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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, October 12, 2006.

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

The Chair (Mr. Panagiotakos), members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the Chair (Mr. Panagiotakos) handed the gavel to Messrs. Nuciforo and Joyce for the purpose of an introduction. Mr. Nuciforo, joined by Mr. Joyce, introduced a delegation of elected officials from Vietnam doing a political study tour with the American Council of Young Political Leaders. The delegates were Ms. Do Phuong Hanh, Secretariat of the Vietnam Association of Seafood Exporters and Producers, Mr. Ho Dai Dung, Vice Director of the Socio-Cultural Development Department, Ms. Nguyen Thi Thanh, a member of the Standing Committee, Mr. Nguyen Trung Diep, Official in charge of External Relations and NGO aid, Mr. Troung Hong Son, Deputy Director of the Legal Division of the Vietnam Petroleum Corporation, the Head of the Delegation, Mr. Hoang Xuan Luong, President of the Union of Friendship Organizations and the Vietnam-USA Society Escort, Mr. Nguyen Song Binh, Assistant Director of North American Department of the Vietnam Union Friendship Organization.

Reports.

The following reports were severally read and placed on file:

A report of the Human Resources Division (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a listing of Civil Service public safety police promotional lists that have been revoked by the Personnel Administrator as of October 1, 2006 (received Wednesday, October 4, 2006);

A report of the Human Resources Division (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a listing of Civil Service public safety fire promotional lists that have been revoked by the Personnel Administrator as of October 1, 2006 (received Wednesday, October 4, 2006); and

A report of the Massachusetts Legal Assistance Corporation (under the provisions of Section 10 of Chapter 221A of the General Laws) submitting a copy of its annual report for Fiscal Year 2006 (received Friday, October 6, 2006).

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5317) of Robert A. DeLeo and others (with the approval of the mayor and city council) for legislation to further regulate the issuance of second-hand motor vehicle licenses in the city of Revere;

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 5318) of Arthur J. Broadhurst (with the approval of the mayor and city council) for legislation to exempt Jeffrey L. Beohner and John Zaccari from the maximum age requirements for applying for civil service

appointment as a police officer in the city of Methuen;
To the committee on Public Service.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Messrs. Antonioni and Brewer, Ms. Chandler and Mr. Rosenberg) “recognizing the 100th anniversary of the Gardner Visiting Nursing Association, Inc.”;
Resolutions (filed by Mr. Brown) “congratulating Frank J. Gross on the occasion of his retirement”;
Resolutions (filed by Ms. Chandler) “congratulating the Heinz Family Philanthropies’ Women’s Health and Environment Conference on its 10th anniversary”;
Resolutions (filed by Mr. Hedlund) “congratulating Raymond Barter”;
Resolutions (filed by Mr. Travaglini) “on the fiftieth anniversary of the 1956 Hungarian Revolution for Freedom and Democracy”;
Resolutions (filed by Ms. Walsh) “congratulating Charles W. Flahive on the occasion of the dedication of the Charles W. Flahive Field at Westwood High School”;
Resolutions (filed by Ms. Walsh) “congratulating James J. Rush on his retirement from the Commonwealth of Massachusetts Probation Department”; and
Resolutions (filed by Ms. Wilkerson) “commending John B. Cruz, Jr.

PAPERS FROM THE HOUSE.
Emergency Preamble Adopted.

An engrossed Bill designating the annual observance of Massachusetts History Day and establishing a special commission on civic engagement and learning (see House, No. 3465, amended), having been certified by the Senate Clerk to be rightly a 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 (Mr. Panagiotakos) and sent to the House for enactment.

A Bill relative to the date for the installation of carbon monoxide alarms and smoke detectors in residential buildings (House, No. 5139,— on petition), was read.

There being no objection, the rules were suspended, on motion of Mr. Nuciforo, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act postponing the requirement for installation of carbon monoxide alarms in certain residential buildings”.

A Bill designating in the towns of Arlington, Lexington, Lincoln and Concord a scenic byway to be known as “The Battle Road: The Road to Revolutions” (House, No. 5222,— on petition),— **was read.**

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

Mr. Havern presented an amendment adding the following paragraph:

“Notwithstanding any general or special law to the contrary, the department of highways shall be responsible for routine maintenance on the state-owned portions of the Battle Road: the Road to Revolutions scenic byway. For the purposes of this paragraph, routine maintenance shall include, but not be limited to, resurfacing, guard rail repair, drainage improvements, traffic signals and sign replacement and repair, bridge repair and other roadway maintenance functions.”

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act designating in the towns of Arlington, Lexington, Lincoln and Concord a scenic byway to be known as The Battle Road: the Road to Revolutions”.

Sent to the House for concurrence in the amendment.

The engrossed Bill relative to county roads (see Senate No. 2085),— **came from the House having been amended at the enactment stage by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5315.**

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

Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Resolve providing for an investigation and plan by a special commission relative to ending homelessness in the Commonwealth (see House, No. 5206) [for message, see House, No. 5264],— came from the House with an amendment in the form approved by the committee

on Bills in the Third Reading as follows:—

By striking out section 1 and inserting in place thereof the following section:

“SECTION 1. There shall be a special commission for the purpose of devising a statewide strategy to end homelessness in the commonwealth. The commission shall consist of 5 members of the senate, one of whom shall be a member of the minority party, 5 members of the house of representatives, one of whom shall be a member of the minority party, the director of housing and community development or his designee, the commissioner of mental health or her designee, the commissioner of transitional assistance of his designee, the secretary of veterans’ services of his designee, 3 mayors of their designees nominated by the Massachusetts Municipal Association, the president of the Massachusetts Sheriffs’ Association or his designee, the chief justice of the housing court of his designee, 6 persons to be appointed by the governor, and each member of the interagency council on homelessness and housing, established by Executive Order number 454 dated November 20, 2003. The governor shall designate a member of the commission to serve as co-chairperson. The commission’s strategy shall outline the necessary steps to replace the decade-old system of ad hoc and disparate emergency responses to homelessness with a coordinated and consolidated plan for permanent solutions to homelessness involving housing, economic development, and job creation.”; in section 2, by striking out the introductory paragraph and inserting in place thereof the following paragraph:

“The commission shall utilize and incorporate the work of the interagency council on homelessness and housing and shall, by June 30, 2007, develop a comprehensive housing plan to end homelessness in the commonwealth, including a consensus budget proposal, capable of being implemented over a 5 year period, with a focus as follows:—” ; and in section 4 by striking out the last sentence and inserting in place thereof the following sentence: “The commission’s role shall be advisory in nature, and its recommendations, decisions, and actions shall not be binding on the executive branch or the legislative branch. One year from the effective date of this act, the commission shall be dissolved and any of its remaining responsibilities shall be assumed by the interagency council on homelessness and housing.”.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Nuciforo, and the Governor’s amendment was considered forthwith and adopted, in concurrence.

Sent to the House for re-enactment.

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the House Bill establish a sick leave bank for Leo D. Shea, an employee of the Trial Court (House, No. 5252),— **ought to pass.**

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

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 (Mr.

Panagiotakos) and laid before the Governor for his approbation, to wit:

Relative to the Nantucket Housing Authority (see Senate, No. 2103, amended);

Relative to the Northern Berkshire Solid Waste District (see House, No. 1340);

Granting creditable service to certain members of the Cambridge retirement system (see House, No. 4460); and

Designating a state highway in the town of Harwich as Route 28-Head of the Bay Road (see House, No. 4751, changed).

Report of a Committee.

By Ms. Murray, for the committee on Ways and means, on petition (accompanied by bill, Senate, No. 2019), a Bill authorizing certain borrowing by Bunker Hill Community College (Senate, No. 2729).

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

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill designating the annual observance of Massachusetts History Day and establishing a special commission on civic engagement and learning (see House, No. 3465, 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 Acting President (Mr. Panagiotakos) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Knapik,—

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

On motion of Mr. Tisei, at eighteen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.