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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, May 4, 2006.

Met at two minutes past one o'clock P.M. (Ms. Menard in the Chair).

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Joyce for the purpose of an introduction. Mr. Joyce, along with Mr. Morrissey, then introduced, in the rear of the Chamber, Brian Bearde of Braintree, Kristen Miller of Quincy, and Makayla Miller of Quincy.

There being no objection, during the consideration of the Orders of the Day, the following guests were recognized:

The Chair (Mr. Rosenberg) handed the gavel to Mr. Brown for the purpose of an introduction. Mr. Brown then introduced, seated in the Senate Gallery, the 2006 Needham Pee Wee Hockey B1 Rockets. The team won their second consecutive State Championship on Sunday, March 5, 2006. They were accompanied by Coaches John Frascotti, Nick Arnao and Brian Holland.

The Chair (Mr. Rosenberg) handed the gavel to Mr. Brown for the purpose of an introduction. Mr. Brown, along with Ms. Spilka, then introduced the Franklin High School Grand National Cheerleading Team. In February of this year, they won the Athletic Cheer and Dance National Championship in Providence, Rhode Island. They were accompanied by their Coach, Marcia Ray.

The President handed the gavel to Mr. Antonioni for the purpose of an introduction. Mr. Antonioni then introduced, in the rear of the Chamber, Jarom Bell and his father Chris Bell. Jarom is an honored freshman at the North Charter Essential School in Fitchburg and a volunteer at the Young Men's Program for the Church of Jesus Christ of Latter Day Saints. This past December, his dedication led him to a remarkable achievement of becoming an Eagle Scout at 14 years old. Jarom conducted an extensive Trail Restoration effort at the Massachusetts Audubon Society's Flat Rock Sanctuary in Fitchburg.

Report.

A report of the Norfolk County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting a plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight and the Committee on Economic Development and Emerging Technologies) (received Friday, April 28, 2006),— **was placed on file.**

Reports of Committees.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition (accompanied by bill, Senate, No. 2473), an Order relative to authorizing the joint committee on Bonding, Capital Expenditures and State Assets to make an investigation and study of current Senate document numbered 2473, relative to certain land in the towns of Acton and

Concord (Senate, No. 2515);

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

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition (accompanied by bill, Senate, No. 2475), a Bill to reduce carbon dioxide emissions through participation in the regional greenhouse gas initiative (Senate, No. 2516);

Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition, a Bill increasing the expenditure limit on revolving funds in the city of Attleboro (Senate, No. 2495) [Local approval received];

Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

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 designating a bridge in the city of Amesbury as the First Lieutenant Derek S. Hines Memorial Bridge (House, No. 4803).

Committee Discharged.

Mr. Buoniconti, 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 of Higher Education to make an investigation and study of Senate document numbered 2476 relative to higher education (Senate, No. 2506); and

Of the Senate 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);

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.

Papers from the House.

A communication from the Commissioner of Banks (under Section 6A of Chapter 171 of the General Laws) submitting a summary of proposed regulations for the implementation of federal credit union parity (House, No. 4922),— **was referred, in concurrence, to the committee on Financial Services.**

Notice was received from the House of Representatives that the House conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution has called for a joint session of the two houses, for the purpose of considering the following proposals for legislative amendments to the Constitution:

Proposal for a legislative amendment to the Constitution prohibiting eminent domain takings for the purpose of economic development (House, No. 4604),— **with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass, the time within which the said committee was required to report having expired.**

Recess.

There being no objection, at three minutes past one o'clock P.M., the Chair (Ms. Menard) declared a recess subject to the call of the Chair; and, at twenty-five minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

The Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, offered the following prayer:

“Heavenly Father, you are the real foundation of nations, raising them up to serve and care for the people dwelling in their boundaries. I thank you for making me a citizen of this land of freedom and unlimited opportunity these United States. Send forth your Spirit to this country and make it a source of wisdom and strength, order and integrity throughout the world. Amen.”

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

Resolutions.

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

Resolutions (filed by Messrs. Baddour, Augustus, Barrios, Brewer and Brown, Ms. Creem, Messrs. Havern, Joyce, Knapik, McGee, Montigny and Moore, Ms. Murray, Messrs. Nuciforo and Panagiotakos, Ms. Spilka, Mr. Timilty and Ms. Tucker) “recognizing Multiple Sclerosis Week, May 15 to 19, 2006”;

Resolutions (filed by Messrs. Berry, Baddour, McGee and Tarr and Ms. Tucker) “congratulating the Essex National Heritage Commission on the occasion of its tenth anniversary”;

Resolutions (filed by Messrs. Moore, Augustus and Brown, Ms. Chandler, Mr. Havern, Ms. Jehlen, Messrs. McGee and Morrissey, Ms. Murray, Mr. Pacheco, Ms. Resor, Messrs. Rosenberg, Tarr and Timilty, Ms. Tucker and Ms.

Wilkerson)”memorializing the Congress of the United States to take immediate action to address the rising price of gasoline”;

and
Resolutions (filed by Mr. Pacheco) “congratulating Thomas R. Gray on his Eagle Scout Award.”

Orders of the Day.

The Orders of the Day were considered, as follows:

Mr. Rosenberg in the Chair, the Senate Bill authorizing the Massachusetts Highway Department to install certain signs (Senate, No. 1928),— **was read a second time and ordered to a third reading.**

The Senate bills

Further regulating the investment of reserves by dental service corporations (Senate, No. 2196) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing campaign contributions by debit card (Senate, No. 2340);

Requiring a disabled commuter representative on regional transit advisory boards (Senate, No. 2509); and

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. 2511);

Were severally read a third time and passed to be engrossed.

Severally sent to the House for concurrence.

The House bills

Establishing a sick leave bank for John Lavoie, an employee of the Department of Correction (House, No. 4566, changed); and
Establishing a sick leave bank for Jean. Simonelli, an employee of the Department of Revenue (House, No. 4784) (its title having been changed by the committee on Bills in the Third Reading);

Were severally read a third time and passed to be engrossed, in concurrence.

The House Bill authorizing terminal audits for commercial vehicles (House, No. 2113, amended) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence, with an amendment.**

Sent to the House for concurrence in the amendment previously adopted by the Senate.

The Senate Bill to provide for the public inspection of records made or received by special state police officers at educational institutions and hospitals (Senate, No. 1735),— **was considered; and it was ordered to a third reading.**

The Senate Bill relative to the licensure of animal control officers (Senate, No. 1190),— **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Moore moved that the bill be amended by substituting a new draft with the same title (Senate, No. 2518).

The amendment was adopted.

After remarks, the bill (Senate, No. 2518) was ordered to a third reading.

The Senate Bill relative to the Massachusetts Water Resources Authority employees’ retirement system (Senate, No. 1501),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. McGee moved that the bill be amended by substituting a new draft entitled “An Act changing the membership of the retirement board of the Massachusetts Water Resources Authority employees’ retirement system” (Senate, No. 2507).

This amendment was adopted.

The bill (Senate, No. 2507) was then passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill further regulating college student meningococcal disease immunization (Senate, No. 2290),— was read a third time and passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill authorizing appointment of agents of the Metropolitan Humane Society as special state police officers (Senate, No. 1651) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time.**

Pending the question on passing the bill to be engrossed, on motion of Ms. Creem, the bill was recommitted to the committee on Bills in the Third Reading.

The Senate Bill further regulating the rights of an adopted child (Senate, No. 2510),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill establishing a primary seat belt law (House, No. 229),— **was read a third time.**

Pending the question on passing the bill to be engrossed, after remarks, on motion of Ms. Wilkerson, the further consideration thereof was postponed until Thursday, May 11.

The House Bill relative to preserving federal highway funds and ensuring compliance with the Federal Motor Carrier Safety Improvement Act (House, No. 4488, amended),— **was read a third time and passed to be engrossed, in concurrence, with an amendment.**

Sent to the House for concurrence in the amendment previously adapted by the Senate.

The engrossed Bill relative to certain motor vehicle violations (see Senate, No. 2132, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— **was considered, the main question being on passing the bill to be enacted.**

Pending the question on adoption of the amendment, previously moved by Mr. Lees, and pending the main question on passing the bill to be enacted, on motion of Mr. Pacheco, the further consideration thereof was postponed until Thursday, May 11.

The Senate Bill promoting school nutrition (Senate, No. 2373),— **was considered; the question being on passing it to be engrossed.**

On motion of Mr. Moore, the further consideration thereof was postponed until Thursday, May 18.

The Senate Resolutions (filed by Messrs. Nuciforo, Augustus and Barrios, Ms. Creem, Ms. Fargo, Mr. Havern, Ms. Jehlen, Messrs. McGee, O’Leary and Rosenberg, Ms. Resor, Mr. Pacheco, Ms. Chandler, Ms. Spilka, Mr. Tolman and Ms. Tucker) “affirming the civil rights and liberties of the people of Massachusetts.”,— **was considered.**

The pending motion, previously moved by Mr. Tisei, to lay the matter on the table was considered; and it was negated.

There being no objection, Mr. Nuciforo moved that his request for a call of the yeas and the nays on the question on adoption of the resolutions, which was made at a previous session, be withdrawn; and this motion prevailed.

The resolutions were then further considered, and were adopted.

The Senate Bill further regulating intermunicipal agreements (Senate, No. 1174),— **was considered.**

Pending the amendment previously moved by Ms. Fargo, Ms. Creem and Mr. Timilty, and pending the main question on passing it to be engrossed, on motion of Ms. Fargo, the further consideration thereof was postponed until Thursday, May 11.

The Senate Bill further regulating the consignment of fine art (Senate, No. 2461),— **was considered; and it was passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill relative to assault with bodily fluids upon correction officers (Senate, No. 1324, changed),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Augustus moved that the bill be amended by substituting a new draft entitled “An Act punishing assault and battery by means of a bodily substance upon correctional facility employees” (Senate, No. 2517).

Pending the question on adoption of the amendment, Mr. Lees moved that the amendment be amended by adding the following section:—

“SECTION 2. Subclause (iii) of clause (c) of subsection (1) of section 13B of chapter 268 of the General Laws, as appearing in section 3 of chapter 48 of the acts of 2006, is hereby amended by inserting after the words “probation officer” the following words:— , correction officer.”

The further amendment was adopted.

The pending amendment was then adopted, as amended.

After remarks, the question on passing the bill to be engrossed was determined by a call of yeas and nays, at thirteen minutes past two o’clock P.M., on motion of Mr. Lees, as follows to wit (yeas 39 — nays 0) [**Yeas and Nays No. 242**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.

Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Havern, Robert A. Timilty, James E.
Hedlund, Robert L. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
Knapik, Michael R. Walsh, Marian
Lees, Brian P. Wilkerson, Dianne —
39.

McGee, Thomas M.

NAYS — 0.

The yeas and nays having been completed at twenty minutes past two o'clock P.M., the bill (Senate, No. 2517, amended) was passed to be engrossed.
Sent to the House for concurrence.

Papers from the House.

Message from the Governor — Disapprovals in Health Care Access Bill.

The President in the Chair, there being no objection, during the consideration of the Orders of the Day, a message from His Excellency the Governor, returning, with his disapproval of certain sections contained in the engrossed Bill promoting access to affordable, quality, accountable health care (see House, No. 4479, amended), which on Wednesday, April 5, 2006, had been laid before the Governor for his approbation,— **came from the house, in part, several sections having been passed by the House notwithstanding the disapproval of the Governor.**

The message (House, No. 4857) was read; and the Senate proceeded to reconsider several items, which had been disapproved in accordance with the provisions of the Constitution.

Section 5 (Public Health Council) was considered as follows:

“SECTION 5. Chapter 17 of the General Laws is hereby amended by striking out section 3, as so appearing, and inserting in place thereof the following section:—

Section 3. (a) There shall be a public health council to advise the commissioner of public health and to perform other duties as required by law. The council shall consist of the commissioner of public health as chairperson and 17 members appointed for terms of 6 years under this section. The commissioner may designate 1 of the members as vice chairperson and may appoint subcommittees or special committees as needed.

(b) Five of the appointed members shall be the chancellor of the University of Massachusetts Medical School or his designee; the dean of the University of Massachusetts Amherst School of Public Health and health Sciences or his designee; the dean of the Harvard University School of Public Health or his designee; the dean of Public Health Program at Tufts University School of Medicine or his designee, and the dean of the Boston University School of Public Health or his designee.

(c) Six of the appointed members shall be providers of health services: 1 shall be the chief executive officer of an acute care hospital appointed by the Massachusetts Hospital Association; 1 shall be the chief executive officer of a skilled nursing facility appointed by the Massachusetts Extended Care Federation; 2 shall be registered nurses, to be appointed by the board of registration of nurses and shall be the highest vote-getters on a mail ballot sent to the address of record of all registered nurses licensed by the board of registration of nurses, 1 of whom shall be a nurse executive; and 2 shall be physicians appointed by the Massachusetts Medical Society, 1 of whom shall be a primary care physician.

(d) Six of the appointed members shall be non-providers: 1 shall be appointed by the secretary of elder affairs; 1 shall be appointed by the secretary of veterans' services; 1 shall be appointed by Health Care For All, Inc.; 1 shall be appointed by the Coalition for the Prevention of Medical Errors, Inc.; 1 shall be appointed by the Massachusetts Public Health Association; and 1 shall be appointed by the Massachusetts Community Health Worker Network.

(e) For purposes of this section, “non-provider” shall mean a person whose background and experience indicate that he is qualified to act on the council in the public interest; who, and whose spouse, parents, siblings or children, have no financial interest in a health care facility; who, and whose spouse has no employment relationship to a health care facility, to a nonprofit service corporation established under chapters 176A to 176E, inclusive, or to a corporation authorized to insure the health of individuals; and who, and whose spouse, is not licensed to practice medicine.

(f) Upon the expiration of the term of office of an appointive member, his successor shall be appointed in the same manner as the original appointment, for a term of 6 years and until the qualification of his successor. The members shall be appointed not later than 60 days after a vacancy. The council shall meet at least once a month, and at such other times as it shall determine by its

rules, or when requested by the commissioner or any 4 members. The appointive members shall receive \$100 per day that the council meets, and their reasonably necessary traveling expenses while in the performance of their official duties.”

[Governor having disapproved this section.]

After debate, the question on passing section 5, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-two minutes before three o'clock P.M., as follows, to wit (yeas 33 — nays 6) **[Yeas and Nays No. 243]**:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —

33.

Menard, Joan M.

NAYS.

Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. —

6.

The yeas and nays having been completed at eighteen minutes before three o'clock P.M., section 5, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 27 (MassHealth Eligibility) was considered as follows:

“SECTION 27. Section 16D of said chapter 118E, as so appearing, is hereby amended by adding the following subsection:—
(7) Notwithstanding subsection (3), a person who is not a citizen of the United States but who is either a qualified alien within the meaning of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 or is otherwise permanently residing in the United States under color of law shall be eligible to receive benefits under MassHealth Essential if such individual meets the categorical and financial eligibility requirements under MassHealth; provided further that such individual is either age 65 or older, or between age 19 and 64, inclusive, and disabled. Such individual shall not be subject to sponsor income deeming or related restrictions.”

Pending the question on passing section 27, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, Mr. Lees moved that the matter be laid upon the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

Section 29 (MassHealth Optional Services) was considered as follows:

“SECTION 29. Said chapter 118E is hereby further amended by adding the following 2 sections:—
Section 53. The division shall include within its covered services for adults all federally optional services that were included in its

state plan or demonstration program in effect on January 1, 2002. Covered services for adults in the MassHealth Essential program shall include dental services to the same extent as such services were covered for adults in the MassHealth Basic program as of January 1, 2002.

Section 54. The executive office of health and human services shall implement, in cooperation with the department of public health, a wellness program for MassHealth enrollees to encourage activities that lead to desired health outcomes, including smoking cessation, diabetes screening for early detection, teen pregnancy prevention, cancer screening for early detection and stroke education for enrolled individuals. To the extent enrollees comply with the goals of the wellness program, the executive office shall reduce MassHealth premiums and/or copayments proportionally. The executive office shall report annually on the number of enrollees who meet at least 1 wellness goal, the premiums collected from the enrollees, and the reduction of premiums due to enrollees meeting wellness goals to the joint committee on health care financing and the house and senate committees on ways and means.”

After debate, the question on passing section 29, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at six minutes past three o’clock P.M., as follows, to wit (yeas 37 — nays 2) [**Yeas and Nays No. 244**]:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Menard, Joan M.	37.

NAYS.

Brown, Scott P.	Lees, Brian P. — 2.
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The yeas and nays having been completed at ten minutes past three o’clock P.M., section 29, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 47 (Establishing Fair Share Assessments) was considered as follows:

“SECTION 47. Said chapter 149 is hereby further amended by inserting after section 187 the following section:

Section 188. (a) As used in this section, the following words, unless the context clearly requires otherwise, shall have the following meanings:

‘Commissioner’, the commissioner of health care finance and policy.

‘Contributing employer’, an employer that offers a group health plan, as defined in 26 U.S.C. 5000(b)(1), to which the employer makes a fair and reasonable premium contribution, as defined in regulation by the division of health care finance and policy.

‘Department’, the department of labor, established by chapter 23.

‘Director’, the director of the department of labor.

‘Division’, the division of health care finance and policy, established by chapter 118G.

'Employer', an employing unit as defined in section 1 of chapter 151A.

'Employee', any individual employed by an employer subject to this chapter for at least 1 month, provided that for the purpose of this section self-employed individuals shall not be considered employees.

(b) For the purpose of more equitably distributing the costs of health care provided to uninsured residents of the commonwealth, each employer that (i) employs 11 or more full-time equivalent employees in the commonwealth and (ii) is not a contributing employer shall pay a per-employee contribution at a time and in a manner prescribed by the director of the department of labor, in this section called the fair share employer contribution. Said contribution shall be pro-rated by a fraction which shall not exceed one, the numerator of which is the number of hours worked in a year by all of the employer's employees who worked for the employer for at least 1 month and the denominator of which is the product of the number of employees employed by an employer during that year for at least 1 month multiplied by 2,000 hours.

(c) The director shall, in consultation with the division of health care finance and policy, annually determine the fair share employer contribution rate based on the best available data and under the following provisions:

(1) The per-user share of private sector liability shall be calculated annually by dividing the sum of hospital liability and third-party payor liability for uncompensated care, as defined by law, by the total number of individuals in the most recently completed fiscal year whose care was reimbursed in whole or in part by the uncompensated care pool, or any successor thereto.

(2) The total number of employees in the most recent fiscal year on whose behalf health care services were reimbursed in whole or in part by the uncompensated care pool, or any successor thereto, shall be calculated. In calculating this number, the division shall use all resources available to enable it to determine the employment status of individuals for whom reimbursements were made, including quarterly wage reports maintained by the department of revenue.

(3) The total number of employees as calculated in paragraph (2) shall be adjusted by multiplying that number by the percentage of employers in the commonwealth that are not contributing employers, as determined by the division.

(4) The total cost of liability associated with employees of non-contributing employers shall be determined by multiplying the number of employees, as calculated in paragraph (3) by the per-user share of private sector liability as calculated in paragraph (1).

(5) The fair share employer contribution shall be calculated by dividing the total cost of liability as calculated in paragraph (4) by the total number of employees of employers that are not contributing employers, as determined by the division.

(6) The fair share employer contribution, as determined in paragraph (5) shall be adjusted annually to reflect medical inflation, using an appropriate index as determined by the division.

(7) The total dollar amount of health care services provided by physicians to non-elderly, uninsured residents of the commonwealth for which no reimbursement is made from the Health Safety Net Trust Fund shall be calculated using a survey of physicians or other data source that the division determines is most accurate.

(8) The per-employee cost of uncompensated physician care shall be calculated by dividing the dollar amount of such services, as calculated in paragraph (7) by the total number of employees of contributing employers in the commonwealth, as estimated by the division using the most accurate data source available, as determined by the division.

(9) The annual fair share employer contribution shall be calculated by adding the fair share employer contribution as calculated in paragraph (6) and the per-employee cost of unreimbursed physician care, as calculated in paragraph (8).

(10) Notwithstanding this section, the total annual fair share employer contribution shall not exceed \$295 per employee; and provided further, that the director shall allow employers to make the annual fair share employer contribution either annually, or in equal amounts semi-annually or quarterly, at the employer's sole discretion.

(d) The director of labor shall determine and collect the contribution under subsections (b) and (c), and shall implement penalties for employers that fail to make contributions as required by this section, provided that in order to reduce the administrative costs of collection of contributions the director shall, to the extent possible, use any existing procedures that have been implemented by the department to make similar collections. All amounts collected shall be deposited in the Commonwealth Care Trust Fund, established by section 2000 of chapter 29.

(e) In promulgating regulations defining the term "contribution" under this section, no proposed regulation by the division of health care finance and policy, except an emergency regulation, shall take effect until 60 days after the proposed regulations have been transmitted to the joint committees on health care financing and financial services."

[Governor having disapproved this section.]

After debate, the question on passing section 47, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at a half past three o'clock P.M., as follows, to wit (yeas 31 — nays 9) **[Yeas and Nays No. 245]:**

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Augustus, Edward M., Jr.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.

Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert A.
Jehlen, Patricia D.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne —
Montigny, Mark C.	31.

NAYS.

Baddour, Steven A.	Lees, Brian P.
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Joyce, Brian A.	Tisei, Richard R. — 9.
Knapik, Michael R.	

The yeas and nays having been completed at twenty-five minutes before four o'clock P.M., section 47, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 112 (Waivers and Federal Financial Participation) was considered as follows:

“SECTION 112. The secretary of health and human services shall seek an amendment to the MassHealth demonstration waiver granted by the United States Department of Health and Human Services under section 1115(a) of the Social Security Act, as authorized by chapter 203 of the acts of 1996, to implement this act. All negotiations with the federal Centers for Medicare and Medicaid Services or the federal Office of Management and Budget concerning this amendment shall be conducted in consultation with the secretary or his designee, a member of the house of representatives as appointed by the speaker of the house or his designee, and a member of the senate as appointed by the senate president or his designee. Any terms and conditions negotiated with the federal Centers for Medicare and Medicaid Services, including all correspondence related to the waiver, shall be submitted to the appointed member of the house of representatives and the appointed member of the senate, no fewer than 7 business days prior to submission to the federal Centers for Medicare and Medicaid Services. The secretary shall seek to obtain maximum federal reimbursement for all expenditures made under provisions of this act for which federal financial participation is available. The secretary shall report quarterly to the joint committee on health care financing and the house and senate committees on ways and means on the status of the waiver amendment sought under this section.”

Pending the question on passing section 112, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, Mr. Lees moved that the matter be laid upon the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

Section 113 (Behavioral Health Procurement Report) was considered as follows:

“SECTION 113. Notwithstanding any general or special law to the contrary, the executive office of health and human services shall not make any change to the financing, operation or regulation of, or contracts pertaining to, the provision of behavioral health services to persons receiving services administered, provided, paid for or procured by the executive office of health and human services, office of Medicaid, including, but not limited to services under Title XIX of the Social Security Act, and Title XXI SCHIP, and any MassHealth expansion population served under Section 1115 waivers, nor shall it recommend or procure, by request for response or otherwise, any such changes, nor shall it seek approval from the federal Centers for Medicare and Medicaid Services for any such changes, until it has submitted a report outlining the proposed changes, together with its reasons and an explanation of the benefits of such changes, to the joint committees on mental health and substance abuse and health care financing; and further, all managed care organizations contracting or delivering behavioral health services to persons receiving services administered, provided, paid for or procured by the executive office of health and human services, office of Medicaid, including, but not limited to services under Title XIX of the Social Security Act, and Title XXI SCHIP, and any MassHealth expansion population served under Section 1115 waivers, and youth in the care and custody of the department of social services or the department of youth services, including any specialty behavioral health managed care organization contracted to administer said behavioral health services, shall obtain the approval of the commissioner of mental health for all of the behavioral health benefits, including but not limited to policies, protocols, standards, contract specifications, utilization review and

utilization management criteria and outcome measurements. For purposes of this section, ‘specialty behavioral health managed care organization’ shall mean a managed care organization whose primary line of business is the management of mental health and substance abuse services.”

After debate, the question on passing section 113, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seventeen minutes before four o’clock P.M., as follows, to wit (yeas 33 — nays 5) [**Yeas and Nays No. 246**]:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Menard, Joan M.	33.

NAYS.

Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. —
Knapik, Michael R.	5.

ANSWERED “PRESENT”.

Lees, Brian P. — **1.**

The yeas and nays having been completed at thirteen minutes before four o’clock P.M., section 113, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 134 (Report of Fair Share Assessment Impact) was considered as follows:

“SECTION 134. The department of labor and the division of health care finance and policy shall jointly report, on or before July 1, 2007, on the implementation and impact of the fair share employer assessment, established by section 188 of chapter 149 of the General Laws, including, but not limited to, the number of employers in the commonwealth subject to the assessment, the impact of the assessment on the number of uninsured workers and the impact of the assessment on using services reimbursed from the health safety net fund. The report shall be filed with the joint committee on health care financing and the house and senate committees on ways and means.”

After debate, the question on passing section 134, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eight minutes before four o’clock P.M., as follows, to wit (yeas 32 — nays 7) [**Yeas and Nays No. 247**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
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Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —

32.

NAYS.

Brown, Scott P.	O’Leary, Robert A.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 7.
Lees, Brian P.	

Mr. Havern in the Chair, the yeas and nays having been completed at five minutes before four o’clock F.M., section 134, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 137 (Terms of Public Health Council) was considered as follows:

“SECTION 137. Notwithstanding any general or special law to the contrary, the terms of the initial members of the public health council, established by section 3 of chapter 17 of the General Laws, to be appointed on February 1, 2007, shall be as follows: 3 providers and 3 non-providers shall serve initial terms of 3 years, and the remaining providers and non-providers shall serve initial terms of 6 years, as designated by the commissioner of public health.”

[Governor having disapproved this section.]

After debate, the question on passing section 137, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at one minute past four o’clock P.M., as follows, to wit (yeas 33 — nays 6) [**Yeas and Nays No. 248**]:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.

Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
	33.
Menard, Joan M.	

NAYS.

Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 6.

The yeas and nays having been completed at five minutes past four o'clock P.M., section 137, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town of Mashpee to grant a certain easement (see House, No. 4111, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,—was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at six minutes past four o'clock P.M., as follows, to wit (yeas 38 — nays 1) [Yeas and Nays No. 249]:

YEAS.

Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne —
	38.

NAY.

Moore, Richard T. — 1.

The yeas and nays having been completed at ten minutes past four o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The Senate Bill increasing the minimum pension for retirees (Senate, No. 2292) (its title having been changed by the committee on Bills in the Third Reading), — was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Jehlen moved that the bill be amended in section 2, in proposed section 90D½, at the end of the first sentence, by inserting the following clause:—

“, but the retirement allowance shall not exceed the salary currently being paid for the position from which the person retired or, if the position no longer exists, a similar position.”

The amendment was **adopted**.

After remarks, the question on passing the bill to be engrossed was determined by a call of yeas and nays, at eleven minutes past four o'clock P.M., on motion of Mr. Lees, as follows to wit (yeas 39 — nays 0) [**Yeas and Nays No. 250**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne —

39.

McGee, Thomas M.

NAYS — 0.

The yeas and nays having been completed at fourteen minutes past four o'clock P.M., the bill (Senate, No. 2292, amended) was passed to be engrossed. Sent to the House for concurrence.

The House Bill further regulating the development of underused state-owned real property and the disposition of state-owned surplus real property (House, No. 4491) (its title having been changed by the committee on Bills in the Third Reading), — **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Rosenberg moved that the bill be amended by adding the following section:

“SECTION 7. The sum set forth in this section, subject to the conditions specified under this act and previous appropriation acts, is hereby authorized for expenditure, subject to the laws regulating the disbursement of public funds and approval thereof. 1599-XXXX For a reserve to supplement funding provided by section 2 of chapter 132 of the acts of 1993, as most recently amended by section 17 of chapter 86 of the acts of 1994, for selected demolition and asbestos and hazardous waste removal and abatement, for planning, marketing, surveying, site evaluation and site preparation at previously surplusd state owned land and

buildings at Northampton State Hospital; provided that said demolition and asbestos and hazardous waste removal and abatement, planning, marketing, surveying, site evaluation and site preparation process shall be managed by the Massachusetts Development Finance agency 7,000,000”.

The amendment was adopted.

Ms. Murray moved that the bill be amended, in section 1, by striking out proposed subsection (q) of section 40F and inserting in place thereof the following subsection:

“(q) The division shall distribute funds from the net cash proceeds of the sale or lease of surplus real property on at least a quarterly basis in the following order of priority each year, and the division shall annually report to the house and senate committees on ways and means detailing the total amount and distribution of these funds:—

(i) Not more than 10 per cent of the net cash proceeds from the sale or lease of each such property shall be paid to the host municipality where the real property is located; but if the commissioner certifies that the municipality has expedited permitting, has adopted an approved smart growth zoning district under chapter 40R, or has taken other affirmative actions to further the commonwealth’s objectives for the parcel consistent with the commonwealth development coordinating council’s smart growth principles, and the smart growth review when available, then the host municipality shall be eligible for up to a total of 25 per cent of the net cash proceeds from the sale or lease of the particular parcel under a schedule and regulations to be promulgated by the commissioner. A municipality that exercises or assigns its right of first refusal, shall not receive a percentage of the net cash proceeds.

If a city or town fails to close on a surplus real property due solely to a failure to receive an affirmative vote on a debt exclusion ballot question to raise funds to acquire a particular parcel under section 21C of chapter 59, the city or town shall remain eligible to receive its share of the net cash proceeds.

(ii) After distribution of net cash proceeds under clause (i), the remaining net cash proceeds shall be deposited in the Smart Growth Housing Trust Fund.

50 per cent of the monies deposited in the Smart Growth Housing Trust Fund under clause (ii), but not more than \$2,800,000 in any fiscal year, shall be used by the department of housing and community development to provide grants to regional planning agencies for technical assistance to municipalities. The department shall grant each regional planning district created under chapter 40B or by special act a fixed base allocation of \$150,000, except that the Metropolitan Area Planning Council shall receive a base allocation of \$200,000, the Martha’s Vineyard commission shall receive a full annual allocation of \$100,000, and the Nantucket Planning and Economic Development Commission shall receive an annual allocation of \$50,000. One-half of the remainder of the annual disbursement of net cash proceeds to the department of housing and community development for technical assistance grants under this section shall be allocated among said entities based on the percentage of the commonwealth’s population served by each entity, with the other half allocated based on the percentage of the commonwealth’s communities served by each entity. Technical assistance services funded by these grants shall be provided at the request of a municipality in any subject within regional planning expertise, including but not limited to: zoning and permitting; economic development; land use planning, conservation planning, and water resources; municipal management; public safety planning and emergency response; transportation; data management, information technology, geographic information systems, statistical trends and modeling; and other land use and smart growth issues. Each regional planning agency receiving such funds shall annually file with the department of housing and community development, and with the house and senate committees on ways and means a report detailing the use of said funds.

The remaining 50 per cent, plus any funds in excess of \$2,800,000, shall be used by the Smart Growth Housing Trust Fund to pay for financial incentives and other payments to communities under chapter 40R.”

The amendment was adopted.

After remarks, the bill, as amended, was then passed to be engrossed, in concurrence, with the amendments. [For text of Senate amendments, see Senate, No. 2521, printed as amended.]

Sent to the House for concurrence in the amendments.

Matter Taken Out of the Notice Section of the Calendar — Objection.

Ms. Menard moved that the following matter be taken out of the Notice Section of the Calendar and considered forthwith: The House Bill relative to HIV and Hepatitis C prevention (House, No. 4176),— but objection was made thereto by Mr. Lees.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows: The Senate Bill authorizing the appointment of special police officers in the city of Somerville (Senate, No. 2047),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Barrios and Ms. Jehlen moved that the bill be amended by substituting a new draft with the same title (Senate, No. 2520).

The amendment was adopted.

The bill (Senate, No. 2520) was then passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill exempting the position of chief of police in the city of Somerville from the provisions of civil service law (Senate, No. 2303),— **was read a third time.**

Mr. Brewer for the committee on Bills in the Third Reading, reported, recommending that the same be consolidated with the Senate Bill amending Sec. 21 of the charter of the city of Somerville to allow the appointment of a non-civil service chief of police (Senate, No. 2304), likewise referred to said committee, as a new draft entitled "An Act amending the charter of the city of Somerville to allow the appointment of a non-civil service chief of police" (Senate, No. 2519).

The report was accepted.

The bill (Senate, No. 2519) was then passed to be engrossed.

Sent to the House for concurrence.

Order Adopted.

Mr. Baddour offered the following, to wit:

Ordered, That notwithstanding the provisions of Joint Rule 10 the committee on Joint Transportation be granted until Thursday, June 8, 2006, within which to make its final report on current Senate number 2399 and Senate number 2400.

Under the rules referred to the committees on Rules of the two branches, acting concurrently.

Subsequently, Mr. Buoniconti, for said committee, reported, that the order ought to be adopted.

The rules were suspended, on motion of Mr. Nuciforo, and the order was considered forthwith and adopted.

Sent to the House for concurrence.

Papers from the House.

The Senate Bill relative to the licensure of massage therapists (Senate, No. 2258),— came from the House passed to be engrossed, in concurrence with an amendment in section 3 (as printed), in lines 69 and 70, by striking out the words "to the" and inserting in place thereof the words "to, the"; and, in line 74, by inserting after the word "Gong" the words "; Tui Na".

The rules were suspended, on motion of Ms. Menard, and the House amendment was considered forthwith and, after remarks, was adopted, in concurrence.

Engrossed Bill.

An engrossed Bill further regulating meetings of municipal boards (see House, No. 4489, 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 (Mr. Havern) and again laid before the Governor for his approbation.

Emergency Preamble Adopted.

An engrossed Bill amending the law establishing the Northern Berkshire Industrial Park and Development Corporation (see House, No. 4376, 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 8 to 0.**

The bill was signed by the Acting President (Mr. Havern) and sent to the House for enactment.

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

Establishing a task force within the Board of Registration in Medicine to study medical spas (see Senate, No. 2191, amended); and

Establishing voting districts in the town of Lee (see House, No. 4536).

House Order — Amended.

The House Order granting the joint committee on the Judiciary until Friday, June 30, 2006, within which to report on all matters referred to them (amended by the Senate by striking out the words "Friday, June 30," and inserting in place thereof the words "Thursday, April 27,")— **came from the House with the endorsement that the House had NON-concurred in the Senate amendment.**

Mr. Nuciforo moved to suspend the rules to consider the order forthwith; but objection was made thereto by Mr. Lees. Under Senate Rule 26, placed in the Orders of the Day for the next session.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows: The Senate Bill further regulating the operations and governance of credit unions (Senate, No. 2288) (its title having been changed by the committee on Bills in the Third Reading),— **was sent to the House for concurrence.**

Order Adopted.

On motion of Mr. Brewer,—

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 the same Senator, at twenty-five minutes past four o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.