

**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.

*Thursday, February 3, 2011.*

Met at four minutes past eleven o'clock A.M. (Ms. Spilka in the Chair).

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

#### *Communication.*

A communication from His Excellency the Governor announcing the median household income of the Commonwealth for the preceding two year period (received Monday, January 31, 2011),-- **was placed on file.**

#### *Report of a Committee of Conference.*

Mr. Berry, for the committee of conference, to whom was referred the matters of difference between the branches on the disagreeing votes of the two branches with reference to the House amendments of the Senate Order relative to permanent rules for the Senate and House of Representatives for 2011-2012 (*Senate, No. 6, amended*) (amended by the House by striking out proposed rules 11 through 11D, inclusive, and inserting in place 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. [Amended April 22, 1937; Feb. 12, 2009.]

**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. [Adopted July 30, 1974. Amended Oct. 3, 1983.]

**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 file. [Adopted Oct. 3, 1983. Amended July 17, 2003; July 21 and September 20, 2005.]

**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. [Adopted Feb. 12, 2009.]

**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 In proposed rule 12 by striking out the following proposed sentence: “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). reports, recommending that the Senate recedes from its amendment on Joint Rule 12; and by striking out Rules 11 to 11E, inclusive (inserted by the House) and inserting in place thereof the following 5 Rules:-

“Committees of Conference.

**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.

Committees of conference to whom are referred matters of difference in respect to bills or resolves, shall, before filing their reports, have the same approved or discharged by each committee on Bills in the Third Reading. [Amended April 22, 1937; Feb. 12, 2009.]

**11A.** Committees of conference to whom are referred matters of difference in respect to appropriation bills, including capital outlay programs, shall, before filing their reports, have the same approved or discharged by each committee on Bills in the Third Reading.

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. [Adopted July 30, 1974; Amended Oct. 3, 1983.]

**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. [Adopted Oct. 3, 1983. Amended July 17, 2003; July 21 and September 20, 2005.]

**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. [Adopted Feb. 12, 2009.]

**11D.** Upon the filing of a report by a committee of conference 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. [Adopted Feb. 12, 2009.]”

**There being no objection, the rules were suspended, on motion of Mr. Hedlund; and the report of the committee of conference was accepted.**

**Sent to the House for concurrence.**

**PAPER FROM THE HOUSE.**

The annual report of the Public Employee Retirement Commission (under sections 21, 102 and 103 of Chapter 32 of the General Laws) relative to the per centum change in the average cost-of-living as shown by the United States consumer price index for the year 2009 compared with such index for the year 2010 (accompanied by bill, House, No. 34),-- **was referred, in concurrence, to the committee on Public Service**

*Order Adopted.*

On motion of Mr. Hedlund,--

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

On motion of the same Senator, at seven minutes past eleven o'clock A.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.