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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, July 10, 2006.

Met according to adjournment at eleven o'clock A.M. (Mr. Havern 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. Havern), members, guests and employees then recited the pledge of allegiance to the flag.

Communication.

A communication from the Board of Higher Education (under the provisions of Section 7 of Chapter 150E of the General Laws) submitting a copy of a request for an appropriation to fund a Collective Bargaining Agreement executed by and between the Board of Higher Education and Local 1067 of Council 93 of the American Federation of State, County and Municipal Employees (AFSCME) (received Friday, June 30, 2006),— **was placed on file.**

Reports.

The following reports were severally read and placed on file:

A report of the Statewide Emergency Telecommunications Board (under the provisions of Section 18B(e) of Chapter 6A of the General Laws) submitting its annual report for calendar year 2005 (received Friday, June 30, 2006); and

A report of the Department of Public Health (pursuant to Section 2 of Chapter 111 of the General Laws) submitting the 1998 Annual Report, Vital Statistics of Massachusetts (received Thursday, July 6, 2006).

Petition.

Mr. Hart presented a petition (subject to Joint Rule 12) of John A. Hart, Jr. for legislation to clarify coordination of the Diane Zaniboni Breast Cancer Research Fund,— and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill authorizing the University of Massachusetts to convey a certain parcel of land in the city of Boston to the United States of America acting by and through the National Archives and Records Administration (Senate, No. 2597),— **ought to pass, with an amendment in section 2, in lines 7 and 8, by striking out the words “joint committee on state administration” and inserting in place thereof the words “joint committee on bonding, capital expenditures and state assets”;** and in section 2, in lines 21 and 22, by striking out the words “joint committee on state administration” and inserting in place thereof the following words “bonding, capital expenditures and state assets”.

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

By Mr. Creedon, for the committee on the Judiciary, on Senate, Nos. 70, 829, 831, 832, 833, 836, 837, 838, 389, 841, 843, 844, 845, 846, 848, 4849, 850, 851, 852, 853, 854, 855, 857, 858, 859, 860, 863, 865, 866, 868, 869, 870, 817, 872, 873, 874, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 888, 892, 893, 894, 895, 897, 899, 902, 903, 904, 905, 910, 911, 912, 913, 914, 916 918, 919, 920, 921, 922, 923, 924, 925, 927, 929, 931, 933, 935, 937, 939, 940, 941, 942, 943, 944, 948, 949, 950, 951, 952, 956, 957, 958, 963, 966, 970, 971, 974, 975, 976, 977, 978, 979, 982, 983, 984, 985, 986, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1002, 1003, 1004, 1005, 1008, 1010, 1011, 1012, 1013, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1025, 1029, 1031, 1032, 1033, 1035, 1036, 1037, 1038, 1043, 1044, 1046, 1047, 1050, 1053, 1055, 1056, 1057, 1058, 1059, 1060, 1062, 1064, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1075, 1076, 1077, 1078, 1079, 1081, 1241, 1623, 1927, 2061, 2104, 2108, 2121, 2200, 2231, 2331 and 2342, an Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of certain current Senate documents relative to the courts of the Commonwealth and the practice of law (Senate, No. 2633);

Referred, under Joint Rule 29, to the committees on Rules of the two branches acting concurrently.

By Ms. Jehlen, for the committee on Public Service, on the recommitted petition, a Bill relative to retirement benefits for John G. Flores (Senate, No. 2426);

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

Mr. Buoniconti, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill establishing the state pharmacy council (House, No. 2722).

Committee Discharged.

Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Bonding, Capital Expenditures and State Assets to make an investigation and study of a certain current Senate document relative to regional transit authorities (Senate, No. 2630),— **and recommending that the same be referred to the Senate committee on Senate Ethics and Rules.**

Under Senate Rule 36, the report was considered forthwith and accepted.

Ms. Murray, for the committee on Ways and Means, reported, asking to be discharged from further consideration

Of the Senate Bill restricting the authority of the Holyoke Power and Electric Company and the Holyoke Water Power Company (Senate, No. 2082); and

Of the House Bill further regulating the provision of electricity and other services in the Commonwealth (House, No. 4031);

And recommending that the same severally be referred to the Senate committee on Ethics and Rules. Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Mr. Buoniconti, for the committee on Ethics and Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Telecommunications, Utilities and Energy to make an investigation and study of certain current Senate documents relative to telecommunications, utilities and energy (Senate, No. 2350), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1832) of Karen E. Spilka, James E. Vallee, David Paul Linsky, Scott P. Brown and other members of the General Court relative to prohibiting the fraudulent use of certain telephone technology,— **and recommending that the same be recommitted to the committee on Telecommunications, Utilities and Energy.**

Under Senate Rule 36, the report was considered forthwith and accepted.

Paper from the House.

A Bill further regulating driver education and junior operator's licenses (House, No. 5064,— on House, No. 1996),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Engrossed Bill Returned by Governor With Recommendation of Amendment.

The engrossed Bill relative to clinical laboratories (see Senate, No. 725, amended) (which on Friday, June 30, 2006, had been laid before the Governor for his approbation), was returned to the Senate Clerk by the Governor on Saturday, July 8, 2006 at twenty-five minutes past ten o'clock A.M., with a message recommending an amendment.

The message (Senate, No. 2634) was read and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

Pending action thereon, the bill was referred to the committee on Bills in the Third Reading, on motion of Mr. Brown.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The Senate Bill authorizing the town of Oxford to provide certain water supply improvements (Senate, No. 2548),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill designating a certain bridge in the town of Weymouth as the Weymouth veterans memorial bridge (House, No. 1693, changed),— **was read a third time and passed to be engrossed, in concurrence.**

Report of a Committee.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition, a Bill permitting the Massachusetts Water Resources Authority to enter into an agreement with the town of Walpole for the use of certain land for recreational purposes (Senate, No. 2588).

There being no objection, the rules were suspended, on motion of Mr. Brown, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act permitting the Massachusetts Water Resources Authority to enter into an agreement with the town of Walpole to use certain land for recreational

purposes”.

Sent to the House for concurrence.

Papers from the House.

A Bill relative to the civil service status of certain positions in the city of Worcester (House, No. 4348,— on petition [Local approval received],— **was read.**

There being no objection, the rules were suspended, on motion of Mr. Brown, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act exempting certain positions in the city of Worcester from civil service status.

Engrossed Bills.

An engrossed Bill granting school nurses eligibility for professional teacher status (see House, No. 1087) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the Acting President (Mr. Havern) and again laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Franklin to establish a post employment health insurance trust fund (see House, No. 4150, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5178) of Paul C. Casey and Michael E. Festa that the Division of Capital Asset Management and Maintenance be authorized to enter into a lease agreement to provide for the continued operation of the Flynn Memorial Rink in the city of Medford;

Under suspension of Joint Rule 12, to the committee on Bonding, Capital Expenditures and State Assets.

Petition (accompanied by bill, House, No. 5179) of Philip Travis and others for legislation to increase the amount of money the Swansea Water District may borrow for the operation of said district.

Under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 5180) of Bradley H. Jones, Jr. and others relative to health insurance for employees of counties and municipalities;

Under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 5181) of Philip Travis and Thomas Rose III for legislation to authorize the Registrar of Motor Vehicles to issue distinctive license plates to fire fighters;

Under suspension of Joint Rule 12, to the committee on Transportation.

Recess.

There being no objection, at eight minutes past eleven o’clock A.M., the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and, at twelve minutes before twelve o’clock noon, the Senate reassembled, Mr. Havern in the Chair.

Paper from the House.

Engrossed Bill.

An engrossed Bill relative to creditable service for certain state contract employees (see Senate, No. 2462,

amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the Acting President (Mr. Havern) and again laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Brown,—

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

On motion of the same Senator, at eleven minutes before twelve o'clock noon, the Senate adjourned to meet on the following day at eleven o'clock A.M.