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## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

*Monday, January 22, 2007.*

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

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

#### *Communication.*

The following communication was received from His Excellency the Governor, Deval L. Patrick:

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE, BOSTON 02133  
(617) 725-4000

*January 22, 2007*

Robert E. Travaglini  
Senate President  
State House, Room 330  
Boston, MA 02133

Salvatore F. DiMasi  
Speaker of the House  
State House, Room 356  
Boston, MA 02133

To the Honorable Senate President and Speaker of the House:

I am requesting that the Senate and the House of Representatives act expeditiously to enact SD00001, "An Act Further Revising the Membership of the Public Health Council," prior to January 24, 2007. A hearing is scheduled before the Supreme Judicial Court at 9:30 a.m. on January 24 in the lawsuit challenging the constitutionality of the amended public health council law currently scheduled to take effect on February 1, 2007. The prompt passage of SD00001 should serve to moot the issues in the pending lawsuit and enable the new Public Health Council to be appointed.

Under current law, the existing Public Health Council will expire on February 1, 2007. Accordingly, to ensure continuity of the Public Health Council and allow sufficient time to make the new appointments, I request that the bill be amended to add the following:

SECTION 2. Said chapter 58 is hereby further amended by striking out section 143 and inserting in place thereof the following section:—

Section 143. Section 5 shall take effect on April 1, 2007.

I appreciate your attention to this matter and cooperation.

*Sincerely,*  
DEVAL PATRICK,  
*Governor of the Commonwealth.*

The communication was printed in the Journal of the Senate and placed on file.

*Resolutions.*

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—  
Resolutions (filed by Mr. Baddour) “congratulating Thomas Vartabedian on the occasion of his retirement.”

*Recess.*

There being no objection, at six minutes past eleven o’clock A.M., the Chair (Mr. Tolman) declared a recess; and at eight minutes past twelve o’clock noon, the Senate reassembled, Mr. Tolman in the Chair.

**PAPER FROM THE HOUSE**

A Bill further revising the membership of the Public Health Council (House, No. 2011, changed and amended — on petition), was read.

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

*Recess.*

There being no objection, at ten minutes past twelve o’clock noon, the Chair (Mr. Tolman) declared a recess; and at five minutes before one o’clock P.M., the Senate reassembled, Mr. Tolman in the Chair.

**PAPERS FROM THE HOUSE.**

*Emergency Preamble Adopted; Engrossed Bill Enacted.*

An engrossed Bill further revising the membership of the Public Health Council (see House, No. 2011, changed and 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 3 to 0.

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

**Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.**

**The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Tolman) and laid before the Governor for his approbation.**

*Order Adopted.*

On motion of Mr. Hedlund,—

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

On motion of Mr. Moore, at one minute past one o’clock P.M., the Senate adjourned to meet on the following Thursday at eleven o’clock A.M.