

**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, January 24, 2010.*

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.

#### *Communications.*

Several communications were received and placed on file:

A communication from the Honorable John F. Keenan, in compliance with Massachusetts General Laws Chapter 268A (received in the Office of the Clerk of the Senate on Friday, January 21, 2011, at twelve minutes before five o'clock P.M.);

A communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the appointment of Jack Wilhelm of Wenham as his designee (pursuant to Section 57 of Chapter 288 of the Acts of 2010) to the Statewide Advisory Commission investigating the relative value of a uniform claims administration system for all payers in the Commonwealth; and

A communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the resignation of himself and the appointment of Senator Richard J. Ross to the Special Commission established (pursuant to Chapter 7 of the Resolves of 2008) to make an investigation and study to study economic opportunities in the Commonwealth.

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-- Resolutions (filed by Mr. Kennedy) "congratulating Joan Port-Farwell on the occasion of her retirement from Treasurer/Collector Office in the town of Hanover."

### PAPERS FROM THE HOUSE.

A Bill authorizing the mayor of the city of Medford to appoint Stephanie Muccini Burke as director of budget and personnel in the city of Medford (House, No. 33, amended,-- on petition) [Local approval received],-- **was read.**

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

The Senate Order relative to the adoption of permanent joint rules for the years 2011-2012 (Senate, No. 6, amended),— **came from the House adopted, in concurrence, with the following amendments:**

By striking out proposed rules 11 through 11D, inclusive, and inserting in place thereof the following six rules:

"11. Committees of conference shall consist of 3 members on the part of each branch, representing its vote; and their report, if agreed to by a majority of each committee, shall be made to the branch asking for the conference, and may be either accepted or rejected, but no other action shall be had, except through a new committee of conference.

11A. Upon the appointment of a committee of conference to whom matters of difference in respect to any appropriation bill or in respect to any bill providing for capital outlay programs and projects are referred, the clerk of the branch requesting said committee of conference shall make available to members of the General Court a list of the matters in disagreement identified by item number and item purpose and showing the amount made available by each branch of the General Court, and any other matters in disagreement and the position of each of the said branches.

The report of said committee of conference shall consist of the matters of difference so referred and so identified, showing the amounts appropriated by each of the said branches and other matters in disagreement and the position of each branch with respect to those matters, and shall state said committee's recommendations with respect to the matters so referred. Matters on which there exists no disagreement between the branches shall not be disturbed by the committee on conference.

The committees on ways and means of each branch of the General Court shall assist such committee of conference in any and all matters necessary to the preparation and completion of its report

11B. No report from a committee of conference shall be considered or acted upon by either branch until the calendar day following the day on which said report shall have been available to the public and to the members of the General Court. The committee shall file its report no later than 8 p.m. on the day preceding its consideration and the General Court shall not consider said report before 1 p.m. on the following day, except that a report from such committee of conference that it is unable to agree may be considered and acted upon at the time that such report is filed.

11C. Reports, other than those filed under Rule 11A, from a committee of conference shall, whenever practicable, be accompanied by a summary which shall be filed with the clerk.

11D. Upon filing of a report by a committee of conference the clerk shall immediately refer the report to the committee on Bills in the Third Reading of the branch with whom the report was filed. Said committee on Bills in the Third Reading shall review the report for accuracy and shall only make corrective technical changes. Said changes shall be recorded electronically on the document. The Chair of said committee on Bills in the Third Reading shall certify via a signature on the report that the changes made by said committee on Bills in the Third Reading are technical in nature.

11E. Upon the filing of a report by a committee of conference and the completion of a review by the committee on Bills in the Third Reading of the branch with whom the report was filed, the clerk shall, as soon as practicable, make the report and the summary of the report available to all members electronically and to the public on the official website of the General Court. ”; and

By striking out the following: “If, after 30 days, the committees on Rules of the two branches, acting concurrently, fail to issue a report, then the committee on Rules of the branch in which the matter was deposited shall issue a report and said matter shall be deemed admitted and referred to the appropriate committee for consideration.” (inserted by amendment by the Senate).

**The rules were suspended, on motion of Ms. Jehlen. Mr. Ross 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; and Senators Berry, Spilka and Knapik were appointed to the committee on the part of the Senate. The bill was returned to the House endorsed accordingly.**

*House Order.*

The following House Order was considered forthwith, as follows, to wit:

*Ordered*, notwithstanding the provisions of Joint Rule 12, resolutions intended for adoption by both branches of the General Court, petitions, and other subjects of legislation deposited with the Clerk of either branch prior to seven o'clock P.M. on Friday, January 21, 2011 shall be considered to be timely filed and in compliance with the first paragraph of such rules.

**The rules were suspended, on motion of Mr. Brewer, and the order was adopted, in concurrence.**

*Order Adopted.*

On motion of Mr. Knapik,--

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M.

On motion of Mr. Hedlund, at thirteen minutes past eleven o'clock A.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.