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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, July 25, 2013.

Met according to adjournment at one o'clock P.M.

Distinguished Guests.

There being no objection, the President handed the gavel to Ms. Forry for the purpose of an introduction. Ms. Forry then introduced, in the rear of the Chamber, the Dorchester Force Soccer Team. The team was recognized for winning the U12 Division 1 Massachusetts Tournament of Champions, the state championship for all of the town travel soccer teams in Massachusetts. During the tournament, Dorchester Force scored the most goals and let in the fewest goals. They won the Championship game against Weymouth 6-0. The team was applauded for their accomplishments and withdrew from the Chamber. They were accompanied by Coaches Phil Keane and Dan Murray.

Petition.

Mr. Michael O. Moore, presented a petition (subject to Joint Rule 12) of Michael O. Moore and Paul K. Frost for legislation to establish Ataxia Awareness Day,-- and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Rosenberg for the committee on Ethics and Rules, that the Senate Resolve to establish a commission to study the feasibility of hosting the summer Olympics (Senate, No. 1623),-- **ought to pass; and**

By Mr. Joyce, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill to authorize the leasing of the Ponkapoag Golf Course (Senate, No. 1494),-- **ought to pass;**
Severally, under Senate Rule 27, referred to the committee on Ways and Means.

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3590) of Ellen Story and Stanley C. Rosenberg (by vote of the town) relative to resident aliens eighteen years or older residing in the town of Amherst being eligible to vote in local elections; and
Petition (accompanied by bill, House, No. 3591) of Paul J. Donato and others (with the approval of the mayor and city council) relative to preliminary elections in the city of Malden;
Severally to the committee on Election Laws.

Petition (accompanied by bill, House, No. 3592) of Robert M. Koczera and Mark C. Montigny (by vote of the town) that the town of Acushnet be authorized to establish a special capital fund from solar tax revenues;
To the committee on Municipalities and Regional Government.

A Bill authorizing the conveyance of certain state land in the town of Sharon (House, No. 2831, changed,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Relative to the capital investment fund of the town of Sterling (House, No. 3357,-- on petition) [Local approval received]; and Amending the charter for the town of Randolph (House, No. 3439,-- on petition) [Local approval received];
Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Reports

Of the committee on Election Laws, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3549) of Carolyn C. Dykema and James B. Eldridge (by vote of the town) that the town administrator of the town of Southborough be authorized to sign warrants submitted by the town accountant,-- **and recommending that the same be referred to the committee on Municipalities and Regional Government; and**

Of the committee on Public Safety and Homeland Security, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2149) of Patricia A. Haddad and others improving public safety through evidence-based community corrections supervision,-- and recommending that the same be referred to the committee on the Judiciary;

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Richard T. Moore) declared a recess subject to the call of the Chair; and, at thirteen minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

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

PAPERS FROM THE HOUSE.

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

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2014 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. 3538), which on Tuesday, July 2, 2013, 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. 3566) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.

SECTION 3 (Local Aid) was considered as follows:

SECTION 3. Notwithstanding any general or special law to the contrary, for the fiscal year ending June 30, 2014 the distribution to cities and towns of the balance of the State Lottery Fund, as paid from the General Fund in accordance with clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, and additional funds from the General Fund shall be \$920,230,293 and shall be apportioned to the cities and towns in accordance with this section.

Notwithstanding section 2 of chapter 70 of the General Laws or any other general or special law to the contrary, except for section 12B of chapter 76 and section 89 of chapter 71 of the General Laws, for fiscal year 2014 the total amounts to be distributed and paid to each city and town from item 7061-0008 of section 2 shall be as set forth in the following lists. The specified amounts to be distributed from said item 7061-0008 of said section 2 shall be in full satisfaction of the amounts due under chapter 70 of the General Laws.

For fiscal year 2014, the foundation budget categories for each district shall be calculated in the same manner as in fiscal year 2013. The target local share shall be calculated using the same methodology used in fiscal year 2013. Preliminary local contribution shall be the municipality's fiscal year 2013 minimum required local contribution, increased or decreased by the municipal revenue growth factor; provided, that if a municipality's preliminary contribution as a percentage of its foundation budget is more than 5 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 1 percentage point; and if a municipality's preliminary contribution as a percentage of its foundation budget is more than 10 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 2 percentage points. Minimum required local contribution for fiscal year 2014 shall be, for any municipality with a fiscal year 2014 preliminary contribution greater than its fiscal year 2014 target contribution, the preliminary local contribution reduced by 15 per cent of the gap between the preliminary local contribution and the target local contribution. Required local contribution shall be allocated among the districts to which a municipality belongs in direct proportion to the foundation budgets for the municipality's pupils at each of those districts. For fiscal year 2014, "prior year aid" shall be fiscal year 2013 state-appropriated chapter 70 aid. For fiscal year 2014, the "foundation aid increment" shall be the difference between: (1) the positive difference between a district's foundation budget and its required district contribution; and (2) prior year aid. For fiscal year 2014, chapter 70 aid shall be: (i) for any district that: (A) has a target aid percentage greater than the sum of a district's prior year aid and foundation aid increment as a percentage of foundation

budget; and (B) has a combined effort yield as a percentage of foundation budget of not more than 140 per cent; the sum of prior year aid and 25 per cent of the difference between the district's target aid amount and the sum of prior year aid and the district's foundation aid increment; (ii) for any district with a positive foundation aid increment not included in (i), the sum of the district's prior year aid plus the district's foundation aid increment; and (iii) for all other districts: the sum of foundation enrollment multiplied by 25 plus prior year aid. Combined effort yield as a percentage of foundation for districts shall be determined by dividing the district's combined effort yield by the district's total foundation budget. Combined effort yield as a percentage of foundation for regional school districts shall be determined by allocating a member municipality's combined effort yield among the districts to which said municipality belongs in direct proportion to the foundation budgets for the municipality's pupils at each of those districts. No non-operating district shall receive chapter 70 aid in an amount greater than the district's foundation budget. If there is a conflict between the language of this section and the distribution listed below, the distribution below shall control.

No payments to cities, towns or counties maintaining an agricultural school pursuant to this section shall be made after November 30 of the fiscal year until the commissioner of revenue certifies acceptance of the prior fiscal year's annual financial reports submitted pursuant to section 43 of chapter 44 of the General Laws. Advance payments shall be made for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of the executive office for administration and finance, pursuant to guidelines established by the secretary.

Municipality Chapter 70 Unrestricted General Government Aid

ABINGTON \$7,374,594 \$1,703,202
 ACTON \$5,596,025 \$1,211,122
 ACUSHNET \$6,118,877 \$1,312,759
 ADAMS \$0 \$2,026,986
 AGAWAM \$18,633,593 \$3,189,659
 ALFORD \$0 \$12,150
 AMESBURY \$8,577,441 \$1,684,372
 AMHERST \$5,895,073 \$7,289,164
 ANDOVER \$8,465,632 \$1,547,083
 AQUINNAH \$0 \$2,023
 ARLINGTON \$10,048,980 \$6,568,591
 ASHBURNHAM \$0 \$688,398
 ASHBY \$0 \$379,110
 ASHFIELD \$93,413 \$160,738
 ASHLAND \$5,455,185 \$1,170,845
 ATHOL \$0 \$2,292,208
 ATTLEBORO \$34,079,799 \$4,939,363
 AUBURN \$8,141,597 \$1,482,780
 AVON \$902,873 \$600,091
 AYER \$0 \$655,442
 BARNSTABLE \$7,909,787 \$1,821,187
 BARRE \$12,894 \$778,683
 BECKET \$76,563 \$78,628
 BEDFORD \$3,907,693 \$993,887
 BELCHERTOWN \$13,419,341 \$1,473,168
 BELLINGHAM \$8,184,635 \$1,469,133
 BELMONT \$5,864,908 \$1,954,933
 BERKLEY \$3,856,463 \$526,801
 BERLIN \$433,030 \$174,559
 BERNARDSTON \$0 \$251,820
 BEVERLY \$7,033,951 \$5,056,137
 BILLERICA \$18,343,562 \$5,041,689
 BLACKSTONE \$84,251 \$1,185,081
 BLANDFORD \$42,726 \$109,937
 BOLTON \$0 \$170,943
 BOSTON \$209,406,563 \$164,035,210
 BOURNE \$4,825,238 \$1,269,209
 BOXBOROUGH \$1,320,503 \$218,400
 BOXFORD \$1,582,232 \$420,890
 BOYLSTON \$427,337 \$296,568
 BRAINTREE \$13,863,901 \$4,954,434
 BREWSTER \$918,344 \$341,860
 BRIDGEWATER \$36,107 \$3,153,457
 BRIMFIELD \$1,195,297 \$337,563

BROCKTON \$157,922,872 \$18,128,531
BROOKFIELD \$1,361,090 \$427,490
BROOKLINE \$10,369,466 \$5,496,965
BUCKLAND \$0 \$265,108
BURLINGTON \$5,497,577 \$2,267,423
CAMBRIDGE \$9,053,613 \$18,600,207
CANTON \$4,751,687 \$1,856,687
CARLISLE \$839,492 \$189,932
CARVER \$9,688,439 \$1,264,820
CHARLEMONT \$61,250 \$151,342
CHARLTON \$21,633 \$1,254,367
CHATHAM \$0 \$130,303
CHELMSFORD \$10,218,568 \$4,394,475
CHELSEA \$61,454,106 \$7,110,882
CHESHIRE \$21,802 \$531,876
CHESTER \$126,262 \$155,878
CHESTERFIELD \$133,114 \$119,538
CHICOPEE \$56,849,615 \$9,970,051
CHILMARK \$0 \$3,247
CLARKSBURG \$1,764,100 \$314,965
CLINTON \$11,124,662 \$2,038,144
COHASSET \$2,165,950 \$445,448
COLRAIN \$0 \$249,882
CONCORD \$2,125,997 \$1,004,433
CONWAY \$602,704 \$154,737
CUMMINGTON \$73,684 \$72,228
DALTON \$272,926 \$985,076
DANVERS \$6,079,019 \$2,465,962
DARTMOUTH \$9,233,066 \$2,182,579
DEDHAM \$4,078,925 \$2,831,321
DEERFIELD \$1,050,593 \$415,850
DENNIS \$0 \$471,527
DEVENS \$308,558 \$0
DIGHTON \$0 \$669,478
DOUGLAS \$8,493,140 \$631,841
DOVER \$635,731 \$166,551
DRACUT \$18,612,210 \$3,033,553
DUDLEY \$9,262 \$1,546,948
DUNSTABLE \$0 \$212,952
DUXBURY \$4,629,609 \$767,461
EAST BRIDGEWATER \$10,251,257 \$1,295,986
EAST BROOKFIELD \$146,644 \$251,101
EAST LONGMEADOW \$9,834,624 \$1,253,244
EASTHAM \$329,806 \$128,992
EASTHAMPTON \$7,687,117 \$2,433,607
EASTON \$9,437,566 \$1,896,016
EDGARTOWN \$448,818 \$57,673
EGREMONT \$0 \$54,628
ERVING \$425,470 \$58,193
ESSEX \$0 \$211,982
EVERETT \$55,042,003 \$5,981,587
FAIRHAVEN \$7,338,560 \$1,952,387
FALL RIVER \$100,236,570 \$20,632,671
FALMOUTH \$5,077,571 \$1,200,342
FITCHBURG \$44,309,506 \$7,388,737
FLORIDA \$534,842 \$43,095
FOXBOROUGH \$8,529,165 \$1,289,632
FRAMINGHAM \$31,805,023 \$8,613,953
FRANKLIN \$27,268,946 \$2,139,376
FREETOWN \$378,328 \$822,145
GARDNER \$18,961,405 \$3,668,914
GEORGETOWN \$5,218,183 \$620,237

GILL \$0 \$210,597
GLOUCESTER \$5,981,325 \$3,457,947
GOSHEN \$96,111 \$69,265
GOSNOLD \$16,414 \$1,816
GRAFTON \$10,493,940 \$1,353,759
GRANBY \$4,516,215 \$764,473
GRANVILLE \$0 \$138,814
GREAT BARRINGTON \$0 \$657,081
GREENFIELD \$11,932,187 \$2,748,778
GROTON \$0 \$670,681
GROVELAND \$0 \$630,240
HADLEY \$879,856 \$392,951
HALIFAX \$2,684,967 \$785,947
HAMILTON \$0 \$581,705
HAMPDEN \$0 \$595,679
HANCOCK \$196,865 \$48,883
HANOVER \$6,526,114 \$1,834,100
HANSON \$40,015 \$1,108,736
HARDWICK \$0 \$403,074
HARVARD \$1,790,806 \$1,282,208
HARWICH \$0 \$372,945
HATFIELD \$776,846 \$270,155
HAVERHILL \$44,126,723 \$8,509,496
HAWLEY \$35,202 \$37,470
HEATH \$0 \$72,441
HINGHAM \$6,396,085 \$1,366,428
HINSDALE \$104,683 \$192,779
HOLBROOK \$4,881,728 \$1,277,508
HOLDEN \$0 \$1,655,359
HOLLAND \$902,423 \$174,754
HOLLISTON \$7,091,025 \$1,340,785
HOLYOKE \$69,621,603 \$8,793,214
HOPEDALE \$5,887,320 \$564,575
HOPKINTON \$5,789,203 \$680,140
HUBBARDSTON \$0 \$390,012
HUDSON \$10,495,018 \$1,726,518
HULL \$3,681,846 \$1,834,874
HUNTINGTON \$257,686 \$298,395
IPSWICH \$2,834,285 \$1,389,820
KINGSTON \$4,159,865 \$831,041
LAKEVILLE \$73,946 \$708,424
LANCASTER \$3,364 \$827,617
LANESBOROUGH \$742,373 \$298,663
LAWRENCE \$159,086,308 \$16,999,949
LEE \$1,964,149 \$539,208
LEICESTER \$9,493,437 \$1,503,310
LENOX \$1,170,680 \$461,495
LEOMINSTER \$43,232,362 \$4,955,255
LEVERETT \$274,716 \$154,544
LEXINGTON \$8,657,571 \$1,326,917
LEYDEN \$0 \$71,287
LINCOLN \$759,321 \$589,430
LITTLETON \$3,731,913 \$615,448
LONGMEADOW \$4,294,961 \$1,209,644
LOWELL \$129,901,292 \$21,808,064
LUDLOW \$13,282,703 \$2,644,943
LUNENBURG \$5,354,696 \$915,592
LYNN \$132,900,633 \$19,385,088
LYNNFIELD \$3,941,766 \$900,466
MALDEN \$46,962,532 \$10,862,478
MANCHESTER \$0 \$192,545
MANSFIELD \$18,175,039 \$1,931,279

MARBLEHEAD \$5,288,792 \$985,938
MARION \$459,899 \$195,360
MARLBOROUGH \$18,678,851 \$4,713,148
MARSHFIELD \$13,855,893 \$1,875,633
MASHPEE \$4,316,511 \$318,548
MATTAPOISETT \$587,658 \$350,913
MAYNARD \$4,024,015 \$1,360,226
MEDFIELD \$5,797,959 \$1,255,070
MEDFORD \$11,173,603 \$10,502,207
MEDWAY \$10,058,469 \$1,056,306
MELROSE \$7,765,699 \$4,440,294
MENDON \$12,050 \$353,821
MERRIMAC \$0 \$728,482
METHUEN \$40,240,901 \$4,707,570
MIDDLEBOROUGH \$17,376,809 \$2,134,651
MIDDLEFIELD \$18,050 \$46,028
MIDDLETON \$1,531,951 \$473,733
MILFORD \$19,457,577 \$2,644,539
MILLBURY \$6,745,942 \$1,533,176
MILLIS \$4,592,772 \$906,484
MILLVILLE \$50,987 \$352,672
MILTON \$5,869,609 \$2,782,004
MONROE \$75,976 \$15,920
MONSON \$7,342,725 \$1,130,214
MONTAGUE \$0 \$1,240,842
MONTEREY \$0 \$40,031
MONTGOMERY \$21,042 \$75,139
MOUNT WASHINGTON \$32,776 \$25,954
NAHANT \$462,021 \$327,140
NANTUCKET \$1,421,503 \$68,601
NATICK \$8,312,752 \$3,299,298
NEEDHAM \$7,901,802 \$1,511,453
NEW ASHFORD \$179,597 \$17,586
NEW BEDFORD \$120,056,679 \$19,917,179
NEW BRAINTREE \$0 \$114,296
NEW MARLBOROUGH \$0 \$50,706
NEW SALEM \$0 \$89,832
NEWBURY \$0 \$448,397
NEWBURYPORT \$3,484,458 \$2,208,196
NEWTON \$17,403,779 \$5,088,123
NORFOLK \$3,291,530 \$830,305
NORTH ADAMS \$13,517,943 \$3,841,196
NORTH ANDOVER \$7,068,576 \$1,774,377
NORTH ATTLEBOROUGH \$19,827,086 \$2,490,951
NORTH BROOKFIELD \$4,171,238 \$689,906
NORTH READING \$6,625,625 \$1,537,319
NORTHAMPTON \$7,023,429 \$3,805,501
NORTHBOROUGH \$3,668,085 \$965,772
NORTHBRIDGE \$15,150,056 \$1,827,609
NORTHFIELD \$0 \$312,818
NORTON \$12,328,675 \$1,799,516
NORWELL \$3,260,750 \$928,150
NORWOOD \$5,372,189 \$4,027,272
OAK BLUFFS \$639,201 \$62,968
OAKHAM \$0 \$166,113
ORANGE \$5,158,204 \$1,399,243
ORLEANS \$250,272 \$148,722
OTIS \$0 \$31,492
OXFORD \$10,209,599 \$1,780,343
PALMER \$10,626,130 \$1,736,381
PAXTON \$0 \$468,520
PEABODY \$19,059,168 \$6,249,937

PELHAM \$220,506 \$137,820
PEMBROKE \$13,013,732 \$1,455,424
PEPPERELL \$0 \$1,292,246
PERU \$73,500 \$98,881
PETERSHAM \$422,883 \$99,260
PHILLIPSTON \$0 \$159,709
PITTSFIELD \$39,290,438 \$7,475,431
PLAINFIELD \$51,024 \$43,437
PLAINVILLE \$2,788,256 \$656,855
PLYMOUTH \$23,291,788 \$3,392,638
PLYMPTON \$652,019 \$205,407
PRINCETON \$0 \$256,351
PROVINCETOWN \$265,966 \$119,761
QUINCY \$24,789,394 \$16,532,568
RANDOLPH \$14,424,784 \$4,500,395
RAYNHAM \$0 \$984,542
READING \$10,011,427 \$2,806,899
REHOBOTH \$34,157 \$902,536
REVERE \$48,007,444 \$8,906,470
RICHMOND \$340,519 \$93,672
ROCHESTER \$1,738,272 \$367,733
ROCKLAND \$10,386,793 \$2,288,865
ROCKPORT \$1,324,168 \$378,858
ROWE \$100,747 \$3,411
ROWLEY \$0 \$467,570
ROYALSTON \$0 \$155,657
RUSSELL \$168,465 \$213,838
RUTLAND \$0 \$800,936
SALEM \$20,879,459 \$5,972,679
SALISBURY \$0 \$547,065
SANDISFIELD \$0 \$30,003
SANDWICH \$6,588,268 \$975,875
SAUGUS \$4,883,463 \$3,176,467
SAVOY \$503,704 \$100,320
SCITUATE \$5,034,826 \$1,741,761
SEEKONK \$4,787,530 \$1,065,437
SHARON \$6,780,652 \$1,212,028
SHEFFIELD \$13,886 \$210,933
SHELBURNE \$4,663 \$226,425
SHERBORN \$525,258 \$187,543
SHIRLEY \$0 \$1,135,967
SHREWSBURY \$18,897,238 \$2,411,871
SHUTESBURY \$588,274 \$146,827
SOMERSET \$5,109,544 \$1,327,968
SOMERVILLE \$19,448,713 \$21,815,292
SOUTH HADLEY \$7,676,404 \$2,261,280
SOUTHAMPTON \$2,456,276 \$551,690
SOUTHBOROUGH \$2,744,686 \$378,693
SOUTHBRIDGE \$18,620,962 \$3,046,010
SOUTHWICK \$0 \$1,092,155
SPENCER \$17,006 \$1,958,332
SPRINGFIELD \$295,812,794 \$32,777,293
STERLING \$0 \$600,258
STOCKBRIDGE \$0 \$86,306
STONEHAM \$3,585,918 \$3,217,831
STOUGHTON \$14,304,924 \$2,772,599
STOW \$0 \$364,487
STURBRIDGE \$2,865,678 \$670,795
SUDBURY \$4,397,070 \$1,212,003
SUNDERLAND \$836,963 \$437,622
SUTTON \$5,201,455 \$675,876
SWAMPSCOTT \$2,940,442 \$1,120,722

SWANSEA \$6,098,206 \$1,626,184
TAUNTON \$47,822,170 \$7,282,284
TEMPLETON \$0 \$1,207,362
TEWKSBURY \$12,566,614 \$2,409,797
TISBURY \$404,664 \$84,900
TOLLAND \$0 \$16,003
TOPSFIELD \$1,062,714 \$531,066
TOWNSEND \$0 \$1,137,900
TRURO \$258,486 \$26,048
TYNGSBOROUGH \$7,080,574 \$836,738
TYRINGHAM \$35,721 \$10,993
UPTON \$19,248 \$460,970
UXBRIDGE \$9,074,414 \$1,191,344
WAKEFIELD \$5,111,980 \$2,916,857
WALES \$734,009 \$204,505
WALPOLE \$7,446,256 \$2,206,646
WALTHAM \$8,308,686 \$8,314,358
WARE \$8,674,320 \$1,494,798
WAREHAM \$12,416,757 \$1,713,054
WARREN \$0 \$783,346
WARWICK \$0 \$110,115
WASHINGTON \$0 \$81,778
WATERTOWN \$3,928,626 \$5,775,246
WAYLAND \$3,316,668 \$782,645
WEBSTER \$10,320,876 \$2,143,737
WELLESLEY \$7,526,408 \$1,121,617
WELLFLEET \$154,808 \$50,608
WENDELL \$0 \$150,893
WENHAM \$0 \$370,872
WEST BOYLSTON \$2,864,560 \$689,851
WEST BRIDGEWATER \$2,817,296 \$566,184
WEST BROOKFIELD \$201,348 \$421,713
WEST NEWBURY \$0 \$256,546
WEST SPRINGFIELD \$20,717,957 \$3,103,080
WEST STOCKBRIDGE \$0 \$84,184
WEST TISBURY \$0 \$160,822
WESTBOROUGH \$4,736,300 \$1,003,334
WESTFIELD \$33,072,499 \$5,450,602
WESTFORD \$16,189,875 \$1,840,033
WESTHAMPTON \$450,895 \$125,464
WESTMINSTER \$0 \$566,791
WESTON \$2,571,779 \$323,870
WESTPORT \$4,262,947 \$1,053,380
WESTWOOD \$4,528,863 \$631,666
WEYMOUTH \$27,200,610 \$7,549,641
WHATELY \$247,640 \$116,195
WHITMAN \$121,212 \$2,096,572
WILBRAHAM \$0 \$1,267,170
WILLIAMSBURG \$509,920 \$262,131
WILLIAMSTOWN \$919,376 \$826,641
WILMINGTON \$10,743,101 \$2,152,952
WINCHENDON \$11,215,085 \$1,456,620
WINCHESTER \$7,464,498 \$1,281,052
WINDSOR \$47,361 \$89,913
WINTHROP \$6,026,962 \$3,650,071
WOBURN \$7,323,850 \$5,183,481
WORCESTER \$219,897,733 \$35,980,899
WORTHINGTON \$49,000 \$108,756
WRENTHAM \$3,606,873 \$807,227
YARMOUTH \$0 \$1,093,176
Total Municipal \$3,640,119,601 \$920,230,293

[The Governor reduced this item by \$177,070,000 and struck the following wording “in accordance with this section” and inserting in place thereof the following words:- “by reducing by 17.33 per cent the amount listed for each city or town in the column headed “Unrestricted Government Aid”].]

After remarks, the question on passing section 3, 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 fourteen minutes past one o’clock P.M., as follows, to wit (yeas 39 — nays 0) [Yeas and Nays No. 112]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Knapik, Michael R.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone Murray, Therese
DiDomenico, Sal N. O’Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petrucci, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Welch, James T. — 39.
Keenan, John F.

NAYS — 0.

ABSENT OR NOT VOTING.

Wolf, Daniel A. — 1.

The yeas and nays having been completed at twenty-one minutes past one o’clock P.M., section 3 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 0526-0100 (Massachusetts Historical Commission) was considered as follows:

0526-0100. For the operation of the Massachusetts historical commission; provided, that no less than \$50,000 be expended for the rehabilitation of the State Theatre in the town of Stoughton\$800,000.”.

[The Governor reduced this item by \$50,000 and struck the following wording “; provided, that not less than \$50,000 be expended for the rehabilitation of the State Theatre in the town of Stoughton ”.]

After remarks, the question on passing item 0526-0100, 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 twenty-two minutes past one o’clock P.M., as follows, to wit (yeas 37 — nays 2) [Yeas and Nays No. 113]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Knapik, Michael R.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone Murray, Therese
DiDomenico, Sal N. O’Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petrucci, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Jehlen, Patricia D. Timilty, James E.

Joyce, Brian A. Welch, James T. – 37.

Keenan, John F.

NAYS.

Hedlund, Robert L. Tarr, Bruce E. – 2.

ABSENT OR NOT VOTING.

Wolf, Daniel A. – 1.

The yeas and nays having been completed at twenty-five minutes past one o'clock P.M., item 0526-0100, 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.

Item 4510-0112 (Postpartum Depression Pilot Program) was considered as follows:

4510-0112. For the department of public health to conduct a postpartum depression pilot program at community health centers in Holyoke, Jamaica Plain, Lynn, and Worcester..... \$200,000.”.

[The Governor disapproved this item.]

After remarks, the question on passing item 4510-0112, 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-six minutes past one o'clock P.M., as follows, to wit (yeas 39 — nays 0) [Yeas and Nays No. 114]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.

Brewer, Stephen M. Knapik, Michael R.

Brownsberger, William N. Lovely, Joan B.

Candaras, Gale D. McGee, Thomas M.

Chandler, Harriette L. Montigny, Mark C.

Chang-Diaz, Sonia Moore, Michael O.

Clark, Katherine M. Moore, Richard T.

Creem, Cynthia Stone Murray, Therese

DiDomenico, Sal N. O'Connor Ives, Kathleen

Donnelly, Kenneth J. Pacheco, Marc R.

Donoghue, Eileen M. Petrucci, Anthony

Downing, Benjamin B. Rodrigues, Michael J.

Eldridge, James B. Rosenberg, Stanley C.

Finegold, Barry R. Ross, Richard J.

Flanagan, Jennifer L. Rush, Michael F.

Forry, Linda Dorcena Spilka, Karen E.

Hedlund, Robert L. Tarr, Bruce E.

Jehlen, Patricia D. Timilty, James E.

Joyce, Brian A. Welch, James T. – 39.

Keenan, John F.

NAYS – 0.

ABSENT OR NOT VOTING.

Wolf, Daniel A. – 1.

The yeas and nays having been completed at a half past one o'clock P.M., item 4510-0112, 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 4800-1400 (Domestic Violence Services) was considered as follows:

4800-1400. For shelters and support services for people at risk of domestic violence and for the operation of the New Chardon Street homeless shelter; provided, that the department shall pursue the establishment of public-private partnership agreements established for family stabilization services funded from sources other than the commonwealth; provided further, that services shall include supervised visitation programs and scattered site transitional housing programs, including programs to assist victims of domestic violence in finding and maintaining permanent housing; provided further, that participants in battered women's programs shall be provided with information regarding local transitional housing resources; provided further, that funding shall be made available to enhance counseling services for children who have witnessed domestic violence; provided further, that funding shall be made available for emergency shelters for substance abusing battered women; provided further, that \$150,000 shall be expended for the operation of the Portal to Hope servicing Everett, Malden, and Medford; provided further, that the department shall ensure that there is no reduction in the availability of contracted rooms in any region of the commonwealth; provided further, that \$1,200,000 shall be expended to increase support for family transitional support services funded from this item in fiscal year 2014; provided further, that not later than September 1, 2013 the department of children and families shall report to the house and senate committees on ways and means on the estimated allocation of funds in fiscal year 2014 to each contracted provider funded from this item; provided further, that funding shall be made available for a statewide domestic

violence hotline; provided further, that the department shall continue to provide any match funding required by federal program regulations; and provided further, that domestic violence prevention specialists shall be funded from this item \$22,905,532.”.

[The Governor reduced this item by \$150,000 and struck the following wording “; provided further, that \$150,000 shall be expended for the operation of the Portal to Hope servicing Everett, Malden, and Medford”].

After remarks, the question on passing item 4800-1400, 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-nine minutes before two o’clock P.M., as follows, to wit (yeas 40 — nays 0) [Yeas and Nays No. 115]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.

Brewer, Stephen M. Knapik, Michael R.

Brownsberger, William N. Lovely, Joan B.

Candaras, Gale D. McGee, Thomas M.

Chandler, Harriette L. Montigny, Mark C.

Chang-Diaz, Sonia Moore, Michael O.

Clark, Katherine M. Moore, Richard T.

Creem, Cynthia Stone Murray, Therese

DiDomenico, Sal N. O’Connor Ives, Kathleen

Donnelly, Kenneth J. Pacheco, Marc R.

Donoghue, Eileen M. Petrucci, Anthony

Downing, Benjamin B. Rodrigues, Michael J.

Eldridge, James B. Rosenberg, Stanley C.

Finegold, Barry R. Ross, Richard J.

Flanagan, Jennifer L. Rush, Michael F.

Forry, Linda Dorcena Spilka, Karen E.

Hedlund, Robert L. Tarr, Bruce E.

Jehlen, Patricia D. Timilty, James E.

Joyce, Brian A. Welch, James T.

Keenan, John F. Wolf, Daniel A. — 40.

NAYS — 0.

The yeas and nays having been completed at twenty-six minutes before two o’clock P.M., item 4800-1400, 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 7004-0108 (Massachusetts Short-Term Housing Transition Program) was considered as follows:

7004-0108. For a program of short-term housing assistance to help families in addressing obstacles to maintaining or securing housing for: (a) families eligible for temporary emergency shelter under item 7004-0101; and (b) families that received rental assistance under this item prior to July 1, 2012; provided, that the assistance provided under this item shall include not less than 12 months of housing stabilization and economic self-sufficiency case management services for each family receiving benefits under this item; provided further, that the assistance may include, but shall not be limited to: payments of rent and utility arrears, a portion of the household’s monthly rent, first month’s rent, last month’s rent, security deposit, utility charges and extraordinary medical bills, so long as such assistance will maintain housing for the family; provided further, that except for a family receiving rental assistance, no other assistance from this item shall exceed \$4,000 in a 12 month period; provided further, that excluding families receiving rental assistance, a family shall not receive more than a combined sum of \$4,000 in a 12 month period from this item and item 7004-9316; provided further, that funds shall be used to transition families served by the program into temporary or permanent sustainable housing more rapidly; provided further, that a family shall not be able to receive cash assistance under this item for 12 months from the last date it received cash assistance; provided further, that families that received rental assistance under this item prior to July 1, 2012 shall remain eligible for assistance greater than \$4,000 under this item provided that the monthly rent for the housing does not exceed the amount approved by the department of housing and community development; provided further, that families eligible for rental assistance shall pay not more than 35 per cent of household income towards rent and utilities; provided further, that a family’s eligibility for rental assistance provided under this item shall not exceed a period of 24 successive months from the date the family first received rental assistance under this item, not including time spent in temporary accommodations; provided further, that the department shall take all necessary steps to ensure that families reaching the end of their time limited rental assistance shall not become homeless again including, but not limited to: (i) transitioning families to long-term subsidized housing including, but not limited to assistance given through housing authorities, the federal Housing Choice Voucher program or rental assistance under item 7004-9024; and (ii) providing families with assistance through this item and item 7004-9316; provided further, that, notwithstanding any general or special law to the contrary, the department shall ensure that any family that becomes homeless again shall be provided access to emergency shelter under item 7004-0101 as long as the family meets the income requirements in said item 7004-0101, meets the requirements of the family’s housing stabilization plan and all other options of housing assistance have been exhausted; provided

further, that on the first day of each month beginning on September 1, 2013, the department shall provide a report to the house and senate committees on ways and means, the joint committee on housing and the joint committee on children, families and persons with disabilities detailing how many families reached the end of the 24-month period in the preceding month and each family's current housing status, including what additional forms of assistance are being provided to ensure that the family does not become homeless again; provided further, that so long as a family meets the requirements of the family's housing stabilization plan, a family that, after first receiving benefits through this item, has an income which exceeds 50 per cent of area median income shall not become ineligible for assistance due to exceeding the income limit for a period of 6 months from the date that the income level was exceeded; provided further, that a family that was terminated from the program or did not make a good faith effort to follow its housing stabilization plan during the term of its assistance shall be ineligible for benefits under item 7004-0101 and this item for 24 months from the last date they received assistance under said items, including housing stabilization and economic self-sufficiency case management services; provided further, that a family's housing stabilization plan shall adequately accommodate the age and disabilities of the family members; provided further, that no family with a head of household who is over 60 years of age or who is disabled and who is in compliance with the requirements of a housing stabilization plan that accommodates disabilities shall be denied short-term housing assistance; provided further, that any such family with a head of household who is over 60 years of age or who is disabled shall not have engaged in, or be engaged in, any activity that threatens the health, safety or security of the family, other program participants or program staff; provided further, that families receiving benefits under this program who are found not to be eligible for continuing benefits shall be eligible for aid pending a timely appeal under chapter 23B of the General Laws; provided further, that families who are denied assistance under this item may appeal that denial 115 under said chapter 23B, including subsection (F) of section 30, and regulations adopted to implement said chapter 23B; provided further, that benefits under this item shall be provided only to residents of the commonwealth of Massachusetts who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States; provided further, that the department, as a condition of continued eligibility for assistance under this program, may require disclosure of social security numbers by all members of a family receiving assistance under this item for use in verification of income with other agencies, departments and executive offices; provided further, that any family in which a member of the family fails to provide a social security number for use in verifying the family's income and eligibility shall no longer be eligible to receive benefits from this program; provided further, that the department shall administer this program through the following agencies unless administering agencies are otherwise procured by the department: the Berkshire Housing Development Corporation, the Central Massachusetts Housing Alliance, Inc., the Community Teamwork, Inc., the Housing Assistance Corporation, the Franklin County Regional Housing and Redevelopment Authority, Hap, Inc., the Metropolitan Boston Housing Partnership, Inc., the Lynn Housing Authority and Neighborhood Development, the South Middlesex Opportunity Council, Inc., the South Shore Housing Development Corporation and RCAP Solutions, Inc.; provided further, that the department shall use funds provided for this program for stabilization workers to focus efforts on housing retention, and link households to supports including job training, education, job search, and childcare opportunities available and may enter into agreements with other public and private agencies for the provision of such services, and that a stabilization worker shall be assigned to each household; provided further, that not less than \$175,000 shall be expended annually for provision of emergency services that provide domestic violence intervention, workforce development, housing assistance, operation of food vouchers, winter coats for kids and holiday dinners operated by Community Action Programs Inter-City, Incorporated for the communities specified in item 7004-0099 of section 2 of chapter 68 of the acts of 2011; provided further, that this entire item shall be subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated in this item; provided further, notwithstanding any general or special law to the contrary, 60 days before promulgating or amending any regulation, administrative practice or policy that would alter eligibility for or the level of benefits under this program, other than that which would benefit the clients, the department shall file with the house and senate committees on ways and means and the clerks of the house of representatives and senate a report setting forth justification for such changes, including, but not limited to, any determination by the secretary of housing and economic development that available appropriations will be insufficient to meet projected expenses; provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means which shall include the number of families served, the type of assistance given, the number of families assisted through this program and the average minimum and maximum cost per family of such assistance, the number of households transitioned into federally-funded public housing or rental assistance, the number of households transitioned to said item 7004-9024, the number of households that exited the program into alternative housing and the number of households exiting the program and unaccounted for; and 116 provided further, that the report shall include the number of families served who required further assistance at a later date, the type of assistance later provided and the current housing stability of each family who received assistance within the prior 12 months, including transitional housing or short-term housing assistance and shall include any obstacles encountered with the administration of this program..... \$58,963,556.”.

[The Governor reduced this item by \$175,000 and struck the following wording “; provided further, that not less than \$175,000 shall be expended annually for provision of emergency services that provide domestic violence intervention, workforce development, housing assistance, operation of food vouchers, winter coats for kids and holiday dinners operated by Community Action Programs Inter-City, Incorporated for the communities specified in item 7004-0099 of section 2 of chapter 68 of the acts of 2011”.]

After remarks, the question on passing item 7004-0108, 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-five minutes before two o'clock P.M., as follows, to wit (yeas 39 — nays 1) [Yeas and Nays No. 116]:

YEAS.

Barrett, Michael J. Knapik, Michael R.
Brewer, Stephen M. Lovely, Joan B.
Brownsberger, William N. McGee, Thomas M.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette L. Moore, Michael O.
Chang-Diaz, Sonia Moore, Richard T.
Clark, Katherine M. Murray, Therese
Creem, Cynthia Stone O'Connor Ives, Kathleen
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petrucci, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Rosenberg, Stanley C.
Eldridge, James B. Ross, Richard J.
Finegold, Barry R. Rush, Michael F.
Flanagan, Jennifer L. Spilka, Karen E.
Forry, Linda Dorcena Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Welch, James T.
Keenan, John F. Wolf, Daniel A. — 39.
Kennedy, Thomas P.

NAYS.

Hedlund, Robert L. — 1.

The yeas and nays having been completed at twenty-three minutes before two o'clock P.M., item 7004-0108, 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 7004-9005 (Housing Authority Subsidies) was considered as follows:

7004-9005. For subsidies to housing authorities and nonprofit organizations, including funds for deficiencies caused by certain reduced rentals in housing for the elderly, handicapped, veterans and relocated persons under sections 32 and 40 of chapter 121B of the General Laws; provided, that notwithstanding any general or special law to the contrary, all housing authorities operating elderly public housing shall offer first preference for elderly public housing units which are vacant on the effective date of this act, and thereafter, to those persons 60 years of age or older as of June 30, 2013 receiving rental assistance from the Massachusetts rental voucher program; provided further, that the department of housing and community development may expend funds appropriated in this item for deficiencies caused by certain reduced rentals which may be anticipated in the operation of housing authorities for the first quarter of the subsequent fiscal year; provided further, that no monies shall be expended from this item to reimburse the debt service reserve included in the budgets of housing authorities; 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 the amount appropriated in this item shall be considered to meet any and all obligations under said sections 32 and 40 of said chapter 121B; provided further, that any new reduced rental units developed in fiscal year 2014 eligible for subsidies under this item shall not 117 cause any annualization that results in an amount exceeding the amount appropriated in this item; provided further, that all funds in excess of normal utilities, operations and maintenance costs may be expended for capital repairs; provided further, that any housing authorities receiving funds through this item shall report quarterly to the house and senate committees on ways and means, the joint committee on housing and the house and senate committees on post audit and oversight on: (i) the total number of housing authority units; (ii) the total number of units uninhabitable due to need of repair; (iii) the number of uninhabitable units that could be restored for less than \$10,000 each; and (iv) the total number of units that have been uninhabitable for longer than 60 days that do not have a waiver from the department; provided further, that not less than \$100,000 shall be provided for the Clinton Housing Authority; and provided further, that the administration shall make every attempt to direct efforts toward rehabilitating local housing authority family units requiring \$20,000 or less in repairs \$64,400,000.”.

[The Governor reduced this item by \$100,000 and struck the following wording ”; provided further, that not less than \$100,000 shall be provided for the Clinton Housing Authority.]

After remarks, the question on passing item 7004-9005, 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 before two o'clock P.M., as follows, to wit (yeas 38 — nays 2) [Yeas and Nays No. 117]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Knapik, Michael R.

Brownsberger, William N. Lovely, Joan B.
 Candaras, Gale D. McGee, Thomas M.
 Chandler, Harriette L. Montigny, Mark C.
 Chang-Diaz, Sonia Moore, Michael O.
 Clark, Katherine M. Moore, Richard T.
 Creem, Cynthia Stone Murray, Therese
 DiDomenico, Sal N. O'Connor Ives, Kathleen
 Donnelly, Kenneth J. Pacheco, Marc R.
 Donoghue, Eileen M. Petruccelli, Anthony
 Downing, Benjamin B. Rodrigues, Michael J.
 Eldridge, James B. Rosenberg, Stanley C.
 Finegold, Barry R. Ross, Richard J.
 Flanagan, Jennifer L. Rush, Michael F.
 Forry, Linda Dorcena Spilka, Karen E.
 Jehlen, Patricia D. Timilty, James E.
 Joyce, Brian A. Welch, James T.
 Keenan, John F. Wolf, Daniel A. – 38.
 NAYS.
 Hedlund, Robert L. Tarr, Bruce E. – 2.

The yeas and nays having been completed at eighteen minutes before two o'clock P.M., item 7004-9005, 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 7010-0005 (Department of Elementary and Secondary Education) was considered as follows:

7010-0005. For the operation of the department of elementary and secondary education; provided, that funds shall be expended for the oversight of education collaboratives; provided further, that no less than the following amounts shall be made available for equipment and maintenance grants: (a) \$288,000 to the Hingham public schools (b) \$262,705 to the Hull public schools and (c) \$49,800 to the Cohasset Public schools; provided further, that the department, in collaboration with the commission on gay and lesbian youth established in section 67 of chapter 3 of the General Laws may allocate funds to ensure: public schools' support and safety of lesbian, gay, bisexual and transgender students; the implementation of related suicide and violence prevention efforts; and the reduction of health disparities for lesbian, gay, bisexual and transgender youth; and provided further, that not less than \$25,000 shall be expended for peer-to-peer inclusion programs for students with intellectual disabilities through Best Buddies Massachusetts..... \$14,463,400.

[The Governor reduced this item by \$600,505 and struck the following wording "; that no less than the following amounts shall be made available for equipment and maintenance grants: (a) \$288,000 to the Hingham public schools (b) \$262,705 to the Hull public schools and (c) \$49,800 to the Cohasset Public schools".]

After remarks, the question on passing item 7010-0005, 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 fourteen minutes before two o'clock P.M., as follows, to wit (yeas 39 — nays 0) [Yeas and Nays No. 118]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
 Brewer, Stephen M. Knapik, Michael R.
 Brownsberger, William N. Lovely, Joan B.
 Candaras, Gale D. McGee, Thomas M.
 Chandler, Harriette L. Montigny, Mark C.
 Chang-Diaz, Sonia Moore, Michael O.
 Clark, Katherine M. Moore, Richard T.
 Creem, Cynthia Stone O'Connor Ives, Kathleen
 DiDomenico, Sal N. Pacheco, Marc R.
 Donnelly, Kenneth J. Petruccelli, Anthony
 Donoghue, Eileen M. Rodrigues, Michael J.
 Downing, Benjamin B. Rosenberg, Stanley C.
 Eldridge, James B. Ross, Richard J.
 Finegold, Barry R. Rush, Michael F.
 Flanagan, Jennifer L. Spilka, Karen E.
 Forry, Linda Dorcena Tarr, Bruce E.
 Hedlund, Robert L. Timilty, James E.
 Jehlen, Patricia D. Welch, James T.
 Joyce, Brian A. Wolf, Daniel A. – 39.

Keenan, John F.
NAYS – 0.

The yeas and nays having been completed at eleven minutes before two o'clock P.M., item 7010-0005, 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 7113-0101 (Massachusetts College of Liberal Arts) was considered as follows:

7113-0101. For Gallery 51 at the Berkshire Cultural Resource Center in the city of North Adams to be administered by the Massachusetts College of Liberal Arts..... \$75,000.”.

[The Governor disapproved this item.]

After remarks, the question on passing item 7113-0101, 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 before two o'clock P.M., as follows, to wit (yeas 38 — nays 2) [Yeas and Nays No. 119]:

YEAS.

Barrett, Michael J. Knapik, Michael R.
Brewer, Stephen M. Lovely, Joan B.
Brownsberger, William N. McGee, Thomas M.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette L. Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone Murray, Therese
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Jehlen, Patricia D. Tarr, Bruce E.
Joyce, Brian A. Timilty, James E.
Keenan, John F. Welch, James T.
Kennedy, Thomas P. Wolf, Daniel A. – 38.
NAYS.
Chang-Diaz, Sonia Hedlund, Robert L. – 2.

The yeas and nays having been completed at six minutes before two o'clock P.M., item 7113-0101, 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.

Item 7514-0102 (Springfield Technical Community College) was considered as follows:

7514-0102. For the Massachusetts Center for Telecommunications and Information Technology through the Springfield Technical Community College Assistance Corporation established in section 125 of chapter 273 of the acts of 1994; provided, that the amount appropriated in this item shall include, but not be limited to, amounts to be expended for the operation and maintenance of cable television programming, distance learning curricula, telecommunications-intensive company facilities and a small business incubator\$60,000.”.

[The Governor disapproved this item.]

After remarks, the question on passing item 7514-0102, 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 four minutes before two o'clock P.M., as follows, to wit (yeas 38 — nays 2) [Yeas and Nays No. 120]:

YEAS.

Barrett, Michael J. Knapik, Michael R.
Brewer, Stephen M. Lovely, Joan B.
Brownsberger, William N. McGee, Thomas M.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette L. Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone Murray, Therese
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.

Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Jehlen, Patricia D. Tarr, Bruce E.
Joyce, Brian A. Timilty, James E.
Keenan, John F. Welch, James T.
Kennedy, Thomas P. Wolf, Daniel A. – 38.
NAYS.
Chang-Diaz, Sonia Hedlund, Robert L. – 2.

The yeas and nays having been completed at two minutes before two o'clock P.M., item 7514-0102, 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 8000-0600 (Executive Office of Public Safety and Security) was considered as follows:

8000-0600. For the office of the secretary, including the highway safety bureau, to provide matching funds for a federal planning and administration grant under 23 U.S.C. section 402 and the costs associated with the implementation of chapter 228 of the acts of 2000; provided, that local police departments, sheriff departments, the department of state police, the department of correction and other state agencies, authorities and educational institutions with law enforcement functions as determined by the secretary that receive funds for the cost of replacement of bulletproof vests through the office of the secretary may expend without further appropriation such funds to purchase additional vests in the fiscal year in which they receive the reimbursements; and provided further, that not less than \$100,000 shall be expended to the town of Braintree for public safety improvements
..... \$2,072,230.”.

[The Governor reduced this item by \$100,000 and struck the following wording”; and provided further, that not less than \$100,000 shall be expended to the town of Braintree for public safety improvements.]

The question on passing item 8000-0600, 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 one minute before two o'clock P.M., as follows, to wit (yeas 38 — nays 1) [Yeas and Nays No. 117]:

YEAS.

Barrett, Michael J. Knapik, Michael R.
Brewer, Stephen M. Lovely, Joan B.
Brownsberger, William N. McGee, Thomas M.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette L. Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone Murray, Therese
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Jehlen, Patricia D. Tarr, Bruce E.
Joyce, Brian A. Timilty, James E.
Keenan, John F. Welch, James T.
Kennedy, Thomas P. Wolf, Daniel A. – 38.

NAYS.

Chang-Diaz, Sonia – 1.

ANSWERED “PRESENT”.

Hedlund, Robert L. (present) – 1.

The yeas and nays having been completed at four minutes past two o'clock P.M., item 8000-0600, 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 8100-1001 (Department of State Police) was considered as follows:

8100-1001. For the administration and operation of the department of state police; provided, that the department shall expend

funds from this item to maximize federal grants for the operation of a counter-terrorism unit and the payment of overtime for state police officers; provided further, that the department shall maintain the division of field services which shall include, but not be limited to, the bureau of metropolitan district operations; provided further, that not fewer than 40 officers may be provided to the department of conservation and recreation to patrol the watershed property of the department of conservation and recreation; provided further, that the department shall enter into an interagency agreement with the department of conservation and recreation to provide police coverage on department 155 properties and parkways; provided further, that funds shall be expended from this item for the administration and operation of an automated fingerprint identification system and the motor carrier safety assistance program; provided further, that not fewer than 5 officers shall be provided to the disabled persons protection commission to investigate cases of criminal abuse; provided further, that not less than \$1,000,000 shall be expended for the payroll costs of the state police directed patrols; provided further, that, subject to appropriation, communities receiving funds for directed patrols in fiscal year 2008 shall receive an equal disbursement of funds in proportion to the current appropriation in fiscal year 2014; provided further, that no less than \$200,000 shall be expended for Operation Cutone; provided further, that the creation of a new or an expansion of the existing statewide communications network shall include the office of law enforcement in the executive office of energy and environmental affairs at no cost to, or compensation from the executive office of energy and environmental affairs; provided further, that there shall be a study submitted to the house and senate committees on ways and means not later than January 31, 2014, on traffic details worked by the department of state police, including troops A, B, C, D, E, F and H, over the last year, which shall detail, on a monthly basis: the total number of hours worked on traffic details by state police officers, the total amount paid to state police officers for traffic details, the standard hourly rates for traffic details done by state police officers and the city or town in which traffic details are performed by state police officers; and provided further, that the department may expend funds from this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the office of the chief medical examiner, the municipal police training committee and the criminal history systems board . \$251,914,660.”

[The Governor reduced this item by \$200,000 and struck the following wording”; “; provided further, that no less than \$200,000 shall be expended for Operation Cutone”.]

After remarks, the question on passing item 8100-1001, 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 ten minutes past two o'clock P.M., as follows, to wit (yeas 39 — nays 1)

[Yeas and Nays No. 122]:

YEAS.

Barrett, Michael J. Knapik, Michael R.
Brewer, Stephen M. Lovely, Joan B.
Brownsberger, William N. McGee, Thomas M.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette L. Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone Murray, Therese
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Welch, James T.
Keenan, John F. Wolf, Daniel A. — 39.
Kennedy, Thomas P.

NAYS.

Chang-Diaz, Sonia — 1.

The yeas and nays having been completed at twelve minutes past two o'clock P.M., item 8100-1001, 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.

Section 36A (Tramway I) was considered as follows:

SECTION 36A. Section 21 of chapter 22 of the General Laws, inserted by section 35 of chapter 68 of the acts of 2011, is hereby repealed.”.

[The Governor disapproved this section.]

The question on passing section 36A, 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 two o'clock P.M., as follows, to wit (yeas 40 — nays 0) [Yeas and Nays No. 123]:
YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Knapik, Michael R.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone Murray, Therese
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Welch, James T.
Keenan, John F. Wolf, Daniel A. — 40.
NAYS — 0.

The yeas and nays having been completed at sixteen minutes past two o'clock P.M., section 36A stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

SECTION 37 (Tramway II) was considered as follows:

SECTION 37. Said chapter 22 is hereby further amended by adding the following section:-

Section 22. (a) The commissioner may issue a written notice of violation, which shall be a written warning or a citation to assess civil monetary fines of not more than \$5,000 for a violation of the following laws or of any regulations adopted thereunder:

(1) section 13A; provided, however, that an inspector assigned to the building division or a designee of the architectural access board may also issue a warning or citation under this section;

(2) sections 1, 2 and 64 of chapter 105;

(3) section 205A of chapter 140; provided, however, that an inspector assigned to the building division or the engineering division of the department may also issue a warning or citation under this section;

(4) sections 3V, 9 and 50 of chapter 143; provided, however, that an inspector assigned to the building division of the department may also issue a warning or citation under these sections;

(5) sections 65, 71 and 71D of chapter 143; provided, however, that an inspector assigned to the elevator division of the department may also issue a warning or citation under this section;

(6) the regulations of the state building code governing licensing of construction supervisors under section 94 of chapter 143; provided, however, that an inspector assigned to the building division of the department may also issue a warning or citation under such regulations;

(7) sections 5 to 41, inclusive, sections 53 to 54A, inclusive, sections 70 to 80, inclusive, or section 89 of chapter 146; provided, however, that an inspector assigned to the engineering division of the department may also issue a warning or citation under these sections; and

(8) sections 57 and 60 of chapter 147.

(b) The commissioner may issue a written notice of violation, which shall be a written warning or a citation to assess civil monetary fines of not more than \$1,000 for a violation of sections 71K and 71N of chapter 143; provided, however, that a designee of the recreational tramway board may also issue a warning or citation under said sections 71K and 71N.

(c) The commissioner may adopt regulations for the administration and enforcement of this section.

(d) The individual issuing the written notice of violation shall indicate on the notice that it is for: (i) a written warning or a citation; and (ii) a violation of the specific law or regulation referenced in subsection (a).

(e) A person, firm or corporation who is issued a citation in a written notice of violation may appeal to a hearing officer designated by the secretary of public safety and security within 30 days after receipt of the notice. All appeal hearings shall be held in accordance with the standard rules governing informal adjudicatory proceedings adopted pursuant to section 9 of chapter 30A.

(f) A person, firm or corporation who is issued a citation in a written notice of a violation and who fails to: (i) pay the fines assessed within 30 days after receipt of the notice; (ii) appeal within the 30 days; or (iii) appear at a scheduled appeal hearing, shall be deemed responsible for the violation as stated in the notice. The finding of responsibility shall be admissible as prima facie evidence of responsibility for the violation in any civil proceeding regarding the violation, in any proceeding to suspend or

revoke a license, permit or certificate and in any criminal proceeding.

(g) The commissioner may assess a fee for appeals filed pursuant to this section, to be determined by the secretary of administration and finance pursuant to section 3B of chapter 7.

[The Governor disapproved this section.]

After remarks, the question on passing section 37, 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 two o'clock P.M., as follows, to wit (yeas 40 — nays 0) [Yeas and Nays No. 124]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Knapik, Michael R.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone Murray, Therese
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petrucci, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Welch, James T.
Keenan, John F. Wolf, Daniel A. — 40.
NAYS — 0.

The yeas and nays having been completed at twenty-one minutes past two o'clock P.M., section 37 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

SECTION 135 (Mosquito Control) was considered as follows:

SECTION 135. The second paragraph of section 5A of chapter 252 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following sentence:- The certification shall not give the board the authority to modify the budget approved by a mosquito control project without the mosquito control project's approval."

[The Governor disapproved this section.]

After remarks, the question on passing section 135, 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-two minutes past two o'clock P.M., as follows, to wit (yeas 40 — nays 0) [Yeas and Nays No. 125]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Knapik, Michael R.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone Murray, Therese
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petrucci, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Welch, James T.

Keenan, John F. Wolf, Daniel A. – 40.
NAYS – 0.

The yeas and nays having been completed at twenty-five minutes past two o'clock P.M., section 135 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Matter Taken Out of the Orders of the Day.

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

The House Bill financing the production and preservation of housing for low and moderate income residents (House, No. 3492, amended),-- was read a second time.

After remarks, Mr. Eldridge requested that a call of the yeas and nays be ordered on the question of engrossment; and this motion was adopted.

Pending the question adoption of the amendment previously recommended by the committee on Ways and Means that the pending Bonding, Capital Expenditures and State Assets new text (Senate, No. 1829) be amended by striking out the text and inserting in place thereof the text of Senate document numbered 1835, and pending the main question on ordering the bill to a third reading, Mr. Downing moved that the proposed new text be amended in line item 7004-0040, by inserting at the end thereof the following:- “; provided further that not less than \$200,000 be provided to ServiceNet for facility renovations and safety upgrades at the Barton’s Crossing emergency homeless and transitional housing shelter in the city of Pittsfield;”

The amendment was rejected.

Mr. Pacheco moved that the proposed new text be amended in section 2, line item 7004-0039 by inserting in line 14 after the word “homeowners” the following new text:- “,including manufactured housing residents,”.

The amendment was rejected.

Mr. Tarr moved that the proposed new text be amended by inserting, after section __, the following new section:-

“SECTION __. Notwithstanding any general or special law to the contrary, no awarding authority as defined by section 39 of chapter 3 of the General Laws, shall require or prohibit bidders, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or related projects, or discriminate against bidders, contractors, subcontractors, or operators for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related public works projects.”

The amendment was rejected.

Mr. Tarr moved that the proposed new text be amended by inserting, after section __, the following new section:-

“SECTION __. The department of housing and community development is hereby authorized and directed to report on a semi-annual basis to the house and senate committees on ways and means regarding the status of its homelessness prevention program for families who are eligible for emergency assistance, also known as the HomeBASE program, established in Chapter 68 of the Acts of 2011. The initial report shall be filed on or before October 1, 2013 and subsequent reports filed every six months thereafter. Said reports shall include, but not be limited to, details on the program’s current funding levels and expenditures at the time of the report, information on any projected funding surpluses or shortfalls, the amount of funding the program anticipates will be necessary to ensure that families living in shelters and temporary housing can make the transition to permanent housing, the program’s achievement of cost-savings and efficiencies, and any additional resources required in order for the program to meet its goals and remain financially viable.”

The amendment was rejected.

Mr. Tarr moved that the proposed new text be amended by striking section 8 in its entirety; and by striking section 9 in its entirety.

The amendment was rejected.

Mr. Tarr moved that the proposed new text be amended by inserting, after section __, the following new section:-

“SECTION __. The department of housing and community development is hereby authorized and directed to conduct a study of the barriers to homeownership in the commonwealth, and to report back with recommendations on how the state can best provide strong incentives to promote private homeownership opportunities, including but not limited to the offering of tax incentives and private mortgage insurance assistance. Said report shall be completed and submitted to the house and senate committees on ways and means and the joint committee on housing no later than December 31, 2013.”

The amendment was rejected.

Ms. Lovely moved that the proposed new text be amended in section 2, in item 7004-0045, in line 256, by inserting after the word “thereafter” the following: - “and provided further, that the department shall establish a registry documenting the number of incidents of bullying and harassment reported by residents living in public housing authorities in the Commonwealth. The department shall issue an annual report on or before January 31 of each year on its findings describing and analyzing the data collected from the registry on the prevalence and incidents of harassment and bullying of residents living in public housing authorities in the Commonwealth which will be published on its website”.

The amendment was rejected.

Mr. Tarr moved that the proposed new text be amended by inserting, after section __, the following new section:-

“SECTION __. Notwithstanding any general or special law to the contrary, an awarding authority electing to require a project labor agreement shall, within sixty days of said decision, submit a report to the inspector general:

- (1) stating that the project is of such size, duration, timing and complexity that a project labor agreement is required; and
- (2) providing a comparative analysis of any benefits of the project labor agreement that led the awarding authority to conclude that such an agreement was required, and any increased costs or adverse impacts caused by the agreement.”

The amendment was rejected.

Mr. Rosenberg moved that the proposed new text be amended by inserting the following new section:-

“SECTION _____. (a) There is hereby established a commission to study chapter 183A of the General Laws, the so-called “Condominium Law,” consisting of 11 members, including: the secretary of housing and community development or a designee, who shall serve as chair; 2 member appointed by the president of the senate; 1 member appointed by the minority leader of the senate; 2 member appointed by the speaker of the house; 1 member appointed by the minority leader of the house; and 4 members appointed by the governor, 1 of whom shall be a representative of the Community Association Institute, 1 of whom shall have experience in property management or serving on a condominium board, 1 of whom shall have experience in condominium law representing condominium unit owners, and 1 of whom shall own or have owned a condominium unit.

(b) The commission shall investigate and make recommendations in areas including, but not limited to: (i) the rights and responsibilities of condominium unit owners, associations, boards and management (ii) record keeping, financial audits and document retention; (iii) assessment, division and collection of common expenses; (iv) mandatory and additional by-laws; (v); election of condominium board members and board operations (vi) creation of an oversight entity or enforcement mechanism to resolve unit owner/board disputes.

(c) The commission shall be convened by the chair not later than 90 days after the effective date of this act, whether or not all the members have been appointed, and shall solicit testimony from experts and the general public in the course of their work. The commission shall report to the general court the results of its findings and recommendations, together with drafts of legislation necessary to carry out such recommendations, which shall be filed with the clerks of the senate and house, who shall forward the report to the chairs of the joint committee on housing, not later than January 1, 2015.”

The amendment was rejected.

Mr. Wolf moved that the proposed new text be amended by adding the following section:

“SECTION X: For the purpose of financing energy efficiency renovations to seven, deed restricted, affordable rental housing units in Eastham owned by the Community Development Partnership, \$125,000 shall be allocated to the Community Development Partnership.”

The amendment was rejected.

Mr. Tarr moved that the proposed new text be amended by inserting, after section ___, the following new section:-

“SECTION ___. Section 1A of chapter 239 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:

A lessor of land or tenements used for residential purposes may bring an emergency action to recover possession upon a showing that significant damage to the premises is occurring or is likely to result from continued occupancy of the tenant. A hearing on such action shall be held within 14 days after the action is initiated.

Section 2. Section 8A of said chapter 239, as so appearing, is hereby amended by striking the second paragraph in its entirety and inserting in place thereof the following:

Whenever any counterclaim or claim of defense under this section is based on any allegation concerning the condition of the premises or the services or equipment provided therein, the tenant or occupant shall not be entitled to relief under this section unless:

- (1) the owner or his agents, servants, or employees, or the person to whom the tenant or occupant customarily paid his rent knew of such conditions before the tenant or occupant was in arrears in his rent;
- (2) the tenant, within 7 days of the typical rent payment date, deposited the withheld rent with the clerk to be held in escrow;
- (3) the plaintiff does not show that such conditions were caused by the tenant or occupant or any other person acting under his control; except that the defendant shall have the burden of proving that any violation appearing solely within that portion of the premises under his control and not by its nature reasonably attributable to any action or failure to act of the plaintiff was not so caused;
- (4) the tenant shows that, upon reasonable notice by the owner, they did not unreasonably deny access to the owner or owner’s representative to make the repairs or alterations;
- (5) the premises are not situated in a hotel or motel, nor in a lodging house or rooming house wherein the occupant has maintained such occupancy for less than three consecutive months; and
- (6) the plaintiff does not show that the conditions complained of cannot be remedied without the premises being vacated; provided, however, that nothing in this clause shall be construed to deprive the tenant or occupant of relief under this section when the premises are temporarily vacated for purposes of removal or covering of paint, plaster, soil or other accessible materials containing dangerous levels of lead pursuant to section one hundred and ninety-seven of chapter one hundred and eleven.

Section 3. Said section 8A of said chapter 239, as so appearing, is hereby further amended in the last sentence of the fourth paragraph by striking, in line 74, the word “may” and inserting in place thereof the following word:- “shall”.

Section 4. Said section 8A of said chapter 239, as so appearing, is hereby further amended by inserting at the end thereof the following paragraph:-

Any rent withheld and placed in escrow with the clerk based on any allegation concerning the condition of the premises or the services or equipment provided therein, shall be released to the owner or owner’s representative within 21 days following cure of the defect for which rent was withheld, provided that the local board of health has inspected the property and certified that the defect has been cured.”

The amendment was rejected.

Mr. Wolf moved that the proposed new text be amended by adding the following section:

“SECTION X: For the purpose of maintaining its Housing First model, which provides housing with support services, including mental health, substance abuse, benefits enrollment and other case management services, to homeless and at risk individuals, \$425,000 shall be allocated to Duffy Health Center to reduce costs of public services for 40 homeless individuals who are also high utilizers of emergency health services.”

The amendment was rejected.

Messrs. Wolf and Rosenberg moved that the proposed new text be amended by adding the following section:

“SECTION X: Subsection (c) of section 10 of Chapter 183A of the General Laws is hereby amended by inserting after the last paragraph 3 the following paragraph:

In an action brought by an owner or mortgagee holding a recorded first mortgage to enforce this subsection in which the organization of unit owners or their manager or management agent is found not to be compliant with this subsection, the organization of unit owners shall be responsible for all reasonable attorney fees incurred in the action.”

The amendment was rejected.

Messrs. Tarr and Hedlund moved that the proposed new text be amended by inserting, after section __, the following new sections:-

“SECTION __. Section 2 of chapter 43D of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the word ‘selectmen.’, in line 5, the following words:-

‘Housing Priority Zone’, a privately or publicly owned property, a zoning district or a zoning overlay district zoned and designated for the development or redevelopment of housing which:

1. Exceeds the allowable unit density by a minimum of 50 percent greater than the density allowed prior to designation as a priority zone, and shall in no case have a lot size greater than ½ acre;
2. Includes a minimum of 40% of its units as affordable housing, as defined in Section 2 of Chapter 40R;
3. May incorporate the use of zoning methods known as cluster development, as defined in Section 9 of Chapter 40A of the General Laws, or open space residential design; and
4. Is designated a priority development site by the board, in consultation with the Department of Housing and Community Development.

SECTION __. Chapter 43D, as so appearing, is hereby further amended by inserting after section 16 the following sections:-

Section 17. For the purposes of determining consistency with the definition of ‘consistent with local needs’ contained in Section 20 of Chapter 40B of the General Laws, a housing unit developed in a housing priority zone shall be credited at the rate of 1.75 units upon the issuance of a building permit.

Section 18. Any individual or family residing in affordable housing within a housing priority zone shall report to the local administrative office responsible for housing development and administration not less than once every three years to certify that the property has not been sold or otherwise transferred to an individual or family who exceeds the income limits of the affordable housing program. If said property is sold or otherwise transferred to an individual or family who do not exceed the income limits, then the reporting responsibility shall devolve to the new owner or owners of the property.

Section 19. Notwithstanding any general or special law to the contrary, the real estate tax assessed to a property designated as a priority development site shall be on a pro rata basis to the days remaining in the fiscal year from the date of the issue of the temporary or permanent occupancy permit to the end of the fiscal year.”

The amendment was rejected.

Mr. Timilty moved that the proposed new text be amended in item 7004-0044 by adding at the end thereof the following:-

“provided further, that not less than \$100,000 shall be provided to the Norton Housing Authority for the purchase of a generator”.

The amendment was rejected.

Mr. Hedlund moved that the proposed new text be amended by inserting at the end thereof the following new section:-

“SECTION __: Section 3 of Chapter 23B of the General Laws is hereby amended by adding the following subsection:-

(w) the department of housing and community development shall designate qualifying senior housing as either rental housing or home ownership housing. Said designation shall be based solely on a factual determination of whether title passes to the resident of the development. If title does not pass to the resident, the development shall be designated as rental housing. If title passes to the resident of the development, the development shall be designated as home ownership housing. For purposes of determining whether a project is consistent with local needs, as provided in section 20 of chapter 40B, the department shall credit a city or town with the appropriate number of affordable housing units based on its designation as either rental housing or home ownership housing.

SECTION 2. The department shall promulgate regulations in order to implement the provisions of this act.”

The amendment was rejected.

Mr. Hedlund moved that the proposed new text be amended by inserting at the end thereof the following new section:-

“SECTION __: The Inspector General, in consultation with the Attorney General shall enter into a contract with a third party for the purposes of auditing all affordable housing projects built through the comprehensive permit process since July 1, 1998 as outlined in Sections 20-23 of Chapter 40B of the Mass. General Laws. The third party shall be hired through a competitive bidding process and meet minimum professional qualifications as determined by the Inspector General’s Office.

All audits performed through this section shall be conducted in accordance with generally accepted auditing standards, and include but not be limited to a review of the submitted cost certification, agreements between the developer and the financing authority, purchase and sales agreements, any and all documentation relating to the real estate appraisal of the relevant property

or properties, all reported expenses and revenues, all documentation regarding to the purchase, sale or lease, or all constructed units, and any other matter requested by the Inspector General.

At the request of the third party, the Inspector General's office may summons the production of all records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material relevant to any matter under audit or investigation, in accordance with Section 9 of Chapter 12A of the MGL.

The findings of every audit, including any evidence of illegal or fraudulent activities, or cases where the actual realized profit of an individual project exceeds 20 percent, shall be presented immediately upon completion to the Inspector General for his review. The Inspector General may take whatever further action he deems is necessary, in accordance with Section 10 of Chapter 12 A of the MGL.

It shall be the responsibility of the Attorney General to recover all monies owed to the host communities. The third party hired to conduct the initial audit may receive a pre-determined percentage of all recovered monies, not to exceed 10 percent, with the balance being returned to the host community."

The amendment was rejected.

Mr. Hedlund moved that the proposed new text be amended by inserting at the end thereof the following new section:-

"SECTION ____ . Section 21 of chapter 40B of the Massachusetts General laws is hereby amended by adding the following paragraph:-

Applications to build low and moderate income housing units using a comprehensive permit shall not be exempt from local bylaws and ordinances concerning building in or the disturbance of environmentally sensitive areas including, but not limited to, bordering vegetative wetlands, watersheds, scenic rivers, marshes, wildlife sanctuaries, and vernal pools. Compliance with these local bylaws and ordinances shall not be considered an uneconomic condition. Local boards shall have the sole discretion to waive these local bylaws and ordinances."

Pending the question on adoption of the amendment, at a quarter past three o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at twenty-four minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

The House Bill financing the production and preservation of housing for low and moderate income residents (House, No. 3492, amended),-- was again considered, the main question being on ordering the bill to a third reading, with the Ways and Means new text pending.

Pending the question on adoption of the amendment, previously moved by Mr. Hedlund, Mr. Hedlund moved that the further consideration thereof be postponed until Tuesday, July 30.

After debate, the question on postponement was determined by a call of the yeas and nays, at twelve minutes before four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 4 — nays 35) [Yeas and Nays No. 126]:

YEAS.

Hedlund, Robert L. Ross, Richard J.

Knapik, Michael R. Tarr, Bruce E. — 4.

NAYS.

Barrett, Michael J. Keenan, John F.

Brewer, Stephen M. Kennedy, Thomas P.

Brownsberger, William N. Lovely, Joan B.

Candaras, Gale D. McGee, Thomas M.

Chandler, Harriette L. Montigny, Mark C

Chang-Diaz, Sonia Moore, Michae

O.

Clark, K

therine M. Moore, Richard T.

Creem, Cynthia Stone O'Connor Ives, Kathleen

DiDomenico, Sal N. Pacheco, Marc R.

Donnelly, Kenneth J. Petruccelli, Anthony

Donoghue, Eileen M. Rodrigues, Michael J.

Downing, Benjamin B. Rosenberg, Stanley C.

Eldridge, James B. Rush, Michael F.

Finegold, Barry R. Spilka, Karen E.

Flanagan, Jennifer L. Timilty, James E.

Forry, Linda Dorcena Welch, James T.

Jehlen, Patricia D. Wolf, Daniel A. — 35.

Joyce, Brian A.

The yeas and nays having been completed at nine minutes before four o'clock P.M., the motion to postpone was negatived.

Mr. Hedlund then moved that the bill be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

PAPERS FROM THE HOUSE.

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 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 3539), which on Monday, July 1, 2013, 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. 3555) was read; and the Senate proceeded to reconsider several items, which had been disapproved in accordance with the provisions of the Constitution.

0340-1100 (Berkshire District Attorney) was considered as follows:

0340-1100..... \$53,813.

[The Governor disapproved this item.]

The question on passing item 0340-1100, 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 seven minutes before four o'clock P.M., as follows, to wit (yeas 38 — nays 1) [Yeas and Nays No. 127]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.

Brewer, Stephen M. Knapik, Michael R.

Brownsberger, William N. Lovely, Joan B.

Candaras, Gale D. McGee, Thomas M.

Chandler, Harriette L. Montigny, Mark C.

Chang-Diaz, Sonia Moore, Michael O.

Clark, Katherine M. Moore, Richard T.

Creem, Cynthia Stone O'Connor Ives, Kathleen

DiDomenico, Sal N. Pacheco, Marc R.

Donnelly, Kenneth J. Petruccelli, Anthony

Donoghue, Eileen M. Rodrigues, Michael J.

Downing, Benjamin B. Rosenberg, Stanley C.

Eldridge, James B. Ross, Richard J.

Finegold, Barry R. Rush, Michael F.

Flanagan, Jennifer L. Spilka, Karen E.

Forry, Linda Dorcena Tarr, Bruce E.

Jehlen, Patricia D. Timilty, James E.

Joyce, Brian A. Welch, James T.

Keenan, John F. Wolf, Daniel A. — 38.

NAYS.

Hedlund, Robert L. — 1.

The yeas and nays having been completed at four minutes before four o'clock P.M., item 0340-1100, 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 1599-0090 (Local Disaster Projects) was considered as follows:

1599-0090. For a reserve to reimburse municipalities for unanticipated costs related to extreme weather events; provided, that not less than \$350,000 shall be available to the town of Rockport for costs related to flood damage to Mill Pond Dam; provided further, that \$307,450 shall be available to the town of Arlington to reimburse the town for costs related to the July 2012 microburst; provided further, that not less than \$250,000 shall be available to the Charlemont sewer district for repairs related to Hurricane Irene; and provided further, that \$300,000 shall be available to the town of Milton to reimburse the town for health care costs related to injured municipal employees.....\$1,207,450.

[The Governor reduced this item by \$900,000 and struck the following wording “not less than \$350,000 shall be available to the town of Rockport for costs related to flood damage to Mill Pond Dam”.]

The question on passing item 1599-0090, contained in section 2A, 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 three minutes before four o'clock P.M., as follows, to wit (yeas 39 — nays 0) [Yeas and Nays No. 128]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.

Brewer, Stephen M. Knapik, Michael R.

Brownsberger, William N. Lovely, Joan B.

Candaras, Gale D. McGee, Thomas M.

Chandler, Harriette L. Montigny, Mark C.

Chang-Diaz, Sonia Moore, Michael O.

Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone O'Connor Ives, Kathleen
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petruccelli, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Rosenberg, Stanley C.
Eldridge, James B. Ross, Richard J.
Finegold, Barry R. Rush, Michael F.
Flanagan, Jennifer L. Spilka, Karen E.
Forry, Linda Dorcena Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. – 39.
Keenan, John F.
NAYS – 0.

The yeas and nays having been completed at one minute before four o'clock P.M., item 1599-0090, contained in section 2A, 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.

Section 37 (State Parks and Recreation) was considered as follows:

SECTION 37. Item 2810-0100 of said section 2 of said chapter 139 is hereby amended by adding the following words:- ; and provided further, that not less than \$350,000 shall be expended for aquatic invasive species control.

[The Governor disapproved this section.]

The question on passing section 37, 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 four o'clock P.M., as follows, to wit (yeas 39 — nays 0) [Yeas and Nays No. 129]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Knapik, Michael R.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone O'Connor Ives, Kathleen
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petruccelli, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Rosenberg, Stanley C.
Eldridge, James B. Ross, Richard J.
Finegold, Barry R. Rush, Michael F.
Flanagan, Jennifer L. Spilka, Karen E.
Forry, Linda Dorcena Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. – 39.
Keenan, John
F.
NAYS – 0.

The yeas and nays having been completed at three minutes past four o'clock P.M., section 37 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 38 (State Parks and Recreation) was considered as follows:

“SECTION 38. Said item 2810-0100 of said section 2 of said chapter 139 is hereby further amended by striking out the figure:-

“\$41,409,387” and inserting in place thereof the following figure:- \$41,759,387.”.

[The Governor disapproved this section.]

The question on passing section 38, 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 four minutes past four o'clock P.M., as follows, to wit (yeas 39 — nays 0) [Yeas and Nays No. 130]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.

Brewer, Stephen M. Knapik, Michael R.
 Brownsberger, William N. Lovely, Joan B.
 Candaras, Gale D. McGee, Thomas M.
 Chandler, Harriette L. Montigny, Mark C.
 Chang-Diaz, Sonia Moore, Michael O.
 Clark, Katherine M. Moore, Richard T.
 Creem, Cynthia Stone O'Connor Ives, Kathleen
 DiDomenico, Sal N. Pacheco, Marc R.
 Donnelly, Kenneth J. Petrucci, Anthony
 Donoghue, Eileen M. Rodrigues, Michael J.
 Downing, Benjamin B. Rosenberg, Stanley C.
 Eldridge, James B. Ross, Richard J.
 Finegold, Barry R. Rush, Michael F.
 Flanagan, Jennifer L. Spilka, Karen E.
 Forry, Linda Dorena Tarr, Bruce E.
 Hedlund, Robert L. Timilty, James E.
 Jehlen, Patricia D. Welch, James T.
 Joyce, Brian A. Wolf, Daniel A. – 39.
 Keenan, John F.
 NAYS – 0.

The yeas and nays having been completed at six minutes past four o'clock P.M., section 38 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4590-0925 (Prostate Cancer Research) was considered as follows:

4590-0925. For the costs of a prostate research program that the department shall grant matching funds from this item to a research foundation selected by the department to undertake the design and management of a 3 year multi-center clinical trial to determine the value of high-quality multi-parametric magnetic resonance imaging service, in this item called MP MRI, as defined by the prostate imaging radiologic system, in this item called PI-RADS, for acquisition and reporting, to address the central challenges in prostate cancer care; provided further, that said clinical trial shall produce scientific data on the value of high-precision MP MRIs and shall include, but shall not be limited to, evaluating MP MRI and PI-RADS in improving early detection of aggressive prostate cancer, eliminating unnecessary biopsies and treatment of indolent disease and reducing health care costs; provided further, that the research foundation selected for this clinical trial shall have a demonstrated record of designing, managing and supporting pioneering work in prostate MRI research and PI-RADS development and shall have a recognized leadership role in integrating efforts of multiple public and private partners in national and international transformational research programs; provided further, that the research foundation selected for this clinical trial shall provide evidence of current or past federally-funded prostate MRI research that shall include PI-RADS standardization; provided further, that any grant to a research foundation from this item shall be subject to such research foundation's receipt of matching funds from federal or private sources; and provided further, that funds in this item shall not revert and shall be made available through June 30, 2014.....\$1,500,000.”.

[The Governor disapproved this section.]

After remarks, the question on passing item 4590-0925, contained in section 2A, 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 eight minutes past four o'clock P.M., as follows, to wit (yeas 40 — nays 0) [Yeas and Nays No. 131]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
 Brewer, Stephen M. Knapik, Michael R.
 Brownsberger, William N. Lovely, Joan B.
 Candaras, Gale D. McGee, Thomas M.
 Chandler, Harriette L. Montigny, Mark C.
 Chang-Diaz, Sonia Moore, Michael O.
 Clark, Katherine M. Moore, Richard T.
 Creem, Cynthia Stone Murray, Therese
 DiDomenico, Sal N. O'Connor Ives, Kathleen
 Donnelly, Kenneth J. Pacheco, Marc R.
 Donoghue, Eileen M. Petrucci, Anthony
 Downing, Benjamin B. Rodrigues, Michael J.
 Eldridge, James B. Rosenberg, Stanley C.
 Finegold, Barry R. Ross, Richard J.
 Flanagan, Jennifer L. Rush, Michael F.

Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Welch, James T.
Keenan, John F. Wolf, Daniel A. — 40.
NAYS — 0.

The yeas and nays having been completed at ten minutes past four o'clock P.M., item 4590-0925, contained in section 2A, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7004-0099 (Department of Housing Administration) was considered as follows:

7004-0099.....\$100,000.

[The Governor disapproved this section.]

The question on passing item 7004-0099, 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 eleven minutes past four o'clock P.M., as follows, to wit (yeas 37 — nays 2) [Yeas and Nays No. 132]:

YEAS.

Barrett, Michael J. Knapik, Michael R.
Brewer, Stephen M. Lovely, Joan B.
Brownsberger, William N. McGee, Thomas M.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette L. Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone O'Connor Ives, Kathleen
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petrucci, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Rosenberg, Stanley C.
Eldridge, James B. Ross, Richard J.
Finegold, Barry R. Rush, Michael F.
Flanagan, Jennifer L. Spilka, Karen E.
Forry, Linda Dorcena Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Welch, James T.
Keenan, John F. Wolf, Daniel A. — 37.
Kennedy, Thomas P.

NAYS.

Chang-Diaz, Sonia Hedlund, Robert L. — 2.

The yeas and nays having been completed at fourteen minutes past four o'clock P.M., item 7004-0099, 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 69 (Department of Housing Administration) was considered as follows:

SECTION 69. Notwithstanding any general or special law to the contrary, the department of housing and community development is directed to expend not less than a total of \$150,000 for a one-time community action grant in the town of Holbrook in fiscal year 2013, as appropriated for in item 7004-0099.

[The Governor disapproved this section.]

The question on passing section 69, 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 a quarter past four o'clock P.M., as follows, to wit (yeas 37 — nays 2) [Yeas and Nays No. 133]:

YEAS.

Barrett, Michael J. Knapik, Michael R.
Brewer, Stephen M. Lovely, Joan B.
Brownsberger, William N. McGee, Thomas M.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette L. Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone O'Connor Ives, Kathleen
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petrucci, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.

Downing, Benjamin B. Rosenberg, Stanley C.
Eldridge, James B. Ross, Richard J.
Finegold, Barry R. Rush, Michael F.
Flanagan, Jennifer L. Spilka, Karen E.
Forry, Linda Dorcena Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Welch, James T.
Keenan, John F. Wolf, Daniel A. – 37.
Kennedy, Thomas P.
NAYS.
Chang-Diaz, Sonia Hedlund, Robert L. – 2.

The yeas and nays having been completed at seventeen minutes past four o'clock P.M., section 69 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

SECTION 44 (Homeless Individuals) was considered as follows:

SECTION 44. Item 7004-0102 of said section 2 of said chapter 139 is hereby amended by adding the following words:- ; and provided further, that \$145,387 shall be expended for the Friends of the Homeless, Inc. in the city of Springfield.

[The Governor disapproved this item.]

The question on passing section 44, 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 four o'clock P.M., as follows, to wit (yeas 38 — nays 1) [Yeas and Nays No. 134]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Knapik, Michael R.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Welch, James T.
Keenan, John F. Wolf, Daniel A. – 38.
NAYS.
Chang-Diaz, Sonia – 1.

The yeas and nays having been completed at twenty minutes past four o'clock P.M., section 44 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

SECTION 45 (Homeless Individuals) was considered as follows:

SECTION 45. Said item 7004-0102 of said section 2 of said chapter 139 is hereby further amended by striking out the figure “\$40,450,335” and inserting in place thereof the following figure:- \$40,597,722.

[The Governor disapproved this item.]

The question on passing section 45, 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 four o'clock P.M., as follows, to wit (yeas 38 — nays 1) [Yeas and Nays No. 135]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Knapik, Michael R.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.

Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Welch, James T.
Keenan, John F. Wolf, Daniel A. – 38.
NAYS.
Chang-Diaz, Sonia – 1.

The yeas and nays having been completed at twenty-four minutes past four o'clock P.M., section 45 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7066-0009 (Executive Office of Public Safety and Security) was considered as follows:

7066-0009..... \$183,000.

[The Governor disapproved this item.]

After remarks, the question on passing item 7066-0009, 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-six minutes past four o'clock P.M., as follows, to wit (yeas 39 — nays 0) [Yeas and Nays No. 136]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Knapik, Michael R.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone O'Connor Ives, Kathleen
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petruccelli, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Rosenberg, Stanley C.
Eldridge, James B. Ross, Richard J.
Finegold, Barry R. Rush, Michael F.
Flanagan, Jennifer L. Spilka, Karen E.
Forry, Linda Dorcena Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. – 39.
Keenan, John F.
NAYS – 0.

The yeas and nays having been completed at a half past four o'clock P.M., item 7066-0009, 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 50 (Department of State Police) was considered as follows:

SECTION 50. Item 8100-1001 of said section 2 of said chapter 139 is hereby amended by adding the following words:- ; and provided further, that not less than \$100,000 shall be expended for the purpose of enhancing the state police presence in the city of Springfield.

[The Governor disapproved this item.]

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 twenty-nine minutes before five o'clock P.M., as follows, to wit (yeas 38 — nays 1) [Yeas and Nays No. 137]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Knapik, Michael R.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petrucci, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Welch, James T.
Keenan, John F. Wolf, Daniel A. — 38.

NAYS.

Chang-Diaz, Sonia — 1.

The yeas and nays having been completed at twenty-seven minutes before five 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 (Department of State Police) was considered as follows:

SECTION 51. Said item 8100-1001 of said section 2 of said chapter 139 is hereby further amended by striking out the figure "\$244,122,688" and inserting in place thereof the following figure:- \$244,222,688."

[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-six minutes before five o'clock P.M., as follows, to wit (yeas 38 — nays 1) [Yeas and Nays No. 138]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Knapik, Michael R.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petrucci, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Welch, James T.
Keenan, John F. Wolf, Daniel A. — 38.

NAYS.

Chang-Diaz, Sonia — 1.

The yeas and nays having been completed at twenty-four minutes before five 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.

Item 8910-0106 (Worcester County Sheriff) was considered as follows:

8910-0106. For the Worcester Sheriff's Office to conduct a feasibility study for a regional lock-up facility for Worcester

County.....\$50,000.

[The Governor disapproved this section.]

After remarks, the question on passing item 8910-0106, contained in section 2A, 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 before five o'clock P.M., as follows, to wit (yeas 38 — nays 1)

[Yeas and Nays No. 139]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Knapik, Michael R.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petrucelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Welch, James T.
Keenan, John F. Wolf, Daniel A. — 38.

NAYS.

Chang-Diaz, Sonia — 1.

The yeas and nays having been completed at nineteen minutes before five o'clock P.M., item 8910-0106, contained in section 2A, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Resolutions.

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

Resolutions (filed by Mr. Timilty) "congratulating Norma Simons Fitzgerald on being named the 2013 Director of the Year by the Massachusetts Association of Councils on Aging and Senior Center Directors."

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill authorizing the city of Newburyport to impose liens upon properties in the town of Newbury which connect to the water and sewer systems of the city (see Senate, No. 973) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to regional 911 emergency communication districts (Senate, No. 1199),-- ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Timilty, and the bill 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.

PAPERS FROM THE HOUSE

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3599) of Russell E. Holmes for legislation to establish a sick leave bank for Dwight Melvin Seams, an employee of the Trial Court;

Under suspension of Joint Rule 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 3598) of Angelo L. D'Emilia for legislation to establish a sick leave bank for Brian Schwenk, an employee of the Department of Correction;

Under suspension of Joint Rule 12, to the committee on Public Service.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows: The Senate Bill authorizing the town of Nahant to issue certain bond anticipation notes (Senate, No. 1786) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time and passed to be engrossed.

Sent to the House for concurrence.

The House Bill relative to the town manager of the town of Saugus (House, No. 3508),-- was read a third time and passed to be engrossed, in concurrence.

Orders of the Day.

The Orders of the Day were considered as follows:

The House Bill relative to police detail work in the town of Harvard (House, No. 3499),-- was read a second time and ordered to a third reading.

Order Adopted.

On motion of Mr. Rosenberg,--

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

Adjourn In Memory of Richard L. "Dick" Lariviere

The Senator from Plymouth and Norfolk, Mr. Hedlund, moved that when the Senate adjourns today it adjourn in memory of Richard L. "Dick" Lariviere.

Richard L. "Dick" Lariviere of Marshfield passed away July 20, 2013, at the age of 81. Dick was born and raised in Marlboro and a graduate of Marlboro High School.

Dick served in the U.S. Marines during the Korean War. He was a member of VFW Post 8345, the American Legion, and the Amvets. Dick was also a past commander of the Lopes/Ferris Korean War Veterans Association. Dick's proudest accomplishment was the co-founding of Freedom Wheels for the Disabled of which he was the director.

Dick was the beloved husband of 58 years of Anne (McDonough) Lariviere. Loving grandfather of the late Ryan J. Lariviere, Dick is survived by two children and two grandchildren.

Accordingly, as a mark of respect in memory Richard L. "Dick" Lariviere, at a quarter before five o'clock P.M., on motion of Mr. Hedlund, the Senate adjourned to meet again on Thursday next at one o'clock P.M.