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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, April 16, 2009.

Met according to adjournment (Mr. Rosenberg in the Chair).

Distinguished Guests.

There being no objection, during consideration of the orders of the Day, the President handed the gavel to Mr. Tolman for the purpose of an introduction. Mr. Tolman then introduced members of the Brian J. Honan Fellowship, a program for young people to carry on the memory of City Councilor Brian Honan and continue his life's work of public service. They were accompanied by Representative Kevin Honan of Brighton, who presents the Brian J. Honan award each year. The Senate applauded their efforts and accomplishments and they withdrew from the Chamber.

Committee Discharged

Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 174) of Michael W. Morrissey for legislation to establish the Massachusetts Gaming Control Act,-- and recommending that the same be referred to the committee on Economic Development and Emerging Technologies.

**Under Senate Rule 36, the report was considered forthwith and accepted.
Sent to the House for concurrence.**

PAPERS FROM THE HOUSE

Bills

Establishing a sick leave bank for Cassandra Macklan, an employee of the Department of Health and Human Services (House, No. 3942-- on petition);

Establishing a sick leave bank for Geraldine Egan, an employee of the Department of Public Health (House, No. 4048-- on petition);

Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Notice was received from the House of Representatives that the House had insisted on its amendment to the Senate Bill modernizing the transportation systems of the Commonwealth (Senate, No. 2024) and they had concurred in the appointment of a committee of conference and Representatives Wagner of Chicopee, Murphy of Burlington and Peterson of Grafton were appointed to the committee on a part of the House.

Recess.

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twenty-five minutes before four 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 severally considered forthwith and adopted, as follows:

Resolutions (filed by Ms. Murray) “commending Captain Richard Phillips and the crew of the Maersk Alabama for their acts of heroism during a pirate attack off the coast of Somalia”;

Resolutions (filed by Mr. Pacheco) “commending Eileen Alden for her dedication and support to the disabled veterans and her community”;

Resolutions (filed by Mr. Rosenberg) “congratulating the Amherst ABC Program on celebrating its fortieth anniversary”;

Resolutions (filed by Messrs. Rosenberg and Brewer) “commending retired Judge Samuel T. Tisdale for his service to the district, probate and superior courts”; and

Resolutions (filed by Mr. Tolman) “commending those whose efforts brought forth the fruition of Armenian Heritage Park.”

Orders of the Day.

The orders of the Day were considered, as follows:

The engrossed Bill extending the Commonwealth’s authority to guarantee obligations of the Massachusetts Turnpike Authority (see House Bill, printed in House, No. 100, amended) (which originated in the House),- was considered, the main question being on passing the bill to be enacted.

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

Mr. Montigny moved to suspend Senate Rule 49, to offer an amendment to the engrossed Bill; and, after debate, the motion was *negatived*.

After debate, the bill 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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII 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 twenty-four minutes past four o’clock P.M., as follows, to wit (yeas 27 — nays 11) [Yeas and Nays No. 31]:

INSERT ROLL CALL “A”

The yeas and nays having been completed at twenty-eight 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 President and laid before the Governor for his approbation.

Order Adopted.

Mr. Panagiotakos offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, all amendments the Senate Bill transferring county sheriffs to the Commonwealth (Senate, No. 2031, amended) shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon on Friday, April 24, 2009.

All amendments will be third reading amendments and must contain a short descriptive title. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

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 Mr. Brewer, and the order was considered forthwith and adopted.

PAPER FROM THE HOUSE.

The Senate Bill relative to making certain changes in the retirement system of the Commonwealth (Senate, No. 2026),— **came from the House passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4060.**

Senate Rule 36 was suspended, on motion of Ms. Fargo, and the House amendment was considered forthwith and the Senate NON-concurred therein.

The same Senator asked for a committee of conference on the disagreeing votes of the two branches; and Senators Panagiotakos, McGee and Brown were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Report of a Committee.

By Mr. Downing, for the committee on Revenue, on petition, a Bill to establish a supplementary tax rate (printed as House, No. 4050) [local approval received].

The bill was read. There being no objection, the rules were suspended, on motion of Mr. Morrissey, and the bill was read a second time, ordered to a third reading and read a third time, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4071) of Robert L. Rice and Jennifer L. Flanagan for legislation to establish a sick leave bank for Michael F. Dorian, an employee of the Department of Correction,— **was referred, in concurrence, to committee on Public Service.**

Order Adopted.

On motion of Mr. Galluccio,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Wednesday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion Mr. Michael Moore, at twenty-eight minutes before five o'clock A.M., the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.