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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, June 18, 2009.

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

Communication.

A communication from the Honorable Michael W. Morrissey, in compliance with Massachusetts General Laws Chapter 268A,--
was placed on file.

Reports of a Committee

By Mr. McGee, for the committee on Public Service, on so much of the recommendations of the Public Employee Retirement Administration Commission as relates to pension governance reform (House, No. 29), a Bill relative to pension governance reform (Senate, No. 2088);

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

By Mr. McGee, for the committee on Public Service, on petition, a Bill relative to providing the next of kin of a state police officer killed in the line of duty with a flag during the memorial service (Senate, No. 1013);

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

Recess.

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

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-
Resolutions (filed by Mr. Pacheco) "congratulating Police Chief George Gurley on his retirement."

Report of a Committee of Conference.

Mr. Baddour, for the committee of conference, to whom was referred the matters of difference between the two branches with reference to the House amendment to the Senate Bill modernizing the transportation systems of the Commonwealth (Senate, No. 2087) (*amended by the House* by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4051), reported, in part, recommending a new draft entitled a "Bill modernizing the transportation systems of the Commonwealth" (Senate, No. 2087).

The rules were suspended, on motion of Mr. Baddour, and the report was considered forthwith, the question being on accepting

the conference committee report.

After remarks, Mr. Tolman rose to a point of order which, being stated, was that the report was in violation of Joint Rule 11A since a certain section that had been agreed to by both branches was not within the report.

The President ruled that since the conference committee report was reported out in part, that there were certain parts that the committee of conference had not come to agreement on and that this section was retained, along with other disputed sections of the two bills to be further discussed by the committee. Even though this section was not in dispute it is possible that this section could have an affect on other disputed sections of the two bills.

The point of order was ruled to have NOT been well taken.

Mr. Panagiotakos in the Chair, after debate, the question on accepting the report was determined by a call of the yeas and nays, at four minutes past four o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 27 – nays 11) **[Yeas and Nays No. 83]**:

INSERT ROLL CALL “[A]”

The President in the Chair, the yeas and nays having been completed at nine minutes past four o'clock P.M., the report was accepted.

Sent to the House for concurrence.

Recess.

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

Papers from the House.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill modernizing the transportation systems of the Commonwealth (see Senate, No. 2087), 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 2 to 0.

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

Subsequently, the bill, which originated in the Senate, 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. Petruccelli) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tarr,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at three o'clock P.M., in a full formal session without a calendar.

On motion of the same Senator, at eleven minutes before seven o'clock P.M., the Senate adjourned to meet again tomorrow at three o'clock P.M.