

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, November 25, 2002.

Met at two minutes past eleven o'clock A.M.

Communications.

The following communications were severally placed on file:

Communication from the Underground Storage Tank Board (under the provisions of Section 2 of Chapter 21J of the General Laws) submitting notice of intent to adjust the fees for petroleum product deliveries (received Tuesday, November 19, 2002); and

Communication from Wonderland Racetrack (under the provisions of Section 2 of Chapter 128C of the General Laws) submitting copies of simulcasting contracts entered into by Wonderland (received Monday, November 25, 2002).

Report.

A report of the Massachusetts Convention Center (under Section 5(1) of Chapter 152 of the Acts of 1997), prepared for the month of October, relative to all contracts regarding the Boston Exhibition Center project entered into by said authority (received Monday, November 25, 2002),— **was placed on file.**

Petition.

Mr. O'Leary presented a petition (subject to Joint Rule 12) of Robert A. O'Leary for legislation relative to extending the time period for disbursements from the Cape Cod land and aquifer protection fund,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Mr. Tolman, for the committee on Local Affairs, on petition, a Bill relative to Ponders Hollow Road in the city of Westfield (Senate, No. 2492) [Local approval received];

Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Ms. Resor, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to the curriculum in public schools (House, No. 4409, amended).

PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to unemployment insurance rates (House, No. 5370);

To the committee on Commerce and Labor.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to extending the agency filing deadline in a gubernatorial election year (House, No. 5369);

To the committee on State Administration.

A Bill providing for increased organ donations through education and access (House, No. 5246,— on House, No. 3801),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bill Previously Recalled from the Acting Governor

Laid Before the Senate.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land to the Taunton Development Corporation (see Senate, No. 1591, changed) which, at a previous session, had been returned by Her Honor the Lieutenant-Governor, Acting Governor, at the request of the Senate,— was laid before the Senate.

There being no objection, on motion of Mr. Pacheco, 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 further motion of the same Senator, by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2496.

Sent to the House for concurrence in the amendment.

Resolutions.

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

Resolutions (filed by Mr. Berry) “congratulating Reginald I. Barron on his many accomplishments.”

Matters Taken Out of the Orders of the Day.

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

The House Bill relative to the taxation of real and personal property (House, No. 3436),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to creditable service in the armed forces of the United States (House, No. 5103),— was read a third time.

Pending the question on passing the bill to be engrossed, Messrs. Magnani and Montigny moved that the bill be amended by inserting after section 1 the following section:—

“SECTION 1A. Subdivision (1) of said section 4 of said chapter 32, as so appearing, is hereby amended by inserting after paragraph (q) the following paragraph:—

(r) Notwithstanding any general or special law to the contrary, a member in service or member inactive, as defined in section 3, of a retirement system, who served as a volunteer to the Peace Corps, who completes 10 or more years of membership service as a public school teacher or public school guidance counselor, and who retires on or after March 31, 2002, shall receive full credit for the period of such volunteer service but not more than 3 years. Eligibility for the creditable service of members in service of a retirement system shall be conditioned upon payment, in 1 sum or in installments upon such terms as the applicable retirement board may provide, into the annuity savings fund of the applicable retirement system, of an amount equal to the contributions such member in service would have otherwise paid into the retirement system for the period of volunteer service based upon the annual salary the member received in the first year of membership service after that volunteer service.”.

This amendment was adopted.

The bill was then passed to be engrossed, in concurrence, with the above amendment, and with the amendments previously adopted by the Senate.

Sent to the House for concurrence in the amendments.

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), 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 Acting Governor for her approbation, to wit:

Relative to excavation and trench safety (see Senate, No. 2234, amended); and

Authorizing the town of Norwood to grant 3 additional licenses for the sale of wines and malt beverages to be drunk on the premises (see House, No. 5305).

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill relative to creditable service for town moderators (see House, No. 1469), 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 4 to 0.

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

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the President and laid before the Acting Governor for her approbation.

Order Adopted.

On motion of Ms. Melconian,—

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

On motion of Mr. Tarr, at twenty-five minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Wednesday at eleven o'clock A.M.