

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.

Wednesday, May 3, 2006.

Met at six minutes past eleven o'clock A.M. (Ms. Wilkerson 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 (Ms. Wilkerson), members, guests and employees then recited the pledge of allegiance to the flag.

Reports.

A report of the Special Commission to Study the Feasibility of Constructing a New Inpatient Facility in Central Massachusetts for Clients of the Department of Mental Health (pursuant to Section 364 of Chapter 149 of the Acts of 2004) submitting its final report (received Tuesday, April 25, 2006),— was placed on file.

The following reports were severally read and sent to the House for its information:

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Western Massachusetts Correctional Alcohol Center (received Monday, April 24, 2006); and
A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Essex County Correctional Facility (received Friday, April 28, 2006).

Petitions.

Petitions were presented and referred, as follows:

By Mr. McGee, a petition (subject to Joint Rule 12) of Thomas M. McGee, Robert F. Fennell, Stephen M. Walsh, Mark V. Falzone and other members of the General Court for legislation to restrict the use of certain amusement devices; and
By Mr. Timilty, a petition (subject to Joint Rule 12) of James E. Timilty, Pamela P. Resor, Richard T. Moore, Jennifer M. Callahan and other members of the General Court for legislation to further regulate tanning facilities;
Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. O'Leary, for the committee on Higher Education, on petition (accompanied by bill, Senate, No. 2476), an Order relative to authorizing the joint committee of Higher Education to make an investigation and study of Senate document numbered 2476, relative to higher education (Senate, No. 2506); and

By Mr. Morrissey, for the committee on Telecommunications, Utilities and Energy, on petition (accompanied by bill, Senate, No. 2478), an Order relative to authorizing the joint committee on Telecommunications, Utilities and Energy to make an investigation and study of current Senate document numbered 2478, relative to assessing spent nuclear fuel (Senate, No. 2513);

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently,

By Mr. Baddour, for the committee on Transportation, on petition (accompanied by bill, Senate, No. 2315), a Bill relative to regional transit authorities (Senate, No. 2508) (Estimated cost — Bond authorization — \$75,000,000) [Representatives LeDuc of Marlborough, Linsky of Natick and Loscocco of Holliston dissenting];

Read and under Joint Rule 1F, referred to the committee on Bonding, Capital Expenditures and State Assets.

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition, a Bill requiring a state zoning guide for social service agencies and municipalities (Senate, No. 2477);

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

Mr. Buoniconti, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill relative to the negotiation of taxes due under a tax increment financing (TIF) (Senate, No. 1701).

PAPER FROM THE HOUSE.

A Bill to clarify eligibility for health insurance for school employees (House, No. 4654,— on House, No. 281),— *was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.*

There being no objection, at twelve minutes past eleven o'clock A.M., the Chair (Ms. Wilkerson), declared a recess subject to the call of the Chair; and, at one minute past twelve o'clock noon, the Senate reassembled, Ms. Wilkerson in the Chair.

Matters Taken Out of the Orders of the Day.

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

The Senate Bill authorizing the town of Bellingham to establish a group insurance liability fund (Senate, No. 2260),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill relative to regional transit authorities advisory boards (Senate, No. 2131),— **was read a second time. Mr. Baddour presented an amendment substituting a new draft entitled “An Act requiring a disabled commuter representative on regional transit advisory boards” (Senate, No. 2509).**

The amendment was adopted.

The bill (Senate, No. 2509) was then ordered to a third reading.

The Senate Bill further regulating college student meningococcal disease immunization (Senate, No. 2173),— **was read a second time.**

The pending amendment, previously recommended by the committee on Health Care Financing, substituting a new draft with the same title (Senate, No. 2290),— was considered.

Pending the question on a adoption of the amendment, Mr. Hart presented an amendment striking out the word “private”, in lines 5 and 7.

The further amendment was adopted.

The pending Health Care Financing amendment was then adopted, as amended.

The bill (Senate, No. 2290, amended) was then ordered to a third reading.

The Senate Bill authorizing campaign contributions by debit card (Senate, No. 2340),— was read a second time and ordered to a third reading.

Reports of Committees.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to appointment of the Metropolitan Humane Society as special state police officers (Senate, No. 1651),— **ought to pass.**

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

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to the investment of reserves by dental service corporations (Senate, No. 2196),— **ought to pass.**

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

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to the minimum pension for retirees (Senate, No. 2292),— **ought to pass.**

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

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill further regulating the rights of an adopted child (Senate, No. 2441),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2510). There being no objection, the rules were suspended, on motion of Mr. McGee, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill (Senate, No. 2510) was then ordered to a third reading.**

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey and acquire certain parcels of land in the town of Bridgewater (Senate, No. 2458),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2511). There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill (Senate, No. 2511) was then ordered to a third reading.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to terminal audits for commercial vehicles (House, No. 2113, amended),— **ought to pass, with an amendment inserting before the enacting clause the following emergency preamble:**
“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to ensure compliance with federal law and ensure the availability of federal highway grants, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.”.
There being no objection, the rules were suspended, on motion of Mr. McGee, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to HIV and Hepatitis C prevention (House, No. 4176),— **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2512. Mr. McGee moved to suspend the rules to consider the matter forthwith; but objection was made thereto by Mr. Tarr. Under Senate Rule 26, referred to the committee on Ethics and Rules. Subsequently, Mr. Buoniconti, for the said committee, reported, that the matter be placed in the Orders of the Day for the next session.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to preserving federal highway funds and ensuring compliance with the Federal Motor Carrier Safety Improvement Act (House, No. 4488, amended),— **ought to pass, with an amendment inserting before the enacting clause the following emergency preamble:**
“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to ensure compliance with the federal Motor Carrier Safety Improvement Act and preserve federal highway funds, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.”.
There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to the development of underused state owned real property and the disposition of state owned surplus real property (House, No. 4491),— **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2463. There being no objection, the rules were suspended, on motion of Mr. McGee, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was the ordered to a third reading.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for John Lavoie, an employee of the Department of Correction (House, No. 4566, changed),— **ought to pass. There being no objection, the rules were suspended, on motion of Mr. McGee, and the bill was read a second time and ordered to a third reading.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Jean Simonelli, an employee of the Massachusetts Department of Revenue (House, No. 4784),— **ought to pass. There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and ordered to a third reading.**

Mr. Buoniconti, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:
The House Bill establishing a primary seat belt law (House, No. 229).
There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time and ordered to a third reading.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to the city of Peabody Municipal Light Plant (see House, No. 4462, 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 (Ms. Wilkerson) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. McGee,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session.

On motion of Mr. Tarr, at eleven minutes past twelve o'clock noon, the Senate adjourned to meet on the following day at one o'clock P.M.