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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, June 14, 2012.

Met according to adjournment at eleven o'clock A.M. (Mr. Timilty 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. Timilty), members, guests and staff then recited the pledge of allegiance to the flag.

Petitions.

Petitions were severally presented and referred, as follows:

By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 2304) of Kenneth J. Donnelly and Sean Garballey (by vote of the town) for legislation to authorize the town of Arlington to establish a separate account for proceeds from wireless communications antenna leases [Local approval received];

Under Senate Rule 20, to the committee on Municipalities and Regional Government.

By Ms. Candaras, a petition (accompanied by bill, Senate, No. 2303) of Gail D. Candaras (by vote of the town) for legislation to allow the town of Wilbraham to appoint special police officers [Local approval received];

Under Senate Rule 20, to the committee on Public Service.

By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 2302) of Kenneth J. Donnelly and Charles A. Murphy (by vote of the town) for legislation relative to the acceptance of real estate exemption provisions for certain military personnel [Local approval received];

Under Senate Rule 20, to the committee on Revenue.

Severally sent to the House for concurrence.

By Mr. Tarr, a petition (subject to Joint Rule 12) of Bruce E. Tarr, James J. Dwyer, F. Jay Barrows, Michael Moore and others for legislation to protect minors from the harmful effects of marihuana; and

By Mr. Richard T. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore for legislation to establish a sick leave bank for Tina L. Sarty, an employee of the department of transitional assistance.

Severally referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Richard T. Moore, for the committee on Health Care Financing, that the Senate bills
Relative to the reduction of particulate emissions from diesel engines (Senate, No. 357) [Estimated cost - \$0];
Reforming insurance prescription fee practices (Senate, No. 455) [Estimated cost - \$0]; and
To provide survivorship plans and wellness resources for cancer patients (Senate, No. 1177) [Estimated cost - \$0];

Severally ought to pass.

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

By Mr. Richard T. Moore, for the committee on Health Care Financing, on petition, a Bill promoting the development of small house nursing homes (Senate, No 272) [Estimated cost - \$0];

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

By Mr. Brownsberger, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Maria Conlon, an employee of the registry division of the division of transportation (Senate, No. 2296);

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

By Mr. Richard T. Moore, for the committee on Health Care Financing, on petition, a Bill to study the disparities in health care resulting from changes in marital status (Senate, No. 493) [Estimated cost - \$0] and

By the same Senator, for the same committee, on petition, a Bill defining the use of observational services (Senate, No. 527) [Estimated cost - \$0];

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

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4164) of Michael A. Costello and Bruce E. Tarr (with the approval of the mayor and city council) for legislation that the city of Newburyport be authorized to acquire interests in certain land in the town of Newbury,-- **was referred, in concurrence, to the committee on Telecommunications, Utilities and Energy.**

A Bill relative to certain reforms relative to the Massachusetts Department of Transportation (House, No. 4174,-- on House, No. 4011, in part),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means**

Resolutions.

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

Resolutions (filed by Mr. Joyce) "honoring the memory of James M. Hurley on the dedication of The James M. Hurley Veterans and Senior Center in the town of Randolph";

Resolutions (filed by Messrs. Petrucci and Tarr) "congratulating Reverend Wilfred A. Brimley on the fiftieth anniversary of his ordination to the priesthood"; and

Resolutions (filed by Mr. Tarr) "congratulating Norman Crosby on becoming a 50-Year Past Master of the Freemasons."

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Dacia Thompson, an employee of the Department of Children and Families (see House, No. 4029), 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. Timilty) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Mark Lewis, an employee of the Department of Developmental Services (see House, No. 4065), 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. Timilty) and sent to the House for enactment.**

Report of a Committee.

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 designating the month of May as Blue Star Mothers Month (Senate, No. 2265).

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. Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4175) of Cleon H. Turner and Sarah K. Peake for legislation to authorize retirement benefits to employees of the Orleans, Brewster and Eastham Groundwater Protection District,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

The Senate Bill improving the quality of health care and reducing costs through increased transparency, efficiency and innovation (Senate, No. 2270),— **came from the House passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4155.**

Mr. Knapik moved that the Senate NON-concur in the House amendments and ask for a committee of conference on the disagreeing votes of the two branches.

Senators Richard T. Moore, Petrucci and Tarr were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Engrossed Bills.

The following engrossed bills (the first 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. Timilty) and laid before the Governor for his approbation, to wit:

Relative to the Essex Regional Retirement System (see Senate, No. 2230);

Providing for the protection of volunteer emergency medical technicians from dismissal (see House, No. 537);

Establishing a sick leave bank for Dacia Thompson, an employee of the Department of Children and Families (see House, No. 4029); and

Establishing a sick leave bank for Mark Lewis, an employee of the Department of Developmental Services (see House, No. 4065).

Recess.

There being no objection, at twenty-one minutes past eleven o'clock A.M., the Chair (Mr. Timilty) declared a recess subject to the call of the Chair; and, at twenty-five minutes before four o'clock P.M., the Senate reassembled, the Mr. Timilty in the Chair.

PAPERS FROM THE HOUSE

The House Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4144),-- **came from the House with the endorsement that the House had NON-concurred with the Senate in its amendment in section 45 (as published) and concurred with the Senate in its amendments with the following further amendments:**

In section 2, by striking out item 8800-0085;

By striking out section 8A and inserting in place thereof the following section:-

SECTION 8A. Section 58 of chapter 31 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word "examination", in line 24, the following words:- "; provided, however, that an applicant who reached 21 years of age while serving on active military duty, who was not 21 on or before the date of an original examination, shall be eligible for any subsequent make up examination that is offered.;

By striking out, in line 243, the words "as result of" and inserting in place thereof the words:- as a result of a healthcare-associated infection or;

By inserting after the word "for", in line 247, the following words:- a healthcare associated-infection or;

In section 18 by striking out, in line 257, the words "as result of" and inserting in place thereof the following words:- as a result of a healthcare associated-infection or;

By inserting after the word "for", in line 261, the following words:- a healthcare-associated infection or;

By striking out section 45A; and

In section 61, by striking out, in lines 599 to 604, inclusive, the words ", the pension begins prior to the employee's normal retirement date or such higher percentage reduction that may be incorporated into the benefit percentage multipliers in the table entitled "Table Showing Percentage of the Amount of Average Annual Rate of Regular Compensation to be multiplied by the Number of Years of Creditable Service for individuals who become members on or after April 2, 2012," under section 5 of chapter 32 of the General Laws" and inserting in place thereof the words "or the pension begins prior to the employee's normal retirement date"(as corrected B.T.R).

The rules were suspended, on motion of Mr. Tarr, and on further motion of the same Senator, the Senate receded from its amendment to Section 45 and concurred with the House further amendments.

Engrossed Bill.

An engrossed Bill requiring certain information relative to Down Syndrome be provided to certain parents and families (see House, No. 3825) (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 enacted and signed by the Acting President (Mr. Timilty) and laid before the Governor for his approbation.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4144, 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. Timilty) and sent to the House for enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Timilty).

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday 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 seventeen minutes past four o'clock P.M., the Senate adjourned until Monday next at eleven o'clock A.M.