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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, February 12, 2009.

Met at twelve o'clock noon (Mr. Rosenberg in the Chair).

Communications.

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

A communication from the Honorable Therese Murray, President of the Senate, announcing leadership appointments that have been ratified by the Majority Party Caucus:

Senator Frederick E. Berry — Majority Leader
Senator Stanley C. Rosenberg — President Pro Tempore
Senator Joan M. Menard — Assistant Majority Leader
Senator Marian Walsh — Majority Whip
Senator Steven A. Tolman — Assistant Majority Whip

In response to the voting of the Democratic Caucus on Thursday, February 12, 2009, and the Republican Caucus on February 12, 2009, the Senate membership of the various committees is as follows:

Senate Standing Committees.

Ethics and Rules — Senators Berry of Essex, Spilka of Middlesex and Norfolk, Menard of Bristol and Plymouth and Tolman of Suffolk and Middlesex, Knapik of Hampden and Hampshire and Tarr of Essex and Middlesex (the membership of the committee on Ethics and Rules also being the membership to the committees on Rules of the two branches, acting concurrently, on the part of the Senate).

Ways and Means — Senators Panagiotakos of Middlesex, Brewer of Worcester, Hampden, Hampshire and Franklin, Chandler of Worcester, Baddour of Essex, Creem of Middlesex and Norfolk, Downing of Berkshire, Hampshire and Franklin, Fargo of Third Middlesex, Hart of Suffolk, Kennedy of Bristol and Plymouth, Richard T. Moore of Worcester and Norfolk, Morrissey of Norfolk and Plymouth, Pacheco of Plymouth and Bristol, Spilka of Middlesex and Norfolk, Joyce of Norfolk, Bristol and Plymouth, Tucker of Essex and Middlesex, Knapik of Hampden and Hampshire and Tarr of Essex and Middlesex.

Bills in the Third Reading — Senators Hart of Suffolk, Galluccio of Middlesex, Suffolk and Essex, Richard T. Moore of Worcester and Norfolk, Montigny of Bristol and Plymouth and Tisei of Middlesex and Essex.

Post Audit and Oversight — Senators Pacheco of Plymouth and Bristol, Fargo of Middlesex, Baddour of Essex, Candaras of Hampden and Hampshire, Michael O. Moore of Worcester, Morrissey of Norfolk and Plymouth and Hedlund of Plymouth and Norfolk.

Steering and Policy — Senators Hart of Suffolk, Montigny of Bristol and Plymouth, Jehlen of Middlesex, Tolman of Suffolk and Norfolk and Tisei of Middlesex and Essex.

Global Warming and Climate Change — Senators Pacheco of Plymouth and Bristol, Petruccelli of Suffolk and Middlesex, Baddour of Essex, Spilka of Middlesex and Norfolk, Morrissey of Norfolk and Plymouth and Hedlund of Plymouth and Norfolk.

Bonding, Capital Expenditures and State Assets — Senators Montigny of Bristol and Plymouth, Creem of Middlesex and Norfolk, Hart of Suffolk, Donnelly of Middlesex, Michael O. Moore of Worcester and Knapik of Hampden and Hampshire.

Joint Standing Committees.

CHILDREN, FAMILIES AND PERSONS WITH DISABILITIES — Senators Candaras of Hampden and Hampshire, McGee of Essex and Middlesex, Flanagan of Worcester and Middlesex, Jehlen of Middlesex, Kennedy of Plymouth and Bristol and Tarr of Essex and Middlesex.

COMMUNITY DEVELOPMENT AND SMALL BUSINESS — Senators Michael O. Moore of Worcester, Chang-Diaz of Suffolk, Walsh of Suffolk and Norfolk, Eldridge of Middlesex and Worcester, O’Leary of Cape and Islands and Hedlund of Plymouth and Norfolk.

CONSUMER PROTECTION AND PROFESSIONAL LICENSURE — Senators Morrissey of Norfolk and Plymouth, Candaras of Hampden and Hampshire, Baddour of Essex, Downing of Berkshire, Hampshire and Franklin, Petruccelli of Suffolk and Middlesex and Brown of Norfolk, Bristol and Middlesex.

ECONOMIC DEVELOPMENT AND EMERGING TECHNOLOGIES — Senators Spilka of Middlesex and Norfolk, Petruccelli of Suffolk and Middlesex, Downing of Berkshire, Hampshire and Franklin, Timilty of Bristol and Norfolk, Tucker of Essex and Middlesex, Morrissey of Norfolk and Plymouth and Tarr of Essex and Middlesex.

EDUCATION — Senators O’Leary of Cape and Islands, Donnelly of Middlesex, Chang-Diaz of Suffolk, Galluccio of Middlesex, Suffolk and Essex, Tucker of Essex and Middlesex and Brown of Bristol and Norfolk.

ELDER AFFAIRS — Senators Jehlen of Middlesex, Michael O. Moore of Worcester, Chang-Diaz of Second Suffolk, Eldridge of Middlesex and Worcester, Flanagan of Worcester and Middlesex and Tisei of Middlesex and Essex.

ELECTION LAWS — Senators Kennedy of Plymouth and Bristol, Buoniconti of Hampden, Hart of Suffolk, Menard of Bristol and Plymouth, Petruccelli of Suffolk and Middlesex and Brown of Norfolk, Bristol and Middlesex.

ENVIRONMENT, NATURAL RESOURCES AND AGRICULTURE — Senators Petruccelli of Suffolk and Middlesex, Eldridge of Middlesex and Worcester, Flanagan of Worcester and Middlesex, O’Leary of Cape and Islands, Michael O. Moore of Worcester and Tarr of Essex and Middlesex.

FINANCIAL SERVICES — Senators Buoniconti of Hampden, McGee of Essex and Middlesex, Tucker of Essex and Middlesex, Montigny of Bristol and Plymouth, Joyce of Norfolk, Bristol and Plymouth and Knapik of Second Hampden and Hampshire.

HEALTH CARE FINANCING — Senators Richard T. Moore of Worcester and Norfolk, Candaras of Hampden and Hampshire, Pacheco of Plymouth and Bristol, Fargo of Middlesex, Jehlen of Middlesex, Spilka of Middlesex and Norfolk and Tarr of Essex and Middlesex.

HIGHER EDUCATION — Senators Galluccio of Middlesex, Suffolk and Essex, Downing of Berkshire, Hampshire and Franklin, Richard T. Moore of Worcester and Norfolk, Spilka of Middlesex and Norfolk, Rosenberg of Hampshire and Franklin and Brown of Norfolk, Bristol and Middlesex.

HOUSING — Senators Tucker of Essex and Middlesex, Joyce of Norfolk, Bristol and Plymouth, Chang-Diaz of Suffolk, Eldridge of Middlesex and Worcester, Galluccio of Middlesex, Suffolk and Essex and Hedlund of Plymouth and Norfolk.

THE JUDICIARY — Senators Creem of Middlesex and Norfolk, Baddour of Essex, Candaras of Hampden and Hampshire, Hart of Suffolk, McGee of Essex and Middlesex and Tarr of Essex and Middlesex.

LABOR AND WORKFORCE DEVELOPMENT — Senators McGee of Essex and Middlesex, Spilka of Middlesex and Norfolk, Buoniconti of Hampden, O’Leary of Cape and Islands, Menard of Bristol and Plymouth and Hedlund of Plymouth and Norfolk.

MENTAL HEALTH AND SUBSTANCE ABUSE — Senators Flanagan of Worcester and Middlesex, Walsh of Suffolk and Norfolk, Galluccio of Middlesex, Suffolk and Essex, Hart of Suffolk, O’Leary of Cape and Islands and Tisei of Middlesex and Essex.

MUNICIPALITIES AND REGIONAL GOVERNMENT — Senators Eldridge of Middlesex and Worcester, Jehlen of Middlesex, Fargo of Middlesex, Galluccio of Middlesex, Suffolk and Essex, Kennedy of Plymouth and Bristol and Tisei of Middlesex and Essex.

PUBLIC HEALTH — Senators Fargo of Middlesex, Montigny of Bristol and Plymouth, Buoniconti of Hampden, Chandler of Worcester, Flanagan of Worcester and Middlesex and Hedlund of Plymouth and Norfolk.

PUBLIC SAFETY AND HOMELAND SECURITY — Senators Timilty of Bristol and Norfolk, Brewer of Worcester, Hampden, Hampshire and Franklin, Buoniconti of Hampden, Candaras of Hampden and Hampshire, Joyce of Norfolk, Bristol and Plymouth and Brown of Norfolk, Bristol and Middlesex.

PUBLIC SERVICE — Senators McGee of Essex and Middlesex, Kennedy of Plymouth and Bristol, Candaras of Hampden and Hampshire, Richard T. Moore of Worcester and Norfolk, Joyce of Norfolk, Bristol and Plymouth and Knapik of Hampden and Hampshire.

REVENUE — Senators Downing of Berkshire, Hampshire and Franklin, Montigny of Second Bristol and Plymouth, Buoniconti of Hampden, Timilty of Bristol and Norfolk, Tucker of Second Essex and Middlesex and Knapik of Hampden and Hampshire.

STATE ADMINISTRATION AND REGULATORY OVERSIGHT — Senators Joyce of Norfolk, Bristol and Plymouth, O’Leary of Cape and Islands, Fargo of Middlesex, Galluccio of Middlesex, Suffolk and Essex, Donnelly of Middlesex and Tisei of Middlesex and Essex.

TELECOMMUNICATIONS, UTILITIES AND ENERGY — Senators Morrissey of Norfolk and Plymouth, Tucker of Essex and Middlesex, Creem of Middlesex and Norfolk, Donnelly of Middlesex, Pacheco of Plymouth and Bristol and Tarr of First Essex and Middlesex.

TOURISM, ARTS AND CULTURAL DEVELOPMENT — Senators Chang-Diaz of Suffolk, Timilty of Bristol and Norfolk, Walsh of Suffolk and Norfolk, Kennedy of Plymouth and Bristol, Richard T. Moore of Worcester and Norfolk and Tisei of Middlesex and Essex.

TRANSPORTATION — Senators Baddour of Essex, Flanagan of Worcester and Middlesex, McGee of Essex and Middlesex,

Montigny of Bristol and Plymouth, Petrucci of Suffolk and Middlesex, Timilty of Bristol and Norfolk and Hedlund of Plymouth and Norfolk.

VETERANS AND FEDERAL AFFAIRS —Senators Donnelly of Middlesex, Chandler of Worcester, Creem of Middlesex and Norfolk, Downing of Berkshire, Hampshire and Franklin, Brewer of Worcester, Hampden, Hampshire and Franklin and Brown of Norfolk, Bristol and Middlesex.

A communication from the Honorable Richard R. Tisei, Minority Leader, announcing the appointment of Senator Michael R. Knapik to serve as a member of the temporary Joint Committee on Federal Stimulus Oversight.

Recess.

There being no objection, at one minute past twelve o'clock noon, the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twenty-five minutes past twelve o'clock noon, the Senate reassembled, the President in the Chair.

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

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Brown for the purpose of an introduction. Mr. Brown then introduced Debbie Schmill of Needham. Debbie was visiting the State House because she won the chance to be "Senator for the Day" at an auction to benefit the Vernon Cancer Center at Newton Wellesley Hospital. The Senate welcomed her with applause in recognition of celebrating her birthday, and she withdrew from the Chamber.

There being no objection, the Chair (Mr. Rosenberg) handed the gavel to Messrs. Galluccio and McGee and Ms. Spilka for the purpose of an introduction. Mr. Galluccio then introduced Bishop Robert G. Brown and Reverend Bernard Strout, seated in the rear of the Chamber. Bishop Brown is the Senior Pastor of both the Zion Baptist Church in Everett and of the Zion Metrowest Church in Framingham and is also the Chaplain of the Everett Police Department. Bishop Brown and Reverend Strout are very active in the Everett Community and take part in all of the community activities. The Senate welcomed them with applause and they withdrew from the Chamber.

Resolutions.

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

Resolutions (filed by Messrs. Brewer and Tisei) "commemorating the two hundredth anniversary of the birth of President Abraham Lincoln";

Resolutions (filed by Ms. Chandler and Mr. Michael O. Moore) "congratulating Penelope B. 'Penny' Johnson on the occasion of her retirement";

Resolutions (filed by Mr. Knapik) "honoring Holyoke Mayor Michael J. Sullivan upon being named the 2009 recipient of the Louis F. Oldershaw Community Service Award";

Resolutions (filed by Mr. McGee) "congratulating Samuel and Mary Vitali on the occasion of their fortieth wedding anniversary"; and

Resolutions (filed by Mr. Rosenberg) "congratulating The Massachusetts Review on the occasion of the fiftieth anniversary of its founding."

PAPERS FROM THE HOUSE.

A Bill authorizing the town of Framingham to erect a maintenance facility (House, No. 99,— on petition),— was read.

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

The House Order relative to the adoption of permanent joint rules for the years 2009-2010 (House, No. 2011, amended) (having been approved by the committees on Rules of the two branches, acting concurrently),—was read.

There being no objection, the rules were suspended, on motion of Mr. Downing, and the order was considered forthwith.

Pending the question on adoption of the order, Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the order be amended 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 question on adoption of the amendment was determined by a call of the yeas and nays at nineteen minutes before one o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 3 — nays 30) [Yeas and Nays No. 9]:

YEAS.

Brown, Scott P. Tisei, Richard R. — 3.

Tarr, Bruce E.

NAYS.

Baddour, Steven A. Joyce, Brian A.

Brewer, Stephen M. Kennedy, Thomas P. Buoniconti, Stephen J. McGee, Thomas M. Candaras, Gale D. Montigny, Mark C. Chandler, Harriette L. Moore, Michael O. Chang-Diaz, Sonia Moore, Richard T. Creem, Cynthia Stone O'Leary, Robert A. Donnelly, Kenneth J. Pacheco, Marc R. Downing, Benjamin B. Panagiotakos, Steven C. Eldridge, James B. Petrucci, Anthony Fargo, Susan C. Rosenberg, Stanley C. Flanagan, Jennifer L. Spilka, Karen E. Galluccio, Anthony D. Timilty, James E. Hart, John A., Jr. Tolman, Steven A. Jehlen, Patricia D. Walsh, Marian — 30.

ABSENT OR NOT VOTING.

Berry, Frederick E. Menard, Joan M. Hedlund, Robert L. Morrissey, Michael W. Knapik, Michael R. Tucker, Susan C. — 6.

The yeas and nays having been completed at twelve minutes before one o'clock P.M., the amendment was rejected. Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the order be amended in rule 12 by inserting at the end of the second paragraph the 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 remarks, the amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the order be amended in rule 1D by inserting in the second paragraph at the end of 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. Legislators 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 remarks, the amendment was rejected.

Recess.

At eight minutes before one o'clock P.M., the President declared a recess for the purposes of attending the Joint Session of the two Houses.

Joint Session of the Two Houses to Celebrate the 200th Birthday of Abraham Lincoln.

At nine minutes past one o'clock P.M., the two Houses met in

JOINT SESSION

and were called to order by the Honorable Therese Murray, President of the Senate.

The President led the members, guests and employees in the recitation of the pledge of allegiance to the flag.

Order Adopted.

On motion of Mr. Tisei,—

Ordered, That a committee be appointed to consist of members of the Senate and House of Representatives to wait upon His Excellency the Governor and other distinguished guests and inform them that the two branches are now in Convention and request the honor of their presence.

Senators Rosenberg, Fargo, Hart and Tarr were appointed on the part of the Senate; and Representatives Donato of Medford, Hecht of Watertown, Balser of Newton, Clark of Melrose, Harkins of Needham, Keenan of Salem and Peterson of Grafton, were appointed on the part of the House.

Subsequently, Mr. Rosenberg, for the committee, reported that His Excellency the Governor, Deval L. Patrick, would immediately attend upon the convention.

Shortly thereafter, His Excellency the Governor, Deval L. Patrick entered the Chamber under the escort of the Sergeant-at-Arms.

The President then introduced Robert van Wolfgang, Chairman and Administrator of the Abraham Lincoln Bicentennial Commission of Massachusetts, who briefly addressed the joint session.

The President then introduced Governor Deval L. Patrick, who briefly addressed the joint session and presented Robert van Wolfgang with a proclamation honoring Abraham Lincoln, the 16th President of the United States of America.

Messrs. Brewer and Tisei then presented Robert van Wolfgang with Senate Resolutions honoring Abraham Lincoln, the 16th President of the United States of America.

Mr. Rushing of Boston and Mr. Jones of North Reading then presented Robert van Wolfgang with House Resolutions honoring Abraham Lincoln, the 16th President of the United States of America.

Mr. Brewer then recited the 1865 Inaugural Address of President Abraham Lincoln.

Sebastien Louis, a junior from the Codman Academy Charter School, then recited President Lincoln's Gettysburg Address.

Mr. William Hanna of the Lincoln Group of Boston then addressed the joint session on the topic of Lincoln's 1848 visit to Massachusetts as a congressman.

The President then introduced United States District Court Chief Justice Mark Wolf who briefly addressed the joint session and then swore in twenty-three new citizens of the United States of America.

Judge Wolf, members, guests and employees joined in the recitation of the pledge of allegiance to the flag.

A rendition of America the Beautiful was performed by Juanita Jackson.

On motion of Mr. Kennedy, at ten minutes past two o'clock P.M., the Joint Session dissolved.

At eighteen minutes past two 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 2009-2010 (House, No. 2011, amended) (having been approved by the committees on Rules of the two branches, acting concurrently),— was further considered, the question being on adoption of the order.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the order be amended 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."

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the order be amended 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.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the order be amended by inserting after rule number 1G the following new rule:—

"Not later than 90 days prior to the effective date of any proposed regulations promulgated by any agency of the commonwealth said agency shall submit said regulations to the Joint Committee on State Administration and Regulatory Oversight."

Mr. Rosenberg in the Chair, after debate, the amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the order be amended in proposed Rule 4, by inserting, in line 302, after the words "office hours." the following sentence:— "Such roll call votes shall be posted on the Legislative Web Page by the Clerks of the two branches."

After remarks, the amendment was rejected.

Messrs. Tarr, Tisei, Knapik, Brown and Hedlund moved that the order be amended by adding the following new rule:—

"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."

After remarks, the amendment was rejected.

Messrs. Tarr, Tisei, Knapik, Hedlund and Brown moved that the order be amended 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.

Ms. Spilka moved to amend the order in Rule 1D, in the fifth paragraph, by striking out the last sentence.

The amendment was adopted.

The House Order (House, No. 2011, amended) was then adopted, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Orders Adopted.

Ms. Spilka and Mr. Tarr offered the following order:—

Ordered, That within 30 days, a joint committee of the House of Representatives and the Senate, to consist of 2 members of the majority party from each branch and 2 members of the minority party from each branch, shall review and make recommendations to the President of the Senate and the Speaker of the House regarding a consistent and accountable process to ensure open access to legislative hearings, specifically considering the recording of legislative hearings and the use thereafter of such recordings to the maximum feasible extent.

Under the rules, referred to the committee on Ethics and Rules.

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

The rules were suspended, on motion of Ms. Spilka, and the order was considered forthwith and adopted.
Sent to the House for concurrence.

Mr. Berry offered the following order:—

Ordered, that the rules of the Senate be amended, in Rule 12, by inserting after the fourth line, the following 2 lines:—

“A Committee on Bonding, Capital Expenditures and State Assets;

To consist of six members, one of whom shall be appointed by the Minority Leader.”; and

by inserting after Rule 26 the following rule:—

26C. There shall be appointed a standing committee on Bonding, Capital Expenditures and State Assets consisting of seven members. Said committee shall review all legislation providing for the giving, loaning or pledging of the credit of the Commonwealth (see Article LXII of the Amendments to the Constitution, as amended by Article LXXXIV). Said committee shall be responsible for evaluating such legislation and determining the appropriateness of enacting legislation containing increased bond authorizations for the Commonwealth.

The committee on Bonding, Capital Expenditures and State Assets shall periodically review and hold open public hearings, accepting oral and written testimony on the status of the bonds and notes of the Commonwealth, including: (1) general obligation debt; (2) dedicated income tax debt; and (3) special obligation debt. The committee shall also, in its continuing study of the Commonwealth’s bonding practices, review the Commonwealth’s liabilities relative to: (a) state-supported debt; (b) state-guaranteed debt; and (c) indirect obligations.

The committee shall consult with the various agencies of the Executive branch and the office of the Treasurer and Receiver-General relative to project expenditures, availability of funds, the sale of new bonds and the resultant debt obligations, federal reimbursements and other related funding and bonding issues.

The committee on Bonding, Capital Expenditures and State Assets shall be authorized to conduct hearings relative to the statutory authority of the Executive branch and the Treasurer and Receiver-General in the issuance and sale of bonds and notes and the expenditure of capital funds by the various agencies and authorities of the Commonwealth. The committee shall determine whether such laws, administrative regulations and programs are being implemented in accordance with the intent of the General Court. The committee shall be authorized to make recommendations for statutory changes and changes in the Constitution which would grant discretion to the Legislature over the allotment and expenditure of fund authorized by capital appropriations. The committee on Bonding, Capital Expenditures and State Assets may initiate legislation consistent with Senate Rule 19.

The committee on Bonding, Capital Expenditures and State Assets shall be authorized to report to the General Court from time to time on the results of its hearings.

Any bill providing for the giving, loaning or pledging of the credit of the Commonwealth, except for the general appropriations bill or other appropriations bill addressed in Senate Rule 27A, shall, prior to its reference to the committee on Ways and Means, be referred to the committee on Bonding, Capital Expenditures and State Assets for report on its relationship to the finances of the Commonwealth, irrespective of any conflicting committee referral to the House of Representatives.

In compliance with section 38A of chapter 3 of the General Laws, the Committee on Bonding, Capital Expenditures and State Assets shall include therewith a fiscal note prepared in accordance with the provisions of section 3A of chapter 29 of the General Laws, showing the estimated cost or the fiscal effect of the proposed legislation if, in the opinion of said committee, such cost exceeds the sum of one hundred thousand dollars.

Messages from the Governor setting terms of bonds and notes or for the de-authorization or re-authorization of bonds and notes shall be referred to the committee on Bonding, Capital Expenditures and State Assets.

The Committee on Bonding, Capital Expenditures and State Assets may hold oversight hearings regarding the capital programs of the commonwealth and any quasi-public entity or independent authority of the commonwealth. If the committee shall deem special studies or investigations to be necessary, it may undertake studies or investigations.

Under the rules, referred to the committee on Ethics and Rules.

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

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

Sent to the House for concurrence.

Mr. Panagiotakos offered the following order:—

Whereas, leaders of the United States Congress have announced agreement on an economic recovery bill that contains significant federal funding for Massachusetts; and

Whereas, Massachusetts is well-poised to utilize these funds quickly and efficiently to stimulate the local economy and create jobs; and

Whereas, it is anticipated that some of the funding will be available to spend at the discretion of the Governor for infrastructure projects, and that the disposition of other federal funds, such as enhanced Medicaid money, would be determined by the General Court through the budgetary process; and

Whereas, no matter the path that the federal stimulus money takes in Massachusetts, it is essential that there is proper oversight by state government to ensure that federal taxpayer dollars are being used effectively and appropriately for the short-term and long-term benefit of the citizens of the Commonwealth; therefore be it

Ordered, that the General Court establishes a special standing committee on Federal Stimulus Oversight. This temporary legislative committee will: perform on-going review of federal stimulus spending in Massachusetts; coordinate efforts with the

Administration to maximize federal assistance for Massachusetts; ensure compliance with federal requirements on stimulus spending; and review current state laws, regulations and policies in order to make recommendations that will allow Massachusetts to access additional funding or to spend money more quickly to stimulate the economy; and it is further Ordered, that the committee will have the ability to hold hearings on federal stimulus plans, audit expenditures, and will report back periodically to the House and Senate, while also working collaboratively with the Governor, the Attorney General, the Inspector General, and the Auditor to ensure transparency and accountability for federal stimulus spending; and it is further Ordered, that the committee will consist of 18 persons. The committee shall be chaired by the chairs of the House and Senate committees on Post-Audit and Oversight and shall be vice-chaired by the assistant vice chairs of the House and Senate committees on Ways and Means. Other members of the committee shall include: the chairs of the House and Senate committees on Bonding, Capital Expenditures and State Assets; the chairs of the joint committees on Economic Development and Emerging Technologies, Transportation, Education, State Administration and Regulatory Oversight, Labor and Workforce Development; and an appointment by the respective Minority Leaders.

Under the rules, referred to the committee on Ethics and Rules.

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

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

Sent to the House for concurrence.

On motion of Ms. Chandler,—

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

Moment of Silence.

The Chair (Mr. Rosenberg) requested the Senate stand in a moment of silence and reflection to the memory of Jonathan Roberge. Adjournment in Memory of Jonathan Roberge.

The Senator from Worcester and Middlesex, Ms. Flanagan, requested that when the Senate adjourns today, it adjourn in memory of Jonathan Roberge of Leominster.

Jonathan Roberge, 22, an Army soldier from Leominster, died in an attack on Monday. He is the first Leominster resident to die in the war in Iraq. He was one of four Army soldiers killed in the Iraqi city of Mosul when a suicide bomber hit their Humvee.

Jonathan Roberge will be remembered as an enthusiastic and bright young man with a constant smile. He was the kind of kid who always had a smile, he was always happy.

He graduated from the CTE program at Leominster High School in 2005, where he went through the automotive technology shop and entered a co-op program. Through the co-op program, he worked at an area car dealership while he completed his high school courses.

Jonathan is survived by his mother Pauline, who works as an aide in the Life Skills program at Leominster High School, and his father John, who is president of the Leominster High School band boosters, and two sisters and a brother.

Jonathan Roberge is the first Leominster serviceman to die in combat since the Vietnam War.

Accordingly, as a mark of respect to the memory of Jonathan Roberge, at twenty-five minutes past three o'clock P.M., on motion of Mr. Tisei, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.