

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.



Saturday, July 29, 2000.

Met at fourteen minutes before twelve o'clock noon.

Communication.

A communication was received from the President announcing the following appointments:

The Senator from Middlesex, Mr. Havern, Mr. James J. Adams and Ms. Patrice Todisco to the Special Commission on the Surface Artery pursuant to St. 2000, chapter 87, section 20.

Reports of Committees.

By Mr. Nuciforo, for the committee on Banks and Banking, on the recommitted petition (accompanied by bill, House, No. 4257), a Resolve providing for an investigation and study by a special commission relative to the authority of the Massachusetts Credit Union Share Insurance Corporation (Senate, No. 2267);

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

Subsequently, Ms. Melconian, for the committees on Rules of the two branches, acting concurrently, reported, that the resolve ought to pass.

The rules were suspended, on further motion of the same Senator and the resolve was read a second time, ordered to a third reading, read a third time and, after remarks, was passed to be engrossed.

Sent to the House for concurrence.

By Ms. Wilkerson, for the committee on State Administration, on the message of His Excellency the Governor, a Bill providing for the renovation, development, and lease of the Leverett Saltonstall State Office Building (printed in House, No. 5379, changed by striking out section 13 and adding the following:—

“SECTION 13. Notwithstanding general or special law or rule or regulation to the contrary, the commissioner of the Division of Capital Asset Management and Maintenance, in consultation with the Massachusetts Finance Development Agency or the MassDevelopment/Saltonstall Building Redevelopment Corporation or any other entity or subsidiary created and chosen to develop the Saltonstall building property and members of the Victim’s Memorial Peace Project Garden of Peace Committee, is hereby authorized and directed to set aside space on the plaza of said Saltonstall building for the creation of ‘The Garden of Peace’ as a memorial to victims of homicide violence.

SECTION 14. This act shall take effect upon its passage.”);

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

Committee Discharged.

Ms. Melconian, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of various

Senate documents relative to administration (Senate, No. 1908), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1280) of Richard T. Moore for legislation to authorize the public employee retirement administration to grant waivers of certain retirement laws,— and recommending that the same be recommitted to the committee on Public Service.

Under Senate Rule 36, the report was considered forthwith and accepted.

Papers from the House.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5410) of John F. Quinn (by vote of the town) that the position of chief of police in the town of Dartmouth be exempt from the provisions of civil service law;

To the committee on Public Service.

Petition (accompanied by bill, House, No. 5411) of Shaun P. Kelly and Andrea F. Nuciforo, Jr. (by vote of the town) relative to the method of assessing betterments in the town of Hinsdale;

To the committee on Taxation.

Bills

Relative to telecommunications lines (House, No. 5354,— on petition);

Relative to the finances of the Massachusetts Bay Transportation Authority (House, No. 5367,— on House, No. 5279);

Authorizing and directing the State Retirement Board to grant creditable service to Clifford L. Lewis (House, No. 5393,— on House, No. 304) ; and

Relative to minimum standards for public bathing waters (House, No. 5395, amended,— on House, No. 3134);

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

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Providing for access to a decedent's medical records by blood relatives (Senate, No. 2242);

Requiring certain municipal inspectors to report certain cases of child abuse (House, No. 796);

Establishing a building reserve fund in the town of Lynnfield (House, No. 5234, amended); and

Relative to the sounding of certain warning devices in the town of Newbury (House, No. 5363, amended);

Were severally read a second time and ordered to a third reading.

The Senate bills

Providing for the disclosure of certain information relating to tobacco products sold in the Commonwealth (Senate, No. 2265); and

Relative to anesthesia coverage for children hospitalized for dental treatment (Senate, No. 2266);

Were severally read a third time and passed to be engrossed, in concurrence.

The House bills

Relative to the sale of dogs and cats imported for resale (House, No. 3224) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to the use of alternative dispute resolution (House, No. 4970, amended);

Were severally read a third time and passed to be engrossed, in concurrence.

The House bills

Relative to self-insured workers' compensation groups (House, No. 5010); and

Authorizing the Division of Capital Asset Management and Maintenance to convey certain property in the city of Malden to the city of Malden (House, No. 5305) (its title having been changed by the committee on Bills in the Third Reading);

Were severally read a third time and passed to be engrossed, in concurrence.

Severally sent to the House for concurrence in amendments previously adopted by the Senate.

The House Bill relative to compliance with life safety codes, remediation of environmental hazards and the preservation and management of the Commonwealth's real property assets (House, No. 5289, amended) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Montigny moved that the bill be 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 to provide forthwith for management of certain real property assets of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.”

This amendment was adopted.

After remarks, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays, at seven minutes before twelve o'clock noon, on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.

Bernstein, Robert A.

Brewer, Stephen M.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Creem, Cynthia Stone

Fargo, Susan C.

Glodis, Guy W.

Havern, Robert A.

Hedlund, Robert L.

Jacques, Cheryl A.

Jajuga, James P.

Knapik, Michael R.

Lees, Brian P.

Lynch, Stephen F.

Magnani, David P.

Melconian, Linda J.

Menard, Joan M.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Panagiotakos, Steven C.

Rauschenbach, Henri S.

Resor, Pamela

Rosenberg, Stanley C.

Shannon, Charles E.

Sprague, Jo Ann

Tarr, Bruce E.

Tolman, Steven A.

Travaglini, Robert E.

Tucker, Susan C.

Walsh, Marian

Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.

Joyce, Brian A.

Tisei, Richard R. — 3.

The yeas and nays having been completed at two minutes before twelve o'clock noon, the bill was passed to be engrossed, in concurrence, with the amendments adopted by the Senate.

Sent to the House for concurrence in the amendments.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows, to wit:

Report of a Committee.

By Ms. Wilkerson, for the committees on Long Term Debt and Capital Expenditures, State Administration, Transportation and the joint committee on Ways and Means, acting jointly, on a message from His Excellency the Governor, a Bill relative to the construction and financing of infrastructure and other improvements in the city of Boston and around Fenway Park (printed in House, No. 5405) (Senator Glodis and Representatives Jehlen of Somerville and Merrigan of Greenfield dissenting);

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

Mr. Tolman moved to amend the bill by inserting after section 10 the following section:—

“SECTION 10A. Chapter 10 of the General Laws is hereby amended by inserting after section 63, as appearing in the 1998 Official Edition, the following section:—

Section 64. There shall be established and set up on the books of the commonwealth a separate fund known as the Boston Red Sox New Ballpark Fund. The state treasurer shall deposit funds generated by the sales of a new lottery scratch card game, to be called, “The New Fenway Park Sweepstakes”, in accordance with the rules and regulations governing such games into said fund. All proceeds of the game and all revenue generated by gifts, grants or donations are to be deposited in said fund. It shall be clearly indicated on the face of such game card ticket that all proceeds from its sale shall benefit the construction of a new ballpark, or the infrastructure surrounding the park, for the Boston Red Sox. The governor shall use the monies in this account for the sole purpose of the construction of a new ballpark for the Boston Red Sox in the city of Boston. The New Fenway Park Sweepstakes scratch card game ticket shall be sold at appropriate venues throughout the commonwealth, including the current Fenway Park, for the period of 16 weeks from the day the first scratch ticket is sold.”

After debate, the amendment was *rejected*.

Ms. Jacques and Mr. Magnani moved to amend the bill, in section 2, by inserting after the word “Boston”, in line 3, the following words:— “and the town of Natick”; and by inserting after the word “project”, in line 36, the following words:— “; and provided further, that not more than \$5,000,000 shall be expended for the construction of a parking garage in the center of the town of Natick for users of the Natick Center Massachusetts Bay Transportation Authority commuter rail station”.

The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill in Section 4 by inserting after paragraph (e) following new paragraph:—

“(g) The developer shall contribute an affordable housing exaction pursuant to chapter 371 of the Acts of 1987 to mitigate the effects of development activity within the ballpark area; provided, that said affordable housing exaction shall be made in the form of a monetary contribution; provided further, that said affordable housing exaction shall be deposited in a fund established by the BRA and to be administered by the BRA in consultation with a non-profit organization located in the impacted area which focuses on the creation and preservation of affordable housing; provided further, said fund shall be used for the creation and preservation of affordable housing primarily in the Fenway neighborhood.”

Mr. Bernstein, for the committee on Bills in the Third Reading, reported, asking to be discharged from further consideration of the amendment.

The report was accepted.

The amendment was then *rejected*.

Ms. Wilkerson moved to amend the bill by inserting after section 13 the following section:—

“Section 13A. There shall be established by the developer a full-time permanent position of community liaison to the project whose primary responsibility shall be to address and respond to the needs and concerns of the impacted residents and businesses located in the Fenway neighborhood of the city of Boston. The community liaison shall be a resident of the Fenway neighborhood who shall be appointed by the developer.”

The amendment was adopted.

Ms. Wilkerson further moved to amend the bill by inserting after section 13A the following section:—

“Section 13B. The developer shall allow nonprofit community groups from the impacted city neighborhood to sponsor not less than three charitable events annually at the 600 Club in Fenway Park or its comparable replacement in the ballpark. The community events shall be scheduled with the developer so that they shall not compete with Fenway Park or ballpark events; at least 50 per cent of the proceeds of the event shall be deposited into the fund established by the BRA for the creation and preservation of affordable housing into the Fenway neighborhood.”

The amendment was adopted.

Ms. Wilkerson further moved to amend the bill in section in subsection (e), in the last sentence, by adding the following words:— “in the planning, construction and operation of the ballpark. Copies of all reports required by the city pursuant to said section 12-10 and said section 4-4 shall be forwarded to the clerks of the house and senate and to the committee on state administration”.

The amendment was adopted.

Mr. Rosenberg, Ms. Wilkerson, Messrs. Jajuga and Bernstein, Ms. Tucker, Messrs. Pacheco, Moore and Panagiotakos, Ms. Resor, Messrs. Magnani and Rauschenbach, Ms. Melconian and Messrs. Tarr and Knapik moved that the bill be amended by inserting after section 13B the following two sections:—

“SECTION 13C. Section 35J of chapter 10 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following clause:—

(e) notwithstanding the provisions of the preceding paragraphs or any other general or special law to the contrary, for any fiscal year in which revenues deposited into the Massachusetts Tourism Fund exceed the amounts deposited into said fund in the previous fiscal year, 50 per cent of the increase in said revenues shall be applied, subject to appropriation, to the Regional

Tourism Facility Fund, established pursuant to section 42 of chapter 23G.

SECTION 13D. Chapter 23G of the General Laws is hereby amended by adding the following two sections:—

Section 42. (a) It is in the best public interest of the commonwealth to promote the prosperity and general welfare of all citizens by enhancing the attractiveness of all regions of the commonwealth for cultural activities and tourism-related activities by partially financing the construction, expansion, renovation or repair of cultural, entertainment, public venues or other regional tourism facilities which may stimulate further investment in the arts, entertainment, humanities and interpretive sciences and may result in increased employment or entrepreneurial opportunities for the citizens of the commonwealth or increased tourism to the region where the facility is located, including tourism from outside the commonwealth.

(b) There is hereby established and placed under the control of the agency, the Regional Tourism Facilities Fund, hereinafter referred to as the fund, to which shall be credited, subject to appropriation, for any fiscal year in which revenues deposited into the Massachusetts Tourism Fund exceed the amounts deposited into said Massachusetts Tourism Fund in the previous fiscal year, 50 per cent of the increase in revenues beyond amounts received the prior fiscal year received by said Massachusetts Tourism Fund from the tax imposed by section 3 of chapter 64G, section 22 of chapter 546 of the acts of 1969 or any appropriation made pursuant to section 35J of chapter 10. Notwithstanding the provisions of the previous sentence, the fund shall also be credited with all bond proceeds, federal funds, private contributions, loans or other monies lawfully made available to said fund. The purpose of said fund shall be to make loans or grants for infrastructure projects and eligible projects. Applicants may apply for assistance from the fund for a feasibility grant, grant or loan for the construction, expansion, renovation or repair of cultural, entertainment, public venues, regional tourism facilities or other commercial facilities hereinafter referred to as a project, and the agency may make a qualified investment in a project upon its finding that: (i) the project is an eligible project or infrastructure project; (ii) there is a demonstrated need for the project; (iii) the project will benefit tourism in the local area; (iv) there is local support for the project; and (v) if the project is in a community that has exercised its right to impose a local option hotel-motel excise tax, pursuant to section 3 of said chapter 64G, there is a commitment for partial financing of the project through such local option hotel-motel excise tax revenue. The agency shall hold said fund in a separate account, segregated from all other agency funds. The agency may invest and reinvest said fund and the income therefrom, except, as hereinafter provided, only (i) in the making of qualified investments; (ii) in the investment of funds not required for immediate disbursement in the purchase of such securities as may be lawful investments for fiduciaries in the commonwealth; (iii) for the payment of binding obligations associated with the qualified investments which are secured by said fund as the same became payable; and (iv) for the payment of principal or interest on qualified investments secured by said fund or the payments of any redemption premium required to be paid when such qualified investments are redeemed prior to maturity. Not less than 50 per cent of said fund shall be expended for cultural facilities projects as defined herein. The agency shall award the first round of grants from the fund in fiscal year 2002.

(c) As used in this section, the terms ‘construction’, ‘costs of the project’ and ‘federal agency’, shall, unless the context requires otherwise, have the meanings set forth in section 1. As used in this section, the following words shall, unless the context requires otherwise, have the following meanings:—

‘Applicant’, a public agency or private organization exempt from income taxation pursuant to Section 501(C)(3) of Title 28 of the Internal Revenue Code.

‘Commercial facilities’, a building structure, or site owned or used by a public, private, civic, educational or professional organization concerned with the arts, humanities, interpretive sciences or local arts and exempt from income taxation pursuant to Section 501(C)(3) of Title 28 of the Internal Revenue Code, which is accessible to the public including, but not limited to, museums, historical sites, zoos, aquariums, theatres, concert halls, exhibition spaces, classrooms and auditoriums suitable for presentation of performing or visual arts.

‘Cultural organization’, a nonprofit organization, public or private, which shall include, but not be limited to, a museum, historical society, zoo, aquarium, educational facility or performing or visual arts organization which is primarily concerned with the advancement of the arts and humanities or the broad aspects of science which is exempt from income taxation.

‘Council’, the members of the regional tourism facility fund advisory council, established pursuant to section 43.

‘Director’, the director of the Massachusetts development finance agency.

‘Eligible project’, a project for the acquisition, design, construction, repair, renovation or deferred maintenance of a regional tourism facility which furthers the purposes of this section.

‘Feasibility grant’, a direct grant of monies from said fund, subject to matching grant requirements to an applicant for payment of the costs and expenses related to the undertaking and completion of a planning and feasibility study for a proposed project. No such grant shall exceed \$50,000, but this cap may be adjusted periodically to account for inflation. The agency may award a feasibility grant upon its findings that: (i) there is a likelihood that the proposed project will qualify as an eligible project; and (ii) there is local support for the proposed project.

‘Fund’, the Regional Tourism Facilities Fund created by this section.

‘Grant’, a direct grant of monies from the fund to an applicant for payment of the costs of a project, except that the amount of any single grant awarded from said fund shall not exceed \$5,000,000; and that grants shall be matched dollar for dollar from sources other than this fund.

‘Infrastructure’, repairs to the roof, heating and cooling systems, physical plant, plumbing or foundation of an existing facility and improvements to an existing facility which are necessary to meet life and safety code requirements, so-called, or improvements to an existing facility in order to comply with the provision of the Americans with Disabilities Act, or improvements needed to amenities including, but not limited to, light and sound systems, theatre seating, expansion or renovation of revenue generating equipment typical for the venue such as concession stands and new projection equipment.

‘Loan’, a direct payment to an applicant from the fund for payment of up to 40 per cent of the cost of a project for an eligible

project except that the amount of any single loan awarded from the fund shall not exceed \$5,000,000.

‘Public body’, the commonwealth and any body politic and corporate of the commonwealth, including any political subdivision or thereof or any consortium of any contiguous subdivisions and any federal agency.

‘Qualified investment’, a grant, including a feasibility grant, loan, loan insurance or reinsurance, equity investment, guarantee or other financing or credit enhancement device provided under said fund for an eligible project.

‘Regional tourism facility’, a building, structure or site owned or used by a public or private organization, exempt from income taxation pursuant to Section 501(C)(3) of Title 28 of the Internal Revenue Code, which is accessible to the public and constitutes a regional tourism attraction including, but not limited to, museums, historical sites, zoos, aquariums and facilities for the performing or visual arts.

(d) Notwithstanding the provisions of any general or special law to the contrary, as a condition of accepting a grant from the fund, an applicant shall agree that, whenever ownership of any property which was purchased or improved with a grant from the fund is transferred to another party, such grant shall be repaid immediately to the fund. The amount of such repayment shall be in the full amount of the grant.

(e) The agency may establish rules and regulations relative to the fund. Copies of such rules and regulations, and any modifications or amendments thereto, shall be delivered to the chairmen of the house and senate committees on ways and means and the clerks of the house and senate.

Section 43. There shall be established a regional tourism facilities board hereinafter referred to as the board. The board shall be comprised of the following ex-officio voting members: the chair and the director or commissioner of the Massachusetts cultural council, Massachusetts historical commission, Massachusetts office of travel and tourism, and the Massachusetts development finance agency or their successor agencies. The governor shall appoint seven voting members, three of whom shall be representative of the cultural community as defined in this legislation, provided further, that at least one shall be from western Massachusetts and another from outside of Metropolitan Boston area, so-called; three of whom are representatives of the tourism industry, including at least one from western Massachusetts and another from outside of the metropolitan Boston area and one member with expertise in cultural facilities development. Members of the board shall serve without compensation, but may be reimbursed for ordinary in-state travel expenses. The Massachusetts cultural council and the agency shall make recommendations to the board for loans and grants to fulfill the purposes of this section. The board may not approve any grant or loan which is not first recommended by either or both agencies. The board may establish a technical advisory panel to assist in reviewing applications. Administrative support for the board shall be provided by the agency from the administrative funds allowed under this section.”

After remarks, Mr Nuciforo moved that the pending amendment be amended by inserting after section 2, the following section:

“SECTION 2A. For the design, construction and development of a multi-purpose stadium in the city of Pittsfield for the purposes of economic development, pursuant to Section 8A . . . \$7,000,000.”

By inserting after section 8, the following section:—

“SECTION 8A. (a) (1) Notwithstanding the provisions of any general or special law to the contrary, the funds authorized in Section 2A shall be expended by the city of Pittsfield (the ‘city’), or any special act authority designated by the mayor of the city, for the design, construction and development of a multi-purpose stadium.

(2) Notwithstanding the provisions of any general or special law to the contrary, no funds shall be expended by the commonwealth on the multi-purpose stadium until: (i) the secretary of administration and finance certifies the development and operating costs for the project; (ii) the secretary approves a plan by the city or its designee for repayment to the commonwealth, as provided for in subsection (b) of this section; (iii) the department of revenue certifies the estimate of tax revenues to be generated by the project; (iv) the city or its designee submits plans to said secretary for the multi-purpose stadium; and (v) the city or its designee shall have raised or appropriated three dollars for every one dollar allocated by the commonwealth under this section, from any other source of funding, for said project. The certificates, submission and agreement required by this paragraph (2) shall be filed with the secretary of administration and finance and the house and senate committees on ways and means.

(b) Notwithstanding the provisions of any general or special law to the contrary, the city or its designee shall reimburse an amount of not less than \$3,000,000 to the commonwealth as partial reimbursement for the authorization made in Section 2; provided, further, that said \$3,000,000 shall be repaid to the commonwealth not later than 50 years after the effective date of this act. The city or its designee shall provide the secretary of administration and finance with a plan for this repayment, and said secretary shall approve such plans, pursuant to subsection (a)(2)(ii) of this section, prior to the commonwealth expending any funds on the multi-purpose stadium.

(c) To meet the expenditures necessary in carrying out the provisions of section 2A and this section, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but exceeding, in the aggregate, the sum of \$7,000,000 to be in addition to those bonds previously authorized which authorizations remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be general obligations of the commonwealth and shall be designated on their face Pittsfield Multi-Purpose Stadium Loan, Act of 2000, and shall be issued for such maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June 30, 2026.”; and in Section 9, by striking the words “section 2” on line 3, and by inserting the following:— “sections 2 and 2A”.

The further amendment (Nuciforo) was considered forthwith; and, after remarks, it was adopted.

The pending amendment (Rosenberg, et al), as amended, was further considered; and, the question on adoption of the amendment

was determined by a call of the yeas and nays, at a quarter past twelve o'clock noon, on motion of Mr. Rosenberg, as follows, to wit (yeas 36 — nays 2):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 36.

NAYS.

Brewer, Stephen M.

Hedlund, Robert L. — 2.

ABSENT OR NOT VOTING.

Tisei, Richard R. — 1.

Mr. Rosenberg in the Chair, the yeas and nays having been completed at nineteen minutes past twelve o'clock noon, the amendment was adopted.

Mr. Antonioni moved to amend the bill by inserting after section 13D the following section:—

“SECTION 13E. Section 55 of chapter 121B of the General Laws, as appearing in the Official Edition, is hereby amended by striking out clause (d) and inserting in place thereof the following clause:—

(d) The total amount of urban renewal assistance grants to be paid under this section shall not exceed \$4,500,000 in any one fiscal year or a total of \$70,000,000 in the aggregate.”

After debate, the amendment was adopted.

Mr. Antonioni further moved to amend the bill in section 10, by inserting after the word “city”:— “provided, that the secretary of administration and finance shall have filed with the house and senate committees on ways and means prior to the expenditure of funds for infrastructure improvements, itemized expenditures for each individual infrastructure improvement as part of the infrastructure improvement plan. The itemized expenditure accounts shall include, not be limited to, anticipated expenditures for each individual project, objectives for each individual project as they relate to the overall goals of the infrastructure improvement plan, accomplished infrastructure improvements, expected future infrastructure improvements and a comprehensive infrastructure improvement schedule. Such reports shall be made available for review and comment to the committees before the anticipated start date for each individual project that is part of the infrastructure improvement plan”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-five minutes before one o'clock P.M., on motion of Mr. Antonioni, as follows, to wit (yeas 38 — nays 0):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Tisei, Richard R. — 1.

The yeas and nays having been completed at twenty-two minutes before one o'clock P.M., the amendment was adopted.

Mr. Antonioni further moved to amend the bill by inserting after section 13E the following section:—

“SECTION 13F. The third paragraph of section 57 of chapter 121B of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out clause (c) and inserting in place thereof the following clause:—

(c) The total amount of urban renewal assistance grants to be paid under this section shall not exceed \$2,000,000 in any one fiscal year or a total of \$20,000,000 in the aggregate, including amounts authorized by the department to be advanced for the estimated expenses as provided in the first paragraph.”

After debate, the amendment was adopted.

Mr. Travaglini moved to amend the bill in section 6, by inserting after the word “ballpark”, in line 31, the following words:—

“and no earlier than two hours before such events”; by inserting after the words “any space used”, in line 39, the following words:— “by the faculty, students, staff or persons having legitimate business at a college or university within said zone or”; by inserting after the words “marked by such”, in line 42, the following words:— “college, university,”; by inserting after the words “evidence such”, in lines 43 and 44, the following words:— “use or”; and by striking out, in line 46, the figure “2000” and inserting in place thereof the following figure:— “2001”.

After debate, the amendment was adopted.

Mr. Travaglini further moved to amend the bill in section 6, by inserting after the word “ballpark”, in lines 48 and 49, the following words:— “and within the curblin of the entire footprint of the ballpark”.

The President in the Chair, after debate, the amendment was adopted.

The question on passing the bill to be engrossed, as amended, was then determined by a call of the yeas and nays, at two minutes past one o'clock P.M., on motion of Mr. Travaglini, as follows, to wit (yeas 29 — nays 9):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.

Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Morrissey, Michael W.
Nuciforo, Andrea F., Jr.
Sprague, Jo Ann
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Wilkerson, Dianne — 29.

NAYS.

Brewer, Stephen M.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Hedlund, Robert L.

Moore, Richard T.
Murray, Therese
Tarr, Bruce E.
Walsh, Marian — 9.

ABSENT OR NOT VOTING.

Tisei, Richard R. — 1.

The yeas and nays having been completed at seven minutes past one o'clock P.M., the bill (Senate, No. 2269, printed as amended) was passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

The Senate Bill relative to reproductive health care facilities (Senate, No. 148, amended),— came from the House passed to be engrossed, in concurrence, with amendments, striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5401, amended as follows:—

“SECTION 1. The purpose of this act is:—

- (a) to increase the public safety in and around reproductive health care facilities;
- (b) to maintain the flow of traffic and prevent congestion around reproductive health care facilities;
- (c) to enact reasonable time, place and manner restrictions to reconcile and protect both the first amendment rights of persons to express their views, assemble and pray near reproductive health care facilities and the rights of persons seeking access to those facilities to be free from hindrance, harassment, intimidation and harm; and
- (d) to create an environment in and around reproductive health care facilities which is conducive towards the provision of safe and effective medical services, including surgical procedures, to its patients.

SECTION 2. Chapter 266 of the General Laws is hereby amended by inserting after section 120F the following section:—

Section 120G. (a) For the purposes of this section, ‘reproductive health care facility’ shall mean a place, other than within a hospital, where abortions are offered or performed.

(b) No person shall knowingly approach another person or occupied motor vehicle within six feet of such person or vehicle, unless such other person or occupant of the vehicle consents, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education, or counseling with such other person in the public way or sidewalk area within a radius

of eighteen feet from any entrance door or driveway to a reproductive health care facility or within the area within a rectangle not greater than six feet in width created by extending the outside boundaries of any entrance door or driveway to a reproductive health care facility at a right angle and in straight lines to the point where such lines intersect the sideline of the street in front of such entrance door or driveway. The provisions of this paragraph shall not apply to the following:—

(1) persons entering or leaving such facility;

(2) employees or agents of such facility acting within the scope of their employment;

(3) law enforcement, ambulance, firefighting, construction, utilities, public works and other municipal agents acting within the scope of their employment; and

(4) persons using the public sidewalk or street right-of-way adjacent to such facility solely for the purpose of reaching a destination other than such facility.

(c) The provisions of paragraph (b) shall only take effect during a facility's business hours and if the area contained within the radius and rectangle described in said paragraph (b) is clearly marked and posted.

(d) Whoever knowingly violates this section shall be punished, for the first offense, by a fine of not more than \$500 or not more than three months in a jail or house of correction, or both such fine and imprisonment, and for each subsequent offense, by a fine of not less than five hundred dollars and not more than five thousand dollars or not more than two and one-half years in a jail or house of correction, or both such fine and imprisonment. A person who knowingly violates this section may be arrested without a warrant by a sheriff, deputy sheriff, or police officer if that sheriff, deputy sheriff, or police officer observes that person violating this section.

(e) Any person who knowingly obstructs, detains, hinders, impedes or blocks another person's entry to or exit from a reproductive health care facility shall be punished, for the first offense, by a fine of not more than \$500 or not more than three months in a jail or house of correction, or both such fine and imprisonment and for each subsequent offense, a fine of not less than \$500 nor more than \$5000 or not more than two and one-half years in a jail or house of correction, or both such fine and imprisonment. A person who knowingly violates this provision may be arrested without a warrant by a sheriff, deputy sheriff, or police officer.

(f) Any reproductive health care facility or any person whose rights to provide or obtain reproductive health care services have been violated or interfered with by a violation of this section or any person whose rights to express their views, assemble or pray near a reproductive health care facility have been violated or interfered with may commence a civil action for equitable relief. Said civil action shall be instituted either in the superior court for the county in which the conduct complained of occurred, or in the superior court for the county in which any person or entity complained of resides or has a principal place of business.

The rules were suspended, on motion of Ms. Jacques, and the House amendments were considered forthwith and adopted, in concurrence.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town of Clinton to use a certain parcel of land for safe drinking water purposes (see Senate, No. 2129) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eleven minutes past one o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Creem, Cynthia Stone

Fargo, Susan C.

Glodis, Guy W.

Havern, Robert A.

Hedlund, Robert L.

Jacques, Cheryl A.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Panagiotakos, Steven C.

Rauschenbach, Henri S.

Resor, Pamela

Rosenberg, Stanley C.

Shannon, Charles E.

Sprague, Jo Ann

Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

Tarr, Bruce E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

NAYS — 0.

ABSENT OR NOT VOTING.

Menard, Joan M.

Tisei, Richard R. — 2.

The yeas and nays having been completed at sixteen minutes past one o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill relative to dental referral services (House, No. 3652, amended),— **was read a third time and, after remarks, it was passed to be engrossed, in concurrence.**

The pending motion, previously moved by Mr. Rauschenbach, that the Senate reconsider the vote by which it had passed to be engrossed the Senate Bill establishing enhanced wireless 911 services (Senate, No. 2260, amended),— was considered; and it prevailed.

Pending the recurring question on passing the bill to be engrossed, Mr. Rauschenbach further moved reconsideration of the amendment (Pacheco) previously adopted by the Senate; in section 5, by striking out, in lines 15, 20 and 23, the words “or reseller”, each time they appear; in section 5, by striking out, in line 65, the words “and each reseller”; and in section 7, by striking out, in line 1, the words “Section 18H” and inserting in place thereof the following words:— “Subsection (a) of section 18H”; and this motion prevailed.

The pending amendment, previously moved by Mr. Pacheco, was then considered; and it was *rejected*.

Mr. Pacheco then moved that the bill be amended by inserting, after section 2A, the following section:—

“SECTION 2B. Said section 18A of said chapter 6A, as so appearing, is hereby further amended by inserting, after the definition of ‘Public safety answering point’ the following definition:—

‘Reseller’, a person or entity that subscribes to the communications services or facilities of a facilities-based wireless carrier and then reoffers communications services to the public for profit.” and further moved to amend in section 5, by striking out subsection (d) and inserting in place thereof the following subsection:—

“(d) Each wireless carrier and each reseller shall report to the board on a quarterly basis the total surcharge revenues collected from its subscribers during the preceding quarter. Each wireless carrier shall also report on a quarterly basis the total amount billed to the board by the wireless carrier of its rates and recurring costs associated with any service, operation, administration or maintenance of enhanced wireless 911 service during the previous quarter; and the total amount billed to the board by the wireless carrier of administration costs to cover the expenses of billing, collecting and remitting the surcharge. Notwithstanding the provisions of any general or special law to the contrary, no quarterly report to be filed under this subsection shall be a public document.” and in section 7, by striking out, in line 1, the words “Section 18H” and inserting in place thereof the following words:— “Subsection (a) of section 18H”.

The amendments were adopted.

The recurring question on passing the bill to be engrossed was considered; and the bill (Senate, No. 2260, amended) was passed to be engrossed.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

The Senate Bill providing for the collection of data relative to traffic stops (Senate, No. 2238),— came from the House passed to be engrossed, in concurrence, *with amendments* in section 3, in lines 2 and 3 by striking out the words “Massachusetts Criminal Justice Training Council, in conjunction with the”; in section 10, in line 14 by inserting after the word “municipality” the words “for a period of one year”, and by adding at the end thereof the following sentence: “An appeal may be filed with the Attorney

General concerning such data that suggests racial or gender profiling.”.

The rules were suspended, on motion of Ms. Wilkerson, and the House amendments was considered forthwith and adopted, in concurrence.

Bill Previously Recalled from the Governor

Laid Before the Senate.

The engrossed Bill authorizing certain capital repairs and renovations (see House, No. 5368) which, at a previous session, had been returned by His Excellency the Governor, at the request of the Senate,— was laid before the Senate.

There being no objection, on motion of Ms. Jacques, the Senate reconsidered the vote by which, at a previous session, it had passed the bill to be enacted.

On motion of the same Senator, Senate Rule 49 was suspended and the bill was amended, on motion of Mr. Montigny, by striking out all after the enacting clause and inserting in place thereof the following new text:—

“SECTION 1. To provide for certain public safety and capital needs, and for certain permanent improvements and to meet certain requirements of law, the sums set forth in section 2, for the several purposes and subject to the conditions specified in said section 2, are hereby authorized for expenditure from the general fund unless specifically designated otherwise, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

**EXECUTIVE OFFICE FOR
ADMINISTRATION AND FINANCE.
*Division of Capital Asset Management
and Maintenance.***

1102-9952

For repairs and renovations to certain armories; provided, that not less than \$25,000 shall be made available to repair the floor at the armory located in the town of Natick; provided further, that not less than \$100,000 shall be made available to repair the roof at the armory located in the town of Hingham; and provided further, that not less than \$120,000 shall be made available to install a new hardwood floor at the armory located in the Dorchester section of the city of Boston
..... 245,000.

**EXECUTIVE OFFICE OF PUBLIC SAFETY.
*Office of the Secretary.***

8000-0018

For a grant program for fire departments of every city, town, fire district and authority of the commonwealth to purchase firefighter safety equipment, to be administered by the secretary of public safety; provided, that all applications for the grants and supporting documentation deemed necessary by the secretary shall be submitted not later than January 1, 2001; provided further, that the secretary shall process the applications not later than February 1, 2001 and grant funds shall be distributed not later than March 1, 2001; provided further, that eligible fire safety equipment under this program shall include, but is not limited to, turnout gear, hand-held power lights, communication devices, telephones, personal alert safety systems, so-called, air packs, tanks, compressors, thermal imaging devices and computerized personnel accountability systems, but shall exclude firefighter apparatus and vehicles; and provided further, that in addition to the grants, a total amount not to exceed \$200,000 shall be made available from this item for the Massachusetts firefighting academy to administer and provide a series of fire training programs relative to firefighter survival
..... 10,000,000.

SECTION 3. To meet the expenditures necessary in carrying out the provisions of section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of \$10,245,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Firefighter Safety Equipment Loan, Act of 2000, and shall be issued for such maximum terms of years, not exceeding ten years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution but all such bonds shall be payable not later than June 30, 2010. Notwithstanding any other provision of this act, bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth. All interest and payments on account of principal of such obligations shall be payable from the general fund.

SECTION 4. The state treasurer may borrow from time to time on the credit of the commonwealth such sums as may be necessary for the purpose of meeting payments authorized by section 2, and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may

recommend to the general court in accordance with section 3 of Article LXII of the Amendments to the Constitution, but the final maturities of such notes, whether original or renewal, shall not be later than June 30, 2005. All interest and payments on account of principal of such obligations shall be payable from the general fund. Notwithstanding any other provision of this act, notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 5. There is hereby established a firefighter safety equipment advisory board consisting of the state fire marshal, the president of the Professional Fire Fighters of Massachusetts, one chief to be selected by the secretary of public safety from a list of three submitted by the Fire Chiefs' Association of Massachusetts, one of whom shall be a chief from a call or volunteer fire department, and the house and senate chairs of the committee on public safety committee. The board shall evaluate existing and new firefighter safety equipment technology and make recommendations to the secretary for the purpose of assisting her in developing and overseeing the application process for the firefighter safety equipment grant program established pursuant to item 8000-0018 of section 2.

SECTION 6. Section 2 of chapter 267 of the acts of 1995 is hereby amended by striking out item 7511-7961, as appearing in section 19 of chapter 55 of the acts of 1999, and inserting in place thereof the following item:—
7511-7961

For a study, and the preparation of plans, if necessary, for the design and construction of an expanded Lynn campus including, but not limited to, an addition to the T.W. McGee Building, the lease, purchase, design or construction of an alternate facility, including the acquisition of land, the acquisition of land with building thereon, demolition, alteration, renovation, repair and site preparations and improvements, including the costs of furnishings and equipment 12,000,000

SECTION 7. This act shall take effect as of July 1, 2000.”

Sent to the House for concurrence in the amendment.

PAPER FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill relative to the use of the town forest in the town of North Attleborough (see House, No. 5389) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-four minutes past one o'clock P.M., as follows, to wit (yeas 38 — nays 0):

YEAS.

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.

Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian

Melconian, Linda J.

Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Tisei, Richard R. — 1.

The yeas and nays having been completed at twenty-seven minutes past one o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered, as follows:

The Senate Bill authorizing certain amendments to the housing and employment exaction requirements (linkage) with respect to large-scale commercial real estate development (printed as House, No. 5350),— was read a second time.

Ms. Walsh, Messrs. Shannon and Travaglini and Ms. Wilkerson offered an amendment inserting after section 5 the following section:—

“SECTION 5A. (a) There is hereby established a special commission for the purpose of studying the substantive and procedural due process rights of the people of the commonwealth, with respect to the processes involved in developing, planning and zoning large-scale commercial real estate projects. The commission shall study the operation and enforcement of linkage, mitigation and community benefits programs as they may exist in certain communities in the commonwealth, and shall study the interrelation between state and local regulatory agencies as it relates to new large-scale commercial development. The commission shall recommend legislation to clarify, correct or create policies and procedures for mitigating the adverse impact of such developments on the health, safety, convenience and welfare of all citizens of the commonwealth.

(b) The commission shall consist of three members of the senate, three members of the house of representatives, the director of housing and community development, the secretary of environmental affairs, and seven additional members, one appointed by each of the following organizations: the Environmental League of Massachusetts, the American Institute of Architects Massachusetts, the Massachusetts Municipal Association, the Massachusetts Association of Community Development Corporations, the Greater Boston Real Estate Board, the Massachusetts AFL-CIO and the Boston Municipal Research Bureau. The director of the Boston redevelopment authority and the mayor of Medford or his designee shall be non-voting members of the commission.

(c) The commission shall report the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect. The commission shall file its report with the clerks of the house of representatives and senate on or before January 31, 2001.”

After debate, this amendment was adopted.

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

Mr. Travaglini in the Chair, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at a quarter before two o'clock P.M., on motion of Ms. Wilkerson, as follows, to wit (yeas 38 — nays 0):

YEAS.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Creem, Cynthia Stone

Fargo, Susan C.

Glodis, Guy W.

Havern, Robert A.

Hedlund, Robert L.

Menard, Joan M.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Panagiotakos, Steven C.

Rauschenbach, Henri S.

Resor, Pamela

Rosenberg, Stanley C.

Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Tisei, Richard R. — 1.

The yeas and nays having been completed at twelve minutes before two o'clock P.M., the bill (printed as House, No. 5350, amended) was passed to be engrossed.

Sent to the House for concurrence.

The House Bill authorizing the city of Woburn to use certain park land for school purposes (House, No. 5160),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

Order Adopted.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted, in concurrence, to wit:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Election Laws be granted until Monday, July 31, 2000, the time within which to make its final report on current Senate document numbered 2064.

A petition (accompanied by bill, House, No. 5420) of Viriato Manuel deMacedo, Thomas J. O'Brien and Therese Murray (by vote of the town) that the town of Plymouth be authorized to lease certain land in said town, and exempting said lease from the provisions of the uniform procurement law,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on State Administration.**

Engrossed Bills.

The following engrossed bills all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid 'before the Governor for his approbation, to wit:

Relative to the review of certain condominium financial reports (see House, No. 1954);

Relative to referendum procedure in the town of Dartmouth (see House, No. 4695);

Relative to the investment of trust funds by the town of Winchester (see House, No. 4920, amended);

Authorizing the Medford Retirement Board to change the option of a certain retiree (see House, No. 5295, changed) and

Relative to abandoned property (see House, No. 5365).

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered, as follows:

The Senate Bill relative to an increase in the exemption for residential real property in the city of Somerville from 20 percent to 30 percent (Senate, No. 2234),— was read a second time.

Mr. Shannon offered an amendment, inserting after the word “valuation,”, in line 5, the following words:— “and at the option of the mayor, with the approval of the board of aldermen,”.

The amendment was adopted.

The bill (Senate, No. 2234, amended) was then ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act relative to an increase in the exemption for residential real property in the city of Somerville from 20 per cent to 30 per cent.”

Sent to the House for concurrence.

The House Bill designating a state highway in the town of Westford as the Pat Bradley Highway (House, No. 3019) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

Recess.

There being no objection, at two minutes before two o’clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty minutes before eight o’clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Bills

Further regulating the civil commitment process for persons with mental illness (House, No. 4216,— on House, No. 3083) (Senator Magnani and Representatives Khan of Newton, D. B. Sullivan of Fall River and Pope of Wayland of the committee on Human Services and Elderly Affairs dissenting);

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain easement to the town of Montague (House, No. 5048,— on petition);

Authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of West Boylston (House, No. 5220,— on petition) [Local approval received]; and

Relative to certain capital spending authorizations (House, No. 5325, amended,— on House, No. 5242, in part)

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

Suspension of Senate Rule 38A.

Ms. Melconian moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of eight o’clock P.M.; and the question on suspension of the rule was determined by a call of the yeas and nays, at nineteen minutes before eight o’clock P.M., as follows, to wit (yeas 30 — nays 6):

YEAS.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Creedon, Robert S., Jr.

Creem, Cynthia Stone

Fargo, Susan C.

Glodis, Guy W.

Havern, Robert A.

Jacques, Cheryl A.

Jajuga, James P.

Lynch, Stephen F.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Panagiotakos, Steven C.

Resor, Pamela

Rosenberg, Stanley C.

Shannon, Charles E.

Tolman, Steven A.

Travaglini, Robert E.

Magnani, David P.
Melconian, Linda J.
Menard, Joan M.

Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 30.

NAYS.

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

Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E. — 6.

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.
Joyce, Brian A.

Tisei, Richard R. — 3.

The yeas and nays having been completed at twelve minutes before eight o'clock P.M., the rule was suspended.

PAPERS FROM THE HOUSE.

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill relative to the disposition of certain property in the town of Upton (see House, No. 1267, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at nine minutes before eight o'clock P.M., as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.
Joyce, Brian A.

Tisei, Richard R. — 3.

The yeas and nays having been completed six minutes before eight o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Grafton to Robert and Abby McInnis (see House, No. 4785) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at five minutes before eight o'clock P.M., to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.
Joyce, Brian A.

Tisei, Richard R. — 3.

The yeas and naysing been completed two minutes before eight o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President.

An engrossed Bill relative to a certain parcel of conservation land in the city of Boston (see House, No. 5347) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at one minute before eight o'clock P.M., as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.
Joyce, Brian A.

Tisei, Richard R. — 3.

The yeas and nays having been completed at one minute past eight o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President.

Emergency Preamble Adopted.

An engrossed Bill providing for the conveyance of certain land in the town of Sandwich (see House, No. 4129, 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 15 to 2.

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

Communication.

The Clerk read the following communication:

July 29, 2000.

Patrick Scanlan, Senate Clerk
Room 335 State House
Boston, MA 02133

Dear Mr. Clerk:

On July 29, 2000 during the session I was engaged in a meeting with the Representatives of my Senate District discussing several budget issues. I missed the roll call vote on S. 2129, the land taking in the Town of Clinton.

I would like to request that this communication be put in the Journal.

If I had been present I would have voted yes.

Sincerely,
JOAN M. MENARD,
State Senator.

On motion of Ms. Melconian, the above statement was ordered printed in the Journal of the Senate.

Resolutions.

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

Resolutions (filed by Messrs. Brewer, Knapik, Lees, Nuciforo and Rosenberg) “on the Interstate legislative cooperative effort regarding the Connecticut River.”

PAPER FROM THE HOUSE.

The Senate Bill authorizing the rebuilding of the Julian D. Steele public housing development in the city of Lowell (Senate, No. 2211),— came from the House passed to be engrossed, in concurrence, *with amendments*, in section 2, in line 3, by striking out the word “long-term” and inserting in place thereof the word “permanent”; and by inserting after section 4 the following section: “SECTION 4A. Notwithstanding the provisions of any general or special law to the contrary, there is hereby established a special commission to consist of two members of the senate to be appointed by the president of the senate, one of whom shall be the senate chairman of the joint committee on housing and urban development, and two members of the house of representatives, to be appointed by the speaker of the house of representatives, one of whom shall be the house chairman of the joint committee on housing and urban development, the director of the department of housing and community development or her designee, and nine persons to be appointed by the governor, one of whom shall be a representative of the Massachusetts Chapter of the National Association of Housing and Redevelopment Officials, one of whom shall be a representative of the Massachusetts Union of Public Housing Tenants, two of whom shall be executive directors of public housing authorities which own chapter 200 housing, two of whom shall be residents of chapter 200 state-assisted housing developments, one of whom shall be a representative of the Council of Large Public Housing Authorities, one of whom shall be a representative from Citizens’ Housing and Planning Association, and one of whom shall be experienced in the development of affordable housing, for the purpose of making an investigation and study of the need for renovation and revitalization of state-assisted housing developments created pursuant to chapter 200 of the acts of 1948 and for the purpose of developing new program initiatives for chapter 200 state-assisted housing developments. Said study shall include, but not be limited to: (a) the extent of modernization needs of said housing; (b) recommendations for funding mechanisms to modernize and revitalize chapter 200 state-assisted housing developments, including a review of the process and criteria by which state modernization funds are awarded; (c) the feasibility of establishing replacement reserve accounts at local housing authorities; (d) the feasibility of using private capital in the redevelopment of chapter 200 state-assisted housing developments; (e) the criteria for replacement housing in cases where there will be a reduction of units. The chairmen of the joint committee on housing and urban development shall be the co-chairmen of said special commission. Said special commission may conduct public hearings throughout the commonwealth. Said commission shall report to the general court the results of the investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the house and senate clerks who shall forward the same to the joint committee on housing and urban development on or before October 31, 2000.”.

The rules were suspended, on motion of Mr. Panagiotakos, and the House amendments were considered forthwith and adopted, in concurrence.

Report of a Committee of Conference.

Mr. Antonioni, for the committee of conference, to whom was referred the House amendment to the Senate Bill relative to charter schools (Senate, No. 2027, amended) (the bill having been amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5276), reported recommending that the Senate recede from its NON-concurrence in the House amendment and concur therein with a further amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2270; and that the House concur therein. Ms. Melconian in the Chair, after debate, the question on accepting the report of the committee of conference was determined by a call of the yeas and nays, at twenty minutes before ten o’clock P.M., on motion of Mr. Antonioni, as follows, to wit (yeas 20 — nays 17):

YEAS.

Antonioni, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Jacques, Cheryl A.
Jajuga, James P.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Melconian, Linda J.

Montigny, Mark C.
Nuciforo, Andrea F., Jr.
Rauschenbach, Henri S.
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian — 20.

NAYS.

Bernstein, Robert A.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Magnani, David P.
Menard, Joan M.

Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Tolman, Steven A.
Wilkerson, Dianne — 17.

ABSENT OR NOT VOTING.

Joyce, Brian A.

Tisei, Richard R. — 2.

The President in the Chair, the yeas and nays having been completed at thirteen minutes before ten o'clock P.M., the conference committee report was accepted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to reproductive health care facilities (see Senate, No. 148, amended) (which originated in the Senate), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President.**

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill authorizing the town of Kingston to grant an easement in certain park land (see House Bill, No. 4140, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twelve minutes before ten o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Clancy, Edward J., Jr.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

NAYS — 0.

ABSENT OR NOT VOTING.

Joyce, Brian A.

Tisei, Richard R. — 2.

The yeas and nays having been completed eight minutes before ten o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President.

An engrossed Bill authorizing the city of Woburn to use certain park land for school purposes (see House, No. 5160) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at seven minutes before ten o'clock P.M., as follows, to wit (yeas 36 — nays 1):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Menard, Joan M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.

Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Knapik, Michael R.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.

Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 36.

NAYS.

Lees, Brian P. — 1.

ABSENT OR NOT VOTING.

Joyce, Brian A.

Tisei, Richard R. — 2.

The yeas and nays having been completed five minutes before ten o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President.

Engrossed Bill.

An engrossed Bill providing for the collection of data relative to traffic stops (see Senate, No. 2238, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, four minutes before ten o'clock P.M., on motion of Ms. Wilkerson, as follows, to wit (yeas 35 — nays 2):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Clancy, Edward J., Jr.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 35.

NAYS — 0.

Brewer, Stephen M.

Glodis, Guy W.

ABSENT OR NOT VOTING.

Joyce, Brian A.

Tisei, Richard R. — 2.

The yeas and nays having been completed one minute before ten o'clock P.M., the bill was passed to be enacted and it was signed by the President.

Reports of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to the governing committee of the medical malpractice reinsurance plan (House, No. 4538),— ought to pass.

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

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill designating a state highway in the town of Westford as the Pat Bradley Highway (see House, No. 3019), 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 8 to 0.**

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

Engrossed Bill.

An engrossed Bill authorizing the rebuilding of the Julian D. Steele public housing development in the city of Lowell (see Senate, No. 2211, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at sixteen minutes past ten o'clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (yeas 35 — nays 2):

YEAS.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Creedon, Robert S., Jr.

Creem, Cynthia Stone

Fargo, Susan C.

Clancy, Edward J., Jr.

Havern, Robert A.

Hedlund, Robert L.

Jacques, Cheryl A.

Jajuga, James P.

Knapik, Michael R.

Lees, Brian P.

Lynch, Stephen F.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Panagiotakos, Steven C.

Rauschenbach, Henri S.

Resor, Pamela

Rosenberg, Stanley C.

Shannon, Charles E.

Sprague, Jo Ann

Tarr, Bruce E.

Tolman, Steven A.

Travaglini, Robert E.

Magnani, David P.
Melconian, Linda J.

Tucker, Susan C.
Walsh, Marian
Glodis, Guy W.— 35.

NAYS — 0.

Menard, Joan M.

Wilkerson, Dianne.

ABSENT OR NOT VOTING.

Joyce, Brian A.

Tisei, Richard R. — 2.

The yeas and nays having been completed at twenty-one minutes past ten o'clock P.M., the bill was passed to be enacted and it was signed by the President.

The Senate Bill relative to the construction and financing of infrastructure and other improvements in the city of Boston and around Fenway Park (printed in Senate 2269, amended),— came from the House passed to be engrossed, in concurrence, *with amendments*:

In section 2, in line 33, by inserting after the word “way” the words “; provided that none of the planning, design, development, construction, improvement or any combination of the aforesaid is within the boundaries of the ballpark”;

By striking out, in lines 33, 34, 35 and 36, the following: “; provided that not more than \$150,000 be allocated to study the feasibility, design, and cost of an exit ramp from the Massachusetts turnpike in the area of the parking facility project . . . \$100,000,000” and inserting in place thereof the following: “; provided that not more than \$150,000 be allocated to study the feasibility, design, and cost of exit and entrance ramps from the Massachusetts turnpike in the area of the parking facility project”;

By striking out Sections 2A and 8A (inserted by amendment by the Senate) in section 3, in line 94, by inserting after the word “way” words “; provided that none of the planning, design, development, construction, improvement or any combination of the aforesaid is within the boundaries of the ballpark”;

In section 4, by adding at the end thereof the following paragraph:

“The Developer shall prepare quarterly reports which shall include, but not be limited to: (i) the total dollars expended on the project to date; (ii) the number of contracts entered into to date; (iii) the number of contracts entered into with minority businesses; (iv) the number of contracts entered into with women-owned businesses; (v) the dollar value of contracts entered into with minority businesses; (vi) the dollar value of contracts entered into with women-owned businesses; (vii) the total number of employees working on the project; (viii) the total number of employees working on the project, broken down by race, ethnicity and gender; and (ix) the total number of Boston residents working on the project. Said quarterly reports shall be submitted to the secretary of the executive office for administration and finance to the secretary of EOTC, the house ways and means committee; the senate ways and means committee, the clerk of the house, the clerk of the senate, and the house committee on long-term debt and capital expenditures.”

In section 6, in line 44, by inserting after the word “visitation” the words: “and the collector-treasurer shall establish a program which grants an exemption from or refund of such fee for any space used by any employee of a hospital or medical care facility parking his or her motor vehicle during his or her working hours”;

In section 9, by striking out the words “sections 2 and 2A (inserted by amendment by the Senate) and inserting in place thereof the words: “section 2”;

In section 13D (inserted by amendment by the Senate) by striking out the paragraph contained in lines 51 to 57, inclusive, and inserting in place thereof the following paragraph:

“ ‘Commercial facilities’, a building or structure, or site owned or used by a public, private, civic, educational, or professional organization or foundation concerned with the arts, humanities, interpretive sciences or local arts, and exempt from income taxation pursuant to Section 501(c)(3) of Title 28 of the Internal Revenue Code, which is accessible to the public, including, but not limited to, museums, historical sites, zoos, aquariums, theaters, concert halls, exhibition spaces, classrooms, auditoriums, suitable for presentation of performing of visual arts; provided further, that this definition does not include public or private educational institutions of early childhood, elementary, secondary, higher educational, and vocational-technical education.”;

By striking out the paragraph contained in lines 58 to 62, inclusive, and inserting in place thereof the following paragraph:

“ ‘Cultural organization’, a nonprofit organization, public or private, which is primarily concerned with the arts, humanities, interpretive sciences or local arts which is exempt from income taxation; provided further, that this definition does not include public or private educational institutions of early childhood, elementary, secondary, higher educational, and vocational-technical education.”;

By striking out the paragraph contained in lines 69 to 75, inclusive, and inserting in place thereof the following paragraph:

“ ‘Feasibility grant’, a direct grant of monies from said Fund, subject to matching grant requirements to an applicant for payment of the costs and expenses related to the undertaking and completion of a planning and feasibility study for a proposed project. No

such grant shall exceed \$50,000. The agency may award a feasibility grant upon its findings that: (i) there is a likelihood that the proposed project will qualify as an eligible project; and (ii) there is local support, for the proposed project.”;

By striking out the paragraph contained in lines 81 to 84, inclusive, and inserting in place thereof the following paragraph:

“ ‘Grant’, a direct grant of monies from said Fund to an applicant for payment of the costs of a project; provided, that the amount of any single grant awarded from said Fund shall not exceed \$7,000,000; provided further, that grants for a total value less than \$1,000,000 shall be subject to a matching funding requirement of dollar for dollar of the amount of the grant, provided further, that grants for a total value in excess of \$1,000,000 and less than \$2,500,000 shall be subject to a matching funding requirement of at least two times the amount of the grant; provided further, that grants for a total value in excess of \$2,500,000 and less than \$5,000,000 shall be subject to a matching funding requirement of at least three times the amount of the grant; provided, further, that grants for a total value in excess of \$5,000,000 and less than \$7,000,000 shall be subject to a matching funding requirement of at least four times the amount of the grant; provided further, that not less than 50 per cent of all grant funds expended in one fiscal year from the Fund shall be to projects conducted by cultural organizations.”;

By striking out the paragraph contained in lines 93, 94 and 95 and inserting in place thereof the following paragraph:

“ ‘Loan’, a direct loan to an applicant from said Fund for payment of up to 40 per cent of the cost of a project for an eligible project; provided further, that the amount of any single loan awarded from the Regional Tourism Fund shall not exceed \$7,000,000.”;

By striking out “Subsection 43.” contained in lines 118 to 137, inclusive, and inserting in place thereof the following subsection:

“Section 43. There shall be established within the agency a regional tourism facility fund advisory council, hereinafter referred to as the advisory council. The advisory council shall be comprised of the following thirteen members who shall serve for five year terms: The Governor shall appoint three advisory council members, of which one shall be the director of the Massachusetts Office of Travel and Tourism or his designee, and one shall be the director of the Massachusetts Cultural Council or his designee. In addition, the speaker of the house of representatives shall appoint five advisory council members: of which two shall be representatives from local tourist councils; provided, that, at least one shall be from western Massachusetts and another from outside of the Metropolitan Boston area. The president of the senate shall appoint five advisory council members of which two shall be a representatives from cultural organizations; provided that at least one shall be from western Massachusetts and another from outside of the Metropolitan Boston area. Said council shall act in an advisory capacity to the Massachusetts Development Finance Agency board in matters relative to the financing of regional tourism and cultural projects and said council may review and provide technical comments regarding loan and grant applications submitted to the Massachusetts Development Finance Agency board for approval.”; and by inserting after section 13F (inserted by amendment by the Senate) the following section: “SECTION 13G. There shall be established and compensated by the Corporation a full time permanent position of community liaison to the project whose primary responsibility shall be to address and respond to the needs and concerns of the impacted residents and businesses located in the Fenway district of the city of Boston. Said community liaison shall be a resident of said Fenway district appointed by the executive director of the corporation.”

The rules were suspended, on motion of Mr. Travaglini, and the House amendments were considered forthwith.

On motion of Ms. Wilkerson, the Senate concurred in the House amendment *with a further amendment* striking out all after the enacting clause and inserting in place the text of Senate document numbered 2271.

Sent to the House for concurrence in the further amendment.

Engrossed Bill — State Loan.

An engrossed Bill relative to the construction and financing of infrastructure and other improvements in the city of Boston and around Fenway Park (see Senate, No. 2269, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-four minutes past eleven o’clock P.M., as follows, to wit (yeas 28 — nays 8):

YEAS.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Havern, Robert A.

Jacques, Cheryl A.

Jajuga, James P.

Montigny, Mark C.

Morrissey, Michael W.

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Panagiotakos, Steven C.

Rauschenbach, Henri S.

Resor, Pamela

Rosenberg, Stanley C.

Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.

Sprague, Jo Ann
Tarr, Bruce E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Wilkerson, Dianne — 28.

NAYS.

Brewer, Stephen M.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.

Hedlund, Robert L.
Moore, Richard T.
Murray, Therese
Walsh, Marian — 8.

ABSENT OR NOT VOTING.

Joyce, Brian A.
Shannon, Charles E.

Tisei, Richard R. — 3.

The yeas and nays having been completed at twenty-eight minutes past eleven o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President.

Order Adopted.

On motion of Ms. Melconian,—

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

On motion of Mr. Lees, at twenty-nine minutes past eleven o'clock P.M., the Senate adjourned to meet on the following Monday in full formal session, at eleven o'clock A.M.
