer, Stephen M. Montigny, Mark C.
Clancy, Edward J., Jr. Moore, Richard T.
Creedon, Robert S., Jr. Morrissey, Michael W.
Creem, Cynthia Stone Murray, Therese
Fargo, Susan C. Nuciforo, Andrea F., Jr.
Glodis, Guy W. Pacheco, Marc R.
Havern, Robert A. Panagiotakos, Steven C.
Hedlund, Robert L. Rauschenbach, Henri S.
Jacques, Cheryl A. Resor, Pamela
Jajuga, James P. Rosenberg, Stanley C.
Joyce, Brian A. Shannon, Charles E.
Knapik, Michael R. Sprague, Jo Ann
Lees, Brian P. Tarr, Bruce E.
Lynch, Stephen F. Tisei, Richard R.
Tolman, Steven A. Walsh, Marian
Travaglini, Robert E. Wilkerson, Dianne — 37.
Tucker, Susan C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at thirteen minutes before twelve o'clock midnight, item 4510-0710 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.

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill providing for disposition of land to the Lawrence Redevelopment Authority (see House, No. 3923) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at thirteen minutes before twelve o'clock midnight, as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.

Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at eleven minutes before twelve o'clock midnight, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor on Thursday, November 18, for his approbation.

An engrossed Bill authorizing the town of Stoneham to grant certain easements (see House, No. 4513) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eleven minutes before twelve o'clock midnight, as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The President in the Chair, the yeas and nays having been completed at nine minutes before twelve o'clock midnight the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor on Thursday, November 18, for his approbation.

Message from His Excellency the Governor

Disapprovals and Reductions in General Appropriations 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 2000 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial fund requirements and for certain permanent improvements (see House, No. 4900) which, on Wednesday,

November 10, 1999, had been laid before the Governor for his approbation,— came from the House, several items and sections having passed notwithstanding the objections of the Governor.

The message (House, No. 4901) was read and the Senate proceeded to reconsider several items and sections, in accordance with the provisions of the Constitution.

Section 310 (relocation of Division of Youth Services facility) was considered, as follows:

"SECTION 310. The division of capital asset management and maintenance, the department of youth services, the University of Massachusetts Medical School and University of Massachusetts Memorial Health Care, Inc. shall on or before December 15, 1999 develop a plan for the relocation of the department of youth services facility located at Belmont street in the city of Worcester no later than June 30, 2002. The plan shall include provisions for selecting a site for the relocation of the facility and for future use of the Belmont street location. Any expansion of said facility prior to June 30, 2002, shall be temporary and of a type of construction which may be disassembled, reconfigured and relocated at another site."

[The Governor disapproved the section].

The question on passing Section 310, 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 twelve o'clock midnight, as follows, to wit (yeas 30 — nays 7):

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Bernstein, Robert A. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Clancy, Edward J., Jr. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 30.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 7.
Rauschenbach, Henri S.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at six minutes before twelve o'clock midnight, Section 310 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 303 (Beacon Street corridor) was considered, as follows:

"SECTION 303. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts highway department shall issue within 90 days of the effective date of this act a design waiver for the Beacon Street corridor improvements in the town of Brookline."

[The Governor disapproved the section].

The question on passing Section 303, notwithstanding the disapproval of His Excellency the Governor the contrary, was determined by a call of the yeas and nays, at five minutes before twelve o'clock midnight, as follows, to wit (yeas 29 — nays 8):

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Bernstein, Robert A. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Clancy, Edward J., Jr. Murray, Therese

Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
Lynch, Stephen F. Walsh, Marian
Magnani, David P. Wilkerson, Dianne — 29.
Melconian, Linda J.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R.
Rauschenbach, Henri S. Travaglini, Robert E. — 8.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at three minutes before twelve o'clock midnight, Section 303 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 7004-3036 (Housing assistance — low-income tenants) was considered, as follows:

"7004-3036

For housing services to provide assistance through community-based organizations to low-income tenants in privately-owned housing, and to landlords to maintain such housing; provided further, that not less than \$141,000 shall be expended for the just a start corporation, so-called to administer a housing stabilization and conflict management services program to prevent homelessness; provided further, not less then \$40,000 shall be expended for one-time technical assistance for the Walden square apartment tenants in the city of Cambridge, so-called; and provided further, that no funds shall be expended from the AA subsidiary, so-called, of this item for the compensation of state employees 446,000".

[The Governor reduced the item to \$406,000 and disapproved the following wording:— "; provided further, not less than \$40,000 shall be expended for one-time technical assistance for the Walden square apartment tenants in the city of Cambridge, so-called"].

The question on passing item 7004-3036, 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 twelve o'clock midnight, as follows, to wit (yeas 31 — nays 6):

YEAS.

Antonioni, Robert A. Lynch, Stephen F.
Bernstein, Robert A. Magnani, David P.
Brewer, Stephen M. Melconian, Linda J.
Clancy, Edward J., Jr. Montigny, Mark C.
Creedon, Robert S., Jr. Moore, Richard T.
Creem, Cynthia Stone Morrissey, Michael W.
Fargo, Susan C. Murray, Therese
Glodis, Guy W. Nuciforo, Andrea F., Jr.
Havern, Robert A. Pacheco, Marc R.
Jacques, Cheryl A. Panagiotakos, Steven C.
Jajuga, James P. Rauschenbach, Henri S.
Joyce, Brian A. Resor, Pamela
Rosenberg, Stanley C. Tucker, Susan C.
Shannon, Charles E. Walsh, Marian
Tolman, Steven A. Wilkerson, Dianne — 31.
Travaglini, Robert E.

NAYS.

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

ABSENT OR NOT VOTING.
Berry, Frederick E. — 1.

The yeas and nays having been completed at one minute before twelve o'clock midnight, item 7004-3036 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 1150-5100 (Massachusetts Commission Against Discrimination) was considered, as follows:

"1150-5100

For the office of the commission, including the processing and resolution of cases pending before the commission that were filed on or before July 1, 1993 and cases pending before said commission in which the Massachusetts Bay Transportation Authority is named as a respondent; provided, that no less than \$750,000 shall be expended in fiscal year 2000 for additional investigators, attorneys, conciliators and hearing officers for the exclusive purpose of reducing the backlog of cases pending before said commission; provided, further, that said commission shall comply with the requirements of section 325 of this act; provided further, that on or before December 1, 1999 and May 1, 2000 said commission shall submit to the senate and house committees on ways and means an update report on the total number of such currently pending cases and the total number of such cases in the investigation, conciliation, post-probable cause and pre-public hearing and post-hearing stages; provided further, that said commission shall identify in such reports the number of cases in which the commission has determined there is probable cause to believe that a violation of the provisions of chapter 151B of the General Laws has been committed in a case in which said authority is named as a respondent; provided further, that said commission shall report to the house and senate committees on ways and means on or before January 4, 2000 the number of cases pending before the commission in which a state agency or state authority is named as a respondent and the number of such cases where probable cause to believe that a violation of the provisions of said chapter 151B has been committed; provided further, that an amount not to exceed \$15,000 may be expended to fund Edward Brooke scholarships whereby the recipients of said scholarships assist said commission in resolving said cases filed on or before July 1, 1993; provided further, that the commission may expend \$100,000 for the sole purpose of supporting the civil rights enforcement efforts of cities and towns through their local human rights commissions; provided further, that such efforts shall include, but not be limited to, the following cities and towns: Amherst, Barnstable, Boston, Cambridge, Chelsea, Lawrence, Malden, Melrose, New Bedford, Northampton, Pittsfield, Somerville, Springfield and Worcester; provided further, that funds made available herein shall be in addition to funds available in item 1150-5104; provided further, that all positions except clerical, shall be exempt from the provisions of chapter 31 of the General Laws; and provided further, that said commission shall pursue the highest allowable rate of federal

reimbursement
2,897,941".

[The Governor reduced the item to \$2,147,941 and disapproved of the following wording:— " , that no less than \$750,000 shall be expended in fiscal year 2000 for additional investigators, attorneys, conciliators and hearing officers for the exclusive purpose of reducing the backlog of cases pending before said commission; provided, further, that said commission shall comply with the requirements of section 325 of this act; provided further"].

The question on passing item 1150-5100, notwithstanding the disapproval of His Excellency the Governor to the contrary, as determined by a call of the yeas and nays, at twelve o'clock midnight, as follows, to wit (yeas 33 — nays 4):

YEAS.

Antonioni, Robert A. Jacques, Cheryl A.
Bernstein, Robert A. Jajuga, James P.
Brewer, Stephen M. Joyce, Brian A.
Clancy, Edward J., Jr. Lynch, Stephen F.
Creedon, Robert S., Jr. Magnani, David P.
Creem, Cynthia Stone Melconian, Linda J.
Fargo, Susan C. Montigny, Mark C.
Glodis, Guy W. Moore, Richard T.
Havern, Robert A. Morrissey, Michael W.
Murray, Therese Tarr, Bruce E.

Nuciforo, Andrea F., Jr. Tisei, Richard R.
Pacheco, Marc R. Tolman, Steven A.
Panagiotakos, Steven C. Travaglini, Robert E.
Rauschenbach, Henri S. Tucker, Susan C.
Resor, Pamela Walsh, Marian
Rosenberg, Stanley C. Wilkerson, Dianne — 33.
Shannon, Charles E.

NAYS.

Hedlund, Robert L. Lees, Brian P.
Knapik, Michael R. Sprague, Jo Ann — 4.

ABSENT OR NOT VOTING.
Berry, Frederick E. — 1.

The yeas and nays having been completed at one minute past twelve o'clock midnight, item 1150-5100 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 4401-1000 (Employment services program) was considered, as follows:

"4401-1000

For a program to provide employment and training services for recipients of benefits provided under the program of transitional aid to families with dependent children and the absent parents of said recipients; provided, that certain parents who have not yet reached the age of 18 years, including those who are ineligible for transitional aid to families with dependent children, and who would qualify for benefits under the provisions of chapter 118 of the General Laws, but for the deeming of the grandparents' income, shall be allowed to participate in the employment services program; provided further, that the department may allocate funds from this item to other agencies, including community colleges in the commonwealth, for the purposes of the employment services program; provided further, that no funds from this item shall be expended for child care or informal child care; provided further, that \$300,000 shall be expended for the Parent's Fair Share program operated by Spectra Management Services Corporation, Inc., of Springfield; provided further, that \$3,944,690 shall be expended for young parent programs; provided further, that not less than \$250,000 shall be expended for job training and job placement services for homeless individuals statewide through the MASS CAN program; provided further, that the payments for the costs of transportation to an approved activity by means other than public transportation or private automobile shall be permitted only when transportation by public means or private automobile is not reasonably available and affordable, and shall be subject to reasonable maximums determined by the department; provided further, that the annualized value of the programs funded in this item shall not exceed in fiscal year 2001 the amount appropriated herein; and provided further, that the department shall notify the house and senate committees on ways and means of all allocations made from this item 24,704,739

Transitional Aid To Needy

Families Fund 56.50%
General Fund 43.50% "

[The Governor reduced the item to \$24,454,739 and disapproved of the following wording:— "; provided further, that not less than \$250,000 shall be expended for job training and job placement services for homeless individuals statewide through the MASS CAN program"].

The question on passing item 4401-1000, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at ten minutes past twelve o'clock midnight, as follows, to wit (yeas 34 — nays 3):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela

Glodis, Guy W. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 34.

NAYS.

Hedlund, Robert L. Rauschenbach, Henri S. — 3.
Lees, Brian P.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twelve minutes past twelve o'clock midnight, item 4401-1000 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 267 (Medical assistance program) was considered, as follows:

"SECTION 267. The medical assistance program established pursuant to chapter 118E of the General Laws shall reimburse health care providers for Title XVIII Part B services rendered to persons entitled to receive benefits under both Title XVIII and Title XIX of the Social Security Act at an amount equal to the difference between the payment allowance under said Title XVIII and the payment made under Title XVIII, in accordance with the Division of Medical Assistance's payment policy for Medicare Part B Crossover Claims in effect as of July 1, 1998. Nothing in this section shall be construed to require the Division of Medical Assistance to increase the Medicare Part B Crossover payment methodology in effect as of July 1, 1998 due to changes in federal law or regulation."

[The Governor disapproved the section].

The question on passing Section 267, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at thirteen minutes past twelve o'clock midnight, as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 37.
Montigny, Mark C.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at a quarter past twelve o'clock midnight, Section 267 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 4000-0122 (Citizenship assistance program) was considered, as follows:

"4000-0122

For the final year of a citizenship assistance program to assist legal non-citizens in becoming citizens of the United States; provided, that the executive office of health and human services is authorized and directed to enter into an interagency service agreement with the office for refugees and immigrants for the administration of said program; provided further, that said program shall be administered in consultation with said executive office, the department of transitional assistance and the division of medical assistance; provided further, that said program shall be provided through community-based organizations to the maximum extent determined appropriate by the office for refugees and immigrants; provided further, that the program funded by this item: (1) shall provide assistance to persons who are eligible to become citizens of the United States within three years; and (2) may be funded not only through state appropriations but also through matching financial or in-kind contributions by private organizations or local government agencies; provided further, that persons who would qualify for benefits provided pursuant to chapter 118A of the General Laws, but for their status as legal non-citizens shall be accorded the highest priority for provision of services; provided further, that said program shall not be an entitlement and shall be subject to state appropriation; provided further, that the office for refugees and immigrants shall issue quarterly reports to the house and senate committees on ways and means and to the executive office of administration and finance on the number of persons participating in said program and the number of persons attaining citizenship in each quarter; provided further, that said report shall also detail the number of participants in said program receiving state-funded benefits by category of benefits and the federal benefits each participant would have been eligible for, but for his status as a legal non-citizen; provided further, that said office for refugees and immigrants shall report quarterly to the house and senate committees on ways and means and the executive office of administration and finance on the amounts of matching or in-kind contributions by private organizations or local government agencies; provided further, that no funds shall be expended from this item to replace expiring federal funds; provided further, that no funds shall be expended from this item for AA subsidiary payroll costs, so-called; and provided further, that it is declared to be the intention of the general court that this program shall not continue beyond fiscal year 2000 and that not more than an aggregate amount of \$6,000,000 shall be expended for the purposes of said program during the period from fiscal year 1998 to fiscal year 2000, inclusive 2,000,000".

[The Governor reduced the item to \$1,775,000].

The question on passing item 4000-0122, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at a quarter past twelve o'clock midnight, as follows, to wit (yeas 36 — nays 1):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Sprague, Jo Ann
Joyce, Brian A. Tarr, Bruce E.
Knapik, Michael R. Tisei, Richard R.
Lees, Brian P. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 36.

NAYS.

Hedlund, Robert L. — 1.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at seventeen minutes past twelve o'clock midnight, item 4000-0122 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 7066-0000 (Board of Higher Education) was considered, as follows:

"7066-0000

For the operation of the board of higher education; provided, that said board shall recommend savings proposals that permit institutions of public higher education to achieve administrative and program cost reductions, resource reallocation and program reassessment, and utilize resources otherwise available to said institutions; provided further, that said board shall establish a policy directing said institutions of higher education to spend not less than 4.5 per cent of the combined amount of the total state appropriation and student retained revenues by each such institution for ongoing capital adaptation and renewal; provided further, that expenditures for operational expenses such as utility payments shall not be considered capital adaptation and renewal for the purposes of the spending requirements contained herein; provided further, that not later than January 1, 2000, said board shall submit to the house and senate committees on ways and means a plan that includes: (1) the projected operating budget spending at each institution within the commonwealth's system of public higher education; (2) the planned spending on capital adaptation and renewal projects at each such institution; (3) the funding sources used to fund said projects; (4) the savings at each such institution resulting from the fiscal year 2000 reduction in fringe rates and electricity deregulation; and (5) demonstration that said savings resulting from the fiscal year 2000 reduction in fringe rates and electricity deregulation have been applied toward offsetting the costs of said deferred maintenance and facility renewal to the fullest extent possible; provided further, that upon request of any such institution, said board is hereby authorized to grant a waiver from said maintenance spending requirement upon determining that compliance with said policy poses a threat to academic quality; and provided further, that not more than \$20,000 shall be expended for a study relative to the feasibility of establishing a branch campus in the city of Attleboro pursuant to section 354 2,297,373".

[The Governor reduced the item to \$2,277,373 and disapproved of the following wording:— "; and provided further, that not more than \$20,000 shall be expended for a study relative to the feasibility of establishing a branch campus in the city of Attleboro pursuant to section 354"].

After debate, the question on passing item 7066-0000, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at eighteen minutes past twelve o'clock midnight, as follows, to wit (yeas 32 — nays 5):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Glodis, Guy W. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 32.

NAYS.

Hedlund, Robert L. Rauschenbach, Henri S.
Knapik, Michael R. Tisei, Richard R. — 5.
Lees, Brian P.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty minutes past twelve o'clock midnight, item 7066-0000 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 349 (School breakfast program review) was considered, as follows:

"SECTION 349. Notwithstanding the provisions of any general or special law to the contrary, the department of education shall collaborate with the department of public health to jointly review the delivery of the school breakfast program, so-called, and the women, infants and children program, so-called. The review shall include, but not be limited to, evaluating the effectiveness of said programs, evaluating the nutritional value of the breakfasts served, incidences of children suffering negative health effects due to lactose intolerance and any other negative health effects. Said agencies shall report their findings and any recommendations on improving the effectiveness of said programs, including addressing any negative health effects, to the clerk of the house of representatives, the clerk of the senate and the joint committees on health care, and education, arts and humanities on or before March 30, 1999."

[The Governor disapproved the section].

After debate, the question on passing Section 349, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-three minutes past twelve o'clock midnight, as follows, to wit (yeas 31 — nays 5):

YEAS.

Antonioni, Robert A. Morrissey, Michael W.
Bernstein, Robert A. Murray, Therese
Brewer, Stephen M. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Glodis, Guy W. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 31.
Moore, Richard T.

NAYS.

Clancy, Edward J., Jr. Rauschenbach, Henri S.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

ANSWERED "PRESENT".

Lees, Brian P. — 1.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-four minutes past twelve o'clock midnight, Section 349 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 333 (Special commission on school building assistance) was considered, as follows:

"SECTION 333. There is hereby established a special commission to examine the current funding and administration of the school building assistance program, established by chapter 645 of the acts of 1948, as well as alternative methods of funding school construction and renovation, and to make recommendations about any changes to said program which will improve its efficiency and effectiveness, promote the renovation of historic school buildings, and encourage the preservation of open space in the use of school building assistance funds.

Members of said commission shall be appointed as follows: three appointed by the governor, one of whom shall be a school superintendent to be chosen from a list recommended by the Massachusetts Association of School Superintendents, one of whom shall be a municipal official selected from a list recommended by the Massachusetts Municipal Association, and one of whom shall be a school committee member selected from a list recommended by the Massachusetts Association of School Committees; the secretary of the executive office of administration and finance or his designee; the treasurer or her designee; two appointed by the speaker of the house; two appointed by the president of the senate; one appointed by the minority leader of the house; one appointed by the minority leader of the senate; the chairman of the board of education or his designee; and the commissioner of education or his designee.

The special commission shall make an investigation and report of its findings, including but not limited to, the feasibility of establishing a revolving loan fund to finance school construction, using pooled revenues of the commonwealth for said purpose, creating a credit enhancement program, authorizing the accumulation of local school budget surpluses supported by additional per pupil state appropriations, the possibility of authorizing and using alternative construction methods, including the design-build method of construction, so-called, in constructing and renovating schools, and the cost implications of using an equal cost standard for new construction and renovation projects based on the price experience of recently completed and recently bid school projects taking into account the cost effectiveness of design, construction, and programming techniques utilized in such school projects.

Said commission shall also examine whether current laws and regulations encourage new construction or renovation of existing school buildings, whether such laws or regulations should be amended to encourage restoration of existing school facilities or the preservation of open space, the effects of minimum acreage requirements, the implications of including the acquisition of land as a reimbursable cost under any reimbursement formula, and the potential methods of funding the school repair projects wait list. The commission shall further examine the current reimbursement percentages payable to cities and towns of the commonwealth for school construction projects and possible revisions to the reimbursement formula used to calculate said percentages.

Said commission may call upon officials of the commonwealth or its various subdivisions for such information as it may desire in the course of its investigation and study. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, by filing the same with the clerk of the house of representatives and the clerk of the senate on or before the first Wednesday of March 2000. Said clerk shall forward said report to the house and senate chairmen of the joint committee on education, arts, and humanities and the chairmen of the house and senate committees on ways and means."

[The Governor disapproved the section].

The question on passing Section 333, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-six minutes past twelve o'clock midnight, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 36.

NAYS. — 0

ANSWERED "PRESENT".

Lees, Brian P. — 1.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-eight minutes past twelve o'clock midnight, Section 333 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.

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town of Winchendon to convey certain parcels of land (see House, No. 4173) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-eight minutes past twelve o'clock midnight, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 36.

NAYS. — 0

ANSWERED "PRESENT".

Lees, Brian P. — 1.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at half past twelve o'clock midnight, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor on Thursday, November 18, for his approbation.

An engrossed Bill authorizing the town of Barnstable to transfer control of a certain parcel of land held for conservation purposes to the West Barnstable Fire District (see House, No. 4888) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-nine minutes before one o'clock A.M., as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.

Bernstein, Robert A. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lynch, Stephen F. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 36.

NAYS. — 0

ANSWERED "PRESENT".

Lees, Brian P. — 1.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-eight minutes before one o'clock A.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor on Thursday, November 18, for his approbation.

Engrossed Bills.

The following engrossed bills (the first two of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor on Thursday, November 18, for his approbation, to wit:

Limiting liability resulting from the use of automatic external defibrillation (see Senate, No. 1918);

Providing for the licensing of home inspectors (see Senate, No. 1949, amended);

Exempting the position of deputy fire chief in the town of Wellesley from the provisions of the civil service law (see House, No. 4327);

Authorizing the city of Taunton to pay a percentage of life and health insurance premiums for Richard Castro (see House, No. 4665);

Authorizing the acquisition of property in the town of Sandwich for protection of a water supply well (see House, No. 4781); and
Authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the city of Salem (see House, No. 4895).

Order Adopted.

On motion of Ms. Melconian,—

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

On motion of Mr. Lees, at twenty-six minutes before one o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.
