

SENATE SESSION - MONDAY, MARCH 3, 2008

Posting or forwarding this material without permission is prohibited. Contact permission@statehousenews.com.

**CONVENES:** The Senate convened at 11 am with Sen. Timitly presiding and Sen. Hedlund attending. Members and guests stood for the Pledge of Allegiance.

**CREEM - AWAY FROM THE STATE HOUSE:** The Senate agreed to print in its journal a statement from Sen. Creem explaining how she would have voted on Feb. 26 roll calls. Creem said she missed the votes because she was away from the State House.

**MOORE - AT HEALTH CARE CONFERENCE:** The Senate agreed to print in its journal a statement from Sen. Moore explaining how he would have voted on Feb. 26 roll calls. Moore said he missed the votes because he was out of state on official business, attending the Healthcare Information and Management Systems Society's Annual Conference.

**SPRINGFIELD LIBRARY LEASE:** The Senate ordered to third reading and engrossed H 4082 authorizing the city of Springfield to enter into a certain lease with the Springfield Library and Museums Association.

**FRAMINGHAM TOWN MEETING:** The Senate ordered to third reading and engrossed H 4432 relative to the filling of vacancies of town meeting members in the town of Framingham.

**MEDWAY CHARTER:** The Senate ordered to third reading H 4460 charter of the town of Medway.

**MURRAY'S HEALTH CARE COST BILL:** The Senate referred a Senate President Murray bill relative to cost containment in delivery of quality health care to the Committee on Health Care Financing.

**PETITIONS REFERRED:** The Senate referred several petitions to various committees.

**GIFT CERTIFICATES:** The Senate enacted S 2345 regulating the sale of gift certificates.

**RANDOLPH LIBRARY:** The Senate enacted S 2396 relative to the Randolph Public Library.

**ORANGE BILLS:** The Senate enacted H 4277 holding of annual town meetings of the town of Orange.

**EMPLOYEE COMPENSATION:** S 1059 to clarify the law protecting employee compensation was brought up for re-enactment. Sen. Hedlund objected and the bill was laid aside.

**PETITIONS REFERRED:** The Senate referred one new bill to the Public Service Committee and another to the Transportation Committee.

**QUINEBAUG AND SHETUCKET RIVERS:** The Senate concurred with a House Ways and Means amendment to S 2310 revising the composition and duties of the Quinebaug and Shetucket Rivers Valley Heritage District and Commission.

**WAKEFIELD PENSION:** The Senate enacted S 1650 authorizing the town of Wakefield to issue pension obligation bonds or notes.

**ADJOURNS:** The Senate adjourned at 11:19 am to return at 11 am Tuesday in an informal session.

- END -

**DISCLAIMER:** Bill texts and histories are available at [www.state.ma.us/legis/legis.htm](http://www.state.ma.us/legis/legis.htm). All votes are voice votes, unless otherwise noted. Bills ordered to third reading have been given initial approval. To engross a bill is to pass it and send it to the other branch. The last of three votes taken on bills that reach the

governor's desk is the vote on enactment. So, it's third reading (initial approval); engrossment (passage) and enactment. The News Service coverage of legislative debate is an accurate summary of remarks, not a verbatim transcript.

Serving the working press since 1910

<http://www.statehousenews.com>

SHNS Home Page

FOR THE STATE OF TEXAS  
LEGISLATIVE NEWS SERVICE  
1100 WEST 11TH STREET  
AUSTIN, TEXAS 78703  
TEL: 512-463-1100  
FAX: 512-463-1101  
WWW.STATEHOUSENEWS.COM

FOR THE STATE OF TEXAS  
LEGISLATIVE NEWS SERVICE  
1100 WEST 11TH STREET  
AUSTIN, TEXAS 78703  
TEL: 512-463-1100  
FAX: 512-463-1101  
WWW.STATEHOUSENEWS.COM

FOR THE STATE OF TEXAS  
LEGISLATIVE NEWS SERVICE  
1100 WEST 11TH STREET  
AUSTIN, TEXAS 78703  
TEL: 512-463-1100  
FAX: 512-463-1101  
WWW.STATEHOUSENEWS.COM

FOR THE STATE OF TEXAS  
LEGISLATIVE NEWS SERVICE  
1100 WEST 11TH STREET  
AUSTIN, TEXAS 78703  
TEL: 512-463-1100  
FAX: 512-463-1101  
WWW.STATEHOUSENEWS.COM

FOR THE STATE OF TEXAS  
LEGISLATIVE NEWS SERVICE  
1100 WEST 11TH STREET  
AUSTIN, TEXAS 78703  
TEL: 512-463-1100  
FAX: 512-463-1101  
WWW.STATEHOUSENEWS.COM

FOR THE STATE OF TEXAS  
LEGISLATIVE NEWS SERVICE  
1100 WEST 11TH STREET  
AUSTIN, TEXAS 78703  
TEL: 512-463-1100  
FAX: 512-463-1101  
WWW.STATEHOUSENEWS.COM

FOR THE STATE OF TEXAS  
LEGISLATIVE NEWS SERVICE  
1100 WEST 11TH STREET  
AUSTIN, TEXAS 78703  
TEL: 512-463-1100  
FAX: 512-463-1101  
WWW.STATEHOUSENEWS.COM

FOR THE STATE OF TEXAS  
LEGISLATIVE NEWS SERVICE  
1100 WEST 11TH STREET  
AUSTIN, TEXAS 78703  
TEL: 512-463-1100  
FAX: 512-463-1101  
WWW.STATEHOUSENEWS.COM

FOR THE STATE OF TEXAS  
LEGISLATIVE NEWS SERVICE  
1100 WEST 11TH STREET  
AUSTIN, TEXAS 78703  
TEL: 512-463-1100  
FAX: 512-463-1101  
WWW.STATEHOUSENEWS.COM

FOR THE STATE OF TEXAS  
LEGISLATIVE NEWS SERVICE  
1100 WEST 11TH STREET  
AUSTIN, TEXAS 78703  
TEL: 512-463-1100  
FAX: 512-463-1101  
WWW.STATEHOUSENEWS.COM

FOR THE STATE OF TEXAS  
LEGISLATIVE NEWS SERVICE  
1100 WEST 11TH STREET  
AUSTIN, TEXAS 78703  
TEL: 512-463-1100  
FAX: 512-463-1101  
WWW.STATEHOUSENEWS.COM

FOR THE STATE OF TEXAS  
LEGISLATIVE NEWS SERVICE  
1100 WEST 11TH STREET  
AUSTIN, TEXAS 78703  
TEL: 512-463-1100  
FAX: 512-463-1101  
WWW.STATEHOUSENEWS.COM

FOR THE STATE OF TEXAS  
LEGISLATIVE NEWS SERVICE  
1100 WEST 11TH STREET  
AUSTIN, TEXAS 78703  
TEL: 512-463-1100  
FAX: 512-463-1101  
WWW.STATEHOUSENEWS.COM

FOR THE STATE OF TEXAS  
LEGISLATIVE NEWS SERVICE  
1100 WEST 11TH STREET  
AUSTIN, TEXAS 78703  
TEL: 512-463-1100  
FAX: 512-463-1101  
WWW.STATEHOUSENEWS.COM

FOR THE STATE OF TEXAS  
LEGISLATIVE NEWS SERVICE  
1100 WEST 11TH STREET  
AUSTIN, TEXAS 78703  
TEL: 512-463-1100  
FAX: 512-463-1101  
WWW.STATEHOUSENEWS.COM

SENATE SESSION - TUESDAY, APRIL 15, 2008

Posting or forwarding this material without permission is prohibited. Contact [permission@statehousenews.com](mailto:permission@statehousenews.com).

**CONVENES:** The Senate convened at 11:02 am, Sen. Steven Tolman presiding. Members and guests recited the Pledge of Allegiance.

**WIRE INSPECTORS:** The Senate adopted a Tisei motion to recommit to the Committee on Telecommunications, Utilities and Energy an adverse report on S 237 relative to the qualification of inspectors of wire and assistant inspectors of wire employed by a city or town.

**FRANKLIN:** The Senate enacted H 4103 to exempt employees of the department of public works in the city known as the town of Franklin from provisions of the civil service law.

**NATICK:** The Senate enacted H 4401 that the town of Natick be authorized to appoint retired police officers as special police officers in said town.

**RECESSES:** The Senate recessed at 11:06 am subject to the call of the chair, likely between 12 pm and 12:30 pm.

**RETURNS:** The Senate returned at 3:16 pm, Sen. Steven Tolman presiding.

**TOLMAN RESOLUTION:** The adopted a Tolman resolution.

**BROCKTON LAND:** The Senate ordered to third reading H 4164 that the city of Brockton be authorized to convey certain land to the housing authority of said city for construction of affordable housing, then adopted a Creedon amendment, then engrossed the bill as amended

**SICK LEAVE BANK:** The Senate by a vote of 2-0 adopted an emergency preamble to S 2447 establishing a sick leave bank for Kathryn McGaffey, an employee of the Department of Social Services

**HEALTH CARE COST CONTROL:** The Senate adopted an ought to pass recommendation on S 2526 to promote cost containment, transparency and efficiency in the delivery of quality health care with a new draft S 2650.

**AMENDMENT ORDER:** The Senate adopted an order decreeing that amendments to S 2650 be due at 5 pm Wednesday.

**ADJOURNS:** The Senate adjourned at 3:21 pm to meet next on Thursday at 1 pm in a full formal session.

- END -

**DISCLAIMER:** Bill texts and histories are available at [www.state.ma.us/legis/legis.htm](http://www.state.ma.us/legis/legis.htm). All votes are voice votes, unless otherwise noted. Bills ordered to third reading have been given initial approval. To engross a bill is to pass it and send it to the other branch. The last of three votes taken on bills that reach the governor's desk is the vote on enactment. So, it's third reading (initial approval), engrossment (passage) and enactment. The News Service coverage of legislative debate is an accurate summary of remarks, not a verbatim transcript.

Serving the working press since 1910

<http://www.statehousenews.com>  
SHNS Home Page

SENATE SESSION - THURSDAY, APRIL 17, 2008

CONVENES / RECESSES: The Senate convened at 1:00 pm with Sen. Tolman presiding and immediately recessed subject to the call of the chair.

RETURNS: The Senate returned at 2:42 pm, Senate President Murray presiding.

PARKINSON'S DISEASE: Sen. Creem introduced the president of the Massachusetts chapter president of the American Parkinson's Disease Association.

BROWN GUEST: Sen. Brown introduced a guest from Wellesley, John McDermott.

RESOLUTIONS: The Senate adopted various resolutions including a Sen. Joyce resolution honoring the Massachusetts State Science and Engineering Fair and a Sen. Joyce resolution recognizing the 125th year of the Plumbing, Heating, Cooling Contractors Association.

HART COMMUNICATION: The Senate adopted a motion to print a communication in the journal from Sen. Hart explaining his absence at a previous session was due to a family commitment, and describing how he would have voted on rolls calls that day.

CHATHAM ALCOHOL LICENSES: The Senate ordered to third reading H 4522 authorizing the town of Chatham to issue two additional licenses for all alcoholic beverages to be drunk on the premises.

HEALTH CARE BILL: Question came on ordering to third reading S 2650 to promote cost containment, transparency and efficiency in the delivery of quality health care.

TISEI AMENDMENT #1 - MEDICAL LIABILITY: Sen. Tisei offered an amendment relative to medical liability.

Sen. Tisei said, This is an important bill. I want to recognize all the hard work that you have done in driving this issue to the public's attention. We've been successful for the first part of the health care reform act in terms of signing people up. The real crux of whether or not this will work is whether or not we can control costs. While others have been obsessed with casino gambling, you have kept your eye on this issue. Today is the first step of what needs to be a number of steps to contain costs. There are so many businesses that can't afford to pay exorbitant premium increases each year. I want to also mention the work of the chair of Ways and Means and the Health Care Financing Committee. There were some changes made just recently and I want to ask the expert in the chamber to give us a quick synopsis of what this bill does and how it will reduce health care costs for the state and businesses.

Sen. Moore said, I hope the minority leader understands that the caucus behind him wants this to be an expedited presentation. The bill as filed did a number of things. It encouraged transparency. Among the changes in the bill before us, there is not a trigger. All that information comes into the Division of Insurance. If the commissioner can determine that one or more outpaces the increases we're seeing across the country, she can call for a hearing. Another area we looked at is the provider costs. Their charges would be subject to a hearing in the initial bill. What we've decided is that would require adding additional staff and building up the bureaucracy of that organization. We have an organization in the state that gathers that information, the Division of Health Care Finance and Policy. That agency would hold the hearing. The original bill would have prohibited pharmaceutical gifts to physicians because of the numerous studies that have demonstrated that does affect the primary practice. Even simple things can tend to influence physicians' prescribing practices. The original proposal included criminal penalties. This bill includes civil penalties. The original bill included the e-health institute. We decided to condense a couple of sections and combine that into more compact language and strengthen the privacy protections patients expect. We also changed one piece that any grants that come from that institution, you have to make a commitment to work within that practice and care. We clarified the gift ban for pharmaceuticals in that it would not apply to academic as long as it's not a gift but a provision of services. We're encouraging and setting up a system of transparency and understanding where the cost drivers are. Spending the money more smartly that we

spend on health care. We also do several things that will make the system more efficient. We establish a uniform billing and coding system. This could save millions of dollars in registration.

Sen. Murray ordered all staff not directly talking with a senator to take their conversations outside of the chamber.

Sen. Moore said, Most people believe this is a major step in the right direction. There is a cost to things we are doing here. There's a cost for information technology. It's not free. There are a few you might begin to see fairly immediate returns. A lot of them might take six months to a year to get in place. In about a year's period of time we'll start seeing returns. The business community and uninsured should be able to see an improvement in their costs. Some experts believe health care costs will double in the next 10 years. This is one way to ratchet that down. I think the membership has a general understanding of the bill. The general assumption is that the product that's come out of the Ways and Means Committee is an even better product than we started with.

Sen. Tisei said, Can someone give us an idea where we are fiscally with Chapter 58? Governor Patrick yesterday filed a supplemental budget for \$150 million for the current fiscal year. It's clear that all of the cost estimates with this particular health care bill are way off. I don't think anyone knows how much it's truly going to cost. Is the \$150 million that the governor asked for enough? How much this year is he going to ask for in addition to that? Why is it that we're so far over from the original cost estimates as to what this first year of Commonwealth Care cost? \$150 million is a lot of money. Is it just \$150 million this year? Will the governor be back before we finish?

Sen. Panagiotakos said, The minority leader raises some good points. We're a victim of our own success. The rate of the growth has certainly been a lot faster on the enrollee side. We're staying right around that area of growth. For next year, the governor and the House in their budget are using the number \$869 million for Commonwealth Care. If we continue to have faster enrollment than projected, that number will certainly rise above that. On one hand, we've been successful. The motivation behind the reform was to insure. We've been doing it so fast that it strains the budget. We're just hoping that we start seeing some relief on the cost side.

Sen. Tisei said, To get back to what I asked, the \$150 million that the governor asked for, is that going to be it for this year? Or is that number going to be increased? Was the governor wrong to come back and ask for more money?

Sen. Panagiotakos said, This supplemental that was just filed by the governor will address the entire need for this fiscal year. Fifty percent of that money is federally reimbursed.

Sen. Tisei said, When this law was proposed, the original estimate for next year was that the bill was going to cost us \$725 million. Given the number of people who enrolled, we're not going to be near that figure. The governor provided \$869 million for next year. That's not a real number. Of the 340,000, 176,000 are on Commonwealth Care and 75 percent of them don't pay premiums. We all know the number is going to increase. Do you have a number in your budget? We can't use \$869 million. That number's pretty much out the window at this point. Do you know what it is at this point?

Sen. Panagiotakos said, We could be facing a situation next year where we enroll at a higher rate. The governor used 869, the House just recently used 869. To say that 869 is not a good number is not the case. Are things subject to change? Of course. Reforms here have a lot of fine-tuning in the first couple of years. We may use 869 as our guideline.

**FLAME OF THE MARATHON RUN:** Sen. Spilka said, We are very pleased to announce the arrival of the flame of the marathon run. It is the first spot in the United States. It's my great honor to welcome a good friend, the mayor of Marathon, Greece. The original marathon was in 90 B.C. when the original winner ran so fast he died when he reached Athens. We are greatly honored that the mayor felt so strongly that the Boston Marathon be the first spot in the United States to help spread the marathon. It was important to the mayor that Hopkinton and the Boston Marathon be the first to receive the flame. It is an eternal symbol of

peace, fair sport and cultural exchange. It will burn eternally in Hopkinton. I invite you to come there and see it. I also want to introduce the son of the winner of the 1946 marathon, which was right after World War II when Greece was decimated by the Nazis.

Sen. Panagiotakos said, I want to thank you for arranging this historic afternoon, especially for those of us with Greek ancestry. We take great pride in our roots. I want to introduce the consul general of Greece and the vice consul. I want to thank you Senator Spilka for making today a reality.

Sen. Spilka said, In addition, I want to introduce some special guests from Hopkinton who work to make the marathon what it is. We have the president of the Hopkinton Athletic Association, we have the director of the Hopkinton Athletic Association, we have the chairman of the Hopkinton board of selectman. I want to present the mayor of Marathon with a joint resolution from members of both branches of the Legislature. It's been a wonderful experience to reciprocate your kindness.

Mayor Segaris said, through a translator, It's a great honor to be here. This house symbolizes peace, love and friendship. This flame now is being taken around the world, spreading the word of peace, brotherhood and love.

Sen. Spilka said, We have seven marathoners running who are here as well. If you come out to Hopkinton, you'll be able to see one of our colleagues, Sen. Steve Buoniconti, running the marathon. Sen. Spilka said the guests would be in the reading room for pictures and then a reception.

TISEI AMENDMENT #1 CONTINUED: Sen. Tisei said, I was right in the middle of asking about this bill. We've talked about the current fiscal year that we're in. We've asked whether or not the \$869 million would be enough. The secretary of administration and finance came out and said the true cost was close to a billion dollars. Is there some type of contingency as we go along? Are we going to deal with this in a supplemental?

Sen. Panagiotakos said, We are going to be using \$869 million. That's the amount that the House and the governor used. If we have increased costs then we have to file a supplemental budget that goes through both branches. Hopefully revenues for next year will be high enough. If not we'll have to draw it out of the rainy day fund.

Sen. Tisei said, This speaks to the issue of why we should pass this bill today. Chapter 58 could potentially bankrupt the state. Clearly this is the next Big Dig, this health care law. My final question is, we're also in negotiations with the federal government to renew our waiver in Massachusetts. In the last three years, we've gotten about \$385 million per year from the federal government. My sources in state government tell me that things are not going well at all. The chances of getting what we're asking for are pretty dismal, actually. I want to ask, when are we going to get an answer from the federal government? If the federal government comes out and says we're not extending this waiver, how are we going to make it up?

Sen. Moore said, The negotiations began in December with the administration's initial report. The waiver should be renewed by July 1. Some interesting things are happening that didn't happen three years ago with regard to people we're dealing with in Washington. We're at the end of a presidential term, so some of the members of the administration have polished their resumes and are moving on to other things.

Unfortunately, or perhaps fortunately, someone named Dennis Smith who directed the administration, left the administration last Friday. There is now an acting director. We think that Mr. Smith was very particular in how he interpreted the Medicaid rules. We are hoping that Secretary Leavitt will take a more direct role now. The secretary made it pretty clear to us that he is very much enamored of the Massachusetts health care reform law overall. We think he feels as we do that the federal partnership is important. We are in fact in negotiations over some money that was agreed to in the last waiver that had yet to be released. We're still talking to them. Sen. Kennedy's office has been very involved. Secretary Bigby and the governor have been involved too. The president had appointed me as the Senate representative to these discussions. Rep. Walrath is the House member. We still believe that \$385 is a reasonable goal for the next three years. We would like to think it could be higher. We do think that with Mr. Smith's departure, that might slow the process down a little bit. We're cautiously optimistic. We are in the process. It will be something that we

won't have a final resolution before the budget. The last time it was around was before Chapter 58. It was not a factor directly in the budget. Ways and Means has incorporated what they believe to be the right amount. We may not have a waiver decision until well into June.

Sen. Tisei said, I move for a brief recess. The chair called a recess.

Sen. Knapik said, I have to be honest with you. I don't have a very good feeling about the direction that we're going in relative to the cost of this program. The beauty of the state Senate is there's a great deal of seasoning among the members. I don't mean parsley, sage, rosemary and thyme, but I do mean a lot of longevity. We've been through periods of restrictions on budgetary spending. This is the third recessionary period for which I've been in the Legislature. We're bracing for a pretty significant downturn in revenues and the economy. Layoffs in the private sector are around the corner. We have this commitment to universal health care that is costing a fortune. Everyone's looking for the ever increasing piece of the pie, it ain't there. I remember the euphoria of the Faneuil Hall ceremony. We're contemplating recession right around the corner. If this is a billion-dollar piece of the pie, there are a lot of programs out there that will get no share of the pie, or their slice will be a lot smaller. The gentleman mentioned a 33 percent increase since we first began health care reform. I am concerned. In 1993, we did make a grand commitment to education reform. The gentleman from Central Mass. was there and was a leader in so many areas. When times got tight, we began to retract. Chapter 70 is not distributed equally and many communities will not see much of an increase. Regional school transportation is not seeing increases. The circuit breaker is in trouble. In two short years, we're up to a few short dollars. I hope that the private sector economy is as strong as it can be going forward. I want to thank the gentleman from Blackstone and the Senate president for presenting this bill. Areas around transparency throughout the provider network, I think that will only help going forward. Some of the amendments will hopefully take us a step further. The e-records, which I think we should've been doing more than a half-decade ago. Relief is clearly needed today because the bills need to be paid today. Amendment number one deals with medical liability reform. I know in the bill itself we study the issue. It's never bad to study an issue. We've studied this issue time and time again. It truly is time to take action. When you talk to doctors out there, doctors cite on virtually every occasion, the cost of liability insurance in Massachusetts. It is exorbitant. They've got offices, employees, loans, energy costs. They're small businessmen. Then you lump in some of the highest insurance costs in the nation on their practice, and you wonder why we don't have the doctors we need. This is a topic of the presidential campaigns this year. Liability reform has to be a critical component of the system. What this amendment will do is several things. What this amendment will do is, expert witnesses who are called in have to be certified. Awards granted of \$50,000 will be paid in periodic payments, rather than lump sum. Exorbitant sums are often untenable for the people paying them. There would be changes to liabilities to partition the liability based on the various participants in the particular case. You can apportion the liability based on who is at fault. There are elements that ask doctors to issue apologies and regrets. That's designed to cause some cases to bring down, perhaps, the level of anxiety. Sometimes a simple apology can work wonders. Liability insurance costs are one of the exorbitant costs. We have a shortage of OB-GYNs in Western Massachusetts. There's not a lot we can do to attract that kind of practice to our neck of the woods. But we can make the practice of medicine more attractive in Massachusetts. It's a little bit of everything. We have got to be able to present to the citizens, the payers of these bills, that we are doing what we can to control costs. There will be no room for local priorities because all the money will be going to pay the liabilities of health care reform. I don't know how we come up with a billion dollars during a recession.

Sen. Knapik asked that a vote be taken by a call of the yeas and nays. There was support.

Sen. Tisei said, I hope this matter is adopted. We're talking about cost-containment. It's a huge omission. When you talk to doctors, they'll tell me that most of the time they're practicing defensive medicine. We all know when you practice defensive medicine, that drives up the cost of health insurance for everyone. 48 percent of the doctors in this state said they limit or they alter their day to day practice for fear of being sued. It's always on their minds. When you talk to doctors about the quality of life here, most say that if they could leave, they would probably consider it. This is a bill we haven't seen before. There are a lot of attorneys in this Legislature who will fight medical malpractice reform tooth and nail.

Sen. Moore said, I want to elaborate on the response of the ranking member of the Ways and Means

Committee from the minority. If we do nothing, we don't pass this bill, cost is going to continue to skyrocket. The bill in fact will slow the trajectory of the increase in health care costs. I would comment that the minority leader's characterization of health care reform as a version of free care is not an accurate characterization. Some insured people are part of the private sector, others are in Commonwealth Care. These are people who are now getting routine primary care rather than letting their health deteriorate and ultimately going to the emergency department. It's not free care. People are now getting quality care. It's not quite the same. We should distinguish between the two.

Sen. O'Leary said, I would like to rise in support of the amendment. I do want to agree with some of the comments that the Senate Minority Leader made. Health care costs are growing dramatically. We have to make some hard decisions about health care costs. The absence of significant malpractice reform in this bill is a mistake. It's not the biggest rival of cost, but it's the most egregious. This system is broken in a variety of ways. I represent an area of the commonwealth that doesn't have physicians in a variety of areas. It's our responsibility to maintain services. Medical malpractice reform begins to move us in that direction. We have an enormous amount of defensive medicine being practiced in Massachusetts. Nationally, some \$24 billion is being spent in defensive health care. A recent Harvard Medical School study estimated that of all malpractice cases filed, only a small percentage actually get a benefit. The system is built to suppress legitimate claims. In this system, typically, the information is suppressed. Patient safety is put at risk. Many people who deserve a benefit don't receive it. We have a system that suppresses the health care value that might come out of a better designed system. I would encourage you to support an amendment that I have to support a pilot program. We all know what a study means. A study means we don't do anything. Let's be the first state in the country to do medical malpractice. It's been studied to death. It's been hamstrung at the federal level. Massachusetts has an opportunity to break that logjam. We need to start here, and we're not doing that with a study.

Sen. Creedon said, I would urge that the Senate reject this amendment. This is clearly a measure that needs study. I've had several of these bills before my committee. It's a question of money. A very small number of specialists are paying a very high premium. I suggested a solution that nobody wants to talk about. We don't pay health insurance. I'm willing to pay a certain amount in subsidies. We don't give special treatment to carpenters or lawyers or scaffolding companies or anyone else. We do, and we have for a number of years, treated doctors specially. There are very few medical malpractices today that are successful. Very, very few members of the bar practice this. Insurance companies have told us that if we pass this, they're not going to reduce premiums one cent. The right answer is to lower premiums and the only way to do it is to subsidize those premiums. From a personal standpoint, I want to see doctors remain here in the commonwealth. I'm willing to subsidize premiums. I don't want any of these gimmicks.

Sen. Brewer said, I hope the amendment is not adopted as well. I do not represent the lawyers caucus. I am a member of the reality caucus. We have until July 1 to get health care reform done. I don't think that something this complicated can get done by July 1 in a meaningful and correct way. Medical malpractice reform should be taken up. I don't think this vehicle is the one. The cost of inaction on this bill is high. The cost of health care is sucking the air and money out of the entire state budget. This bill has so many things in it. Having public hearings to promote transparency for all health plans. What wasn't said is that before health care reform, the costs rose 33 percent in the same time period as well. We expect that this will be paid for by a cigarette excise. I hope you'll join us to support a cigarette tax to pay for the bill as well. Hundreds of millions of dollars will be saved eventually. This bill, health care reform volume two, I submit to you that we'll see volume three eventually. I think everyone knew this was uncharted territory. It was going to be expensive. We have a healthy society as a whole. This won't take just one fiscal year. The whole nation is watching us. We're the only state to ever do as much on health care. It is uncertain but I, know the Republicans, and they know that the cost of inaction is too extreme. We need to get a bill done today and move it forward to the House.

Sen. Knapik said, This is a legislative process. We can offer amendment and, my lord, I think we're going to fight for them from time to time. I think this is an outstanding bill, no question about it. However, it is our prerogative to make a good bill better. This is not a new concept, medical malpractice reform. It's not a deal breaker. I believe that many of us have debated this bill in isolation. One omission in the bill is something to address the medical malpractice issue. I wish there were people in the 90s talking about the



Big Dig. We got these swaption things. I like asking questions. Together we can, if we work toward this. Questions are a wonderful thing. Answers are even better. Health care reform, a great end goal, is going to cost the commonwealth an awful lot of money for a very positive public end. We don't print money. We rely on a robust private sector. If we don't have a robust private sector, we are going to have incredible stress, incredible pressure. Not just health care, but a global perspective we can afford. I hope the amendment passes.

BY A ROLL CALL VOTE OF 6-33, AMENDMENT REJECTED

MINIMUM CREDITABLE COVERAGE: Sen. Tisei offered amendment 2 definition of minimum creditable coverage and secured support for a roll call.

Sen. Tisei said when we passed the health care bill two years ago we passed a bill that ensured that people would have health insurance. The legislature did not mandate prescription drug coverage. Since that time the Connector Board decided to add prescription drug coverage as a minimal prerequisite that had to be included in any health care package. In all these things, it's a law of unintended consequences. For independent contractors and the self-employed who had good plans before this law it's actually turning out to be more costly for them. They are paying more than they did before they actually had the insurance. I work with a lot of independent contractors.

BY A ROLL CALL VOTE OF 6-33 AMENDMENT NOT ADOPTED

TISEI AMENDMENT #2 - PRESCRIPTION DRUG COVERAGE: Sen. Tisei offered an amendment relative to prescription drug coverage.

Sen. Tisei requested that vote be taken by a call of the yeas and nays. There was support.

Sen. Tisei said, When we passed the health care bill two years ago, the Legislature never mandated prescription coverage. Since that time, the connector board has decided to add prescription coverage as a minimum prerequisite. People are now paying more than they did before their mandatory insurance. I used to go get 40 percent off my prescription drugs with my AAA card. Now I'm being forced to carry a more expensive insurance plus I have a co-pay or a deductible that is more expensive than it was prior to the mandatory coverage. I think for this group of people, these people are going out and buying health insurance themselves. The Legislature should have decided what constitutes a minimum plan. That was something decided by an unelected board. I hope that you would support us on this amendment. All it does is say if you're an independent contractor or self-employed, the mandate doesn't apply to you.

Sen. Moore said, I hope the amendment is not adopted. There are other provisions in this bill that will help lower the cost of prescription drugs effectively. What we did when we were doing Chapter 58, we recommended things to the Connector. We can't have a comprehensive health plan without access to prescription drugs. To put people in a position to get a separate policy for drug coverage, a lot of people are not going to get the treatment they need. I encourage the members not to support this. It would be a reduction in the quality of care.

Sen. Knapik said, This is one of those amendments that makes sense. I know I'm not the only one who gets telephone calls from constituents. I got calls from professional CPAs who, all of a sudden, out of the blue, wound up with a mandate for prescription drug coverage. People don't follow what we do down here. I cannot have good answers. Had we given them a choice of plans, it would be one thing. Having foisted this mandate upon them, that's what upsets people. And we didn't vote on it. You get calls from these types of professionals who all of a sudden now have a prescription drug mandate, here's an opportunity to rectify it. I hope some folks agree with us. The cost-containment side is critical because real people are paying real money for something really serious. This can help put a bit of the genie back in the bottle. I didn't have a good answer. I hope this bill passes.

BY A ROLL CALL VOTE OF 5-34, AMENDMENT NOT ADOPTED

**TISEI AMENDMENT #3 - REUSE OF DURABLE MEDICAL EQUIPMENT:** Sen. Tisei offered an amendment relative to the reuse of durable medical equipment.

Sen. Tarr said, This bill is essential to the survival of health care reform. I would suggest that both parties are still committed to this issue. The gentleman indicated that we would not retreat from it. If we do not become aggressive about cost-containment, then we will be retreating from other commitments. MassINC reported some time ago that measured government spending between 1987 and 2006 in the context of the state budget. We have increased spending on K-12 education by 44 percent. The most notable inference and component is we have increased health care spending 150 percent. It's staggering. We cannot continue with that level of increase without necessarily impacting every other component of the state budget. Mr. President, there are a number of great initiatives in this bill. I would also suggest, Mr. President, we can't wait very long for the health care reform three. This is an item which we can do today that will have a direct impact. It's a very simple proposition. One of the most increased costs of health care is durable medical equipment. No one would deny that we ought to be paying for that because they save lives and save dollars. However, there ought to be some way to get some control over the continued release of this equipment without cataloguing or figuring out ways to reuse this equipment. This amendment would have us move forward with a program of inventorying and categorizing and, where possible, reusing durable equipment. What we would suggest is that a necessary component of this very laudable effort needs to be addressing durable equipment. We merely ought to appropriately control its use. This will yield dividends for years to come by changing the culture by which we issue this equipment. I hope it is adopted. We only have a few choices. One of those might be to limit coverage or care. We don't want to do that. Another might be to sacrifice other elements of state government. I don't think we want to do that. A third choice is to put in place serious cost controls. I all know which choice we want to make. I hope the amendment is adopted.

The amendment was not adopted.

**INTEGRATING THE MEDICAID AND MEDICARE PATIENT CLASSIFICATION SYSTEM:**

The amendment was not adopted.

**TOLMAN AMENDMENT - PSYCHIATRY LOAN FORGIVENESS PROGRAM:** Sen. Tolman offered an amendment relative to a psychiatry loan forgiveness program.

The amendment was adopted.

**TISEI AMENDMENT #4:** Sen. Tisei offered an amendment.

The amendment was not adopted.

**JEHLEN AMENDMENT - INCLUDING REVENUE IN ACTUAL LOSS DEFINITION:** Sen. Jehlen offered an amendment relative to including revenue in the actual loss definition.

The amendment was not adopted.

**BUONICONTI AMENDMENT- MEDICAL RECORDS RETENTION:** Sen. Buoniconti offered an amendment relative to medical records retention.

The amendment was not adopted.

**TARR AMENDMENT- LETTERS OF EXEMPTION:** Sen. Tarr offered an amendment relative to letters of exemption.

The amendment was not adopted.

**DOWNING AMENDMENT - NURSING FACILITIES CLASS:** Sen. Downing offered an amendment

relative to nursing facilities class.

The amendment was not adopted.

**MORRISSEY AMENDMENT - COMPUTERIZED PHYSICIAN ORDER ENTRY SYSTEMS:** Sen. Morrissey offered an amendment relative to computerized physician order entry systems.

The amendment was not adopted.

**TUCKER AMENDMENT - MEDICATION ERROR MANDATORY REPORTING:** Sen. Tucker offered an amendment relative to mandatory reporting of medication errors.

The amendment was adopted.

**GALLUCCIO AMENDMENT - MEMBERSHIP ON THE E-HEALTH ADVISORY COMMITTEE:** Sen. Galluccio offered an amendment relative to membership on the e-health advisory committee.

The amendment was not adopted.

**GALLUCCIO AMENDMENT #2 - INCORPORATING A CHRONIC DISEASE REGISTRY:** Sen. Galluccio offered an amendment relative to incorporating a chronic disease registry.

The amendment was not adopted.

**O'LEARY AMENDMENT - COMMUNITY HOSPITALS:** Sen. O'Leary offered an amendment relative to community hospitals.

The amendment was not adopted.

**CHANDLER AMENDMENT - MEMBERSHIP OF THE HEALTH CARE QUALITY AND COST COUNCIL:** Sen. Chandler offered an amendment relative to membership of the Health Care Quality and Cost Council.

The amendment was not adopted.

**BADDOUR AMENDMENT - INSURER TRANSPARENCY:** Sen. Baddour offered an amendment relative to insurer transparency.

The amendment was adopted.

**CHANDLER AMENDMENT - RECLAMATION AND REUSE OF UNUSED MEDICATION:** Sen. Chandler offered an amendment relative to reclamation and reuse of unused medication.

The amendment was not adopted.

**CHANDLER AMENDMENT #2 - LICENSED PHYSICIANS ASSISTANTS:** Sen. Chandler offered an amendment relative to licensed physicians assistants.

The amendment was not adopted.

**FARGO AMENDMENT - STANDARDS RELATIVE TO PHYSICIAN PERFORMANCE MEASURES:** Sen. Fargo offered an amendment relative to physician performance measures.

The amendment was not adopted.

**CHANDLER AMENDMENT #3 - PRIVACY:** Sen. Chandler offered an amendment relative to privacy.

The amendment as redrafted was adopted.

**JEHLEN AMENDMENT #2 - LONG-TERM CARE COMMISSION:** Sen. Jehlen offered an amendment relative to a long-term care commission.

The amendment was not adopted.

**JEHLEN AMENDMENT #3 - CONSUMER INCLUSION:** Sen. Jehlen offered an amendment relative to consumer inclusion.

Sen. Tisei said, I was hoping the senator sponsoring this amendment could explain what it does.

Sen. Jehlen said, This amendment would add a consumer advocate to the cost and quality council. There are advocates for many interest groups that should have a voice.

The amendment was not adopted.

**BADDOUR AMENDMENT #2 - GIFT BAN:** Sen. Baddour offered an amendment relative to a gift ban.

The amendment was not adopted.

**BROWN AMENDMENT - MEDICAL MALPRACTICE:** Sen. Brown offered an amendment relative to medical malpractice.

The amendment was not adopted.

**O'LEARY AMENDMENT #2 - MEDICAL CORPS:** Sen. O'Leary offered an amendment relative to establishing a medical corps.

Sen. O'Leary said, Let me say first of all, I think this bill is a very good important piece of legislation we need to do. There are provisions in here that I support with respect to the UMass medical school. There's language that encourages the university to expand the medical school. There is an appropriation and some financial commitment to strengthen the program that encourages the medical school that encourages students to take up primary medicine here in Massachusetts. This legislation simply doesn't go far enough in that regard. The medical school's original mission was to educate primary care physicians. It has only 100 seats and given its original mission, fewer and fewer go into practice here in Massachusetts. What we can do is, we're not encouraging the medical school to expand. It can expand to some 16 new spots. There is money in the higher education bond bill to facilitate that. With those 16 spots, we should establish a medical corps for people who commit to practicing primary care in Massachusetts. The temptation for physicians when they get to their senior year, and they look at what they would make as a primary care physician versus a specialist, the temptation is to become a specialist. We can do this, we can set aside those seats. The medical school has turned away thousands of applicants. The commonwealth has invested a great deal in UMass Medical School. It still needs to fulfill its public purpose, to provide the commonwealth with primary care physicians. This amendment will restore that purpose.

Sen. Tarr said, I want to commend the gentleman for his consistent support for utilizing the educational apparatus of the commonwealth advance health care. In that spirit, I rise to support the amendment.

Sen. Tarr requested that a vote be taken by a call of the yeas and nays. There was not support.

The amendment was not adopted.

**O'LEARY AMENDMENT #3 - PRESCRIPTION SAFETY:** Sen. O'Leary offered an amendment relative to prescription safety.

Sen. O'Leary said, I promise to be brief. There are two provisions within the context of this amendment. Both of these efforts are practiced elsewhere in the country. They reduce litigation, keep down the cost and add to doctor-patient satisfaction. It says, if there's a malpractice claim, the hospital and doctor has to be notified in a timely fashion so they can communicate with the patient and settle. If negotiations break down, the aggrieved can still file litigation. The second thing this does, it allows the doctor to apologize. By doing so, what we find is that in many instances, that communication significantly reduces the need for a malpractice claim. This has been tried in other states. The experience is that this dramatically reduces the amount of malpractice claims.

Sen. Hedlund said, I'm disappointed we weren't able to get enough colleagues to join us for a roll call.

Sen. Hedlund requested that a vote be taken by a call of the yeas and nays. There was support.

Sen. O'Leary said, I accidentally spoke on the wrong amendment. I would like to withdraw everything I said.

**BY A ROLL CALL VOTE OF 6-34, AMENDMENT NOT ADOPTED**

**CHANDLER AMENDMENT #4 - CHAPTER 6A OF THE GENERAL LAWS:** Sen. Chandler offered an amendment relative to amending chapter 6A of the General Laws.

Sen. Tisei said, Can the sponsor please explain the redraft of this amendment?

Sen. Chandler said, This bill will put a physician on the advisory board.

Sen. Tisei said, What advisory council would this affect?

Sen. Chandler said, It would be an advisory board to the cost council.

The amendment as redrafted was adopted.

**BUONICONTI AMENDMENT #2 - NEVER EVENTS:** Sen. Buoniconti offered an amendment relative to never events.

Sen. Tisei said, I was hoping the sponsor could explain this. What is a never event and what would this amendment do? I'm interested in what the redraft does.

Sen. Hedlund said, I'm not sure if I can answer the minority leader's question. I'm not sure if a never event is like a roll call that didn't occur a few moments ago. We await with great eagerness the chairman's explanation.

Sen. Moore said, A never event are considered things that should never happen in a hospital setting, like the wrong organ being removed or the wrong leg being amputated. We have provided in here that hospitals will not be reimbursed for the cost of that procedure. The federal government is doing the same thing. As of Oct. 1, Medicare will not reimburse for these kind of events. This amendment defines it a little bit so that if a never event occurs, it would give the patient more protection in the process of recovery from a never event.

The amendment was adopted.

**TARR AMENDMENT - ASSOCIATED HEALTH PLAN:** Sen. Tarr offered an amendment relative to an associated health plan.

The amendment was withdrawn.

**TARR AMENDMENT - COPING:** Sen. Tarr offered an amendment relative to coping.

The amendment was not adopted.

**MOORE AMENDMENT - E-HEALTH INSTITUTE:** Sen. Moore offered an amendment relative to the e-health institute.

Sen. Tisei said, Can the health care chair explain what the e-health institute is and what this redrafted amendment does?

Sen. Moore said, This will be the entity that grants other institutions funds for medical records. We made a couple of minor changes. We changed the reporting requirement instead of to the Public Health Council to the commissioner of public health. We think that will expedite the process. We also require that the funds be distributed fairly, not necessarily equally, but fairly. We want to make sure that facilities are properly treated.

The amendment as redrafted was adopted.

**TARR AMENDMENT #3 - LOST RATIOS:** Sen. Tarr offered an amendment relative to lost ratios.

The amendment was not adopted.

**BADDOUR AMENDMENT #2 - END OF LIFE CARE:** Sen. Moore offered an amendment relative to end of life care.

The amendment was adopted.

**BADDOUR AMENDMENT #3 - THE COMMISSION:** Sen. Baddour offered an amendment relative to the commission.

Sen. Tisei said, The title of this amendment is the commission. It could mean all types of things. Could the sponsor explain what this means?

Sen. Baddour said, We are including the Retailers Association of Massachusetts on the advisory committee to the council. There are a number of business entities included. There is no small business advocate on the council. We want to make sure that they have a voice.

The redrafted amendment was adopted.

**BADDOUR AMENDMENT #4 - MASSCOMM:** Sen. Baddour offered an amendment relative to MassComm.

Sen. Tisei said, MassComm, I have no idea what this means. If people could be more descriptive, perhaps I wouldn't have to ask about so many of them. What does it do?

Sen. Baddour said, This is not a redraft. What this amendment is it contains health care costs, it allows patients to get care closer to home. It licenses community hospitals.

The amendment was adopted.

**ANTONIONI AMENDMENT - HOSPITAL DUE DILIGENCE STUDY:** Sen. Antonioni offered an amendment relative to a hospital due diligence study.

Sen. Knapik said, We've come to learn that the gentleman from Worcester always has thoughtful amendments. If he could explain this one, it would be helpful.

Sen. Antonioni said, The due diligence study was rewritten to deal with the cost of increases in the health

care delivery system and look at the effort made by the health care industry to manage its accounts receivable and manage money. Speaking to different CEOs, effort sometimes is not made in a manner that one would expect from different entities that receive hundreds of dollars in assistance. This study would make recommendations for how hospitals manage accounts receivable. If facilities are making efforts to manage their accounts receivable, then they we be better able to ask the commonwealth for assistance.

The amendment as redrafted was adopted.

**TISEI AMENDMENT #5 - INCREASED COVERAGE OPTIONS:** Sen. Tisei offered an amendment relative to increased coverage options.

The amendment as redrafted was adopted.

**TISEI AMENDMENT #6 - STRENGTHENING THE DETERMINATION OF NEED PROCESS:** Sen. Tisei offered an amendment relative to the determination of need process.

The amendment was adopted.

There was no objection to moving on to other matters while the Senate awaited redrafts of other amendments.

**NOVEMBER ELECTION:** The Senate ordered to third reading and engrossed H 4558 relative to placing certain questions on the ballot of the November 2008 presidential election.

**LONGMEADOW POLICE CHIEF:** Question came on engrossing H 4437 authorizing the town of Longmeadow to continue the employment of Police Chief Robert Danio.

**CANDARAS AMENDMENT:** Sen. Candaras offered an amendment requiring a mental and physical exam for the chief.

Sen. Candaras said, This bill is a request from the town of Longmeadow. Their select board asks that we retain their police chief for one additional year.

The amendment was adopted: The bill was engrossed.

**PETITION:** The Senate referred to the Committee on Public Safety a Sen. Timilty petition.

**WESTFORD POLICE:** The Senate ordered to third reading H 4463 relative to the appointment of special police officers in the town of Westford.

**WAKEFIELD BONDS:** The Senate enacted S 1650 authorizing the town of Wakefield to issue certain bonds and notes.

**GEORGETOWN FIRE DEPARTMENT:** The Senate enacted S 2343 providing for a fire department in the town of Georgetown

**SICK LEAVE BANK:** The Senate enacted S 2447 establishing a sick leave bank for Kathryn McGaffey, an employee of the Department of Social Services.

**BACK TO THE HEALTH CARE BILL:** Debate resumed on S 2650 to promote cost containment, transparency and efficiency in the delivery of quality health care.

**TISEI AMENDMENT #7 - TRANSITIONAL PRESCRIPTION DRUG COVERAGE:** Sen. Tisei offered an amendment relative to transitional prescription drug coverage.

Sen. Tisei said, One of the problems with the health care law is the transition from people coming off

MassHealth and going into Commonwealth Care or other programs. I've heard of a number of constituents who have had gaps in getting their prescriptions filled. This would require MassHealth to keep covering prescriptions until the transition to a new plan is complete. This would catch people caught between one plan and another. Why not have MassHealth continue to pay prescriptions during that period? The individual would still be responsible for co-pays and deductibles during this period. There is a small cost associated with this. But those people falling through the cracks should continue to have coverage while transitioning from one plan to another. I hope the chair of the health care financing committee will support this. If he has another idea that would work, I'd be open to trying to find a solution.

Sen. Moore said, It's not necessarily a bad idea. There's a \$4 million cost to it. It may be valuable but it's also expensive, especially given today's financial straits.

Sen. Tisei said, I guess this isn't the right place for this amendment. We have gone through this debate and talked about coverage. You're mandating that people who have prescription drug coverage pay more now than they did before. In this case, you're content to let some of the poorest people in the state go without prescriptions. These are often prescriptions that are very much needed. Some of the poorest people aren't going to be able to get their prescriptions filled. We're going to spend a billion next year and we can't find \$4 million for people losing their heart medication, their diabetes medication for a 30 day period? It doesn't seem to me to make any sense. For all the reasons that the chair of the health care committee have brought up, you'd think this would be a no-brainer. The poorest people in this state, they shouldn't be left without drug coverage. Their health is going to suffer in this period of time. This is one of those unintended consequences of transitioning this new health care law. There are people out there and I would like to assist them.

Sen. Moore said, I think it was a member of the minority party who said, \$4 million here, \$4 million there, pretty soon you're talking real money. There is a program called Mass MedLine that would be helpful. The individual can contact a toll-free number to call Mass MedLine and find out what prescription it is, what company it is and whether there is a community discount program. This program has been in place about six years and has saved \$25 million. In the short-run, there is an alternative. I would encourage the minority leader, I'm happy to provide him with the toll-free number, to assist his constituents.

Sen. Tisei said, These people who do lose their coverage don't realize they lose their coverage until it happens. And then they're without coverage for 30 days. That program, I doubt that any people would get their medication in 30 days. People are going without their medication. You're talking about a billion dollars in new costs just this year alone. The governor and others who support this bill have no idea what this bill is going to cost us next year. The governor say \$869 million, others are saying it's \$1 billion. Everybody knows those numbers aren't going to be accurate. We're going into next year with a huge budget deficit. We'll be cutting human services and education because we don't know how much the health care bill will cost next year. I know how much the amendment costs. I do think it would benefit the poorest people who need the help the most.

The amendment was not adopted.

**SPIPKA STATEMENT:** There was no objection for Sen. Spilka to make a statement.

Sen. Spilka said, I filed amendments that are being incorporated into the technical amendment concerning standardized coding and billing. I want to congratulate the Senate president for taking the bull by the horns on this. I want to note Sen. Tolman and Sen. Tarr who have worked hard on this area. Cost-containment is the next crucial step for affordable health care. Studies show administrative costs are about 30 cents of every dollar when it comes to health care. We have to try to cut those costs. This bill looks very straightforward, and it is. However, it was not that straightforward to get to that point. Every health care provider and payer would use the same system for billing. This logical approach was not at all simple to achieve. The Mass. Hospital Association, the Mass. Medical Society, the Mass. Association of Health Plans and Blue Cross Blue Shield worked very hard on this. This piece may save up to a billion dollars over the next decade. This will help every single person in the commonwealth. The residents won't get that same frustration of getting their claims rejected. This will simplify it. It will allow the commonwealth collect



accurate data about what is going on in the commonwealth. We will be able to better target our funding and resources. I think this is really important and I thank you.

COPAYMENTS: Morrissey amendment 12 rate hearings for changes to copayments REJECTED.

QUALITY CARE: O'Leary amendment 37 quality medical care REJECTED.

PATIENT SAFETY: O'Leary amendment 39 patient safety REJECTED.

GIFT BAN: Creem amendment 45 gift ban REJECTED.

GIFT BAN: Amendment 3 redrafted was offered at 5:57 pm.

Sen. Tisei said this topic has attracted a lot of attention and a number of changes have been made in the form of this amendment. I would hope for an explanation.

Sen. Montigny said there has been a lot of discussion. I would like to commend the president and ways and means chair and Sen. Moore for their work. We can't preserve the good work we have done in health care or expand to the universal level without getting costs under control. It's a long and difficult process. The original language was debated for ages. We put similar legislation through the Senate in past years. Gift giving should not take place between the pharmaceutical industry and the medical industry and with physicians. We simply say here gifts are banned. Billions are spent to manipulate the sacred relationship and it shouldn't go on. We say no more of this. We also say all pharmaceutical sales reps will be registered with DPH, an important component here not only because it's the right thing to do but it will help physicians get the product marketed in the right way. Lastly we say - there are legitimate interactions that we don't try to prevent - simply disclose them to the DPH. For any infractions we give jurisdiction to the AG and there is a \$5,000 civil fine per incident. I will spare the details of why it's necessary. We are saying that nothing should get in the middle of that sacred doctor-patient relationship.

Sen. Tisei said I support most of the bill. This amendment is misguided. We are going to spend a billion dollars wooing pharmaceutical companies to the state to create jobs. But yet we are taking steps that no other state has taken to say you are here but you are not necessarily welcome here. The NH legislature decided against this issue. You think there are envelopes full of cash and no one wants that. Some of the things mentioned, there is another side to the story. MassMEDIC wrote a letter and said medical device companies have a responsibility to provide education to teach professionals how sophisticated instruments function and operate. There are situations that this bill would ban that would actually not be beneficial. The bio conference was in Boston and everyone was chatting up these CEOs. Do you honestly think that with this legislation in place that any convention would take place here in Massachusetts? We are sending the signal here that we are going to go it alone and have the strictest rules. The industries do a pretty good job policing themselves. This, if you read the amendment, you realize it's almost unenforceable. The state would need to spend millions and millions on enforcement alone. I understand the other side of this but I am saying there is another side and we should consider the signal we are sending out. I hope the amendment is not adopted.

Sen. Hart said this is a bill we can all take great pride in. I have some real concerns about this amendment as the chair of the biotech caucus. I work closely with companies affected by this legislation. What's happening here is a broad brush stroke where people are suggesting egregious violations going on all over the place. I don't think that's the case at all. Perhaps they are. Some have suggested a pen or a small pad of paper influences physician decisions. I find that silly. I have real reservations. We are mandating that this industry be held to stricter standards than we are held to as public officials. We have very strict standards we need to abide by. The people we are looking to regulate are not public officials. I think there is a real rush to judgement. I understand the concern on the other side. There is influence in any decision that is made. The question is one of undue influence. We may be talking about educating physicians over lunch and giving them a pen or a pad. I am greatly concerned that we are going way to far here. I ask that the amendment be read in the negative.

Sen. Moore said he hopes the amendment is adopted. Go back 20 years for reports on gifts to promote drugs and promotional efforts. The JAMA reports a few years ago that a survey of physicians indicated they didn't think it affected their prescribing practices but they thought it did affect their colleagues. Study after study indicates this has a very direct influence on prescribing. It undermines confidence of the patients in their physician. Are they prescribing because they got a nice gift or because it's what the patient needs.

Amendment ADOPTED by voice vote.

TECHNICAL AMENDMENT: Amendment 54 technical amendment redrafted ADOPTED.

The amended bill was ordered to third reading at 6:15 pm.

Question came on engrossing the bill and Sen. Tisei secured support for a roll call.

BY A ROLL CALL VOTE OF 36-0, BILL ENGROSSED

Sen. Moore received consent to make a statement.

Sen. Moore said during the course of the debate, the Senate President received a lot of accolades. She should. Several folks and staff deserve an equal amount of credit. Sen. Moore listed the names of staffers who worked on the bill.

ADJOURNS: The Senate adjourned at 6:21 pm to meet next on Tuesday at 11 am in an informal session.

- END -

DISCLAIMER: Bill texts and histories are available at [www.state.ma.us/legis/legis.htm](http://www.state.ma.us/legis/legis.htm). All votes are voice votes, unless otherwise noted. Bills ordered to third reading have been given initial approval. To engross a bill is to pass it and send it to the other branch. The last of three votes taken on bills that reach the governor's desk is the vote on enactment. So, it's third reading (initial approval), engrossment (passage) and enactment. The News Service coverage of legislative debate is an accurate summary of remarks, not a verbatim transcript.

Serving the working press since 1910

<http://www.statehousenews.com>  
SHNS Home Page

SENATE SESSION - TUESDAY, APRIL 22, 2008

Posting or forwarding this material without permission is prohibited. Contact [permission@statehousenews.com](mailto:permission@statehousenews.com).

**CONVENES:** The Senate convened at 11 am, Sen. Timilty presiding. A recessed was immediately declared.

**TARR ARRIVES:** Sen. Tarr arrived at 11:03 am and said "we're in business now" as he looked up at the rostrum.

**RESOLUTIONS:** The Senate adopted a pair of congratulatory resolutions.

**AUGUSTUS COMMUNICATION:** The Senate agreed to place a communication from Sen. Augustus in its journal. The communication explained how Augustus missed two roll calls that day because he left the session before its conclusion due to a scheduling conflict. Augustus would have voted yes on engrossment of S 2650 to promote cost containment, transparency and efficiency in the delivery of quality health care.

**APPRENTICE TRAINING - H.S. PLUMBING PROJECTS:** The Senate adopted a McGee order granting the Labor and Workforce Development Committee until May 19 to work on S 1055 apprentice training (Creedon) and S 2476 to allow students in vocational technical high school programs to be involved in plumbing projects (Brewer).

**BOSTON - ALCOHOLIC BEVERAGE LICENSES:** The Senate ordered to third reading S 2358 to establish additional licenses for the sale of alcoholic beverages in the city of Boston.

**ADJOURNS:** The Senate adjourned at 11:07 am to meet next at 11 am Thursday in an informal session.

- END -

**DISCLAIMER:** Bill texts and histories are available at [www.state.ma.us/legis/legis.htm](http://www.state.ma.us/legis/legis.htm). All votes are voice votes, unless otherwise noted. Bills ordered to third reading have been given initial approval. To engross a bill is to pass it and send it to the other branch. The last of three votes taken on bills that reach the governor's desk is the vote on enactment. So, it's third reading (initial approval), engrossment (passage) and enactment. The News Service coverage of legislative debate is an accurate summary of remarks, not a verbatim transcript.

Serving the working press since 1910

<http://www.statehousenews.com>  
SHNS Home Page

SENATE SESSION - THURSDAY, APRIL 24, 2008

Posting or forwarding this material without permission is prohibited. Contact [permission@statehousenews.com](mailto:permission@statehousenews.com).

**CONVENES:** The Senate convened at 11:00 am, Sen. James Timilty presiding and Sen. Scott Brown attending. Members and staff recited the Pledge of Allegiance.

**RESOLUTIONS:** The Senate adopted resolutions offered by Sens. Pacheco, Walsh, and others.

**JOYCE COMMUNICATION:** The Senate agreed to print in its journal a Joyce communication explaining he was absent from an April 17 roll call and would have voted in the affirmative on S 2650 to promote cost containment, transparency and efficiency in the delivery of quality health care.

**PETITION REFERRALS:** The Senate referred several petitions to various committees.

**EXTENSION ORDER:** The Senate adopted an order granting an extension to the Committee on Municipalities and Regional Government.

**WORCESTER BILINGUAL BALLOTS:** The Senate enacted S 2362 relative to bilingual ballots in municipal elections in the city of Worcester.

**WESTFORD SPECIAL POLICE:** The Senate enacted H 4463 authorizing the town of Westford to appoint retired police officers of said town for the purpose of performing special detail assignments.

**PALMER BALLOT:** The Senate enacted H 4558 placing a certain question on the ballot of the November 2008 state election in the town of Palmer.

**EXTENSION ORDER:** The Senate adopted an order granting an extension to the Committee on Environment, Natural Resources and Agriculture.

**EXTENSION ORDER:** The Senate adopted an order granting an extension until May 15 for the Committee on Housing to report on several Senate and House documents.

**ADJOURNS:** The Senate adjourned at 11:08 am planning to meet next on Monday at 11 am in an informal session.

- END -

**DISCLAIMER:** Bill texts and histories are available at [www.state.ma.us/legis/legis.htm](http://www.state.ma.us/legis/legis.htm). All votes are voice votes, unless otherwise noted. Bills ordered to third reading have been given initial approval. To engross a bill is to pass it and send it to the other branch. The last of three votes taken on bills that reach the governor's desk is the vote on enactment. So, it's third reading (initial approval), engrossment (passage) and enactment. The News Service coverage of legislative debate is an accurate summary of remarks, not a verbatim transcript.

Serving the working press since 1910

<http://www.statehousenews.com>  
SHNS Home Page

SENATE SESSION - THURSDAY, MAY 22, 2008 - Part 2

Sen. Brown said I am sure we will get spotted when running and it will be said we stopped putting police on the street. Yet communities are asking for money for community policing efforts. If you live in a smaller community tired of seeing the cities get it all, you would want to support this amendment.

Sen. Tarr said if you represent communities without the resources, you ought to open up the range of options. If you don't want to increase the size of the police force but want to enhance public safety, this amendment allows you to do that. I hope the amendment is adopted.

Sen. Timilty said he hopes the amendment is not passed. As municipal police grants were worked out it was a more maneuverable position. The municipal police grant is more maneuverable. Forty sworn officers is insufficient: On the risk assessment list, Wareham is 14th and this governor's program was about more maneuverability. I hope the amendment is not adopted.

Sen. Tisei said this program is an absolute boondoggle. It was great for the governor to do a press conference but the fine print matters to cities and towns. If you apply to hire an officer for the first year, you are prohibited in a subsequent year for getting a grant to pay for a police officer. How many communities can keep those officers employed after a year? The ones that are financially well enough. Communities struggling and laying off, why would they want to apply for this program? The governor has hired more people on his staff than he has put new police officers out on the streets since he's been in office. The facts are the facts. All this tax relief everyone was promised. With this one they tried to do some smoke and mirrors to make it look like they tried to keep that promise. I don't mean this personally against the person carrying the governor's water. This is an example of why people don't like state government. We are going to give you money but it's only good for a year. We can save \$4 million or make better use of \$4 million. Maybe someone should do a study and see how many officers hired last year are still working. I hope the amendment is adopted.

BY A ROLL CALL VOTE OF 5-34, AMENDMENT REJECTED.

HOUSING BOND: Question came on attaching an emergency preamble to H 4594 housing bond bill. Sen. Panagiotakos asked for a recess. After the recess, the preamble was adopted on a standing vote.

GIRLS INC. IN LYNN: There was no objection to considering no action taken on amendment 520

EXPANSION OF GAMING: Pacheco amendment 130 withdrawn.

SUSTAINABILITY OF MUNICIPAL POLICE GRANTS: Question came on Tisei amendment 615.

Sen. Tarr said this is a logical extension of the last amendment. For those who have questions about whether the program is contributing to the sustainability of officers, this would track how many officers are retained. We have heard about transparency and this would attach transparency to one of his signature programs. Knowledge is good for all of us.

Amendment REJECTED.

SHANNON GRANT: Creedon amendment 618 rejected.

MEDICAL EXPENSES: Joyce 621 rejected.

RANDOLPH POLICE: Joyce redraft of amendment 625 adopted.

BLUE HILL FIRE SERVICES: Joyce amendment 627 rejected.

NORTON PUBLIC LIBRARY: Timilty amendment 637 offered.

Sen. Timilty said our municipalities are struggling. There is no better example than the town of Norton. I ask for \$134,000 for the Norton Public Library to allow them to keep accreditation.

Amemdnt REJECTED.

AFTER-SCHOOL: There was no objection to considering no action taken on amendment 556.

BAY ROAD EMERGENCY REPAIRS: Timilty 638 rejected.

LOW SPEED VEHICLES: Hedlund 641 offered.

Sen. Hedlund said brief recess and then said we seek to advance some extremely pro environmental legislation. We have low speed vehicles - a bill has been vetted by Transportation and reported favorably - and would allow such vehicles to traverse certain low speed limit streets with posted limits off 35 mph or lower. They are known as neighborhood vehicles. These have been approved for us in 40 states. Massachusetts lags behind. You would not take these out on expressway settings, but they may be appropriate on the southeast expressway at times. At a time of rising gas prices, growing environmental awareness, organizations have formed in my district like Sustainable South Shore. People would like to purchase and utilize these vehicles. The safety of these vehicles has been enhanced. I have talked about issues relating to idling.

Sen. Panagiotakos said, The bill changes the criteria of vehicles about how fast they could go. I think it's a good idea but the budget is not the right venue.

The amendment was not adopted.

SNOW AND ICE: The Senate rejected Pacheco amendment 643.

SAIL BOSTON: Question came on adopting Hart redrafted amendment 32.

Sen. Tarr said, I was wondering if the sponsor could explain how this would help sailing.

Sen. Hart said, This was originally an amendment for a million dollars to provide marketing for next year's event and to cover Mayor Menino's public safety cost in the city. This is an investment that we are hoping to make. We're hoping that by spending \$100,000 here, we would get millions of dollars in return.

The amendment was adopted.

HADLEY HALL: The Senate rejected Rosenberg amendment 42.

AUTO EXCISE TAX EXEMPTION FOR ACTIVE MILITARY: The Senate adopted Fargo redrafted amendment 71

WITHDRAWN: Amendments 113 and 130 were withdrawn.

FELLS STAFF: Jehlen amendment 207 redrafted adopted.

DCR ADMINISTRATION: The Senate adopted Resor redrafted amendment 248.

POWER FACILITIES SITING: Question came on Creedon redrafted amendment 259.

A further amendment was adopted.

The amendment was adopted.

MASSPIKE PROPERTY VALUATION REPORT: The Senate adopted Tisei amendment 650.

OFFICE OF HEALTH EQUITY: Question came on adopting Wilkerson redrafted amendment 660.

Sen. Tisei said, We haven't had a chance to look at the redrafted amendment. Can the sponsor explain it?

Sen. Wilkerson said, The governor's House 2 budget created an office of health equity to eliminate a reduction in health disparities. This amendment would staff the health disparities council created under Chapter 58. While we have had funding for two years for the Health Care Quality and Cost Council, we have never funded the disparities council.

The amendment was adopted.

AIDS ACTION: The Senate rejected Wilkerson amendment 662.

EDWARD GOURDIN PARK: The Senate rejected Wilkerson amendment 665.

HELPING ELDERLY AT RISK: The Senate rejected Wilkerson amendment 666.

CASA LATINA: The Senate rejected Rosenberg amendment 670.

ARLINGTON YOUTH HEALTH AND SAFETY COALITION: The Senate rejected Marzilli amendment 677.

STATE LABORATORY INSTITUTE: The Senate rejected Fargo amendment 690.

GIRLS INC. IN LYNN: The Senate adopted Tolman redrafted amendment 520.

AFTER SCHOOL AND OUT OF SCHOOL TIME: The Senate adopted McGee redrafted amendment 556.

CONSOLIDATED HOSPITAL ACCOUNT: The Senate adopted Tucker redrafted amendment 711

EAEDC: The Senate rejected Tucker amendment 713.

EARLY INTERVENTION: Question came on Tucker redrafted amendment 714.

Sen. Tisei said, Will the sponsor or the Ways and Means chair please explain what this is about?

Sen. Panagiotakos said, This requires DPH to notify Ways and Means should there be an unforeseeable change in their funding need.

Sen. Tucker said, DPH early intervention officials are telling me they're going to have to lower the bar for children they serve because they're going to run out of money.

The amendment was adopted.

LAWRENCE GENERAL HOSPITAL: The Senate rejected Tucker amendment 715.

DIVISION OF AUTISM: The Senate rejected Antonioni amendment 718.

CLOSE TO HOME: The Senate rejected Hart redrafted amendment 722.

HOME AND HEALTHY FOR GOOD PROGRAM: The Senate rejected Augustus amendment 726

DEPARTMENT OF SOCIAL SERVICES ADMINISTRATION ACCOUNT: The Senate rejected Spilka amendment 731.

TAX REVENUE ENFORCEMENT EFFICIENCIES: Question came on Creedon amendment 194.

Sen. Tarr said, I was hoping we could get an explanation of this seemingly very important matter.

Sen. Panagiotakos said, This amendment provides a mechanism to enforce a use tax and allows us to apply it proactively rather than reactively.

The amendment was adopted.

COMMISSION ON ECONOMIC OPPORTUNITY: The Senate adopted Wilkerson amendment 663.

WITHDRAWN: Sen Wilkerson withdrew amendment 668.

ARLINGTON YOUTH HEALTH AND SAFETY COALITION: There was no objection to considering no action taken on Marzilli amendment 677.

The amendment was adopted.

DEPARTMENT OF SOCIAL SERVICES SOCIAL WORKERS: Question came on Spilka amendment 736.

The amendment was rejected.

ESSENTIAL COMMUNITY PROVIDER TRUST FUND: Question came on O'Leary amendment 741.

Sen. Tarr said, Can I ask for an explanation of this amendment?

The amendment was held.

PRIMARY STROKE DESIGNATION HOSPITALS: The Senate adopted Montigny amendment 743.

BOAT PEOPLE: The Senate rejected Buoniconti amendment 757.

COMMUNITY MUSIC SCHOOL: The Senate rejected Buoniconti amendment 760.

FRIENDS OF THE HOMELESS: The Senate rejected Buoniconti amendment 767.

ABINGTON SENIOR CENTER: The Senate rejected Morrissey amendment 773.

MANET COMMUNITY HEALTH CENTER: The Senate adopted a further amendment to Morrissey amendment 775.

The amendment, as amended, was adopted.

MASSHEALTH AND COMMONWEALTH CARE OUTREACH PROGRAMS: Sen. Moore withdrew amendment 785.

SPECIAL OLYMPICS: The Senate rejected Resor amendment 793.

JEWISH FAMILY SERVICES: The Senate rejected Buoniconti amendment 794.

ESSENTIAL COMMUNITY PROVIDER TRUST FUND: Question came on O'Leary amendment 741.

Sen. O'Leary said, This provides some equity in funding for community based hospitals in Massachusetts. I ask the support of my colleagues on this. It creates better balance between larger hospitals and some community based hospitals. These amendments will provide that relief.



Sen. Knapik said, If I could ask the sponsor, if this is a redraft, what is the mechanism for raising the additional \$12 million? Is it from the general fund? How exactly are we going about capturing that additional funding.

Sen. O'Leary said, This anticipates federal reimbursement, some \$12.5 million in the coming fiscal year. This guarantees community based hospitals some money up front. They need this guarantee, This is money that's coming from a federal reimbursement.

Sen. Tarr said, I want to join in commending the gentleman for this amendment. This has been a mechanism that's been valuable for a wide variety of hospitals. We all know that community hospitals have experienced a tremendous level of difficulty. I hope the amendment is adopted.

Sen. Tarr requested that a vote be taken by a call of the yeas and nays. There was support.

BY A ROLL CALL VOTE OF 39-0, AMENDMENT ADOPTED

WITHDRAWN: Amendment 2 was withdrawn.

FAIR EMPLOYMENT IN THE COMMONWEALTH: The Senate adopted Tarr amendment 26.

ALBANY STREET SHELTER: The Senate rejected Petruccelli amendment 799.

OPEN PANTRY: The Senate rejected Buoniconti amendment 807.

EQUITY IN HEALTH CARE FUNDING: The Senate rejected Tisei amendment 813.

NUTRITIONAL ASSISTANCE: The Senate adopted Resor amendment 815.

EXODUS OUTREACH RECOVERY PROGRAM: The Senate rejected Hart amendment 817.

PORTAL TO HOPE - TEENS AT RISK: The Senate adopted Petruccelli redrafted amendment 821.

ACCOUNTABILITY IN HEALTH CARE SPENDING: Question came on Knapik amendment 825.

Sen. Knapik said, I'd like to take a few minutes to discuss one of the growing cost centers of health care reform. This amends section 75 of the budget to expand the powers of the inspector general. This is a very very important issue. It's one of those items - there's an increasing complexity to health reform.

Sen. Tisei doubted the presence of a quorum. A quorum was present.

Sen. Knapik said, Health care spending, our universal health care law, will have great implications for budgeting going forward. This amendment will offer a further amendment to outside section 75, some of the powers of the inspector general. This will allow the IG to really follow the money trail. Because of a rechanneling and redirection of resources, the Health Care Safety Net Trust Fund is down to \$450 to \$460 million. We know that the chairman of Ways and Means indicated last week we see a 2 percent increase in most of the line items. One of the large areas is the commitment to areas of health care reform. We may be underbudgeted by almost \$200 million, the chairman indicated. We had a supplemental budget passed yesterday and we appropriated \$125 million for commonwealth care. Most of the newly insured come under the state government plan, the Medicaid plan. Secretary Kirwan from A & F and Mass Taxpayers say that number could be closer to \$1.1 billion. I want to commend the gentleman from the Cape and Islands for his amendment.

Sen. Tisei said, All the items we're going to debate in the course of this budget deliberation, it seems to me that health care and the exorbitant cost, the strain it's putting on our budget, is probably the most important issue. I'm having some difficulty hearing the gentleman right next to me. Could you quiet people again with

some emphasis on getting the chamber under control?

Sen. Rosenberg banged the gavel and said, the minority leader has risen three times in the last 10 minutes to quiet people down.

Sen. Knapik said, This really is that important an issue. We did file collectively almost 900 amendments to the budget, many increasing spending. As we all know, as worthy of these programs are, there simply is not enough to go around. The reality is, this is our job, to determine where the finite resources of the commonwealth go. You all took a tough vote on the tax package. Out of necessity, the majority party felt it had to be brought into the mix of things. We also have about \$600 million of rainy day related items. The transfer that will not be occurring into the rainy day fund. The backdrop of all this is health care reform. The amount of money we have allocated this year is not going to be enough. We already sucked it out in the current fiscal year, I think on two occasions. The \$869 million we've allocated is already not going to be enough. It is not without any degree of hyperbole that that amount will approach multi-billions of dollars. We don't want to look back in five or eight or 10 years and say, how did this happen. Of those 377,000 individuals, they're largely being paid for out of the Medicaid account. As this administration grapples with how to pay the health care bill and how to deal with a soft economy, and when the capital gains next year will not be performing at virtually any level, we go back to what we're spending and what we need to prepare ourselves for. We're already under-budgeting for this item. Over a 10 year time period, we're looking at a commitment that would approach \$10 billion for health care. The cost containment measures are all part of what is going to help lower some of the increased costs. That's a very positive element of what this chamber does. I would ask the chair of health care financing to discuss the waiver, which the Patrick administration will be applying for from the federal government. It's my understanding that much of health care reform could be paid for by enhanced waiver payments. The approval process may not be as smooth as it was a few years ago. This is one that is going to save significant growth. What is the status of the waiver? What are we asking for from the federal government? Where do we see spending going in this next budget?

Sen. Moore said, Let's start with the amendment now pending before the Senate. We agreed with the amendment offered by the gentleman from Albany. We can be proud of our inspector general, a former colleague in the Legislature. In two years, the safety net pool has decreased some 34 percent, and I think that itself is a major step forward. Commonwealth Care is over 180,000 members who did not have coverage two years ago. As people enroll in Commonwealth Care and Medicaid, there won't be a person-for-person decline in health safety net because some of them were not in the safety net.

Sen. Moore said, The share of employers, and I know the gentleman from the west is particularly interested in their participation, their support has not dropped, around 72 percent, well above the national average. The employer community is continuing to do its job. Employees have now taken advantage of the programs their employers offered them. In less than a full year, we are beginning to see the benefits of a shift in coverage. We're anticipating some additional reliance on uncompensated care, only because the folks who have been using the system, we don't have a full year extrapolated. We don't have a full year to see how this pool is working under the new structure. The other issue that enters into this is, as the gentleman knows, that we are not in the most robust economy. Some folks will slip into Medicaid simply because they're out of a job. The economy itself is an issue.

Sen. Moore said, There is a big difference on the waiver renewal this time. We now have a health plan that is beginning to take shape. We see how it is playing out. We were able to provide estimates but they were not based on real performance. I don't think we'll see double-digit growth in Medicaid. We have asked for as much as we thought we could get in federal assistance. We're looking for room under the budget-neutrality cap. They have sent back to us a series of questions. We have responded. The administration keeps sending questions back, we keep sending answers back.

The Senate president pro tempore banged the gavel.

Sen. Moore said, I appreciate the chair's control of the chamber. I'm trying to respond to as many as I can recall. The fellow who was kind of the key person sat in the front row for the bill signing in 2006, a fellow

named Dennis Smith, not the Dennis Smith that we know that works with one of our former colleagues. This is a different Dennis Smith. And he was replaced, and the secretary of Health and Human services in Massachusetts met with the new acting director, and he did say he wanted to resolve intergovernmental transfers. Those have come to an end. They are concerned with a section allowing us a transition year. One of the things the new acting director of CMS told his staff is that he wanted them to get to yes at some point. We're told the director and our secretary were supposed to have a conversation even today about what could be done during their meeting. The senator from Gloucester might be able to tap into those conversations with the technology he has in his hand. The next few weeks I think will be particularly critical in resolving that. We are cautiously optimistic. We are concerned not just about the growth in this program and Medicare, but the cost of growth across the board in health care. The cost of health care has been growing in double digits and we need to get that under control. We are more than cautiously optimistic that we will have cost control legislation enacted before we end formal sessions this term. We are making great progress in implementing what had been a brand-new program. We have certainly enrolled more people than we anticipated. I think we came much closer to what the Senate had understood than what others had predicted. The former Senate president, now in the private sector, had said that if we had half the uninsured we would do well. I think we are beyond that point. With that comes higher costs because we are taking care of more people. We might have to go to Friday with this discussion. Relax and put out the dinner order. I know the senator from Westfield has a lot of questions and we want to respond to as many as possible without jeopardizing our negotiations with our federal counterparts.

Sen. Moore said, Only this morning, I had the opportunity to talk to the secretary and the budget director and I know they're keeping the House fully informed as well. With the support of our colleagues in Washington, the administration is doing as much as they can. The last waiver negotiation, our senior senator was a key player and of course as we all know he has his own health condition, but I know that his staff continue to be involved with our waiver negotiation. I think we're moving in the right direction. I'm confident we're going to have this resolved before the end of the fiscal year. I believe in the Senate the vote to adopt Chapter 58 was a unanimous vote. In the House, the normal shenanigans, two members declined to support. It was clearly bipartisan legislation. When we had the opportunity to celebrate the anniversary of health care reform, almost two months ago, a story was told by Rev. Hamilton, and I've heard this on occasions, a woman in his parish came to him and told him she needed to get some health care. She had a chronic sore throat. The reverend managed because he'd been very involved told her about this wonderful new program she should look into. When she was diagnosed they thought she had throat cancer. It was early enough they were able to treat that. Now she is on the road to throat cancer. She believes that Chapter 58 and the reverend probably saved her life. People are so grateful that they now have care. I suspect I haven't covered everything, but I'm happy to respond.

Time was 5:30 pm.

Sen. Knapik said, I was glued. I was riveted. I probably could have driven home to Westfield and back. That was a very good explanation, and I look forward to the abridged version coming out very soon from the gentleman behind me. I've been around long enough to see surprises hit us when we least expect it. Overspending, overcommitted, things that didn't come to pass. I think it was important that we had this prolonged and protracted debate. My understanding is that the administration is requesting a 16 percent increase under the waiver. And it is us looking to change the methodology. We have to pray that the waiver is granted. Under the waiver experience, we only receive a 7 percent increase. As you look at the spending. Fiscal 08 we thought it'd be around \$600 million, in that vicinity, higher than what was projected. Next year, we budgeted 869, we know that number is off. Fiscal 10 could be \$1.5 billion. Those stories that are very heartening, and they are heartening, make no mistake about it, somebody's got to pay the bill at the end of the day. This budget is reflective of the difficulty. Relatively modest spending at the programmatic level. This is where the large portion of discretionary spending has been channeled because of the policy goal that we set. If we have to downtick the revenues going into fiscal 09, we will have a whole new set of questions, a whole new set of decisions to make relative to the commitments that we have embarked upon. I don't know that the sky is falling in. While I want to share the optimism, we simply need to take a bit of a timeout, have this half-hour discussion, know what we're getting into. Fifteen years ago, we took a great leap in education reform. Great strides in higher education. The health care senator sits to my right. We've got to pay the bills. BMC, Cambridge Health Alliance, lots of money goes to those institutions. The only

agenda we have is simply this. No surprises, but fully understanding what the Commonwealth has embarked upon, to temper the exuberance with the understanding that we're going to have to pay the bill. We truly need the transparency. The cost-containment issues are the elements we need to continue to focus on. You may have to take some of the ideas of the minority party as we offer up proposals. I was there in Worcester at the celebration of the president's bill. I want to share the optimism, but I will temper it with the fact that the past tells us that we may not be as optimistic.

The Senate adopted the redrafted amendment 825.

DPH ADMINISTRATION: The Senate rejected Tisei 830.

ELDER AFFAIRS OFFICE OF THE SECRETARY: Question came on Tisei 832.

Sen. Tisei said, I would ask the chair of the Ways and Means who has said during different points of the debate that administrative accounts have been held to 2 percent. This is for the EOHHS administrative account, a 26.6 percent increase. The amendment pretty much rather than use the \$775,000 for salaries, we felt it was better to give it to the Councils on Aging across the state. A lot of Councils on Aging are dealing with cutbacks. In Stoneham, the council has had to cut back on programming. They're looking to get a private person in to help manage it. This is happening pretty much all over state government. The Division of Labor, the amount of money that they have, I think they went from a couple of hundred thousand to a couple of million. The Department of Public Health, a 28 percent increase in the administrative account. A \$4.8 million, most of those new people being hired are 10 or 11 press secretaries. A huge increase last year in Administration and Finance. Department of Labor, a huge increase in their account. It's hard to go to people and say we're cutting programs, say, Oh, sorry, we don't have enough money for you. The governor's office, I still don't know what those positions mean. Let's take the extra money and return it to the Councils on Aging.

Sen. Tisei asked for a roll call and there was support.

Sen. Brewer said, I hope the amendment is not adopted. We have added \$700,000 to the council budgets during the course of discussion on this budget. Secretary Festa is going a good job. Quite honestly, it's not just the formula. Councils are the first line of defense for the seniors.

A roll call was opened at 5:47 pm.

BY A ROLL CALL OF 6-33, AMENDMENT NOT ADOPTED.

EQUITY IN HOSPITAL FUNDING: The Senate rejected a redraft of Tisei 838.

HEALTH CARE QUALITY AND COST COUNCIL MEMBERSHIP: Tisei 841 was withdrawn

PORTAL TO HOPE: The Senate adopted redrafted 842

ADULT COMMUNITY SERVICES: The Senate rejected Joyce 843.

WITHDRAWALS: The following amendments were withdrawn without their titles read:

Brown 445 revenue enhancement study.

Brown 447 revenue enhancement

Pacheco 644 snow and ice control 2.

Moore 785 Mass. Health and Commonwealth Care outreach and enrollment grants.

STUDENT TUITION ASSISTANCE: The Senate adopted redrafted Montigny 68

DATA COLLECTION: The Senate considered no action on 11. Sen. Creem offered the amendment relative to data collection redrafted.

The Senate adopted the amendment.

INFRASTRUCTURE FINANCE COMMISSION: The Senate considered no action on 246 water infrastructure finance commission. Sen. Creedon offered a further amendment. The Senate rejected the further amendment. Question came on the original amendment as redrafted. The Senate adopted the redrafted amendment 246.

Tisei 844 withdrawn

TRANSPARENCY IN HEALTH The Senate rejected Tisei 845.

UNIVERSAL IMMUNIZATION: The Senate rejected Tisei 846.

SUICIDE PREVENTION COUNSELING: The Senate adopted Brown 851 redrafted.

CONWAY CHILDREN'S ADVOCACY CENTER: The Senate rejected 852.

LEARN TO COPE The Senate rejected Creedon 855.

WORK INC: The Senate rejected Hart 658.

FURTHER REGULATING TREATMENT OF DISABLED PERSONS: The Senate adopted Joyce 874 redrafted.

LATINO AFTERSCHOOL PROGRAM: The Senate adopted Galluccio 877.

NATIONAL GUARD LIFE INSURANCE PREMIUMS: McGee 887 was withdrawn.

Sen. Joyce received unanimous consent to make a statement. Sen. Joyce said, Amendment 874 would have great impact on the people in Massachusetts, and the students at the Rotenberg Center. This would ban so-called aversive shock therapy. It is not fair that hundreds of innocent children are subjected to this treatment. We do not allow shock therapy on our prisoners. We should not allow it on our children. We have studied this issue long enough. I've worked with several colleagues in the House on language that would impose stringent restrictions.

Sen. Joyce said, It is important to note that this JRC in Canton Mass is the only school in the country that uses aversive shock therapy as this type of treatment. Since it started, six people have died. There was a prank phone call made in the middle of the night, and one child was shocked 77 times. Someone was shocked 5,000 times in one day. Shocking someone for mild behavior like swearing is simply barbaric and unacceptable. Other states have decided to remove their children from institutions. This would only allow aversive therapy only to address behaviors that pose an immediate harm, and would only be considered when other, less abusive treatments have failed. Government has a duty to protect vulnerable populations.

HEALTH SAFETY NET FUND REPORT: Question came on Menard 888.

WORK INC.: After a brief recess, Sen. Hart asked no action on 858. There was no objection.

HEALTH SAFETY NET FUND REPORT: Question returned on Menard 888.

Sen. Tarr said, I note with great interest the similarity of this amendment to some that we've offered. However, there's been a redraft of this amendment, and I would like an explanation of this redraft.

Sen. Brewer said, One section of the original bill was removed because it was redundant and extraneous.

Sen. Tarr said, One of the vexing issues that we're going to have to deal with is the issue of what various hospitals are being paid from public funds. This would require a report delineating those payments, giving us a better understanding of those spending patterns, the use of those funds, and allow for better management.

The Senate adopted the amendment.

CONWAY CHILDREN'S ADVOCACY CENTER: No action was considered on Crendon 852.

The Senate adopted Crendon 852

WORK INC.: The Senate adopted Hart 858 .

HEALTH CARE SERVICES: The Senate adopted Galluccio 889.

SAFETY NET HOSPITALS: The Senate rejected Tarr 893.

YMCA OF MASSACHUSETTS: The Senate rejected Menard 895.

EXPANSION OF THE DNA DATABASE: The Senate rejected Timilty 102.

Time was 6:19 pm.

-More Developing-

Serving the working press since 1910

<http://www.statehousenews.com>

[SHNS Home Page](#)

SENATE SESSION - PART 2 - THURSDAY, JULY 31, 2008

At 8 pm, Sen. Murray and Sen. Tisei were in the chamber but few others were around. Senators then filtered in, along with the clerks and aides.

RETURNS: The Senate returned at 8:06 pm.

SICK LEAVE BANK: The Senate attached an emergency preamble to H 4819 sick leave bank for Richard Ward II of the DOC.

SUNDERLAND: The Senate attached an emergency preamble to H 5011 providing for partial relief of land in Sunderland from an agricultural preservation restriction.

TRANSPORTATION BOND: The Senate attached an emergency preamble to H 5039 financing improvements to the Commonwealth's transportation system.

PENSION SYSTEM: The Senate attached an emergency preamble to H 4959 relative to the Commonwealth's pension system.

WESTPORT: The Senate attached an emergency preamble to H 4949 authorizing and directing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Westport.

GREAT BARRINGTON: The Senate attached an emergency preamble to H 5010 authorizing the Commissioner of Capital Asset Management and Maintenance to lease certain property in the town of Great Barrington.

YOUTH-AT-RISK MATCHING GRANTS: Question came on overriding the veto in fiscal 2009 budget line item 4000-0112. The governor reduced earmarking by \$2,220,000, to \$3,625,000

BY A ROLL CALL VOTE OF 35-2, VETO OVERRIDDEN. Time was 8:18 pm.

HEALTH CARE COST CONTAINMENT: Question came on a conference committee report (S 2683) relative to cost containment and transparency in health care.

Sen. Tisei requested a roll call and there was support.

BY A ROLL CALL VOTE OF 37-0, REPORT ADOPTED at 8:22 pm.

Sen. Murray asked members to stay close to the chamber, or else we won't make the deadline.

STATE PARKS AND RECREATION: Question came on overriding the veto in fiscal 2009 budget line item 2810-0100. The governor reduced the item by \$1,195,000, to \$24,896,714.

BY A ROLL CALL VOTE OF 34-3, VETO OVERRIDDEN

WORKFORCE DEVELOPMENT GRANTS: Question came on overriding the governor's veto in budget line item 7003-0702, reduced earmarking by \$3,056,500, to \$7,982,000.

BY A ROLL CALL VOTE OF 34-3, VETO OVERRIDDEN at 8:28 pm.

STATE PARKS AND RECREATION: Question came on overriding the governor's budget veto in item

2820-0100, reducing earmarking by \$1,195,000 to \$24,896,714.

BY A ROLL CALL VOTE OF 34-3, VETO OVERRIDDEN

Sen. Murray said we will not wait for senators and hold up the vote.

METRO ZOOS: Question came on overriding the governor's budget veto in item 7007-0951, reduced by \$300,000 to \$6,850,000

BY A ROLL CALL VOTE OF 34-3, VETO OVERRIDDEN

MIDDLESEX SHERIFF'S DEPARTMENT: Question came on overriding the governor's budget veto in item 8910-0107, reduced by \$825,748 to \$66,990,636.

BY A ROLL CALL VOTE OF 35-2, VETO OVERRIDDEN

TRANSPORTATION BOND: A roll call was required on enactment of H 5039 financing improvements to the Commonwealth's transportation system.

BY A ROLL CALL VOTE OF 37-0, BILL ENACTED

FRANKLIN SHERIFF'S: Question came on overriding the governor's veto in line item 8910-0108, reduced by \$635,521 to \$9,262,717.

BY A ROLL CALL VOTE OF 33-4, VETO OVERRIDDEN.

HAMPSHIRE SHERIFF: Question came on overriding the governor's veto in line item 8910-0110, reduced by \$159,435, to \$13,080,577.

ACTION TAKEN, INAUDIBLE: The Senate took action on a bill but neither the clerk nor the chair could be heard.

TISEI NOISE COMPLAINT: Sen. Tisei said I know you have a lot of business. You just can't do it with the atmosphere in here and the noise. Could you settle down the chamber at least for the next three hours?

Sen. Murray said the point is well taken. If the din continues, we will move staff out of the chamber.

BERKSHIRE SHERIFF: Question came on overriding the governor's veto in fiscal 2009 budget line item 8910-0145. Gov. Patrick reduced the item by \$79,702, to \$16,179,625.

BY A ROLL CALL VOTE OF 34-4, VETO OVERRIDDEN

ESSEX SHERIFF'S DEPARTMENT: Question came on overriding the governor's veto in fiscal 2009 budget line item 8910-0619. The governor reduced the item by \$64,133, to \$50,259,970.

BY A ROLL CALL VOTE OF 36-2, VETO OVERRIDDEN

SIMULCASTING: The Senate enacted S 2721 relative to simulcasting.

ADAMS COURTHOUSE: The Senate enacted S 2777 safety at the John Adams Courthouse.

AMESBURY: The Senate enacted H 4583 limiting the use of eminent domain in Amesbury.

NORTH ANDOVER: The Senate adopted a Tarr amendment, ordered to third reading and engrossed S



2762 conservation restriction in North Andover.

GREEN JOBS: The House bill was introduced and set aside at 8:57 pm.

TEWKSBURY LEASE WITH DCAM: H 4943 ordered to third reading and engrossed.

DROPOUT PREVENTION: The Senate concurred with a House amendment H 5025 to improve dropout prevention rates to S 2766. It was 8:59 pm.

EASTHAMPTON: Question came on enacting a bill releasing land in Easthampton from an agricultural preservation restriction.

BY A ROLL CALL VOTE OF 38-0, BILL ENACTED

MORE EASTHAMPTON: The constitution required a roll call vote on enacting S 42 authorizing the partial release of certain land in Easthampton from the operation of an agricultural preservation restriction.

BY A ROLL CALL VOTE OF 36-0, BILL ENACTED

CHARLESTOWN: H 4992 relative to Charlestown's designated port area enacted at 9:06 pm.

911 SYSTEM: The Senate ordered to third reading and engrossed H 5051 creating a state 911 department, single 911 surcharge and an enhanced 911 fund.

HIGHER EDUCATION BOND: The Senate attached an emergency preamble to S 2785 higher education bond bill

PENSION SYSTEM: The Senate re-enacted H 4959 relative to the Commonwealth's pension system.

DELAY: The House was debating the Iran divestment bill and there was a break in the action.

GREEN JOBS: At 9:24 pm, question came on ordering to third reading H 5018 relative to green jobs.

Sen. Morrissey offered an amendment with a new section 9. It was adopted.

Sen. Hart said we had a press conference a number of months ago. This bill is much like the life sciences bill. There is a Mass Clean Technology Center. Over the past four or five years we have done a ton of things we can be proud of in economic development. This bill, according to my co-chair, will complete the clean green trilogy. The center will be the state's lead agency in promoting the sector guided by a 15 member committee. This center upon approval of the board and with A&F can invest certain dollars in facilities, matching grants or educational institutions and can promote manufacturing. We appropriate \$5 million for this fund. It will come out of the stimulus fund. This is a great bill. I know you are supportive of it Madame President.

Sen. Hart requested a roll call and there was support.

MORRISSEY AMENDMENT: Sen. Morrissey received unanimous consent to consider no action taken on his amendment. He then asked that the amendment be withdrawn. It was.

Sen. Downing thanked several senators. He said in this body in this session we have taken a gigantic step by saying we can protect natural resources and provide sources of clean renewable energy and build pathways out of poverty for the least fortunate. We can solve the issues when it comes to global warming and solve economic justice and fairness issues. We passed Green Communities, the environmental bond bill, the biofuels bill. We create an economic opportunity by doing the right thing when it comes to the environment. I think of mill workers from paper mills that have closed. Think of someone who went to the mill at 18 and at 55 has no pension. Those old mills are now producing jobs in the green economy. One in

my district has been turned into a biofuel refinery. Madame President I thank you for your support.

Members applauded.

Sen. Murray said it's not his maiden speech but his first piece of major legislation.

BY A ROLL CALL VOTE OF 38-0, BILL ENGROSSED

HIGHER EDUCATION BOND: Question came on enacting S 2785 higher education bond bill. The constitution requires a roll call.

BY A ROLL CALL VOTE OF 38-0, BILL ENACTED. Time was 9:42 pm.

The Senate very quietly enacted S 2540 establishing the global warming solutions act at 9:44 pm.

HAVERHILL-BOXFORD: Question came on enacting H 4890 authorizing the sale of land by Haverhill in Boxford.

BY A ROLL CALL VOTE OF 38-0, BILL ENACTED

RECESSES: The Senate recessed at 9:52 pm for 20 minutes, Murray said.

RETURNS: The Senate returned at 10:45 pm, Sen. Murray presiding.

GREAT BARRINGTON: Question came on enacting H 5010 authorizing the Commissioner of Capital Asset Management and Maintenance to lease certain property in the town of Great Barrington.

The court officer was instructed to vote for Sen. Berry.

BY A ROLL CALL VOTE OF 37-0, BILL ENACTED. Time was 10:50 pm.

WESTPORT: Question came on enacting H 4949 authorizing and directing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Westport.

BY A ROLL CALL VOTE OF 38-0, BILL ENACTED.

EIGHT OVERRIDES: Sen. Murray at 10:53 pm said we have eight vetoes. Stay seated and stay in the chamber.

OVERRIDE - MOSQUITO CONTROL BOARD: Question came on overriding the governor's veto of Section 73. The governor vetoed the section because "it prevents essential reforms instituted by the State Reclamation and Mosquito Control Board to standardize personnel practices by local boards."

BY A ROLL CALL VOTE OF 37-1, VETO OVERRIDDEN

OVERRIDE - TUFTS VETERINARY: Question came on overriding the governor's veto of 7077-0023. The governor reduced the item by \$200,000 to \$5,325,000.

BY A ROLL CALL VOTE OF 33-5, VETO OVERRIDDEN

**OVERRIDE - HEALTH CARE FINANCE AND POLICY:** Question came on overriding the governor's veto of 4100-0060. The governor reduced the item by \$500,000 to \$17,013,039.

**BY A ROLL CALL VOTE OF 33-4, VETO OVERRIDDEN**

**OVERRIDE - YOUTH-BUILD GRANTS:** Question came on overriding the governor's veto of 7061-9626. The governor reduced the item by \$250,000 to \$2,520,500.

**BY A ROLL CALL VOTE OF 35-3, VETO OVERRIDDEN**

**OVERRIDE - BULLYING PREVENTION:** At 11:05 pm, question came on overriding the governor's veto of 7061-9805. The governor reduced the item by \$250,000 to \$0.

**BY A ROLL CALL VOTE OF 34-4, VETO OVERRIDDEN.**

**OVERRIDE - DEPARTMENT OF HIGHER EDUCATION:** Question came on overriding the governor's veto of 7066-0000. The governor reduced the item by \$1,000,000 to \$5,512,898.

**BY A ROLL CALL VOTE OF 35-2, VETO OVERRIDDEN**

**OVERRIDE - NEW ENGLAND BOARD OF HIGHER EDUCATION:** Question came on overriding the governor's veto of 7066-0009. The governor reduced the item by \$100,000 to \$367,500.

**BY A ROLL CALL VOTE OF 33-5, VETO OVERRIDDEN.** Time was 11:13 am.

**KENNEDY GREENWAY:** Sen. Petruccelli moved reconsideration of engrossment of H 5013 authorizing the Rose F. Kennedy Greenway conservancy to operate the greenway.

A Petruccelli amendment was adopted and the bill was engrossed, as amended.

**OVERRIDE - COMPTROLLER OPERATIONS:** Question came on overriding the governor's veto of 1000-0001. The governor struck language governing the office of the comptroller, saying it is unnecessary because the administration will promptly comply with legislative reporting requirements

**BY A ROLL CALL VOTE OF 33-5, VETO OVERRIDDEN** at 11:17 pm.

**RICHARD WARD:** The Senate enacted H 4819 sick leave bank for Richard Ward II of the DOC.

**PRINCIPALS:** The Senate concurred with H 5023 regulating contracts for school principals.

**911 SYSTEM:** The Senate attached an emergency preamble to H 5051 creating a state 911 department, single 911 surcharge and an enhanced 911 fund.

**GREEN JOBS:** The Senate attached an emergency preamble to H 5018 relative to green jobs.

**ENVIRONMENTAL BOND:** A conference committee report on the environmental bond was accepted by voice vote at 11:23 pm.

**BLACKSTONE:** Question came on enacting S 45 authorizing the conveyance of an easement over certain conservation and recreation lands in the town of Blackstone.

BY A ROLL CALL VOTE OF 30-0, BILL ENACTED. Time was 11:30 pm.

MIDDLEBOROUGH: Question came on enacting S 1188 to authorize the town of Middleborough to convey town-owned conservation land in exchange for other land to be used as conservation and recreation land.

BY A ROLL CALL VOTE OF 30-0, BILL ENACTED.

WATER DISTRICT: Question came on enacting S 2736 relative to the North Raynham Water District.

BY A ROLL CALL VOTE OF 38-0, BILL ENACTED

CERTAIN EASEMENT: Question came on enacting S 2794 authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town Holden.

BY A ROLL CALL VOTE OF 38-0, BILL ENACTED

HAVERHILL: Question came on enacting H 4890 authorizing the sale of certain land by the city of Haverhill in the town of Boxford.

BY A ROLL CALL VOTE OF 38-0, BILL ENACTED

TEWKSBURY: Question came on enacting H 4943 authorizing Tewksbury to lease certain land at Tewksbury Hospital.

BY A ROLL CALL VOTE OF 38-0, BILL ENACTED. It was 11:41 pm.

SUNDERLAND: Question came on enacting H 5011 providing for partial relief of land in Sunderland from an agricultural preservation restriction.

BY A ROLL CALL VOTE OF 38-0, BILL ENACTED.

NORTH ADAMS: The Senate ordered to third reading and engrossed H 4585 that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land located in the city of North Adams to said city.

Senators strategized hurriedly in the well and on the rostrum. Time was 11:46 pm.

SUPPLEMENTAL BUDGET: The House attached an emergency preamble to the fiscal 2008 supplemental budget.

Time was 11:46 pm. There was more strategizing and clock watching.

Reps. Donato and Cabral were at the entry to the Senate. There was lots of chatter but no action on bills for five minutes.

911 SYSTEM: The Senate enacted H 5051 creating a state 911 department, single 911 surcharge and an enhanced 911 fund.

GREEN JOBS: The Senate enacted H 5018 relative to green jobs.

SUPPLEMENTAL BUDGET: The Senate enacted the fiscal 2008 supplemental budget at 11:52 pm.

IN MEMORY OF BERNARD MCLAUGHLIN: The Senate adopted a Joyce-Petrucelli order to adjourn in memory of former Senate Chaplain Bernard McLaughlin. Sen. Murray read a long list of McLaughlin's

civic accomplishments. Time was 11:55 pm.

**HEALTH CARE COST CONTAINMENT:** At 11:56 pm, the Senate attached an emergency preamble to S 2683 health care cost containment.

**ENVIRONMENTAL BOND:** The Senate attached an emergency preamble to H 5054 the environmental bond at 11:57 pm.

**MANCHESTER BY THE SEA:** Question came on enacting S 2811 authorizing the transfer of land in Hamilton and Manchester-by-the-Sea.

**BY A ROLL CALL VOTE OF 38-0, BILL ENACTED.** Time was 11:59 pm.

*The clock struck midnight. There was a big discussion around the rostrum and word on the floor that the House intended to meet beyond midnight, which is not allowed under legislative rules.*

The gallery was full, mostly with lobbyists.

**ORDER TO KEEP MEETING:** At 12:03 am, Sen. Antonioni offered an order. The clerk described it as stating that notwithstanding rule 38A and a half the Senate shall remain in session to take up matters coming over from the House limited to four roll call bond bills that are coming. (Aides said later that the four bills intended to be covered by the order were the general government bond bill, the environmental bond bill, the health care cost containment bill, and the Greenway bill, so-called)

Order adopted by voice vote, and the session continued.

**ENVIRONMENTAL BOND:** The Senate by a voice vote attached an emergency preamble to H 5054 the environmental bond, Sen. Murray said. There was confusion on the rostrum.

**HEALTH CARE COST CONTAINMENT:** At 12:06 pm, Sen. Murray called enactment on the S 2683 health care cost containment bill in the affirmative. Sen. Tisei, trying to be recognized through the noise, asked for a roll call and there was support.

**BY A ROLL CALL VOTE OF 38-0, BILL ENACTED**

Sen. Walsh conferred with Sen. Murray at 12:10 am, along with the clerk.

**LAST FORMALS FOR SENS. CREEDON, RESOR, ANTONIONI:** Sen. Murray asked members to take their seats at 12:17 pm.

Sen. Berry said he wanted to remind his colleagues that this is Sen. Antonioni's last formal session. Members rose and applauded. He then recognized Sen. Resor as well as this was her last formal session. More applause. He then recognized Sen. Robert Creedon. More applause. Sen. Berry thanked them all and said they made this a better body.

Sen. Berry said I'd like to make a motion that we go one more day. Sen. Murray said this has been a long enough day.

**GREENWAY:** The Senate at 12:23 pm attached an emergency preamble to H 5013 authorizing the Rose F. Kennedy Greenway conservancy to operate the greenway.

**ENVIRONMENTAL BOND:** Question came on enacting H 5054 the environmental bond.

**BY A ROLL CALL VOTE OF 38-0, BILL ENACTED** at 12:25 pm.

**RESOR STATEMENT:** Sen. Resor received consent to make a statement.

Sen. Murray said we will have formal farewell statements in December.

Sen. Resor said I want to say something about the bill and I know you are anxious to have piece of it approved. The clock is ticking and it has gone past midnight. The environmental bond bill funds recreational facilities, water quality protection, energy, air pollution and solid waste programs for the next five years. There are a lot of things in it. It authorizes \$1.75 billion dollars. We are well set for this time period. I thank the conference committee. The bill represents hard work. Passage of this bill is a crowning accomplishment for this legislative session.

Members applauded. It was 12:30 am.

**GREENWAY:** Question came on enacting H 5013 authorizing the Rose F. Kennedy Greenway conservancy to operate the greenway. Sen. Murray said it requires a roll call.

**BY A ROLL CALL VOTE OF 33-5, BILL ENACTED** at 12:33 am.

Sen. Panagiotakos received unanimous consent to make a statement. We can become so focused on the issues at hand and constituents and we miss life's lessons. There was a lesson shown through this body lived out by one of our members. It has been a difficult time for our majority leader and he has handled it with grace, perseverance and courage. You are an example of everything that is good about public service and we thank you for your services. (There was loud applause and members pounded on their desks. Senate Republicans waved large blue No. 1 fingers) I would also like to thank the staffs. We as senators are very proud and fortunate to have each and every one of you working for us. These last few days really tested that. Most of you don't get paid a lot of money to do it. You work long hours and do quality work.

**KNAPIK STATEMENT ATTEMPT:** At 12:46 am, Sen. Knapik requested unanimous consent to make a statement. Sen. Creedon objected and there was loud applause. Sen. Murray said do you really want to make a statement? Other senators shouted noooooo.

**GENERAL GOV'T BOND BILL:** H 5055 the so-called general government bond conference report, was introduced at 12:48 am.

Report accepted by voice vote.

**GENERAL GOV'T BOND:** At 1:16 am, the Senate attached an emergency preamble to H 5055 Capital facility repairs and improvements in the Commonwealth.

**GENERAL GOV'T BOND:** At 1:26 am, question came on enacting H 5055 Capital facility repairs and improvements in the Commonwealth. A roll call is required.

**BY A ROLL CALL VOTE OF 38-0, BILL ENACTED**

**ADJOURNS:** The Senate adjourned at 1:30 am to meet next on Monday at 11 am in an informal session.

**DISCLAIMER:** Bill texts and histories are available at [www.state.ma.us/legis/legis.htm](http://www.state.ma.us/legis/legis.htm). All votes are voice votes, unless otherwise noted. Bills ordered to third reading have been given initial approval. To engross a bill is to pass it and send it to the other branch. The last of three votes taken on bills that reach the governor's desk is the vote on enactment. So, it's third reading (initial approval), engrossment (passage) and enactment. The News Service coverage of legislative debate is an accurate summary of remarks, not a verbatim transcript.

END

07/31/08

Massachusetts Senate Journal, August 4, 2008  
Monday, August 4, 2008  
Massachusetts Senate  
2008 Regular Session

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.

JOURNAL OF THE SENATE.

Monday, August 4, 2008.

Met at five minutes past eleven o'clock A.M. (Mr. Galluccio 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. Galluccio), members, guests and employees then recited the pledge of allegiance to the flag.

*Engrossed Bills -- Laid Before the Governor.*

An engrossed Bill to authorize the transfer of land in Hamilton and Manchester-by-the-Sea (see Senate, No. 2862) (which originated in the House), having been passed to be enacted and signed by the President on Thursday, July 31, 2008 (see Senate Yeas and Nays No. 437); and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, -- was laid before the Governor, on Friday, August 1, 2008.

An engrossed Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5022) (which originated in the House), having been passed to be enacted and signed by the President on Thursday, July 31, 2008, -- was laid before the Governor for his approbation on Friday, August 1, 2008.

An engrossed Bill to promote cost containment, transparency and efficiency in the delivery of quality health care (see Senate, No. 2863) (which originated in the Senate), having been passed to be enacted and signed by the President on Friday, August 1, 2008, -- was laid before the Governor for his approbation on Friday, August 1, 2008.

An engrossed Bill authorizing the Rose Fitzgerald Kennedy Greenway Conservancy, Inc. to operate, manage and maintain the Rose Kennedy Greenway (see House, No. 5013) (which originated in the House), having been passed to be enacted and signed by the President on Friday, August 1, 2008 (see Senate Yeas and Nays No. 440); and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc.,

as defined by Article XCVII of the Amendments to the Constitution, -- was laid before the Governor for his approbation on Friday, August 1, 2008.

An engrossed Bill providing for capital facility repairs and improvements for the Commonwealth (see House, No. 5055) (which originated in the House), having been passed to be enacted and signed by the President on Friday, August 1, 2008 (see Senate Yeas and Nays No. 441); 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, -- was laid before the Governor for his approbation on Friday, August 1, 2008.

An engrossed Bill relative to green jobs in the Commonwealth (see House, No. 5018, amended) (which originated in the House), having been passed to be enacted and signed by the President on Thursday, July 31, 2008, -- was laid before the Governor for his approbation on Monday, August 4, 2008.

An engrossed Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth (see House, No. 5054) (which originated in the House), having been passed to be enacted and signed by the President on Friday, August 1, 2008 (see Senate Yeas and Nays No. 439); 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, -- was laid before the Governor for his approbation on Monday, August 4, 2008.

Communication.

A communication from the Department of Public Health relative to a plan of correction submitted pursuant to inspection of the Hampden County Sheriff's Department and Correctional Center (received Monday, July 28, 2008), -- was placed on file.

Reports.

The following reports were severally read and placed on file:

A report of the Public Employee Retirement Administration Commission submitting its Financial Bulletin for Second Quarter 2008 (received Thursday, July 17, 2008);

A report of the Executive Office of Transportation (pursuant to line items 6000-0100 and 6010-0001 of the General Appropriation Act for Fiscal Year 2008) submitting various reports (received Friday, August 1, 2008);

A report the Division Health Care Finance and Policy (under the provisions of Section 38C of Chapter 3 of the General Laws) submitting its report analyzing S.2518 An Act Relative To Children's Mental Health (received Monday, July 28, 2008); and

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of Middlesex County Jail (received Wednesday, July 30, 2008).

Report of a Committee.



By Mr. McGee, for the committee on Labor and Workforce Development, on petition, a Bill relative to non-public school deferred compensation (Senate, No. 2853);

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

PAPERS FROM THE HOUSE.

A Bill discontinuing that portion of Gravelly Brook Road lying in the town of Topsfield as a county highway (House, No. 4065, -- on House, No. 57);

A Resolve reviving and continuing the special commission on middle education in the Commonwealth (House, No. 4800 on House, No. 3775);

*Bills*

Authorizing the Department of Highways and the town of Kingston to exchange a certain parcel of land (House, No. 4913, -- on petition) [Local approval received];

Relative to district courts (House, No. 4954, -- on petition);

To protect the Massachusetts pension fund from the risk of investment in Iran (House, No. 4970 on House, No. 4270);

Authorizing the conveyance of certain Commonwealth property to the town of Sherborn (House, No. 5043, -- on House, No. 43);

Authorizing the lease of land to yacht clubs (House, No. 5049 on House, No. 25); and

Relating to the repair of damaged motor vehicles (House, No. 5056 on House, Nos. 955, 1045, 1092, 1095, 1096 and 1097).

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

*Bills*

Relative to biomedical research (House, No. 4812 on Senate, No. 254);

Amending certain health insurance options for municipal retirees (House, No. 4516 on House, No. 2728); and

Relative to the cremation of bodies of certain deceased persons (House, No. 4929, -- on House, No. 4252).

Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

*Bills*

Authorizing the mayor of the city of Revere to appoint an additional eight members to the reserve force of firemen of the city of Revere fire department (House, No. 4838,-- on petition) [Local approval received]; and

Authorizing the town of Fairhaven to issue a common victualer beer and wine license to Jevon K. Malcom, owner and Lisa M. Malcom, manager of Jevon Enterprises, 116 Sconticut Neck Road in the town of Fairhaven (House, No. 4898,-- on petition) [Local approval received].

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

*Communication.*

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS MASSACHUSETTS SENATE STATE HOUSE, BOSTON 02133-1053

*July 31, 2008.*

William Welch, Clerk

Massachusetts State Senate

State House, Room 335

Boston, MA 02133

Dear Mr. Clerk:

This morning I was absent from the Senate Chamber for roll call votes on Senate Bill 2219 and Senate Bill 2510. Had I been present, I would have voted in the affirmative on each of these bills. I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for July 31, 2008. Thank you for your attention to this matter.

*Sincerely,*

ANTHONY D. GALLUCCIO,

State Senator,

Middlesex, Suffolk & Essex.

On motion of Mr. Pacheco, the above communication was ordered printed in the Journal of the Senate.

Resolutions.

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

Resolutions (filed by Mr. Montigny, Ms. Murray, Messrs. Pacheco, Panagiotakos and Tarr and Ms. Tucker) "memorializing the Congress of the United States to advocate for the recommendations resulting from the New Bedford Fisheries Summit."

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted.

An engrossed Bill establishing the Massachusetts Military Reservation Fire Department (see Senate, No. 2760), 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 3 to 0.

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

An engrossed Bill relative to the preservation of dairy farms (see Senate, No. 2743, 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 3 to 0.

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

A Bill relative to the town of Westwood to grant a license for the sale of wine and malt beverages at a food store, not to be drunk (on the premises (House, No. 4832, -- on petition), -- was read [Local approval received].

There being no objection, the rules were suspended, on motion of Mr. Tisei, 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 authorizing the town of Westwood to grant a license for the sale of wines and malt beverages not to be drunk on the premises at a food store.

Report of a Committee.

Mr. Downing, 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 to provide access to information for parents' evaluators (House, No. 391).

There being no objection, the rules were suspended, on motion of Mr. Pacheco, 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 providing access to information for parents' evaluators."

PAPERS FROM THE HOUSE.

*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 Acting President (Mr. Galluccio) and laid before the Governor for his approbation, to wit;

Relative to the preservation of dairy farms (see Senate, Bill No. 2743, amended); and

Establishing the Massachusetts Military Reservation Fire Department (see Senate, No. 2760).

An engrossed Bill authorizing the development of a regional education, training and skills center in the city of Taunton (see Senate, No. 53, changed and 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 enacted and was signed by the Acting President (Mr. Pacheco) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation.

*Order Adopted.*

Mr. Galluccio in the Chair, on motion of Mr. Tisei,--

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 three minutes before twelve o'clock noon, the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.

MA S. Jour., 8/4/2008  
END OF DOCUMENT