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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, April 26, 2004.

Met according to adjournment at eleven o'clock A.M. (Mr. Rosenberg in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Senator from Hampden and Hampshire, Mr. Knapik, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Report of a Committee.

By Ms. Creem, for the committee on Taxation, on Senate, Nos. 1804 and 2180, an Order relative to authorizing the joint committee on Taxation to make an investigation and study of current Senate documents relative to taxation in the Commonwealth (Senate, No. 2335) [Local approval received on Senate, No. 2180];

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Committees Discharged.

Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Local Affairs and Regional Government to make an investigation and study of a certain current Senate document relative to preferred parking spaces (Senate, No. 2334),— and recommending that the same be referred to the Senate committee on Ethics and Rules.

Under Senate Rule 36, the report was considered forthwith and accepted.

Resolutions.

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

Resolutions (filed by Mr. Brown) “honoring H. Mason Hedberg”;

Resolutions (filed by Mr. Joyce) “congratulating Anthony L. Sarno”;

Resolutions (filed by Mr. Montigny) “honoring the memory of Sister Madeleine Clemence Vaillot”;

Resolutions (filed by Mr. Morrissey) “recognizing Captain Terence P. Kelly”;

Resolutions (filed by Mr. Pacheco) “congratulating Joseph L. Amaral”; and

Resolutions (filed by Mr. Pacheco) “congratulating Christopher Simister upon his elevation to the rank of Eagle Scout.”

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (both 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 Governor for his approbation, to wit:

Authorizing the city of Quincy to establish funds to enhance streets and sidewalks and to oversee the Quarry Hills recreation complex (see Senate, No. 2167); and

Relative to the charter of the town of Rockland (see Senate, No. 2189).

Emergency Preamble Adopted.

An engrossed Bill relative to the disposition of certain state-owned land in the city of Medford (see House, No. 3076), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 5 to 0.

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

Emergency Preamble Adopted, Engrossed Bill Enacted.

An engrossed Bill providing for cigarette escrow compliance (see House, No. 4327, 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 4 to 0.

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

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

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

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 exempting certain positions in the city of Westfield from the civil service law (printed as Senate, No. 1928),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Reports of Committees.

A report of the committee on Election Laws, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 2029) of Stanley C. Rosenberg and Ellen Story (by vote of the town) for legislation to authorize local voting rights for permanent resident aliens residing in the town of Amherst (the time within which said committee had to report having expired).

There being no objection, the rules were suspended, on motion of Mrs. Sprague, and the matter was considered forthwith. On further motion of Mrs. Sprague, the petition was recommitted to the committee on Election Laws.

Mr. Magnani, 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 campaign finance (House, No. 1268, changed).

Ms. Fargo moved that the rules be suspended to consider the matter forthwith,— **but objection was made thereto by Mr. Knapik; and the matter was placed in the Orders of the Day for the next session.**

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

The Senate Bill relative to the state wildfire team (Senate, No. 35) (the committee on Ways and Means having recommended that the bill be amended by striking out, in section 1, in line 7, the words “other than a temporary position in the employ of any employer” and inserting in place thereof the following words:— “in the employ of the commonwealth or of any city or town in the commonwealth, other than a temporary position.”; and by striking out, in section 1, the last sentence).

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

**was amended as recommended by the committee on Ways and Means.
The bill (Senate, No. 35, amended) was then ordered to a third reading.**

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

The Senate Bill penalizing domestic abusers (Senate, No. 154) (the committee on Ways and Means having recommended that the bill be amended recommending that the same ought to pass, substituting a new draft with the same title (Senate, No. 2328).

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

The bill (Senate, No. 2328, amended) was then ordered to a third reading.

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

The Senate Bill codifying the hepatitis C program (Senate, No. 553).

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

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

The Senate Bill relative to frozen desserts and frozen dessert mix (Senate, No. 586).

Ms. Fargo moved that the rules be suspended to consider the matter forthwith,— **but objection was made thereto by Mr. Knapik; and the matter was placed in the Orders of the Day for the next session.**

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

The Senate Bill relative to licensing of milk pasteurization plants located within the Commonwealth (Senate, No. 596).

Mr. Brewer moved that the rules be suspended to consider the matter forthwith,— **but objection was made thereto by Mr. Knapik; and the matter was placed in the Orders of the Day for the next session.**

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

The Senate Bill relative to the Department of Housing and Community Development (Senate, No. 700).

There being no objection, the rules were suspended, on motion of Mrs. Sprague, and the bill was read a second time and was ordered to a third reading.

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

The Senate Bill relative to managed care contracts with home health agencies (Senate, No. 860) (the committee on Ways and Means having recommended that the bill be amended recommending that the same ought to pass, substituting a new draft with the same title (Senate, No. 2329).

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

The bill (Senate, No. 2329, amended) was then ordered to a third reading.

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

The Senate Bill to protect consumers from unauthorized telephone and cable charges (Senate, No. 2031) (the committee on Ways and Means having recommended that the bill be amended recommending that the same ought to pass, substituting a new draft with the same title (Senate, No. 2330).

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

The bill (Senate, No. 2330, amended) was then ordered to a third reading.

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

The Senate Bill relative to banks and banking (Senate, No. 2045) (the committee on Ways and Means having recommended that the bill be amended by inserting, in section 1, after the definition of “Federal bank,” the following definition:— “ ‘Federal branch’, a branch in the commonwealth of any out-of-state federal bank.”; by striking out in section 4, the last sentence; by striking out, in section 15, the definition of “Real estate” and inserting in place thereof the following definition:— “ ‘Real estate’, land or property, without geographic limitation, including improved land with a dwelling, owner occupied dwellings, unimproved land, farmland, a unit of a condominium, shares of stock issued by a co-operative housing corporation, industrial and commercial property, leasehold interests created in air rights over land, and any other interest in land; but a loan secured by real estate shall include on a leasehold a lease which does not expire for at least 5 years beyond the maturity date of the loan.”; and by striking out, in section 15, in lines 154, 155 and 156, the word “stock”, each time it appears).

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

The bill (Senate, No. 2045, amended) was then ordered to a third reading.

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

The Senate Bill requiring college students immunization against meningococcal disease (Senate, No. 2159) (the committee on Ways and Means having recommended that the bill be amended in section 1, by striking out, in line 8, the word “residency” and inserting in place thereof the word:— “matriculation”, and in section 2, by striking out, in line 2, the words “for September” and inserting in place thereof the words:— “in or after August”) .

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

The bill (Senate, No. 2159, amended) was then ordered to a third reading.

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 Senate Bill regarding unlicensed practice of certain professions (Senate, No. 422),— **was read a second time and ordered to a third reading.**

Motions to Take Out of the Orders of the Day — Objections.

The Chair (Mr. Rosenberg) requested that the following matter be taken out of the Orders of the Day:

The Senate Bill to extend the ban on assault weapons and further reduce gun violence in the Commonwealth (Senate, No. 2282),— **but objection was made thereto by Messrs. Brewer and Knapik.**

The Chair (Mr. Rosenberg) requested that the following matter be taken out of the Orders of the Day:

The House Bill relative to certain separate accounts (printed as Senate, No. 850),— **but objection was made thereto by Mr. Knapik.**

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4692) of Thomas M. Petrolati, Reed V. Hillman, Stephen Kulik and Stanley C. Rosenberg relative to the Belchertown Economic Development Industrial Corporation;
Under suspension of Joint Rules 12 and 9, to the committee on Commerce and Labor.

Petition (accompanied by bill, House, No. 4691) of Thomas M. Finneran, John H. Rogers and other members of the House for a legislative amendment to the Constitution creating a permanent “Rainy Day” fund to provide stable revenues for the Commonwealth;
Under suspension of Joint Rule 12, to the committee on Ways and Means (Joint).

Order Adopted.

On motion of Mr. Knapik,—

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

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