

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.

JOURNAL OF THE SENATE.

Tuesday, January 2, 2001.

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

PAPERS FROM THE HOUSE.

Bills

Relative to betterment assessments for sewerage facilities in the town of Millbury (House, No. 4941,- on House, Nos. 4941 and 4965) [Local approval received on House, No. 4941];

Relative to town meetings in the town of Burlington (House, No. 5501,- on petition) [Local approval received]; and

Creating the presumption regarding the disability retirement of a certain fire fighter in the town of Clinton (House, No. 5517,- on House, No. 5322) [Local approval received on House, No. 5322];

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

Engrossed Bills.

The following engrossed bills (the first three 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 Governor for his approbation, to wit:

Relative to the transfer of a certain parcel of land by the Hampshire County Housing Authority (see Senate, No. 2252, amended);

Designating the James Coffin memorial rotary (see Senate, No. 2292);

Relative to the voluntary withdrawal of land from the registration system (see Senate, No. 2297);

Relative to the possession, transport, use or placement of a hoax device (see House, No. 3423, amended);

Relative to the taxation of certain real property in the town of North Andover (see House, No. 5187); and

Further regulating the election of town meeting members in South Hadley (see House, No. 5475).

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 bills

Relative to the procedures for junking motor vehicles (House, No. 150);

Relative to the payment of benefits by the New Bedford Police Association (House, No. 5413); and

Providing for the appointment of the treasurer of the Dartmouth Fire District Number 3 (House, No. 5490);

Were severally 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 the issuance of motor vehicle registration plates (House, No. 151),- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act relative to the issuance of motor vehicle registration plates."**

The House Bill relative to increasing reinsurance capacity in the Commonwealth (House, No. 994, amended),- **was read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act increasing reinsurance capacity in the Commonwealth."**

The House Bill protecting beneficiaries of structured settlements (House, No. 5348),- was read a third time.

Mr. Creedon presented an amendment, striking out, in lines 275 to 277, inclusive, the words "but not in excess of [insert multiplier figure] the aggregate amount of the discount/finance charge"; and by striking out, in lines 283 to 285, inclusive, the words "but not in excess of [insert multiplier figure] the aggregate amount of the discount/finance charge".

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Reports of a Committee.

Mr. Brewer, 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 validating a special town election held in the town of Phillipston (printed in House, No. 5495).

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

Mr. Brewer, 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 Senate Bill designating the Salisbury Visitors Center as the Maria Miles Visitors Center (Senate, No. 2332).

There being no objection, on motion of Mr. Jajuga, the bill was read a second time and ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Charles E. Birchall III, an employee of the Trial Court of the Commonwealth (see Senate, No. 2328), 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 President and sent to the House for enactment.

The Senate Bill further regulating the collection of certain data relative to the stopping of motor vehicles (Senate, No. 2324),- came from the House passed to be engrossed, in concurrence, *with an amendment*, striking out section 1.

The rules were suspended, on motion of Mr. Jajuga, and the House amendment was considered forthwith and adopted, in concurrence.

Recess.

There being no objection, at fourteen minutes past eleven o'clock A.M., the President declared a recess subject to the call of the Chair; and, at eight minutes past three o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill further regulating the collection of certain data relative to the stopping of motor vehicles (see Senate, No. 2324, 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 3 to 0.**

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

A Bill authorizing the town of Ware to extend health insurance to certain retired town employees (House, No. 5503, changed,- on petition) [Local approval received],- was read.

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

Matter Taken Out of the Orders of the Day.

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

The House Bill relative to commercial area revitalization districts (House, No. 4392),- was read a second time.

Mr. Tolman offered an amendment, striking out all after the enacting clause and inserting in place thereof the following text:-

"SECTION 1. The third paragraph of subsection (a) of section 8 of chapter 23G of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following sentence:- Notwithstanding any provision of this paragraph to the contrary, the agency may finance projects for institutions without meeting any of the requirements contained in the first sentence.

SECTION 2. Clause (l) of section 1 of chapter 40D of the General Laws is hereby amended by inserting after the fourth sentence the following two sentences:- A project undertaken by a nonprofit corporation authorized by law to provide facilities for educational, cultural or social services, including provision of working capital, or a project undertaken by a governmental entity for governmental purposes shall be deemed to constitute an industrial enterprise but shall not be deemed to constitute a commercial enterprise. Additionally, projects located within the boundaries of an empowerment zone as it may have been established in a city or town, pursuant to regulations of the United States Department of Housing and Urban Development, 24 CFR §§ 597 and 598, shall be deemed to constitute an industrial enterprise but shall not be deemed to constitute a commercial enterprise.

SECTION 3. Said section 1 of said chapter 40D, as so appearing, is hereby further amended by striking out, in lines 75 to 77, inclusive, the words 'Facilities for the use of governmental and nonprofit entities shall be considered facilities to be used in a commercial enterprise, and bonds' and inserting in place thereof the following word:- Bonds."

The 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.

A Bill designating a certain cable-stayed bridge spanning the Charles River as the Leonard P. Zakim Bunker Hill Bridge (printed in House, No. 5303, amended,- originally ought NOT to pass (under Joint Rule 10), from the committee on Transportation, being a message from His Excellency the Governor),- was read.

There being no objection, the rules were suspended, on motion of Mr. Havern, 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 making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities (House, No. 5514,- on House, No. 5451, in part),- was read.

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

Mr. Montigny presented an amendment, in section 2, by striking out item 2440-2000.

The 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.

A Bill relative to an increase in the exemption for residential real property in the city of Boston (House, No. 5498,- on petition) [Local approval received],- was read.

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

Bill Returned to the House

With Recommendation of Amendment.

The engrossed Bill relative to the underground cable reimbursement schedule (see House, No. 2692) (which had been returned by Her Honor, the Lieutenant-Governor, Acting Governor, with recommendation of amendment) (for message, see House, No. 5081),- came from the House amended, as follows: striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5417.

The rules were suspended, on motion of Mr. Bernstein, and the House amendment was considered forthwith and adopted, in concurrence.

Recess.

There being no objection, at a quarter past three o'clock P.M., the President declared a recess subject to the call of the Chair; and, at five o'clock P.M., the Senate reassembled, the President in the Chair.

Report of a Committee.

Mr. Montigny, for the committee on Ways and Means, that the House Bill to provide for the acquisition of conservation land in the town of Ipswich for the expansion of Willowdale State Forest (House, No. 5509),- ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2334.

There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. 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 bills

Authorizing the cemetery commissioners of the town of Dedham to refund certain monies (House, No. 4626); and

Authorizing the town of Dedham to reimburse certain sewer use fees (House, No. 4627);

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

The House Bill relative to road improvements in the town of Chatham (House, No. 5213),- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Engrossed Bills.

The following engrossed bills (the first eight 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 Governor for his approbation, to wit:

Relative to the election of retirement options for certain retirees (see Senate, No. 1281, amended);

Providing address confidentiality for victims of domestic abuse, rape, sexual assault and stalking (see Senate, No. 2173);

Authorizing the Brockton Retirement Board to authorize creditable service for George W. Moore, Jr. (see Senate, No. 2315);

Authorizing the city of Quincy to establish a hotel tax and an open space, recreational and tourism fund (see Senate, No. 2322);

Further regulating the collection of certain data relative to the stopping of motor vehicles (see Senate, No. 2324, amended);

Relative to patient funds at soldiers' homes (see Senate, No. 2326);

Establishing a sick leave bank for Charles E. Birchall III, an employee of the Trial Court of the Commonwealth (see Senate, No. 2328);

Designating the Salisbury Visitors Center as the Maria Miles Visitors Center (see Senate, No. 2332);

Relative to the procedures for junking motor vehicles (see House, No. 150);

Relative to the issuance of motor vehicle registration plates (see House, No. 151);

Relative to certain interests in bankruptcy proceedings (see House, No. 751);

Increasing reinsurance capacity in the Commonwealth (see House, No. 994, amended);

Authorizing employment contracts for fire chiefs (see House, No. 2211);

Prohibiting the use of a mobile telephone while operating a school bus (see House, No. 4810, amended);

Directing the Commissioner of Revenue to accept applications for abatement of taxes on behalf of certain taxpayers (see House, No. 4881, amended);

Relative to the conservation commission of the town of Lexington (see House, No. 4983);

Providing for noncriminal enforcement of the rules and regulations of the Historic Districts Commission in the town of Lexington (see House, No. 5212);

Designating a portion of state highway Route 146 as the Veterans of the Battle of the Bulge, Central Massachusetts Chapter Highway (see House, No. 5273, amended);

Designating a certain cable-stayed bridge spanning the Charles River as the Leonard P. Zakim Bunker Hill Bridge (see House Bill, printed in House, No. 5303, amended);

Protecting beneficiaries of structured settlements (see House, No. 5348, amended);

Relative to utility lines in the town of Lexington (see House, No. 5351);

Relative to the administrative reorganization of the city of Malden (see House, No. 5352);

Relative to the payment of benefits by the New Bedford Police Association (see House, No. 5413);

Providing for the appointment of the treasurer of the Dartmouth Fire District Number 3 (see House, No. 5490);

Establishing a public works department in the town of Shirley (see House, No. 5492);

Relative to the payment of certain betterments in the town of Shirley (see House, No. 5493);

Relative to an increase in the exemption for residential real property in the city of Boston (see House, No. 5498);

Authorizing the town of Ware to extend health insurance to certain retired town employees (see House, No. 5503, changed); and

Relative to contracts of school principals (see House, No. 5512, amended).

The following engrossed bills (both 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, two-thirds of the members present having voted in the affirmative, were signed by the President and laid before the Governor for his approbation, to wit:

Relative to the issuance of certain licenses for the sale of alcoholic beverages in the town of Orleans (see House Bill, printed in House, No. 5408); and

Validating a special town election held in the town of Phillipston (see House Bill, printed in House No. 5495).

Recess.

There being no objection, at seven minutes past five o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-nine minutes past six o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

A Bill relative to certain school construction projects in the city of Boston (House, No. 5317,- originally ought NOT to pass (under Joint Rule 10), from the committee on State Administration, on petition) [Local approval received],- was read.

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

Recess.

There being no objection, at half past six o'clock P.M., the President declared a recess subject to the call of the Chair; and, at three minutes past seven o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill to provide for the acquisition of conservation land in the town of Ipswich for the expansion of Willowdale State Forest (see House, No. 5509, 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 President and sent to the House for enactment.

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

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

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 licensure of sign installers (see House No. 236, changed and amended);

Relative to commercial area revitalization districts (see House, No. 4392, amended);

Authorizing the cemetery commissioners of the town of Dedham to refund certain monies (see House, No. 4626);

Authorizing the town of Dedham to reimburse certain sewer use fees (see House, No. 4627);

Relative to road improvements in the town of Chatham (see House, No. 5213);

Relative to certain school construction projects in the city of Boston (see House, No. 5317); and

Making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities (see House, No. 5514, amended).

On motion of Ms. Melconian, at twenty-six minutes past seven o'clock P.M., the Senate adjourned.

[Under the provisions of Article X of the Amendments to the Constitution, the 2000 session of the General Court was dissolved on the day next preceding the first Wednesday of January, without any proclamation or other action of His Excellency the Governor.]

Attest: PATRICK F. SCANLAN,

Clerk of the Senate.