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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, February 15, 2007.

Met at eighteen minutes past one o'clock P.M. (Mr. Hart in the Chair).

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

Communications.

The following communications were severally read and placed on file, to wit:

A communication was received from the Honorable Robert E. Travaglini, President of the Senate, announcing the appointment of Senators Benjamin B. Downing, James E. Timilty and Michael R. Knapik as members of the Advisory Commission on Local Government, pursuant to Section 62 of Chapter 3 of the General Laws, effective February 12, 2007.

A communication was received from the Honorable Benjamin Brackett Downing under the provisions of Chapter 268A.

Petition.

On motion of Mr. Knapik, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Brewer, (accompanied by bill) of Stephen M. Brewer for legislation relative to researching and developing green fuels technology,— and the same was referred to the committee on Economic Development and Emerging Technologies.

Sent to the House for concurrence.

Motion to Reconsider.

There being no objection, on motion of Mr. Knapik, the Senate reconsidered the vote by which it had adopted the Senate Rules for the 2007-2008 legislative session.

Pending the recurring question on adoption of the Senate Rules, Mr. Tisei moves to amend the Senate Rules by striking out Senate Rule 59A, as previously amended, and inserting in place thereof the following:—

59A. Formal sessions of the Senate shall be made accessible to electronic media, including television, radio and the Internet. The manner, conditions and extent of such access shall be established by the Committee on Ethics and Rules.

The President and the Clerk shall endeavor to provide that all formal sessions of the Senate during which the general appropriation bill is considered are broadcast live on television throughout the commonwealth. If it is not feasible for such a session to be broadcast live, they shall endeavor to provide for its delayed broadcast on television throughout the Commonwealth. The Committee on Ethics and Rules is hereby authorized to provide for the audio and/or video transmission via the Internet of Senate sessions. The committee on Ethics and Rules may enter into agreements with nonprofit entities, including public and private educational facilities, to provide for audio and/or video transmission via the Internet of the Senate sessions.

This rule shall not be suspended unless by majority vote of the members present and voting thereon.

If, for any reason, the Senate convenes in a formal session and such session is not televised live throughout the commonwealth, then the party under the contractual duty to provide the television broadcast shall provide to the Senate President and Minority Leader within twenty-four hours of the adjournment of such session a report including, but not limited to, a list of the areas in which such broadcast was not received and an explanation for the lack of television coverage to the affected areas. Not later than April 1 the Senate members of the special commission authorized by section 37 of chapter 45 of the acts of 2005, shall issue its recommendations and findings for the coverage of formal Senate sessions.

Prior to permanent arrangements being entered into for the broadcast of formal Senate sessions, any television carrier, who wishes to broadcast any formal Senate sessions shall make application to the committee on Ethics and Rules to do so, approval of which shall not be unreasonably withheld. Any carrier may make arrangements to utilize a pool feed to be provided under guidelines and conditions set forth by the committee on Ethics and Rules.

The amendment was adopted.

The recurring question on adoption of the Senate Rules was then considered; and the Senate Rules were again adopted.

Recess.

There being no objection, at nineteen minutes past one o'clock P.M., the Chair (Mr. Hart) declared a recess subject to the call of the Chair; and, at nineteen minutes past four o'clock P.M., the Senate reassembled, Mr. Rosenberg in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill releasing certain land in the town of Amherst from the operation of an agricultural preservation restriction (see Senate, No. 16), 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 3 to 0. The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.**

Recess.

There being no objection, at twenty minutes past four o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair and, at twelve minutes before five o'clock P.M., the Senate reassembled, the President in the Chair.

PAPER FROM THE HOUSE.

The House Order relative to the adoption of permanent joint rules for the years 2007-2008 (House, No. 3746) (having been approved by the committees on Rules of the two branches, acting concurrently),— was considered.

Pending the question on adoption of the order, Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved to amend the order by inserting after rule number 35 the following new rule:—

“36. Not later than March 15 of each year the house and senate shall approve a joint resolution declaring the minimum amount of aid to be distributed to the cities and towns of the commonwealth in the upcoming fiscal year. Said resolution shall declare the minimum amount of chapter 70 aid, additional assistance, and expected lottery disbursements to be received by each city, town or school district”

After debate, the amendment was *rejected*, by a vote of 3 to 10.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved to amend the order in rule 12 by inserting at the end of the second paragraph following additional sentence:— “If, after thirty days the Committees on Rules, acting concurrently, has yet to issue a report then the Committee on Rules for the branch in which the matter was deposited shall issue a report and said matter shall be deemed admitted upon approval of two thirds of the members of each branch voting thereon.

After debate, the amendment was *rejected*.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved to amend the order in rule 1D by inserting in the second paragraph at the end thereof the following:— “Included in such notice shall be a designated period of time, not to exceed one-half hour, during which time testimony from legislators shall be heard on matters listed on the hearing agenda. Legislator’s wishing to be heard, either prior to, or subsequent to the designated period shall follow the guidelines set forth under the rules designated by each committee for the receipt of testimony by members of the public.

After debate, the amendment was *rejected*, by a vote of 3 to 15.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved to amend the order in rule 10 by inserting after the first sentence the following sentences:— “Any committee which requests a reporting extension, notwithstanding the provisions of this rule, shall communicate to the Senate President, the Speaker of the House, and the House and Senate Minority Leaders the reasons necessitating an extension prior to its granting. Reporting extensions shall not be granted for a period to exceed 30 days.” After remarks, the amendment was *rejected*.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved to amend the order by inserting after rule 35 the following new rule:—

“36. No appropriation shall be made from the Commonwealth Stabilization Fund, as set forth in section 2H of chapter 29 of the General Laws, as appearing in the 2004 Official Edition, unless approved by two-thirds of the members in both branches voting thereon. This rule shall not be suspended except by unanimous consent.” After debate, the amendment was *rejected*, by a vote of 3 to 13.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved to amend the order in rule 11B the following new rule:—

Rule 11C. Reports of a committee on conference to whom matters of difference in respect to bills other than appropriation bills shall be accompanied by a list of the particular matters of difference so referred and other matters in disagreement between the two branches, the position of each branch with respect thereto, and shall state said committee’s recommendations with respect to the matters so referred. Matters on which there exists no disagreement between the branches shall not be disturbed by the committee on conference.

The amendment was *rejected*.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved to amend the order in rule 10, by inserting after the word “than” the following words:— the third Wednesday in October of the first annual session of the General Court on all matters referred to them which were filed under the first paragraph of Joint Rule 12, and not later than; and by inserting after the word “all”, in line 3 of said rule, the following word:— other.

The amendment was *rejected*.

Mr. Tolman moved to amend the order in rule 1E by inserting after the second sentence the following additional sentences:—

“Any matter reported favorably by such joint standing committee shall be referred to the joint committee on Health Care Financing, provided, however, that notwithstanding the provisions of any rule to the contrary, any such matter so reported shall not be read a first time in the branch in which the report was received. The next favorable report on any such matter, if made by a joint committee, may be made to either branch. Such next favorable report shall be considered the first reading. The branch of origin for any such bill so reported shall be the branch receiving such favorable report.”; and in rule 4 by inserting in the third sentence following the words “When a report is made from any committee to either branch, and the subject-matter thereof is subsequently referred therein to a joint committee, such committee” the following additional words:— “, except for the committee on Health Care Financing.

After remarks, the amendment was **adopted**.

Messrs. Tarr, Tisei, Knapik, Hedlund, and Brown moved to amend the order by adding at the end of the first paragraph of Joint Rule 13 the following:—

“Proposed legislation which amends existing General Laws may provide for significant portions of the text of the law to be printed with, or accompany, the proposed changes.”

After remarks, the amendment was *rejected*.

Mr. Tarr moved to amend the order by inserting the after rule 11B the following:—

“11C. Committees of Conference on the General Appropriations Bill for each fiscal year shall make final report not later than the second Wednesday of June. This rule shall not be rescinded, amended or suspended except by a concurrent vote of two-thirds of each branch present and voting thereon. Notwithstanding the provisions of this rule or Joint Rule 30, this rule shall not be rescinded, suspended or amended more than once, except by unanimous consent.”

After debate, the amendment was *rejected*.

Mr. Tarr moved to amend the order by inserting the after rule 12B the following:—

“12C. The House of Representatives shall undertake consideration of the General Appropriations Bill for the ensuing fiscal year not later than the second week of April of every calendar year. The Senate shall undertake consideration of the General Appropriations Bill for the ensuing fiscal year not later than the second week of May of every calendar year. This rule shall not be rescinded, amended or suspended except by a vote of two-thirds of the respective branch present and voting thereon.”

The amendment was *rejected*.

Mr. Tarr moved to amend the order by inserting the after rule 4A the following:—

Rule 4B. Upon receiving notice from the commissioner of administration that available revenues as determined by him will be insufficient to meet all expenditures authorized to be made from any fund according to the provisions set forth in Section 9C of

Chapter 29 of the General Laws, the Senate and House Committees on Ways and Means shall develop recommendations to address said insufficiencies and report them to the Governor and the Clerks of the Senate and House of Representatives.

After remarks, the amendment was *rejected*.

The House order was then adopted, as amended, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Order Adopted.

Mr. Tolman in the Chair, on motion of Mr. Antonioni,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday next at eleven o'clock A.M.

Adjournment in Memory of Spencer Akers.

The Senator from Berkshire, Hampshire and Franklin, Mr. Downing, presented a request that when the Senate adjourns today, it do so in memory of Spencer Akers of Great Barrington.

Spencer Akers, a 17-year-old studying at the Leysin American School in Leysin, Switzerland and a member of its downhill ski team, was killed in an avalanche on Tuesday, February 13, 2007. Spencer attended LAS to pursue his passion for skiing.

Spencer is survived by his parents, Jamie and Mary Pat and his brother Ian and sister Natalie.

Accordingly, as a mark of respect to the memory of Spencer Akers of Great Barrington, at twelve minutes past six o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.