

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.

Tuesday, May 8, 2012.

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

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Rush for the purpose of an introduction. Mr. Rush then introduced, in the rear of the Chamber, Professor Dermot Keogh. Professor Keogh is a visiting professor from Ireland at Boston College and is the head of the Department of History at University College Cork in Ireland. He was recognized for being the winner of nearly 20 academic awards, giving over 150 guest lectures, is the author of 9 monographs, has edited 5 and co-edited 16 books and has written 40 scholarly articles. He was accompanied by Kathleen Williams from West Roxbury, who is the Irish Studies Librarian at Boston College. The Senate welcomed them with applause and they withdrew from the Chamber.

Petition.

Ms. Donoghue presented a petition (accompanied by bill, Senate, No. 2253) of Eileen M. Donoghue and Sheila Harrington (by vote of the town) for legislation to designate a certain bridge in the town of Pepperell as the veterans bridge [Local approval received];

**Under Senate Rule 20, referred to the committee on Transportation.
Sent to the House for concurrence.**

Reports of a Committee.

By Ms. Chang-Diaz, for the committee on Education, on Senate, No. 190 and House, No. 1063, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to education issues (Senate, No. 2255) (Senators Chang-Diaz of Boston, Jehlen of Somerville, DiDomenico of Everett and Clark of Melrose and Representative Henriques of Boston dissenting); and

By the same Senator, for the same committee, on Senate, No. 203 and House, No. 1042, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to education issue (Senate, No. 2256);

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

Committees Discharged

Mr. Berry, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on Children, Families and Persons with Disabilities to make an investigation and study of certain current Senate documents relative to children, families and persons with disabilities (Senate, No. 2251); and

Of the Senate Order relative to authorizing the joint committee on Tourism, Arts and Cultural Development to make an investigation and study of certain current Senate documents relative to tourism, arts and cultural development issues (Senate, No. 2252);

And recommending that the same severally be referred to the Senate committee on Ethics and Rules.

Under Senate Rule 36, the reports were considered forthwith and accepted.

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at seven minutes past two o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and staff then recited the pledge of allegiance to the flag.

Reports of Committees.

Mr. Berry, 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 designating a certain pedestrian bridge in the city of Revere as the Christina Markey and John Markey Memorial Pedestrian Bridge and the new maintenance facility for the Department of Conservation and Recreation located in the city of Revere as the Captain Arthur "Icy" Reinstein Memorial Maintenance Facility (House, No. 3955).

There being no objection, the rules were suspended, on motion of Mr. Petruccelli, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

By Mr. Brewer for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Cheryl A. Cole, an employee of the Office of Medicaid (House, No. 3967),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Rodrigues, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

By Mr. Brewer for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Karen Langley, an employee of the Executive Office of Health and Human Services (House, No. 4028, amended),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Rodrigues, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

PAPER FROM THE HOUSE

Order Adopted.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and, after remarks, was adopted in concurrence, as follows:

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Public Service shall be granted until Thursday, June 21, 2012, within which to report on current House documents numbered 718, 1593, 2453 and 3980.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Amending the Charter of the Town of Harwich (House, No. 3503, changed);

Authorizing the Nantucket Islands Land Bank to sell, convey or otherwise dispose of certain land situated in the town of Nantucket (House, No. 3836); and

Authorizing the city of Springfield to convey certain park land and to grant a license agreement over certain park land to Unifirst Corporation (House, No. 3874, changed);

Were severally read a second time and ordered to a third reading.

The Senate Bill clarifying parental rights to unpaid leave (Senate, No. 1863),-- **was read a second time.**

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means substituting a new draft entitled "An Act relative to parental leave" (Senate, No. 2247), and pending the main question on ordering the bill to a third reading, on motion of Mr. Rodrigues, the bill was recommitted to the committee on Ethics and Rules.

The Senate Bill relative to the modernization of optometric patient care (printed as House, No. 2348),-- **was read a second time.**

The pending amendment, previously recommended by the committee on Ways, substituting a new draft (Senate, No. 2249) to the pending Health Care Financing new draft (Senate, No. 2135),— **was considered, and it was adopted.**

The bill (printed as House, No. 2348) was then amended by substitution of Senate, No. 2249 (Ways and Means-Health Care Financing).

The bill (Senate, No. 2249) was then ordered to a third reading.

The rules were suspended, on motion of Mr. Brewer, and the bill was read a third time and passed to be engrossed. Sent to the House for concurrence.

The House Bill authorizing certain licenses of the Division of Banks to participate in a multi-state licensing system (House, No. 3911, amended),-- **was read a second time and was amended as previously recommended by the committee on Ways and Means**, striking out, in line 8, the words "which may include" and inserting in place thereof the following words:- "by means of"; and by striking out, in line 114, the words "commissioner of administration" and inserting in place thereof the following words:- "secretary of administration and finance"; and by inserting after the word "for", in line 134, the following words:- "the sharing of regulatory information and for the licensing and application, by electronic or other means, of"; and by inserting before the enacting clause the following emergency preamble:-

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the participation of the division of banks in a multi-state licensing system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience".

The bill, as amended, was then ordered to a third reading.

Mr. Hart in the Chair, there being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a third time, and after remarks, was passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The Senate Order relative to granting the joint committee on Consumer Protection and Professional Licensure until May 17, 2012 within which to make its final report on current Senate documents numbered 103, 104, 105, 127, 1943 and 2049 relative to consumer protection and professional licensure,-- **was considered.**

After remarks, the order adopted.

Sent to the House for concurrence.

Reports of Committees.

Mr. Berry, 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 Senate Bill relative to regional 911 emergency communication districts (Senate, No. 2037) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft with the same title (Senate, No. 2248).

There being no objection, the rules were suspended, on motion of Mr. Petruccelli, and the bill was read a second time.

Pending the main question on ordering the bill to a third reading, an opening the question on adoption of the amendment, Mr. Tarr moved that the proposed new draft be amended by inserting at the end thereof the following new section:-

"SECTION __. Notwithstanding any general or special law to the contrary, each member community of the Essex County Regional Emergency Communications Center that has accepted and executed the Intergovernmental Agreement shall be assessed on a per capita basis as provided for in the Intergovernmental Agreement. The assessment shall be made through a cherry sheet assessment. The amount of the assessment shall be levied on each member city or town and the funds transferred by the treasurer into a new account or accounts established by the comptroller and under the control of the Sheriff Department of Essex consistent with the intent of the Intergovernmental Agreement. The comptroller shall establish an operational account and a trust account for capital expenses.

The state comptroller shall exempt the Essex County Sheriff's Department from all applicable charges or assessments made against grants disbursed from the Enhanced 911 Fund to the Essex County Regional Emergency Communications Center pursuant to its authority under sections 5D and 6B of chapter 29 of the General Laws.

Notwithstanding any special of general law to the contrary the Essex County Regional Emergency Communications Center may obtain private liability insurance."

Pending the question on adoption of the amendment, Mr. Tarr moved that the amendment be printed in the calendar pursuant to the provisions of Senate Rule 31; and the motion was seconded by Mr. Knapik.

Accordingly, the matter was laid over under the provisions of Senate Rule 31 until the next session.

Order Adopted.

On motion of Mr. Chandler,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at 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 twenty-nine minutes before three o'clock P.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.