

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.

Monday, February 13, 2006.

Met at one minute past eleven o'clock A.M. (Mr. Rosenberg in 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.

Petitions.

Mr. Knapik presented a petition (accompanied by bill, Senate, No. 2372) of Michael R. Knapik for legislation to permit the reinstatement of Roger B. Cataldo to the police department of the town of Southwick [Local approval received],— and the same was referred, under Senate Rule 20, to the committee on Public Service.

Sent to the House for concurrence.

Mr. Moore presented a petition (subject to Joint Rule 12) of Richard T. Moore and Jennifer M. Callahan for legislation to designate the bridge on Route 16 over the Mumford River in Uxbridge as the Olympic Medalist Alice Bridges Bridge,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Ms. Spilka, for the committee on Children and Families, on petition (accompanied by bill, Senate, No. 109), a Bill establishing a special commission to study essential health services in Massachusetts public schools (Senate, No. 2370); **Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.**

By Ms. Spilka, for the committee on Children and Families, on petition, a Bill to increase participation in children's health insurance programs (Senate, No. 72, changed in section 1 by striking out the number "1998", in line 2, and inserting in place thereof the number "2004");

By the same Senator, for the same committee, on petition, a Bill ensuring low-income children's access to basic health care (Senate, No. 91, changed by striking out section 2 in its entirety);

By the same Senator, for the same committee, on petition, a Bill to ensure affordable premiums for the children's medical security plan (Senate, No. 93);

By the same Senator, for the same committee, on petition, a Bill relative to medical and dental care for foster children (Senate, No. 96);

By the same Senator, for the same committee, on petition, a Bill to assess the impact of the public welfare system on the health and well-being of children (Senate, No. 98, changed in section 1 by striking out the words "Human Service Committee", in line 13, and inserting in place thereof the words "Children and Families Committee" and in the same section by striking out the words "the Health Care Committee", in line 14, and inserting in place thereof the words "the Public Health Committee");

By the same Senator, for the same committee, on petition, a Bill ensuring access to basic health care for children and young adults (Senate, No. 99); and

By the same Senator, for the same committee, on petition, a Bill relative to improvements in private duty nursing care for developmentally disabled children (Senate, No. 138, changed in section 1 by striking out the words “human services and elderly affairs”, in line 51, and inserting in place thereof the words “children and families”);

Read and, under Joint Rule 1E, referred to the committee on Health Care Financing.

By Ms. Spilka, for the committee on Children and Families, on petition, a Bill to provide an income tax exemption for families caring for their elderly relative at home (Senate, No. 114, changed in section 4 by striking out the number “1998”, in line 2, and inserting in place thereof the number “2007”); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 75), a Bill protecting the rights of nursing mothers (Senate, No. 2369);

Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Committees Discharged.

Ms. Murray, for the committee on Ways and Means, reported, asking to be discharged from further consideration

Of the Senate Bill relative to credit union mortgages (Senate, No. 660);

Of the Senate Bill relative to rates of pilotage (Senate, No. 2204);

Of the Senate Bill relative to corporate credit unions (Senate, No. 2286); and

Of the Senate Bill relative to the conversion by a Massachusetts chartered credit union to a federal charter (printed as House, No. 2982);

And recommending that the same severally be referred to the Senate committee on Ethics and Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Ms. Spilka, for the committee on Children and Families, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 105) of Richard T. Moore, Shirley Gomes, Christine E. Canavan, Edward G. Connolly and other members of the General Court for legislation relative to the pediatric private duty nursing program,— and recommending that the same be referred to the committee on Labor and Workforce Development.

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

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Bills

Relative to the environmental trust (House, No. 1283,— on petition);

Relative to terminal audits for commercial vehicles (House, No. 2113, amended,— on petition); and

Relative to preserving federal highway funds and ensuring compliance with the Federal Motor Carrier Safety Improvement Act (House, No. 4488, amended,— on House, No. 4054);

Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

A Bill establishing identification requirements for voters who register by mail (House, No. 92,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill establishing a public safety injured on duty medical expenses trust fund in the town of Brookline (House, No. 4122,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Resolutions.

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

Resolutions (filed by Mr. Rosenberg) “commending Barry L. Del Castillo.”

Communication.

February 10, 2006.

Mr. William F. Welch
Clerk of the Massachusetts Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

Due to unforeseen events, I was absent from the Senate Chamber for the roll call votes on Thursday, February 9th. I was in Arkansas to attend the funeral of a fallen officer and to honor his service and assistance to the New Bedford Police Department. As a result, I missed the vote relative to the question on engrossing S.2206, An Act relative to student records. Had I been present for this vote, I would have voted in the affirmative. In addition, I missed the vote relative to the acceptance of the conference committee report on H.4679, An Act relative to making investments in the Commonwealth for the purposes of stimulating the economy. Had I been present for this vote, I would have voted in the affirmative. I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for Thursday, February 9, 2006. Thank you in advance for your assistance in this matter.

Sincerely,
MARK C. MONTIGNY.

On motion of Ms. Chandler, the above communication was ordered printed in the Journal of the Senate.

PAPER FROM THE HOUSE.

A communication (accompanied by bill, Senate, No. 2354) of Patricia D. Jehlen and other members of the General Court that the Parole Board be directed to establish regional intensive parole sex offender programs throughout the Commonwealth,— came from the House with endorsement that the House had NON-concurred in the reference to the committee on State Administration and Regulatory Oversight, and had referred the communication to the committee on Public Service.

On motion of Ms. Wilkerson, the Senate receded from its reference to the committee on State Administration and Regulatory Oversight and concurred in the reference to the committee on Public Service.

Recess.

There being no objection at five minutes past eleven o'clock A.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and at fourteen minutes past two o'clock P.M., the Senate reassembled, Mr. Rosenberg in the Chair.

Reports of Committees.

Mr. Moore, for the committee on Health Care Financing, that the Senate Bill further regulating organ and tissue donations (Senate, No. 2353),— ought to pass.

There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was considered forthwith. Pending the question on passing the bill to be engrossed, Ms. Chandler offered an amendment in section 1, by inserting after the word "shall", in line 14, the following words:— " , subject to hospital protocols consistent with applicable federal laws and regulations,".

The amendment was **adopted**.

**The bill (Senate, No. 2353, amended) was then passed to be engrossed.
Sent to the House for concurrence.**

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill supporting access and excellence in public higher education (Senate, No. 2364),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2371).**

Order Adopted.

Ms. Murray presented the following order, to wit;

Ordered, That, notwithstanding Senate Rule 7 or any other rule to the contrary:

- (1) the Senate bill supporting access and excellence in public higher education (Senate, No. 2364), with the new draft proposed by the Committee on Ways and Means (Senate, No. 2371) pending, shall be placed in the Orders of the Day for Wednesday, February 15, 2006 for its second reading;
- (2) all amendments to the proposed new draft shall be filed electronically in the office of the Clerk of the Senate by 2:00 P.M. on Tuesday, February 14, 2006;
- (3) all such amendments shall be second reading amendments, but further amendments in the third degree to such amendments shall be in order. After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the Committee on Bills in the Third Reading.

There being no objection, the order was considered forthwith and adopted.

The bill (Senate, No. 2364) was then placed in the Orders of the Day for Wednesday, February 15 for a second reading with the amendments pending.

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
SENATE MAJORITY LEADER
STATE HOUSE, BOSTON 02933-1053

February 13, 2006.

William Welch, Clerk
Massachusetts State Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

Due to a recent medical procedure I was unable to attend the Senate session on February 9, 2006. Had I been present, I would have voted in favor of Senate Bill, No. 2206, An Act Relative to Student Records and House Bill, No. 13, An Act to Increase the Amount of Benefit to Children Who are Survivors in the Case of an Accidental Death Benefit Under the Provisions of Chapter 32.

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for February 9, 2006. Thank you in advance for your attention to this important matter.

Sincerely,
FREDERICK E. BERRY,
Majority Leader.

On motion of Ms. Chandler, the above communication was ordered printed in the Journal of the Senate.

Order Adopted.

On motion of Mr. Knapik,—

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

On motion of the same Senator, at eighteen minutes past two o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.