

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

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

Tuesday, September 3, 2002.

Met at seven minutes past eleven o'clock A.M. (Ms. Melconian in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

#### *Report.*

A report of the Capital Resource Company (under the provisions of Section 12 of Chapter 816 of the Acts of 1977) describing the formation and current status of said company (received Tuesday, September 3, 2002),— **was placed on file.**

#### PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5323) of Paul J. Donato, J. James Marzilli, Jr., and Charles E. Shannon (with the approval of the mayor and city council) that the Secretary of the Commonwealth be directed to place a certain question on the biennial state election ballot in the city of Medford in the current year concerning alcoholic beverage licenses for restaurants,— **was referred, in concurrence, to the committee on Election Laws.**

#### Bills

Relative to establishing an affordable housing trust fund in the city of Salem (House, No. 4916,— on petition) [Local approval received]; and

Relative to the indemnification of retired police officers and fire fighters in the town of Halifax (House, No. 5003, changed,— 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 Bill validating certain elections held in the town of Essex (printed in House, No. 4052,— being a message from His Excellency the Governor),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

#### *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 Michael W. Morrissey, Ronald Mariano and Joseph C. Sullivan (by vote of the town) for legislation to establish a capital investment fund in the town of Holbrook [Local approval received].

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

**Sent to the House for concurrence.**

*Matter Taken Out of the Orders of the Day.*

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

The House Bill establishing a department of finance and budget in the town of Lancaster (House, No. 5185) was read a second time.

Mr. Antonioni presented an amendment, in section 7, by striking out the word "shall", in line 3, and inserting in place thereof the following word:— "may".

**The amendment was adopted.**

**The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence. Sent to the House for concurrence in the amendment.**

PAPERS FROM THE HOUSE.

*Engrossed Bills.*

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

Establishing the crime of reckless endangerment to children (see Senate, No. 2340, amended);

Authorizing the town of Lexington to establish a post retirement insurance liability fund (see House, No. 4856); and

Authorizing the town of Shrewsbury to establish certain special funds (see House, No. 4940).

*Recess.*

At ten minutes past eleven o'clock A.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair, and at ten minutes before one o'clock P.M., the Senate reassembled, Ms. Melconian in the Chair.

PAPERS FROM THE HOUSE.

The Senate Bill establishing the crime of communicating a terroristic threat (Senate, No. 2122, amended),— came from the House with the endorsement that the House had concurred in the further Senate amendments (for text of Senate further amendments, see Senate document numbered 2460) *with a still further amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5322.

**The rules were suspended, on motion of Ms. Chandler, and the further House amendment was considered forthwith and adopted, in concurrence.**

*Order Adopted.*

On motion of Ms. Chandler,—

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

*Recess.*

At seven minutes before one o'clock P.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair, and at twenty-seven minutes past two o'clock P.M., the Senate reassembled, Ms. Melconian in the Chair.

PAPER FROM THE HOUSE.

*Emergency Preamble Adopted.*

An engrossed Bill providing protections against terrorism (see Senate, No. 2122, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 3 to 0.**

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

*Engrossed Bills.*

An engrossed Bill relative to acceptance of the municipal early retirement incentive by the town of Westport (see House Bill, printed in House, No. 5194, changed) (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, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President and laid before the Acting Governor for her approbation.**

An engrossed Bill relative to affordable housing in the town of Truro (see House, No. 4476, 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 re-enacted and was signed by the Acting President and again laid before the Acting Governor for her approbation.**

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

Providing protections against terrorism (see Senate, No. 2122, amended);

Directing the Secretary of the Commonwealth to place a certain nonbinding question on the biennial state election ballot in the city of Holyoke (see Senate, No. 2320, changed);

Establishing a paid sick leave bank for a certain employee of the Department of Social Services (see House, No. 5073, amended); and

Establishing a department of finance and budget in the town of Lancaster (see House, No. 5185, amended).

On motion of Mr. Knapik, at twelve minutes past three o'clock P.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.