

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.

JOURNAL OF THE SENATE.

Thursday, July 27, 2006.

Met at one minute past one o'clock P.M. (Mr. Moore in the Chair).

Distinguished Guests.

There being no objection, the President handed the gavel to Ms. Wilkerson for the purpose of an introduction. Ms. Wilkerson introduced 60 students and teachers from the Bell Program in the city of Boston.

There being no objection, the Chair (Mr. Havern) handed the gavel to Mr. Barrios for the purpose of an introduction. Mr. Barrios then introduced, seated in the Senate Gallery, a group of teenagers from the Mission Safe Program in Charlestown.

There being no objection, the Chair (Mr. Havern) handed the gavel to Mr. Tarr and Ms. Creem for the purpose of an introduction. Mr. Tarr and Ms. Creem then introduced Andy Mandell, "Mr. Diabetes". Ms. Creem read and, along with Mr. Tarr, presented resolutions previously adopted by the Senate to Andy Mandell. Mr. Mandell briefly addressed the Senate, signed the guest book and withdrew from the Chamber.

There being no objection, the Chair (Mr. Havern) handed the gavel to Mr. Knapik for the purpose of an introduction. Mr. Knapik then introduced, seated in the rear of the Chamber, Debra and Adam Elias from Southwick.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4879) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to the transfer of a certain parcel of playground land from the board of selectmen of the town of Provincetown to the school committee of said town;

Petition (accompanied by bill, House, No. 5136) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to the relocation and alteration of the layout of High Pole Hill Road in the town of Provincetown; and

Petition (accompanied by bill, House, No. 5137) of Jay R. Kaufman and others (by vote of the town) relative to town meeting votes in the town of Lexington;

Severally to the committee on Municipalities and Regional Government.

Bills

Relative to the disposition of certain conservation/recreation lands under the care, custody and control of the Department of Environmental Management within the town of Mashpee (House, No. 3416,— on petition);

Relative to taxation of research and development corporations (House, No. 4645,— on petition);

Relative to the leasing of publicly owned land for agricultural purposes (House, No. 4658, amended,— on House, No. 3422);

Authorizing the Division of Capital Asset Management to release a portion of an easement in the city of Somerville (House, No. 4902,— on House, No. 4799);

Authorizing reimbursement to the town of Easton for veterans' benefits (House, No. 4917,— on petition);

Authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to grant easements to Algonquin Gas Transmission, LLC and Colonial Gas Company D/B/A Keyspan Energy Delivery New England (House, No. 5173,— on House, No. 5049);

Establishing a sick leave bank for Karen W. Boyson, an employee of the Trial Court of the Commonwealth (House, No. 5189,— on petition);

Relative to the Massachusetts Insurers Insolvency Fund (House, No. 5216,— on House, No. 3054);

Authorizing the Division of Capital Asset Management and Maintenance to transfer easements in certain land in the city of Boston (House, No. 5223,— on House, No. 4951, in part); and

Authorizing the Division of Capital Asset Management and Maintenance to transfer easements in certain land in the city of Chelsea (House, No. 5224,— on House, No. 4951, in part);

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

Bills

Relative to designating basketball as the state sport (printed as Senate, No. 1851,— on petition);

Designating a group home in the town of Ipswich as the Raymond M. Daniels House (House, No. 4032,— on petition);

To designate Mitochondrial Disease Awareness Week (House, No. 4358,— on petition); and

Designating a state highway in the town of Harwich as Route 28-Head of the Bay Road (House, No. 4751, changed,— on

petition);

Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Recess.

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Moore) declared a recess; and, at twenty-four minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

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

The Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, offered the following prayer:

Our Father God, for another day, for another morning, for another chance to serve this troubled age, we are truly thankful. We beseech Thee this day to free us from fear of the future, from bitterness toward our fellows from cowardice in face of danger, from failure before opportunity, from weakness when Thy power is available. Fill us with love that knows no barrier of race or class, with courage that cannot be shaken, with faith strong enough for the darkness, with strength sufficient for our tasks, with wisdom to meet life's complexities, with loyalty to Thy kingdom's goal. In the Redeemer's name we ask it. Amen.

Resolutions.

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

Resolutions (filed by Mr. Creedon) "congratulating Marvelous Marvin Hagler on the occasion of the Marvelous Marvin Hagler Amateur Boxing Tournament Charity Event";

Resolutions (filed by Ms. Resor and Ms. Fargo) "congratulating Pastor Larry K. Wolff on his 36th anniversary as pastor of St. John Evangelical Lutheran Church"; and

Resolutions (filed by Messrs. Tarr and Buoniconti, Ms. Creem, Mr. Hedlund, Ms. Jehlen, Mr. McGee, Ms. Murray, Ms. Spilka and Mr. Tisei) "commending Andy Mandell, Mr. Diabetes."

Communication.

The Clerk read the following communication:

July 26, 2006.

Mr. William Welch, Senate Clerk
Massachusetts State Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

Due to a long standing scheduling conflict, I was unable to attend a portion of the July 26th formal session and I was therefore unable to be present for 1 roll call vote taken on the following override:

House Bill #4150: An Act Authorizing the Town of Franklin To Establish A Post Employment Health Insurance Trust Fund.

Had I been present, I would have voted in the affirmative on this matter. I respectfully request this correspondence be read into the record at the next Session. Thank you for your assistance in this matter.

Sincerely,

STEVEN C. PANAGIOTAKOS,
Senator,
First Middlesex District.

On motion of Mr. Havern, the above communication was ordered printed in the Journal of the Senate.

PAPERS FROM THE HOUSE.

Message from 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 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5000), which on Friday, June 30, 2006, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 5150) was read; and the Senate proceeded to reconsider several items, which had been disapproved or reduced in accordance with the provisions of the Constitution.

Item 0321-1510 (Private Counsel Assigned Criminal Cases) was considered as follows:

“0321-1510 For compensation paid to private counsel assigned to criminal and civil cases under subsection (b) of section 6 of chapter 211D of the General Laws, pursuant to section 11 of said chapter 211D; provided, that not more than \$1,000,000 of the sum appropriated in this item may be expended for services rendered before fiscal year 2007 119,763,305”.

[The Governor reduced this item by \$2,313,696.]

The question on passing item 0321-1510, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-one minutes before two o'clock P.M., as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 515]:

YEAS.

Antonioni, Robert A. Creedon, Robert S., Jr.
Augustus, Edward M., Jr. Creem, Cynthia Stone
Baddour, Steven A. Fargo, Susan C.
Barrios, Jarrett T. Hart, John A., Jr.
Berry, Frederick E. Havern, Robert A.
Brewer, Stephen M. Hedlund, Robert L.
Brown, Scott P. Jehlen, Patricia D.
Buoniconti, Stephen J. Joyce, Brian A..
Chandler, Harriette L. Knapik, Michael R.
Lees, Brian P. Panagiotakos, Steven C.
McGee, Thomas M. Resor, Pamela
Menard, Joan M. Spilka, Karen E.
Montigny, Mark C. Tarr, Bruce E.
Moore, Richard T. Timilty, James E.
Morrissey, Michael W. Tisei, Richard R.
Murray, Therese Tolman, Steven A.
Nuciforo, Andrea F., Jr. Tucker, Susan C.
O'Leary, Robert A. Walsh, Marian
Pacheco, Marc R. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at sixteen minutes before two o'clock P.M., item 0321-1510, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0321-1520 (Indigent Court Costs — CPCS) was considered as follows:

“0321-1520 For fees and costs as defined in section 27A of chapter 261 of the General Laws, as ordered by a justice of the appeals court or a justice of a department of the trial court of the commonwealth on behalf of indigent persons, as defined in said section 27A of said chapter 261; provided, that not more than \$500,000 of the sum appropriated in this item may be expended for services rendered before fiscal year 2007 8,456,513”.

[The Governor reduced this item by \$846,790.]

The question on passing item 0321-1520, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at a quarter before two o'clock P.M., as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 516]:

YEAS.

Antonioni, Robert A. Jehlen, Patricia D.
Augustus, Edward M., Jr. Joyce, Brian A.
Baddour, Steven A. Knapik, Michael R.
Barrios, Jarrett T. Lees, Brian P.
Berry, Frederick E. McGee, Thomas M.
Brewer, Stephen M. Menard, Joan M.
Brown, Scott P. Montigny, Mark C.
Buoniconti, Stephen J. Moore, Richard T.
Chandler, Harriette L. Morrissey, Michael W.
Creedon, Robert S., Jr. Murray, Therese
Creem, Cynthia Stone Nuciforo, Andrea F., Jr.
Fargo, Susan C. O'Leary, Robert A.

Hart, John A., Jr. Pacheco, Marc R.
Havern, Robert A. Panagiotakos, Steven A.
Hedlund, Robert L. Resor, Pamela
Spilka, Karen E. Tolman, Steven A.
Tarr, Bruce E. Tucker, Susan C.
Timilty, James E. Walsh, Marian
Tisei, Richard R. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at thirteen minutes before two o'clock P.M., item 0321-1520, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 1100-1100 (Executive Office of Administration and Finance) was considered as follows:

"1100-1100 For the office of the secretary and the administration of the fiscal affairs division; provided, that the secretary shall conduct an ongoing review of affirmative action steps taken by the various agencies, boards, departments, commissions or divisions to determine whether such agencies, boards, departments, commissions or divisions are complying with the commonwealth's policies of non-discrimination and equal opportunity; provided further, that whenever non-compliance is determined by the secretary, the secretary shall hold a public hearing on the matter and report his resulting recommendations to the head of the particular agency, board, department, commission or division, to the governor and to the Massachusetts commission against discrimination; provided further, that the secretary shall report on the status of each agency, board, department, commission or division receiving monies under this act, including supplemental and deficiency budgets, as to compliance or non-compliance with affirmative action policies to the chairs of the house and senate committees on ways and means, the joint committee on public service and the joint committee on commerce and labor on or before December 1, 2006; provided further, that agencies within the executive office may, with the prior approval of the secretary, streamline and improve administrative operations pursuant to interdepartmental service agreements; provided further, that the secretary of administration and finance in conjunction with the trial court, the executive office of health and human services, the division of capital asset management and maintenance, the bureau of state office buildings and the division of energy resources, shall submit a report to the house and senate committees on ways and means concerning the commonwealth's energy costs, which shall include, but not be limited to: (a) energy consumption and costs incurred by commonwealth-owned or operated facilities, including the state house, state office buildings, hospitals, courthouses, correction facilities and related properties, (b) cost saving initiatives relating to energy consumption and procurement, (c) the energy consumption and costs for all vehicles operated by the commonwealth and its subsidiary secretariats and agencies, and (d) the current status of the state's energy infrastructure and plans for either replacement or conversion of existing systems; provided further, that the report shall be submitted not later than January 26, 2007; and provided further, that the budget director shall report on a quarterly basis to the house and senate committees on ways and means the status of all cost avoidance projects which are undertaken pursuant to item 1000-0001 3,529,636".

[The Governor struck the following wording " ; provided further, that the secretary of administration and finance in conjunction with the trial court, the executive office of health and human services, the division of capital asset management and maintenance, the bureau of state office buildings and the division of energy resources, shall submit a report to the house and senate committees on ways and means concerning the commonwealth's energy costs, which shall include, but not be limited to: (a) energy consumption and costs incurred by commonwealth-owned or operated facilities, including the state house, state office buildings, hospitals, courthouses, correction facilities and related properties, (b) cost saving initiatives relating to energy consumption and procurement, (c) the energy consumption and costs for all vehicles operated by the commonwealth and its subsidiary secretariats and agencies, and (d) the current status of the state's energy infrastructure and plans for either replacement or conversion of existing systems; provided further, that the report shall be submitted not later than January 26, 2007".]

The question on passing item 1100-1100, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eleven minutes before two o'clock P.M., as follows, to wit (yeas 33 — nays 5) [Yeas and Nays No. 517]:

YEAS.

Antonioni, Robert A. Havern, Robert A.
Augustus, Edward M., Jr. Jehlen, Patricia D.
Baddour, Steven A. Joyce, Brian A.
Barrios, Jarrett T. Knapik, Michael R.
Berry, Frederick E. McGee, Thomas M.
Brewer, Stephen M. Menard, Joan M.
Buoniconti, Stephen J. Montigny, Mark C.
Chandler, Harriette L. Moore, Richard T.

Creedon, Robert S., Jr. Morrissey, Michael W.
Creem, Cynthia Stone Murray, Therese
Fargo, Susan C. Nuciforo, Andrea F., Jr.
Hart, John A., Jr. O'Leary, Robert A.
Pacheco, Marc R. Tolman, Steven A.
Panagiotakos, Steven C. Tucker, Susan C.
Resor, Pamela Walsh, Marian
Spilka, Karen E. Wilkerson, Dianne — 33.
Timilty, James E.

NAYS.

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

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at eight minutes before two o'clock P.M., item 1100-1100, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 1108-5100 (Group Insurance Commission Administration) was considered as follows:

"1108-5100 For the administration of the group insurance commission; provided, that the commission shall generate the maximum amounts allowable under the federal Consolidated Omnibus Budget Reconciliation Act, as amended, and from reimbursements allowed by sections 8, 10B, 10C and 12 of chapter 32A of the General Laws 3,068,229".

[The Governor reduced this item by \$350,000.]

The question on passing item 1108-5100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seven minutes before two o'clock P.M., as follows, to wit (yeas 36 — nays 2) [Yeas and Nays No. 518]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Barrios, Jarrett T. Morrissey, Michael W.
Berry, Frederick E. Murray, Therese
Brewer, Stephen M. Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J. O'Leary, Robert A.
Chandler, Harriette L. Pacheco, Marc R.
Creedon, Robert S., Jr. Panagiotakos, Steven C.
Creem, Cynthia Stone Resor, Pamela
Fargo, Susan C. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Havern, Robert A. Timilty, James E.
Hedlund, Robert L. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
Knapik, Michael R. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 36.

NAYS.

Brown, Scott P. Lees, Brian P. — 2.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at six minutes before two o'clock P.M., item 1108-5100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 1108-5200 (Group Insurance Commission Benefits Premium — State Share) was considered as follows:

"1108-5200 For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year 2007; provided,

that notwithstanding any general or special law to the contrary, funds in this item shall not be available during the accounts-payable period of fiscal year 2007, and any unexpended balance in this item shall revert to the General Fund on June 30, 2007; provided, that the secretary of administration and finance shall charge the division of unemployment assistance and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided further, that prior year costs incurred by self insured plans 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 prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the secretary of administration and finance may charge all agencies for the commonwealth's share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than 1 year; provided further, that the amounts received in payment for the charges shall be credited to the General Fund; provided further, that notwithstanding section 26 of chapter 29 of the General Laws, the commission may negotiate, purchase and execute contracts before July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of chapter 32A and for the purposes of section 14 of chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commonwealth's share of the group insurance premium for active employees upon retirement shall be 85 per cent; provided further, that the commonwealth's share of the premiums for active state employees and their dependents shall be 85 per cent; provided further, that the commonwealth's share of the premiums for active state employees hired after June 30, 2003 and their dependents shall be 80 per cent; and provided further, that the commission shall notify the house and senate committees on ways and means by April 1 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year 976,037,643".

[The Governor reduced this item by \$122,944,883 and struck the following wording "; provided further, that the commonwealth's share of the group insurance premium for active employees upon retirement shall be 85 per cent; provided further, that the commonwealth's share of the premiums for active state employees and their dependents shall be 85 per cent; provided further, that the commonwealth's share of the premiums for active state employees hired after June 30, 2003 and their dependents shall be 80 per cent".]

The question on passing item 1108-5200, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at five minutes before two o'clock P.M., as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 519]:

YEAS.

Antonioni, Robert A. Creem, Cynthia Stone
Augustus, Edward M., Jr. Fargo, Susan C.
Baddour, Steven A. Hart, John A., Jr.
Barrios, Jarrett T. Havern, Robert A.
Berry, Frederick E. Hedlund, Robert L.
Brewer, Stephen M. Jehlen, Patricia D.
Brown, Scott P. Joyce, Brian A.
Buoniconti, Stephen J. Knapik, Michael R.
Chandler, Harriette L. Lees, Brian P.
Creedon, Robert S., Jr. McGee, Thomas M.
Menard, Joan M. Resor, Pamela
Montigny, Mark C. Spilka, Karen E.
Moore, Richard T. Tarr, Bruce E.
Morrissey, Michael W. Timilty, James E.
Murray, Therese Tisei, Richard R.
Nuciforo, Andrea F., Jr. Tolman, Steven A.
O'Leary, Robert A. Tucker, Susan C.
Pacheco, Marc R. Walsh, Marian
Panagiotakos, Steven C. Wilkerson, Dianne — 38.
NAYS — 0.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

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

Item 1108-5500 (Group Insurance Commission Dental and Vision Coverage) was considered as follows:

“1108-5500 For the costs, notwithstanding chapter 32A of the General Laws to the contrary, of dental and vision benefits for those active employees of the commonwealth, not including employees of authorities and any other political subdivision, who are not otherwise provided those benefits pursuant to a separate appropriation or the terms of a contract or collective bargaining agreement; provided, that the employees shall pay 15 per cent of the monthly premium established by the commission for the benefits 6,727,448”.

[The Governor reduced this item by \$518,198 and struck the following wording “; provided, that the employees shall pay 15 per cent of the monthly premium established by the commission for the benefits” and inserted the following wording: “; provided, that the employees shall pay 25 per cent of the monthly premium established by the commission for the benefits”.]

The question on passing item 1108-5500, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at two minutes before two o'clock P.M., as follows, to wit (yeas 37 — nays 1) [Yeas and Nays No. 520]:

YEAS.

Antonioni, Robert A. Brewer, Stephen M.
Augustus, Edward M., Jr. Buoniconti, Stephen J.
Baddour, Steven A. Chandler, Harriette L.
Barrios, Jarrett T. Creedon, Robert S., Jr.
Berry, Frederick E. Creem, Cynthia Stone
Fargo, Susan C. Nuciforo, Andrea F., Jr.
Hart, John A., Jr. O'Leary, Robert A.
Havern, Robert A. Pacheco, Marc R.
Hedlund, Robert L. Panagiotakos, Steven C.
Jehlen, Patricia D. Resor, Pamela
Joyce, Brian A. Spilka, Karen E.
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Timilty, James E.
McGee, Thomas M. Tisei, Richard R.
Menard, Joan M. Tolman, Steven A.
Montigny, Mark C. Tucker, Susan C.
Moore, Richard T. Walsh, Marian
Morrissey, Michael W. Wilkerson, Dianne — 37.
Murray, Therese

NAYS.

Brown, Scott P. — 1.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at two o'clock P.M., item 1108-5500, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 1775-1101 (Affirmative Marketing Program) was considered as follows:

“1775-1101 For the operation of the affirmative marketing program, housed within the operational services division, for costs associated with the administration of services for minority and women business owners to develop and maintain equitable practices and policies in the public marketplace 299,588”.

[The Governor reduced this item by \$224,588.]

The question on passing item 1775-1101, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at one minute past two o'clock P.M., as follows, to wit (yeas 33 — nays 5) [Yeas and Nays No. 521]:

YEAS.

Antonioni, Robert A. Creem, Cynthia Stone
Augustus, Edward M., Jr. Fargo, Susan C.
Baddour, Steven A. Hart, John A., Jr.
Barrios, Jarrett T. Havern, Robert A.
Berry, Frederick E. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
Buoniconti, Stephen J. McGee, Thomas M.
Chandler, Harriette L. Menard, Joan M.

Creedon, Robert S., Jr. Montigny, Mark C.
Moore, Richard T. Spilka, Karen E.
Morrissey, Michael W. Tarr, Bruce E.
Murray, Therese Timilty, James E.
Nuciforo, Andrea F., Jr. Tolman, Steven A.
O'Leary, Robert A. Tucker, Susan C.
Pacheco, Marc R. Walsh, Marian
Panagiotakos, Steven C. Wilkerson, Dianne — 33.
Resor, Pamela

NAYS.

Brown, Scott P. Lees, Brian P.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at three minutes past two o'clock P.M., item 1775-1101, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2511-0105 (Emergency Food Assistance Program) was considered as follows:

"2511-0105 For the purchase of supplemental foods for the Massachusetts emergency food assistance program within the America's second harvest nationally-certified food bank system of Massachusetts; provided, that the funds appropriated herein shall reflect the America's second harvest allocation formula, to benefit the four regional food banks in Massachusetts: The Greater Boston Food Bank, Merrimack Valley Good Bank, The Food Bank of Western Massachusetts and Worcester County Food Bank; and provided further, that the department is authorized to assess an administrative charge not to exceed 2 per cent of the total appropriation herein 12,000,000".

[The Governor reduced this item by \$3,000,000.]

The question on passing item 2511-0105, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at four minutes past two o'clock P.M., as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 522]:

YEAS.

Antonioni, Robert A. Berry, Frederick E.
Augustus, Edward M., Jr. Brewer, Stephen M.
Baddour, Steven A. Brown, Scott P.
Barrios, Jarrett T. Buoniconti, Stephen J.
Chandler, Harriette L. Morrissey, Michael W.
Creedon, Robert S., Jr. Murray, Therese
Creem, Cynthia Stone Nuciforo, Andrea F., Jr.
Fargo, Susan C. O'Leary, Robert A.
Hart, John A., Jr. Pacheco, Marc R.
Havern, Robert A. Panagiotakos, Steven C.
Hedlund, Robert L. Resor, Pamela
Jehlen, Patricia D. Spilka, Karen E.
Joyce, Brian A. Tarr, Bruce E.
Knapik, Michael R. Timilty, James E.
Lees, Brian P. Tisei, Richard R.
McGee, Thomas M. Tolman, Steven A.
Menard, Joan M. Tucker, Susan C.
Montigny, Mark C. Walsh, Marian
Moore, Richard T. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at five minutes past two o'clock P.M., item 2511-0105, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 3000-2050 (Children's Trust Fund) was considered as follows:

"3000-2050 For the administration of the Children's Trust Fund; provided, that notwithstanding any general or special law to the contrary, the department of early education and care shall collaborate with Children's Trust Fund on the implementation of section 202 of chapter 6 of the General Laws, but shall not exercise any supervision or control with respect to the board 1,382,307".

[The Governor reduced this item by \$464,892.]

The question on passing item 3000-2050, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at six minutes past two o'clock P.M. as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 523]:

YEAS.

Antonioni, Robert A. Creedon, Robert S., Jr.
Augustus, Edward M., Jr. Creem, Cynthia Stone
Baddour, Steven A. Fargo, Susan C.
Barrios, Jarrett T. Hart, John A., Jr.
Berry, Frederick E. Havern, Robert A.
Brewer, Stephen M. Hedlund, Robert L.
Brown, Scott P. Jehlen, Patricia D.
Buoniconti, Stephen J. Joyce, Brian A.
Chandler, Harriette L. Knapik, Michael R.
Lees, Brian P. Panagiotakos, Steven C.
McGee, Thomas M. Resor, Pamela
Menard, Joan M. Spilka, Karen E.
Montigny, Mark C. Tarr, Bruce E.
Moore, Richard T. Timilty, James E.
Morrissey, Michael W. Tisei, Richard R.
Murray, Therese Tolman, Steven A.
Nuciforo, Andrea F., Jr. Tucker, Susan C.
O'Leary, Robert A. Walsh, Marian
Pacheco, Marc R. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at eight minutes past two o'clock P.M., item 3000-2050, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4800-2025 (Family Networks Initiative) was considered as follows:

4800-2025 For funds to supplement existing resources in order to facilitate the implementation of the family networks system of care; provided, that the commissioner shall be authorized to transfer funds appropriated herein to items 4800-0038, 4800-0041 and 4800-1100 for the purpose of facilitating expeditious case management and coordination of services for the care and protection of children; provided further, that funds may be expended for additional social workers to ensure appropriate oversight of abuse and neglect cases; provided further, that the department shall submit a report to the house and senate committees on ways and means not later than January 16, 2007, which shall include, but not limited to, detailed use of funds appropriated herein, the number of additional individuals able to receive services, the enhancement of supports to existing clients of the department, opportunities for caseload reduction to ensure appropriate and timely screening of abuse and neglect reports, and the addition of personnel determined to be necessary to fulfill the responsibilities of the department; and provided further, that these funds shall not annualize in

fiscal year 2008 to an amount exceeding \$3,000,000 3,000,000".

[The Governor disapproved this item.]

Mr. Havern in the Chair, the question on passing item 4800-2025, contained in section 2, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nine minutes past two o'clock P.M., as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 524]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Barrios, Jarrett T. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Brown, Scott P. Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J. O'Leary, Robert A.
Chandler, Harriette L. Pacheco, Marc R.
Creedon, Robert S., Jr. Panagiotakos, Steven C.
Creem, Cynthia Stone Resor, Pamela
Fargo, Susan C. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Havern, Robert A. Timilty, James E.
Hedlund, Robert L. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
Knapik, Michael R. Walsh, Marian
Lees, Brian P. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at ten minutes past two o'clock P.M., item 4800-2025, contained in section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7004-3036 (Housing Services Contracts) was considered as follows:

"7004-3036 For housing services and counseling; provided, that not less than \$1,600,000 shall be expended as grants for the operation of 9 regional housing consumer education centers operated by the regional nonprofit housing authorities; provided further, that the grants shall be through a competitive application process under criteria created by the department; provided further, that the department shall submit annual reports to the secretary of administration and finance, the house and senate committees on ways and means and the joint committee on housing detailing all expenditures of said program including for each regional housing consumer education center the total number of persons who received information and referral services, the costs for such services rendered per consumer and the identification of consumer issues and trends; provided further, that said department shall report to the house and senate committees on ways and means no later than March 1, 2007 on possible savings and efficiencies through consolidation of said services and counseling; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; provided further, that \$141,000 shall be expended for the Just A Start Corporation to administer a housing stabilization and conflict management services program to prevent homelessness; provided further, that not less than \$80,925 shall be expended for the Central Massachusetts Housing Alliance Inc. Donations Clearinghouse Program 1,821,925".

[The Governor reduced this item by \$221,925 and struck the following wording "; provided further, that \$141,000 shall be expended for the Just A Start Corporation to administer a housing stabilization and conflict management services program to prevent homelessness; provided further, that not less than \$80,925 shall be expended for the Central Massachusetts Housing Alliance Inc. Donations Clearinghouse Program".]

The question on passing item 7004-3036, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eleven minutes past two o'clock P.M., as follows, to wit (yeas 34 — nays 4) [Yeas and Nays No. 525]:

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Barrios, Jarrett T. Murray, Therese
Berry, Frederick E. Nuciforo, Andrea F., Jr.
Brewer, Stephen M. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Resor, Pamela

Creem, Cynthia Stone Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Havern, Robert A. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian
Menard, Joan M. Wilkerson, Dianne — 34.

NAYS.

Brown, Scott P. Knapik, Michael R.
Hedlund, Robert L. Lees, Brian P. — 4.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at thirteen minutes past two o'clock P.M., item 7004-3036, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7030-1005 (Early Intervention Tutorial Literacy) was considered as follows:

“7030-1005 For Reading Recovery, an early intervention individual tutorial literacy program designed as a pre-special education referral and short-term intervention for children who are at risk of failing to reading in the first grade; provided further, that not less than \$500,000 shall be expended for matching grants to school districts to support the funding of Reading Recovery teachers salaries in one-to-one early intervention tutorial literacy programs; and provided further that said program shall provide ongoing documentation and evaluation of results 2,900,000”.

[The Governor reduced this item by \$200,000 and struck the following wording “; provided further, that not less than \$500,000 shall be expended for matching grants to school districts to support the funding of Reading Recovery teachers salaries in one-to-one early intervention tutorial literacy programs” and inserted the following wording “; provided further, that not less than \$300,000 shall be expended for matching grants to school districts to support the funding of Reading Recovery teachers salaries in one-to-one early intervention tutorial literacy programs”.]

The question on passing item 7030-1005, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at thirteen minutes past two o'clock P.M., as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 526]:

YEAS.

Antonioni, Robert A. Knapik, Michael R.
Augustus, Edward M., Jr. Lees, Brian P.
Baddour, Steven A. McGee, Thomas M.
Barrios, Jarrett T. Menard, Joan M.
Berry, Frederick E. Montigny, Mark C.
Brewer, Stephen M. Moore, Richard T.
Brown, Scott P. Morrissey, Michael W.
Buoniconti, Stephen J. Murray, Therese
Chandler, Harriette L. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. O'Leary, Robert A.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Hart, John A., Jr. Resor, Pamela
Havern, Robert A. Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Tisei, Richard R.
Tolman, Steven A. Walsh, Marian
Tucker, Susan C. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

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

Item 7035-0002 (Adult Education) was considered as follows:

"7035-0002 For grants to provide and strengthen adult basic education services, including reading, writing and mathematics, to a diverse network of organizations which have demonstrated commitment and effectiveness in the provision of such services, and that are selected competitively by the department of education; provided, that such grants shall support the successful transition of students from other adult basic education programs to community college certificate and degree-granting programs; provided further, that such grants shall be contingent upon satisfactory levels of performance as defined and determined by the department; provided further, that in no case shall grants be considered an entitlement to a grant recipient; provided further, that the department shall consult with the community colleges and other service providers in establishing and implementing content, performance and professional standards for adult basic education programs and services; provided further, that not less than \$200,000 shall be allocated to the Massachusetts Foundation for the Humanities in Northampton for an adult education program; and provided further, that not more than 7.5 per cent of the funds appropriated in this item may be expended for non-grant purposes; prior appropriation continued 29,522,628".

[The Governor reduced this item by \$200,000 and struck the following wording "; provided further, that not less than \$200,000 shall be allocated to the Massachusetts Foundation for the Humanities in Northampton for an adult education program".]

The question on passing item 7035-0002, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at sixteen minutes past two o'clock P.M., as follows, to wit (yeas 35 — nays 3) [Yeas and Nays No. 527]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Barrios, Jarrett T. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Buoniconti, Stephen J. Nuciforo, Andrea F., Jr.
Chandler, Harriette L. O'Leary, Robert A.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Hart, John A., Jr. Spilka, Karen E.
Havern, Robert A. Timilty, James E.
Hedlund, Robert L. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 35.
Lees, Brian P.

NAYS.

Brown, Scott P. Tisei, Richard R. — 3.
Tarr, Bruce E.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at eighteen minutes past two o'clock P.M., item 7035-0002, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Emergency Preamble Adopted.

An engrossed Bill relative to streamlining and expediting the permitting process in the Commonwealth (see House, No. 4968, amended), 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 3 to 0.

The bill was signed by the Acting President (Mr. Havern) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and sent to the House for enactment.

Message from the Governor — Disapprovals and Reductions
in the 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 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5000), which on Friday, June 30, 2006, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 5150) was read; and the Senate proceeded to reconsider several items, which had been disapproved or reduced in accordance with the provisions of the Constitution.

Item 7061-0011 (Education Reform Funding Reserve – Pothole Account) was considered as follows:

“7061-0011 For a reserve to (1) meet extraordinary increases in the minimum required local contribution of a municipality as calculated pursuant to the requirements of section 3 of this act; provided; that a municipality seeking funds hereunder shall apply for a waiver from the department of revenue pursuant to the provisions of section 127 of this act; provided, further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of education regarding the merits of such application; (2) meet extraordinary increases of greater than 25 percent in a municipality’s required contribution to any of the districts to which the municipality belongs as a result of the new regional allocation methodology; provided, that preference in the awarding of these funds shall be given to municipalities whose required local contribution exceeds 70 per cent of their foundation budget; provided further, that not less than \$500,000 shall be used for this purpose; (3) assist regional school districts which, prior to fiscal year 2007, have assessed member towns using the provisions of their regional agreement, and which, in fiscal year 2007, will assess member towns using the required contributions calculated pursuant to section 3 of this act; (4) assist towns impacted by stresses in the commercial agricultural, fishing or lobster industry whose required local contribution exceeds 75% of their foundation budget; (5) assist districts that do not offer grades 9 through 12, which are negatively impacted by changes made to the calculation of district foundation budget in fiscal year 2007; (6) assist districts experiencing enrollment declines or enrollment growth of less than 1% from fiscal year 2006 to fiscal year 2007; provided, that preference in the awarding of such funds shall be made for those districts with a target aid share of less than 20% and aid growth in fiscal year 2007 of less than 5%; provided further, that any grants awarded under this item shall be expended by a school committee without further appropriation; (7) assist municipalities with median per capita income below the state average and equalized valuation per capita above the state average; provided, that preference in the awarding of funds shall be given to municipalities with required local contributions greater than 80 per cent of their foundation budgets; (8) assist towns negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on military reservations located within the town’s limits; (9) assist municipalities that receive reductions of more than one-third in payment in lieu of taxes for state-owned land from fiscal year 2006 to fiscal year 2007 and: (a) have an enrollment of fewer than 500 students or (b) are a part of an academic regional district; (10) assist districts experiencing enrollment declines that have implemented programs in conjunction with a public college or university designed to re-enroll students who have dropped out; provided, that any grants provided under this item shall be expended by a school committee without further appropriation; (11) assist regional school districts with more than five consecutive years of enrollment decline and increasing student transportation costs; provided, that systems with greater than a 15 per cent decline in enrollment during the past 5 years shall receive priority in this category; provided, that any grants provided under this item shall be expended by a school committee without further appropriation; provided further, that notwithstanding the provisions of any general or special law to the contrary, assistance funded by this item shall only be available on a one time non-recurring basis; provided further, that the department shall make not less than 80 per cent of awards from this item not later than October 15, 2006; and provided further, that no funds distributed from this item shall be considered prior year chapter 70 aid nor used in the calculation of the minimum required local contribution for fiscal year 2008 4,500,000”.

[The Governor disapproved this item.]

The question on passing item 7061-0011, contained in section 2, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nineteen minutes past two o’clock P.M., as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 528]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.

Augustus, Edward M., Jr. Menard, Joan M.

Baddour, Steven A. Montigny, Mark C.

Barrios, Jarrett T. Moore, Richard T.

Berry, Frederick E. Morrissey, Michael W.

Brewer, Stephen M. Murray, Therese

Brown, Scott P. Nuciforo, Andrea F., Jr.

Buoniconti, Stephen J. O’Leary, Robert A.

Chandler, Harriette L. Pacheco, Marc R.

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

Creem, Cynthia Stone Resor, Pamela
Fargo, Susan C. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Havern, Robert A. Timilty, James E.
Hedlund, Robert L. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
Knapik, Michael R. Walsh, Marian
Lees, Brian P. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.
Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at twenty-one minutes past two o'clock P.M., item 7061-0011, contained in section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7061-0029 (Education Reform Audits) was considered as follows:

“7061-0029 For the office of educational quality and accountability established under section 55A of chapter 15 of the General Laws; provided, that not less than \$100,000 shall be expended by the office to examine schools in the districts of Boston, Lawrence, Worcester, Springfield, Lowell, Fall River, New Bedford, Brockton, Holyoke and Lynn for the purpose of identifying the specific practices, policies, and programs that would make urban school districts successful 3,430,618”.

[The Governor reduced this item by \$930,618.]

The question on passing item 7061-0029, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-two minutes past two o'clock P.M., as follows, to wit (yeas 36 — nays 2) [Yeas and Nays No. 529]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Barrios, Jarrett T. Morrissey, Michael W.
Berry, Frederick E. Murray, Therese
Brewer, Stephen M. Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J. O'Leary, Robert A.
Chandler, Harriette L. Pacheco, Marc R.
Creedon, Robert S., Jr. Panagiotakos, Steven C.
Creem, Cynthia Stone Resor, Pamela
Fargo, Susan C. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Havern, Robert A. Timilty, James E.
Jehlen, Patricia D. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
Knapik, Michael R. Tucker, Susan C.
Lees, Brian P. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 36.

NAYS.

Brown, Scott P. Hedlund, Robert L. — 2.

ABSENT OR NOT VOTING.
Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at twenty-four minutes past two o'clock P.M., item 7061-0029, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

A Bill relative to gate shows (House, No. 4493,— on House, No. 4153),— was read.

There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Hart moved that the bill be amended by striking out all after the

enacting clause and inserting in place thereof the following text:—

“SECTION 1. The last paragraph of subparagraph (i) of paragraph (g) of section 4 of chapter 152 of the Acts 1997 is hereby amended by inserting after the word ‘The’, in line 1, the following words:— South Boston.

SECTION 2. Said paragraph (g) of said section 4 of said chapter 152 is hereby amended by striking out subparagraph (ii) and inserting in place thereof the following subparagraph:—

(ii) The authority shall allow the South Boston Community Development Foundation to sponsor no less than 3 events annually at the Boston Convention and Exhibition Center to raise funds for the South Boston Community Development Foundation as provided for herein and shall include access to on site parking facilities. The events shall not include gate shows. The events shall be scheduled mutually by the authority and the foundation so as not to conflict or interfere with the regular operation of the Boston Convention and Exhibition Center. The foundation’s use of the center may not be reserved more than 1 year in advance of an event and shall be limited to that portion of the facility used by the foundation’s event if the event does not utilize the entire facility. The foundation shall not be charged for use of the center for the event provided that the foundation shall receive the net proceeds from the event after all current operating expenses attributable to the event, including operations, wages, contracts for services by others, maintenance, security and utilities, as usually charged and calculated by the authority as its costs for similar events, are deducted from all income received by the authority attributed to the event, including but not limited to, income from operating revenues and receipts, admissions, parking, food and beverages and all other revenue sources, if any. The events shall be sponsored by the foundation for the purposes set forth in this subparagraph; but, the net proceeds of the events shall not be used for any purposes other than those described in this subparagraph except for reasonable expenses of the foundation. The foundation shall deposit all proceeds in the South Boston Community Development Fund.

SECTION 3. Said paragraph (g) of said section 4 of said chapter 152 is hereby further amended by striking out subparagraph (iii) and inserting in place thereof the following subparagraph: (iii) The South Boston Community Development Fund shall consist of: (1) the net proceeds from events sponsored by the South Boston Community Development Foundation as provided for in subparagraph (ii); (2) a community benefit assessment paid by the gate show sponsor or promoter to the authority and thereafter by the authority to the foundation for each gate show held at the center pursuant to paragraph (d) of section 15 consisting of: (1) payment of 10 cents per square foot for each gross square foot of the center’s exhibition space occupied for the gate show; (2) payment of \$1 for each paid admission to the gate show; and (3) any other contributions, revenues or monies attributed to the foundation or to the fund as may be deposited from time to time. The authority shall make the payment pursuant to this subparagraph within 14 days after each gate show held at the center.

SECTION 4. Subparagraph (iv) of said paragraph (g) of said section 4 of said chapter 152 is hereby amended by inserting after the word ‘project’, in line 4, the following words:— subject to an application process and the establishment of criteria consistent with the purposes of this subsection.

SECTION 5. Section 15 of said chapter 152 is hereby amended by striking out paragraph (d) and inserting in place thereof the following paragraph:—

(d) The authority may be marketed and used for so-called gate shows or other similar consumer shows pursuant to subparagraph (iii) of subsection (g) of section 4; if each gate show or other similar consumer show uses 250,000 gross square feet or more of the center’s exhibition space. For each gate show or similar consumer show held at the center pursuant to this section, the authority in consultation with the Boston police, state police and other public safety agencies shall prepare a traffic and parking control and management plan, subject to the approval of the city of Boston traffic and parking department. The authority shall prepare an annual evaluation of parking control and management for the gate shows and hold a public meeting annually to present and discuss the evaluation.”

The amendment was adopted.

Mr. Barrios moved that the bill be amended by adding the following sentence:— “The Boston Convention and Exhibition Center may give priority hiring status for all event-related, skilled maintenance work to current Boston Convention and Exhibition Center employees.”

The amendment was rejected.

The bill, as amended, was then ordered to a third reading and read a third time.

After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at twenty-five minutes before three o’clock P.M., on motion of Mr. O’Leary, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 530]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.

Augustus, Edward M., Jr. Menard, Joan M.

Baddour, Steven A. Montigny, Mark C.

Barrios, Jarrett T. Moore, Richard T.

Berry, Frederick E. Morrissey, Michael W.

Brewer, Stephen M. Murray, Therese

Brown, Scott P. Nuciforo, Andrea F., Jr.

Buoniconti, Stephen J. O’Leary, Robert A.

Chandler, Harriette L. Pacheco, Marc R.

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

Creem, Cynthia Stone Resor, Pamela

Fargo, Susan C. Spilka, Karen E.

Hart, John A., Jr. Tarr, Bruce E.
Havern, Robert A. Timilty, James E.
Hedlund, Robert L. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
Knapik, Michael R. Walsh, Marian
Lees, Brian P. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at twenty-three minutes before three o'clock P.M., the bill was passed to be engrossed, in concurrence with the amendment.

Sent to the House for concurrence in the amendment.

The House Bill providing for a certain exemption from the sales tax (House, No. 5200, amended),— came from the House with the endorsement that the House had concurred in the Senate amendment adding the following 2 sections:—

“SECTION 7. Section 1 of chapter 64C of the General Laws is hereby amended by striking out the words ‘, smokeless tobacco, cigars and smoking tobacco’, inserted by section 23 of chapter 122 of the acts of 2006, and inserting in place thereof the following words:— and smokeless tobacco.

SECTION 8. In calculating the fiscal year 2008 base revenue amount for the Massachusetts Bay Transit Authority State and Local Contribution Fund under section 35T of chapter 10 of the General Laws, the state comptroller shall add to the actual tax revenues received under chapters 64H and 64I of the General Laws in the preceding 12 months the amount of sales tax revenue foregone because of this act, as estimated by the commissioner of revenue.”, with a further amendment striking out section 8 (inserted by amendment by the Senate).

The rules were suspended, on motion of Mr. Barrios, and the House amendment was considered forthwith and adopted, in concurrence.

Matter Taken Out of the Orders of the Day.

Pursuant to an order previously adopted and there being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill further regulating driver education and junior operator's licenses (House, No. 5064),— was read a second time. Pending the main question on ordering the bill to a third reading and pending the question on adoption of the amendment as recommended by the committee on Ways and Means, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2680; and by inserting before the enacting clause the following emergency preamble:—

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate further driver education and junior operators' licenses, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.”,— the following amendments were considered:—

Messrs. Tisei, Lees, Knapik, Tarr, Hedlund and Brown moved that the new text be amended by inserting at the end thereof the following section:—

“SECTION XX. Section 2 of chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by deleting the second and third sentences, beginning in line 2, and inserting in place thereof the following:— If the owner is a corporation or business entity the application shall contain the name of the corporation or business entity, the full address including the street and city or town, state and zip code, the federal tax identification number if a corporation, or the social security number if the business entity is a sole proprietorship and does not have a federal tax identification number. If an applicant is a natural person, the application shall contain his name, full residential address, date of birth, his license number or identification card number as issued by the registrar, and such other particulars as the registrar may require. Except as otherwise provided in this chapter or in regulations promulgated by the registrar, no registration shall be issued for a motor vehicle or trailer owned or leased by a natural person unless one of its registering owners or lessees holds a current, valid license or identification card issued by the registrar.

SECTION 2. Said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word ‘trailer’ in line 10, the following words:— to be registered.

SECTION 3. Said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word ‘statement’ in line 13, the following word:— signed.

SECTION 4. Said section 2 of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 21 through 23, the words ‘register in a book or upon suitable index cards to be kept for the purpose the motor vehicle or trailer described in the application, giving to the vehicle’ and inserting in place thereof the following:— keep a record of motor vehicles and trailers that satisfy the application requirements, assign to each motor vehicle and trailer.”

The amendment was adopted.

Messrs. Tisei, Lees, Knapik, Tarr, Hedlund and Brown moved that the new text be amended by striking out section 26 and inserting in place thereof the following section:—

“SECTION 26. The registrar of motor vehicles is hereby authorized and directed to develop a portable junior operator’s placard which shall be issued by the registry to all junior operator’s license holders at the time they receive their junior operator’s license. The words ‘JUNIOR OPERATOR’ shall appear on the front of the placard in large, bold-faced type, along with the name and photograph of the junior operator and the number of their junior operator’s license. The back of the placard shall include the name, address, and date of birth of the junior operator, along with the expiration date of their junior operator’s license, and shall be designed in such a way that this information is not visible from outside the vehicle. The placard shall also include any other information the registrar may deem necessary. No person holding a junior operator’s license shall be allowed to operate a motor vehicle unless the front of their junior operator’s placard is prominently displayed in the rear windshield of the motor vehicle. Failure to properly display a junior operator’s placard shall be punishable by a fine, the amount of which shall be determined by the registrar. The registrar shall also set an appropriate fee for replacing a lost or damaged junior operator’s placard.”

The amendment was adopted.

Subsequently, Mr. Creedon moved reconsideration of adoption of the amendment; and this motion prevailed.

Messrs. Creedon, Morrissey and O’Leary then moved to amend the amendment (Tisei, et al) by adding at the end thereof the following:—

“In section 3, by adding the following new paragraph:—

The registrar shall adopt regulations for a junior operators’ placard to be affixed to a vehicle driven by a junior operator, including the design and regulations for location of the placard, as well as a reasonable fee to be charged to cover the cost of printing and administration. A vehicle driven by a junior operator shall display the placard. A junior operator found operating a vehicle without a placard shall be punished by a fine of not more than \$200 and by license suspension for not more than 90 days and for a second or subsequent offense by a fine of not more than \$500 and license suspension for not more than 6 months.”

The further amendment was adopted.

The amendment (Tisei et al), as amended, was again considered; and it was adopted.

Messrs. Buoniconti and Morrissey moved that the new text be amended, in section 2, by striking out the words “; provided, however, that a parent or guardian of an applicant under 18 years of age, unless the applicant is an emancipated minor, shall participate in at least 2 hours of the 30 hours of classroom instruction”.

The amendment was adopted.

Ms. Creem moved that the new text be amended by adding at the end the following section:

“SECTION ____ . Section 8 of Chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding at the end, the following:— No person shall operate a motor vehicle on a public way:

- (1) while holding a mobile telephone in one or both hands or with any part of the body; or
- (2) while using or operating a mobile telephone, unless the telephone is
 - a. affixed to the vehicle or part of a fixture in the vehicle and remains so affixed while being operated
 - b. operated as headgear, in accordance with the recommended use of the product by the manufacturer; or
 - c. a hands free, so called, device

This section shall not apply to the driver of:

- (1) a fire-fighting vehicle
- (2) a rescue vehicle
- (3) an ambulance; or
- (4) a state, county, or local public safety official operating a motor vehicle in the course of her duties.

A violation of this section shall be punishable by a fine of \$50. A second offense shall be punishable by a fine of \$100. Each subsequent offense shall be punishable by a fine of not more than \$250.

It shall be an affirmative defense to a violation of this section, to produce documentary or other evidence that the telephone call that is the basis of the alleged violation was made for the sole purpose of seeking emergency assistance.

A violation of this paragraph shall not be considered as a conviction of a moving violation of motor vehicle laws for the purpose of determining surcharges on motor vehicle premiums pursuant to section 113B of Chapter 175.

No insurance company doing business in the commonwealth shall deny an individual the right to purchase a motor vehicle liability policy based on a violation of this section.”

The amendment was rejected.

Ms. Spilka and Ms. Chandler moved that the new text be amended by adding at the end thereof the following two new sections:

“SECTION ____ . Section 8 of said chapter 90, as so appearing is hereby further amended after the fourth paragraph by adding the following new paragraph:—

No person holding a junior operator’s license shall operate a motor vehicle while using a mobile telephone except in the case of an emergency. For the purposes of this paragraph, an emergency shall mean calls to 911, a hospital, a health clinic, a doctor’s office, an ambulance service provider, a fire department, a law enforcement agency, or a first aid squad. The holder of a junior operator’s license who violates this paragraph shall be deemed to be operating a motor vehicle without being duly licensed under this chapter. In addition to the penalty provided in section 10, the license of a junior operator deemed to be operating a motor vehicle without being duly licensed shall be suspended for 60 days for a first offense, 180 for a second offense and 1 year for a third or subsequent offense. A junior operator whose license is suspended for a violation of this paragraph shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of the motor vehicle laws and until he successfully completes a driving test as required by the registrar. A violation of this paragraph shall be enforced by law enforcement agencies as a primary offense.

SECTION ____ . Section 8B of said chapter 90, as so appearing, is hereby further amended after the fourth paragraph by adding

the following new paragraph:—

No person holding a learner's permit shall operate a motor vehicle while using a mobile telephone except in the case of an emergency. For the purposes of this paragraph, an emergency shall mean calls to 911, a hospital, a health clinic, a doctor's office, an ambulance service provider, a fire department, a law enforcement agency, or a first aid squad. The holder of a learner's permit who violates this paragraph shall be deemed to be operating a motor vehicle without being duly licensed and shall have his learner's permit suspended for a period of 60 days for a first offense, 180 days for a second offense and 1 year for a third or subsequent offense and shall be required to reapply for his learner's permit before he may be issued a license to operate a motor vehicle pursuant to section 8. The registrar shall send notice of a suspension of a junior operator's learner's permit for a violation of this paragraph to the junior operator, and to the junior operator's parent or guardian if the junior operator is not exempt under this section. A violation of this paragraph shall be enforced by law enforcement agencies as a primary offense."

The amendment was rejected.

Mr. Barrios and Ms. Chandler moved that the new text be amended by adding the following new section:

"SECTION 11. Section 8 of chapter 90 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting, in line 83, the following paragraph:—

A person under eighteen years of age shall not use a mobile telephone while driving. For the purposes of this section, a 'mobile telephone' shall include, but not be limited to, a mobile telephone utilizing cellular, analog, satellite, wireless or digital telephone technology, and capable of sending or receiving telephone communications. A violation of this section shall be punishable by a suspension of his or her driver's license for not more than 1 year and a fine of not more than \$100. It shall be an affirmative defense for a person under the age of eighteen to produce documentary or other evidence that the telephone call that is the basis of the alleged violation was made for the sole purpose of seeking emergency assistance. A violation of this paragraph shall not be considered as a conviction of a moving violation of the motor vehicle laws for the purpose of determining surcharges on motor vehicle premiums pursuant to section 113 of chapter 175. An insurance company doing business in the commonwealth shall not deny an individual the right to purchase a motor vehicle liability policy based on a violation of this paragraph."

The amendment was adopted.

Ms. Wilkerson moved that the new text be amended by striking from Section 8 from lines 31-32 the following:—"A violation of this paragraph shall be enforced by law enforcement agencies as a primary offense.", and inserting in place thereof the following:—"The provisions of this paragraph shall be enforced by law enforcement agencies only when a junior operator of a motor vehicle has been lawfully stopped for a violation of the motor vehicle laws or some other offense."; and by striking in Section 8 from lines 53-55 the following:—"A violation of this paragraph shall be enforced by law enforcement agencies as a primary offense." and inserting in place thereof the following:—"The provisions of this paragraph shall be enforced by law enforcement agencies only when a junior operator of a motor vehicle has been lawfully stopped for a violation of the motor vehicle laws or some other offense."

The amendment was rejected.

Mr. Joyce and Ms. Chandler moved that the new text be amended as follows:—

"Chapter 90 of the General Laws is hereby amended by inserting after section 8C the following section:—

Section 8C½. (a) The registrar shall require that all persons aged 85 or older who are seeking to renew their operator's licenses take a vision and road test before being reissued such license.

(b) The registrar shall develop a public outreach campaign to provide information to drivers on safe driving practices, techniques for self-testing and local transportation alternatives."

After debate, the amendment was rejected.

The Ways and Means amendment, as amended (Senate, No. 2680, amended), was then adopted. The bill was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at eight minutes past three o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 531]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.

Augustus, Edward M., Jr. Menard, Joan M.

Baddour, Steven A. Montigny, Mark C.

Barrios, Jarrett T. Moore, Richard T.

Berry, Frederick E. Morrissey, Michael W.

Brewer, Stephen M. Murray, Therese

Brown, Scott P. Nuciforo, Andrea F., Jr.

Buoniconti, Stephen J. O'Leary, Robert A.

Chandler, Harriette L. Pacheco, Marc R.

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

Creem, Cynthia Stone Resor, Pamela

Fargo, Susan C. Spilka, Karen E.

Hart, John A., Jr. Tarr, Bruce E.

Havern, Robert A. Timilty, James E.

Hedlund, Robert L. Tisei, Richard R.

Jehlen, Patricia D. Tolman, Steven A.

Joyce, Brian A. Tucker, Susan C.
Knapik, Michael R. Walsh, Marian
Lees, Brian P. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at ten minutes past three o'clock P.M., the bill was passed to be engrossed, in concurrence with the amendments.

Subsequently, Mr. Baddour moved reconsideration on passing the bill to be engrossed, third reading of the bill, ordering to a third reading, adoption of the Ways and Means amendment, as amended, and on the question of adoption of the amendment offered by Ms. Wilkerson which had been previously rejected; and this motion prevailed.

Ms. Wilkerson, Messrs. Nuciforo, Morrissey and Creedon moved that the bill be amended in section 3, by striking out the word "primary", each time it appears, and inserting in place thereof the following word:— secondary.

The amendment was adopted.

The Ways and Means amendment, as amended (Senate, No. 2680, amended) was then again adopted.

The bill was again ordered to a third reading, read a third time and was again passed to be engrossed, in concurrence, with the amendment. [For text of Senate amendments, see Senate, No. 2688, printed as amended.]

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

A Bill increasing the statute of limitations for sexual crimes against children (House, No. 5234,— on House, No. 836),— was read.

There being no objection, the rules were suspended, on motion of Mr. Baddour, and the bill was read a second time.

Messrs. Baddour, Tolman, Brewer, Lees, Tarr, Montigny, Panagiotakos, Brown, Tisei, Knapik and Hedlund and Ms. Tucker moved to amend the bill by inserting after section 9 the following section:—

"SECTION 9A. The second paragraph of said section 63 of said chapter 277, as so appearing, is hereby further amended by adding the following sentence:— The period of limitation for a prosecution for any such offense shall not commence during any period: (1) during which the victim refrains from disclosing the offense to law enforcement authorities as a result of threats of physical harm directed at the victim or at another member of the victim's immediate family; (2) during which the victim refrains from disclosing the abuse to law enforcement authorities as a result of a physical or psychological condition caused by the abuse, which would cause an objectively reasonable person to fail to recognize the causal connection between the abuse and the injury it caused; and (3) during which the defendant caused a material witness or material evidence to be out of the commonwealth or otherwise unavailable to law enforcement authorities shall not commence."

The amendment was adopted.

Mr. Baddour moved to amend the bill by inserting after section 7 the following section:—

"SECTION 7A. Chapter 265 of the General Laws is hereby amended by adding the following section:—

Section 47. Any person who is placed on probation for any offense listed within the definition of 'sex offense', a 'sex offense involving a child' or a 'sexually violent offense', as defined in section 178C of chapter 6, shall, as a requirement of any term of probation, wear a global positioning system device, or any comparable device, administered by the commissioner of probation, at all times for the length of his probation for any such offense. The commissioner of probation, in addition to any other conditions, shall establish defined geographic exclusion zones including, but not limited to, the areas in and around the victim's residence, place of employment and school and other areas defined to minimize the probationer's contact with children, if applicable. If the probationer enters an excluded zone, as defined by the terms of his probation, the probationer's location data shall be immediately transmitted to the police department in the municipality wherein the violation occurred and the commissioner of probation, by telephone, electronic beeper, paging device or other appropriate means. If the commissioner or the probationer's probation officer has probable cause to believe that the probationer has violated this term of his probation, the commissioner or the probationer's probation officer shall arrest the probationer pursuant to section 3 of chapter 279. Otherwise, the commissioner shall cause a notice of surrender to be issued to such probationer.

The fees incurred by installing, maintaining and operating the global position system device, or comparable device, shall be paid by the probationer. If an offender establishes his inability to pay such fees, the court may waive them."; and by striking out section 7 and inserting in place thereof the following section:—

"SECTION 7. Chapter 127 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following section:—

Section 133D½. Any person under court ordered parole supervision or under community parole supervision for life for any offense listed within the definition of 'sex offense', a 'sex offense involving a child' or a 'sexually violent offense' shall, as a requirement of such parole, wear a global positioning system device, or any comparable device, administered by the board at all times for the length of his parole for any such offense. The board shall, in addition to any other condition, establish defined geographic exclusion zones including, but not limited to, the areas in and around the victim's residence, place of employment and school and other areas defined to minimize the probationer's contact with children, if applicable. If the parolee enters an excluded zone, as defined by the terms of his parole, the parolee's location data shall be immediately transmitted to the police department

in the municipality wherein the violation occurred and the board, by telephone, electronic beeper, paging device or other appropriate means. If the board or the parolee's parole officer believes that the parolee has violated his terms of parole by entering an excluded zone as prescribed in this section, the board or parole office shall cause the parolee to be taken into temporary custody in accordance with section 149A of chapter 127."

The amendment was adopted.

Ms. Murray moved that the bill be amended in section 6 by inserting after the words "chapter 111." the following words:—"The commonwealth shall establish and maintain comparable convalescent or nursing homes, infirmaries, charitable homes for the aged, and intermediate care facilities for the mentally retarded, and rest homes for level 3 sex offenders to be placed in or transferred to for care. Residence in one of these facilities established for level 3 offenders, shall not be a violation of this section."

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

Message from 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 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5000), which on Friday, June 30, 2006, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 5150) was read; and the Senate proceeded to reconsider several items, which had been disapproved or reduced in accordance with the provisions of the Constitution.

Item 7061-9404 (Comprehensive Assessment Exam Support Services) was considered as follows:

"7061-9404 For grants to cities, towns and regional school districts to provide targeted remediation programs in English and math to students in the classes of 2003 and beyond, scoring in level one on the Massachusetts Comprehensive Assessment System (MCAS) exam established by the board of education pursuant to the provisions of sections 1D and 1I of said chapter 69 of the General Laws; provided, that the department and districts shall ensure that services are available to students with disabilities; provided further, that, in awarding remediation funds, preference may be given to schools and districts at risk of or determined to be underperforming in accordance with said sections 1J and 1K of said chapter 69; provided further, that the purpose of this program shall be to improve students' performance on the MCAS exam through replication of services and educational strategies with proven results as determined by the department of education that may include but shall not be limited to: integrated tutoring and mentoring programs, supplemental web-based tutorial programs that are diagnostic and prescriptive, weekend and school vacation programs focused on English and math remediation, the English and math components of comprehensive after school programs, and the remediation component of summer programs; provided further, that such programs shall supplement currently funded local, state, and federal programs at the school or district; provided further, that such grants and assistance shall be used solely for the academic portions of such programs, and shall focus on the acquisition of skills in English and math needed to pass the MCAS; provided further, that funds shall be expended for a competitive grant program to fund academic support and college transition services to be implemented in fiscal year 2007, and operated by public institutions of higher learning or by public-private partnerships in the commonwealth, for students in the graduating classes of 2003, 2004, 2005 and 2006 who have completed high school but have not yet obtained a competency determination as defined in section 1D of chapter 69 as measured by the MCAS assessment instrument authorized by said section 1I of said chapter 69, but who are working to pass the English and math MCAS tests, obtain a competency determination, and earn a high school diploma; provided further, that for the purpose of the programs, appropriated funds may be expended through August 31, 2007 to allow for summer remediation programs; provided further, that funds shall be expended for a competitive grant program to fund Pathways programs targeting eleventh and twelfth graders, instituted by local school districts, public institutions of higher education and qualified public and private educational services organization and One Stop Career Centers including, but not limited to, school-to-work connecting activities creating worksite learning experiences for students as an extension of the classroom, outreach programs for students who will need post-twelfth grade remediation to attain the skills necessary to pass MCAS, and counseling programs to educate parents and high school students on post-twelfth grade remediation options; provided further, that funds shall be expended for a competitive grant program, guidelines for which shall be developed by the department of education, for intensive remediation programs, in communities with students in the graduating classes of 2003 to 2008, inclusive, who have not obtained a competency determination on either the tenth grade English or math MCAS exams; provided further, that the department of education may give preference for such assistance to those districts with a high percentage of high school students scoring in level one on the MCAS exam in English and math; provided further, that eligible applicants shall include individual high schools, and those institutions which shall have partnered with a high school or group of high schools, including but not limited to, institutions of public and private higher education, providers of adult basic education services, career centers, other public and private educational services organizations, including, but not limited to, JFY networks, a non-profit corporation, and after-school programs with a structured academic component and focused on MCAS remediation operated by public and non-public entities including, but not limited to, members of the National Alliance of Boys and Girls Clubs; provided further, that no

district shall receive a grant from this appropriation until said district submits to the department of education a comprehensive district plan pursuant to the provisions of section 11 of chapter 69, to improve performance of all student populations including, but not limited to, students with disabilities; provided further, that not less than \$1,000,000 shall be transferred to JFY networks, a non-profit corporation formerly Jobs for Youth, for a matching grant for the purposes of enhancing student performance on the Massachusetts Comprehensive Assessment system examination through instructional computer software; provided further, that the department shall issue a report, no later than February 1, 2007 and annually thereafter as a condition of continued funding under this account, in collaboration with the board of higher education, describing MCAS support programs for the graduating classes of 2003 to 2008, inclusive, funded by items 7061-9404 and 7027-0019, school to work accounts, institutions of public higher education, and other sources, including federal sources; provided further, that such report shall include, but not be limited to, the number of students eligible to participate in such programs, the number of students participating in such programs, the number of students who have passed the MCAS assessment and obtained a competency determination through these programs, but not met local graduation requirements, and the number of students who have passed the MCAS assessment and obtained a competency determination through these programs and met local graduation requirements; provided further, that said report shall be provided to the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; provided further, that the department may expend up to \$350,000 to administer programs funded herein; and provided further, that any grant funds distributed from this item to a city, town or regional school district shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such city, town, or regional school district without further appropriation, notwithstanding any general or special law to the contrary; provided further, that \$300,000 shall be transferred to the Efficacy Institute for work in ‘Campaigns for Proficiency’ in Springfield, Boston and Lawrence, to be used for training public school teachers and youth workers in after-school programs in methods for using assessment data to develop effective strategies to improve student performance on the MCAS; provided further, that not less than \$75,000 shall be expended for Link Services at the Pettengill House to provide advocacy counseling, referrals, emergency assistance and prevention education programs to the children and families of both Triton Regional and Amesbury Public Schools; provided further, that not less than \$125,000 shall be expended for Casa Dominicana in Lawrence; provided further, that not less than \$100,000 shall be expended for Lawrence Learning Center and Community Development in the City of Lawrence; provided further, that not less than \$50,000 shall be expended for Centro Latino de Chelsea to provide adult basic education services in the city of Chelsea; provided \$50,000 shall be expended for The WhizKids Foundation Inc.; provided further, that not less than \$370,000 shall be allocated to the Framingham public schools to evaluate existing dual-immersion programs in the town of Framingham and elsewhere in the commonwealth including an evaluation of best practices and all professional development related to these programs; provided further, that any evaluation will examine the likelihood and efficiency of replication of these programs and practices in school districts with large percentage of English language learners; provided further, that these funds may be expended for professional development related to these programs; provided further, that \$50,000 shall be expended for the Astro Park Astronomy Facility at Barnstable High School; provided further, that not less than \$20,000 shall be expended for a Brown Eyes Blue Eyes Pilot Project, linking performance to perception to improve assessment exam scores by teaching children how to recognize faulty stereotypes inherent in racism for schools in Falmouth, Mashpee, Bourne, Barnstable and Springfield; provided further, that not less than \$100,000 shall be expended for the clean slate program, to provide classroom and community service supervision for youthful offenders; provided further, that not less than \$15,000 shall be expended for after school programs for at-risk youth in the city of Lynn; and provided further, that not less than \$180,000 shall be expended for the Invest-in-Kids program to provide after school programs in the city of New Bedford 10,332,793”.

[The Governor reduced this item by \$370,000 and struck the following wording “; provided further, that not less than \$370,000 shall be allocated to the Framingham public schools to evaluate existing dual-immersion programs in the town of Framingham and elsewhere in the commonwealth including an evaluation of best practices and all professional development related to these programs; provided further, that any evaluation will examine the likelihood and efficiency of replication of these programs and practices in school districts with large percentage of English language learners; provided further, that these funds may be expended for professional development related to these programs”.]

The question on passing item 7061-9404, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-one minutes past three o’clock P.M., as follows, to wit (yeas 33 — nays 5) [Yeas and Nays No. 532]:

YEAS.

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

Fargo, Susan C. Spilka, Karen E.
Hart, John A., Jr. Timilty, James E.
Havern, Robert A. Tolman, Steven A.
Hedlund, Robert L. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Joyce, Brian A. Wilkerson, Dianne — 33.
McGee, Thomas M.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Knapik, Michael R. Tisei, Richard R. — 5.
Lees, Brian P.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at twenty-three minutes past three o'clock P.M., item 7061-9404, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7080-0200 (Alabama Reading Initiative) was considered as follows:

“7080-0200 For the Bay State Reading Institute, Inc.; provided, that the program shall be administered under contract to Middlesex Community College in programmatic collaboration with Fitchburg State College; provided further, that the Institute shall provide literacy based intervention in schools and districts at risk of or determined to be underperforming in accordance with sections 1J and 1K of chapter 69 of the General Laws; provided further, that preference in the awarding of said funds shall be given to schools and districts with a high percentage of minority or low-income students; provided further, that such school-wide literacy-based intervention programs shall be based on effective, research-based instruction in reading, as called for in Reading First; provided further, that in its evaluation of applications for said initiative, the executive director of said initiative may take into consideration schools' cumulative grade 3 MCAS scores; provided further, that such school-wide literacy-based intervention programs shall provide for the evaluation and tracking of all students' reading and writing skills at least annually, shall include measurable goals and benchmarks, shall be led by a school-based planning team which includes teaching faculty and the school principal, shall provide for the training of teachers in effective, research-based strategies for reading instruction and shall include a school-wide literacy coordinator who shall be responsible for the coordination and training of other school staff; provided further, that said initiative shall require that participating schools engage in frequent assessment of the progress of individual students, including diagnostics to pin-point the source of difficulty for struggling students, use small-group, student-centered instruction for a substantial part of the school day in order to allow teachers to meet the needs of individual students and differentiate instruction to help every student reach his or her potential, use research-based interventions that address the particular needs of struggling students, focus on literacy instruction, including writing across the curriculum, monitor progress frequently to make sure that the strategies used with these students are working, and seek out additional funding for after-school time and for substitutes to give teachers an opportunity to plan together, to take a leadership role in implementing change, and to meet with and observe their peers in partner schools; and provided further, that funds appropriated in this item for said initiative may be expended through June 30, 2008 1,500,000”.

[The Governor disapproved this item.]

The question on passing item 7080-0200, contained in section 2, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-four minutes past three o'clock P.M., as follows, to wit (yeas 34 — nays 4) [Yeas and Nays No. 533]:

YEAS.

Antonioni, Robert A. Brewer, Stephen M.
Augustus, Edward M., Jr. Buoniconti, Stephen J.
Baddour, Steven A. Chandler, Harriette L.
Barrios, Jarrett T. Creedon, Robert S., Jr.
Berry, Frederick E. Creem, Cynthia Stone
Fargo, Susan C. O'Leary, Robert A.
Hart, John A., Jr. Pacheco, Marc R.
Havern, Robert A. Panagiotakos, Steven C.
Jehlen, Patricia D. Resor, Pamela
Joyce, Brian A. Spilka, Karen E.
McGee, Thomas M. Tarr, Bruce E.
Menard, Joan M. Timilty, James E.
Montigny, Mark C. Tisei, Richard R.
Moore, Richard T. Tolman, Steven A.

Morrissey, Michael W. Tucker, Susan C.
Murray, Therese Walsh, Marian
Nuciforo, Andrea F., Jr. Wilkerson, Dianne — 34.

NAYS.

Brown, Scott P. Knapik, Michael R.
Hedlund, Robert L. Lees, Brian P. — 4.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at twenty-six minutes past three o'clock P.M., item 7080-0200, contained in section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7100-0200 (University of Massachusetts) was considered as follows:

"7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding any general or special law to the contrary, the university may establish and organize auxiliary organizations, subject to policies, rules and regulations adopted by the board, to provide essential functions which are integral to the educational mission of the university; provided further, that notwithstanding any general or special law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance; provided further, that not less than \$500,000 shall be expended in fiscal year 2007 for the University of Massachusetts at Amherst Cranberry Station at Wareham; provided further, that such funds shall be expended under a plan reviewed and recommended by the University of Massachusetts at Amherst Cranberry Experiment Station Board of Oversight; provided further, not less than \$70,000 shall be expended for the state cranberry bog renovation at the University of Massachusetts at Amherst Cranberry Station at Wareham; provided further, that not less than \$500,000 shall be expended for the Center for Portuguese Studies to operate at the University of Massachusetts at Dartmouth; provided further, that not less than \$50,000 shall be expended for the UMASS Dartmouth Center for Business Research; provided further, that not less than \$380,000 shall be expended for the School for Marine Environmental Science Technology and Fisheries to operate at the University of Massachusetts at Dartmouth; provided further, that the sum expended for the UMass Extension in fiscal year 2007 shall be adjusted only in direct proportion to university budget adjustments to other academic programs of the University of Massachusetts at Amherst; provided further, that such funds shall be expended in accordance with a plan reviewed and recommended by the UMass Extension Board of Public Overseers; provided further, that not less than \$50,000 shall be expended for the 4-H program; provided further, that not less than \$250,000 shall be expended for labor studies programs at the Amherst, Boston, Dartmouth and Lowell campuses; provided further, that funding for the William Joiner Center for the Study of War and Social Consequences shall be funded at an amount not less than was allocated in the previous fiscal year; provided further, that not less than an additional \$60,000 shall be appropriated for the Hispanic Writers in the Schools program; provided further, that not less than \$368,000 shall be expended for the Maurico Gaston Institute for Latino Community Development and Public Policy at the University of Massachusetts at Boston; provided further, that not less than \$60,000 shall be expended for the Grace Grossman Inner-City Youth Collaborative at the University of Massachusetts Field Station on Nantucket; provided further, that not less than \$150,000 shall be expended for a pilot program at the University of Massachusetts at Lowell environmental health and safety department for the use of fire resistant intumescent/ refractory paint; provided further, that not less than \$60,000 shall be expended for the Sustainable Urban Redevelopment Program at the University of Massachusetts at Lowell; and provided further, that not less than \$350,000 shall be expended for the William Monroe Trotter Institute at the University of Massachusetts at Boston 443,803,408".

[The Governor reduced this item by \$5,000,000.]

The question on passing item 7100-0200, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-seven minutes past three o'clock P.M., as follows, to wit (yeas 37 — nays 1) [Yeas and Nays No. 534]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Barrios, Jarrett T. Morrissey, Michael W.
Berry, Frederick E. Murray, Therese
Brewer, Stephen M. Nuciforo, Andrea F., Jr.
Brown, Scott P. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.

Hart, John A., Jr. Timilty, James E.
Havern, Robert A. Tisei, Richard R.
Hedlund, Robert L. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 37.
McGee, Thomas M.

NAYS.

Lees, Brian P. — 1.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at twenty-eight minutes past three o'clock P.M., item 7100-0200, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7100-0300 (Toxics Use Reduction Institute — UMass Lowell) was considered as follows:

“7100-0300 For the operation of the Toxics Use Reduction Institute program at the University of Massachusetts at Lowell, in accordance with section 6

of chapter 21I of the General Laws 1,323,948”.

[The Governor reduced this item by \$58,927.]

The question on passing item 7100-0300, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-nine minutes past three o'clock P.M., as follows, to wit (yeas 34 — nays 4) [Yeas and Nays No. 535]:

YEAS.

Antonioni, Robert A. Brewer, Stephen M.
Augustus, Edward M., Jr. Buoniconti, Stephen J.
Baddour, Steven A. Chandler, Harriette L.
Barrios, Jarrett T. Creedon, Robert S., Jr.
Berry, Frederick E. Creem, Cynthia Stone
Fargo, Susan C. O'Leary, Robert A.
Hart, John A., Jr. Pacheco, Marc R.
Havern, Robert A. Panagiotakos, Steven C.
Jehlen, Patricia D. Resor, Pamela
Joyce, Brian A. Spilka, Karen E.
McGee, Thomas M. Tarr, Bruce E.
Menard, Joan M. Timilty, James E.
Montigny, Mark C. Tisei, Richard R.
Moore, Richard T. Tolman, Steven A.
Morrissey, Michael W. Tucker, Susan C.
Murray, Therese Walsh, Marian
Nuciforo, Andrea F., Jr. Wilkerson, Dianne — 34.

NAYS.

Brown, Scott P. Knapik, Michael R.
Hedlund, Robert L. Lees, Brian P. — 4.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at a half past three o'clock P.M., item 7100-0300, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7100-0700 (Office of Dispute Resolution) was considered as follows:

“7100-0700 For the operation of the office of dispute resolution at the University of Massachusetts at Boston under section 46 of chapter 75 of the General

Laws 166,440”.

[The Governor disapproved this item.]

The question on passing item 7100-0700, contained in section 2, in concurrence, the disapproval of His Excellency the Governor

to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-nine minutes before four o'clock P.M., as follows, to wit (yeas 35 — nays 3) [Yeas and Nays No. 536]:

YEAS.

Antonioni, Robert A. Havern, Robert A.
Augustus, Edward M., Jr. Hedlund, Robert L.
Baddour, Steven A. Jehlen, Patricia D.
Barrios, Jarrett T. Joyce, Brian A.
Berry, Frederick E. McGee, Thomas M.
Brewer, Stephen M. Menard, Joan M.
Buoniconti, Stephen J. Montigny, Mark C.
Chandler, Harriette L. Moore, Richard T.
Creedon, Robert S., Jr. Morrissey, Michael W.
Creem, Cynthia Stone Murray, Therese
Fargo, Susan C. Nuciforo, Andrea F., Jr.
Hart, John A., Jr. O'Leary, Robert A.
Pacheco, Marc R. Tisei, Richard R.
Panagiotakos, Steven C. Tolman, Steven A.
Resor, Pamela Tucker, Susan C.
Spilka, Karen E. Walsh, Marian
Tarr, Bruce E. Wilkerson, Dianne — 35.
Timilty, James E.

NAYS.

Brown, Scott P. Lees, Brian P. — 3.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at twenty-eight minutes before four o'clock P.M., item 7100-0700, contained in section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7109-0100 (Bridgewater State College) was considered as follows:

“7109-0100 For Bridgewater State College; provided, that not less than \$245,814 shall be expended for the operation of the John Joseph Moakley Center

for Technological Applications 37,159,230”.

[The Governor reduced this item by \$454,132.]

The question on passing item 7109-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-seven minutes before four o'clock. P.M., as follows, to wit (yeas 34 — nays 4) [Yeas and Nays No. 537]:

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Barrios, Jarrett T. Murray, Therese
Berry, Frederick E. Nuciforo, Andrea F., Jr.
Brewer, Stephen M. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Havern, Robert A. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian
Menard, Joan M. Wilkerson, Dianne — 34.

NAYS.

Brown, Scott P. Knapik, Michael R.
Hedlund, Robert L. Lees, Brian P. — 4.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at twenty-five minutes before four o'clock P.M., item 7109-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the House Bill authorizing reimbursement to the town of Easton for veterans' benefits (House, No. 4917),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Berry, 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.

Engrossed Bill — Amended.

The engrossed Bill relative to streamlining and expediting the permitting process in the Commonwealth (see House, No. 4968, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was laid before the Senate.

On motion of Mr. Creedon, Senate Rule 49 was suspended.

Ms. Wilkerson and Mr. Barrios moved that the engrossed bill be amended by inserting after section 3 the following 2 sections:—
“SECTION 3A. Section 2 of chapter 21A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after clause (7) the following clause:—

(7A) develop state-wide policies to promote environmental justice in the commonwealth and protect and regulate the use of areas of critical environmental justice concern in the commonwealth.

SECTION 3B. Said chapter 21A, as so appearing, is hereby further amended by adding the following 2 sections:—

Section 21. As used in this section and in section 22, the following words shall have the following meanings unless the context clearly requires otherwise:—

‘Cleaner production’, a manufacturing process or approach to manufacturing production that is based on toxics use reduction and pollution prevention and that strives to incorporate the following components: waste reduction, non-polluting production, energy efficiency, safe and healthy work environments and environmentally sound products and packaging.

‘Disproportionate burden’, an unfair share of environmental pollution from industrial, commercial, state or municipal operations or limited access to natural resources, including open space and water resources borne by a group of people.

‘Equal protection’, protection for a group of people, based on race, ethnicity, class, gender or handicap from bearing a disproportionate burden.

‘Environmental benefits’, access to funding, open space, enforcement, technical assistance, training or other beneficial resources disbursed by the secretary of environmental affairs, its agencies and its offices.

‘Environmental justice’, equal protection and meaningful involvement of all people with respect to the development, implementation and enforcement of environmental laws, regulations and policies and the equitable distribution of environmental benefits.

‘Environmental justice population’, a neighborhood in which the annual median household income is equal to or less than 65 per cent of the state-wide median or whose population is made up 25 per cent minority, foreign born or lacking English language proficiency or a community that the secretary has determined has borne a disproportionate burden or otherwise not received equal protection.

‘Foreign born’, individuals who identify themselves on federal census forms as not United States citizens at birth.

‘Lacking English language proficiency’, households that, according to federal census forms, do not have an adult proficient in English residing therein.

‘Low income’, median annual household income at or below 65 per cent of the state-wide median income for Massachusetts, according to federal census data.

‘Meaningful involvement’, that all neighborhoods have the right to participate in partnership with government in environmental decision-making, including needs assessment, planning, implementation, enforcement and evaluation, and that all neighborhoods are enabled and administratively assisted to participate fully through education and training means and encouraged to develop environmental stewardship.

‘Minority’, individuals who identify themselves on federal census forms as non-white or Hispanic.

‘Neighborhood’, a census block group as defined by the United States Census Bureau, but not including people who live in college dormitories or people under formally authorized, supervised care or custody.

‘Supplemental environmental project’, the performance of environmentally beneficial projects in the settlement of environmental enforcement cases.

Section 22. The secretary of environmental affairs shall establish an environmental justice program consisting of, but not limited to, the following components:

- (a) a policy position entitled the director of environmental justice and brownfields redevelopment within the office of the secretary. The director shall act as the initial point of contact on all environmental justice matters and shall coordinate the implementation of this policy, track progress and prepare annual reports for public distribution. The director shall develop a work plan for the implementation of the environmental justice program within the office of the secretary;
- (b) identification of environmental justice populations to be serviced by this section via geographic information systems mapping or other suitable tools, and updating of the map as new United States census data becomes available;
- (c) establishment of a procedure under which additional communities that does not fall under the strict demographic definition of an environmental justice population may petition for such status. The secretary shall make a finding whether the petitioner has borne a disproportionate burden or otherwise has not received equal protection;
- (d) establishment of regional agency outreach teams of liaisons from each agency and region. The team shall consist of a coordinator and existing agency staff. The teams shall, without limitation: (1) open lines of communication with local neighborhood groups through routine meetings; (2) establish specific task forces; (3) further identify languages issues; (4) identify enforcement priorities on a local basis; (5) identify a list of community improvement projects; (6) allow issues with existing facilities to be raised and addressed; (7) assist the department of environmental protection and other agencies with targeting enforcement; (8) assist the office of technical assistance and other agencies with targeting assistance; and (9) identify potential economic development opportunities that promote cleaner production and sustainable business practices;
- (e) establishment and coordination of the efforts of a working group made up of senior-level managers from each agency within the executive office of environmental affairs, the department of economic development, the department of housing and community development and the department of public health, as well as representatives from at least 2 environmental justice populations. The working group shall maximize state resources, research and technical assistance to further the goals of this section to ensure environmental justice concerns are evaluated and addressed in each of the agencies' jurisdiction and programs;
- (f) direction of agencies under the secretary to designate senior-level managers to participate in and actively support the working group and the regional agency environmental justice outreach teams;
- (g) direction of agencies under the secretary to identify and promote agency-sponsored projects, funding decisions, rulemakings or other actions intended to further environmental justice in the commonwealth;
- (h) identification of resources to create, restore and maintain open spaces located in neighborhoods where environmental justice populations reside. At a minimum, the agencies charged with acquiring and maintaining state lands shall make the promotion of preserving and restoring open spaces in neighborhoods in which environmental justice populations reside a priority;
- (i) providing an introductory environmental justice training program for employees in the executive office of environmental affairs, watershed teams and municipalities applying for grant programs or for any other resources prioritized or focused on neighborhoods in which environmental justice populations reside. Staff serving on regional agency environmental justice outreach teams, employees or organizations disbursing state funds to municipalities, individuals and organizations for the provision of open space, river maintenance or restoration, education and technical assistance, environmental policy staff and the environmental justice working group shall receive such training;
- (j) development of fact sheets describing programs directly relevant to obtaining funding or additional resources for environmental justice populations including, but not limited to, the urban self help program, Massachusetts Environmental Trust and the Massachusetts environmental policy act. The fact sheets shall be made available in languages other than English;
- (k) development of a distribution list of interested members of environmental justice populations, non-profit organizations, and others to be incorporated into mailing lists for newsletters and other general outreach information;
- (l) development and maintenance of a list of alternative information outlets that service environmental justice populations including, but not limited to, media in languages other than English, for the purpose of seeking public comments or publishing public notices;
- (m) establishment of multiple information repositories in neighborhoods in which environmental justice populations reside;
- (n) direction of agencies to develop and implement a public participation strategy that focuses agency resources on outreach activities to enhance public participation and input to agency decision making that potentially affect environmental justice populations including, but not limited to: (1) scheduling public meetings or hearings at locations and times convenient for neighborhood stakeholders; (2) translating public notices into other languages; (3) offering interpreters and translated documents at public meetings; (4) providing notices as early as possible to all neighborhoods potentially impacted by a decision; and (5) assisting environmental justice populations with grant applications and questions about environmental regulations to assist them with compliance and sustainability;
- (o) cooperation with other agencies as necessary to maximize site remediation and redevelopment programs under chapter 206 of the acts of 1998 and the promotion of nonpolluting development in neighborhoods where environmental justice populations reside;
- (p) direction of the environmental justice regional agency outreach teams to identify and address environmental justice issues and to identify and reclaim brownfield's sites identified under chapter 206 of the acts of 1998 within each region;
- (q) direction of the Massachusetts environmental policy act office to: (1) develop enhanced public participation for any project that exceeds an Environmental Notification Form threshold for air, solid and hazardous waste, other than remediation projects, or wastewater and sewage sludge treatment and disposal, if the project site is located within 1 mile of an environmental justice population, or in the case of projects exceeding the threshold for air, within 5 miles of an environmental justice population; and require enhanced analysis of impacts and mitigation for an Environmental Impact Report scope if the project exceeds a mandatory Environmental Impact Report threshold for air, solid and hazardous waste, other than remediation projects, or wastewater and sewage sludge treatment and disposal, and the project site is located within 1 mile of an environmental justice

population or, in the case of projects exceeding a mandatory threshold for air, within 5 miles of an environmental justice population. Thresholds for the forms and reports identified in this subsection are codified at 310 CMR 11.00 et seq; and (2) exempt site assessment grants and loans granted under the Brownfields Redevelopment Fund, as well as investment tax credits for equipment, tenant fit-ups, and other post-development activities administered under chapter 206 of the acts of 1998 from the category of state financial assistance for the purposes of triggering Massachusetts environmental policy act review. Projects undertaken under chapter 206 of the acts of 1998 that otherwise trigger Massachusetts environmental policy act review may be considered environmental restoration projects and subject to expedited review. In making a decision, the secretary shall consider the extent to which the new proposal would prevent pollution and eliminate or minimize risks to public health and the environment;

(r) direction of the department of environmental protection to: (1) prioritize neighborhoods in which environmental justice populations reside when selecting sectors and facilities for inspection and monitoring, prosecuting non-compliance, providing compliance assistance and allocating resources; (2) prioritize municipal outreach for sites identified under chapter 21E to neighborhoods with environmental justice populations; (3) incorporate environmental justice as a criterion for awarding technical assistance grants to non-profit organizations; (4) prioritize technical assistance to environmental justice populations in neighborhoods with hazardous waste sites identified under chapter 21E; (5) communicate with the list of community-based organizations in neighborhoods in which environmental justice populations reside in addressing compliance matters; (6) consider environmental justice as a factor in establishing priorities for activity use limitation audits under chapter 21E; (7) incorporate environmental justice as a criterion in prioritizing the investigation of sites, negotiating cost recovery under chapter 21E; (8) provide for commensurate cost recovery to municipalities for taxes owed, exclusive of interest and penalties, on sites identified under said chapter 21E and located in neighborhoods in which environmental justice populations reside; and (9) meet regularly with the executive office of environmental affairs and the department of public health to coordinate on environmental issues potentially affecting public health, including matters related to exposures from multiple sources of pollution.”; and by adding the following section:—

“SECTION 25. The executive office of environmental affairs shall adopt the initial regulations required by clause (7A) of section 2 of chapter 21A of the General Laws within 90 days after the effective date of this act.”

The amendment was adopted.

Ms. Walsh moved that the engrossed bill be amended in section 11, in proposed section 10 of chapter 43D of the General Laws, by striking out the figure “20”, wherever it occurs, and inserting in place thereof; in each instance, the following figure:— “40”.

The amendment was adopted.

Mr. Creedon moved that the engrossed bill be amended by striking out section 9.

The amendment was adopted.

Mr. Creedon moved that the engrossed bill be amended by striking out sections 15, 16 and 17.

The amendment was adopted.

Sent to the House for concurrence in the amendments.

Message from 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 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5000), which on Friday, June 30, 2006, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 5150) was read; and the Senate proceeded to reconsider several items and sections which had been disapproved or reduced 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 Fitchburg State College may expend funds to assist public schools in the cities of Gardner, Fitchburg and Leominster to build capacity, including professional development, infrastructure and hardware, for a pilot wireless learning initiative in Worcester county 25,834,184”.

[The Governor reduced this item by \$315,726.]

The question on passing item 7110-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-three minutes before four o'clock P.M., as follows, to wit (yeas 33 — nays 4) [Yeas and Nays No. 538]:

YEAS.

Antonioni, Robert A. Barrios, Jarrett T.

Augustus, Edward M., Jr. Berry, Frederick E.

Baddour, Steven A. Brewer, Stephen M.

Buoniconti, Stephen J. Nuciforo, Andrea F., Jr.

Chandler, Harriette L. O'Leary, Robert A.

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

Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Havern, Robert A. Spilka, Karen E.
Jehlen, Patricia D. Tarr, Bruce E.
Joyce, Brian A. Timilty, James E.
McGee, Thomas M. Tisei, Richard R.
Menard, Joan M. Tolman, Steven A.
Montigny, Mark C. Tucker, Susan C.
Moore, Richard T. Walsh, Marian
Morrissey, Michael W. Wilkerson, Dianne — 33.
Murray, Therese

NAYS.

Brown, Scott P. Knapik, Michael R.
Hedlund, Robert L. Lees, Brian P. — 4

ABSENT OR NOT VOTING.

Hart, John A., Jr. Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at twenty minutes before four o'clock P.M., item 7110-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

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

"7112-0100 For Framingham State College; provided, that not less than \$160,000 shall be expended for the regional economic research center; provided further, that \$130,000 shall be expended for the operation of the commonwealths' global education centers 22,388,664".

[The Governor reduced this item by \$273,617.]

The question on passing item 7112-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nineteen minutes before four o'clock P.M., as follows, to wit (yeas 34 — nays 3) [Yeas and Nays No. 539]:

YEAS.

Antonioni, Robert A. Chandler, Harriette L.
Augustus, Edward M., Jr. Creedon, Robert S., Jr.
Baddour, Steven A. Creem, Cynthia Stone
Barrios, Jarrett T. Fargo, Susan C.
Berry, Frederick E. Havern, Robert A.
Brewer, Stephen M. Jehlen, Patricia D.
Brown, Scott P. Joyce, Brian A.
Buoniconti, Stephen J. McGee, Thomas M.
Menard, Joan M. Resor, Pamela
Montigny, Mark C. Spilka, Karen E.
Moore, Richard T. Tarr, Bruce E.
Morrissey, Michael W. Timilty, James E.
Murray, Therese Tisei, Richard R.
Nuciforo, Andrea F., Jr. Tolman, Steven A.
O'Leary, Robert A. Tucker, Susan C.
Pacheco, Marc R. Walsh, Marian
Panagiotakos, Steven C. Wilkerson, Dianne — 34.

NAYS.

Hedlund, Robert L. Lees, Brian P. — 3.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Hart, John A., Jr. Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at eighteen minutes before four o'clock P.M., item 7112-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7113-0100 (Massachusetts College of Liberal Arts) was considered as follows:

“7113-0100 For the Massachusetts College of Liberal Arts 13,047,888”.

[The Governor reduced this item by \$159,461.]

The question on passing item 7113-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seventeen minutes before four o'clock P.M., as follows, to wit (yeas 34 — nays 3) [Yeas and Nays No. 540]:

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Barrios, Jarrett T. Murray, Therese
Berry, Frederick E. Nuciforo, Andrea F., Jr.
Brewer, Stephen M. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Havern, Robert A. Timilty, James E.
Jehlen, Patricia D. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
Lees, Brian P. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian
Menard, Joan M. Wilkerson, Dianne — 34.

NAYS.

Brown, Scott P. Knapik, Michael R. — 3.
Hedlund, Robert L.

ABSENT OR NOT VOTING.

Hart, John A., Jr. Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at a quarter before four o'clock P.M., item 7113-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7114-0100 (Salem State College) was considered as follows:

“7114-0100 For Salem State College 35,473,985”.

[The Governor reduced this item by \$433,536.]

The question on passing item 7114-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at fourteen minutes before four o'clock P.M., as follows, to wit (yeas 35 — nays 2) [Yeas and Nays No. 541]:

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Barrios, Jarrett T. Murray, Therese
Berry, Frederick E. Nuciforo, Andrea F., Jr.
Brewer, Stephen M. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Havern, Robert A. Timilty, James E.
Jehlen, Patricia D. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
Knapik, Michael R. Tucker, Susan C.
Lees, Brian P. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 35.
Menard, Joan M.

NAYS.

Brown, Scott P. Hedlund, Robert L. — 2.

ABSENT OR NOT VOTING.

Hart, John A., Jr. Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at thirteen minutes before four o'clock P.M., item 7114-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7115-0100 (Westfield State College) was considered as follows:

“7115-0100 For Westfield State College 21,866,728”.

[The Governor reduced this item by \$267,238.]

The question on passing item 7115-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twelve minutes before four o'clock P.M., as follows, to wit (yeas 35 — nays 2) [Yeas and Nays No. 542]:

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Barrios, Jarrett T. Murray, Therese
Berry, Frederick E. Nuciforo, Andrea F., Jr.
Brewer, Stephen M. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Havern, Robert A. Timilty, James E.
Jehlen, Patricia D. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
Knapik, Michael R. Tucker, Susan C.
Lees, Brian P. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 35.
Menard, Joan M.

NAYS.

Brown, Scott P. Hedlund, Robert L. — 2.

ABSENT OR NOT VOTING.

Hart, John A., Jr. Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at eleven minutes before four o'clock P.M., item 7115-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7116-0100 (Worcester State College) was considered as follows:

“7116-0100 For Worcester State College 22,020,727”.

[The Governor reduced this item by \$269,120.]

The question on passing item 7116-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at ten minutes before four o'clock. P.M., as follows, to wit (yeas 33 — nays 4) [Yeas and Nays No. 543]:

YEAS.

Antonioni, Robert A. Moore, Richard T.
Augustus, Edward M., Jr. Morrissey, Michael W.
Baddour, Steven A. Murray, Therese
Barrios, Jarrett T. Nuciforo, Andrea F., Jr.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Buoniconti, Stephen J. Panagiotakos, Steven C.
Chandler, Harriette L. Resor, Pamela

Creedon, Robert S., Jr. Spilka, Karen E.
Creem, Cynthia Stone Tarr, Bruce E.
Fargo, Susan C. Timilty, James E.
Havern, Robert A. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian
Menard, Joan M. Wilkerson, Dianne — 33.
Montigny, Mark C.

NAYS.

Brown, Scott P. Knapik, Michael R.
Hedlund, Robert L. Lees, Brian P. — 4.

ABSENT OR NOT VOTING.

Hart, John A., Jr. Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at eight minutes before four o'clock P.M., item 7116-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7117-0100 (Massachusetts College of Art) was considered as follows:

"7117-0100 For the Massachusetts College of Art 13,584,393".

[The Governor reduced this item by \$166,018.]

The question on passing item 7117-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seven minutes before four o'clock P.M., as follows, to wit (yeas 35 — nays 3) [Yeas and Nays No. 544]:

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Barrios, Jarrett T. Murray, Therese
Berry, Frederick E. Nuciforo, Andrea F., Jr.
Brewer, Stephen M. O'Leary, Robert A.
Brown, Scott P. Pacheco, Marc R.
Buoniconti, Stephen J. Panagiotakos, Steven C.
Chandler, Harriette L. Resor, Pamela
Creedon, Robert S., Jr. Spilka, Karen E.
Creem, Cynthia Stone Tarr, Bruce E.
Fargo, Susan C. Timilty, James E.
Hart, John A., Jr. Tisei, Richard R.
Havern, Robert A. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 35.
Menard, Joan M.

NAYS.

Hedlund, Robert L. Lees, Brian P. — 3.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1

The yeas and nays having been completed at six minutes before four o'clock P.M., item 7117-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7118-0100 (Massachusetts Maritime Academy) was considered as follows:

"7118-0100 For the Massachusetts Maritime Academy, provided, that \$325,000 shall be expended for the development of an alternative energy source with Massachusetts Technology Collaborative; and provided further, that \$454,000 shall be expended for the one-time purchase of a liquid cargo simulator to provide training for public

safety officials and other maritime agencies 13,186,243”.

[The Governor reduced this item by \$161,152.]

The question on passing item 7118-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at five minutes before four o’clock P.M., as follows, to wit (yeas 36 — nays 1) [Yeas and Nays No. 545]:

YEAS.

Antonioni, Robert A. Baddour, Steven A.
Augustus, Edward M., Jr. Barrios, Jarrett T.
Berry, Frederick E. Montigny, Mark C.
Brewer, Stephen M. Moore, Richard T.
Brown, Scott P. Morrissey, Michael W.
Buoniconti, Stephen J. Murray, Therese
Chandler, Harriette L. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Hart, John A., Jr. Spilka, Karen E.
Havern, Robert A. Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E.
Jehlen, Patricia D. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
Knapik, Michael R. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian
Menard, Joan M. Wilkerson, Dianne — 36.

NAYS.

Lees, Brian P. — 1.

ANSWERED “PRESENT.”

O’Leary, Robert A. — 1.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at three minutes before four o’clock P.M., item 7118-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7502-0100 (Berkshire Community College) was considered as follows:

“7502-0100 For Berkshire Community College 8,644,847”

[The Governor reduced this item by \$96,665.]

The question on passing item 7502-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at two minutes before four o’clock P.M., as follows, to wit (yeas 36 — nays 2) [Yeas and Nays No. 546]:

YEAS.

Antonioni, Robert A. Fargo, Susan C.
Augustus, Edward M., Jr. Hart, John A., Jr.
Baddour, Steven A. Havern, Robert A.
Barrios, Jarrett T. Jehlen, Patricia D.
Berry, Frederick E. Joyce, Brian A.
Brewer, Stephen M. Knapik, Michael R.
Buoniconti, Stephen J. Lees, Brian P.
Chandler, Harriette L. McGee, Thomas M.
Creedon, Robert S., Jr. Menard, Joan M.
Creem, Cynthia Stone Montigny, Mark C.
Moore, Richard T. Spilka, Karen E.
Morrissey, Michael W. Tarr, Bruce E.
Murray, Therese Timilty, James E.
Nuciforo, Andrea F., Jr. Tisei, Richard R.
O’Leary, Robert A. Tolman, Steven A.
Pacheco, Marc R. Tucker, Susan C.

Panagiotakos, Steven C. Walsh, Marian
Resor, Pamela Wilkerson, Dianne — 36.

NAYS.

Brown, Scott P. Hedlund, Robert L. — 2.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at one minute before four o'clock P.M., item 7502-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7503-0100 (Bristol Community College) was considered as follows:

“7503-0100 For Bristol Community College 14,816,580”.

[The Governor reduced this item by \$165,676.]

The question on passing item 7503-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at four o'clock P.M., as follows, to wit (yeas 35 — nays 3) [Yeas and Nays No. 547]:

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Barrios, Jarrett T. Murray, Therese
Berry, Frederick E. Nuciforo, Andrea F., Jr.
Brewer, Stephen M. O'Leary, Robert A.
Brown, Scott P. Pacheco, Marc R.
Buoniconti, Stephen J. Panagiotakos, Steven C.
Chandler, Harriette L. Resor, Pamela
Creedon, Robert S., Jr. Spilka, Karen E.
Creem, Cynthia Stone Tarr, Bruce E.
Fargo, Susan C. Timilty, James E.
Hart, John A., Jr. Tisei, Richard R.
Havern, Robert A. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 35.
Menard, Joan M.

NAYS.

Hedlund, Robert L. Lees, Brian P. — 3.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1

The yeas and nays having been completed at one minute past four o'clock P.M., item 7503-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7504-0100 (Cape Cod Community College) was considered as follows:

“7504-0100 For Cape Cod Community College 10,496,463”.

[The Governor reduced this item by \$117,369.]

The question on passing item 7504-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at two minutes past four o'clock P.M., as follows, to wit (yeas 34 — nays 3) [Yeas and Nays No. 548]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Barrios, Jarrett T. Morrissey, Michael W.

Berry, Frederick E. Murray, Therese
Brewer, Stephen M. Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Havern, Robert A. Tisei, Richard R.
Hedlund, Robert L. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 34.

NAYS.

Brown, Scott P. Lees, Brian P. — 3.
Knapik, Michael R.

ANSWERED “PRESENT.”

O’Leary, Robert A. — 1.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at three minutes past four o’clock P.M., item 7504-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7505-0100 (Greenfield Community College) was considered as follows:

“7505-0100 For Greenfield Community College 8,557,238”.

[The Governor reduced this item by \$95,685.]

The question on passing item 7505-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Consti-tution, at four minutes past four o’clock P.M., as follows, to wit (yeas 35 — nays 2) [Yeas and Nays No. 549]:

YEAS.

Antonioni, Robert A. Augustus, Edward M., Jr. Baddour, Steven A. Barrios, Jarrett T. Berry, Frederick E. Brewer, Stephen M.
Buoniconti, Stephen J. Chandler, Harriette L. Creedon, Robert S., Jr. Creem, Cynthia Stone Fargo, Susan C.
Hart, John A., Jr. Havern, Robert A. Jehlen, Patricia D. Joyce, Brian A. Knapik, Michael R. Lees, Brian P. McGee, Thomas M.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
O’Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C.
Wilkerson, Dianne — 35.

NAYS.

Brown, Scott P. Hedlund, Robert L. — 2.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. Walsh, Marian — 2.

The yeas and nays having been completed at six minutes past four o'clock P.M., item 7505-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7506-0100 (Holyoke Community College) was considered as follows:

“7506-0100 For Holyoke Community College 17,120,203”.

[The Governor reduced this item by \$191,434.]

The question on passing item 7506-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seven minutes past four o'clock P.M., as follows, to wit (yeas 36 — nays 2) [Yeas and Nays No. 550]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Barrios, Jarrett T. Morrissey, Michael W.
Berry, Frederick E. Murray, Therese
Brewer, Stephen M. Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J. O'Leary, Robert A.
Chandler, Harriette L. Pacheco, Marc R.
Creedon, Robert S., Jr. Panagiotakos, Steven C.
Creem, Cynthia Stone Resor, Pamela
Fargo, Susan C. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Havern, Robert A. Timilty, James E.
Jehlen, Patricia D. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
Knapik, Michael R. Tucker, Susan C.
Lees, Brian P. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 36.

NAYS.

Brown, Scott P. Hedlund, Robert L. — 2.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at eight minutes past four o'clock P.M., item 7506-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7511-0101 (Public Policy Institute) was considered as follows:

“7511-0101 For the establishment and administration of the public policy institute and resource center at North Shore Community College 250,000”.

[The Governor disapproved this item.]

The question on passing item 7511-0101, contained in section 2, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nine minutes past four o'clock P.M., as follows, to wit (yeas 36 — nays 2) [Yeas and Nays No. 551]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Barrios, Jarrett T. Morrissey, Michael W.
Berry, Frederick E. Murray, Therese
Brewer, Stephen M. Nuciforo, Andrea F., Jr.
Brown, Scott P. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.

Havern, Robert A. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
Knapik, Michael R. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 36.

NAYS.

Hedlund, Robert L. Lees, Brian P. — 2.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at ten minutes past four o'clock P.M., item 7511-0101, contained in section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 58 (Community Spouse Resource Allowance) was considered as follows:

“SECTION 58. Section 21A of chapter 118E of the General Laws, as so appearing, is hereby amended by inserting after the word ‘computation’, in lines 15 and 16, the following words:— ; provided, however, that the division shall establish the maximum community spouse resource allowance permissible under 42 U.S.C. s.1396r-5(f)(2).”.

[The Governor disapproved this section.]

The President in the Chair, the question on passing section 58, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eleven minutes past four o'clock P.M., as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 552]:

YEAS.

Antonioni, Robert A. Barrios, Jarrett T.
Augustus, Edward M., Jr. Berry, Frederick E.
Baddour, Steven A. Brewer, Stephen M.
Brown, Scott P. Moore, Richard T.
Buoniconti, Stephen J. Morrissey, Michael W.
Chandler, Harriette L. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone O'Leary, Robert A.
Fargo, Susan C. Pacheco, Marc R.
Hart, John A., Jr. Panagiotakos, Steven C.
Havern, Robert A. Resor, Pamela
Hedlund, Robert L. Spilka, Karen E.
Jehlen, Patricia D. Tarr, Bruce E.
Joyce, Brian A. Timilty, James E.
Knapik, Michael R. Tisei, Richard R.
Lees, Brian P. Tolman, Steven A.
McGee, Thomas M. Tucker, Susan C.
Menard, Joan M. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at thirteen minutes past four o'clock P.M., section 58 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 94 (Medicaid – Non Emergency Ambulance Transportation) was considered as follows:

“SECTION 94. Notwithstanding any general or special law to the contrary and notwithstanding a member's coverage type or enrollment in a managed care organization, the division shall provide coverage for all emergency ambulance calls which result in a transport and shall provide coverage for all medically-necessary, non-emergency ambulance and wheelchair van trips; provided, that medical necessity for non-emergency ambulance service shall be established by the completion of a medical necessity form signed by a physician, physician's designee, physician assistant, nurse midwife, dentist, nurse practitioner, managed care representative or registered nurse. The member's record shall support the information given on the medical necessity form. The transportation provider shall be responsible for the completeness of medical necessity forms. The completed

medical necessity form shall be kept by the transportation provider as a record for 4 years after the date of service.”

[The Governor disapproved this section.]

The question on passing section 94, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at fourteen minutes past four o'clock P.M., as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 553]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Barrios, Jarrett T. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Brown, Scott P. Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J. O'Leary, Robert A.
Chandler, Harriette L. Pacheco, Marc R.
Creedon, Robert S., Jr. Panagiotakos, Steven C.
Creem, Cynthia Stone Resor, Pamela
Fargo, Susan C. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Havern, Robert A. Timilty, James E.
Hedlund, Robert L. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
Knapik, Michael R. Walsh, Marian
Lees, Brian P. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at a quarter past four o'clock P.M., section 94 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Message from the Governor — Disapproval and Reductions in Supplemental 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 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056, amended), which on Friday, June 16, 2006, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 5091) was read; and the Senate proceeded to reconsider one section, which had been disapproved in accordance with the provisions of the Constitution.

Section 18 (Debt Exclusion Restrictions) was considered as follows:

“SECTION 18. Section 20 of chapter 44 of the General Laws, as so appearing, is hereby amended by adding the following sentence:— The provisions of the preceding 2 sentences shall not apply to bond premiums received on or before July 31, 2003.”.

[The Governor disapproved this section.]

The question on passing section 18, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at sixteen minutes past four o'clock P.M., as follows, to wit (yeas 30 — nays 8) [Yeas and Nays No. 554]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Barrios, Jarrett T. Murray, Therese
Berry, Frederick E. Nuciforo, Andrea F., Jr.
Brewer, Stephen M. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Spilka, Karen E.

Fargo, Susan C. Timilty, James E.
Hart, John A., Jr. Tolman, Steven A.
Havern, Robert A. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 30.

NAYS.

Brown, Scott P. Lees, Brian P.
Hedlund, Robert L. Montigny, Mark C.
Joyce, Brian A. Tarr, Bruce E.
Knapik, Michael R. Tisei, Richard R. — 8.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — 1.

The yeas and nays having been completed at eighteen minutes past four o'clock P.M., section 18 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Recess.

There being no objection, at eighteen minutes past four o'clock P.M., at the request of Mr., Lees, for the purpose of a minority caucus, the President declared a recess; and, at twenty-two minutes before six o'clock P.M., the Senate reassembled, Ms. Menard in the Chair.

PAPERS FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the city of Boston and the Commonwealth to grant sewer and drainage easements over certain parcels of land in the city of Boston (see Senate, No. 2627) (which originated in the Senate), 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 nineteen minutes before six o'clock P.M., as follows, to wit (yeas 34 — nays 0)[Yeas and Nays No. 555]:

YEAS.

Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Barrios, Jarrett T. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Brown, Scott P. Murray, Therese
Chandler, Harriette L. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. O'Leary, Robert A.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Hart, John A., Jr. Resor, Pamela
Havern, Robert A. Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian — 34.

NAYS — 0.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Rosenberg, Stanley C.
Berry, Frederick E. Wilkerson, Dianne — 5.
Buoniconti, Stephen J.

The President in the Chair, the yeas and nays having been completed at eleven minutes before six 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 President and laid before the Governor for his approbation.

A petition (accompanied by bill, House, No. 5236) of John H. Rogers and others relative to authorizing the Department of Highways to acquire a certain bridge in the town of Walpole, — was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Transportation.

Message from the Governor — Disapprovals and Reductions in Supplemental 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 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056, amended), which on Friday, June 16, 2006, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 5091) was read; and the Senate proceeded to reconsider an item and a section, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Section 143 (Health and Human Services Contract) was considered as follows:

“SECTION 143. (a) Notwithstanding any general or special law to the contrary, the commissioner of the department of workforce development shall enter into a contract for not less than \$934,000 with the Massachusetts Council of Human Service Providers, Inc. to continue development of an industry-guided, Internet-based workforce development program for approximately 31,000 low-paid, economically disadvantaged direct care workers who deliver direct care services through community-based organizations pursuant to purchase of service contracts with the executive office of health and human services or agencies within that executive office. The contract shall provide for quarterly reports to the department detailing the number of direct care workers served, the type and duration of training provided, data on the turnover of vacancy rates of contract providers and such other information as the department may require.

(b) These funds shall: (1) provide essential training and credentialing for the direct care workforce in the human service, contract provider industry funded through EOHHS; (2) improve recruitment and retention of a well trained direct care workforce which currently has turnover and vacancy rates as high as 40 per cent; (3) improve the quality of services provided to clients referred by the commonwealth, and (4) develop occupational skills and expand the career potential for workers in Massachusetts including older workers. The council may expend these funds to hire a program director as well as consultants with expertise in the field of human services training to develop a curriculum, and to administer the program using an e-learning, or web or internet based environment \$934,000.”

[The Governor disapproved this section.]

The question on passing section 143, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eleven minutes before six o'clock P.M., as follows, to wit (yeas 35 — nays 0) [Yeas and Nays No. 556]:

YEAS.

Antonioni, Robert A. Chandler, Harriette L.
Augustus, Edward M., Jr. Creedon, Robert S., Jr.
Baddour, Steven A. Creem, Cynthia Stone
Barrios, Jarrett T. Fargo, Susan C.
Brewer, Stephen M. Hart, John A., Jr.
Brown, Scott P. Havern, Robert A.
Hedlund, Robert L. O'Leary, Robert A.
Jehlen, Patricia D. Pacheco, Marc R.
Joyce, Brian A. Panagiotakos, Steven C.
Knapik, Michael R. Resor, Pamela
Lees, Brian P. Spilka, Karen E.
McGee, Thomas M. Tarr, Bruce E.
Menard, Joan M. Timilty, James E.
Montigny, Mark C. Tisei, Richard R.
Moore, Richard T. Tolman, Steven A.
Morrissey, Michael W. Tucker, Susan C.
Murray, Therese Walsh, Marian — 35.
Nuciforo, Andrea F., Jr.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. Rosenberg, Stanley C.
Buoniconti, Stephen J. Wilkerson, Dianne — 4.

The yeas and nays having been completed at eight minutes before six o'clock P.M., section 143 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7116-0102 (Rockwood Field Repairs) was considered as follows:

“7116-0102 For a matching grant for improvements to Rockwood Field located at Worcester state college; provided, that the match shall be \$1 of private funds for every dollar of state funds raised through alumni contributions; provided, that no funds shall be expended until an equal or greater amount has been raised through alumni contribution and committed by Worcester State College Foundation for the project; and provided further, that the college shall work with the city of Worcester 250,000”.

[The Governor disapproved this item.]

The question on passing item 7116-0102, contained in section 2E, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution at seven minutes before six o'clock P.M., as follows, to wit (yeas 30 — nays 5) [Yeas and Nays No. 557]:

YEAS.

Antonioni, Robert A. Creedon, Robert S., Jr.
Augustus, Edward M., Jr. Creem, Cynthia Stone
Baddour, Steven A. Fargo, Susan C.
Barrios, Jarrett T. Hart, John A., Jr.
Brewer, Stephen M. Havern, Robert A.
Brown, Scott P. Jehlen, Patricia D.
Chandler, Harriette L. Joyce, Brian A.
McGee, Thomas M. Pacheco, Marc R.
Menard, Joan M. Panagiotakos, Steven C.
Montigny, Mark C. Resor, Pamela
Moore, Richard T. Spilka, Karen E.
Morrissey, Michael W. Timilty, James E.
Murray, Therese Tolman, Steven A.
Nuciforo, Andrea F., Jr. Tucker, Susan C.
O'Leary, Robert A. Walsh, Marian — 30.

NAYS.

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

ABSENT OR NOT VOTING.

Berry, Frederick E. Rosenberg, Stanley C.
Buoniconti, Stephen J. Wilkerson, Dianne — 4.

The yeas and nays having been completed at six minutes before six o'clock P.M., item 7116-0102, contained in section 2E, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Message from the Governor — Disapprovals and Reductions in Economic Stimulus 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 relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (see House, No. 5057), which on Friday, June 16, 2006, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 5101) was read; and the Senate proceeded to reconsider one section, which had been disapproved in accordance with the provisions of the Constitution.

Section 7 (Global Education Advisory Council II) was considered as follows:

“SECTION 7. Said chapter 15 of the General Laws is hereby amended by adding the following section:

Section 66. (a) It shall be the policy of the commonwealth to encourage students, teachers, administrators and educational policy makers to participate in international studies, international exchange programs and other activities that advance cultural awareness and promote mutual understanding and respect for the citizens of other countries.

(b) The department of education may recognize a school that meets the standards for international education programs developed by the global education advisory council.

(c) The commissioner of education shall, annually, subject to appropriation, award grants not to exceed ten thousand dollars to local or regional school districts which operate schools recognized pursuant to this section. Such board shall use the funds to support the international education programs at such schools.

(d) The department of education may recognize sister school partnership programs between public schools of the commonwealth and foreign schools. Within available appropriations, participation in such partnership programs shall allow foreign schools

access to state programs of professional development and technical assistance programs under the same terms and conditions as for public schools of this state with reciprocity for participation in such programs.

(e) Wherever possible, the department of education may promote exchanges of a limited number of professional personnel and students by state agencies and educational institutions, with institutions of other states and other countries and may pay the salaries of such personnel and may assign scholarships and grants-in-aid to such exchanges.”

[The Governor disapproved this section.]

The question on passing section 7, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at five minutes before six o'clock P.M., as follows, to wit (yeas 30 — nays 5) [Yeas and Nays No. 558]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Barrios, Jarrett T. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Chandler, Harriette L. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. O'Leary, Robert A.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Hart, John A., Jr. Resor, Pamela
Havern, Robert A. Spilka, Karen E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Tolman, Steven A.
Knapik, Michael R. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian — 30.

NAYS.

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

ABSENT OR NOT VOTING.

Berry, Frederick E. Rosenberg, Stanley C.
Buoniconti, Stephen J. Wilkerson, Dianne — 4.

The yeas and nays having been completed at three minutes before six o'clock P.M., section 7 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Matters Taken Out of the Orders of the Day.

There being no objection the following matters were taken out of the Orders of the Day and considered as follows:

A message from His Excellency the Governor, returning, with his disapproval of certain sections contained in the engrossed Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (see House, No. 5057) (as relates to section 3), which on Friday, June 16, 2006, had been laid before the Governor for his approbation,— having previously come from the House, in part, several sections having been passed by the House notwithstanding the reduction or disapproval of the Governor [for message, see House, No. 5051],— was considered; the main question being on passing section 3 notwithstanding the disapproval of His Excellency the Governor.

The pending motion, previously moved by Mr. Lees, to lay the matter on the table,— was considered; and it was negatived.

Section 3 (Proclamations) was considered as follows:

“SECTION 3. Chapter 6 of the General Laws is hereby amended by inserting after section 12XX the following 2 sections:

Section 12YY. The governor shall annually issue a proclamation setting apart the third week of November, or such other week if in conjunction with a federally recognized international education week, to be International Education Week for the purpose of encouraging schools to participate in programs of international education, and recommend that said week be observed in an appropriate manner by the people.

Section 12ZZ. The governor shall annually issue a proclamation setting apart October 21 as Massachusetts Biomedical Research Day, in conjunction with National Biomedical Research Day, and recommending that the day be observed in an appropriate manner by the people.”

[The Governor disapproved this section.]

Mr. Havern in the Chair, the question on passing section 3, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at two minutes before six o'clock P.M., as follows, to wit (yeas 30 — nays 6) [Yeas and Nays No. 559]:

YEAS.

Antonioni, Robert A. Baddour, Steven A.
Augustus, Edward M., Jr. Barrios, Jarrett T.
Berry, Frederick E. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Chandler, Harriette L. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone O'Leary, Robert A.
Fargo, Susan C. Pacheco, Marc R.
Hart, John A., Jr. Panagiotakos, Steven C.
Havern, Robert A. Resor, Pamela
Jehlen, Patricia D. Spilka, Karen E.
Joyce, Brian A. Timilty, James E.
McGee, Thomas M. Tolman, Steven A.
Menard, Joan M. Tucker, Susan C.
Montigny, Mark C. Walsh, Marian — 30.

NAYS.

Brown, Scott P. Lees, Brian P.
Hedlund, Robert L. Tarr, Bruce E.
Knapik, Michael R. Tisei, Richard R. — 6.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Wilkerson, Dianne — 3.
Rosenberg, Stanley C.

The yeas and nays having been completed at six o'clock P.M., section 3 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Message from 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 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5000), which on Friday, June 30, 2006, had been laid before the Governor for his approbation,— having previously come from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor,— was considered; the main question being on passing item 2000-0100, contained in section 2, notwithstanding the objections of His Excellency the Governor.

The pending motion, previously moved by Mr. Lees, to lay the matter on the table,— was considered; and it was negatived.

Item 2000-0100 (Office of the Secretary of Environmental Affairs) was considered as follows:

"2000-0100 For the office of the secretary, including the water resources commission, the hazardous waste facility site safety council, the coastal zone management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws, the mosquito-borne disease vector control chapter program, and a central data processing center for the secretariat; provided, that the secretary of environmental affairs may enter into interagency agreements with any line agency within the secretariat, whereby the line agency may render data processing services to said secretary; provided further, that the comptroller may allocate the costs for such data processing services to the several state and other funds to which items of appropriation of such agencies are charged; provided further, that said secretary shall file a plan with the house and senate committees on ways and means 20 days before entering into any interdepartmental service agreements with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the secretary shall file a plan with the house and senate committees on ways and means and to the joint committee on environment, natural resources and agriculture 90 days prior to the initiation of any proposal or plan that would consolidate any function with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the plan shall include, but not be limited to the following: (1) an identification of the employees that would be affected by consolidation and the item of appropriation that they are paid from, (2) the savings or efficiencies to be realized, (3) the improvements to the services expected, and (4) the source and amount of funding necessary to accomplish the consolidation; and provided further, that the secretary shall provide a 90 day notice prior to the implementation of any memorandum of understanding, interagency service agreements, or other contacts, or agreements that would enable such consolidation of services to take place; provided further, that not less than \$260,000 shall be expended for the Hingham Harbor environmental program; provided further, that not less than \$250,000 shall be expended for volunteer water monitoring grants; provided further, that not less than \$100,000 shall be expended for a one to one matching grant to the Cape Cod Bay sanctuary program; provided further, that \$100,000 shall be expended for the Executive Office of Environmental Affairs to develop and implement a scope of work and a written action plan to protect and manage the Plymouth-Carver Sole

Source Aquifer in consultation with the Towns of Bourne, Carver, Kingston, Middleborough, Plymouth, Plympton, and Wareham, through a Plymouth-Carver Aquifer Advisory Committee (PCAAC) to be comprised of a Coordinator from the Executive Office of Environmental Affairs and one member, and one alternate member, from each Town to be appointed by the chief elected body in each Town; provided further, that the Coordinator shall complete a final written action plan, and procure services needed to complete the plan, with the input of the PCAAC; provided further, that the Coordinator and the PCAAC shall meet at least until the final written action plan is completed; and provided further, that not less than \$150,000 shall be expended for a coastal shore water testing program administered by the Coalition for Buzzards Bay 6,869,383”.

[The Governor struck the following wording “; provided further, that said secretary shall file a plan with the house and senate committees on ways and means 20 days before entering into any interdepartmental service agreements with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the secretary shall file a plan with the house and senate committees on ways and means and to the joint committee on environment, natural resources and agriculture 90 days prior to the initiation of any proposal or plan that would consolidate any function with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the plan shall include, but not be limited to the following: (1) an identification of the employees that would be affected by consolidation and the item of appropriation that they are paid from, (2) the savings or efficiencies to be realized, (3) the improvements to the services expected, and (4) the source and amount of funding necessary to accomplish the consolidation; and provided further, that the secretary shall provide a 90 day notice prior to the implementation of any memorandum of understanding, interagency service agreements, or other contacts, or agreements that would enable such consolidation of services to take place”.]

The question on passing item 2000-0100, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at one minute past six o’clock P.M., as follows, to wit (yeas 31 — nays 5) [Yeas and Nays No. 560]:

YEAS.

Antonioni, Robert A. Brewer, Stephen M.
Augustus, Edward M., Jr. Chandler, Harriette L.
Baddour, Steven A. Creedon, Robert S., Jr.
Barrios, Jarrett T. Creem, Cynthia Stone
Berry, Frederick E. Fargo, Susan C.
Hart, John A., Jr. O’Leary, Robert A.
Havern, Robert A. Pacheco, Marc R.
Jehlen, Patricia D. Panagiotakos, Steven C.
Joyce, Brian A. Resor, Pamela
McGee, Thomas M. Spilka, Karen E.
Menard, Joan M. Timilty, James E.
Montigny, Mark C. Tisei, Richard R.
Moore, Richard T. Tolman, Steven A.
Morrissey, Michael W. Tucker, Susan C.
Murray, Therese Walsh, Marian — 31.
Nuciforo, Andrea F., Jr.

NAYS.

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

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Wilkerson, Dianne — 3.
Rosenberg, Stanley C.

The yeas and nays having been completed at three minutes past six o’clock P.M., item 2000-0100, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4518-0200 (Vital Records Retained Revenue) was considered, the main question being on passing item 4518-0200, contained in section 2, notwithstanding the objections of His Excellency the Governor.

The pending motion, previously moved by Mr. Lees, to lay the matter on the table,— was considered; and it was negatived.

“4518-0200 The department may expend not more than \$261,687 generated by fees collected from the following services provided at the registry of vital records and statistics: amendments of vital records, requests for vital records not issued in person at the registry and research requests performed by registry staff at the registry; provided, that revenues so collected may be used for all program costs, including the compensation of employees; provided further, that the registrar of vital records and statistics shall exempt from payment of a fee any person requesting a copy of a birth certificate for the purpose of establishing eligibility

for Medicaid; and provided further, that, for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most-recent revenue estimate, as reported in the state accounting system 261,687”.

[The Governor struck the following wording “; provided further, that the registrar of vital records and statistics shall exempt from payment of a fee any person requesting a copy of a birth certificate for the purpose of establishing eligibility for Medicaid”.]

The question on passing item 4518-0200, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at four minutes past six o’clock P.M., as follows, to wit (yeas 33 — nays 3) [Yeas and Nays No. 561]:

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Barrios, Jarrett T. Murray, Therese
Berry, Frederick E. Nuciforo, Andrea F., Jr.
Brewer, Stephen M. O’Leary, Robert A.
Chandler, Harriette L. Pacheco, Marc R.
Creedon, Robert S., Jr. Panagiotakos, Steven C.
Creem, Cynthia Stone Resor, Pamela
Fargo, Susan C. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Havern, Robert A. Timilty, James E.
Hedlund, Robert L. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian — 33.
Menard, Joan M.

NAYS.

Brown, Scott P. Lees, Brian P. — 3.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Wilkerson, Dianne — 3.
Rosenberg, Stanley C.

The yeas and nays having been completed at six minutes past six o’clock P.M., item 4518-0200, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 48 (Transfer of the MetroZoos Zoological Trust to the Office of Tourism) was considered as follows:

“SECTION 48. Chapter 92 of the General Laws is hereby amended by striking out section 34A, as so appearing, and inserting in place thereof the following section:—

Section 34A. The executive director of the office of travel and tourism, in this section called the executive director, may receive and hold in trust for the commonwealth, exempt from taxation, any instrument of value, including but not limited to any gift or bequest of money or other personal property, and any grant or devise of lands or rights in land for the purpose of fostering and advancing the MetroZoos zoological parks of the commonwealth, and shall administer the same in such a manner as to carry out the terms of those bequests or gifts, grants, or devises. All money and securities received hereunder shall be transferred to the state treasurer, who shall preserve and invest the proceeds thereof, in notes or bonds secured by good and sufficient mortgage or other securities. The trust property shall be known as the MetroZoos Zoological Trust and shall be used and expended under the direction of the executive director after notification to the office of travel and tourism. Subject to the terms of any grant, gift, devise, or bequest, the office of travel and tourism may expend these funds, whether principal or income.”.

[The Governor disapproved this section.]

The question on passing section 48, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at thirteen minutes past six o’clock P.M., as follows, to wit (yeas 30 — nays 5) [Yeas and Nays No. 562]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Barrios, Jarrett T. Morrissey, Michael W.

Berry, Frederick E. Murray, Therese
Brewer, Stephen M. Nuciforo, Andrea F., Jr.
Chandler, Harriette L. O'Leary, Robert A.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Hart, John A., Jr. Spilka, Karen E.
Havern, Robert A. Timilty, James E.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian — 30.

NAYS.

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

ABSENT OR NOT VOTING.

Brown, Scott P. Rosenberg, Stanley C.
Buoniconti, Stephen J. Wilkerson, Dianne — 4.

The yeas and nays having been completed at a quarter past six o'clock P.M., section 48 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 49 (Transfer of the Commonwealth Zoological Corporation to the Office of Tourism I) was considered as follows:
"SECTION 49. Chapter 92B of the General Laws is hereby amended by striking out section 1, as so appearing, and inserting in place thereof the following section:—

Section 1. As used in this chapter, the following words shall, unless the context requires otherwise, have the following meanings:—

'Board', the board of directors of the Commonwealth Zoological Corporation.

'Corporation', the Commonwealth Zoological Corporation.

'Executive director', the executive director of travel and tourism.

'Member"', a member of the board of directors of the Commonwealth Zoological Corporation.

'Office', the office of travel and tourism.

'Society', the Boston Zoological Society.

'Zoos', Franklin Park Zoo and Walther D. Stone Memorial Zoo."

[The Governor disapproved this section.]

The question on passing section 49, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at sixteen minutes past six o'clock P.M., as follows, to wit (yeas 30 — nays 5) [Yeas and Nays No. 563]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Barrios, Jarrett T. Morrissey, Michael W.
Berry, Frederick E. Murray, Therese
Brewer, Stephen M. Nuciforo, Andrea F., Jr.
Chandler, Harriette L. O'Leary, Robert A.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Hart, John A., Jr. Spilka, Karen E.
Havern, Robert A. Timilty, James E.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian — 30.

NAYS.

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

ABSENT OR NOT VOTING.

Brown, Scott P. Rosenberg, Stanley C.

Buoniconti, Stephen J. Wilkerson, Dianne — 4.

The yeas and nays having been completed at seventeen minutes past six o'clock P.M., section 49 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 50 (Transfer of the Commonwealth Zoological Corporation to the Office of Tourism II) was considered as follows: "SECTION 50. Section 2 of said chapter 92B, as so appearing, is hereby amended by striking out, in lines 3, 4, 10 and 12, the word 'commission' and inserting in place thereof, in each instance, the following word:— 'office'; and by inserting after the word 'the', in line 6, the following word:— 'executive'."

[The Governor disapproved this section.]

The question on passing section 50, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eighteen minutes past six o'clock P.M., as follows, to wit (yeas 30 — nays 6) [Yeas and Nays No. 564]:

YEAS.

Antonioni, Robert A. Menard, Joan M.

Augustus, Edward M., Jr. Montigny, Mark C.

Baddour, Steven A. Moore, Richard T.

Barrios, Jarrett T. Morrissey, Michael W.

Berry, Frederick E. Murray, Therese

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

Chandler, Harriette L. O'Leary, Robert A.

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

Creem, Cynthia Stone Panagiotakos, Steven C.

Fargo, Susan C. Resor, Pamela

Hart, John A., Jr. Spilka, Karen E.

Havern, Robert A. Timilty, James E.

Jehlen, Patricia D. Tolman, Steven A.

Joyce, Brian A. Tucker, Susan C.

McGee, Thomas M. Walsh, Marian — 30.

NAYS.

Brown, Scott P. Lees, Brian P.

Hedlund, Robert L. Tarr, Bruce E.

Knapik, Michael R. Tisei, Richard R. — 6.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Wilkerson, Dianne — 3.

Rosenberg, Stanley C.

The President in the Chair, the yeas and nays having been completed at twenty minutes past six o'clock P.M., section 50 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 51 (Transfer of the Commonwealth Zoological Corporation to the Office of Tourism III) was considered as follows:

"SECTION 51. Section 4 of said chapter 92B, as so appearing, is hereby amended by striking out, in line 6, the word 'division' and inserting in place thereof the following word:— office."

[The Governor disapproved this section.]

The question on passing section 51, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-one minutes past six o'clock P.M., as follows, to wit (yeas 30 — nays 6) [Yeas and Nays No. 565]:

YEAS.

Antonioni, Robert A. Menard, Joan M.

Augustus, Edward M., Jr. Montigny, Mark C.

Baddour, Steven A. Moore, Richard T.

Barrios, Jarrett T. Morrissey, Michael W.

Berry, Frederick E. Murray, Therese

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

Chandler, Harriette L. O'Leary, Robert A.

Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Hart, John A., Jr. Spilka, Karen E.
Havern, Robert A. Timilty, James E.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian — 30.

NAYS.

Brown, Scott P. Lees, Brian P.
Hedlund, Robert L. Tarr, Bruce E.
Knapik, Michael R. Tisei, Richard R. — 6.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Wilkerson, Dianne — 3.
Rosenberg, Stanley C.

The yeas and nays having been completed at twenty-three minutes past six o'clock P.M., section 51 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 52 (Transfer of the Commonwealth Zoological Corporation to the Office of Tourism IV) was considered as follows:

“SECTION 52. Section 5 of said chapter 92B, as so appearing, is hereby amended by striking out, in lines 10 and 11, the word ‘commissioner’ and inserting in place thereof the following words:— executive director.”

[The Governor disapproved this section.]

The question on passing section 52, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-four minutes past six o'clock P.M., as follows, to wit (yeas 30 — nays 6) [Yeas and Nays No. 566]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Barrios, Jarrett T. Morrissey, Michael W.
Berry, Frederick E. Murray, Therese
Brewer, Stephen M. Nuciforo, Andrea F., Jr.
Chandler, Harriette L. O'Leary, Robert A.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Hart, John A., Jr. Spilka, Karen E.
Havern, Robert A. Timilty, James E.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian — 30.

NAYS.

Brown, Scott P. Lees, Brian P.
Hedlund, Robert L. Tarr, Bruce E.
Knapik, Michael R. Tisei, Richard R. — 6.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Wilkerson, Dianne — 3.
Rosenberg, Stanley C.

The yeas and nays having been completed at twenty-six minutes past six o'clock P.M., section 52 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4800-0091 (Federal Reimbursement for Social Worker Training Institute) was considered as follows:

The pending motion, previously moved by Mr. Lees, to lay the matter on the table,— was considered; and it was negatived.

“4800-0091 The department of social services may expend not more than \$3,000,000 in federal reimbursements received under

Title IV-E of the Social Security Act during fiscal year 2007 for the purposes of developing a training institute for professional development of social workers at the department of social services with the University of Massachusetts Medical School and Salem State College; provided, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that notwithstanding section 1 or any other general or special law to the contrary, federal reimbursements received in excess of \$3,000,000 shall be credited to the General Fund; and provided further, that no funds shall be expended from this item for lease-purchases or the Family-Net system 3,000,000”.

[The Governor struck the following wording “of social workers”.]

The question on passing item 4800-0091, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-seven minutes past six o’clock P.M., as follows, to wit (yeas 35 — nays 1) [Yeas and Nays No. 567]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Barrios, Jarrett T. Morrissey, Michael W.
Berry, Frederick E. Murray, Therese
Brewer, Stephen M. Nuciforo, Andrea F., Jr.
Chandler, Harriette L. O’Leary, Robert A.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Hart, John A., Jr. Spilka, Karen E.
Havern, Robert A. Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E.
Jehlen, Patricia D. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
Knapik, Michael R. Tucker, Susan C.
Lees, Brian P. Walsh, Marian — 35.
McGee, Thomas M.

NAYS.

Brown, Scott P. — 1.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Wilkerson, Dianne — 3.
Rosenberg, Stanley C.

The yeas and nays having been completed at twenty-nine minutes past six o’clock P.M., item 4800-0091, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

PAPERS FROM THE HOUSE.

Message from 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 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5000), which on Friday, June 30, 2006, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 5150) was read; and the Senate proceeded to reconsider several items, which had been disapproved or reduced in accordance with the provisions of the Constitution.

Item 7508-0100 (Massasoit Community College) was considered as follows:

“7508-0100 For Massasoit Community College 18,763,263”.

[The Governor reduced this item by \$209,806.]

The question on passing item 7508-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at a half past six o’clock P.M., as follows, to wit (yeas 33 — nays 3) [Yeas and Nays No. 568]:

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Barrios, Jarrett T. Murray, Therese
Berry, Frederick E. Nuciforo, Andrea F., Jr.
Brewer, Stephen M. O'Leary, Robert A.
Chandler, Harriette L. Pacheco, Marc R.
Creedon, Robert S., Jr. Panagiotakos, Steven C.
Creem, Cynthia Stone Resor, Pamela
Fargo, Susan C. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Havern, Robert A. Timilty, James E.
Hedlund, Robert L. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian — 33.
Menard, Joan M.

NAYS.

Brown, Scott P. Lees, Brian P. — 3.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Wilkerson, Dianne — 3.
Rosenberg, Stanley C.

The yeas and nays having been completed at twenty-nine minutes before seven o'clock P.M., item 7508-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7507-0100 (Massachusetts Bay Community College) was considered as follows:

“7507-0100 For Massachusetts Bay Community College 13,345,432”.

[The Governor reduced this item by \$149,226.]

The question on passing item 7507-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-eight minutes before seven o'clock P.M., as follows, to wit (yeas 33 — nays 3) [Yeas and Nays No. 569]:

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Barrios, Jarrett T. Murray, Therese
Berry, Frederick E. Nuciforo, Andrea F., Jr.
Brewer, Stephen M. O'Leary, Robert A.
Brown, Scott P. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Havern, Robert A. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian — 33.
Menard, Joan M.

NAYS.

Hedlund, Robert L. Lees, Brian P. — 3.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Wilkerson, Dianne — 3.
Rosenberg, Stanley C.

The yeas and nays having been completed at twenty-six minutes before seven o'clock P.M., item 7507-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7509-0100 (Mount Wachusett Community College) was considered as follows:

“7509-0100 For Mount Wachusett Community College; provided, that \$100,000 shall be expended for the Latino education and family development program 11,436,390”.

[The Governor reduced this item by \$127,879.]

The question on passing item 7509-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-five minutes before seven o'clock P.M., as follows, to wit (yeas 32 — nays 4) [Yeas and Nays No. 570]:

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Barrios, Jarrett T. Murray, Therese
Berry, Frederick E. Nuciforo, Andrea F., Jr.
Brewer, Stephen M. O'Leary, Robert A.
Chandler, Harriette L. Pacheco, Marc R.
Creedon, Robert S., Jr. Panagiotakos, Steven C.
Creem, Cynthia Stone Resor, Pamela
Fargo, Susan C. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Havern, Robert A. Timilty, James E.
Jehlen, Patricia D. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
McGee, Thomas M. Tucker, Susan C.
Menard, Joan M. Walsh, Marian — 32.

NAYS.

Brown, Scott P. Knapik, Michael R.
Hedlund, Robert L. Lees, Brian P. — 4.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Wilkerson, Dianne — 3.
Rosenberg, Stanley C.

The yeas and nays having been completed at twenty-four minutes before seven o'clock P.M., item 7509-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7510-0100 (Northern Essex Community College) was considered as follows:

“7510-0100 For Northern Essex Community College 17,666,031”.

[The Governor reduced this item by \$197,537.]

The question on passing item 7510-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-three minutes before seven o'clock P.M., as follows, to wit (yeas 34 — nays 2) [Yeas and Nays No. 571]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Barrios, Jarrett T. Morrissey, Michael W.
Berry, Frederick E. Murray, Therese
Brewer, Stephen M. Nuciforo, Andrea F., Jr.
Chandler, Harriette L. O'Leary, Robert A.
Creedon, Robert S., Jr. Pacheco, Marc R.

Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Hart, John A., Jr. Spilka, Karen E.
Havern, Robert A. Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E.
Jehlen, Patricia D. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
Lees, Brian P. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian — 34.

NAYS.

Brown, Scott P. Knapik, Michael R. — 2.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Wilkerson, Dianne — 3.

Rosenberg, Stanley C.

The yeas and nays having been completed at twenty-one minutes before seven o'clock P.M., item 7510-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7511-0100 (North Shore Community College) was considered as follows:

“7511-0100 For North Shore Community College, including the post-secondary programs of the Essex Agricultural and Technical Institute operated by North Shore Community College 18,882,617”.

[The Governor reduced this item by \$211,141.]

The question on passing item 7511-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty minutes before seven o'clock P.M., as follows, to wit (yeas 32 — nays 4) [Yeas and Nays No. 572]:

YEAS.

Antonioni, Robert A. Chandler, Harriette L.
Augustus, Edward M., Jr. Creedon, Robert S., Jr.
Baddour, Steven A. Creem, Cynthia Stone
Barrios, Jarrett T. Fargo, Susan C.
Berry, Frederick E. Hart, John A., Jr.
Brewer, Stephen M. Havern, Robert A.
Jehlen, Patricia D. Pacheco, Marc R.
Joyce, Brian A. Panagiotakos, Steven C.
McGee, Thomas M. Resor, Pamela
Menard, Joan M. Spilka, Karen E.
Montigny, Mark C. Tarr, Bruce E.
Moore, Richard T. Timilty, James E.
Morrissey, Michael W. Tisei, Richard R.
Murray, Therese Tolman, Steven A.
Nuciforo, Andrea F., Jr. Tucker, Susan C.
O'Leary, Robert A. Walsh, Marian — 32.

NAYS.

Brown, Scott P. Knapik, Michael R.
Hedlund, Robert L. Lees, Brian P. — 4.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Wilkerson, Dianne — 3.

Rosenberg, Stanley C.

The yeas and nays having been completed at nineteen minutes before seven o'clock P.M., item 7511-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7512-0100 (Quinsigamond Community College) was considered as follows:

“7512-0100 For Quinsigamond Community College 14,161,475”.

[The Governor reduced this item by \$158,350.]

The question on passing item 7512-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eighteen minutes before seven o'clock P.M., as follows, to wit (yeas 32 — nays 4) [Yeas and Nays No. 573]:

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Barrios, Jarrett T. Murray, Therese
Berry, Frederick E. Nuciforo, Andrea F., Jr.
Brewer, Stephen M. O'Leary, Robert A.
Chandler, Harriette L. Pacheco, Marc R.
Creedon, Robert S., Jr. Panagiotakos, Steven C.
Creem, Cynthia Stone Resor, Pamela
Fargo, Susan C. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Havern, Robert A. Timilty, James E.
Jehlen, Patricia D. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
McGee, Thomas M. Tucker, Susan C.
Menard, Joan M. Walsh, Marian — 32.

NAYS.

Brown, Scott P. Knapik, Michael R.
Hedlund, Robert L. Lees, Brian P. — 4.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Wilkerson, Dianne — 3.
Rosenberg, Stanley C.

The yeas and nays having been completed at sixteen minutes before seven o'clock P.M., item 7512-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7514-0100 (Springfield Community College) was considered as follows:

“7514-0100 For Springfield Technical Community College 22,305,101”.

[The Governor reduced this item by \$249,410.]

The question on passing item 7514-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at a quarter before seven o'clock P.M., as follows, to wit (yeas 34 — nays 2) [Yeas and Nays No. 574]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Barrios, Jarrett T. Morrissey, Michael W.
Berry, Frederick E. Murray, Therese
Brewer, Stephen M. Nuciforo, Andrea F., Jr.
Chandler, Harriette L. O'Leary, Robert A.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Resor, Pamela
Hart, John A., Jr. Spilka, Karen E.
Havern, Robert A. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian — 34.

NAYS.

Brown, Scott P. Hedlund, Robert L. — 2.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Wilkerson, Dianne — 3.
Rosenberg, Stanley C.

The yeas and nays having been completed at thirteen minutes before seven o'clock P.M., item 7514-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7515-0100 (Roxbury Community College) was considered as follows:

“7515-0100 For Roxbury Community College 9,749,829”.

[The Governor reduced this item by \$109,020.]

The question on passing item 7515-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twelve minutes before seven o'clock P.M., as follows, to wit (yeas 33 — nays 3) [Yeas and Nays No. 575]:

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Barrios, Jarrett T. Murray, Therese
Berry, Frederick E. Nuciforo, Andrea F., Jr.
Brewer, Stephen M. O'Leary, Robert A.
Brown, Scott P. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Havern, Robert A. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian — 33.
Menard, Joan M.

NAYS.

Hedlund, Robert L. Lees, Brian P. — 3.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Wilkerson, Dianne — 3.
Rosenberg, Stanley C.

The yeas and nays having been completed eleven minutes before seven o'clock P.M., item 7515-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7516-0100 (Middlesex Community College) was considered as follows:

“7516-0100 For Middlesex Community College 18,511,485”.

[The Governor reduced this item by \$206,991.]

The question on passing item 7516-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at ten minutes before seven o'clock P.M., as follows, to wit (yeas 32 — nays 4) [Yeas and Nays No. 576]:

YEAS.

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

Fargo, Susan C. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Havern, Robert A. Timilty, James E.
Jehlen, Patricia D. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
McGee, Thomas M. Tucker, Susan C.
Menard, Joan M. Walsh, Marian — 32.

NAYS.

Brown, Scott P. Knapik, Michael R.
Hedlund, Robert L. Lees, Brian P. — 4.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Wilkerson, Dianne — 3.
Rosenberg, Stanley C.

The yeas and nays having been completed at eight minutes before seven o'clock P.M., item 7516-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7518-0100 (Bunker Hill Community College) was considered as follows:

“7518-0100 For Bunker Hill Community College; provided, that \$108,000 shall be obligated for the life focus center 19,121,261”.

[The Governor reduced this item by \$321,810 and struck the following wording “; provided, that \$108,000 shall be obligated for the life focus center”.]

The question on passing item 7518-0100, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seven minutes before seven o'clock P.M., as follows, to wit (yeas 32 — nays 4) [Yeas and Nays No. 577]:

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Barrios, Jarrett T. Murray, Therese
Berry, Frederick E. Nuciforo, Andrea F., Jr.
Brewer, Stephen M. O'Leary, Robert A.
Chandler, Harriette L. Pacheco, Marc R.
Creedon, Robert S., Jr. Panagiotakos, Steven C.
Creem, Cynthia Stone Resor, Pamela
Fargo, Susan C. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Havern, Robert A. Timilty, James E.
Jehlen, Patricia D. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
McGee, Thomas M. Tucker, Susan C.
Menard, Joan M. Walsh, Marian — 32.

NAYS.

Brown, Scott P. Knapik, Michael R.
Hedlund, Robert L. Lees, Brian P. — 4.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Wilkerson, Dianne — 3.
Rosenberg, Stanley C.

The yeas and nays having been completed at six minutes before seven o'clock P.M., item 7518-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

A Bill authorizing the town of Westford to grant a restrictive covenant through town owned land for the new Cameron Senior Center septic system (House, No. 5135,— on petition) [Local approval received],— was read.

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

Engrossed Bills.

The following engrossed bills (both of which originated in the House), 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 for his approbation, to wit:

Authorizing the town of Southbridge to grant additional licenses for the sale of alcoholic beverages (see House, No. 5004); and
Authorizing the town of Dedham to grant additional alcoholic beverages licenses (see House, No. 5208, amended).

Engrossed Resolve.

An engrossed Resolve providing for an investigation and plan by a special commission relative to ending homelessness in the Commonwealth (see House, No. 5206, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed and was signed by the President and laid before the Governor for his approbation.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—
Resolutions (filed by Messrs. O’Leary, Montigny, Augustus, Barrios, Brewer, Ms. Chandler, Ms. Jehlen, Ms. Murray, Messrs. Nuciforo and Pacheco, Ms. Resor, Mr. Tarr and Ms. Tucker) “memorializing the United States Coast Guard to implement the regulations, safeguards and procedures established in the Massachusetts Oil Spill Prevention Act of 2004.”

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the recommitted House Bill authorizing the conveyance of a certain parcel of land in the city of Boston (House, No. 4801, amended),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2689; and by striking out the title and inserting in place thereof the following title: “An Act authorizing the conveyance of certain parcels of land in the city of Boston.”.

There being no objection, the rules were suspended, on motion of Mr. Havern, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted.

An engrossed Bill providing for a certain exemption from the sales tax (see House, No. 5200, amended), 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 7 to 0.

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

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Sterling (see House, No. 4507, amended), 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 3 to 0.

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

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 Senate Bill to ensure consumer choice of nurse practitioner services (Senate, No. 1248),— was read a second time, ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Reports of Committees.

Mr. Buoniconti, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill to establish collaborative drug therapy management to improve pharmaceutical care for patients in Massachusetts (Senate, No. 408).

There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Moore moved that the bill be amended by substituting a new draft entitled “An Act authorizing collaborative drug therapy management” (Senate, No. 2691).

The amendment was adopted.

The bill (Senate, No. 2691) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to the retirement allowance payable to Robert W. Noseworthy (House, No. 4841),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Havern, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing a retirement allowance for Robert W. Noseworthy”.

Mr. Buoniconti, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to processing of funds (House, No. 4649, amended).

There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Nuciforo moved that the bill be amended in section 4, by striking out, in line 9, the words “up to 10” and inserting in place thereof the following words:— “not less than 25”; and in section 5, by striking out, in line 8, the words “up to 10” and inserting in place thereof the following words:— “not less than 25”.

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Paul F. Taylor, an employee of the Division of Professional Licensure (House, No. 5230,— on petition),— was read.

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

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town at Somerset to lease land and grant easements in certain land (see House, No. 4842, changed) (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 sixteen minutes past seven o'clock P.M., as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 578**]:

YEAS.

Antonioni, Robert A. Augustus, Edward M., Jr. Baddour, Steven A. Barrios, Jarrett T. Berry, Frederick E. Brewer, Stephen M. Brown, Scott P. Chandler, Harriette L. Creedon, Robert S., Jr. Creem, Cynthia Stone Fargo, Susan C. Hart, John A., Jr. Havern, Robert A.

Hedlund, Robert L.

Jehlen, Patricia D.

Joyce, Brian A.

Knapik, Michael R.

Lees, Brian P.

McGee, Thomas M.

Menard, Joan M.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

O'Leary, Robert A.

Pacheco, Marc R.

Panagiotakos, Steven C.

Resor, Pamela
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

NAYS — 0.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at nineteen minutes past seven 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 President and laid before the Governor for his approbation.

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill further regulating access to birth certificates (Senate, No. 2542),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2690).

There being no objection, the rules were suspended, on motion of Mr. Panagiotakos, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2690) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Suspension of Senate Rule 38A.

Mr. Havern 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 the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays; but objection was made thereto by Mr. Creedon.

The question on suspension of Senate Rule 38A was then determined by a call of the yeas and the nays, at twenty-nine minutes before eight o'clock P.M., as follows, to wit (yeas 31 — nays 6) [Yeas and Nays No. 579]:

YEAS.

Antonioni, Robert A. Augustus, Edward M., Jr. Baddour, Steven A. Berry, Frederick E. Brewer, Stephen M.
Brown, Scott P. Chandler, Harriette L. Creem, Cynthia Stone
Hart, John A., Jr.
Havern, Robert A.
Hedlund, Robert L.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
McGee, Thomas M.
Menard, Joan M.
Moore, Richard T. Morrissey, Michael W. Murray, Therese Nuciforo, Andrea F., Jr. O'Leary, Robert A. Pacheco, Marc R.
Panagiotakos, Steven C. Resor, Pamela
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian — 31.

NAYS.

Barrios, Jarrett T. Jehlen, Patricia D.
Creedon, Robert S., Jr. Montigny, Mark C.
Fargo, Susan C. Wilkerson, Dianne — 6.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at twenty-five minutes before eight o'clock P.M., the Senate Rule 38A was suspended.

PAPERS FROM THE HOUSE.

The House Bill relative to streamlining and expediting the permitting process in the Commonwealth (House, No. 4968, amended),— came from the House with the endorsement that the House had NON-concurred in the Senate amendments by inserting after section 3 the following 2 sections:—

“SECTION 3A. Section 2 of chapter 21A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after clause (7) the following clause:—

(7A) develop state-wide policies to promote environmental justice in the commonwealth and protect and regulate the use of areas of critical environmental justice concern in the commonwealth.

SECTION 3B. Said chapter 21A, as so appearing, is hereby further amended by adding the following 2 sections:—

Section 21. As used in this section and in section 22, the following words shall have the following meanings unless the context clearly requires otherwise:—

‘Cleaner production’, a manufacturing process or approach to manufacturing production that is based on toxics use reduction and pollution prevention and that strives to incorporate the following components: waste reduction, non-polluting production, energy efficiency, safe and healthy work environments and environmentally sound products and packaging.

‘Disproportionate burden’, an unfair share of environmental pollution from industrial, commercial, state or municipal operations or limited access to natural resources, including open space and water resources borne by a group of people.

‘Equal protection’, protection for a group of people, based on race, ethnicity, class, gender or handicap from bearing a disproportionate burden.

‘Environmental benefits’, access to funding, open space, enforcement, technical assistance, training or other beneficial resources disbursed by the secretary of environmental affairs, its agencies and its offices.

‘Environmental justice’, equal protection and meaningful involvement of all people with respect to the development, implementation and enforcement of environmental laws, regulations and policies and the equitable distribution of environmental benefits.

‘Environmental justice population’, a neighborhood in which the annual median household income is equal to or less than 65 per cent of the state-wide median or whose population is made up 25 per cent minority, foreign born or lacking English language proficiency or a community that the secretary has determined has borne a disproportionate burden or otherwise not received equal protection.

‘Foreign born’, individuals who identify themselves on federal census forms as not United States citizens at birth.

‘Lacking English language proficiency’, households that, according to federal census forms, do not have an adult proficient in English residing therein.

‘Low income’, median annual household income at or below 65 per cent of the state-wide median income for Massachusetts, according to federal census data.

‘Meaningful involvement’, that all neighborhoods have the right to participate in partnership with government in environmental decision-making, including needs assessment, planning, implementation, enforcement and evaluation, and that all neighborhoods are enabled and administratively assisted to participate fully through education and training means and encouraged to develop environmental stewardship.

‘Minority’, individuals who identify themselves on federal census forms as non-white or Hispanic.

‘Neighborhood’, a census block group as defined by the United States Census Bureau, but not including people who live in college dormitories or people under formally authorized, supervised care or custody.

‘Supplemental environmental project’, the performance of environmentally beneficial projects in the settlement of environmental enforcement cases.

Section 22. The secretary of environmental affairs shall establish an environmental justice program consisting of, but not limited to, the following components: (a) a policy position entitled the director of environmental justice and brownfields redevelopment within the office of the secretary. The director shall act as the initial point of contact on all environmental justice matters and shall coordinate the implementation of this policy, track progress and prepare annual reports for public distribution. The director shall develop a work plan for the implementation of the environmental justice program within the office of the secretary; (b) identification of environmental justice populations to be serviced by this section via geographic information systems mapping or other suitable tools, and updating of the map as new United States census data becomes available; (c) establishment of a procedure under which additional communities that does not fall under the strict demographic definition of an environmental justice population may petition for such status. The secretary shall make a finding whether the petitioner has borne a disproportionate burden or otherwise has not received equal protection; (d) establishment of regional agency outreach teams of liaisons from each agency and region. The team shall consist of a coordinator and existing agency staff. The teams shall, without limitation: (1) open lines of communication with local neighborhood groups through routine meetings; (2) establish specific task forces; (3) further identify language issues; (4) identify enforcement priorities on a local basis; (5) identify a list of community improvement projects; (6) allow issues with existing facilities to be raised and addressed; (7) assist the department of environmental protection and other agencies with targeting enforcement; (8) assist the office of technical assistance and other agencies with targeting assistance; and (9) identify potential economic development opportunities that promote cleaner production and sustainable business practices; (e) establishment and coordination of the efforts of a working group made up of senior-level managers from each agency within the executive office of environmental affairs, the department of economic

development, the department of housing and community development and the department of public health, as well as representatives from at least 2 environmental justice populations. The working group shall maximize state resources, research and technical assistance to further the goals of this section to ensure environmental justice concerns are evaluated and addressed in each of the agencies' jurisdiction and programs; (f) direction of agencies under the secretary to designate senior-level managers to participate in and actively support the working group and the regional agency environmental justice outreach teams; (g) direction of agencies under the secretary to identify and promote agency sponsored projects, funding decisions, rule makings or other actions intended to further environmental justice in the commonwealth; (h) identification of resources to create, restore and maintain open spaces located in neighborhoods where environmental justice populations reside. At a minimum, the agencies charged with acquiring and maintaining state lands shall make the promotion of preserving and restoring open spaces in neighborhoods in which environmental justice populations reside a priority; (i) providing an introductory environmental justice training program for employees in the executive office of environmental affairs, watershed teams and municipalities applying for grant programs or for any other resources prioritized or focused on neighborhoods in which environmental justice populations reside. Staff serving on regional agency environmental justice outreach teams, employees or organizations disbursing state funds to municipalities, individuals and organizations for the provision of open space, river maintenance or restoration, education and technical assistance, environmental policy staff and the environmental justice working group shall receive such training; (j) development of fact sheets describing programs directly relevant to obtaining funding or additional resources for environmental justice populations including, but not limited to, the urban self help program, Massachusetts Environmental Trust and the Massachusetts environmental policy act. The fact sheets shall be made available in languages other than English; (k) development of a distribution list of interested members of environmental justice populations, non-profit organizations, and others to be incorporated into mailing lists for newsletters and other general outreach information; (l) development and maintenance of a list of alternative information outlets that service environmental justice populations including, but not limited to, media in languages other than English, for the purpose of seeking public comments or publishing public notices; (m) establishment of multiple information repositories in neighborhoods in which environmental justice populations reside; (n) direction of agencies to develop and implement a public participation strategy that focuses agency resources on outreach activities to enhance public participation and input to agency decision making that potentially affect environmental justice populations including, but not limited to: (1) scheduling public meetings or hearings at locations and times convenient for neighborhood stakeholders; (2) translating public notices into other languages; (3) offering interpreters and translated documents at public meetings; (4) providing notices as early as possible to all neighborhoods potentially impacted by a decision; and (5) assisting environmental justice populations with grant applications and questions about environmental regulations to assist them with compliance and sustainability; (o) cooperation with other agencies as necessary to maximize site remediation and redevelopment programs under chapter 206 of the acts of 1998 and the promotion of nonpolluting development in neighborhoods where environmental justice populations reside; (p) direction of the environmental justice regional agency outreach teams to identify and address environmental justice issues and to identify and reclaim brownfields sites identified under chapter 206 of the acts of 1998 within each region; (q) direction of the Massachusetts environmental policy act office to: (1) develop enhanced public participation for any project that exceeds an Environmental Notification Form threshold for air, solid and hazardous waste, other than remediation projects, or wastewater and sewage sludge treatment and disposal, if the project site is located within 1 mile of an environmental justice population, or in the case of projects exceeding the threshold for air, within 5 miles of an environmental justice population; and require enhanced analysis of impacts and mitigation for an Environmental Impact Report scope if the project exceeds a mandatory Environmental Impact Report threshold for air, solid and hazardous waste, other than remediation projects, or wastewater and sewage sludge treatment and disposal, and the project site is located within 1 mile of an environmental justice population or, in the case of projects exceeding a mandatory threshold for air, within 5 miles of an environmental justice population. Thresholds for the forms and reports identified in this subsection are codified at 310 CMR 11.00 et seq; and (2) exempt site assessment grants and loans granted under the Brownfields Redevelopment Fund, as well as investment tax credits for equipment, tenant fit-ups, and other post-development activities administered under chapter 206 of the acts of 1998 from the category of state financial assistance for the purposes of triggering Massachusetts environmental policy act review. Projects undertaken under chapter 206 of the acts of 1998 that otherwise trigger Massachusetts environmental policy act review may be considered environmental restoration projects and subject to expedited review. In making a decision, the secretary shall consider the extent to which the new proposal would prevent pollution and eliminate or minimize risks to public health and the environment; (r) direction of the department of environmental protection to: (1) prioritize neighborhoods in which environmental justice populations reside when selecting sectors and facilities for inspection and monitoring, prosecuting non-compliance, providing compliance assistance and allocating resources; (2) prioritize municipal outreach for sites identified under chapter 21E to neighborhoods with environmental justice populations; (3) incorporate environmental justice as a criterion for awarding technical assistance grants to non-profit organizations; (4) prioritize technical assistance to environmental justice populations in neighborhoods with hazardous waste sites identified under chapter 21E; (5) communicate with the list of community-based organizations in neighborhoods in which environmental justice populations reside in addressing compliance matters; (6) consider environmental justice as a factor in establishing priorities for activity use limitation audits under chapter 21E; (7) incorporate environmental justice as a criterion in prioritizing the investigation of sites, negotiating cost recovery under chapter 21E; (8) provide for commensurate cost recovery to municipalities for taxes owed, exclusive of interest and penalties, on sites identified under said chapter 21E and located in neighborhoods in which environmental justice populations reside; and (9) meet regularly with the executive office of environmental affairs and the department of public health to coordinate on environmental issues potentially affecting public health, including matters related to exposures from multiple sources of pollution.”; and by adding the follow-ing section:—

“SECTION 25. The executive office of environmental affairs shall adopt the initial regulations required by clause (7A) of section 2 of chapter 21A of the General Laws within 90 days after the effective date of this act.”; in section 11, in proposed section 10 of chapter 43D of the General Laws, by striking out the figure “20”, wherever it occurs, and inserting in place thereof, in each instance, the following figure;— “40”; striking out section 9; and striking out sections 15, 16 and 17.

On motion of Mr. Berry, the Senate receded from its amendment.

Ms. Wilkerson doubted the vote and asked for a call of the yeas and nays.

A sufficient number having arisen, the yeas and nays were ordered.

After extended remarks, the President banged the gavel at twelve o'clock midnight and stated that under the provisions of Senate Rule 38A½ the Senate cannot continue in session beyond the hour of midnight; and adjourned the session until the following day at five minutes past twelve o'clock midnight.