

JOURNAL OF THE HOUSE.
Monday, November 10, 2003.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Rodrigues of Westport being 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:

God, Our Creator, we place our trust in You and in Your personal concern for our total well-being. When our personal and legislative challenges appear beyond our human wisdom to resolve and our patience is wearing thin, in discussions we depend upon Your assistance and direction in our struggle to make honorable and reasonable decisions. In observing Veteran's Day, tomorrow, we remember the personal sacrifices and commitment of all veterans to protect the freedoms of the American people. May the accomplishments and the heroic deeds of deceased veterans and the present needs of the living veterans remain a reality today and in the years ahead. As a nation, teach us to learn from past successes and failures as we plan for the future.

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

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

Resolutions.

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

Resolutions (filed by Mr. Brown of Wrentham) congratulating the family of Arthur R. Keenan upon the dedication of the Seekonk Street Railroad Crossing in his honor in recognition of his many years of service to the town of Norfolk;

Resolutions (filed by Representatives Casey of Winchester and Donovan of Woburn) congratulating Ms. Janice Houghton, recipient of the Stoneham Chamber of Commerce's Citizen of the Year Award; and

Resolutions (filed by Messrs. Finegold of Andover and Lantigua of Lawrence) honoring the Joseph A. Torrissi family on receiving the Family Service's Community Service Award; Mr. Miceli of Wilmington, 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. Hynes of Marshfield, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Paper from the Senate.

A Bill establishing a preservation fund in the town of Hubbardston (Senate, No. 2074) (on a

petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill to require the use of safety helmets for persons under the age of sixteen while operating bicycles, in-line skates, scooters, and skateboards (House, No. 1920),— and recommending that the same be referred to the committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill to create appointed positions of town treasurer and town collector in the town of Charlton (House, No. 4105) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Linsky of Natick, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Koutoujian of Waltham, for the committee on Health Care, on a petition, a Bill establishing regional medical diagnostic centers for child sexual abuse (House, No. 2597). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Dempsey of Haverhill, for the committee on Science and Technology, that the Bill facilitating electronic transactions (Senate, No. 2076, amended) ought to pass. Referred, under Rule 33D, to the committee on Homeland Security and Federal Affairs.

By Mr. Dempsey of Haverhill, for the committee on Science and Technology, on a petition, a Bill relative to electronic record standards (House, No. 4298). Read; and referred, under Rule 33D, to the committee on Homeland Security and Federal Affairs.

By Mr. Dempsey of Haverhill, for the committee on Science and Technology, that the Bill regarding notarization of documents including electronic notarization (House, No. 4217, changed) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Straus of Mattapoisett, for the committee on Election Laws, on a petition, a Bill relative to the Board of Health of the town of Tewksbury (House, No. 4145) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to preliminary elections in the town of Framingham (House, No. 4170) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to changing voter equipment (House, No. 4243).

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill designating the Brockton District Courthouse as the George N. Covett Courthouse (House, No. 4156, changed in section 1 by striking out, in lines 2 and 3, the words "District Court Department, Brockton Division,").

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on a petition, a Bill authorizing the town of North Andover to grant open space restrictions (House, No. 3847) [Local Approval Recieved]

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

Orders of the Day.

The Senate Bill designating a portion of state highway Route 2 as the Johnny Appleseed Trail (Senate, No. 1621), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

The House Bill increasing the number of selectmen in the town of Foxborough (House, No. 583) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill establishing a new business corporation act (Senate, No. 103, amended), 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, as amended, to be engrossed, in concurrence, Mr. Casey of Winchester moved that it be amended by striking out section 3 and inserting in place thereof the following section:

“SECTION 3. Section 30 of chapter 63 of the General Laws is hereby amended by striking out paragraphs 1 and 2, as amended by section 204 of chapter 26 of the acts of 2003, and inserting in place thereof the following paragraphs:—

1. ‘Domestic corporations’, (i) a corporation organized under or subject to chapter 156, chapter 156A, chapter 156B, chapter 156D of chapter 180 which has privileges, powers, rights or immunities not possessed by individuals or partnerships; (ii) a mutual holding company subject to chapter 167H or sections 19F to 19W, inclusive, of chapter 175; or (iii) a limited liability company formed under chapter 156C which has more than 1 member which limited liability company is not classified for the taxable year as a partnership for federal income tax purposes or which has only 1 member and has elected for the taxable year to be classified for federal income tax purposes as a corporation separate from its member; provided, however, that said term shall not apply to a corporation organized under section 10 of chapter 157, a domestic manufacturing corporation as defined in section 38C, a corporation that qualifies as a regulated investment company under section 851 of the Code, as amended and in effect for the taxable year, nor to a corporation exempt from taxation under section 501 of the Code, as amended and in effect for the taxable year, nor to a corporation subject to paragraph 2. A limited liability company having as its sole member a domestic corporation that is not a federal S corporation, as defined in section 1361 of the Code, as amended and in effect for the taxable year, which limited liability company is not treated as a separate taxable entity for federal income tax purposes, shall not be separately taxed under this chapter but shall be treated as a branch or division of its domestic corporation member; but any limited liability company or any other

entity that makes a federal election to be disregarded as an entity separate from its sole member and has, as its sole member, an S corporation for federal income tax purposes, shall be separately taxed under this chapter as an S corporation.

2. ‘Foreign corporation’, corporation, association, or organization established, organized or chartered under laws other than those of the commonwealth, for purposes for which domestic corporations may be organized under chapter 156, chapter 156A, chapter 156B, chapter 156D or section 19F to 19W, inclusive, of chapter 175, or chapter 180 which has privileges, powers, rights or immunities not possessed by individuals or partnerships; provided, however, that said term shall not apply to a corporation, association or organization without capital stock which is subject to taxation under section 18 of chapter 157, to a foreign manufacturing corporation as defined in section 42B, to a corporation, association or organization that qualifies as a regulated investment company under section 851 of the Code, as amended and in effect for the taxable year, to a corporation, association or organization which is exempt from taxation under section 501 of the Code, as amended and in effect for the taxable year, nor to a corporation, association or organization subject to tax under paragraph 1; provided, further, that the terms shall apply to a foreign limited liability company as defined in section 2 of chapter 156C, which has more than 1 member and is not classified for the taxable year as a partnership for federal income tax purposes or which has only 1 member and has elected to be classified as a corporation separate from its member for federal income tax purposes. A limited liability company having as its sole member a foreign corporation that is not a federal S corporation, as defined in section 1361 of the Code, as amended and in effect for the taxable year, which limited liability company is not treated as a separate taxable entity for federal income tax purposes, shall not be separately taxed under this chapter but shall be treated as a branch or division of its foreign corporation member; provided, however, that any foreign limited liability company or any other entity that makes a federal election to be disregarded as an entity separate from its sole member and has, as its sole member, an S corporation for federal income tax purposes, shall be separately taxed under this chapter as a foreign S corporation.”; by striking out section 22A (inserted by amendment) and by adding at the end thereof the following two sections:

“SECTION 23. Any reference contained in the General Laws to chapter 156B or to any section of chapter 156B which has been superseded and replaced by any provision of this act shall be deemed to be a reference to chapter 156D.

SECTION 24. This act shall take effect on July 1, 2004.”.

The amendments were adopted; and the bill (Senate, No. 103, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Christopher Boumil, an employee of the Department of Correction (see House bill printed as Senate, No. 2051, 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 10 to 0. Sent to the Senate for concurrence.

Recess.

At twenty minutes after eleven o'clock A.M., on motion of Mr. Loscocco of Holliston (Mr. Rodrigues of Westport being in the Chair), the House recessed until half past twelve o'clock noon; and at two minutes after one o'clock P.M., the House was called to order with Mr. Rodrigues in the Chair.

Paper from the Senate.

The House Bill providing for investments in emerging technologies to stimulate job creation and economic opportunity in the Commonwealth (House, No. 3955, printed as amended) came from the Senate passed to be engrossed, in concurrence, with certain amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2131 and striking out the title and inserting in place thereof the following title: "An Act to promote job creation, economic stability and competitiveness in the Massachusetts economy."

Under suspension of the rules, on motion of Mr. Quinn of Dartmouth, the amendments were considered forthwith.

The House then non-concurred with the Senate in its amendments; and, on motion of Mr. Jones of North Reading, asked for a committee of conference on the disagreeing votes of the two branches. The Speaker appointed Representatives Larkin of Pittsfield, Dempsey of Haverhill and Lepper of Attleboro as the committee on the part of the House. Sent to the Senate to be joined.

Subsequently the bill came from the Senate with the endorsement that said branch had insisted on its amendments, concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Panagiotakos, Melconian and Tarr had been joined as the committee on the part of the Senate.

Order.

On motion of Mr. Finneran of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at a quarter before two o'clock P.M.; and that, notwithstanding the provisions of House Rule 12, the clerk be authorized to dispense with the printing of a Calendar for said sitting.

At five minutes after one o'clock P.M., on motion of Mr. Demakis of Boston (Mr. Rodrigues of Westport being in the Chair), the House adjourned, to meet on Wednesday next at a quarter before two o'clock P.M.