

HOUSE No. 2870

The Commonwealth of Massachusetts

PRESENTED BY:

John H. Rogers

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to fulfilling the Commonwealth's obligation .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>

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HOUSE No. 2870

By Mr. Rogers of Norwood, a petition (accompanied by bill, House, No. 2870) of John H. Rogers and others for legislation to direct the State Comptroller to forward remaining payments due in accordance with a certain civil judgments due as a result of the abuse by state employees documented in Davis v. Rennie, et al. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

An Act relative to fulfilling the Commonwealth's obligation .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any special or general law to the contrary, the comptroller
2 shall forward remaining payments due from former state employee defendants in accordance
3 with the February 16, 2010 Third Amended Judgment in Civil Action No. 96-cv-11598MEL,
4 filed in the Federal District Court in Boston, Massachusetts, in order to satisfy the settlement due
5 as a result of the abuse by state employees documented in Davis v. Rennie, et al.



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Bill H.3899

188th (Current)

An Act making appropriations for the fiscal year 2014 to provide for supplementing certain existing appropriations and for certain other activities and projects

[SPONSOR] a [PETITION][BACKING TEXT] House Steering, Policy and Scheduling

Sponsors: House Committee on Ways and Means

Status: Referred to House Committee on Bills in the Third Reading

Current Bill Text Bill History Amendments Miscellaneous

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SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2014, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2014. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

JUDICIARY

Committee for Public Counsel Services.

Actions for Bill H.3899

Date	Branch	Action
2/10/2014	House	Reported from the committee on House Ways and Means
2/10/2014	House	Reported on a part of H3899
2/10/2014	House	Order adopted, see H3899
2/10/2014	House	Committee recommended ought to pass and referred to the committee on House Steering Policy and Scheduling
2/10/2014	House	Committee reported that the matter be placed in the Orders of the Day for the next sitting
2/10/2014	House	Rules suspended
2/10/2014	House	Read second and ordered to a third reading
2/12/2014	House	Read third
2/12/2014	House	Amendment 5 rejected
2/12/2014	House	Amendment 6 adopted

89	Jonathan S. Collins	Demolition of a certain municipally owned commercial property	Withdrawn
90	Harold P. Naughton Jr.	Heat Repairs	Withdrawn
91	Denise Probst	Mitigation of ethanol hazards in urban neighborhoods	Withdrawn
92	Harold P. Naughton Jr.	Aspergers Programs	Withdrawn
93	Harold P. Naughton Jr.	Pond Restoration	Withdrawn
94	Stanley H. Jones Jr.	DCF Survey	Withdrawn
95	John H. Rogers	Rennie Amd	Withdrawn
96	Harold P. Naughton Jr.	Public Safety	Withdrawn
97	Harold P. Naughton Jr.	Restoration	Withdrawn
98	John H. Rogers	Davis Amd	Withdrawn
99	Brian S. Clampsey	HWM Tech	Adopted as Amended

Emergency Preamble: Yes



Amendment #98 to H.3899

Davis Amd

Mr. Rogers of Norwood move that the bill be amended by adding the following new section: -

SECTION __ Notwithstanding any special or general law to the contrary, the comptroller shall forward remaining payments due from former state employee defendants in accordance with the February 16, 2010 Third Amended Judgment in Civil Action No. 96-cv-11598MEL, filed in the Federal District Court in Boston, Massachusetts, in order to satisfy the settlement due as a result of the abuse by state employees documented in Davis v Rennie, et al.

Note: The payments ordered hereunder are so ordered because: (i) the litigant in Davis v Rennie, et al prevailed on a novel issue of substantial federal constitutional significance to the entire citizenry of the Commonwealth of Massachusetts, (ii) this substantial issue of federal constitutional significance was the subject matter of a precedential (reported) opinion which binds all State and Federal Courts in Massachusetts, Rhode Island, Maine, New Hampshire and Puerto Rico, and (iii) the litigant in Davis v. Rennie, et al. was required to defend the propriety of this constitutional issues in no less than three (3) federal courts wherein he prevailed in each such proceeding.

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Amendment #326, as changed to H.4000

To Fulfill the Commonwealth's Obligation resulting from the Davis v. Rennie, et al

Mr. Rogers of Norwood move to amend the bill in section 2 by inserting after item 1599-2004 the following item:- 1599-2014 For a reserve for victim assistance to be paid to the estate of the plaintiff in the case of Davis v. Rennie, civil action NO. 96-cv-11598MEL.....\$500,000

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Rejected

GOV 143

Fulfilling a Settlement Obligation of the Commonwealth

Ms. Spilka moved that the bill be amended, in Section 2, in item 1599-3384, moved that the bill be amended in section 2, in item 1599-3384, by adding at the end thereof the following:- "provided that \$2,100,000 be expended for the purpose of victim assistance to be paid to the estate of the plaintiff in the case of Davis v. Rennie, civil action NO. 96-cv-11598MEL"; and in said item, by striking out the figure "\$4,055,000" and inserting in place thereof the figure "6,155,000"

HOUSE No. 4242

The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment (Senate document numbered 2160) of the House Bill making appropriations for the fiscal year 2015 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 (House, No. 4001), reports, in part, recommending that the House concur with the Senate in its amendment with a further amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4242 [Total Appropriation: \$36,507,840.831.00]. June 29, 2014.

Brian S. Dempsey	Stephen M. Brewer
Stephen Kulik	Jennifer L. Flanagan
Viriato Manuel deMacedo	Richard J. Ross

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HOUSE No. 4242

Reports, in part, recommending that the House concur with the Senate in its amendment with a further amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4242 [Total appropriation: \$36,507,840,831.00].

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

The committee of conference reports, in part, recommending that the House concur with the Senate in its amendment with a further amendment by striking out all after the enacting clause and inserting in place thereof the following:—

1 **SECTION 1.** To provide for the operations of the several departments, boards,
2 commissions and institutions of the commonwealth and other services of the commonwealth, and
3 for certain permanent improvements and to meet certain requirements of law, the sums set forth
4 in sections 2, 2B, 2D, 2E and 3, for the several purposes and subject to the conditions specified
5 in sections 2, 2B, 2D, 2E and 3, are hereby appropriated from the General Fund unless
6 specifically designated otherwise, subject to the provisions of law regulating the disbursement of
7 public funds and the approval thereof for the fiscal year ending June 30, 2015. All sums
8 appropriated under this act, including supplemental and deficiency budgets, shall be expended in
9 a manner reflecting and encouraging a policy of nondiscrimination and equal opportunity for
10 members of minority groups, women and handicapped persons. All officials and employees of an
11 agency, board, department, commission or division receiving monies under this act shall take
12 affirmative steps to ensure equality of opportunity in the internal affairs of state government, as
13 well as in their relations with the public, including those persons and organizations doing
14 business with the commonwealth. Each agency, board, department, commission or division of
15 the commonwealth, in spending appropriated sums and discharging its statutory responsibilities,
16 shall adopt measures to ensure equal opportunity in the areas of hiring, promotion, demotion or

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17 transfer, recruitment, layoff or termination, rates of compensation, in-service or apprenticeship
18 training programs and all terms and conditions of employment.

19

20 **SECTION 1A.** In accordance with Articles LXIII and CVII of the Articles of
21 Amendment to the Constitution of the Commonwealth and section 6D of chapter 29 of the
22 General Laws, it is hereby declared that the amounts of revenue set forth in this section by source
23 for the respective funds of the commonwealth for the fiscal year ending June 30, 2015 are
24 necessary and sufficient to provide the means to defray the appropriations and expenditures from
25 such funds for said fiscal year as set forth and authorized in sections 2, 2B and 2E. The
26 comptroller shall keep a distinct account of actual receipts from each such source by each such
27 fund to furnish the executive office for administration and finance and the house and senate
28 committees on ways and means with quarterly statements comparing such receipts with the
29 projected receipts set forth herein and to include a full statement comparing such actual and
30 projected receipts in the annual report for said fiscal year pursuant to section 12 of chapter 7A of
31 the General Laws. The quarterly and annual reports shall also include detailed statements of any
32 other sources of revenue for the budgeted funds in addition to those specified in this section.

Source	All Budgeted Funds*	General Fund	Comm. Trans. Fund	Massachusetts Tourism	Other**
Alcohol. Bev.	\$79.2	\$79.2	\$0.0	\$0.0	\$0.0
Cigarettes	\$513.0	\$513.0	\$0.0	\$0.0	\$0.0
Corporations	\$2,000.0	\$2,000.0	\$0.0	\$0.0	\$0.0
Deeds	\$232.6	\$232.6	\$0.0	\$0.0	\$0.0
Estate Inheritance	\$304.3	\$304.3	\$0.0	\$0.0	\$0.0
Financial Institutions	\$4.8	\$4.8	\$0.0	\$0.0	\$0.0
Income	\$14,020.8	\$14,020.8	\$0.0	\$0.0	\$0.0
Insurance	\$413.5	\$413.5	\$0.0	\$0.0	\$0.0
Motor Fuels	\$771.6	\$0.0	\$770.5	\$0.0	\$1.0
Public Utilities	-\$1.8	-\$1.8	\$0.0	\$0.0	\$0.0
Room Occupancy	\$141.7	\$92.1	\$0.0	\$49.6	\$0.0
Sales-Regular	\$4,038.8	\$4,038.8	\$0.0	\$0.0	\$0.0

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Sales-Meals	\$997.7	\$997.7	\$0.0	\$0.0	\$0.0
Sales-Motor Vehicles	\$783.3	\$257.1	\$526.2	\$0.0	\$0.0
Miscellaneous	\$15.4	\$15.4	\$0.0	\$0.0	\$0.0
UI Surcharges	\$22.2	\$0.0	\$0.0	\$0.0	\$22.2
Total Consensus Tax Revenues:	\$24,337.0	\$22,967.5	\$1,296.8	\$49.6	\$23.2
Transfer to School Modernization and Reconstruction Trust (SMART) Fund	-\$771.5	-\$771.5			
Transfer to MBTA State and Local Contribution Fund	-\$811.3	-\$811.3			
Transfer to Pension Reserves Investment Trust Fund	-\$1,793.0	-\$1,793.0			
Transfer to workforce Training Fund	-\$22.2				-\$22.2
Total Consensus Tax Revenue for Budget:	\$20,939.0	\$19,591.6	\$1,296.8	\$49.6	\$1.0
Revenue Changes					
Delay of FAS 109	\$45.8	\$45.8	\$0.0	\$0.0	\$0.0
Asset Settlement Revenue	\$240.0	\$240.0	\$0.0	\$0.0	\$0.0
Tax Revenue Enhancements	\$12.0	\$12.0	\$0.0	\$0.0	\$0.0
Tax Amnesty	\$35.0	\$30.0	\$0.0	\$0.0	\$5.0
Total Taxes Available for Budget:	\$21,271.8	\$19,919.4	\$1,296.8	\$49.6	\$6.0
Non-Tax Revenue					
Federal Reimbursements	\$9,553.3	\$9,547.7	\$0.0	\$0.0	\$5.60
Departmental Revenue	\$3,765.6	\$3,070.0	\$676.1	\$0.0	\$19.43
Consolidated Transfers	\$1,902.6	\$1,802.8	\$75.0	\$1.3	\$23.50
GRAND TOTAL	\$36,493.3	\$34,339.9	\$2,047.9	\$50.9	\$54.5

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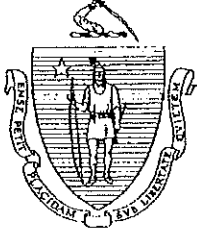
36

SECTION IB. The comptroller shall keep a distinct account of actual receipts of non-tax

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revenues by each department, board, commission or institution to furnish the executive office for

2036		house and senate committee on ways and means not later than 24	
2037		months following implementation of the program on the	
2038		effectiveness, efficiency and sustainability of the program; and	
2039		provided further, that funds appropriated in this item shall not	
2040		revert and shall be available for expenditure through June 30, 2016	\$2,000,000
2041			
2042	1599-2014	For a reserve for victim assistance to be paid to the estate of the	
2043		plaintiff in the case of Davis v. Rennie, civil action NO. 96-cv-	
2044		11598MEL.	\$500,000
2045			
2046	1599-3234	For the commonwealth's South Essex Sewerage District debt	
2047		service assessment	\$87,486
2048			
2049	1599-3384	For a reserve for the payment of certain court judgments,	
2050		settlements, and legal fees, in accordance with regulations	
2051		promulgated by the comptroller, which were ordered to be paid in	
2052		the current fiscal year or a prior fiscal year; provided, that the	
2053		comptroller shall report quarterly to the house and senate	
2054		committees on ways and means on the amounts expended from this	
2055		item; and provided further, that upon written notification of the	
2056		executive office for administration and finance and the house and	
2057		senate committees on ways and means, uncommitted and	
2058		unobligated funds from this item may be transferred to item 0612-	
2059		0105 upon the request of the state treasurer.....	\$4,000,000
2060			
2061	1599-3553	For a reserve to be administered by the office of commonwealth	
2062		performance, accountability and transparency in the executive	
2063		office for administration and finance; provided, that funds shall be	
2064		used to support the establishment of offices of performance	
2065		management by each secretary in accordance with section 4A of	
2066		chapter 6A of the General Laws; provided further, that funds from	
2067		this item shall be used to support executive offices, excluding the	
2068		executive office for administration and finance, to develop and	
2069		implement strategic plans and direct performance management	
2070		programs for the agencies within those executive offices; and	
2071		provided further, that within 30 days of any transfer from this fund,	
2072		the executive office for administration and finance shall file a	
2073		report to the house and senate committees on ways and means	
2074		identifying the executive office receiving funding from this item	
2075		and providing a spending plan for the transfer	\$400,000
2076			
2077	1599-3856	For rent and associated costs at the Massachusetts information	
2078		technology center in the city of Chelsea	\$500,000
2079			



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

DEVAL L. PATRICK
GOVERNOR

13
Hd 4390
7-11-14
11:20am

July 11, 2014

To the Honorable Senate and House of Representatives:

Pursuant to Section 5 of Article 63 of the Amendments to the Constitution, I am today signing House Bill 4001, "An Act Making Appropriations for the Fiscal Year 2015 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," and returning certain portions to you for reconsideration.

The fiscal year 2015 budget that I am signing into law supports our proven growth strategy of investing in education, innovation and infrastructure to create jobs and opportunity in the near term and strengthen our Commonwealth in the long term.

Even in the face of the most significant economic and fiscal challenges in generations, we have shared an unshakeable commitment to investing in education, from early education through higher education, recognizing that education is the foundation for opportunity and economic mobility. This budget includes a \$100 million increase in Chapter 70 local education aid, which will bring funding for this program to \$4.4 billion, the highest level in state history and 18 percent greater than when I took office. The budget invests an additional \$24 million in early education to enable 1,700 more children to access early education services which will prepare them for future academic and economic success. The budget also provides another significant increase in funding for public higher education, allowing the University of Massachusetts to freeze tuition and fees for the second consecutive academic year.

This budget ends the practice of paying for transportation staff on the capital budget, creating more room for spending capital dollars on better roads, rail and bridges across the Commonwealth. It also includes investments in the Massachusetts Life Sciences Center, a proven vehicle for supporting job creation in life sciences, and a catalyst for making Massachusetts the leader in the life sciences sector.

The budget includes important investments to make our communities stronger and safer and provide supporting services and opportunities for the most vulnerable residents of the Commonwealth. It funds many of the strategies I have proposed to address the opioid epidemic in Massachusetts and brings renewed focus to providing youth and adults with the tools and skills to successfully re-enter society after criminal and civil custody. It also continues our support for the Safe and Successful Youth Initiative, the summer jobs program for at-risk youth and Shannon Grants.

This budget also includes funding for capacity building and operational improvements at the Department of Children and Families that will allow the agency to better serve families in need across the Commonwealth; as well as investments which will allow non-convicted patients currently treated at Bridgewater State Hospital to receive mental health services in more appropriate settings. It also provides a significant increase to support the critical work of our human service providers (Chapter 257) and continues steady progress towards restoring full adult dental coverage at MassHealth.

The budget recognizes that investments in growth and opportunity are most effective when government works well and manages prudently – building on work we have done together over the past eight years to implement pension, ethics, transportation, municipal health insurance and other reforms improving performance and promoting long-term fiscal sustainability at every level of government. Notably, it contains information technology governance and management reforms largely reflected in my Executive Order 549, which is already producing major improvements in how we select and deploy technology solutions for delivering core services. The budget also includes significantly increased payments towards

the costs of our long-term public pension and retiree health care liabilities, putting the state on a stronger fiscal footing.

Of course, the work of meeting the needs of the people of Massachusetts and managing state finances does not end with the enactment of the annual budget, but rather *begins* with it.

Over the course of the past year, for example, we have seen the emergence of an opioid epidemic requiring previously unanticipated investments in prevention, intervention and treatment. As we have collectively identified other critical opportunities and challenges – the chance to spur even more robust economic growth through targeted investments; the need to add resources and better technology to protect children – we have confronted those issues head on and developed meaningful solutions.

We have also had to react to unpredictable changes in our revenues. Being mindful that despite careful planning and sound fiscal management, we cannot anticipate every problem that may arise, I am proposing some additional fiscal management tools in accompanying supplemental appropriations legislation to ensure that we are well-positioned to capitalize on opportunities and solve problems while maintaining a balanced budget.

While I am very pleased to sign most of the fiscal year 2015 budget into law, there are a limited number of proposed appropriations that I do not support and have thus taken action to reduce. I have also returned certain sections with recommended amendments.

Therefore:

- I am reducing appropriation amounts in items of section 2 of House 4001 enumerated in Attachment A of this message by the amount and for the reasons set forth in that Attachment;
- I am disapproving, or striking wording in, items of section 2 of House 4001 also set forth in Attachment A, for the reasons set forth in that Attachment;

- I am disapproving those sections of House 4001 itemized in Attachment B of this message for the reasons set forth in that Attachment; and
- Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth, I am returning sections 27, 28, 56, 57, 58, 59, 119, 120, 125, 206, 251, 253, and 290 with recommendations for amendment. My reasons for doing so and the recommended amendments are set forth in separate letters dated today which are included with this message as Attachments C, D, E, F, G, and H.

I approve the remainder of this Act.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald Trump", written in a cursive style.

Attachment A

FY15 Budget

Veto Items: Line Item Accounts

Item Number	Action	Reduce By	Reduce To
Municipal Regionalization Reserve			
1599-0026	Reduce/Strike Wording	2,365,000	10,875,000
I am striking language which earmarks funding for programs not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Davis v. Rennie Reserve			
1599-2014	Veto	500,000	0
I am vetoing this item because state law prohibits indemnifying employees under these circumstances.			
Watershed Management Program			
2800-0101	Reduce/Strike Wording	290,000	1,020,149
I am striking language which earmarks funding for programs not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Dept. of Conservation and Recreation Seasonals			
2800-0501	Reduce/Strike Wording	400,000	14,880,812
I am striking language which earmarks funding for a program not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Dam Regulatory Office			
2800-0700	Reduce/Strike Wording	549,000	435,428
I am striking language which earmarks funding for programs not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			

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Item Number	Action	Reduce By	Reduce To
State Parks and Recreation			
2810-0100	Reduce/Strike Wording	1,775,000	42,569,381
I am striking language which earmarks funding for programs not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Housing Main Administration			
7004-0099	Reduce/Strike Wording	250,000	7,535,144
I am striking language which earmarks funding for programs not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Office of Business Development			
7007-0300	Reduce/Strike Wording	100,000	1,791,162
I am striking language which earmarks funding for a program not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Data Sharing			
7009-7000	Veto	400,000	0
I am vetoing this item because it is not consistent with my House 2 recommendation.			
Department of K-12 Education			
7010-0005	Reduce/Strike Wording	435,000	13,343,657
I am striking language which earmarks funding for programs not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Literacy Programs			
7010-0033	Reduce/Strike Wording	20,000	2,000,000
I am striking language which earmarks funding for a program not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			

Item Number	Action	Reduce By	Reduce To
Program Evaluation			
7010-0050	Veto	500,000	0
I am vetoing this item because it is not consistent with my House 2 recommendation.			
Foundation Reserve One Time Assistance			
7061-0011	Reduce/Strike Wording	1,000,000	2,383,233
I am striking language which earmarks funding for a program not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Targeted Intervention			
7061-9408	Reduce/Strike Wording	250,000	8,006,297
I am striking language which earmarks funding for a program not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Department of Higher Education			
7066-0000	Reduce/Strike Wording	1,000,000	2,249,334
I am striking language which earmarks funding for a program not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
New England Board of Higher Education			
7066-0009	Reduce	183,000	184,500
I am reducing this item to an amount consistent with my House 2 recommendation.			
State University Incentive Grants			
7066-1400	Reduce/Strike Wording	100,000	7,948,776
I am striking language which earmarks funding for a program not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			

Item Number	Action	Reduce By	Reduce To
Tufts Veterinary			
7077-0023	Reduce	750,000	4,800,000
I am reducing this item to the amount projected to be necessary.			
FAA-Certified Airframe and Power Plant			
7504-0102	Veto	1,950,000	0
I am vetoing this item because it is not consistent with my House 2 recommendation.			
Executive Office of Public Safety			
8000-0600	Reduce/Strike Wording	1,058,000	2,150,750
I am striking language which earmarks funding for programs not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Department of Correction Facility			
8900-0001	Reduce/Strike Wording	2,200,000	559,499,788
I am striking language which earmarks funding for a program not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			

JOURNAL OF THE HOUSE.

Tuesday, July 29, 2014.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of allegiance

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

Helen Luchini

Resolutions (filed with the Clerk by Mr. Fernandes of Millford congratulating Helen Luchini on the occasion of her one hundredth birthday, were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules on motion of Ms. Andrews of Orange, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

The following order (filed by Ms. Khan of Newton) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Children, Families and Persons with Disabilities committee extension of time for reporting

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Children, Families and Persons with Disabilities be granted until Thursday, July 31, 2014, within which time to make its final report on current Senate document numbered 27 and House document numbered 85.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Ms. Khan, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petition.

Social security tax exemptions

Representative Fernandes of Millford and Senator Richard T. Moore presented a joint petition (subject to Joint Rule 12) of John V. Fernandes and Richard T. Moore relative to real property tax exemptions for recipients of social security disability and supplemental security income benefits; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Seibak of South Hadley, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue. Sent to the Senate for concurrence.

Papers from the Senate.

Bills

Relative to manufactured housing communities (Senate, No. 2318) (on a part of Senate bill No. 1992); Manufactured housing

Improving the children's medical security program and simplifying the administration process (Senate, No. 2320) (on Senate bill No. 504); Children, health care and

Relative to sheriffs (Senate, No. 2322) (on Senate bill No. 1155); Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means. Sheriffs.

Bills

To clarify chapter 183A of the General Laws (Senate, No. 602, changed in section 2, in lines 31 and 32, by striking out the following: "notice or within such period of time as may be stated in the master deed, declaration of trust or bylaws, whichever period of time is shorter" and inserting in place thereof the following: ". In the event of any conflict between the provisions of this section and the master deed, trust or by-laws or other governing documents of the condominium, this section shall control) (on a petition); Condominiums.

Relative to protecting against the transmission of Pertussis (Senate, No. 1093, amended in line 3 striking out the following: "Section 226" and inserting in place thereof the following: "Section 230") (on a petition); Pertussis, transmission.

Further regulating tanning facilities (Senate, No. 1904) (on Senate bill No. 1405); Tanning

Establishing a sick leave bank for Jose Portabain, an employee of the Department of Correction (Senate, No. 2221) (on a petition); Jose Portabain.

To clarify condominium priority liens (Senate, No. 2316) (on Senate bill No. 603); and Condominiums.

Establishing a special commission to identify, preserve and commemorate historic roadways in Massachusetts (Senate, No. 2319) (on Senate bill No. 2112); Historic roadways.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A petition (accompanied by bill) of Kenneth J. Donnelly, William N. Brownsberger, Nick Collins and Jay Livingstone for legislation to create a special commission studying cutting, welding and hot work processes regulated by the State Fire Code, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Safety and Homeland Security. Workman study.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2323) was referred, in concurrence, to the committee on Public Safety and Homeland Security.

Reports of Committees.

The committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in

Campaign finance

Senate document numbered 2304; and inserting before the enacting clause an emergency preamble) of the House Bill relative to campaign finance disclosure and transparency (House, No. 4226), reported recommending passage of a bill with the same title (House, No. 4366). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Tickets, insurance and sales

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning matters relative to consumer protection and professional licensure issues (House, No. 4153) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 260) of Michael J. Moran relative to the issuance and sale of sports and entertainment tickets, and recommending that the same be recommitted to the committee on Consumer Protection and Professional Licensure. Under Rule 42, the report was considered forthwith; and it was accepted.

Retirement systems, fossil fuel investment

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Bill creating a commission to study the feasibility of divestment of fossil fuels from the Commonwealth's pension systems (House, No. 4354), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Manufacturing, income days

By Mr. Seibak of South Hadley, for the committee on Consumer Protection and Professional Licensure, on House, No. 4115, a Bill relative to racing days (House, No. 4365).

Boston, land

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on House, No. 4345, a Bill authorizing the transfer of a parcel of land from the Department of Conservation and Recreation to the Boston Redevelopment Authority and the city of Boston (House, No. 4363).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Lancaster, election

By Mr. Murphy of Weymouth, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill validating the results of a certain election held in the town of Lancaster (printed in House, No. 4331).

Conway, David Johnson

By Mr. Mielchewitz of Boston, for the committee on Public Service, on a joint petition, a Bill authorizing the town of Conway to continue the employment of David Johnson as police officer (House, No. 4195) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

Bill enacted

The engrossed Bill validating the actions taken at the annual town election held by the town of Warren (see House bill printed in House, No. 4183) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be

enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills
Relative to title protection (see House, No. 175, amended);
Relative to a conservation restriction in the town of Stow (see House, No. 3474, amended); and
Exempting the position of deputy chief of police in the town of Natick from the civil service law (see House, No. 3552);
(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted, and they were signed by the acting Speaker and sent to the Senate.

Bills enacted

Reconsideration

Mr. Kafka of Stoughton moved that the vote be reconsidered by which the House, at the preceding sitting, passed to be engrossed the House Bill relative to confidentiality in financial examinations (House, No. 4324, amended); and the motion to reconsideration prevailed.

Confidentiality in financial examinations

Pending the recurring question on passing the bill to be engrossed, Mr. Dempsey of Haverhill moved to amend it by striking out section 6 and inserting in place thereof the following section:

"SECTION 6. Section 206C of chapter 175 of the General Laws, as so appearing, is hereby amended by striking out subsection (v) and inserting thereof the following subsection:

(v)(1) Documents, materials or other information in the possession or control of the division of insurance that are obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to subsection (u) and all information reported pursuant to this section shall be confidential by law and privileged, shall not be a public record under clause Twenty-sixth of section 7 of chapter 4, shall not be subject to subpoena and shall not be subject to discovery or admissible in evidence in any private civil action. However, the commissioner may use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties.

The commissioner shall not otherwise make the documents, materials or other information public without the prior written consent of the insurer to which it pertains unless the commissioner, after giving the insurer and its affiliates who would be affected thereby notice and opportunity to be heard, determines that the interest of policyholders, shareholders or the public will be served by the publication thereof, in which event the commissioner may publish all or any part in such manner as may be deemed appropriate.

(2) Neither the commissioner nor any person who received documents, materials or other information while acting under the authority of the commissioner or with whom such documents, materials or other information are shared pursuant to this section shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection (v)(1).

(3) In order to assist in the performance of the commissioner's duties, the commissioner:

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Confidentiality
in financial
examinations

(i) May share documents, materials or other information, including the confidential and privileged documents, materials or information subject to subsection (v)(1) with other state, federal and international regulatory agencies, with the National Association of Insurance Commissioners and its affiliates and subsidiaries, and with state, federal, and international law enforcement authorities, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material or other information, and has verified in writing the legal authority to maintain confidentiality.

(ii) May receive documents, materials or information, including otherwise confidential and privileged documents, materials or information from the National Association of Insurance Commissioners and its affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential and privileged any document, material or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information; and

(iii) Shall enter into written agreements with the National Association of Insurance Commissioners governing sharing and the use of information provided pursuant to this section that shall:

(a) specify procedures and protocols regarding the confidentiality and security of information shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries pursuant to this section, including procedures and protocols for sharing by the National Association of Insurance Commissioners with other state, federal or international regulators;

(b) specify that ownership of information shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries pursuant to this section remains with the commissioner and the National Association of Insurance Commissioners' use of the information is subject to the direction of the commissioner;

(c) require prompt notice to be given to an insurer whose confidential information in the possession of the National Association of Insurance Commissioners pursuant to this section is subject to a request or subpoena to the National Association of Insurance Commissioners for disclosure or production; and

(d) require the National Association of Insurance Commissioners and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the National Association of Insurance Commissioners and its affiliates and subsidiaries may be required to disclose confidential information about the insurer shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries pursuant to this section.

(4) The sharing of information by the commissioner pursuant to this section shall not constitute a delegation of regulatory authority or rule-making, and the commissioner is solely responsible for the administration, execution and enforcement of the provisions of this section.

(5) No waiver of any applicable privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection (3).

(6) Documents, materials or other information in the possession or control of the National Association of Insurance Commissioners pursuant to this section shall be confidential by law and privileged, shall not be a public record under clause Twenty-sixth of section 7 of chapter 4, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action."

The amendment was adopted; and the bill (House, No. 4324, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At eleven minutes after eleven o'clock A.M., on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at twenty minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

Recess

Engrossed Bill Land Taking.

The engrossed Bill authorizing the town of Plymouth to exchange a parcel of land held for water purposes for a parcel of land in the town of Plymouth (see House, No. 3960) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Plymouth
bill

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XXVII of the Amendments to the Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

Bill enacted
yeas and nays
No. 149

[See Yeas and Nays No. 439 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Emergency Measure.

The engrossed Bill to promote public safety and protect access to reproductive health care facilities (see Senate, No. 2283, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Women's
health
clinics,
bill
2013

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 58 to 23. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 119 members voted in the affirmative and 33 in the negative.

Bill enacted,
yeas and nays
No. 149

[See Yeas and Nays No. 440 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

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Reports of Committees.

General Appropriation Bill

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4300), returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items, and also with recommendation of amendment of certain sections contained in the engrossed Bill making appropriations for the fiscal year 2015 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. 4001), reported, in part, that sections 134, 193, 214 and 277 and certain items stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee reported, in each instance, that the matters be scheduled for consideration by the House. Under suspension of Rule 7A, in each instance, on motion of Mr. Dempsey of Haverhill, the reports were considered forthwith.

Section 134 (heroin trafficking penalties), which had been disapproved by the Governor then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 151 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 441 in Supplement.]

Therefore section 134 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 193 (Medicaid reimbursement for specific hospital), which had been disapproved by the Governor then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 119 members voted in the affirmative and 32 in the negative.

[See Yea and Nay No. 442 in Supplement.]

Therefore section 193 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Subsequently a statement of Mr. Sanchez of Boston was spread upon the records as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the affirmative. I now find, however, that due to some inexplicable reason I was recorded as voting in the negative.

Section 214 (Department of Correction procurement), which had been disapproved by the Governor then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 151 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 443 in Supplement.]

Heroin trafficking penalties section 134 stands, yeas and nays No. 441

Medicaid reimbursement section 193 stands, yeas and nays No. 442

Statement of Mr. Sanchez of Boston

Department of Correction procurement section 214 stands, yeas and nays No. 443

Therefore section 214 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 277 (soil delivery pre-approval), which had been disapproved by the Governor then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 117 members voted in the affirmative and 35 in the negative.

[See Yea and Nay No. 444 in Supplement.]

Therefore section 277 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7004-0099 (contained in section 2) (housing main administration), which had been disapproved (in part) by the Governor then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 122 members voted in the affirmative and 30 in the negative.

[See Yea and Nay No. 445 in Supplement.]

Therefore item 7004-0099 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1599-0026 (contained in section 2) (municipal regionalization reserve), which had been disapproved (in part) by the Governor then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 127 members voted in the affirmative and 25 in the negative.

[See Yea and Nay No. 446 in Supplement.]

Therefore item 1599-0026 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1599-2014 (contained in section 2) (Davis v. Rennie reserve), which had been disapproved by the Governor then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 447 in Supplement.]

Therefore item 1599-2014 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 2800-0501 (contained in section 2) (Department of Conservation and Recreation seasonal), which had been disapproved (in part) by the Governor then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 122 members voted in the affirmative and 30 in the negative.

[See Yea and Nay No. 448 in Supplement.]

Soil delivery pre-approval section 277 stands, yeas and nays No. 444

Housing main administration item 7004-0099 stands, yeas and nays No. 445

Municipal regionalization reserve item 1599-0026 stands, yeas and nays No. 446

Davis v. Rennie reserve item 1599-2014 stands, yeas and nays No. 447

Department of Conservation and Recreation seasonal item 2800-0501 stands, yeas and nays No. 448

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, July 30, 2014.

Met at two minutes past one o'clock P.M. (Mr. Richard T. Moore in the Chair).

Distinguished Guests.

There being no objection, the President handed the gavel to Ms. Lovely for the purpose of an introduction. Ms. Lovely then introduced, in the rear of the Chamber, a group of young North Shore residents who were recognized for having placed in the National History Day Academic Contest. These students have chosen historical topics and then conducted extensive primary and secondary research, culminating in original papers, websites, exhibits, performances and documentaries. Among the group were Liz Perrotta and Laura Jennings from Hamilton, who won a 2nd Place Senior Group Documentary Award; Mary Joens from Beverly, who won a 1st Place Senior Individual Website Award; and Harrison O'Brien from Hamilton, who won a Lee Allen History of Baseball Award. The Senate applauded their accomplishments and they withdrew from the Chamber. They were also guests of Senator Tarr who also welcomed them from the Rostrum.

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, a group of students from the Mattahunt Wheelock Partnership at the Mattahunt Community Center in Mattapan. These students are part of the Center's PUSH Academy, an interactive summer learning program designed to provide youth with the skills necessary to become productive and effective students. The Senate welcomed them with applause and they withdrew from the Chamber. They were accompanied by Boston area high school students who are interning at the State House in Senator Forry's office. They were also guests of Representative Cullinane.

Report.

A report of the committee on Post Audit and Oversight (pursuant to Section 63 of Chapter 3 of the General Laws, as most recently amended by Chapter 557 of the Acts of 1986) submitting a report entitled: Fulfilling Their Mandates: A Review of Massachusetts State Boards & Commissions (Senate, No. 2317) (received Tuesday, July 29, 2014),-- **was placed on file.**

Reports of Committees.

By Mr. Eldridge, for the committee on Housing, on petition (accompanied by bill, Senate, No. 604), a Resolve to create a commission to study ways to prevent bullying of tenants in public and subsidized multi-family housing (Senate, No. 2329);

Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

By Mr. Joyce, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill to authorize the leasing of the Leo J. Martin memorial golf course (Senate, No. 1492),-- ought to pass
Under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Welch, for the committee on Health Care Financing, on petition (accompanied by bill Senate, No. 530), a Bill relative to full application of telemedicine coverage (Senate, No. 2312) [Estimated cost-more than \$100,000];
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Welch, for the committee on Health Care Financing, on petition (accompanied by bill Senate, No. 542), a Bill relative to observation services (Senate, No. 2313) [Estimated cost-less than \$100,000];
Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Committee Discharged.

Mr. Joyce, for the committee on Bonding, Capital Expenditures and State Assets, reported, asking to be discharged from further consideration of the Senate Bill authorizing the commissioner of capital asset management and maintenance to convey a certain parcel of land in the city of Cambridge (Senate, No. 2309),-- and recommending that the same be referred to the committee on Senate Ways and Means;
Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE

Bills

Relative to confidentiality in financial examinations (House, No. 4324,-- on House, No. 879);
 Requiring national background checks (House, No. 4327,-- on House, No. 1674); and
Were severally read and, under Senate Rule 27, referred to the committee on Senate Ways and Means.

There being no objection, at three 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 twenty-three minutes before three 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.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-
 Resolutions (filed by Mr. Hedlund) "congratulating Vincent Cogliano Jr. on his years of dedicated volunteer efforts";
 Resolutions (filed by Mr. Ross and Ms. Spilka) "congratulating Ryan Glynn on his elevation to the rank of Eagle Scout";
 Resolutions (filed by Mr. Ross and Ms. Spilka) "congratulating Tyler Kokoszka on his elevation to the rank of Eagle Scout";
 Resolutions (filed by Mr. Ross and Ms. Spilka) "congratulating Michael Landry on his elevation to the rank of Eagle Scout";
 Resolutions (filed by Mr. Ross and Ms. Spilka) "congratulating Brian Malloy on his elevation to the rank of Eagle Scout";
 Resolutions (filed by Mr. Ross and Ms. Spilka) "congratulating Ethan Pearl on his elevation to the rank of Eagle Scout"; and
 Resolutions (filed by Mr. Ross and Ms. Spilka) "congratulating Nicholas Stinchour on his elevation to the rank of Eagle Scout";

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4371) of John V. Fernandes and Richard T. Moore relative to real property tax exemptions for recipients of social security disability and supplemental security income benefits,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Revenue.**

Message from the Governor — Disapprovals

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 2015 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. 4001), which on Tuesday, July 1, 2014, 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. 4300) was read; and the Senate proceeded to reconsider several items, which had been disapproved in accordance with the provisions of the Constitution.

Section 277 (Soil Delivery Pre-Approval) was considered as follows:

SECTION 277. Not later than June 30, 2015, the department of environmental protection shall establish regulations, guidelines, standards or procedures for determining the suitability of soil used as fill material for the reclamation of quarries, sand pits and gravel pits. The regulations, standards or procedures shall ensure the reuse of soil poses no significant risk of harm to health, safety, public welfare or the environment considering the transport, filling operations and the foreseeable future use of the filled land. The department may adopt, amend or repeal regulations establishing: (i) classes or categories of fill or reclamation activities requiring prior issuance of a permit issued by the department; (ii) classes or categories of fill or reclamation activities that may be carried out without prior issuance of a permit issued by the department; and (iii) classes or categories of fill that shall require local approval based on the size, scope and location of a project; provided, however, that local approval shall not be required for projects involving less than 100,000 cubic yards of soil.

The Governor disapproved this section.

After debate, the question on passing section 277, 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 seventeen minutes before three o'clock P.M., as follows, to wit (yeas 35 - nays 4) [Yeas and Nays No. 431]:

YEAS.

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Keenan, John F. |
| Brewer, Stephen M. | Kennedy, Thomas P. |
| Brownsberger, William N. | Lewis, Jason M. |
| Candaras, Gale D. | Lovely, Joan B. |
| Chandler, Harriette L. | McGee, Thomas M. |
| Chang-Diaz, Sonia | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| DiDomenico, Sal N. | Moore, Richard T. |
| Donnelly, Kenneth J. | O'Connor Ives, Kathleen |
| Donoghue, Eileen M. | Pacheco, Marc R. |
| Downing, Benjamin B. | Petrucelli, Anthony |
| Eldridge, James B. | Rosenberg, Stanley C. |
| Finegold, Barry R. | Rush, Michael F. |
| Flanagan, Jennifer L. | Spilka, Karen E. |
| Forry, Linda Dorcena | Tarr, Bruce E. |
| Humason, Donald F., Jr. | Timilty, James E. |
| Jehlen, Patricia D. | Welch, James T. - 35. |
| Joyce, Brian A. | |

NAYS.

- | | |
|-----------------------|----------------------|
| Hedlund, Robert L. | Ross, Richard J. |
| Rodrigues, Michael J. | Wolf, Daniel A. - 4. |

The yeas and nays having been completed at eleven minutes before three o'clock P.M., Section 277 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 For the operation of the department of housing and community development; provided, that the department may make expenditures against federal grants for certain direct and indirect costs under a cost overhead allocation plan approved by the comptroller; provided further, that the comptroller shall maintain an account on the Massachusetts

management accounting and reporting system to make these expenditures; provided further, that expenditures made against the account shall not be subject to appropriation and may include the cost of personnel; provided further, that the department shall provide full cooperation to the research organization selected under item 3000-1050 of section 2 of this act and shall make available to the research organization any information and data needed to assist with the requirements of the item; provided further, that not less than \$230,000 shall be expended by the department for the hiring of three additional housing appeals officers for the purpose of reducing the backlog of emergency assistance appeals; provided further, that notwithstanding any general or special law, or rule or regulation to the contrary, the department may conduct annual verifications of household income levels based upon state tax returns to administer the state and federal housing subsidy programs funded in items 7004-0108, 7004-9005, 7004-9024, 7004-9030, 7004-9033 and 7004-9316 of this section and items 7004-9009, 7004-9014, 7004-9019 and 7004-9020 of section 2D; provided further, that as a condition of eligibility or continued occupancy by an applicant or tenant, the department may require disclosure of the social security number of an applicant or tenant and members of the applicant's or tenant's household for use in verification of income eligibility; provided further, that the department may deny or terminate participation in subsidy programs for failure by an applicant or tenant to provide a social security number for use in verification of income eligibility; provided further, that the department may consult with the department of revenue, the department of transitional assistance, or any other state or federal agency to conduct this income verification; provided further, that notwithstanding any general or special law to the contrary, these state agencies shall consult and cooperate with the department and furnish any information in the possession of the agencies including, but not limited to, tax returns and applications for public assistance or financial aid; provided further, that in conducting this income verification, the director of the department may enter into an interdepartmental service agreement with the commissioner of revenue to utilize the department of revenue's wage reporting and bank match system to verify the income and eligibility of participants in federally assisted housing programs and that of members of the participants' households; provided further, that notwithstanding section 12 of chapter 490 of the acts of 1980, the department may authorize neighborhood housing services corporations to retain, re-assign and re-loan funds received in repayment of loans made under the neighborhood housing services rehabilitation program; provided further, that the department shall, not later than September 2, 2014, promulgate and uniformly enforce regulations clarifying that a household that otherwise qualifies for any preference or priority for state subsidized housing based on homeless or at-risk status shall retain that preference or priority notwithstanding receipt of assistance that is intended to be temporary, including, but not limited to, any temporary or bridge subsidies provided with state or federal funds, which shall include households receiving assistance under item 7004-0108 after July 1, 2013; provided further, that the department shall provide the caseload forecasting office with enrollment data and any other information pertinent to caseload forecasting that is requested by the office on a monthly basis; provided further, that such information shall be provided in a manner that meets all applicable federal and state privacy and security requirements; provided further, that \$350,000 shall be expended for the expansion of a homeless resource center located at a homeless shelter in the city of Springfield; provided further, that not less than \$15,000 shall be expended for the Turning Point Day Resource Center for the Homeless in the town of Wareham; provided further, that not less than \$250,000 shall be expended for the implementation and evaluation of establishing a homeless family preference in private multi-family housing; provided further, that not less than \$50,000 shall be expended for the Easton Housing Authority; provided further, that not less than \$50,000 shall be expended for the South Worcester Neighborhood Improvement Corporation; provided further, that not less than \$25,000 shall be expended for the Leominster Education Foundation for homeless children in the city of Leominster; provided further, that not less than \$175,000 shall be expended for the provision of emergency services operated by Community Action Programs Inter-City, Inc. for the communities of Chelsea, Revere and Winthrop; provided further, that not less than \$75,000 shall be expended for World is Our Classroom, Inc. serving the towns of Holyoke, Westfield, Chicopee and Greenfield; and provided further, that the town of Holbrook shall receive not less than the amount appropriated in Chapter 139 of the Acts of 2012 for a one-time community action grant.....\$7,785,144.

The Governor reduced this item by \$250,000 and struck the following language:"; provided further, that not less than \$50,000 shall be expended for the South Worcester Neighborhood Improvement Corporation; provided further, that not less than \$25,000 shall be expended for the Leominster Education Foundation for homeless children in the city of Leominster" and "; provided further, that not less than \$75,000 shall be expended for World is Our Classroom, Inc. serving the towns of Holyoke, Westfield, Chicopee and Greenfield; and provided further, that the town of Holbrook shall receive not less than the amount appropriated in chapter 139 of the acts of 2012 for a 1-time community action grant".

After debate, the question on passing item 7004-0099, 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 six minutes before three o'clock P.M., as follows, to wit (yeas 38 - nays 1) [Yeas and Nays No. 432]:

YEAS.

- | | |
|---------------------|--------------------|
| Barrett, Michael J. | Kennedy, Thomas P. |
| Brewer, Stephen M. | Lewis, Jason M. |

Brownsberger, William N.	Lovely, Joan B.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
DiDomenico, Sal N.	Moore, Richard T.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Petruccelli, Anthony
Eldridge, James B.	Rodrigues, Michael J.
Finegold, Barry R.	Rosenberg, Stanley C.
Flanagan, Jennifer L.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Hedlund, Robert L.	Spilka, Karen E.
Humason, Donald F., Jr.	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 two minutes before three o'clock P.M., item 7004-0099, 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 1599-2014 (Davis v. Rennie Reserve) was considered as follows: 1599-2014 For a reserve for victim assistance to be paid to the estate of the plaintiff in the case of Davis v. Rennie, civil action NO. 96-cv-11598MEL.....\$500,000.

The Governor disapproved this item.

After remarks, the question on passing item 1599-2014, 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 two minutes past three o'clock P.M., as follows, to wit (yeas 39 - nays 0) [Yeas and Nays No. 433]:

YEAS.

Barrett, Michael J.	Kennedy, Thomas P.
Brewer, Stephen M.	Lewis, Jason M.
Brownsberger, William N.	Lovely, Joan B.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	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.
Humason, Donald F., Jr.	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 five minutes past three o'clock P.M., item 1599-2014, 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 2800-0501 (DCR Seasonal) was considered as follows: