

The Commonwealth of Massachusetts

House of Representatives, July 6, 2005.

The committee on Children and Families
to whom were referred the petition (accompanied by _____, House, No. _____)

~~By Mr. Tolman, a petition (accompanied by bill, Senate, No. 139) of Steven A. Tolman, Marc R. Pacheco, Joan M. Menard, Michael A. Costello and other members of the General Court for legislation relative to PCA workforce council, Children and Families.~~

~~By Mrs. Harkins of Needham, a petition (accompanied by bill, 4055) of Lida E. Harkins and others relative to home care for certain elderly and disabled persons. Children and Families.~~

REPORT^s recommending that the accompanying bill (House, No. 4246) ~~XXXXXX~~ ought to pass.

Shirley Owens-Hicks (V.P.)
Shirley Owens-Hicks For the Committee

Under suspension of Rule 35, on motion of Mr. Hill of Ipswich, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Reports of Committees.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill prohibiting state employees from receiving multiple salaries (House, No. 3499).— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

By Ms. Balsler of Newton, for the committee on Mental Health and Substance Abuse, on House, No. 2854, a Bill relative to the health care needs of adolescents in the juvenile justice systems of the Commonwealth (House, No. 4756).

By the same member, for the same committee, on House, No. 2871, a Bill concerning the right of persons receiving services from programs of facilities of the Department of Mental Health to daily access to fresh air and the outdoors (House, No. 4757).

Severally read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill to establish a personal care attendant quality home care work force council (House, No. 4246) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4758) [Cost: \$20,000,000.00]. Referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

By Mr. Torrasi of North Andover, for the committee on Community Development and Small Business, on House, No. 4145, a Bill establishing the Hingham Shipyard improvement district in the town of Hingham (House, No. 4759) [Local Approval Received].

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 1272, 1284, 1312, 1318 and 4302, a Bill creating the non-indigenous species management plan and listing process for non-native species (House, No. 4760).

By the same member, for the same committee, on House, No. 1273, a Bill further regulating solid waste disposal facilities (House, No. 4761).

By the same member, for the same committee, on House, No. 1297, a Bill relative to property damage caused by beaver (House, No. 4762).

By the same member, for the same committee, on House, Nos. 1337 and 1341, a Bill to regulate coal ash (House, No. 4763).

By the same member, for the same committee, on House, No. 3238, a Bill to require producer responsibility for collection and recycling of discarded electronic products (House, No. 4764).

By the same member, for the same committee, on House, No. 3443, a Bill relative to the Saw Mill Brook in the counties of Suffolk, Norfolk and Middlesex (House, No. 4765).

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

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill relative to volunteer dentistry (House, No. 2676) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Torrasi of North Andover, for the committee on Community Development and Small Business, on a petition; a Bill to strengthen neighborhood business districts (House, No. 1467).

By the same member, for the same committee, on a petition, a Bill to ensure citizen participation in economic development (House, No. 3871).

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, No. 4601, a Bill authorizing the town of Needham to construct and maintain a common sewer through land acquired for conservation purposes (House, No. 4767) [Local Approval Received].

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill relative to enhancing the penalties for distribution of methylenedioxy methamphetamine (House, No. 839).

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

Engrossed Bill.

The engrossed Bill authorizing the appointment of Francis K. Rayne as a firefighter in the town of Billerica notwithstanding the maximum age requirement (see Senate, No. 2094) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The engrossed Bill authorizing the application of Benjamin Jores for a civil service examination for police officer notwithstanding the minimum age requirement (see House, No. 4352) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) (for message, see House, No. 4684), was considered in the following form (as approved by the committee on Bills in the Third Reading):

By striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Notwithstanding section 58 of chapter 31 of the General Laws, chapter 12 of the acts of 2005, or any other general or special law to the contrary, the personnel administrator of the human resources division within the executive office for administration and finance may accept any previously filed application for the April 2005 civil service examination of police officers; provided however, the applicant shall have applied to take said examination prior to January 5, 2005 and was at least 19 years of age at the time the application was filed with the human resources division; provided further, the applicant shall have reached his or her 21st birthday on or before the date of any re-examination hereunder.

SECTION 2. The human resources division may hold a re-examination for the said April 2005 examination on or before May 31;

State employees, multiple salaries.

Juvenile justice systems, health care.

Mental health, outdoor programs.

Home care work force council.

Hingham shipyard.

Indigenous species.

Solid waste disposal facilities.

Beavers, property damage.

Coal ash.

Electronic products, recycling.

Saw mill brook.

Volunteer.

dentistry.

Business districts.

Economic development.

Needham, sewer construction.

Methylenedioxy methamphetamine.

Bill enacted.

Benjamin Jores, civil service.

Benjamin

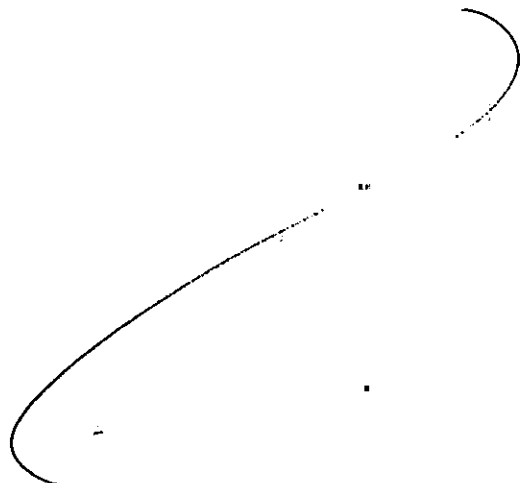
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The Commonwealth of Massachusetts

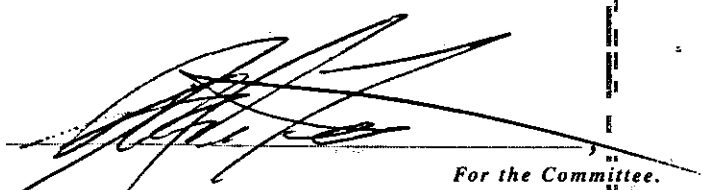
House of Representatives, June 28, 2006

The committee on **WAYS AND MEANS**

to whom was referred the ~~petition (accompanied by _____, House, No. 4246)~~
² Bill to establish a personal care attendant quality home care work force council (House No. 4246)



REPORT recommending that the ~~bill/resolve accompanying said petition~~
ought to pass with an amendment (previously recommended by the committee on Health Care Financing pending).


For the Committee.
Robert A. DeLeo

Guest of the House.

Consul
General
David
Barry.

During the session, the Chair (Mr. Petrolati of Ludlow) declared a brief recess and introduced the Honorable David Barry, Consul General of Ireland, whose jurisdiction includes the Commonwealth as well as the states of Maine, New Hampshire, Rhode Island and Vermont. Mr. Barry, who then addressed the House briefly, was the guest of Representatives Walsh of Boston, Rush of Boston and O'Flaherty of Chelsea.

Resolutions.

Leadership
America.

Sagamore
Club.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules: _____

Resolutions (filed by Mr. Miceli of Wilmington) honoring Leadership America for their dedication to women who lead; and

Resolutions (filed by Mr. O'Flaherty of Chelsea) congratulating the Sagamore Club of Chelsea's dart team on winning the state championship;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Flynn of Bridgewater, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

Cheryl
Ferrara,
sick leave
bank.

A Bill establishing a sick leave bank for Cheryl Ferrara, an employee of the Department of Mental Retardation (Senate, No. 2550, amended by inserting before the enacting clause the following emergency preamble:—

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to establish a sick leave bank for a certain state employee, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.") (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Plainfield,
land
conveyance.

A petition (accompanied by bill, Senate, No. 2603) of Andrea F. Nuciforo, Jr., and Denis E. Guyer (by vote of the town) for legislation to authorize the town of Plainfield to convey a certain parcel of land to the Plainfield Congregational Church, Inc., was referred, in concurrence, to the committee on Municipalities and Regional Government.

Reports of Committees.

Civil service
positions.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain Senate and House documents concerning active and retired public employees (House, No. 4723)

reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 454) of Mark J. Carron and Anne M. Gobi for legislation to designate certain positions in the Division of State Parks and Recreation as permanent positions under the civil service system,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4800) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 601) of John P. Fresolo that reasonable expenses which have been certified by the employer as necessary to perform one's job shall not be considered as earnings,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Employee
expenses.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill to establish a personal care attendant quality home care work force council (House, No. 4246) ought to pass with an amendment previously recommended by the committee on Health Care Financing (House, No. 4758) pending. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Home care
work force
council.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading with the amendment pending.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill relative to patients' rights (House, No. 2724) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading with certain amendments (previously recommended by the committee on Health Care Financing) pending.

Patients
rights.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

- House bills
- Further regulating the issuance of death certificates (House, No. 1468);
- Relative to nursing home audit disallowances (House, No. 1498);
- Relative to access to epinephrine in schools (House, No. 2637);
- Exempting Scott Lemay from the maximum age requirement for firefighters in the city of Methuen (House, No. 4118) [Local Approval Received];

Death
certificates.
Nursing homes.
Epinephrine.
Scott
Lemay.

Further regulating eligibility for the police civil service examination (House, No. 5041); and

Police,
eligibility.

Quorum,
yea and nay
No. 472.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

[See Yea and Nay No. 472 in Supplement.]

Therefore a quorum was present.

Bill passed
over veto,
yea and nay
No. 473.

After debate the question on passing the bill, in concurrence, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 134 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 473 in Supplement.]

Therefore the bill was passed, in concurrence, notwithstanding the objections of His Excellency the Governor (more than two thirds of the members having agreed to pass the same).

Home care
workforce
council.

The House Bill to establish a personal care attendant quality home care work force council (House, No. 4246) was read a second time.

The amendment previously recommended by the committee on Health Care Financing, — that the bill be amended by substitution of a bill with the same title (House, No. 4758), — was adopted.

The substituted bill then was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Tobin of Quincy, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act establishing a personal care attendant quality home care workforce council."

Quorum.

Pending the question on passing the substituted bill to be engrossed, Mrs. Harkins of Needham asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yea and nay
No. 474.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 154 members were recorded as being in attendance.

[See Yea and Nay No. 474 in Supplement.]

Therefore a quorum was present.

After remarks on the question on passing the bill to be engrossed, Mrs. Harkins of Needham moved that it be amended by adding at the end thereof the following section:

"SECTION 3. The first meeting of the PCA Quality Home Care Workforce Council, established by section 28 of chapter 118G of the General Laws, shall be held on or before August 1, 2006 and every 3 months thereafter."

The amendment was adopted.

Bill passed to
be engrossed,
yea and nay
No. 475.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mrs. Harkins; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 475 in Supplement.]

Therefore the bill (House, No. 4758, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the minimum wage (House, No. 4781) was read a second time.

Minimum
wage.

Pending the question on ordering the bill to a third reading, Messrs. DeLeo of Winthrop and Rodrigues of Westport moved that it be amended by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Section 1 of chapter 151 of the Massachusetts General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking the figure '\$6.75' and inserting in place thereof the following figure:— \$7.25. This section shall take effect on October 1, 2006.

SECTION 2. Said Section 1 of said chapter 151 is hereby further amended by striking the words 'A wage of less than \$7.25 per hour' and inserting in place thereof the following:— A wage of less than \$7.75 per hour. This section shall take effect on October 1, 2007.

SECTION 3. Said Section 1 of said chapter 151 is hereby further amended by striking the words 'A wage of less than \$7.75 per hour' and inserting in place thereof the following:— A wage of less than \$8.00 per hour. This section shall take effect on October 1, 2008."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Marzilli of Arlington; and on the roll call (Mrs. Harkins of Needham being in the Chair) 156 members voted in the affirmative and 0 in the negative.

Amendment
adopted,
yea and nay
No. 476.

[See Yea and Nay No. 476 in Supplement.]

Therefore the amendment was adopted. The bill (House, No. 4781, amended) then was ordered to a third reading.

At ten minutes before six o'clock P.M., the Chair (Mrs. Harkins of Needham) declared a recess until a quarter after six o'clock; and at half past six o'clock the House was called to order with Mrs. Harkins in the Chair.

Recess.

The Chair (Mrs. Harkins of Needham), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 155 members were recorded as being in attendance.

Quorum,
yea and nay
No. 477.

[See Yea and Nay No. 477 in Supplement.]

Therefore a quorum was present.

Under suspension of the rules, on motion of Mr. Rodrigues of Westport, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Bill passed to
be engrossed,
yea and nay
No. 478.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 478 in Supplement.]

Therefore the bill (House, No. 4781; amended) was passed to be engrossed. Sent to the Senate for concurrence.

MASSACHUSETTS HOUSE OF REPRESENTATIVES

QUORUM

Yea and Nay
No. 474

154 YEAS 0 NAYS 4 N/V

06/29/06 04:58 P

Y	Mr. Speaker	Y	Flynn	Y	Murphy, K.	Y	Timilty
Y	Rogers	Y	Forry	Y	Nangle	Y	Tobin
Y	Harkins	Y	Fox	Y	Natale	Y	Toomey
Y	Rushing	Y	Fresolo	Y	Naughton	Y	Torrissi
Y	Petrolati	Y	Galvin	Y	Nyman	X	Travis
Y	Atkins	Y	Garry	Y	O'Brien	Y	Turkington
X	Atsalis	Y	Gobi	Y	O'Flaherty	Y	Turner
Y	Ayers	Y	Goguen	Y	Owens-Hicks	Y	Vallee
Y	Balser	Y	Golden	Y	Parente	Y	Verga
Y	Binienda	Y	Grant	Y	Patrick	Y	Wagner
Y	Blumer	Y	Greene	Y	Paulsen	Y	Wallace
Y	Bosley	Y	Guyer	Y	Pedone	Y	Walrath
Y	Bradley	Y	Haddad	Y	Peisch	Y	Walsh, M.
Y	Broadhurst	Y	Hall	Y	Petersen	Y	Walsh, S.
Y	Cabral	Y	Honan	Y	Petrucelli	Y	Walz
Y	Callahan	Y	Hynes	Y	Pignatelli	Y	Welch
Y	Canavan	Y	Kafka	Y	Provost	Y	Wolf
Y	Candaras	Y	Kane	Y	Quinn	Y	Jones
Y	Canessa	Y	Kaprielian	Y	Reinstein	Y	Rogeness
X	Carron	Y	Kaufman	Y	Rice	Y	Peterson
Y	Casey	Y	Keenan	Y	Rodrigues	Y	Lepper
Y	Coakley-Rivera	Y	Kennedy	Y	Rush	Y	Coppola
Y	Correia	Y	Khan	Y	Sanchez	Y	deMacedo
Y	Costello	Y	Kocot	Y	Sannicandro	Y	Evangelidis
Y	Coughlin	Y	Koczera	Y	Scaccia	Y	Frost
Y	Creedon	Y	Koutoujian	Y	Scibak	Y	Gifford
Y	Curran	Y	Kujawski	Y	Sciortino	Y	Gomes
Y	DeLeo	Y	Kulik	Y	Smizik	Y	Hargraves
Y	Dempsey	Y	Lantigua	Y	Speliotis	Y	Hill
Y	Donato	Y	Leary	Y	Spellane	Y	Humason
Y	Donelan	Y	LeDuc	Y	Speranzo	Y	Loscocco
Y	Driscoll	Y	Linsky	Y	Spiliotis	Y	Perry
Y	Eldridge	Y	L'Italien	Y	Stanley H.	Y	Poirier
Y	Fagan	Y	Malia	Y	Stanley T.	Y	Polito
Y	Fallon	Y	Mariano	Y	St. Fleur	Y	Pope
Y	Falzone	Y	Marzilli	Y	Story	Y	Ross
Y	Fennell	Y	Miceli	Y	Straus	Y	Smola
Y	Festa	Y	Moran	Y	Sullivan	Y	Webster
Y	Finegold	X	Murphy, C.	Y	Swan		
Y	Flanagan	Y	Murphy, J.	Y	Teahan		

*=AFTER VOTE P=PRESENT X=NOT VOTING

MASSACHUSETTS HOUSE OF REPRESENTATIVES

H. 4758 On Engrossment

Yea and Nay
No. 475

156 YEAS 0 NAYS 2 N/V

06/29/06 05:10 P

Y	Mr. Speaker	Y	Flynn	Y	Murphy, K.	Y	Timilty
Y	Rogers	Y	Forry	Y	Nangle	Y	Tobin
Y	Harkins	Y	Fox	Y	Natale	Y	Toomey
Y	Rushing	Y	Fresolo	Y	Naughton	Y	Torrissi
Y	Petrolati	Y	Galvin	Y	Nyman	X	Travis
Y	Atkins	Y	Garry	Y	O'Brien	Y	Turkington
Y	Atsalis	Y	Gobi	Y	O'Flaherty	Y	Turner
Y	Ayers	Y	Goguen	Y	Owens-Hicks	Y	Vallee
Y	Balser	Y	Golden	Y	Parente	Y	Verga
Y	Binienda	Y	Grant	Y	Patrick	Y	Wagner
Y	Blumer	Y	Greene	Y	Paulsen	Y	Wallace
Y	Bosley	Y	Guyer	Y	Pedone	Y	Walrath
Y	Bradley	Y	Haddad	Y	Peisch	Y	Walsh, M.
Y	Broadhurst	Y	Hall	Y	Petersen	Y	Walsh, S.
Y	Cabral	Y	Honan	Y	Petrucelli	Y	Walz
Y	Callahan	Y	Hynes	Y	Pignatelli	Y	Welch
Y	Canavan	Y	Kafka	Y	*Provost	Y	Wolf
Y	Candaras	Y	Kane	Y	Quinn	Y	Jones
Y	Canessa	Y	Kaprielian	Y	Reinstein	Y	Rogness
Y	*Carron	Y	Kaufman	Y	Rice	Y	Peterson
Y	Casey	Y	Keenan	Y	Rodrigues	Y	Lepper
Y	Coakley-Rivera	Y	Kennedy	Y	Rush	Y	Coppola
Y	Correia	Y	Khan	Y	Sanchez	Y	deMacedo
Y	Costello	Y	Kocot	Y	Sannicandro	Y	Evangelidis
Y	Coughlin	Y	Koczera	Y	Scaccia	Y	Frost
Y	Creedon	Y	Koutoujian	Y	Scibak	Y	Gifford
Y	Curran	Y	Kujawski	Y	Sciortino	Y	Gomes
Y	DeLeo	Y	Kulik	Y	Smizik	Y	Hargraves
Y	Dempsey	Y	Lantigua	Y	Speliotis	Y	Hill
Y	Donato	Y	Leary	Y	Spellane	Y	Humason
Y	Donelan	Y	LeDuc	Y	Speranzo	Y	Loscocco
Y	Driscoll	Y	Linsky	Y	Spiliotis	Y	Perry
Y	Eldridge	Y	L'Italien	Y	Stanley H.	Y	Poirier
Y	Fagan	Y	Malia	Y	Stanley T.	Y	Polito
Y	Fallon	Y	Mariano	Y	St. Fleur	Y	Pope
Y	Falzone	Y	Marzilli	Y	Story	Y	Ross
Y	Fennell	Y	Miceli	Y	Straus	Y	Smola
Y	Festa	Y	Moran	Y	Sullivan	Y	Webster
Y	Finegold	X	Murphy, C.	Y	Swan		
Y	Flanagan	Y	Murphy, J.	Y	Teahan		

*=AFTER VOTE P=PRESENT X=NOT VOTING

A Bill to establish a personal care attendant quality home care work force council (House, No. 4758,— on House, No. 4507, in part),— was read.

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-eight minutes past twelve o'clock noon, on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 299]:

YEAS.	
Antonioni, Robert A.	Brown, Scott P.
Augustus, Edward M., Jr.	Buoniconti, Stephen J.
Baddour, Steven A.	Chandler, Harriette L.
Barrios, Jarrett T.	Creedon, Robert S., Jr.
Berry, Frederick E.	Creem, Cynthia Stone
Brewer, Stephen M.	Fargo, Susan C.
Hedlund, Robert L.	Hart, John A., Jr.
Jehlen, Patricia D.	Havern, Robert A.
Joyce, Brian A.	Pacheco, Marc R.
Knapik, Michael R.	Panagiotakos, Steven C.
Lees, Brian P.	Resor, Pamela
McGee, Thomas M.	Spilka, Karen E.
Menard, Joan M.	Tarr, Bruce E.
Montigny, Mark C.	Timilty, James E.
Moore, Richard T.	Tisei, Richard R.
Morrissey, Michael W.	Tolman, Steven A.
Murray, Therese	Tucker, Susan C.
Nuciforo, Andrea F., Jr.	Walsh, Marian
O'Leary, Robert A.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C.	
1.	

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

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 23 to 0. Sent to the Senate for concurrence.

Bill
re-enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

Wireless
communication.

The engrossed Bill relative to wireless communication (see House, No. 5108), 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.

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 23 to 0. Sent to the Senate for concurrence.

Bill
re-enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

School-to-
work
programs,
funds.

The engrossed Bill relative to matching grants for various school-to-work programs (see House, No. 5109), 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.

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 9 to 0. Sent to the Senate for concurrence.

Bill
re-enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

Environmental
clean-up,
funds.

The engrossed Bill authorizing the transfer of funds for environmental clean-up purposes (see House, No. 5110), 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.

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 35 to 0. Sent to the Senate for concurrence.

Bill
re-enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

Bonds,
terms.

The engrossed Bill relative to the terms of certain bonds to be issued by the Commonwealth (see printed in House, No. 4385), 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.

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 8 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill to establish a personal care attendant quality home-care workforce council (see House, No. 4758; 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.

Workforce
council.

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 23 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Order.

On motion of Mr. DiMasi of Boston,—
Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

Next
sitting.

Mr. Rushing of Boston then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twelve minutes after six o'clock P.M. (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M., in an Informal Session.

Emergency Preambles Adopted; Engrossed Bills Enacted.

An engrossed Bill to establish a personal care attendant quality home care work force council (see House, No. 4758, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 7 to 0. The bill was signed by the President and sent to the House for enactment. Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch. The Senate then passed the bill to be enacted; and it was signed by the President and laid before the Governor for his approbation.**

HOUSE No. 5157

The Commonwealth of Massachusetts



MITT ROMNEY
GOVERNOR
KERRY HEALEY
LIEUTENANT GOVERNOR

EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 725-4000

July 8, 2006.

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI of the Constitution of the Commonwealth, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth, I am returning to you for amendment House Bill No. 4758, "An Act Establishing a Personal Care Attendant Quality Home Care Workforce Council."

There are several provisions of this legislation that are troubling and I believe that we should exercise caution before enacting this legislation into law.

House Bill No. 4758 potentially jeopardizes a program that currently provides essential services to more than 13,000 disabled residents of the Commonwealth. The MassHealth Personal Care Attendant (PCA) program helps individuals with disabilities obtain the assistance they need to live independently in their community. The personal care attendants employed by individuals with disabilities perform valuable work for which they are to be commended.

The Massachusetts PCA program enjoys a national reputation as one of the first programs of its kind to recognize consumer choice by allowing individuals with disabilities to make employment decisions.

House Bill No. 4758 would interfere with this relationship between individuals with disabilities and their employees. The legislation would confer public employee status on personal care attendants for collective bargaining

purposes. It is estimated that enactment of this legislation could make an additional 15,000 to 20,000 individuals public employees subject to Chapter 150E. This would have a significant impact on MassHealth costs, as well as private companies and not-for-profit organizations.

The legislation also creates a nine person Personal Care Attendant Quality Home Care Workforce Council to recruit and train personal care attendants. This bureaucracy further interferes in the relationship between individuals with disabilities and their employees. The legislation contains no funding to support the administration of the Council or the recruitment, training, and other activities with which the Council is charged. The governor, attorney general and auditor would appoint three members each to the Council. I object to delegating appointment power to the offices of attorney general and the auditor, considering that the two constitutional officers may at some point have to audit or investigate the Council or its employees.

Unlike most collective bargaining negotiations that are governed by Chapter 150E and are negotiated by the Executive Office for Administration and Finance, the proposed legislation appoints the Council as the entity that *is responsible for negotiating the terms of collective bargaining agreements*. Given the potential composition of the Council, I am concerned that this change in collective bargaining policy will result in unrealistic and unsustainable collective bargaining agreements. House Bill No. 4758 contains no funding to support collective bargaining agreements that may result from the Council's negotiations.

Given the aforementioned concerns and the possible significant fiscal impact, I am proposing an amendment that will establish a commission to study personal care and the personal care workforce and make recommendations to the Legislature and the Governor.

I therefore propose the following amendment:

By striking out all after the enacting clause and inserting in place thereof the following:—

SECTION 1. For the purposes of this act, the following terms shall have the following meanings:—

“PCA quality home care workforce commission”, or “commission,” the Personal Care Attendant quality home care workforce commission established under this act.

"Consumer," a person to whom a personal care attendant provides any personal care services.

"Personal care attendant," a person, including a personal aide, who has been selected by a consumer or the consumer's surrogate to provide personal care services to persons with disabilities or seniors.

"Surrogate," the consumer's legal guardian, or other person identified in a written agreement with the consumer, as responsible for hiring, directing and firing, on behalf of the consumer.

SECTION 2. There is hereby established a PCA quality home care workforce commission to study the quality of long-term, in-home, personal care and the recruitment, training, and stabilization of the work force of personal care attendants. Said commission shall consist of 9 members appointed in accordance with this section. At all times, a majority of the members of the commission shall be consumers as defined in this act. The secretary of health and human services, ex officio, and the director of workforce development, ex officio, or their designees, shall serve as members of the commission. The secretary of health and human services shall serve as chairperson of the commission. The governor shall appoint four consumers, two consumer surrogates and one member chosen at his discretion. A majority of the commission shall constitute a quorum for the transaction of any business. Members of the commission shall not receive compensation for their commission service but members shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

SECTION 3. The commission shall submit a report to the legislature and the governor and make the report available to the public upon submission to the governor and the legislature. The report will be submitted by December 1, 2007. The study shall include, but not be limited to, the following:

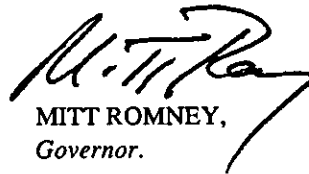
(a) an evaluation of the health, welfare, and satisfaction with services provided of the consumers receiving long-term in-home personal care services from personal care attendants;

(b) the degree to which all required services are delivered;

(c) the degree to which consumers receiving services from personal care attendants have ultimately required additional or more intensive services, such as home health care, or have been placed in other residential settings or nursing homes;

- (d) an explanation of the full cost of personal care services;
- (e) an analysis of current efforts to identify and recruit prospective personal care attendants;
- (f) an analysis of available training opportunities for personal care attendants and consumers;
- (g) an analysis of available assistance to consumers and consumer surrogates in finding personal care attendants through an already existing referral directory of personal care attendants; and,
- (h) recommendations to the legislature and the governor for any legislation that will further ensure the well-being of consumers, and the most efficient means of delivering required services.

Respectfully submitted,



MITT ROMNEY,
Governor.

JOURNAL OF THE HOUSE.

Monday, July 10, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, 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).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Eternal God, in Whom we place our trust and faith, we look to You for guidance as we take up this day's legislative items. In Your goodness, help us, each day, to make reasoned, just and ethical legislative and personal decisions. We are grateful that we are citizens of this blessed nation in which the personal rights, dignity and freedoms of all are recognized and the opinions and principles of all, even the most controversial and sensitive, are respected. Teach us to have a mind which is open to truth and a heart which is open to the human and spiritual needs of all members of our varied communities.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

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.

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

General Appropriation Bill, vetoes and reductions.

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements [see House, No. 5000] (for message, see House, No. 5150) was filed in the office of the Clerk on Saturday, July 8.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

Message from the Governor — General Appropriation Bill Returned with Recommendations of Amendments.

General Appropriation Bill, amendments.

A message from His Excellency the Governor returning with recommendations of amendments sections 93; 95; 106, 117 and 123 contained in the engrossed Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements [see House, No. 5000] (for message, see House, No. 5151 — Attachments C to G, inclusive) was filed in the office of the Clerk on Saturday, July 8.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the amendments severally were thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendments recommended by the Governor, the subject-matters (printed as House, Nos. 5152 to 5156, inclusive) were referred, in each instance, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Message from the Governor — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill to establish a personal care attendant quality home care workforce council [see House, No. 4758, amended] (for message, see House, No. 5157) was filed in the office of the Clerk on Saturday, July 8.

Workforce council.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Messages from the Governor — Vetoes.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill relative to compensation of justices [see House, No. 5093, amended] (for message, see House, No. 5158) was filed in the Office of the Clerk on Saturday, July 8.

Justices, compensation.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next session, the question being on passing said bill, notwithstanding the said objections.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill relative to compensation of sheriffs [see House, No. 5094, amended] (for message, see House, No. 5159) was filed in the Office of the Clerk on Saturday, July 8.

Sheriffs, compensation.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next session, the question being on passing said bill, notwithstanding the said objections.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill relative to compensation of certain court employees [see House, No. 5095, amended] (for message, see House, No. 5160) was filed in the Office of the Clerk on Saturday, July 8.

Court employees, compensation.

passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A petition (accompanied by bill, Senate, No. 2635) of Michael W. Morrissey, A. Stephen Tobin, Ronald Mariano and Bruce J. Ayers (with approval of mayor and city council) for legislation relative to the city of Quincy sewerage rehabilitation fund, was referred, in concurrence, to the committee on Municipalities and Regional Government.

A petition of Stephen M. Brewer for legislation to establish a sick leave bank for Jan O. Modzeleski, an employee of the Massachusetts Correctional Institute in Concord, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2640) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Rachel Kaprielian and Peter J. Koutoujian (with the approval of the town council) that the Secretary of the Commonwealth be directed to place on the state election ballot in the city known as the town of Watertown a certain question relative to the filling of a vacancy in the office of school committee in said town. Under suspension of the rules, on motion of Mr. Rushing of Boston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Election Laws. Sent to the Senate for concurrence.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4800) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 304) of Anthony Petrucci relative to authorizing the retirement board of the Port Authority to grant creditable service to Carmen Tommaro of the town of Braintree, — and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning motor vehicle operations and highway safety (House, No. 4912) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2023) of Thomas M. Menino and others for legislation to authorize the installation of photomonitoring traffic safety devices on certain roadways in the

cities of Boston and Cambridge, — and recommending that the same be recommitted to the committee on Transportation. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning early childhood education and other related matters (House, No. 5113) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1071) of Alice K. Wolf and others for legislation to enhance opportunity for achievement and results for certain students in kindergarten through the third grade, — and recommending that the same be recommitted to the committee on Education. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill designating a certain bridge in the city of Boston and town of Dedham as the Honorable Robert L. Cawley Memorial Bridge (House, No. 5067). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Rush of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

The Senate Bill authorizing the town of Oxford to provide certain water supply improvements (Senate, No. 2548) [Local Approval Received]; and

House bills

To protect children from persons who offer to pay for sexual contact (House, No. 859); and

Relative to the charter of the town of Greenfield (House, No. 4943, changed) [Local Approval Received];

Generally placed in the Orders of the Day for the next sitting for a second reading.

Recess.

At ten minutes after eleven o'clock A.M., on motion of Mr. Quinn of Dartmouth (Mr. Donato of Medford being in the Chair), the House recessed until the hour of twelve o'clock noon; and at that time the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Orders of the Day.

The engrossed Bill to establish a personal care attendant quality home care workforce council (see House, No. 4758, amended), which had been returned by His Excellency the Governor with recommen-

Kindergarten, — achievement.

Cawley Memorial Bridge.

Oxford water supply.

Children, — protect.

Greenfield, — town charter.

Recess.

Workforce council.

Quincy sewerage fund.

Jan O. Modzeleski, — sick leave.

Watertown, — school committee.

Carmen Tommaro.

Photomonitoring devices.

Boston and Cambridge.

Workforce council.

Workforce council.
Personal care

ation of amendment (for message, see House, No. 5157), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof a new text (as printed in said House, No. 5157).

The report was accepted.

The House then refused to amend the bill. Sent to the Senate for its action.

House bills

Designating a certain parcel of land in the city of Boston as the Frank Jordan Memorial Rose Garden (House, No. 4815 (its title having been changed by the committee on Bills in the Third Reading);

Designating a portion of the Captain William K. Webb Memorial State Park in the town of Weymouth as the Robert B. Ambler Walkway (House, No. 4921) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of Dartmouth to borrow money to fund certain payments (House, No. 5047);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Senate bills

Relative to the Martha's Vineyard Land Bank (Senate, No. 1199); Designating a certain bridge in the city of Waltham as the William F. Stanley bridge (Senate, No. 1903);

Further regulating the Essex Regional Retirement System (Senate, No. 2263); and

Amending the charter of the town of Walpole (Senate, No. 2581); and

House bills

Regarding sexual assault nurse examiners and forensic evidence in cases of sexual assault and rape (House, No. 878);

Relative to needlestick injury prevention (House, No. 2664);

Relative to Medicare Supplemental Insurance (House, No. 4481);

Relative to assisted living (House, No. 4494);

Authorizing the town of Weymouth to make conveyance and sale of certain water supply land (House, No. 4745);

Exempting Sean W. Richards from maximum age requirement for applying for civil service appointment as a police officer in the city of Methuen (House, No. 4768); and

Relative to the town of Warwick Free Public Library (House, No. 4947);

Severally were read a second time; and they were ordered to a third reading.

The House Bill establishing a voluntary health records registry (House, No. 2749) was read a second time.

The amendment previously recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a

Third reading bills.

Second reading bills.

Second reading bill amended.

The subject

Mr. Donato of Medford being in the Chair,

The report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4983) of Bruce E. Tarr (by vote of the town) that the town of Ipswich be authorized to grant a license for the sale of alcoholic beverages to be drunk on the premises to the Hellenic Center, was considered.

Pending the question on acceptance of the report, Mr. Pedone of Worcester moved that it be amended by substitution of a Bill authorizing the town of Ipswich to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5182), which was read.

The amendment was adopted; and the substituted bill was placed in the Orders of the Day for the next sitting, for a second reading.

The report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4984) of Philip Travis and James E. Timilty (by vote of the town) that the town of Rehoboth be authorized to issue a license for the sale of alcoholic beverages to Ferrini Enterprises, Inc., doing business as The Grapevine, was considered.

Pending the question on acceptance of the report, Mr. Pedone of Worcester moved that it be amended by substitution of a Bill authorizing the town of Rehoboth to issue a license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 5183), which was read.

The amendment was adopted; and the substituted bill was placed in the Orders of the Day for the next sitting, for a second reading.

At sixteen minutes after twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until twenty minutes before one o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

The House Bill further regulating eligibility for the police civil service examination (House, No. 5041), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Blumer of Framingham moved that it be amended in section 2, in line 2, by striking out the word "October" and inserting in place thereof the word "December" and, in line 5, by striking out the following: "July 31" and inserting in place thereof the following: "September 30".

The amendments were adopted.

Center.

Rehoboth The Graf

cap

Recess.

Police,— eligibility.

Bill-Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill further establishing a personal care attendant quality home care workforce council (see House, No. 4758, amended) [for message, see House, No. 5157],— came from the House with the endorsement that the House had rejected the amendment recommended by the Governor, as follows: By striking out all after the enacting clause and inserting in place a new text (as contained in House, No. 5157) (contained in the form approved by the committee on Bills in the Third Reading).

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Berry, and the Governor's amendment was considered forthwith and rejected, in concurrence.

Sent to the House for re-enactment.

Emergency Preamble Adopted.

An engrossed Bill to establish a personal care attendant quality home care workforce council (see House, No. 4758, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 10 to 0.**

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

Engrossed Bill.

An engrossed Bill to establish a personal care attendant quality home care workforce council (see House, No. 4758, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the President and again laid before the Governor for his approbation.

section 65
stands,
yea and nay
No. 507.

required by the Constitution; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 507 in Supplement.]

Therefore section 65 was passed, notwithstanding the objections 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 7007-0900 (contained in section 2), which had been vetoed by the Governor, then was considered.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 151 members voted in the affirmative and 6 in the negative.

[See Yea and Nay No. 508 in Supplement.]

Therefore item 7007-0900 (contained in section 2) was passed, notwithstanding the objections 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 7100-8181 (contained in section 2A), which had been vetoed by the Governor, then was considered.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 136 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 509 in Supplement.]

Therefore item 7100-8181 (contained in section 2A) was passed, notwithstanding the objections 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 88, which had vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 140 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 510 in Supplement.]

Therefore section 88 was passed, notwithstanding the objections 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 89, which had vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 146 members voted in the affirmative and 11 in the negative.

[See Yea and Nay No. 511 in Supplement.]

Therefore section 89 was passed, notwithstanding the objections 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 91, which had vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 145 members voted in the affirmative and 12 in the negative.

[See Yea and Nay No. 512 in Supplement.]

Therefore section 91 was passed, notwithstanding the objections 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.

Mrs. Harkins of Needham being in the Chair,—

Section 96, which had vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 513 in Supplement.]

Therefore section 96 was passed, notwithstanding the objections 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 104, which had vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 514 in Supplement.]

Therefore section 104 was passed, notwithstanding the objections 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 111, which had vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 135 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 515 in Supplement.]

Therefore section 111 was passed, notwithstanding the objections 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.

Emergency Measure.

The engrossed Bill to establish a personal care attendant quality home care workforce council (see House, No. 4758, 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.

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 55 to 0. Sent to the Senate for concurrence.

Connecting
Activities
Increase
section 91
stands,
yea and nay
No. 512.

Capital -
Facilities Fund
section 96
stands,
yea and nay
No. 513.

Wireless
Broadband
Development
Fund
section 104
stands,
yea and nay
No. 514.

Port Area
Designation
section 111
stands,
yea and nay
No. 515.

Workforce
council.

Office of Travel
and Tourism
7007-0900
stands,
yea and nay
No. 508.

UMS Food
Science
Department
7100-8181
stands,
yea and nay
No. 509.

International
Trade and
Marketing
section 88
stands,
yea and nay
No. 510.

Office of Travel
and Tourism
section 89
stands,
yea and nay
No. 511.

Bill
re-enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, without amendment; and it was signed by the Speaker and sent to the Senate.

Recesses.

Recesses.

At twenty-two minutes after four o'clock P.M., Mrs. Harkins of Needham took the Chair and declared a recess until the hour of five o'clock; and at nineteen minutes before six o'clock the House was called to order with Mr. Donato of Medford in the Chair.

The House thereupon took a further recess, on motion of Mr. Rodrigues of Westport, subject to the call of the Chair; and at five minutes after six o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

The House thereupon took a further recess, on motion of Mr. O'Flaherty of Chelsea, until a quarter after seven o'clock; and at twenty minutes after seven o'clock the House was called to order with the Speaker in the Chair.

Message from the Governor.

Tunnels,
safety and
inspection.

A message from His Excellency the Governor submitting requests for making certain supplemental appropriations for the fiscal year 2007 and to provide for the inspection and safety of the Interstate-90 connector tunnel and all tunnels of the Metropolitan Highways System tunnels (House, No. 5187) was filed this day in the office of the Clerk.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Subsequently Mr. DeLeo of Winthrop, for said committee, on the foregoing message, reported a Bill making certain supplemental appropriations for the fiscal year 2007 and to provide for the inspection and safety of the Interstate-90 connector tunnel and all tunnels of the Metropolitan Highways System tunnels (printed in House, No. 5187). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Subsequently an Order (filed by Mr. Scaccia of Boston) relative to the procedures for consideration of this matter (House, No. 5191), having been reported from the committee on Rules, under the provisions of House Rules 7B and 7C, was adopted.

Under suspension of the rules, on motion of Mr. DeLeo, the bill was read a second time and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith, its title having been changed by said committee to read: "An Act making certain supplemental appropriations for the fiscal year 2007 and to provide for the inspection and safety of the Interstate-90 connector tunnel and all tunnels of the Metropolitan Highways System."

After debate on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. DeLeo of Winthrop; and on the roll call 150 members voted in the affirmative and 3 in the negative.

[See Yea and Nay No. 516 in Supplement.]

Therefore the bill (printed in House, No. 5187) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to
be engrossed,
yea and nay
No. 516.

Reports of Committees.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 5150), returning with his disapproval of certain items and sections and reductions of certain items contained in the Engrossed Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5000), reported, in part, that item 4000-0500 (contained in section 2) stand (as passed by the General Court). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

General
Appropriation
Bill.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. DeLeo, said matter, which had been reduced by the Governor (as shown in said House, No. 5150), then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 128 members voted in the affirmative and 21 in the negative.

MassHealth
Managed
Care Services
4000-0500
stand,
yea and nay
No. 517.

[See Yea and Nay No. 517 in Supplement.]

Therefore 4000-0500 (contained in section 2) 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.

Emergency Measures.

The engrossed Bill establishing nursing facility Medicaid rates (see House, No. 5152), 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.

Nursing
facilities.

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 25 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, without amendment; and it was signed by the Speaker and sent to the Senate.

Bill
re-enacted.

HOUSE No. 5218

The Commonwealth of Massachusetts



MITT ROMNEY
GOVERNOR
KERRY HEALEY
LIEUTENANT GOVERNOR

EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 725-4000

July 21, 2006.

To the Honorable Senate and House of Representatives:

Pursuant to Part the Second, Chapter I, Section I, Article II of the Constitution of the Commonwealth, I am returning to you unsigned House Bill No. 4758, "An Act Establishing a Personal Care Attendant Quality Home Care Workforce Council."

As I expressed in my amendment letter dated July 8, 2006 there are several provisions of House Bill No. 4758 that are deeply disturbing. The reenacted legislation does little to further the interest or needs of our disabled residents and appears to be designed exclusively to benefit a particular union by supplementing its membership with private sector and not-for-profit employees at the taxpayers' expense.

For these reasons, I am returning to you unsigned House Bill No. 4758.

Respectfully submitted,

MITT ROMNEY,
Governor.

AMENDMENT SHEET

To be attached to the

ENGROSSED BILL ESTABLISHING A PERSONAL CARE ATTENDANT QUALITY HOME CARE

WORKFORCE COUNCIL (see House, No. 4758, amended).

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House, July 21, 2006.

Returned by His Excellency the Governor (pursuant to Part the Second, Chapter 1, Section I, Article II of the Constitution) with his objections thereto in writing (for message, see House, No. 5218).

July 24, 2006, -Message read; and under

~~Under House Rule 12, placed in the Orders of the Day for the next sitting.~~
Passed, notwithstanding the objections of His Excellency the Governor
(yeas 151, nays 0) (more than two-thirds of the members having voted
in the affirmative).
Sent to the Senate for its action.

Steven T. James, Clerk.

SENATE, JULY 24, 2006

Passed, in concurrence, notwithstanding the disapproval of
'the Governor (yeas 38 - nays 0) (more than two-thirds of the
members present and voting having voted in the affirmative).

Sent to the Secretary of the Commonwealth for his action.

William F. Welch, Clerk.

Hopkinton,
public works.

the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed

The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Military
relief tax.

Mr. Verga of Gloucester then moved that the House Bill establishing the Massachusetts military enhanced relief individual tax (MERIT) plan (House, No. 4660) be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed. The bill was read a second time

The amendment previously recommended by the committee on Veterans and Federal Affairs,— that the bill be amended by adding at the end thereof the following section:—

“SECTION 20. This act shall be known as the ‘Edward G. Connelly Massachusetts Military Enhanced Relief Individual Tax (MERIT) Plan’.”— was adopted.

The bill (House, No. 4660, amended) was ordered to a third reading.

Recess.

Recess.

At sixteen minutes after eleven o'clock A.M., Mr. Petrolati of Ludlow took the Chair and, on motion of Mr. Spellane of Worcester, the House recessed until the hour of one o'clock P.M.; and at twenty-four minutes after one o'clock the House was called to order with Mr. Petrolati in the Chair.

Quorum.

Quorum.

Mr. Flynn of Bridgewater thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yea and nay
No. 662.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 144 members were recorded as being in attendance. No. 662.

[See Yea and Nay No. 662 in Supplement.]

Therefore a quorum was present.

Engrossed Bill — Land Taking.

UMass
Boston,
land.

The engrossed Bill authorizing the University of Massachusetts to convey a certain parcel of land in the city of Boston to the United States of America acting by and through the National Archives and Records Administration (see Senate, No. 2597, amended) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Bill enacted
(land taking),
yea and nay
No. 663.

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 XCVII of the Amendments to the

Constitution); and on the roll call 150 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 663 in Supplement.]

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

Messages from the Governor — Vetos.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill granting school nurses eligibility for professional teacher status [see House, No. 1087] (for message, see House, No. 5214) was filed in the Office of the Clerk on Thursday, July 20.

School
nurses,
status.

The message was read; and, under the provisions of Article II of Section I of Chapter I of the Constitution, the House proceeded to “reconsider” the said bill.

After debate the question on passing the bill, notwithstanding the said objections, was determined by the 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.

Bill passed
over veto,
yea and nay
No. 664.

[See Yea and Nay No. 664 in Supplement.]

Therefore the bill was passed, notwithstanding the objections of His Excellency the Governor (more than two-thirds of the members having voted in the affirmative). Sent to the Senate for its action.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill to establish a personal care attendant quality home care workforce council [see House, No. 4758, amended] (for message, see House, No. 5218) was filed in the Office of the Clerk on Friday, July 21.

Home care
workforce
council.

The message was read; and, under the provisions of Article II of Section I of Chapter I of the Constitution, the House proceeded to “reconsider” the said bill.

The question on passing the bill, notwithstanding the said objections, was determined by the 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 0 in the negative.

Bill passed
over veto,
yea and nay
No. 665.

[See Yea and Nay No. 665 in Supplement.]

Therefore the bill was passed, notwithstanding the objections of His Excellency the Governor (more than two-thirds of the members having voted in the affirmative). Sent to the Senate for its action.

Reports of Committees.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 5150), returning with his disapproval of certain items and a section and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5000), reported,

General
Appropriation
Bill.