

# UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



## JOURNAL OF THE SENATE.

*Tuesday, June 30, 2009.*

Met according to adjournment at one o'clock A.M. (Mr. Rosenberg in the Chair).

### *Distinguished Guests.*

There being no objection, the President handed the gavel to Ms. Walsh for the purpose of an introduction. Ms. Walsh then introduced, in the rear of the Chamber, the Westwood High School Girls Lacrosse Division 1 State Champions. The team was recognized for having won back to back state championships and have won four of the last seven years. They were accompanied by Coach Leslie Frank. The Senate applauded their accomplishments and they withdrew from the Chamber.

### *Reports of Committees.*

By Mr. Petruccelli, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill updating the animal control laws of Massachusetts (Senate, No. 406);  
By Mr. McGee, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Edward Jedrey, an employee of the Department of Mental Health (Senate, No. 2098);  
**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

### *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 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 Ms. Flanagan, Mr. Brewer and Ms. Chandler) “celebrating the fiftieth anniversary of the Fitchburg Longsjo Classic.”

*Paper from the House*

The Senate Bill transferring county sheriffs to the Commonwealth (Senate, No. 2045),—**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 1153; and by inserting before the enacting clause the following emergency preamble:**

“*Whereas*, the deferred operation of this act would tend to defeat its purpose, which is to transfer forthwith county sheriffs to the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

**Senate Rule 36 was suspended, on motion of Ms. Menard, and the House amendment was considered forthwith and the Senate NON-concurred in the House amendments.**

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

**The bill was returned to the House endorsed accordingly.**

*Report of Committees.*

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Gale D. Candaras for legislation to establish a sick leave bank for Ivette Torres, an employee of the Department of Health and Human Services.

**Senate Rule 36 was suspended, on motion of Mr. Rosenberg, and the report was considered forthwith. Joint Rule 12 was suspended, and the petition (accompanied by bill) was referred to the committee on Public Service.**

**Sent to the House for concurrence.**

*Papers from the House*

A petition (accompanied by bill, House, No. 4138) of Matthew C. Patrick and others relative to the establishment of the Cape Cod Community Health Trust,-- came from the House, with the endorsement that they had referred the petition to the committee on Public Health.

**On motion of Senator O’Leary, the Senate NON-concurred in the reference to the committee on Public Health and referred the petition to the committee on Health Care Financing**

**Sent to the House for its action.**

The Senate Bill relative to relative to mobilizing economic recovery in Massachusetts (Senate, No. 2061),-- 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 of House document numbered 4128.*

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

Ms. Menard moved that the Senate concur with the House amendment *with a further amendment*, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2101.

**The motion was accepted; and the amendment was adopted.  
Sent to the House for concurrence in the further amendment.**

The Senate Bill providing for the uniform prudent management of institutional funds (Senate, No. 2078, amended),-- came from the House passed to be engrossed, in concurrence *with an amendment* inserting before the enacting clause the following emergency preamble: “*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for uniform prudent management of institutional funds, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The rules were suspended, on motion of Mr. O’Leary, and the amendment was considered forthwith.

After remarks, the question on concurring in the House amendment was determined by a call of the yeas and nays, at twenty minutes past three o'clock P.M., on motion of Mr. O’Leary, as follows, to wit (*yeas 38- nays 0*) [**Yeas and Nays No. 87**]:

Insert Roll Call “87”

**The yeas and nays having been completed at twenty-five minutes past three o’clock P.M., the House amendment was adopted, in concurrence (as corrected BTR).**

*Recess.*

There being no objection, at twenty-seven minutes before four o’clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-threeminutes before six o’clock P.M., the Senate reassembled, the President in the Chair.

*Papers From The House.  
Emergency Preambles Adopted.*

An engrossed Bill mobilizing economic recovery in the Commonwealth (see Senate, No. 2061, printed as amended, 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 2 to 0.

**The bill was signed by the President and sent to the House for enactment.**

An engrossed Bill providing for the uniform prudent management of institutional funds (see Senate, No. 2078, 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 2 to 0.

**The bill was signed by the President and sent to the House for enactment.**

*Engrossed Bills.*

The following engrossed bills (both of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Mobilizing economic recovery in the Commonwealth (see Senate, No. 2061, printed as amended, amended); and

Providing for the uniform prudent management of institutional funds (see Senate, No. 2078, amended).

*Order Adopted.*

On motion of Mr. Tarr,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on Thursday next 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 sixteen minutes before six o'clock P.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.