

**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, April 9, 2012.*

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.

#### *Distinguished Guests.*

There being no objection, the Chair (Mr. Donnelly) handed the gavel to Mr. Ross for the purpose of an introduction. Mr. Ross then introduced, in the Gallery, a group of students from Wayland High School. The students were on a field trip to the State House learning about the different aspects of state government. The Senate welcomed them with applause and they withdrew from the Gallery.

#### *Communication.*

A communication from Martin J. Benison, Comptroller, and Michael Esmond, Budget Director, Administration and Financing, announcing (pursuant to Section 164 of Chapter 68 of the Acts of 2011) a report on the status of all cost avoidance opportunities,-  
**- was placed on file.**

#### *Reports of Committees.*

By Mr. Joyce, for the committee on Bonding, Capital Expenditures and State Assets, that the House Bill financing improvements to the Commonwealth's transportation system (House, No, 4000, amended),-- **ought to pass, with an amendment striking all after the enacting clause and inserting in place thereof the text of Senate document numbered 2213 [Bond Authorization: \$885,000,000];**

**Under Senate Rule 27, referred to the committee on Ways and Means.**

By Mr. Pacheco, for the committee on Environment, Natural Resources and Agriculture, on Senate, No 357 and House, No.2749, a Bill relative to the reduction of particulate emissions from diesel engines (Senate, No. 357);

By Ms. Fargo, for the committee on Public Health, on Senate, No. 1077 and House, No. 605, a Bill to increase the presence of dental hygienists on the Board of Registration in Dentistry (Senate, No. 2209); and  
By the same Senator, for the same committee, on Senate, No. 1151 and House, No. 1506, a Bill to prohibit mandatory overtime for the health care workforce (Senate, No. 2210);

**Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.**

By Mr. Donnelly, for the committee on State Administration and Regulatory Oversight, on petition, a Bill relative to the conveyance of land in the town of Sutton (Senate No. 2172, changed by striking out the word "and" as it appears in line 51 after the words "sections 40 E" and inserting in place thereof the word "to");

**Read and, under Senate Rule 26, referred to the committee on Bonding, Capital Expenditures and State Assets.**

By Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, on Senate, No. 2016 and House, No. 3821, a Bill further regulating the continuing education requirements for certain real estate appraisers and trainees (Senate, No. 2016);

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

By Ms. Fargo, for the committee on Public Health, on Senate, No. 1175 and House, No. 2372, a Bill further regulating tanning facilities (Senate, No. 2211);

**Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

#### *Resolutions.*

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

Resolutions (filed by Mr. Donnelly) “congratulating the Veterans of Foreign Wars Solomon Post #8819 on the occasion of its fiftieth anniversary”;

Resolutions (filed by Messrs. Hart and Brewer, Ms. Jehlen and Messrs. Kennedy, McGee and Timilty) “congratulating the Sisters of Charity, Halifax, on its one hundred and twenty fifth anniversary in the Archdiocese of Boston”;

Resolutions (filed by Mr. Richard T. Moore) “honoring Chief Master Sergeant Jonathan D. Demboski on his outstanding patriotism and exemplary service to the Nation”;

Resolutions (filed by Mr. Richard T. Moore) “honoring the Polish National Alliance, Lodge 2876, of Dudley on the seventy fifth anniversary of its founding”;

and

Resolutions (filed by Mr. Richard T. Moore) “congratulating Saint Blaise Roman Catholic Church on the fiftieth anniversary of its founding.”

#### **PAPER FROM THE HOUSE**

A Bill relative to the appointment of department heads in the town of Brookline (House, No. 4015,-- on House, No. 3433) [Local approval received on House, No. 3433],-- **was read.**

**There being no objection, the rules were suspended, on motion of Mr. Timilty, 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 a Committee.*

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill revising the Interstate Compact on the Placement of Children (Senate, No. 63),-- **ought to pass.**

**Under Senate Rule 26, referred to the committee on Ethics and Rules.**

**Subsequently, Mr. Berry, for the said committee on Ethics and Rules, reported that the matter be placed in the Orders of the Day for Thursday, April 12th.**

**The bill was placed in the Orders of the Day for Thursday, April 12, for a second reading.**

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to publicly opened contracts (Senate, No. 2145),-- **ought to pass, with an amendment substituting a new draft entitled “An Act relative to the definition of fraud in public construction bid laws” (Senate, No. 2212).**

**Under Senate Rule 26, referred to the committee on Ethics and Rules.**

**Subsequently, Mr. Berry, for the said committee on Ethics and Rules, reported that the matter be placed in the Orders of the Day for Thursday, April 12th.**

**The bill was placed in the Orders of the Day for Thursday, April 12, for a second reading, with the amendment pending.**

#### **PAPERS FROM THE HOUSE**

##### *Emergency Preambles Adopted.*

An engrossed Bill relative to medical emergency response plans for schools (see Senate, No. 2132, 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. Donnelly) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Pearlene Odom, an employee of the Massachusetts Department of Transportation (see House, No. 3910), 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. Donnelly) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Janet Ruggieri, an employee of the Department of Revenue (see House, No. 3976, 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. Donnelly) and sent to the House for enactment.**

*Engrossed Bills.*

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

Authorizing the town of Kingston to install, finance and operate wind energy facilities (see Senate, No. 1915);

Authorizing the town of Wilbraham to lease certain land (see Senate, No. 2051);

Relative to the recall of elected officers in the town of Chelmsford (see House, No. 3728);

Designating a certain bridge on Interstate Highway Route 195 in the town of Wareham as the First Sergeant Charles W. Parker Memorial Bridge (see House, No. 3757, amended); and

Amending the charter of the town of Westborough (see House, No. 3800).

*Order Adopted.*

On motion of Mr. Ross.--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again tomorrow 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-four minutes before twelve o'clock noon, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.