

NOTICE: While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, July 21, 2010.

Met at five minutes past eleven o'clock A.M. (Ms. Chang-Diaz in the Chair).

Report of a Committee.

By Mr. Downing, for the committee on Higher Education, on Senate, Nos. 594, 595, 596, 598, 599, 601, 602, 603, 604, 605, 606, 607, 608, 610, 611, 612, 613 and 615, an Order relative to authorizing the joint committee on Higher Education to make an investigation and study of certain current Senate documents relative to higher education (Senate, No. 2558);

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

There being no objection, at six minutes past eleven o'clock A.M., the Chair (Ms. Chang-Diaz) declared a recess subject to the call of the Chair; and, at eight minutes past eleven o'clock A.M., the Senate reassembled, Mr. Hart in the Chair (having been appointed by the President, under the authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Hart), members, guests and employees then recited the pledge of allegiance to the flag.

Communication.

The Clerk read the following communication:

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

July 20, 2010

Mr. William F. Welch
Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

I was unable to attend the formal session of the Senate on July 15, 2010 as I was attending the Emerging Political Leaders Conference at the University of Virginia. Had I been present my position on the following 10 items would have been recorded as follows:

Title Vote

Conference Report – Municipal Relief In the Affirmative
Suspension of Rule 38A In the Affirmative
Reconsideration of Suspension of Rule 38A In the Negative
Engrossment of S2472- Warrantless Arrests In the Affirmative
Engrossment of H4864- State Universities In the Affirmative
Amendment #1 to H4156 – National Popular Vote In the Negative
Amendment #2 to H4156- National Popular Vote In the Negative
Movement to Adjourn at 8:11pm In the Negative
Amendment #3 to H4156 – National Popular Vote In the Negative
Engrossment of H4156 – National Popular Vote In the Affirmative

I respectfully request that a copy of this correspondence be printed in the journal during the next session.

Thank you in advance for your assistance in this matter.

Respectfully,
Jennifer L. Flanagan
State Senator
Worcester & Middlesex District.

On motion of Ms. Chang-Diaz, the above communication was ordered printed in the Journal of the Senate.

Matters Taken Out of the Orders of the Day.

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

The House Bill relative to William J. Higgins, an employee of the town of Nantucket (House, No. 1125),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to property tax exemptions in the town of Ashland (House, No. 1904, changed),-- **was read a third time.** Pending the question on passing the bill to be engrossed, Ms. Spilka moved that the bill be amended by striking out section 1 and inserting in place thereof the following section:-

“SECTION 1. Notwithstanding clause Forty-first C ½ of section 5 of chapter 59 of the General Laws or any other general or special law, or rule or regulation to the contrary, the town of Ashland may determine eligibility for the real estate tax exemption under said clause Forty-first C ½ of said section 5 of said chapter 59 based on the gross receipts of the taxpayer from all sources or, if the taxpayer is married, combined gross receipts.”

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The House Bill relative to determining the number of town meeting members in each precinct in the town of Shrewsbury (House, No. 4305) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE

A Bill relative to the preparation of certain ballots in the city of Boston (House, No. 4880, amended,-- on Senate, No. 20 and House, No. 3665) [Local approval received on House, No. 3665],--**was read.**

There being no objection, the rules were suspended, on motion of Ms. Chang-Diaz, and the bill was read a second time and ordered to a third reading.

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill to conduct a study of chemicals infiltrating aquifers and bedrock fissures along the interstate 95 corridor (see House, No. 4838) [being the text contained in section 176 of the General Appropriation Bill (see House, No. 4800)] [for message, see attachment K of House, No. 4840],— **came from the House with amendment in the form approved by the committee on Bills in the Third Reading.**

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Ms. Chang Diaz.

The Governor’s amendment was then rejected.

The House amendment was considered; and it was adopted, in concurrence (as corrected BTR).

Sent to the House for re-enactment.

There being no objection, at a quarter before twelve o'clock noon, the Chair (Mr. Hart) declared a recess subject to the call of the Chair; and, at twenty-nine minutes past two o'clock P.M., the Senate reassembled, Mr. Hart in the Chair

PAPERS FROM THE HOUSE
Emergency Preamble Adopted.

An engrossed Bill to conduct a study of chemicals infiltrating aquifers and bedrock fissures along the Interstate 95 corridor (see House, No. 4838, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 2 to 0.**

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

Engrossed Bills.

The following engrossed bills (all of which originated in the House), 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. Hart) and laid before the Governor for his approbation, to wit:

Relative to William J. Higgins, an employee of the town of Nantucket (see House, No. 1125);

Relative to concurrent jurisdiction over the former Devens Military Base (see House, No. 1996);

Designating a certain bridge in the town of Billerica as the John F. Leary Bridge (see House, No. 3232, amended);

Relative to determining the number of town meeting members in each precinct in the town of Shrewsbury (see House, No. 4305);

Relative to nurse anesthetists (see House, No. 4593); and

Protecting nursing home residents (see House, No. 4637).

An engrossed Bill to conduct a study of chemicals infiltrating aquifers and bedrock fissures along the Interstate 95 Corridor (see House, No. 4838, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and signed by the Acting President (Mr. Hart) and again laid before the Governor for his approbation.

Emergency Preamble Adopted.

An engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Agawam (see House, No. 4289, 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 4 to 0.**

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

Order Adopted.

On motion of Ms. Chang-Diaz,

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session.

On motion of Mr. Hedlund, at two minutes before three o'clock P.M., the Senate adjourned to meet again tomorrow at one o'clock P.M.