

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.



Tuesday, February 12, 2002.

Met at four minutes before two o'clock P.M.

Petition.

Ms. Creem presented a petition (subject to Joint Rule 12) of Cynthia S. Creem, Charles A. Murphy, Andrea F. Nuciforo, Jr., Robert M. Koczera and other members of the General Court for legislation to establish the crime of money laundering,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Report of a Committee.

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 jury exemptions for parents of children under the age of two years (House, No. 3567, amended).

PAPER FROM THE HOUSE.

A Bill relative to the calculation of certain retirement contributions and benefits (House, No. 2604,— on House, Nos. 217 and 2604),— **was 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

Relative to the charter of the town of Eastham (Senate, No. 2225);

Authorizing the city of Waltham to establish a post employment health insurance trust fund (House, No. 349);

Relative to assistant town clerks in certain towns (House, No. 3151);

Relative to sewer by-laws and regulations of the town of Sturbridge (House, No. 4305);

Relative to recall elections in the town of Fairhaven (House, No. 4473);

Transferring certain administrative responsibilities to the chief of the police department of the town of Sandwich (House, No. 4693); and

Exempting the position of deputy chief of police in the town of Webster from the civil service law (House, No. 4758);

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

The Senate bills

Authorizing the Metropolitan District Commission to grant certain easements for underground electric transmission cables (Senate, No. 625) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing a retroactive veteran's annuity to Paul Bartel, Jr. (Senate, No. 1513, amended); and

Directing the Public Employee Retirement Administration Commission to review the appropriateness of the ordinary disability retirement of retired Arlington Police Officer Albert Spina (Senate, No. 2012);

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

Severally sent to the House for concurrence.

The Senate Resolve providing for an investigation and study by a special commission relative to dairy farming in the Commonwealth (Senate, No. 2182),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House report of the committee on Natural Resources and Agriculture, ought NOT to pass, on the message from His Excellency the Governor recommending legislation relative to the reorganization of certain functions within the Executive Office of Environmental Affairs (accompanied by bill, House, No. 3029),— **was considered; and it was accepted, in concurrence.**

The House Bill relative to voter registration certificates (House, No. 430),— was read a second time.

Pending the question on ordering the bill to a third reading, on motion of Mr. Lees, the further consideration thereof was postponed until the next session.

The House Bill relative to credit counseling services (House, No. 579),— **was read a second time and, after remarks, was ordered to a third reading.**

The Senate Bill relative to pre-marital testing (Senate, No. 476),— was read a third time.

After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at a quarter past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 35 — nays 0):

YEAS.

Antonioni, Robert A.	Panagiotakos, Steven C.
Baddour, Steven A.	Resor, Pamela
Berry, Frederick E.	Rosenberg, Stanley C.
Brewer, Stephen M.	Shannon, Charles E.
Chandler, Harriette L.	Sprague, Jo Ann
Creedon, Robert S., Jr.	Tarr, Bruce E.
Creem, Cynthia Stone	Moore, Richard T.
Fargo, Susan C.	Morrissey, Michael W.
Havern, Robert A.	Murray, Therese
Hedlund, Robert L.	Nuciforo, Andrea F., Jr.
Jacques, Cheryl A.	O'Leary, Robert A.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 35.
Pacheco, Marc R.	

NAYS — 0.

PAIRED.

YEA. NAY.

Brian A. Joyce (present), Guy W. Glodis — 2.

The yeas and nays having been completed at nineteen minutes past two o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

The House Bill relative to production of records for review by the State Auditor (House, No. 3),— was read a third time.

Pending the main question on passing the bill to be engrossed, in concurrence, and after remarks, Mr. Lees moved that the bill be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

The House Bill protecting the privacy of elderly persons (House, No. 4735),— was read a third time.

After remarks, the question on passing it to be engrossed, in concurrence, was determined by a call of the yeas and nays, at twenty-seven minutes past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 35.

NAYS — 0.

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at a half past two o'clock P.M., the bill was passed to be engrossed, in concurrence.

The Senate Bill relative to cord blood banking (Senate, No. 493),— was read a third time.

After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at twenty-four minutes before three o'clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 35.

NAYS — 0.

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at twenty-one minutes before three o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

Ms. Melconian in the Chair, the Senate bills

Increasing benefits to children who are survivors of an accidental death (Senate, No. 2185) (its title having been changed by the committee on Bills in the Third Reading); and

Further regulating the Julian D. Steele public housing development in the city of Lowell (Senate, No. 2241);

Were severally read a third time and, after remarks, in each instance, were severally passed to be engrossed.

Severally sent to the House for concurrence.

The Senate Bill promoting efficiency and fairness in environmental law enforcement (Senate, No. 2242) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

Pending the main question on passing the bill to be engrossed, on motion of Mr. Lees, the further consideration thereof was postponed until the next session.

The Senate Bill establishing an environmental justice designation program (Senate, No. 2243),— was read a third time.

Pending the main question on passing the bill to be engrossed, Mr. Magnani moved that the bill be amended by inserting after section 2 the following section:—

“SECTION 2A. The General Laws are hereby amended by inserting after chapter 40P the following chapter:

Chapter 40Q.

DISTRICT IMPROVEMENT FINANCING.

Section 1. As used in this chapter, the following terms shall have the following meanings:—

‘Base date’, the last assessment date of the real property tax immediately preceding the creation of the district.

‘Captured assessed value’, the valuation amount by which the current assessed value of an invested revenue district exceeds the original assessed value of the district. If the current assessed value is equal to or less than the original, there is no captured assessed value.

‘Development district’, a specified area within the corporate limits of a city or town which has been designated as provided under section 2 and which is to be developed by the city or town under a development program.

‘Development program’, a statement of means and objectives designed to improve the quality of life, the physical facilities and structures and the quality of pedestrian and vehicular traffic control and transportation within a development district. Means and objectives designed to increase and or improve residential housing, both affordable and market rate, may also be addressed within a district and shall be considered part of a development program. The statement shall include

- (1) a financial plan;
- (2) a complete list of public facilities to be constructed;
- (3) the use of private property;
- (4) plans for the relocation of persons displaced by the development activities;

- (5) plans, if any, for the development of housing, both affordable and market rate;
- (6) the proposed regulations and facilities to improve transportation;
- (7) the proposed operation of the district after the planned capital improvements are completed; and
- (8) the duration of the program which shall not exceed 30 years from the date of designation of the district.

‘Financial plan’, a statement of the costs and sources of revenue required to accomplish the development programs which must include: (a) cost estimates for the development program; (b) the amount of indebtedness to be incurred; and (c) sources of anticipated capital.

‘Inflation factor’, a ratio: (a) the numerator of which shall be the total assessed value of all parcels of all residential and commercial real estate that are assessed at full and fair cash value for the current fiscal year minus the new growth adjustment factor for the current fiscal year attributable to the residential and commercial real estate as determined by the commissioner of revenue pursuant to paragraph (f) of section 21C of chapter 59; and (b) the denominator of which shall be the total assessed value for the preceding fiscal year of all the parcels included in the numerator; provided such ratio shall not be less than 1.

‘Original assessed value’, the aggregate assessed value of the district as of the base date, increased each year by a percentage equal to the inflation factor. The original assessed value shall be increased or decreased annually as a result of a change in the tax exempt status of property within the district.

‘Project’, a project to be undertaken in accordance with the development program.

‘Project costs’, any expenditure made or estimated to be made or monetary obligations incurred or estimated to be incurred by the city or town which are listed in a project plan as costs of improvements including, but not limited to, public works, acquisition, construction or rehabilitation of land or improvements for sale or lease to residential, commercial or industrial users within a development district plus any costs incidental to those improvements, reduced by any income, special assessments or other revenues, other than tax increments, received or reasonably expected to be received by the city or town in connection with the implementation of this plan.

Project costs shall not include the cost of buildings or portions of buildings used predominantly for the general conduct of government such as city halls, courthouses, jails, police and fire stations and other such state and local government office buildings.

Project costs shall include, but shall not be limited to:

- (1) ‘capital costs’, the actual costs of the construction of public works or improvements, new buildings, structures and fixtures; the demolition, alteration, remodeling, repair or

reconstruction of existing buildings, structures and fixtures; the acquisition of equipment; and the grading and clearing of land;

(2) 'financing costs', which shall include, but not be limited to, all interest paid to holders of evidences of indebtedness issued to pay for project costs and any premium paid over the principal amount of that indebtedness because of the redemption of the obligations before maturity;

(3) 'real property assembly costs', any deficit incurred resulting from the sale or lease by the city or town, as lessor, of real or personal property within a development district for consideration which is less than its cost to the city or town;

(4) 'professional service costs', which shall include, but not be limited to, those costs incurred for architectural, planning, engineering and legal advice or services;

(5) 'administrative costs', any reasonable charges for the time spent by city or town employees in connection with the implementation of a project plan;

(6) 'relocation costs', all reasonable relocation payments made pursuant to a condemnation;

(7) 'organizational costs', all reasonable costs relating to the conduct of environmental impact and other studies and informing the public about the creation of development districts and the implementation of project plans;

(8) 'training costs', which shall include costs associated with providing skills, development and training for employees of businesses within the development district. These costs shall not exceed 20 per cent of the total project costs and shall be designated as training funds within 5 years of the issuance of bonds pursuant to this chapter for the project or the designation of the district, whichever occurs later.

(9) 'water and sewer line costs', which shall include the costs related to the construction or alteration of sewerage treatment plants, water treatment plants or other environmental protection devices, storm or sanitary sewer lines, water lines or amenities on streets or the rebuilding or expansion thereto so long as required by the project plan for a development district, whether or not the construction, alteration, rebuilding or expansion is within the development district;

(10) 'improvement costs' those costs associated with developing new employment opportunities, promoting public events, advertising cultural, educational and commercial activities, providing public safety, establishing and maintaining administrative and managerial support and such other services as are necessary or appropriate to carry out the development program.

(11) 'discretionary costs', those payments made by the appropriate body of a city or town which in its discretion are found to be necessary or convenient to the creation of development districts or the implementation of project plans.

‘Project revenues’, receipts of a city or town with respect to a project, including, without limitation, tax increments, investment earnings and proceeds of insurance or disposition of property.

‘Tax increment’, that portion of all real and personal property taxes assessed by a city or town upon the captured assessed value of property in the development district. The portion of the tax levy attributable to the increased valuation after the base date shall be calculated using the same classification factors as were used as of the base date, or without classification factors, if property was not classified for tax purposes as of the base date. If the base date is earlier than the date as of which the commissioner of revenue makes the certification required by subsection (c) of section 2A of chapter 59, the project plan may provide for such further adjustment in calculating the tax increment as may be deemed appropriate to reflect changes of practice after the base date with respect to the valuation of property in order to achieve assessment at full and fair cash valuation.

‘Invested revenue district’, a type of development district or portion of a district, which uses tax increment financing under section 3. An invested revenue district or a portion of a district may include projects within urban housing center zones or mixed residential and commercial use properties that, in accordance with general or special laws, are granted tax increment exemptions from property taxes.

‘Invested revenue district development program’, a statement which, in addition to the information required for a development program shall also include: (1) estimates of the captured assessed value of the district; (2) a projection of the tax revenues to be derived from the invested revenue district in the absence of a development program; (3) the method of calculating the tax increment together with any provisions for adjustment of the method of calculation; (4) the board or officer of the city or town responsible for calculating the tax increment; (5) a statement as to whether the issuance of any bonds contemplated under this chapter shall be general or special obligation bonds; (6) the portion of the captured assessed value to be applied to the development program and resulting tax increments in each year of the program; and (7) a statement of the estimated impact of tax increment financing on all taxing jurisdictions in which the district is located.

Section 2. (a) Notwithstanding any general or special law to the contrary, any city or town by vote of its town meeting, town council or city council with the approval of the mayor where required by law may designate development districts within the boundaries of the city or town provided, however, that:

(1) a development district may consist of 1 or more parcels or lots of land, whether or not contiguous, or 1 or more buildings or structures, whether or not adjacent, on 1 or more parcels of land; but the total area of all development districts shall not exceed 25 per cent of the total area of a city or town; and the boundaries of a development district may be altered only after meeting the requirements for adoption under this subsection;

(2) the development district has been certified as an approved development district by the economic assistance coordinating council established by section 3B of chapter 23A pursuant to regulations adopted by the council. The economic assistance coordinating council shall find, based on the information submitted to it in support of the designation of the development district by the city or town and such additional investigation as the economic assistance coordinating council shall make, and incorporate in its minutes, that the designation of the development district is consistent with the requirements of this section and will further the public purpose of encouraging increased residential, industrial and commercial activity in this commonwealth.

(b) The city or town shall adopt a development program for each development district. The program shall be adopted at the same time as the district, as part of the district adoption proceedings or, if at a different time, in the same manner as adoption of the district, with the same certification requirements of subsection (a). Once approved, the program may be altered or amended only after meeting requirements for adoption under this subsection.

(c) Within development districts and consistent with the development program, the city or town may acquire, construct, reconstruct, improve, preserve, alter, extend, operate, maintain or promote development intended to meet the objectives of the development program. In addition to powers granted by any other law, for the purpose of carrying on a project as authorized by this chapter, a city or town shall have the following powers:

(1) to incur indebtedness as provided in this chapter and to pledge tax increments and other project revenues for repayment thereof;

(2) to create a department, designate an existing department, board officer, agency, municipal housing or redevelopment authority of the city or town or enter into a contractual agreement with a private entity to administer the activities authorized by this chapter;

(3) to make and enter into all contracts and agreements necessary in order to carry out the development program;

(4) to receive from the federal government or the commonwealth loans or grants for, or in aid of, a project and to receive contributions from any other source to defray project costs;

(5) to purchase or acquire by eminent domain pursuant to the provisions of chapter 79 or chapter 8A, insofar as the provisions may be applicable, and pursuant to all preliminary requirements prescribed by law, such property or interests therein within a district as the city or town may deem necessary in order to carry out the development program, but any taking of property by eminent domain for any purpose for which the taking by the city or town could not be made in the absence of this chapter shall be authorized by a two-thirds vote as defined in section 1 of chapter 44;

(6) to make relocation payments to such persons, businesses or organizations as may be displaced as a result of carrying out the development program;

(7) to clear and improve property acquired by it pursuant to the development program and construct public facilities thereon, or contract for the construction, development, redevelopment, rehabilitation, remodeling, alteration or repair of such property;

(8) to cause parks, playgrounds or schools or water or sewer drainage facilities or any other public improvements which it is otherwise authorized to undertake, to be laid out, constructed or furnished in connection with the development program;

(9) to lay out, construct, alter, relocate, change the grade of, make specific repairs upon or discontinue public ways and sidewalks in or adjacent to the development district;

(10) to cause private ways, sidewalks, ways for vehicular travel and similar improvements to be constructed within the development district for the particular use of the development district or those dwelling or working therein;

(11) to adopt ordinances or by-laws under section 5 of chapter 40A, or repeal or modify the ordinances or by-laws or establish exceptions to existing ordinances and by-laws regulating the design, construction and use of buildings,

(12) to sell, mortgage, lease as lessor, transfer or dispose of any property or interest therein acquired by it pursuant to the project plan for development, redevelopment or rehabilitation in accordance with the development program;

(13) to invest project revenue as provided in this chapter; and

(14) to do all things reasonably necessary or convenient to carry out the powers granted in this chapter.

Section 3. (a) The city or town may retain all or part of the tax increment of an invested revenue district for purpose of financing the development program. The amount of tax increment to be retained shall be determined by designating the amount of captured assessed value to be retained. When a development program for an invested revenue district is adopted, the city or town shall adopt a statement of the percentage of captured assessed value to be retained in accordance with the development program. The statement of percentage may establish a specific percentage or percentages or may describe a method or formula for determination of the percentage. The assessor shall certify the amount of the captured assessed value to the city or town each year.

(b) On or after the formation of an invested revenue district, the assessor of the city or town in which it is located shall, on request of the city or town, certify the original assessed value of the taxable property within the boundaries of the invested revenue district. Each year, after the formation of an invested revenue district, the assessor of the city or town shall certify the amount by which the assessed value has increased or decreased from the original value.

(c) If a city or town has elected to retain all or a percentage of the retained captured assessed value under subsection (a), the city or town shall:

(1) establish a development program fund that consists of: (i) a development sinking fund account that is pledged to and charged with the payment of the interest and principal as the interest and principal fall due and the necessary charges of paying interest and principal on any notes, bonds or other evidence of indebtedness that were issued to fund or refund the costs of the development program fund; and (ii) a project cost account that is pledged to and charged with the payment of project costs as outlined in the financial plan and are paid in a manner other than as described in clause (i).

(2) annually set aside all tax increment revenues on retained captured assessed values and deposit all such revenues in the appropriate development program fund account in the following priority:

(i) to the development sinking fund account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual debt service on bonds and notes issued under section 4 of this chapter and the financial plan; and

(ii) to the project cost account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual project costs to be paid from the account;

(iii) be permitted to make transfers between development program fund accounts as required, provided that the transfers do not result in a balance in the development sinking fund account that is insufficient to cover the annual obligations of that account; and

(iv) annually return to the general fund of the city or town any tax increment revenue in excess of those estimated to be required to satisfy the obligations of the development sinking fund account.

Section 4. (a) A city or town may, by a two-thirds vote as defined in section 1 of chapter 44, authorize, issue and sell bonds, including, but not limited to, general obligation or revenue bonds or notes, to finance all project costs needed to carry out the development program within a development district. Without limiting the generality of the foregoing, such bonds may be issued for the payment of project costs, which may include interest prior to and during the carrying out of a project, and, for a reasonable time thereafter, such reserves as may be required by any agreement securing the bonds and all other expenses incidental to planning, carrying out and financing the project.

(b) The bonds of each issue shall be dated and may be made redeemable before maturity with or without premium. Subject to the authorizing vote, the officers authorized to sell the bonds shall determine: the date of the bonds which shall mature within 30 years from their respective dates; their denomination; the place of payment of the principal and interest, which may be at any bank or trust company within or without the commonwealth; their interest rate; maturity; redemption privileges, if any, and the form and other details of the bonds. Notwithstanding a municipal charter or any general or special law to the contrary, bonds issued under this chapter may provide for annual or more frequent installments of principal in equal, diminishing or increasing amounts with

the first installment of principal to be due at any time within 5 years from the date of the issuance of the bonds and, subject to the authorizing vote, may provide for such rate or rates of interest as the officers authorized to sell the bonds shall deem proper, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be specified in such bond. The bond shall be signed by the mayor or city manager as the case may be of a city or by a majority of the selectmen of a town council form of government either manually or by facsimile thereof. Any coupons attached thereto shall bear the facsimile signature of the city or town treasurer.

(c) If an officer whose signature, or a facsimile of whose signature, shall appear on any bonds, coupons or notes issued under this chapter shall cease to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until such delivery.

(d) The bonds shall be issued in registered form. Subject to the authorizing vote, the officers authorized to sell the bonds may sell the bonds in such manner, either at public or private sale, and for such price as they may determine shall best effect the purposes of this chapter.

(e) Prior to the preparation of definitive bonds, the city or town may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. Provisions may be made for the replacement of any bonds which shall have become mutilated or shall have been destroyed or lost.

(f) Bonds or notes issued under this chapter may be secured in whole or in part by letters or lines of credit or other credit facilities. Any such insurance letter or line of credit or credit facility may provide for reimbursement to be made over a period of time, not to exceed 2 years beyond the maturity date of the bonds or notes so secured.

(g) In the discretion of the officers authorized to sell the bonds but subject to the vote authorizing the bonds, bonds issued under this chapter may be secured by 1 or more trust agreements between the city or town and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the commonwealth. A trust agreement under this chapter shall be in such form and executed in such manner as may be determined by such offers. A trust agreement may pledge or assign project revenue, in whole or in part, and may provide that the owner or holder of bonds issued thereunder may have a lien or mortgage on any facility acquired, improved or constructed with the proceeds of the tax increment bonds, may contain such provisions for protecting and enforcing the rights, security and remedies of the bondholders as may be reasonable and proper and not in violation of the law including, without limiting the generality of the foregoing: provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities, and covenants setting forth duties of, and limitations on, the city or town in relation to carrying out and otherwise administering the projects; the custody, safeguarding, investment and application of project revenues; the issuance of additional bonds under this chapter; the determination of tax increments; the fixing of fees and charges, if any, in relation to the

projects; the collection of project revenues; the use of any surplus bond proceeds; the establishment of reserve and the replacement of bonds or coupons which shall become mutilated, destroyed or lost. Subject to this chapter, moneys subject to the trust agreement shall be held, invested, and applied as provided therein, but moneys not deposited in trust with a corporate trustee shall be in the custody of the city or town treasurer.

(h) A bank or trust company may act as a depository or trustee of proceeds of bonds or of other monies under a trust agreement and to furnish such indemnifying bonds or to pledge such securities as may be required by the trust agreement. Any such trust agreement or resolution may set the rights and remedies of the bondholders and of the trustees and may restrict the individual right of action by a bondholder. All expenses incurred in carrying out the trust agreement or resolution may be treated as operating expenses.

(i) Notwithstanding chapter 106 or any other general or special law to the contrary: (1) any pledge hereunder shall be valid and binding and shall be deemed continuously perfected from the time it is made; (2) no filing need be made under the said chapter 106 or otherwise; (3) unless otherwise provided in the financing instruments, a pledge of project revenues shall be deemed to include a pledge of any accounts or general intangibles from which such revenues are derived, whether existing at the time of the pledge or thereafter acquired by the city or town and the proceeds of such accounts or general intangibles; and (4) the pledged project revenues accounts and general intangibles shall be subject to the lien of the pledge without delivery or segregating and the lien of the pledge shall be valid and binding against all parties having claims of contract or tort or otherwise against the city or town.

(j) A pledge of project revenues under this chapter shall constitute a sufficient appropriation thereof for the purposes of any provision for appropriation and such revenues may be applied as required by the pledge without further appropriation. Notwithstanding this subparagraph, administrative expenses shall be subject to appropriation.

(k) In anticipation of the issuance of bonds under this chapter and subject to the vote authorizing the bonds, the officers authorized to sell bonds may without further authorization issue temporary notes. The notes may be secured as in the case of bonds, and except as otherwise provided in this section, subsections (i), (k), (1) and (n) referring to bonds shall also be deemed to refer to the notes. The notes need not bear the seal of the city or town or a facsimile thereof. The notes shall be payable within 2 years from their respective dates, but the principal of and interest on notes issued for a short period may be refunded from time to time by the issuance of other notes maturing within 2 years from the original date of issuance of the indebtedness being refunded.

(1) A city or town may, when authorized by a majority vote as defined in section 1 of chapter 44, issue refunding bonds for the purpose of paying any of its bonds issued hereunder at maturity or upon acceleration of redemption. The refunding bonds may be issued at such time prior to the maturity or redemption of the refunded bonds as the city or town deems to be in the public interest. The refunding bonds may be issued in

sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of the bonds, the expense of issuance of the refunding bonds, the expenses of redeeming the bonds being refunded and such reserves for debt service or other purposes from the proceeds of such refunding bonds as may be required by an agreement securing the bonds. The issuance of refunding bonds, the maturities and other details thereof, the security thereof, the rights of holders thereof, and the rights, duties and obligations of the city or town with respect thereto shall be governed by this chapter relating to the issuance of bonds other than refunding bonds insofar as the same may be applicable.

(m) The bonds and notes issued under this chapter shall not at any time be included in the debt of the city or town for the purpose of ascertaining its legal borrowing capacity, nor shall the tax increment be included in calculating total tax assessed in paragraph (a) of section 21C of chapter 59 or the maximum levy limit in paragraph (f) of said section 21C of chapter 59. Except as otherwise provided in this chapter such bonds and notes shall not be subject to chapter 44.

(n) Subject to any agreement securing bonds or notes issued under this chapter, the proceeds of bonds or notes pledged for tax increments and other project revenues may be deposited or invested in such investments as may be lawful for fiduciaries in the commonwealth.

(o) All project revenues received pursuant to this chapter shall be deemed to be trust funds to be held and applied solely as provided in this chapter.

(p) Any holder of bonds or notes issued under this chapter, or of any of the coupons appertaining thereto, and the trustee under any trust agreement securing the same except to the extent the rights herein given may be restricted by any agreement securing the same, may bring suit upon the bonds, notes or coupons and may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce all rights under the laws of the commonwealth or granted under this chapter or under any such agreement and may enforce or comply with the performance of all duties required by this chapter or by an agreement to be performed by the city or town or by any officer thereof.

(q) Bonds and notes issued under the provisions of this chapter are hereby made securities in which all insurance companies, trust companies, banking associations, savings banks, cooperative banks, investment companies, executors, trustees and other fiduciaries and all other persons whatsoever who are or may hereafter be authorized to invest in bonds or notes or other obligations of a similar nature may properly and legally invest funds, including capital deposits or other funds in their control and belonging to them. Such debt obligations are hereby made securities which may properly and legally be deposited with and received by any state or municipal office or any agency or political subdivision of the commonwealth for any purpose for which the deposits of bonds or other obligations of the commonwealth now or may hereafter be authorized by law.

(r) Notwithstanding this chapter or any recitals in any bonds or notes issued under this chapter, all bonds and notes shall be deemed to be investment securities under chapter 106.

(s) The bonds and notes issued under this chapter, their transfer and the income therefrom, including any profits made on the sale thereof, shall be at all times free from taxation within the commonwealth.”.

After remarks, the amendment was *rejected*.

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at one minute before three o'clock P.M., on motion of Ms. Wilkerson, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 35.

NAYS — 0.

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at two minutes past three o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill providing for certain information technology improvements (Senate, No. 2244),— was read a third time.

Pending the main question on passing the bill to be engrossed, Ms. Murray moved that the bill be amended in section 2, in line item 1790-2011 by adding the following words:— “provided further, that no funds authorized in this item shall be expended on the automated benefit eligibility and control online network or the BEACON project of the department of transitional assistance or the FamilyNet system of the department of social services until the chief information officer of the division of information technology in consultation with said departments files with the secretary of administration and finance and the house and senate committees on ways and means an accounting of the total costs associated with the project, an accounting of the cost savings since implementation and an assessment of whether the current infrastructure has accomplished the intended goals of interfacing with state government agencies, strengthening revenue maximization efforts, improving data integrity and increasing worker productivity; and provided further, that the report shall also identify funding needs and a timetable for the completion of the project”.

After remarks, the amendment was adopted.

Mr. Berry moved to amend the bill by adding the following section:—

“SECTION 6. Notwithstanding any general or special law to the contrary, there is hereby established a special commission to recommend an enterprise-wide strategy for information technology governance of all information technology projects undertaken by the commonwealth, including the acquisition, management and use of information systems and related technologies. The commission’s work shall include, but not be limited to, determining enterprise technology industry standards, common data and network needs, training, support and staffing requirements and examining best practices of other states and analyzing the existing gap between the best practices and the current information technology projects underway in the commonwealth.

The commission shall be chaired by the chairs of the house and senate committees on science and technology. In addition, the speaker of the house of representatives and the senate president shall each appoint 5 additional members to the commission, at least 3 of whom shall not be employed by the commonwealth. Other members of the commission shall include the secretary of administration and finance, or his designee, the commonwealth’s chief information officer, or his designee, the comptroller, or his designee, the state auditor, or his designee and the chief justice of the supreme judicial court, or her designee. In addition, the governor shall appoint 4 members who shall be commissioners of major state agencies.

The commission shall file its final report with the house and senate clerks by October 1, 2002.”.

After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill in section 2 by adding the following two items:

“7004-7011 For the purposes of state financial assistance in the form of grants for projects undertaken pursuant to clause (j) of section 26 of chapter 121B of the General

Laws; provided, that contracts entered into by the department for such projects may include, but shall not be limited to, projects providing for renovation, remodeling, reconstruction, redevelopment and hazardous material abatement, including asbestos and lead paint, and for compliance with state codes and laws, the provision of day care facilities, learning centers and teen service centers and the adaptation of units for families and persons with disabilities; provided further, that not less than \$5,000,000 shall be expended for the development and provision of community technology centers that would assist school-age children and programs for adult education; provided further, that priority shall be given to projects undertaken for the purpose of compliance with state codes and laws or for other purposes related to the health and safety of residents; provided further, that the department may, as a condition of bids on modernization work funded pursuant to this item, direct housing authorities to require that all general contractors and subcontractors seek to train and employ eligible project residents in existing apprenticeship programs pursuant to regulations or guidelines established by the department, and to include in such programs, to the greatest extent possible, nonresidents from adjacent neighborhoods who are otherwise income eligible to be residents under said chapter 121B; provided further, that the department may require housing authorities to assist tenant organizations to obtain all available assistance and finances from local and federal programs that provide job training, scholarships and other resources, in order to train existing or newly hired tenant employees; provided further, that funds may be expended from this item to make such modifications to congregate housing units as may be necessary to increase the occupancy rate of such units; provided further, that the department, in consultation with local housing authorities, shall draft guidelines for a formula-based modernization program to be implemented on a demonstration basis beginning on July 1, 2002; and provided further, that the purpose of the program shall be to provide predictable funds to be used flexibly by housing authorities to provide for capital improvements to extend the useful life of state-assisted public housing; and provided further, that not less than \$3,540,600 shall be available for the provision of a supportive services program for youths living in public housing

.....
...350,000,000

For the purpose of state financial assistance in the form of grants or loans for the Housing Innovations Fund Program established pursuant to section 5; provided, that not less than 25 per cent of the amount appropriated in this item shall be used to fund projects which preserve and produce housing for families and individuals with incomes of not more than 30 per cent of the area median income, as defined by the United States Department of Housing and Urban Development; and provided further, that funds from this program shall be used to support joint projects proposed by municipalities or housing development agencies and Massachusetts colleges and universities..... 35,000,000”.

After debate, the amendment was *rejected*.

Mr. Lees further moved to amend the bill by adding the following section:

“SECTION 6. The department of housing and community development, may enter into contracts for state financial assistance in the form of grants or loans by the commonwealth acting by and through the department; but grants made under this section shall be made only to public or quasi-public agencies. The department shall administer the Housing Innovations Fund program for the purpose of facilitating the creation and retention of alternative forms of rental and ownership housing. Such forms of housing shall include, but not be limited to: single room occupancy units; limited equity cooperative housing; transitional housing for the homeless; battered women’s shelters; mutual housing; housing acquired by nonprofit entities pursuant to Title II of the National Emergency Low Income Housing Preservation Act of 1987 and Title VI of the National Affordable Housing Act of 1990; employer assisted housing; lease to purchase housing; housing produced pursuant to a court approved receivership; innovative forms of housing which seek to mitigate the adverse impact on housing affordability in communities with high concentrations of college or university students; provided other projects may include joint projects between municipalities or housing development agencies and institutions of higher education designed to create or preserve affordable units within those areas; and other innovative forms of housing; but not less than 50 per cent of the beneficiaries of such housing shall be persons whose income is less than 80 per cent of the area median income as determined from time to time by the United States Department of Housing and Urban Development and not less than 25 per cent of the beneficiaries of such housing shall be persons whose income is not more than 30 per cent of the area median income as determined from time to time by the United States Department of Housing and Urban Development. The department shall give preference to those projects that provide transitional and permanent housing for homeless individuals, families and disabled persons. Any such loan program shall be administered by the department through contracts with authorities which shall include housing authorities and redevelopment authorities duly organized and existing under chapter 121B of the General Laws, and may also include community development corporations duly organized and existing under chapter 40F of the General Laws, the Massachusetts Housing Finance Agency, nonprofit agencies certified by the federal housing and urban development agency as community housing development organizations, the Community Economic Development Assistance Corporation, and the Massachusetts Development Finance Agency. These organizations may, under terms and conditions of contracts with the department, directly issue loans for the purposes of the program or may enter into subcontracts with nonprofit organizations established under chapter 180 of the General Laws for such purposes. Loans issued directly or indirectly by such organizations shall be subject to the review and approval of the department. Loans issued under this section shall be subject to the following provisions: (1) such loans shall be limited to not more than 50 per cent of the financing of the total development costs, but this limitation shall not apply to loans provided for the creation of battered women’s shelters which loans may be provided in amounts up to 80 per cent of the financing of total development costs; and that such loans shall not exceed \$2,500,000 per project; (2) such loans shall only be issued when a contract or agreement for the use of the property for the purposes of such housing provides for the recording of a restriction in the registry of deeds or the registry district of the land court in the county in which the affected real property is located, for the benefit of the department, running with the land, that the land be used for the purpose of providing alternative forms of

rental and ownership housing. Such property shall not be released from such restriction until the balance of the principal and interest for any such loan shall be repaid in full or until a mortgage foreclosure deed shall be recorded; (3) such loans shall be issued for a term of up to 30 years during which time repayment may be deferred by the loan issuing authority, unless, at the end of a fiscal year, cash collections from all sources in connection with such housing, except for contributions, donations or grant moneys, exceed 105 per cent of cash expenditures on behalf of such housing, including debt service, operating expenses, operating reserves and capital reserves. Such excess cash shall be paid to the commonwealth within 45 days of the end of the fiscal year, payable first to interest due under this section and then to principal advanced pursuant to such loan. If on the date such loans become due and payable to the commonwealth, an outstanding balance exists, such loans may be extended for such periods, each period not to extend 10 years, as the department determines, provided that the project continues to remain affordable housing as set forth in the contract or agreement entered into for the duration of the project by the department. In the event that the terms of repayment detailed in this section would cause a project authorized by this section to become ineligible to receive federal funds which would otherwise assist in the development of that project, the commissioner may waive the terms of repayment which would cause the project to become ineligible; (4) interest rates for such loans shall be fixed at a rate to be determined by the director of housing and community development, in consultation with the state treasurer; (5) expenditures from this section shall not be made for the purpose of refinancing outstanding mortgage loans for housing in existence prior to the effective date of this act unless such housing had previously received funding pursuant to item 3722-8879 of section 3 of chapter 226 of the acts of 1987 or item 3722-8899 of section 2 of chapter 494 of the acts of 1993; (6) the department shall take due consideration of a balanced geographic plan for such alternative forms of housing when issuing such loans; and (7) housing projects developed pursuant to this act shall not be refinanced during the term of a loan issued under this section unless the balance of the principal and interest for such loan is repaid in full at the time of such refinancing. Such housing project may be refinanced if such refinancing would result in a reduction of costs paid by, the commonwealth. Any such refinanced loan shall be due and payable on a date not later than the date on which the original loan was due and payable, except in accordance with clause (3), or when necessary to effect extraordinary repairs or maintenance to be approved by the director of housing and community development. Notwithstanding any other general or special law to the contrary, within 120 days after the expiration of affordability restrictions on housing assisted under this section, the department or its assignee, who is a qualified developer selected under this section under the guidelines of the department, shall have an option to purchase any such property at its current appraised value reduced by any remaining obligation of the owner. Two impartial appraisers shall determine the current appraised value in accordance with recognized professional standards. Two professionals in the field of multi-unit residential housing shall select each such appraiser. The owner and the department, respectively, shall designate such professionals. If there exists a difference in the valuations provided by the appraisals, the 2 valuations shall be added together and divided by 2 to determine the current appraised value of the property. Prior to any sale or transfer or other disposition of any such regular and certified mail, return receipt requested, of the owner's intention

to sell, transfer or housing assisted under this section or previously assisted under the program commonly referred to as the Housing Innovations Fund where the department has not previously exercised an option to purchase, an owner shall offer the department or its assignee, who shall be a qualified developer selected pursuant to the terms of this section under the guidelines of the department, the right of first refusal to purchase the property at its current appraised value, reduced by any remaining obligation of the owner. The owner shall provide to the department written notice by regular and certified mail, return receipt requested, of the owner's intention to sell, transfer or otherwise dispose of the property. Two impartial appraisers, shall determine the current appraised value in accordance with recognized professional standards. Two professionals in the field of multi-unit residential housing shall select each such appraiser. The owner and the department respectively, shall designate such professionals. If there exists a difference in the valuations provided by the appraisals, the 2 valuations shall be added together and divided by 2 to determine the current appraised value of the property. The department or its assignee shall hold such right of first refusal for the first 120 days after receipt of the owner's notice of intent to transfer the property. Failure to respond to the written notice of the owner's intent to sell, transfer or otherwise dispose of the property within 120 days after the receipt thereof shall constitute a waiver of such right of first refusal by the department. Upon notifying the owner in writing of its intention to pursue its right of first refusal during such 120-day period, the department or its assignee shall have an additional 120 days, beginning on the date of the termination of the first refusal period, to purchase the property. Such time periods may be extended by mutual agreement between the department or its assignee and the owner of the property. Within a reasonable time after request, the owner shall make available to the department or its assignee any information which is reasonably necessary for the department to exercise its rights. The department or its assignee may purchase or acquire the property only for the purposes of preserving or providing affordable housing provided, that such housing shall remain affordable for not less than 40 years. The department shall promulgate regulations for the implementation of the housing loan program authorized by this section.”.

The amendment was *rejected*.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at a half past three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.

Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 35.

NAYS — 0.

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at twenty-seven minutes before four o'clock P.M., the bill (Senate, No. 2256, printed as amended) was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill providing for certain transportation improvements (Senate, No. 2245),— was read a third time.

Pending the main question on passing the bill to be engrossed, Mr. Nuciforo moved that the bill be amended in section 5, in line 6, by striking out the figure “90” and inserting in place thereof the following figure:— “75”; and in line 14, by striking out the figure “10” and inserting in place thereof the following figure:— “25”.

The amendment was *rejected*.

Mr. Nuciforo further moved to amend the bill, in section 5, by adding the following sentence:— “Notwithstanding this section, for those cities and towns receiving \$100,000 or less of chapter 90 funds, use restrictions shall not apply to the first \$10,000 received.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-two minutes before four o'clock P.M., on motion of Mr. Nuciforo, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.

Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 35.

NAYS — 0.

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at eighteen minutes before four o'clock P.M., the amendment was adopted.

After further remarks, the main question on passing the bill to be engrossed was determined by a call of the yeas and nays at one minute past four o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 35.

NAYS — 0.

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at five minutes past four o'clock P.M., the bill (Senate, No. 2245, amended) was passed to be engrossed.

Sent to the House for concurrence.

The House Bill relative to the licensing of amusement parks (House, No. 3529),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill promoting energy efficiency and conservation (House, No. 4006, amended),— was read a third time.

Pending the main question on passing the bill to be engrossed, in concurrence, after remarks, Ms. Murray moved that the bill be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

The engrossed Bill providing for civil service commission review of state police disciplinary proceedings (see, House, No. 1808),— was considered; the main question being "Shall this bill pass, the objections of Her Honor the Lieutenant-Governor, Acting Governor, to the contrary notwithstanding."

The pending motion, previously moved by Mr. Baddour, that the engrossed bill be laid on the table was considered; and it was *negatived*.

Mr. Shannon then moved that the matter be postponed until the next session. After debate, the question on postponing the matter until the next session was determined by a call of the yeas and nays, at twenty-six minutes past four o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 6 — nays 30):

YEAS.

Baddour, Steven A.	Fargo, Susan C.
Berry, Frederick E.	Melconian, Linda J.
Chandler, Harriette L.	Shannon, Charles E. — 6.

NAYS.

Antonioni, Robert A.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Havern, Robert A.	Panagiotakos, Steven C.
Hedlund, Robert L.	Resor, Pamela
Jacques, Cheryl A.	Rosenberg, Stanley C.

Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.
Magnani, David P.	Tolman, Steven A.
Menard, Joan M.	Travaglini, Robert E.
Montigny, Mark C.	Tucker, Susan C.
Moore, Richard T.	Walsh, Marian
Morrissey, Michael W.	Wilkerson, Dianne —
	30.

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at a half past four o'clock P.M., the motion to postpone was *rejected*.

The President in the Chair, the recurring question "Shall this bill pass, the objections of Her Honor the Lieutenant-Governor, Acting Governor, to the contrary notwithstanding", was determined by a call of the yeas and nays, at three minutes past five o'clock P.M., as follows, to wit (yeas 32 — nays 2):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne —
	32.

NAYS.

Baddour, Steven A.
Shannon, Charles E. — 2.

PAIRED.

YEA. NAY.

Guy W. Glodis,
Linda J. Melconian (present) — 2.

ABSENT OR NOT VOTING.

Travaglini, Robert E. — 1.

Mr. Rosenberg in the Chair, the yeas and nays having been completed at six minutes past five o'clock P.M., the bill was passed by the Senate, notwithstanding the objections of Her Honor the Lieutenant-Governor, Acting Governor, two-thirds of the members present having approved the same.

The House Bill regulating the sale of mercury thermometers (House, No. 3772) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

After remarks, the question on passing it to be engrossed, in concurrence, was determined by a call of the yeas and nays, at eleven minutes past five o'clock P.M., on motion of Mr. Brewer, as follows, to wit (yeas 35 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 35.
Montigny, Mark C.	

NAYS — 0.

ABSENT OR NOT VOTING.

Glodis, Guy W.
Travaglini, Robert E. — 2.

The yeas and nays having been completed at fourteen minutes past five o'clock P.M., the bill was passed to be engrossed, in concurrence.

The Senate Report recommending changes to the present rules of the Senate (Senate, No. 2239),— was considered.

The President in the Chair, pending the main question on accepting the report of the committee, on motion of Mr. Lees, each rule enumerated in the report was considered separately, under the provisions of Senate Rule 45.

The first proposed rules change was considered as follows:

By inserting after Rule 5A the following Rule:

“5B. Upon a vacancy in the Senate, a date for a special election shall be scheduled within 14 days after the vacancy occurs unless the vacancy occurs after April 1 in an even-numbered year.”

After remarks, the rules change was adopted.

The second and fourth proposed rules changes were considered as one, as follows:

The second paragraph of Senate Rule 12B is hereby amended by striking out the second sentence and inserting in place thereof the following paragraph:—

“The Committee on Steering and Policy may initiate legislation consistent with Senate Rule 19. The Committee shall report on what date prior to adjournment of the last formal session and within the 30-day period referred to in the preceding sentence that the matter shall be considered by the Senate. In the case of bills removed from study and referred to the Committee on Steering and Policy, the bills may be subject to amendments by the committee as well as reports by the committee that the bills ought to pass or ought not to pass. This Rule applies only to bills that have no state fiscal impact.”

Senate Rule 19 is hereby amended by striking out the first sentence and inserting in its place thereof the following sentence:— “All motions contemplating legislation shall be founded upon petition, except as provided in Joint Rule 3A and except that the committee on Ways and Means and the Committee on Steering and Policy under Rule 12B may report a bill or other form of legislation that is not founded upon petition.”

Pending the question on adoption of the rules, Mr. Lees moved that the Senate adjourn; and, this question was determined by a call of the yeas and nays, at four minutes past six o'clock P.M., on motion of Ms. Menard, as follows, to wit (yeas 6 — nays 29):

YEAS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 6.

NAYS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O’Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne —
Montigny, Mark C.	29.

ABSENT OR NOT VOTING.

Glodis, Guy W.
Travaglini, Robert E. — 2.

The yeas and nays having been completed at seven minutes past six o’clock P.M., the motion to adjourn was *negatived*.

The Senate report was then further considered.

After debate, Mr. Pacheco moved that the proposed amendment to Senate Rule 12B be further amended by inserting after the words “Rule 19” the following: “, but no bill shall be initiated over the objection of the Senate Chair of the appropriate joint committee.”

The further amendment was adopted.

The rules change, as amended (Pacheco), was then further considered, and it was adopted.

At twenty-eight minutes past six o’clock P.M., the President, for the purpose of a Democratic caucus, declared a recess; and, at four minutes past seven o’clock P.M., the Senate reassembled, the President in the Chair.

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

PAPERS FROM THE HOUSE.

The Senate Bill providing equitable coverage of services under health plans (Senate, No. 2139),— came from the House passed to be engrossed, in concurrence, *with amendments*, in section 1, in line 10, in section 2, in line 12, in section 3, in line 11, and also in section 4, in line 10 by inserting after the words “therapy services”, in each instance, the words “for peri and post menopausal women”; by striking out, in section 1, line 24, in section 2, line 28, in section 3, line 26, in section 4, line 24, the word “all”; and in section 1, in line 24, in section 2, in line 27, in section 3, in line 26, and also in section 4, in line 24, by inserting after the word “therapy”, in each instance, the words “for peri and post menopausal women”; and in section 1, in line 28, in section 2, in line 31, in section 3, in line 30 and also in section 4, in line 27, by inserting after the word “devices”, in each instance, the words “, provided that in covering all FDA approved prescription contraceptive methods, nothing herein precludes the use of closed or restricted formulary”; in section 1, in lines 6 and 7, and in lines 19, 20 and 21, by striking out, in each instance, the words “, except policies providing supplemental coverage to Medicare or to other government programs,”; in section 2, in lines 5, 6 and 7 and in lines 20, 21 and 22, and also in section 4, in lines 4 and 5, and in lines 17, 18 and 19, by striking out, in each instance, the words “, except contracts providing supplemental coverage to Medicare or to other government programs,”; in section 3, in lines 4, 5 and 6, and in lines 19 and 20, by striking out, in each instance, the words “, except certificates providing supplemental coverage to Medicare or to other government programs,”; and by adding at the end thereof the following section:

“SECTION 5. The provisions of this act, shall apply to all policies, contracts, plans and certificates of insurance issued or delivered within the commonwealth on or after January 1, 2003, and to all policies, contracts, agreements, plans and certificates of insurance in effect before that date upon renewal on or after January 1, 2003.”.

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

A Bill exempting Herbert Stacey and Timothy Getchell from the maximum age requirements as a police officer in the city of Methuen (House, No. 4853,— on petition) [Local approval received],— 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, in concurrence.

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 Acting Governor for her approbation, to wit:

Relative to the crimes of assault and battery and assault and battery by means of a dangerous weapon (see Senate, No. 167, amended);

Authorizing certain military personnel to receive group insurance discounts (see Senate, No. 773, changed and amended);

Clarifying the definition of physician (see Senate, No. 2142, printed as amended); and

Relative to the conservation commission of the town of Sutton (see House, No. 4325).

Without further action on the matters in the Orders of the Day, on motion of Mr. Rosenberg, at seven minutes past seven o'clock P.M., the Senate recessed the session until Thursday next at one o'clock P.M.

**Thursday, February 14, 2002.
[being the legislative session
of Tuesday, February 12, 2002.]**

At twelve minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

Communication.

A communication was received from the President announcing the following appointments: The Senator from Plymouth and Bristol, Mr. Pacheco, the Senator from Middlesex, Norfolk and Worcester, Mr. Magnani, and the Senator from Plymouth and Norfolk, Mr. Hedlund, to the Special Legislative Task Force established (pursuant to section 2 of chapter 204 of the Acts of 2001) relative to the Commonwealth's Unemployment Insurance System.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Antonioni (by request), a petition (subject to Joint Rule 12) of Audrey Serrano for legislation to reform Department of Social Services practices regarding children in need of services;

By Mrs. Sprague, a petition (subject to Joint Rule 12) of Jo Ann Sprague for legislation relative to skateboarding, inline skating and freestyle bicycling; and

By Mr. Tolman, a petition (subject to Joint Rule 12) of Steven A. Tolman for legislation to authorize the commissioner of the Metropolitan District Commission to lease certain land in the city of Newton;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

A message from Her Honor the Lieutenant-Governor, Acting Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating certain actions and authorizing certain reimbursements by the town of Oak Bluffs (House, No. 4906);

To the committee on Local Affairs.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to further promoting public safety in the Commonwealth (House, No. 4907);

To the committee on Public Safety.

Bills

Authorizing the town of Hingham to establish a retiree healthcare liability trust fund (House, No. 4183,— on petition) [Local approval received]; and

Relative to the charter of the town of Reading (House, No. 4776,— on petition) [Local approval received];

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

A report of the committee on Public Safety, asking to be discharged from further consideration of the recommitted petition (accompanied by bill, House, No. 4885) of Thomas J. O'Brien, Michael E. Festa, Gale D. Candaras, Susan W. Pope and Rachel Kaprielian relative to the licensing of second hand motor vehicle dealers, and recommending that the same be recommitted to the committee on Government Regulations,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Orders of the Day.

The Orders of the Day were considered, as follows:

The Senate Report recommending changes to the present rules of the Senate (Senate, No. 2239, amended), — was considered.

Pending the main question on acceptance of the report, pursuant to the provisions of Senate Rule 45, as previously moved by Mr. Lees, the Senate considered the following rule, as recommended by the committee on Rules:

The Senate Rules are hereby further amended by inserting after Rule 16 the following rule:

“16A. Reports of committees recommending that a matter be placed in a study shall be reported to the Senate if the matter being reported into a study was originally filed in the Senate. Matters which have been recommitted to a committee in session shall be reported to the branch originating the recommitment.”

After remarks, the question on adoption of the rules change was determined by a call of the yeas and nays, at eight minutes before two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 35 — nays 0):

YEAS.

Antonioni, Robert A.	Morrissey, Michael W.
Baddour, Steven A.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne —
Moore, Richard T.	35.

NAYS — 0.

PAIRED.

YEA. NAY.

Brian A. Joyce (present),
Guy W. Glodis — 2.

The yeas and nays having been completed at four minutes before two o'clock P.M., the rules change was adopted.

The following proposed amendments, offered on the floor, were considered for amendment to the report.

Mr. Creedon moved to amend Senate Rule 27A by inserting after the fourth paragraph the following:

“All amendments to an appropriation bill adding outside sections must relate to a line item in said appropriation bill.”

The rules change was *rejected*.

Mr. Creedon further moved to amend Senate Rule 24 by striking out the following: “(except during the last seven calendar days of formal business under Joint Rule 12A)” and inserting in place thereof the following: “(except during the last seven calendar days of formal business under Joint Rule 12A of the second annual session of the General Court)”.

After remarks, the rules change was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague moved to amend Senate, No. 2239, as follows:

4A. The Senate Rules are hereby amended by inserting after the first sentence of Rule 4A the following sentence: “This rule shall not be suspended except by vote of four-fifths of the members present and voting thereon. Rule 63 shall not apply to this case and no other rule shall supersede the requirement of a four-fifths vote to suspend this rule.”

After remarks, the rules change was adopted.

Mr. Rosenberg in the Chair, Mr. Tolman moved to amend the report by inserting before the words “The Senate Rules are hereby amended by inserting after Rule 54A” the following new language:— “The Senate Rules are hereby amended by inserting after Rule 4A the following Rule:—

4B. The Senate President shall, upon declaration of candidacy for any other state or federal elective office, remove himself/herself from said position.”

After remarks, there being no objection, the rules change was withdrawn, on motion of Mr. Tolman.

Messrs. Lees, Tisei, Knapik, Tarr, Hedlund and Mrs. Sprague moved to amend Senate, No. 2239, as follows:

“**59A.** The Rules of the Senate are hereby amended by striking out in the first sentence of the second paragraph of Rule 59A the words ‘of the Senate during which the general appropriations bill is considered,’ and inserting in place thereof the words ‘and informal sessions of the Senate.’ This rule is further amended by inserting after the second paragraph the following paragraph:

‘If, for any reason, the Senate convenes in either an informal session or formal session and such session is not televised live throughout the commonwealth, then the party under the contractual duty to provide the television broadcast shall provide to the Senate President and Minority Leader within twenty-four hours of the adjournment of such session a report including, but not limited to, a list of the areas where such broadcast was not received and an explanation for the lack of television coverage to the effected areas.’”

After debate, there being no objection, the rules change was withdrawn, on motion of Mr. Lees.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague further moved to amend Senate, No. 2239, as follows:

59C. The Rules of the Senate are hereby amended by inserting after Rule 59B the following new rule:

“59C. The electronic feed that provides the television broadcast coverage of the Senate sessions shall be available to any media outlet.”

The rules change was adopted.

Mr. Travaglini in the Chair, Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague further moved to amend Senate, No. 2239, as follows:

59C. The Rules of the Senate are hereby amended by inserting after Rule 59B the following new rule:

59C. (1) The President of the Senate shall provide annually to each member of the Senate a copy of the contract for the television broadcast of the Senate formal and informal sessions.

(2) The party contracted to perform the duty of providing television broadcast of the formal and informal sessions of the Senate shall file an annual report with the President of the Senate. Said report shall include the following:

(a) a list of all cities and towns that receive live televised broadcasts of the sessions of the Senate;

(b) a list of each city and town that receives Senate coverage according to Rule 59C(2)(a) including the dates and times of the live and pre-recorded broadcasts of each session of the Senate;

(c) a list of cities and towns that do not receive live televised broadcasts of the sessions of the Senate and an explanation for the lack of coverage.

The President of the Senate shall distribute said report to each member of the Senate on the first day of the annual session.

After remarks, there being no objection, the rules change was withdrawn, on motion of Mr. Lees.

Messrs. Lees, Tisei, Knapik, Tarr, Hedlund and Mrs. Sprague further moved to amend Senate, No. 2239, as follows:

36. The Rules of the Senate are hereby amended by striking out the first and second sentences of Rule 36.

After debate, the rules change was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague further moved to amend Senate, No. 2239, as follows:

32A. The Rules of the Senate are hereby amended by striking out Rule 32A and inserting in place thereof the following rule:

32A. (1) The Senate Committee on Bills in the Third Reading may be discharged from the further consideration of matters referred to it pursuant to the following procedure:

(a) The consideration of a motion to discharge said committee from further consideration of a certain matter shall be postponed without question to the day after that on which the motion is made.

(b) The adoption of such motion shall require a simple majority vote of the members present and voting thereon.

(2) When the committee is directed to discharge a certain matter pursuant to this rule, the committee shall either report or be discharged of said matter within five legislative days of the vote calling for such discharge. A matter discharged under the provisions of this rule shall be designated as “discharged” and the matter shall be placed in the Orders of the Day for the next sitting. On the motion to discharge the committee, not more than fifteen minutes shall be allowed for debate and no member shall speak more than three minutes.

After remarks, the rules change was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague further moved to amend Senate, No. 2239, as follows:

26. The Rules of the Senate are hereby amended by striking out Rule 26 and inserting in place thereof the following rule:

26. Bills and resolves from the House, after they are read a first time, shall be referred to a committee of the Senate, unless they have been reported by a joint committee or substituted for a report of a joint committee. Any matter reported in the Senate or received from the House concerning or restricted to a particular city or town which has received the approval of the voters of the city or town or of the town meeting shall appear on the calendar for the next session for a second reading notwithstanding any other provision of this rule.

The rules change was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague further moved to amend Senate, No. 2239, as follows:

7. The Rules of the Senate are hereby amended by striking out in the first sentence of Rule 7 the words “and the Committee on Steering and Policy”, and by striking out in the fourteenth sentence the words “and the Committee on Steering and Policy.”

The rules change was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague further moved to amend Senate, No. 2239, as follows:

12B. The Rules of the Senate are hereby amended by striking out Rule 12B.

The rules change was *rejected*.

The report (Senate, No. 2258, printed as amended) was then considered; and it was accepted.

Ms. Melconian in the Chair, the Senate Report recommending that the Joint Rules of the preceding General Court be adopted as the permanent Joint Rules of the present General Court with recommended changes (Senate, No. 2240),— was considered.

Pending the main question on accepting the report of the committee, on motion of Mr. Lees, each rule enumerated in the report was considered separately, under the provisions of Senate Rule 45.

The first proposed rules change was considered, as follows:

Joint Rule 1B is hereby amended by adding the following sentence: “A joint standing committee may provide for the electronic publication of its hearing schedule and the listing of bills scheduled for hearings as well as for the submission of testimony regarding legislation through the internet or other electronic means prior to the time set for the hearing at which any such legislation is scheduled to receive a public hearing, in addition to all oral and written testimony.”

After remarks, the rules change was adopted.

The following proposed rules change was considered, as follows:

The Joint Rules are hereby further amended by inserting after Rule 3A the following Rule:

“3B. When, in the opinion of the Senate President and Speaker of the House of Representatives, legislation is proposed that transcends the jurisdiction of any 1 joint committee, an order may be adopted to establish a task force consisting of the House and Senate chairs, vice chairs and ranking minority party members of the several relevant committees and such additional members as the Senate President and Speaker of the House of Representatives may appoint. The House chair of the task force shall be designated by the Speaker and the Senate chair shall be designated by the President. The Joint Rules governing standing committees relative to legislative procedure shall apply as well to any task force so appointed.”

After remarks, the question on adoption of the rules change was determined by a call of the yeas and nays, at seven minutes past three o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 28 — nays 7):

YEAS.

Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O’Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Magnani, David P.	Tolman, Steven A.
Melconian, Linda J.	Travaglini, Robert E.
Menard, Joan M.	Tucker, Susan C.
Montigny, Mark C.	Walsh, Marian
Moore, Richard T.	Wilkerson, Dianne— 28

NAYS.

Antonioni, Robert A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 7.
Lees, Brian P.	

PAIRED.

YEA. NAY.

Brian A. Joyce (present),
Guy W. Glodis — 2.

The yeas and nays having been completed at eleven minutes past three o’clock P.M., the rules change was adopted.

The following proposed rules change was considered, as follows:

Joint Rule 4 is hereby amended by inserting after the word “House” in line 4, the following words:— “and favorable reports recommending that a matter be placed into a study shall be reported into the branch in which it was originally filed unless the matter was recommitted to a committee in session by either branch.”

The rules change was adopted.

The following proposed rules change was considered, as follows:

The Joint Rules are hereby further amended by inserting after Rule 9 the following Rule:

“9A. In the event that no final action has been taken with regard to the General Appropriations Bill on or before July 1, the Senate and House of Representatives shall adopt, in concurrence, a resolution indicating the minimum amount of Chapter 70 aid, lottery aid, and additional assistance which shall be available to cities, towns, and regional school districts for the fiscal year beginning July 1.”

After remarks, the question on adoption of the rules change was determined by a call of the yeas and nays, at twenty-three minutes past three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne —
	36.

NAYS — 0.

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at twenty-six minutes past three o'clock P.M., the rules change was adopted.

The following proposed rules changes were considered as one, as follows:

The second paragraph of Joint Rule 11 is hereby amended by adding the following 2 sentences:

“All meetings of committees of conference shall be open to the public. All recommendations of Committees of Conference shall be acted upon during open meetings.”

Joint Rule 11A is hereby amended by adding the following paragraph:

“All meetings of committees of conference shall be open to the public. All recommendations of Committees of Conference shall be acted upon during open meetings.”

After remarks, the question on adoption of the rules changes were determined by a call of the yeas and nays, at a half past three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 34 — nays 1):

YEAS.

Antonioni, Robert A.	Morrissey, Michael W.
Baddour, Steven A.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.
Magnani, David P.	Tolman, Steven A.
Melconian, Linda J.	Travaglini, Robert E.
Menard, Joan M.	Tucker, Susan C.
Montigny, Mark C.	Walsh, Marian
Moore, Richard T.	Wilkerson, Dianne —
	34.

NAY.

Berry, Frederick E. — 1.

PAIRED.

YEA. NAY.

Brian A. Joyce (present),
Guy W. Glodis — 2.

The yeas and nays having been completed at twenty-five minutes before four o'clock P.M., the rule changes were adopted.

The following proposed rules changes were considered as one, as follows:

Joint Rule 11B is hereby amended by striking out the figure, “12” and inserting in place thereof the following figure:— “24.”

The second paragraph of Joint Rule 12 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:— “No such matter shall be admitted for consideration prior to the expiration of 45 days after the matter has been deposited with the Clerk of either branch, except on report of the committees on Rules of the 2 branches, acting concurrently, and then upon the approval of 2/3 of the members of each branch voting thereon” and in the third paragraph, in the last sentence, by striking out the word “four-fifths” and inserting in place thereof the following figure:— “2/3”.

After remarks, the rules changes were adopted.

The following proposed rules change was considered, as follows:

Joint Rules are hereby amended by striking Rule 12A, and inserting in place thereof the following Rule:

“12A. All formal business of the first annual session of the General Court, except as provided in this rule, shall be concluded not later than the third Wednesday in November of that calendar year and all formal business of the second annual session, except as provided in this rule, shall be concluded not later than the last day of July of that calendar year. Not less than 10 days nor more than 30 days following the date in either the first or second annual session on which formal business must be concluded, the General Court shall convene to conduct formal business limited to consideration of vetoes filed by the Governor subsequent to the conclusion of formal business of the General Court, amendments to legislation recommended by the Governor pursuant to Article LVI of the Amendments to the Constitution or enactments pursuant to Articles LXII, LXXXIV and XCVII of the amendments to the Constitution. In order to assist the Senate and House in its analysis and appraisal of laws enacted by the General Court, each joint standing committee shall, as authorized by Joint Rule 1 and upon the conclusion of the formal business of the annual sessions or at such other times as the committee chairs shall determine, initiate such oversight hearings as may be necessary for the purpose of evaluating the effectiveness, application and administration of the subject matter of laws within the jurisdiction of that committee.”

After debate, the question an adoption of the rules change was determined by a call of the yeas and nays, at three minutes before four o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 29 — nays 6):

YEAS.

Antonioni, Robert A.	Morrissey, Michael W.
Baddour, Steven A.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.

Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 29.
Moore, Richard T.	

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 6.

PAIRED.

YEA. NAY.

Brian A. Joyce (present),
Guy W. Glodis — 2.

The yeas and nays having been completed at one minute past four o'clock P.M., the rules change was adopted.

The following proposed rules change was considered, as follows:

The Joint Rules are hereby further amended by inserting after Rule 31 the following Rule:

“31A. Upon a vacancy in the office of Senator or Representative of the General Court, the presiding officer of the branch in which the vacancy occurs shall, on order of the body, issue precepts to fill the vacancy. The precepts calling for the election shall be adopted and issued not later than 14 days after the vacancy occurs unless the vacancy occurs after April 1 in an even-numbered year.”

The rules change was adopted.

The following proposed amendments, offered on the floor, were considered for amendment to the report.

Messrs. Tarr, Lees, Tisei and Knapik, Mrs. Sprague and Mr. Hedlund moved to amend the report by inserting after the figure “2/3” on page 2, the following:—

The Joint Rules are hereby amended by adding the following new rule:—

“11C. Committees of Conference on the General Appropriations Bill for each fiscal year shall make final report not later than the second Wednesday of June. This rule shall not be rescinded, amended or suspended except by a concurrent vote of two-thirds of each branch present and voting thereon. Notwithstanding the provisions of this rule or Joint Rule 30, this rule shall not be rescinded, suspended or amended more than once, except by unanimous consent.”

The rules change was *rejected*.

Messrs. Tarr, Lees, Tisei and Knapik, Mrs. Sprague and Mr. Hedlund moved to amend the report by inserting after the word “testimony.” on page 1, line 6, the following:—

Joint Rule 3 is hereby amended by inserting, at the end thereof, the following:—

“All such bills shall be a matter of public record and be available for inspection within a reasonable period following a request submitted in writing.”

The rules change was *rejected*.

Messrs. Moore, Montigny, Lees, Tarr, Tisei, Knapik, Hedlund and Mrs. Sprague moved to amend the report by adding after Joint Rule 10A the following new Joint Rule:—

“Joint Rule 10B: The General Appropriations Bill for each fiscal year shall be engrossed by the House of Representatives and referred to the Senate not later than the second Wednesday in April, and in the Senate not later than the last Wednesday in May. The Committee of Conference on the General Appropriation Bill for each fiscal year shall make their final report not later than the fourth Wednesday of June. This rule shall not be rescinded, amended, or suspended except by a concurrent vote of two-thirds of each branch present and voting thereon.”

After remarks, the question on adoption of the rules change was determined by a call of the yeas and nays, at thirteen minutes past four o’clock P.M., on motion of Mr. Moore, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O’Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.

Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne —
	36.

NAYS — 0.

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at seventeen minutes past four o'clock P.M., the rules change was adopted.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague moved to amend Senate, No. 2240, as follows:

“12C. The Joint Rules are hereby amended by inserting after Joint Rule 12B, the following new rule:

12C. The House of Representatives shall undertake consideration of the General Appropriations Bill for the ensuing fiscal year no later than the second week of April of every calendar year. The Senate shall undertake consideration of the General Appropriations Bill for the ensuing fiscal year no later than the second week of May of every calendar year. This rule shall not be rescinded, amended or suspended except by a vote of two-thirds of the respective branch present and voting thereon.”

The rules change was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague moved to amend Senate, No. 2240, as follows:

“11C. The Joint Rules are hereby amended by inserting after Joint Rule 11B, the following new rule:

11C. If the Committees of Conference on the General Appropriations Bill fail to report by the deadline as mandated under Joint Rule 10B, then the base compensation of the legislature shall be held in escrow by the Treasurer and Receiver-General of the Commonwealth until the Committees of Conference on the General Appropriations Bill make final report. This rule shall not be rescinded, amended or suspended except by a

concurrent vote of two-thirds of each branch present and voting thereon. Notwithstanding the provisions of this rule or Joint Rule 30, this rule shall not be rescinded, amended or suspended more than once, except by unanimous consent.

After debate, the question on adoption of the rules change was determined by a call of the yeas and nays, at twenty-nine minutes past four o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 13 — nays 22):

YEAS.

Baddour, Steven A.	Murray, Therese
Chandler, Harriette L.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Moore, Richard T.	Tucker, Susan C. — 13.
Morrissey, Michael W.	

NAYS.

Antonioni, Robert A.	Montigny, Mark C.
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne —
	22.

PAIRED.

YEA. NAY.

Brian A. Joyce (present),
Guy W. Glodis — 2.

The yeas and nays having been completed at twenty-six minutes before five o'clock P.M., the rules change was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague moved to amend Senate, No. 2240, as follows:

“1D. The Joint Rules are hereby amended by inserting after Joint Rule 1C, the following new rule:

1D. All the written testimony, including communications from members of the General Court or Executive Branch, shall be accompanied by a diskette for the publication on-line of testimony provided to joint committees in support of or opposition to any legislation. The testimony submitted relative to each bill scheduled for hearing and any subsequent action of the committee shall be made available on-line within five working days of the committee hearing. Within two working days of any executive session of a committee, the action of the committee, including the record of votes taken or polling of committee members shall be made available on-line.”

The rules change was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague moved to amend Senate, No. 2240, as follows:

“**11B.** The Joint Rules are hereby amended by striking out the words ‘the calendar day’, and inserting in place thereof, the words ‘two calendar days,’ and by inserting after the word ‘print’ the words ‘and electronically,’ and by striking out the word ‘twenty-four’ (previously changed by amendment) and inserting in place thereof, the word ‘forty-eight.’ ”

After debate, the question on adoption of the rules change was determined by a call of the yeas and nays, at twenty-three minutes before five o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 19 — nays 17):

YEAS.

Baddour, Steven A.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone	Sprague, Jo Ann
Fargo, Susan C.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian — 19.
Moore, Richard T.	

NAYS.

Antonioni, Robert A.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	Pacheco, Marc R.
Brewer, Stephen M.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Jacques, Cheryl A.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Melconian, Linda J.	Travaglini, Robert E.
Menard, Joan M.	Wilkerson, Dianne —

17.

Montigny, Mark C.

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at eleven minutes before five o'clock P.M., the rules change was adopted.

Ms. Menard moved to amend the report in Joint Rule 12 by striking out the words: "third sentence" and inserting in place thereof the following: "second sentence."

After debate, the question on adoption of the rules change was determined by a call of the yeas and nays, at six minutes before five o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 30 — nays 6):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne —
	30.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 6.

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at three minutes before five o'clock P.M., the rules change was adopted.

The report (Senate, No. 2259, printed as amended) was then considered; and it was accepted.

Sent to the House for concurrence.

At three minutes past five o'clock P.M., the President, for the purpose of a Democratic caucus, declared a recess; and, at thirteen minutes before seven o'clock P.M., the Senate reassembled, the President in the Chair.

Order Adopted.

The following order (filed by Mr. Nuciforo) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of an order previously adopted, the temporary Joint Rules of the General Court shall remain in effect until Thursday, February 28, 2002, as the temporary Joint Rules of the present General Court; and be it further ordered that, notwithstanding the provisions of Joint Rule 10, joint standing committees and the committees on Rules of the two branches, acting concurrently, be granted until Thursday, February 28, 2002, within which to make reports on matters referred to them.

Subsequently, Ms. Menard, for the said committees on Rules of the two branches, acting concurrently, reported that the order ought to be adopted; and, there being no objection, the order was considered forthwith; and it was adopted.

Sent to the House for concurrence.

Resolutions.

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

Resolutions (filed by Ms. Jacques) "honoring David Baier on the occasion of the celebration of his 20th year with the Massachusetts Municipal Association";

Resolutions (filed by Mr. Knapik) "on the fiftieth anniversary of the Westfield River Watershed Association"; and

Resolutions (filed by Ms. Murray) "honoring Ellen Stillman upon the celebration of her ninetieth birthday."

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

February 13, 2002.

Patrick F. Scanlan, *Clerk*
Massachusetts State Senate State House, Room 335
Boston, Massachusetts 02133

Dear Mr. Clerk:

On Tuesday, February 12th, I was away from the State House, due to a scheduling conflict, and I was therefore unable to be present for roll call votes taken on the following items:

An Act Providing For Civil Service Commission Review of State Police Disciplinary Proceedings (H. 1808 — Question being “Shall this bill pass, the objections of Her Honor the Lieutenant-Governor, Acting Governor, to the contrary notwithstanding).

An Act Regulating the Sale of Mercury Thermometers (H.3772)

Had I been present, I would have voted in the affirmative on both of these matters.

In addition, I would have voted in the negative on Senator Lees’ motion to adjourn.

I would appreciate your assistance with the printing of this communication in the Senate Journal. Thank you in advance for your help with this request.

Sincerely,

ROBERT E. TRAVAGLINI,
Senate Majority Whip.

On motion of Mr. Rosenberg, the above communication was ordered printed in the Journal of the Senate.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4915) of Mark J. Carron and other members of the General Court relative to civil commitment of sexually dangerous persons,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Criminal Justice.**

Reports of Committees.

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marian Walsh, Richard T.

Moore, Patricia A. Walrath and other members of the General Court for legislation to protect children from physical and sexual abuse.

Senate Rule 36 was suspended, on motion of Mr. Baddour, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Criminal Justice.

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael R. Knapik and Michael F. Kane for legislation to designate a certain parcel of land within the Holyoke Heritage State Park as the DiNapoli Plaza.

Senate Rule 36 was suspended, on motion of Mr. Baddour, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration.

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stanley C. Rosenberg, Cory Atkins, Marian Walsh, Richard T. Moore and other members of the General Court for legislation to provide for a tax amnesty program.

Senate Rule 36 was suspended, on motion of Mr. Baddour, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Taxation.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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 Acting Governor for her approbation, to wit:

Providing for a board of public works in the town of Pepperell (see House, No. 4585);

Protecting the privacy of elderly persons (see House, No. 4735); and

Exempting Herbert Stacey and Timothy Getchell from the maximum age requirements as a police officer in the city of Methuen (see House, No. 4853).

Emergency Preamble Adopted.

An engrossed Bill regulating the sale of mercury thermometers (see House, No. 3772, 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

10 to 0.

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

Suspension of Senate Rule 38A.

Mr. Nuciforo 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 seven minutes before seven o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 28 — nays 8):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 28.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.
Morrissey, Michael W.	Tolman, Steven A. —
	8.

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

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

Mr. Tolman moved that the Senate adjourn; and the motion was *negatived*.

PAPER FROM THE HOUSE.

The House Bill relative to the environmental protection of the Massachusetts Military Reservation (Senate, No. 2180, amended),— came from the House passed to be

engrossed, in concurrence, *with amendments* in section 3, line 7, by striking out the following: “January 1, 2002” and inserting in place thereof the following: “August 1, 2002”;

In section 11 by adding at the end thereof the following three paragraphs:

“The Massachusetts National Guard shall comply with all decisions and orders of the Commission, provided such decisions or orders do not conflict with federal or state law.

The Massachusetts National Guard and any other user of the Reserve shall immediately cease or adjust any activity that, in the determination of the Massachusetts National Guard, causes or threatens to cause imminent and substantial damage to the drinking water supply or the wildlife habitat.

In the case of an order by the Commission to abate an activity that causes or threatens to cause imminent and substantial damage to the drinking water supply or wildlife habitat, the Massachusetts National Guard shall cease the activity while any request for reconsideration is pending.”; and

By adding at the end thereof the following section:

“SECTION 16. The Massachusetts Army National Guard shall have priority in the traditional training areas within the northern 15,000 acres of the Massachusetts Military Reservation.”.

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

After remarks, the question on concurring in the House amendments was determined by a call of the yeas and nays, at one minute past seven o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O’Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.

Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at four minutes past seven o'clock P.M., the House amendments were adopted, in concurrence.

Matter Taken Out of the Orders of the Day.

There being no objection, Ms. Murray moved that the following matter be taken out of the Orders of the Day and considered, as follows:

The House Bill promoting energy efficiency and conservation (House, No. 4006, amended),— was considered, the main question being on passing the bill to be engrossed, in concurrence.

The pending motion to lay on the table, previously moved by Ms. Murray, was considered; and it was *negatived*.

Pending the main question on passing the bill to be engrossed, in concurrence, Ms. Murray moved that the bill be amended by striking out section 5 (inserted by amendment by the Senate) and inserting in place thereof the following 2 sections:—

“SECTION 5. Section 2 of chapter 166A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following paragraph:—

As of December 31, 2001, and annually thereafter, the department shall report to the general court concerning the appeals that came before the division for that particular calendar year. The report shall detail the nature of each appeal and its outcome. Each annual report shall be filed with the clerks of the senate and house of representatives who shall forward the same to the joint committee on energy and the house and senate committees on ways and means. The report shall be made available to the public by the department.

SECTION 6. Sections 4 and 5 shall take effect as of December 31, 2001.”

After remarks, the amendment was adopted.

The question on passing the bill to be engrossed, in concurrence, with the amendment, was determined by a call of the yeas and nays, at eleven minutes past seven o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at fourteen minutes past seven o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Report of a Committee.

Ms. Menard, for the committee on Rules, reported, under the provisions of the second sentence of the Senate Rule 63, and in order to facilitate the business of the Senate, recommending that notwithstanding any other rule to the contrary full consideration may commence forthwith on "An Act repealing the Clean Elections Law and establishing a limited financing of campaigns for statewide elective office" (Senate, No. 2257); and that during consideration of said bill that motions to lay on the table, to take from the table, or motions to reconsider shall not be postponed without question to the next day, or placed in the Orders of the Day for the succeeding day, as the case may be, but shall be

considered at the time they are made; and provided further that during consideration of the aforementioned bill the provisions of Senate Rule 31 shall not apply.

After debate, the question on acceptance of the report was determined by a call of the yeas and nays, at twenty-four minutes before eight o'clock P.M., on motion of Mr. Tolman, as follows, to wit (yeas 29 — nays 7):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 29.
Montigny, Mark C.	

NAYS.

Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tolman, Steven A. — 7.
Lees, Brian P.	Tisei, Richard R.
Sprague, Jo Ann	

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at twenty-two minutes before eight o'clock P.M., the report was accepted.

Report of a Committee.

By Mr. Shannon, for the committee on Election Laws, under the provisions of Joint Rule 3A, a Committee Bill relative to repealing the clean elections law and establishing a limited public financing of campaigns for statewide elective office (Senate, No. 2257).

The bill was read and, pursuant to the order previously adopted, the bill was read a second time.

After debate, the question on ordering the bill to a third reading was determined by a call of the yeas and nays, at eighteen minutes before eight o'clock P.M., on motion of Mr. Shannon, as follows, to wit (yeas 10 — nays 27):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Knapik, Michael R.	Travaglini, Robert E.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 10.

NAYS.

Baddour, Steven A.	Morrissey, Michael W.
Birmingham, Thomas F.	Murray, Therese
Brewer, Stephen M.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C. — 27.
Moore, Richard T.	

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at a quarter before eight o'clock P.M., the bill was *rejected*.

Mr. Pacheco moved that this vote be reconsidered; and the motion to reconsider prevailed.

Pending the recurring question on ordering the bill to a third reading, Mr. Pacheco moved that the bill be amended by substituting a new draft entitled a "Bill amending the clean elections law" (Senate, No. 2260).

Ms. Melconian in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at two minutes before eight o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (yeas 11 — nays 25):

YEAS.

Brewer, Stephen M.	O’Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Hedlund, Robert L.	Resor, Pamela
Magnani, David P.	Rosenberg, Stanley C.
Moore, Richard T.	Tisei, Richard R. — 11.
Morrissey, Michael W.	

NAYS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Shannon, Charles E.
Creem, Cynthia Stone	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 25.
Menard, Joan M.	

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at one minute past eight o’clock P.M., the amendment was *rejected*.

Mr. Tolman moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2261.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes past eight o’clock P.M., on motion of Mr. Tolman, as follows, to wit (yeas 17 — nays 19):

YEAS.

Baddour, Steven A.	Morrissey, Michael W.
Brewer, Stephen M.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Lees, Brian P.	Tolman, Steven A.

Magnani, David P. Tucker, Susan C. — 17.
Moore, Richard T.

NAYS.

Antonioni, Robert A.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Shannon, Charles E.
Havern, Robert A.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Travaglini, Robert E.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 19.
Montigny, Mark C.	

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at sixteen minutes past eight o'clock P.M., the amendment was *rejected*.

Ms. Walsh, Ms. Wilkerson and Mr. Nuciforo moved that the bill be amended by substituting, in part, a "Bill relative to public financing of campaigns for public office" (Senate, No. 2262).

Pending the question on adoption of the amendment (Senate, No. 2262), Mr. O'Leary moved that the amendment be further amended by adding the following 2 sections:—

“SECTION [A]. Chapter 10 of the General Laws is hereby amended by striking out section 42, as appearing in the 2000 Official Edition, and inserting in place thereof the following three sections:—

Section 42. There shall be established on the books of the commonwealth a separate fund to be known as the State Election Campaign Fund, consisting of all revenues received under section 6C of chapter 62 and all other monies credited or transferred to the fund from any other fund or source pursuant to law.

The state treasurer shall deposit the fund in accordance with sections 33 and 34A of chapter 29 in such a manner so as to secure the highest interest rate available consistent with safety of the fund and with the requirement that all amounts on deposit shall be available for immediate withdrawal at any time within 9 weeks prior to a primary election.

The state election campaign fund shall be expended only for the payout of eligible candidates, as determined under chapters 55C and 55D of amounts due on account of public financing of campaigns for statewide and state elective offices and any

unexpended balances shall be redeposited, as provided in this section, pending the next year in which elections are held for statewide or state elective offices.

Section 42A. On or before the tenth Tuesday before the primary election in any year in which elections are held for statewide or state elective offices, the balance of the State Election Campaign Fund shall be determined by the comptroller and the state election campaign fund shall then be divided by the comptroller into election accounts as follows:

(a) 50 per cent of the balance shall be allocated to the statewide election campaign account which shall be further divided into primary and general election accounts; provided, that the director shall be responsible for dividing the account into as many candidate accounts as there are candidates for statewide office.

(b) 50 per cent of the balance shall be allocated to the state elective office campaign account, which shall be used to provide eligible candidates with matching funds pursuant to section 7 of chapter 55D.

Section 42B. Upon request by the director of campaign and political finance and without further appropriation, the state treasurer shall distribute from each election account the amounts certified by the director to be due to each eligible candidate.

42C. The state auditor shall conduct a post-audit of all accounts and transactions involving the state election campaign fund for any year in which elections are held for statewide or state elective offices and shall conduct such other special audits and post-audits as he or she may deem necessary. The state auditor shall publish a report of any post-audit required by this section on or before April 1 of the year in which elections are held for statewide or state elective offices.

SECTION [B]. The General Laws are hereby further amended by inserting after chapter 55B the following chapter:—

Chapter 55C.

LIMITED PUBLIC FINANCING FOR STATE OFFICES.

Section 1. Unless a contrary intention clearly appears, the words and phrases used in this chapter shall have the following meanings:

‘Director’, director of campaign and political finance as established by chapter 55.

‘Candidate’, any candidate as described by chapter 55.

‘Constituent expenditures’, those expenditures, as defined in section 1 of chapter 55, except that constituent expenditures are expenditures made by state senators and state representatives which are directly related to the performance of their official duties; and provided further, that constituent expenditures shall not expressly advocate for or against a candidate or ballot question.

‘Contribution’, any contribution as described by chapter 55.

‘Election Cycle’, the period starting January 1 of the year immediately following a state election and ending on December 31 of the year of an election.

‘Fundraising’, any money raised through either private means or through public matching funds for the purpose of state elective offices.

‘Minimum qualifying amount’, the amount of money a participant shall raise in allowable contributions before becoming a certified candidate and becoming eligible to receive clean elections funds.

‘Qualifying contribution’, any contribution made by an individual and deposited into a candidate’s depository account as required by chapter 55 during an election cycle for state offices except as follows: (a) no contribution shall be considered a qualifying contribution unless the name and address of the individual making the contribution can be determined from statements required to be filed with the director of campaign and political finance; (b) no contribution shall be considered a qualifying contribution to the extent that it exceeds \$250, or would exceed \$250 when added to any such contribution previously made by the same individual during a given election cycle.

‘State office’, the office of councillor, state senator and state representative.

Section 2. On or before the ninth Tuesday before the primary election in any year in which state elections are held, the state secretary shall determine and certify the names and addresses of all candidates for state office who qualify for the primary ballot and who are opposed by 1 or more candidates who have qualified for the same ballot in the primary election. For purposes of this chapter, any candidate for state office for whom certificates of nomination and nomination papers have been filed in apparent conformity with law shall be considered qualified for the ballot notwithstanding any objections thereto that may be filed and notwithstanding any vacancy that may occur following the filing of such certificates of nominations and nomination papers other than caused by withdrawal of a candidate within the time allowed by law. On or before the sixth Tuesday before a general election in any year in which state elections are held, the state secretary shall determine and certify the names and addresses of all candidates for state office who qualify for the general election ballot and who are opposed by 1 or more candidates who have qualified for the same ballot in the primary election. For purposes of this chapter, any candidate for state office for whom certificates of nomination and nomination papers have been filed in apparent conformity with law shall be considered qualified for the ballot, as provided with respect to candidates for the primary election and any such candidate nominated at the primary election shall be considered qualified for the ballot, notwithstanding any objections thereto that may be filed and notwithstanding any vacancy that may occur other than caused by withdrawal of a candidate within the time allowed by law. The state secretary shall promptly determine and certify to the director and state treasurer the name and address of any candidate who no longer qualifies for the primary or general election or who no longer has opposition because of death, withdrawal

or ineligibility for office or because objections to certificates of nominations or nomination papers have been sustained because of a recount or for any like reason.

Section 3. Statement of Intent.

(a) On or before the last day for filing a candidate's nomination papers with the state secretary pursuant to chapter 53, every candidate for state office shall file with the director a statement, in a form prescribed by the director, that the candidate does or does not agree with the following fundraising limits, along with the applicable exemptions set forth in section 4, for the entire election cycle:

Councillor \$40,000

State Senator \$90,000

State Representative \$30,000

(b) The name of any candidate who fails to file any statement within the time required by this section shall not appear on the state primary ballot nor on the general election ballot and the director shall notify the state secretary of such failure.

Section 4. All candidates for state office shall set up a new depository account pursuant to section 19 of chapter 55 for each 2 year election cycle for state office. Each candidate shall file a statement, in a form prescribed by the director, that the candidate or candidate's committee has opened a new depository account and that the balance of the account is at zero at the time that nomination papers are submitted to the state secretary. All fundraising money shall be deposited in this account and all campaign related expenditures shall be deducted from this account. For the purposes of this chapter, all money transferred from a prior existing campaign account or deposited by some other means to the new depository account shall be considered a fundraising deposit by the director and shall be counted against the limits set forth in subsection (a) of section 3.

Section 5. A legislator may raise money beyond the limits outlined in subsection (a) of section 3 to cover expenditures as follows:

(a) constituent expenditures may not exceed the following amounts for any given election cycle:

State Senator \$15,000

State Representative \$ 5,000

(b) rent and utility payments for a district office maintained by a state senator or a state, provided that rent does not exceed the reasonable fair market value paid for rent in similar office space. For the purposes of this clause, utility payments shall include only heat and electricity.

Section 6. The director shall promulgate regulations and forms governing the submission of reports on constituent expenditures separate and distinct from other expenditures.

Section 7. The director shall certify a candidate for state office as a participating clean elections candidate once the candidate has met the criteria set forth in section 3, has been certified as a candidate by the state secretary pursuant to section 2 and has raised, from qualifying contributions, the following minimum qualifying amounts:

Councillor \$6,000

State Senator \$9,000

State Representative \$3,000

Section 8. (a) A participating candidate for state office shall be eligible to receive matching funds at such time as the candidate has been certified by the director. A certified candidate shall receive \$1 of public funding for every \$1 raised through private fundraising in excess of the amounts specified for the applicable minimum qualifying amounts.

(b) The director shall release matching funds to participating candidates in increments of \$1,000. The funds shall be deposited into the participating candidate's depository account through direct deposit.

(c) The maximum amount of matching funds a qualified candidate for state office shall receive per election cycle is as follows:

Councillor \$17,500

State Senator \$40,500

State Representative \$18,500

(d) If a nonparticipating candidate raises money in excess of the fundraising limits set forth in subsection (a) of section 3, he shall be required to file an excess fundraising report with the director, on a form prescribed by the director, stating the amount of money raised in excess of the fundraising limits including allowable expenditures as set forth in section 5; provided further, that once a nonparticipating candidate has filed an excess fundraising report, he shall be required to file an additional excess fundraising report when a minimum of \$1,000 has been raised in excess of the amount reported in the previous excess fundraising report. In the 3 weeks prior to a primary election or general election, nonparticipating candidates who have exceeded the limits set forth in subsection (a) of section 3 shall file excess fundraising reports with the director every 4 days.

(e) A participating candidate running unopposed in the primary shall not be eligible for state matching funds but if the participating candidate has at least 1 opponent in the general election, he shall be eligible for a match on money raised during the primary election campaign and the general election, up to the limits set forth in section 3,

immediately upon a determination by the state secretary that the candidate has an opponent in the general election.

(f) Participating candidates shall not be eligible for additional public money in the event that a nonparticipating candidate raises in excess of the limits outlined in subsection (a) of section 3. Upon the determination that a nonparticipant has raised money in excess of the limits set forth in said subsection (a) of said section 3, section 1A and as allowed in section 5, the director shall notify the participating candidate that he shall raise private money in excess of the amounts outlined in said subsection (a) of said section 3. If the participating candidate is so notified, the participant shall be permitted to raise private money only in amounts that match the excess fundraising of the nonparticipating candidate.

Section 9. Within 2 weeks following a primary or general election for state office, any candidate who has received public matching funds under this chapter shall file a statement with the director showing the balance remaining in the candidate's depository account as of the primary or general election. Except as herein provided, any candidate having a surplus balance following any such primary or general election shall pay to the state treasurer for deposit to the state election campaign fund an amount determined by subtracting an amount equal to the minimum qualifying amount for the office sought and then dividing the remaining balance by 2. No participating candidate having a surplus balance following the primary shall be required to make payment on account of such surplus if the candidate is certified by the state secretary under section 2 as having qualified for the ballot and having opposition in the general election and is certified by the director as eligible for public matching funds for the general election."

Mr. Rosenberg in the Chair, after debate, the question on adoption of the amendment (O'Leary) to the pending amendment (Walsh, et al) was determined by a call of the yeas and nays, at twenty-eight minutes before nine o'clock P.M., on motion of Mr. O'Leary, as follows, to wit (yeas 14 — nays 22):

YEAS.

Brewer, Stephen M.	Murray, Therese
Fargo, Susan C.	O'Leary, Robert A.
Hedlund, Robert L.	Pacheco, Marc R.
Lees, Brian P.	Resor, Pamela
Magnani, David P.	Rosenberg, Stanley C.
Moore, Richard T.	Tisei, Richard R.
Morrissey, Michael W.	Tucker, Susan C. — 14.

NAYS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	Panagiotakos, Steven C.

Creedon, Robert S., Jr.	Shannon, Charles E.
Creem, Cynthia Stone	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Knapik, Michael R.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 22.

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at twenty-five minutes before nine o'clock P.M., the amendment to the pending amendment was *rejected*.

The President in the Chair, Mr. Tolman moved that the pending amendment (Senate, No. 2262) be amended in section 4 by inserting after the word "commonwealth" the following: "; provided not more than 1/10 of 1 percent of the budget is expended".

Pending the question on the adoption of the amendment, after debate, Mr. Nuciforo moved that the pending amendment, previously moved by Mr. Tolman, be further amended by substituting the following: in section 4, by inserting after the word "commonwealth" the following words:— "in an amount up to \$90 million per statewide election cycle".

After further debate, the further amendment (Nuciforo) to the pending amendment (Tolman) was considered; and it was adopted.

The pending amendment (Tolman), as amended (Nuciforo) to the proposed new draft (Walsh, et al) (Senate, No. 2262), was then considered; and it was adopted.

The question on adoption of the pending amendment, previously moved by Ms. Walsh, Ms. Wilkerson and Mr. Nuciforo, as amended, substituting, in part, a "Bill relative to public financing of campaigns for public office" (Senate, No. 2262, printed as amended), was determined by a call of the yeas and nays, at eighteen minutes past nine o'clock P.M., on motion of Ms. Wilkerson, as follows, to wit (yeas 19 — nays 18):

YEAS.

Antonioni, Robert A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Havern, Robert A.	O'Leary, Robert A.
Joyce, Brian A.	Pacheco, Marc R.
Knapik, Michael R.	Shannon, Charles E.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 19.

Montigny, Mark C.

NAYS.

Baddour, Steven A.	Moore, Richard T.
Birmingham, Thomas F.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Sprague, Jo Ann
Fargo, Susan C.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jacques, Cheryl A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C. — 18.

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at twenty minutes past nine o'clock P.M., the amendment was adopted.

The bill (Senate, No. 2262, printed as amended) was then read a second time, ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to repealing the clean elections law and establishing a limited public financing of campaigns for statewide elective office (Senate, No. 2257),— was then considered, the recurring question being on ordering the bill to a third reading.

Ms. Walsh, Ms. Wilkerson and Mr. Nuciforo moved that the bill be amended by substituting a new draft entitled a "Bill funding campaigns for public office" (Senate, No. 2263).

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes past nine o'clock P.M., on motion of Ms. Walsh, as follows, to wit (yeas 19 — nays 17):

YEAS.

Antonioni, Robert A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Havern, Robert A.	O'Leary, Robert A.
Joyce, Brian A.	Pacheco, Marc R.
Knapik, Michael R.	Shannon, Charles E.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Walsh, Marian

Menard, Joan M. Wilkerson, Dianne — 19.
Montigny, Mark C.

NAYS.

Baddour, Steven A.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Sprague, Jo Ann
Fargo, Susan C.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jacques, Cheryl A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C. — 17.
Moore, Richard T.	

ABSENT OR NOT VOTING.

Glodis, Guy W. — 1.

The yeas and nays having been completed at a half past nine o'clock P.M., the amendment (Senate, No. 2263) was adopted.

The bill (Senate, No. 2263) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Matter Taken Out of the Orders of the Day.

There being no objection, Mr. Lees moved that the following matter be taken out of the Orders of the Day and considered, as follows:

The Senate Bill promoting efficiency and fairness in environmental law enforcement (Senate, No. 2242) — was considered, the main question being on passing the bill to be engrossed.

The pending motion, previously moved by Mr. Lees, to postpone the matter to the next session, was *withdrawn*.

The question on passing it to be engrossed was then determined by a call of the yeas and nays, at twenty-eight minute before ten o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 35 — nays 0):

YEAS.

Antonioni, Robert A.	Morrissey, Michael W.
Baddour, Steven A.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.

Brewer, Stephen M.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 35.
Moore, Richard T.	

NAYS — 0.

ABSENT OR NOT VOTING.

Glodis, Guy W.
Joyce, Brian A. — 2.

The yeas and nays having been completed at twenty-six minutes before ten o’clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill regulating the sale of mercury thermometers (see House, No. 3772, amended) (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.**

Order Adopted.

On motion of Ms. Melconian,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday 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. Lees, at twenty-five minutes before ten o’clock P.M., the Senate adjourned to meet on the following Tuesday at eleven o’clock A.M.
