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.

Monday, November 28, 2011.

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

Communications.

The following communications were severally received and placed on file:

Communication from the Martin J. Benison, Comptroller, submitting the tax revenue from capital gains income estimated to have been collected during FY2012 Period 1 (July 1, 2011 through September 30, 2011) (pursuant to Section 19 of Chapter 131 of the Acts of 2010) (received in the Office of the Clerk of the Senate on Friday, November 25, 2011 at ten minutes before two o'clock P.M.); and

Communication from the Martin J. Benison, Comptroller, submitting information of FY2011 year-end transfers and payments arising from the calculation of the Consolidated Net Surplus (pursuant to Section 6A of Chapter 62F of the General Laws) (received in the Office of the Clerk of the Senate on Friday, November 25, 2011 at ten minutes before two o'clock P.M.).

Report of a Committee

By Ms. Chang-Diaz, for the committee on Education, on petition (accompanied by bill, Senate, No. 2050), a Bill to prevent fiscal abuse in educational collaborative (Senate, No. 2085);
Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

Resolutions.

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

Resolutions (filed by Mr. Wolf) "commemorating the tenth anniversary of the We Can Organization."

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill relative to the human resource department of the town of Arlington (House, No. 3651),-- **was read a third time.**
Pending the question on passing the bill to be engrossed, in concurrence, Mr. Donnelly moved that the bill be amended in section 1, in proposed section 24 by striking out the second paragraph and inserting in place thereof the following paragraph:-
"Upon the vote of the school committee and town meeting, as provided under section 37M of chapter 71 of the General Laws, to consolidate the municipal and school department human resource functions, all of the duties described in this section and relating to the school department shall be subject to review and approval by the superintendent of schools. The town manager shall seek

input from the superintendent relating to the appointment and performance evaluation of the human resource director.”.
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.

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 House Bill relative to the markings of lobster buoys (House, No. 1851).
There being no objection, the rules were suspended, on motion of Mr. Ross, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Petition.

On motion of Mr. Ross, Senate Rule 20 and Joint Rule 12 were suspended on the Senate petition, presented by Mr. Downing, (accompanied by bill) of Benjamin B. Downing for legislation relative to the emergency service response of public utility companies,-- **and the same was referred to the committee on Telecommunications, Energy and Utilities.**
Sent to the House for concurrence.

PAPERS FROM THE HOUSE

The House Bill relative to establishing sentencing and improving law enforcement tools (House, No. 3818),— **came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2080), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives O’Flaherty of Chelsea, Linsky of Natick and Hill of Ipswich had been appointed the committee on the part of the House.**
On motion of Mr. Ross, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Creem, Baddour and Tarr were appointed on the part of the Senate.
The bill was returned to the House endorsed accordingly.

Engrossed Bill.

An engrossed Bill relative to budget submissions to the town manager in the town of Arlington (see House, No. 3652) (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. Donnelly) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Ross,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday 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 twenty-five minutes past eleven o’clock A.M., the Senate adjourned to meet again on Thursday next at eleven o’clock A.M.