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.

Thursday, December 19, 2002.

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

Distinguished Guests.

There being no objection, the President introduced, seated in the rear of the Chamber, students from Academy Hill School in Springfield. The Academy Hill School is the preeminent educator of gifted and talented children in the Commonwealth. The curriculum is centered around a balanced philosophy of respect, honesty, empathy, integrity and trustworthiness. They were the guests of Senators Melconian, Lees and Baddour.

Communications.

The following communications were severally placed on file:

Communication from Michael G. Bellotti, Norfolk County Sheriff, relative to a plan of correction (received Friday, December 13, 2002); and

Communication from of the Advisory Committee on Health Care and Tobacco Control submitting budget recommendations (received Tuesday, December 10, 2002).

Reports.

The following reports were severally read and placed on file:

A report of the University of Massachusetts (under the provisions of Section 2 of Chapter 177 of the Acts of 2000, as amended by Section 19 of Chapter 300 of the Acts of 2002) submitting its report concerning integrated science facilities and a transfer of funds (received Tuesday, December 10, 2002);

A report of the Public Employee Retirement Administration Commission (under the provisions of Chapters 218 and 219 of the Acts of 2002) relative to the costs and actuarial liabilities (received Monday, December 2, 2002); and

A report of the Division of Health Care Finance and Policy (under the provisions of Section 4 of Chapter 118G of the General Laws) submitting its fiscal year 2002 annual report (received Tuesday, December 3, 2002).

The following reports were severally read and sent to the House for its information:

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Boston Pre-Release Center (received Monday, December 2, 2002); and

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of Bridgewater State Hospital (received Tuesday, December 17, 2002).

Committee Discharged.

Ms. Menard, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Health Care to sit during the recess of the General Court for the purpose of making an investigation and study of a certain current Senate document numbered 401, relative to speech pathology assistants (Senate, No. 1973), reported asking to be discharged from further consideration of the Senate petition (accompanied by bill, Senate, No. 401) of Joan M. Menard and Frederick E. Berry for legislation relative to the certification of speech language pathology assistants and audiology assistants,— and recommending that the same be recommitted to the committee on Health Care.
Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE.

Bills

Relative to the tax treatment of prepaid calling arrangements (House, No. 1320,— on petition); and

Relative to abandoning a certain rail line in the town of Falmouth (House, No. 4990, amended,— on House, No. 3661);
Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Resolutions.

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

Resolutions (filed by Ms. Resor) "on the occasion of the two-hundred fiftieth anniversary of the town of Shirley";

Resolutions (filed by Ms. Walsh) "congratulating Patrick Barry on the occasion of his Court of Honor"; and

Resolutions (filed by Ms. Walsh) "congratulating Michael E. Gorin on the occasion of his Court of Honor."

Report of a Committee.

By Mr. Tolman, for the committee on Local Affairs, on petition, a Bill exempting debt of the city of Lawrence for certain approved school projects from the statutory limit (Senate, No. 2502) [Local approval received].
The bill was read. There being no objection, the rules were suspended, on motion of Mr. Baddour, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed.
Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill relative to the appointment of retired police officers in the town of Reading (House, No. 5352,— on petition) [Local approval received],— was read.
There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

A Bill establishing the position of deputy chief of police in the town of Walpole (House, No. 5387,— on petition) [Local approval received],— was read.
There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

A Bill relative to certain trust funds and other matters (House, No. 5393, printed as amended,— on House, No. 5380),— was read.

There being no objection, the rules were suspended, on motion of Mr. McGee, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Montigny presented an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2506.
This amendment was adopted.
The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.

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 increasing the penalty for passing a school bus (House, No. 4405),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Rochester to pay a certain unpaid bill (House, No. 5049),— **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.

The House Bill relative to school committee members (House, No. 783, changed and amended),— came from the House with the endorsement that the House had concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the following text:—

"Chapter 71 of the General Laws is hereby amended by inserting after section 36 the following section:—

Section 36A. School committee members, within 1 year after their initial election or appointment, shall complete at least 8 hours of orientation concerning the responsibilities of their office at no cost to individual school committee members. The orientation shall include but not be limited to a review of school finance, the open meeting law, public records law, conflict of interest law, special education law, collective bargaining, school leadership standards and evaluations and the roles and responsibilities of school committee members. The orientation shall be provided by the Massachusetts Association of School Committees, Inc. or any other entity approved by the commissioner of education after consulting the Association. A certificate shall be awarded to each participant upon completion of the orientation and notice thereof shall be filed with the clerk of the city or town where the school committee member resides."), *with a further amendment* inserting before the last sentence (inserted by amendment) the following sentence: "The association and any other entity providing such orientation shall offer every year at least 2 orientation sessions at no required cost to eligible school committees."
The rules were suspended, on motion of Mr. Moore, and the House amendment was considered forthwith and adopted, in concurrence.

The House Bill designating certain bridges, overpasses and connector roads in the city of Marlborough (House, No. 4994),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment inserting after the enacting clause the following section:—

"SECTION 1. Chapter 477 of the acts of 1996 is hereby repealed.".
On motion of Ms. Melconian, the Senate receded from its amendment.

Engrossed Bill.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Ashfield (see House, No. 5217) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Acting Governor for her approbation.**

Bill Recalled from the Acting Governor

Laid Before the Senate.

On motion of Ms. Melconian, it was voted that a messenger be appointed to wait upon Her Honor, the Lieutenant-Governor, Acting Governor, requesting the return to the Senate of the engrossed Bill relative to certain firearm fees (see House, No. 5018).

Ms. Melconian was appointed the messenger. Subsequently, the bill was returned and was laid before the Senate.

There being no objection, on motion of Ms. Melconian, 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.

Mr. Glodis presented an amendment, striking out all after the enacting clause and inserting in place thereof the following two sections:

"SECTION 1. Section 129B of chapter 140 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 182, the words '; provided, however, that any' and inserting in place thereof the following words:— Notwithstanding any general or special law to the contrary, licensing authorities shall deposit such portion of the firearm

identification card application fee into the Firearms Record Keeping Fund quarterly, not later than January 1, April 1, July 1 and October 1 of each year. Any.

SECTION 2. Section 131 of said chapter 140, as so appearing, is hereby amended by inserting after the figure '29.', in line 239, the following sentence:— . Notwithstanding any general or special law to the contrary, licensing authorities shall deposit such portion of the license application fee into the Firearms Record Keeping Fund quarterly, not later than January 1, April 1, July 1 and October 1 of each year."
The amendment was adopted.
Sent to the House for concurrence in the amendment.

Recess.

There being no objection, at twenty minutes past eleven o'clock A.M., the President declared a recess subject to the call of the Chair; and at twenty-three minutes past three o'clock P.M., the Senate reassembled, Ms. Melconian in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted.

An engrossed Bill relative to the Massachusetts veterans shelter in the city of Worcester (see Senate, No. 2150, amended), having been certified by the Senate Clerk to be rightly and truly, prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 7 to 0.**
The bill was signed by the Acting President and sent to the House for enactment.

An engrossed Bill providing for increased organ donations through education and access (see House, No. 5246, 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 5 to 0.**
The bill was signed by the Acting President and sent to the House for enactment.

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 Acting President and laid before the Acting Governor for her approbation, to wit:

Relative to school committee members (see House, No. 783, changed and amended);

Relative to the sounding of certain warning devices in the town of Concord (see House, No. 4226);

Authorizing the city of Worcester to lease a certain building for courthouse use (see House, No. 4966, amended);

Relative to the descent and distribution of property (see House, No. 5136, amended);

Establishing a sick leave bank for Kevin J. Welch, an employee of the Trial Court of the Commonwealth (see House, No. 5333); and

Relative to certain motor vehicle dealers (see House, No. 5357, amended).

A Bill relative to eligibility for extended federal unemployment benefits (House, No. 5368) — having previously been reported ought to pass by the committee on Ways and Means,— was considered.

There being no objection, the rules were suspended, on motion of Mr. Pacheco, and the bill was read a second time.

Pending the main question on ordering the bill to a third reading, Mr. Lees presented an amendment, striking out section 2 and inserting in place thereof the following 2 sections:—

"SECTION 2. Notwithstanding section 14 of chapter 151A of the General Laws, the experience rate of an employer qualifying for it under subsection (b) of said section 14 of said chapter 151A shall be the rate which appears in the column designated 'B' of calendar year 2003.

SECTION 3. Section 1 shall take effect as of March 9, 2002. Section 2 shall take effect on January 1, 2003."

The amendment was adopted.

Mr. Tolman offered an amendment, inserting after section 1 the following 3 sections:—

"SECTION 1A. Paragraph (4) of subsection (a) of section 14 of chapter 151A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following 2 sentences:— In any month in which the Unemployment Compensation Fund falls below $500,000,000, the unemployment insurance taxable wage base shall be increased for that calendar year to $12,800. In each year thereafter, the unemployment insurance taxable wage base shall equal the product of (i) the taxable wage base for the previous calendar year; and (ii) the sum of 1 and the amount of any increase in the average weekly wage for the previous calendar year as reported under subsection (a) of section 29.

SECTION 1B. Subsection (d) of said section 14 of said chapter 151A, as amended by section 8 of chapter 347 of the acts of 2002, is hereby further amended by adding the following paragraph:—

(4) An amount equal to the increase in the taxable wage base. If the unemployment insurance taxable wage base has increased because the Unemployment Compensation Fund has fallen below $500,000,000 in any month, the deputy director shall within 30 days calculate the increase in employer charges as a result of the increase to the unemployment insurance taxable wage base applied to the beginning of the calendar year, notify employers of such charges, and shall require payments within 60 days from the date of such notice.

SECTION 1C. Section 14F of said chapter 151A, as appearing in the 2000 Official Edition, is hereby amended by striking out in lines 29 and 30, the words 'the months of January, April and August' and inserting in place thereof the following words:— every month.

SECTION 1D. On or before March 1, 2003, the commissioner shall file with the house and senate committees on ways and means and the joint committee on commerce and labor a report certifying the expected balance in the Unemployment Compensation Fund as of December 31, 2003. The commissioner shall base his certification on projected payments to and from the Unemployment Compensation Fund during calendar year 2003, trends in the economy and any other factors the commissioner deems relevant. The commissioner, in consultation with the department of employment and training advisory board, shall also include recommendations for such legislative actions, including changes in the taxable wage base and the experience rate schedule, as the commissioner may deem appropriate to ensure that an adequate balance is maintained for the payment of unemployment benefits in calendar year 2004."

After debate, the amendment was *rejected,* by a vote of 2 to 5.

Mr. Tolman doubted the vote and asked for a call of the yeas and nays.

The Chair (Ms. Melconian) ruled that under the rules, the Senate was in an informal session, and that the question on adoption of the amendment by a call of the yeas and nays could not be entertained and that the matter was laid aside.

Subsequently, Mr. Tolman withdrew his request for a call of the yeas and nays.
The bill was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Moore,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday 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 fourteen minutes past four o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.