

# BEACON HILL ROLL CALL

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THE HOUSE AND SENATE. Beacon Hill Roll Call records local representatives' votes on three roll calls and local senators' votes on seven roll calls from the week of July 14-18.

**\$3 BILLION FOR BRIDGE REPAIRS** (H 4968) - House 152-0, approved and sent to the Senate a \$2.98 billion package to fix 400 of the state's 800 bridges in need of repair. The package would be funded by \$1.1 billion in state borrowing against anticipated future federal funding and \$1.9 billion in other state borrowing. The proposal is a new version of the bridge repair legislation originally filed in May by Gov. Deval Patrick. Supporters said that the package would make bridges safer, create thousands of jobs, save lives and prevent injuries. (A "Yes" vote is for the \$3 billion for bridge repairs).

**Rep. Paul Casey** **Yes**

**INCREASE RATES FOR HUMAN SERVICE PROVIDERS** (S 2764) - House 152-0, approved a bill requiring the Patrick Administration to set new rates to pay human service providers and to increase the rates over a three-year period. Supporters said that these providers have not had their rates adjusted since 1987 despite the dramatically increased operating costs of providing care including massive hikes in the cost of gas, personnel, insurance and utilities. They noted that this long overdue bill would ensure reasonable pay increases for some 185,000 hard-working, underpaid human service workers who provide valuable services to thousands of vulnerable citizens including the homeless, elderly, abused children and individuals with mental and physical disabilities. The measure has already been approved by the Senate. Additional votes in each branch are required prior to the measure going to the governor. (A "Yes" vote is for the bill increasing the rates).

**Rep. Paul Casey** **Yes**

**HEALTH CARE CHANGES** (H 4974) - House 153-0, approved a measure designed to reduce escalating health care costs and to increase access to primary care. Provisions include \$25 million annually for the statewide adoption of electronic health records by the year 2015; establishing a loan repayment program for medical school graduates who agree to practice primary care medicine in underserved areas of the state and creating a uniform billing and coding system. The measure does not include a controversial provision that bans the pharmaceutical industry from giving gifts to physicians - a key part of the Senate

version of the bill approved in April. Rep. James Eldridge (D-Acton) proposed an amendment that would ban the gifts and successfully asked for a roll call on the ban. Following debate, Eldridge, without objection from other members, withdrew his request for a roll call vote and the ban was defeated on a voice vote, without a roll call. House rules provide that if just one representative had objected to Eldridge's withdrawal of his request for a roll call, the roll call would have taken place. Supporters said that this landmark legislation would help bring the health care system into the 21st century. They argued that it would reduce waste and inefficiencies, improve the quality of care, save millions of dollars and countless lives. The Senate has approved a different version of the bill and a conference committee will likely work out a compromise version. (A "Yes" vote is for the bill).

**Rep. Paul Casey** **Yes**

**SEX OFFENDER LAWS** (H 4811) - Senate 35-1, approved and sent to Gov. Patrick a bill imposing mandatory minimum prison sentences for six newly created crimes of rape or sexual abuse of a child. The measure is based on Jessica's Law which supporters call the national model for child sex crime laws. The new crimes include a mandatory minimum ten-year prison sentence for a first offense of the new crime of aggravated child rape - defined as instances that include rape when a weapon is used, when a child is kidnapped, drugged or forced to appear in child pornography or when the perpetrator is in a position of authority including teachers, clergy, coaches and doctors. The proposal does not impose mandatory sentences for several categories of child sex crimes including rape of a child under 16 with force - a provision that some senators said is a key part of Jessica's Law. Another provision allows the attorney general and district attorneys to obtain from Internet service providers through a subpoena, without a warrant, the identity of computer users who are subjects of a criminal investigation. Supporters said that the bill would get tough with child sexual predators and impose mandatory sentences for many heinous child rape and sexual abuse crimes. They noted that the measure is a balanced one that still gives prosecutors flexibility by allowing them to enter plea agreements and lower the charge in cases in which they don't feel that they can get a conviction or in which children are afraid to testify. Opponents said that the measure goes too far and takes discretion away from prosecutors. They argued that mandatory sentences have been a failure in the past and noted that taking discretion away from prosecutors will result in fewer convictions and in children being traumatized by testifying against the offender who even if convicted would not necessarily receive a mandatory sentence. Some legislators who voted for the bill said that it was a first step but

does not go far enough and is much weaker than other states' versions of Jessica's Law. (A "Yes" vote is for the bill. A "No" vote is against the bill).

**Sen. Patricia Jehlen** **Yes**

**REGISTER WITH SEX OFFENDER REGISTRY FOR LIFE** (H 4811) - Senate 7-29, rejected an amendment requiring that offenders who have been convicted of rape of a child by force register with the Sex Offender Registry Board for life. Amendment supporters said that the amendment is a "no brainer" and argued that those who commit this crime should be tracked for life. They said that the amendment would close a loophole in current law and noted that there are cases in which offenders who were convicted of rape of a child by force were not required to register with the board for life. Amendment opponents said that current law already requires this and argued that the amendment is unnecessary. They accused sponsors of proposing the amendment just to embarrass senators who vote against the amendment because it is duplicative. (A "Yes" vote is for the amendment requiring that offenders who have been convicted of rape of a child by force register with the Sex Offender Registry Board for life. A "No" vote is against lifetime registration).

**Sen. Patricia Jehlen** **No**

**TEN-YEAR MANDATORY SENTENCE FOR RAPE OF A CHILD WITH FORCE** (H 4811) - Senate 9-26, rejected an amendment imposing a ten-year mandatory minimum sentence for the first offense of rape of a child with force. Amendment supporters said that this provision is the cornerstone of Jessica's Law - the national model for child sex crime laws that has been adopted by 42 states. They argued that without this mandatory sentence, all defendants could receive very light sentences for this crime. They noted that the amendment still allows prosecutors discretion by allowing them to agree to plea bargain the crime to a lesser charge if they feel that conviction on the rape with force charge would be difficult to achieve. Amendment opponents said that the amendment goes too far and would tie the hands of prosecutors by taking away some of their ability to decide on a case by case basis whether to charge offenders with a crime that imposes a mandatory sentence or one that does not. They noted that giving prosecutors discretion is important because there are many cases in which they don't feel that they can get a conviction on a more severe charge because children are afraid to testify or there is a lack of evidence. (A "Yes" vote is for the amendment imposing a ten-year mandatory minimum sentence for rape of a child with force. A "No" vote is against the amendment).

**Sen. Patricia Jehlen** **No**

**PROHIBIT SEX OFFENDERS FROM DRIVING ICE CREAM TRUCKS AND SCHOOL BUSES** (H 4811) - Senate 14-21, rejected an amendment prohibiting convicted sex offenders from driving an ice cream truck. Current law allows sex offenders to drive an ice cream truck. The amendment also prohibits sex offenders from driving a school bus. It broadens current law that only prohibits anyone convicted of the crime of rape, unnatural act or sodomy from driving a school bus. Amendment supporters said that sex offenders should not be allowed to work in these two fields that cater to millions of children across the state. They argued that the amendment is merely an extension of current laws that require criminal background checks and prohibit specific offenders from holding specific jobs. Amendment opponents said that the amendment is well-intentioned but argued that it creates a slippery slope that would result in proposals to ban sex offenders from other jobs involving children and eventually all jobs. (A "Yes" vote is for the amendment prohibiting sex offenders from driving an ice cream truck or school bus. A "No" vote is against the ban).

**Sen. Patricia Jehlen** **No**

**BIOFUEL** (H 4951) - Senate 36-0, approved a bill designed to encourage the development of advanced biofuels in Massachusetts. Woodchips and switchgrass are some of the wood and grasses used to make biofuel. The measure would reduce the state's 21 cents per gallon gas tax in proportion to the amount of biofuel in each gallon of gas and mandate that home heating oil and diesel fuel contain five percent of biofuel by 2015. Supporters said that this important legislation would preserve the environment, reduce energy costs and greenhouse gas emissions, create jobs, spark the economy and make Massachusetts less dependent on foreign oil. Only final approval in each branch is required prior to the measure going to the governor. (A "Yes" vote is for the bill).

**Sen. Patricia Jehlen** **Yes**

**ENHANCE 911 EMERGENCY SYSTEM AND INCREASE MONTHLY TAX ON CELL PHONES** (S 2808) - Senate 36-0, approved and sent to the House a bill enhancing and improving the state's 911 emergency system and increasing the monthly "911 Tax" on cell phones from 30 cents to 75 cents. This tax is charged to all cell phone owners to help fund the state's emergency 911 response system. The hike would make the tax on cell phones equal to the one currently imposed on landline phones. Another provision, effective in July 2009, would impose the 75 cent tax on prepaid cell phones that are exempt from the tax under current law. Supporters said that cell phone users get the same benefits from the 911 service as landline phone users and should pay the same tax. They argued that estimates indicate

that the increase could generate \$25 million that would enhance the system and save countless lives. Although no senators voted against the bill, critics say that this alleged "fee" is simply another unwarranted tax increase that would hurt overburdened taxpayers who are already struggling. (A "Yes" vote is for the bill improving the state's 911 emergency system and increasing the monthly tax on cell phones from 30 cents to 75 cents).

**Sen. Patricia Jehlen** **Yes**

**NURSE STAFFING RATIOS** (S 2805) - Senate 23-13, approved the Senate version of a House-approved bill aimed at improving patient care in hospitals. The main controversy centered on the provision regulating and limiting the number of patients assigned to each registered nurse in the state's hospitals. The Senate version, preferred by the Massachusetts Hospital Association over the House version, allows hospitals to develop and implement their own nurse staffing plan. The House version, supported by the Massachusetts Nurses Association, gives the state's Department of Public Health (DPH) the authority to establish and mandate the ratios. Some supporters of the Senate version said that it is a reasonable one that would allow individual hospitals to make their own decisions about the ratios for their specific facility instead of allowing the state to implement an irresponsible "one size fits all" ratio. They said that the House version allows the state to micromanage hospitals and would cost millions of dollars and drive up the already skyrocketing cost of health care. They argued that the ratios would lead to hospitals turning away patients and noted that in some rural areas the next closest comparable hospital is more than 50 miles away. Others who voted for the Senate version said that they actually support the House plan but voted for the Senate one in order to keep the bill alive and ultimately have it go to a conference committee that could work out a compromise version. They argued that if the Senate defeated its version of the bill, the whole idea of nurse staffing ratios would likely be dead until next year. Most opponents of the Senate version said that the House version was superior and would make Massachusetts the second state in the nation to impose these important patient-to-nurse ratio restrictions that would improve hospital care and save lives. They said that many nurses are currently assigned to far too many patients and cannot provide quality care. A conference committee will try to work out a compromise version of the bill. (A "Yes" vote is for the Senate version of the bill that allows hospitals to develop and implement their own nurse staffing plan. A "No" vote is against the Senate version).

**Sen. Patricia Jehlen** **No**

*Bob Katzen welcomes feedback at bob@beaconhillrollcall.com*