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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE

Monday, May 9, 2011.

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

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

Report of a Committee.

By Mr. Joyce, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill authorizing Holyoke Community College to borrow funds for the acquisition and renovation of certain real property in the city of Holyoke (Senate, No. 572), -- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 1901); Referred, under Senate Rule 27, to the committee on Ways and Means.**

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3430) of Frank I. Smizik, Cynthia Stone Creem and Michael J. Moran (by vote of the town) for legislation that the town of Brookline be authorized to grant certain local voting rights for permanent legal resident aliens residing in said town;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3428) of Antonio F.D. Cabral, Stephen R. Canessa and Robert M. Koczera (with the approval of the mayor and city council) for legislation to authorize the city of New Bedford to adopt regulations for the protection and control of public housing in said city;

To the committee on Housing.

Petition (accompanied by bill, House, No. 3431) of Elizabeth Poirier, James E. Timilty, F. Jay Barrows and Steven Howitt (by vote of the town) for legislation to authorize the town of Norton to grant certain easements and restrictions over certain town-owned land;

Petition (accompanied by bill, House, No. 3432) of Frank I. Smizik and Cynthia Stone Creem (by vote of the town) for legislation relative to the sale of taxi licenses in the town of Brookline; and

Petition (accompanied by bill, House, No. 3433) of Frank I. Smizik and Cynthia Stone Creem (by vote of the town) for legislation relative to the appointment of certain department heads and employees in the town of Brookline;

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3434) of Jonathan Hecht (with the approval of the town council) relative to the appointment of special police officers in the city known as the town of Watertown;

To the committee on Public Service.

Petition (accompanied by bill, House, No. 3435) of Thomas P. Conroy, James B. Eldridge and Susan C. Fargo (by vote of the town) that the town of Sudbury be authorized to establish a senior citizen property tax exemption;

To the committee on Revenue.

A communication was received from the Clerk of the House of Representatives, informing the Senate that the following proposals for legislative amendments to the Constitution have been called for consideration in the Joint Session by the House of Representatives:

Proposal for a legislative amendment to the Constitution relative to home rule (House, No. 1118), — **with reference to which the committee on Election Laws has reported, that the amendment ought NOT to pass; and**

Proposal for a legislative amendment to the Constitution relative to the oaths and affirmations of public office (House, No. 1319),— **with reference to which the committee on the Judiciary has reported, that the amendment ought NOT to pass. The communication was placed on file.**

Resolutions.

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

Resolutions (filed by Ms. Candaras) “congratulating Susan B. Kline on being honored by the Jewish Federation of Western Massachusetts”;

Resolutions (filed by Mr. Richard T. Moore) “congratulating the Northbridge High School Boys Varsity Basketball Team on its victory in the 2011 Clark University Tournament Large School Championship and the 2011 Central Mass Division 2 Championship”;

Resolutions (filed by Ms. Murray) “honoring the contributions of Andy Dufresne on the occasion of his eightieth birthday”;

Resolutions (filed by Mr. Ross) “recognizing Anne E. Sullivan for her 40 years of dedicated service to the Plainville Public Schools”;

Resolutions (filed by Mr. Ross and Ms. Spilka) “congratulating William Conyers, III on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Ross and Ms. Spilka) “congratulating Ryan P. Cronin on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Ross and Ms. Spilka) “congratulating Stephen J.P. Lacman on his elevation to the rank of Eagle Scout”;

and

Resolutions (filed by Mr. Ross and Ms. Spilka) “congratulating Craig C. Roberts on his elevation to the rank of Eagle Scout.”

PAPER FROM THE HOUSE

A Bill to establish an affordable housing trust fund in the town of Falmouth (House, No. 3255,- on petition),-- **was read. There being no objection, the rules were suspended, on motion of Mr. Donnelly, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Reports of Committees.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Edward V. Brooks, an employee of the Department of Correction (Senate, No. 1917),-- **ought to pass.**

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

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Thomas McGee for legislation relative to the proceedings for children in need of services.

The rules were suspended, on motion of Mr. Ross, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Susan C. Fargo, Barry R. Finegold, Jennifer L. Flanagan, Patricia D. Jehlen and other members of the General Court for legislation to memorialize Congress to observe an annual two minute moment of silence on Veterans Day to honor

those who have served in the United States Armed Forces.

The rules were suspended, on motion of Mr. Ross, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Veterans and Federal Affairs. Severally sent to the House for concurrence.

Motion To Take a Matter Out of the Orders of the Day.

The Chair (Mr. Tolman) asked unanimous consent to take the House Bill exempting the position of fire chief of the city of Lawrence from the civil service law (see House, No. 3259) out of the Orders of the Day for consideration,-- **but objection was made thereto by Mr. Donnelly.**

The bill was returned to the Orders of the Day for the next session.

Orders Adopted.

Mr. Rosenberg offered the following order:

Ordered, That, the Senate hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amendment by Article LXXXI) of the Amendments to the Constitution, to consider the following proposals:

Proposal for a legislative amendment to the Constitution to allow for a graduated income tax (see Senate, No. 18), having been reported ought NOT to pass from the committee on Revenue (under Joint Rule 23), the time within which the committee was required to report having expired.

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the order was considered forthwith; and it was adopted.

Mr. Tarr offered the following order:

Ordered, That, the Senate hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amendment by Article LXXXI) of the Amendments to the Constitution, to consider the following proposals:

Proposal for a legislative amendment to the Constitution to establish an independent redistricting commission (see Senate, No. 11), with reference to which the committee on Election Laws has reported, recommending that the amendment ought NOT to pass;

Proposal for a legislative amendment to the Constitution to prohibit eminent domain (see Senate, No. 16), with reference to which the committee on the Judiciary has reported, recommending that the amendment ought to pass;

Proposal for a legislative amendment to the Constitution to require a supermajority vote for the utilization of rainy day funds (see Senate, No. 20), with reference to which the committees on Rules of the two branches, acting concurrently, has reported, recommending that the amendment ought NOT to pass (under Joint Rule 23), the time within which the committees were required to report having expired; and

Proposal for a legislative amendment to the Constitution relative to term limits for judges (see House, No. 1823), with reference to which the committee on the Judiciary has reported, recommending that the amendment ought NOT to pass.

There being no objection, the rules were suspended, on motion of Mr. Ross, and the order was considered forthwith; and it was adopted.

On motion of Mr. Donnelly,--

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

Adjournment in Memory of Major David Brodeur.

The Senator from Worcester, Mr. Michael O. Moore, and the Senator from Worcester and Norfolk, Mr. Richard T. Moore, requested that when the Senate adjourns today, it adjourn in memory of Major David Brodeur.

Major David Brodeur was killed in Afghanistan on April 27, 2011, along with seven other U.S. service members.

Major Brodeur grew up in Auburn, graduating from Auburn High School in 1994, and was a 1999 graduate of the U.S. Air Force Academy in Colorado. While at Auburn High School, David Brodeur was a three-sport athlete, honor student and president of the student council.

Major Brodeur was an F-16 pilot who had been in Afghanistan for three months, stationed out of Elmendorf Air Force Base in Anchorage, Alaska. He had previously served in Iraq.

He is survived by his wife, Susan, their two children, Elizabeth and David, his father Lawrence, a brother, Todd, and a sister, Amanda.

Accordingly, as a mark of respect to the memory of Major David Brodeur, at seventeen minutes past eleven o'clock A.M., on motion of Mr. Donnelly, the Senate adjourned to meet again on Thursday at one o'clock P.M.