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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, April 10, 2012.

Met at three minutes past eleven o'clock A.M. (Mr. Petrucelli in the Chair).

The Chair (Mr. Petrucelli), members, guests and staff then recited the pledge of allegiance to the flag.

PAPERS FROM THE HOUSE

A message from His Excellency the Governor recommending legislation relative to certain reforms and corrective changes relative to the Massachusetts Department of Transportation (House, No. 4011),-- **was referred, in concurrence, to the committee on Transportation.**

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4001) of Peter V. Kocot and Stanley C. Rosenberg (with the approval of the mayor and city council) for legislation to establish a charter for the city of Northampton;

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4030) of David B. Sullivan, Michael J. Rodrigues and Paul A. Schmid, III (with the approval of the mayor and city council) relative to the chief of the fire department and the board of fire commissioners of the city of Fall River;

To the committee on Public Service.

Motion to Reconsider.

Mr. Downing moved that the Senate reconsider the vote by which, at a previous session, it had passed to be engrossed the Senate Bill relative to competitively priced electricity in the Commonwealth (Senate, No. 2214); and, there being no objection, **the motion to reconsider prevailed.**

Pending the recurring question on passing the bill to be engrossed, Mr. Downing moved that the bill be amended by striking out section 2 and inserting in place thereof the following section:-

“SECTION 2. Section 19 of said chapter 25, as so appearing, is hereby amended by adding the following subsection:-

(d) There shall be a voluntary accelerated rebate pilot program which shall be made available to the 5 largest electric users and 5 largest gas users in each utility service territory. Multiple locations of the same customer shall not be aggregated for purposes of meeting this threshold. Eligible customers electing to participate in the accelerated pilot program shall notify the appropriate program administrator on or before January 31 of each calendar year during the pilot program. Customers electing to participate shall be eligible for financial support of up to 100 per cent of the cost for qualified energy efficiency measures as determined by the program administrator using energy efficiency advisory council criteria. Total rebate levels for participating customers in any year of the pilot program shall not exceed 90 per cent of the amount the customer was charged for energy efficiency programs for calendar year 2012. A participating customer shall not aggregate a rebate from any year in which the customer does not participate in the pilot. Qualified energy efficiency measures shall include cost-effective energy efficiency program measures approved by the applicable program administrator recognized by the department using energy efficiency advisory council criteria

under section 21; provided, however, that up to 15 per cent of any accelerated rebate may be used for other improvements that support energy efficiency improvements made under a program approved by the department or emission reductions, including, but not limited to infrastructure improvements, metering, circuit level technology and software. Customers opting to receive an accelerated rebate shall be ineligible for other energy efficiency program rebates under said section 21 during the period in which they participate in the pilot program. All qualified installations shall be substantially completed by the end of the program, and shall be subject to verification and review by the department. Electric and gas distribution companies shall recalibrate their energy efficiency goals, as reviewed by the energy efficiency advisory council under subsection (c) of said section 21, to reflect the rebates provided to any customer electing to participate in this pilot program.”.

The amendment was adopted.

The bill (Senate, No. 2214, amended) was then again passed to be engrossed.

Sent to the House for concurrence.

Reports of Committees.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Anthony W. Petruccelli, Kathi-Anne Reinstein and Carlo Basile for legislation relative to simulcasting. The rules were suspended, on motion of Mr. Ross, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Consumer Protection and Professional Licensure.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Carol Poyer for legislation to establish a sick leave bank for Carol Poyer, an employee of the Department of Youth Services.

The rules were suspended, on motion of Mr. Ross, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

Severally sent to the House for concurrence.

By Mr. Joyce, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill authorizing a lease of a certain parcel of land under the control of the Department of Fish and Game to the Bourne Water District for water distribution (Senate, No. 2130),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2215).**

There being no objection, the rules were suspended, on motion of Mr. Ross, and the bill was read a second time and was amended, as recommended by the committee on Bonding, Capital Expenditures and State Assets.

The bill (Senate, No. 2215) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to worker's compensation insurance (Senate, No. 915) (also based on Senate, No. 938),-- **ought to pass, with an amendment striking out, in line 5, the word "jail" and inserting in place thereof the following words:- "the house of correction".**

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.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to motor vehicle glass repair shop registration (Senate, No. 2189),-- **ought to pass, with an amendment substituting a new draft entitled "An Act requiring the registration of motor vehicle glass repair shops" (Senate, No. 2216).**

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.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill financing improvements to the Commonwealth's transportation system (House, No. 4000, amended) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2213),-- **ought to pass, with the recommended Bonding, Capital Expenditures and State Assets proposed new text.**

Order Adopted.

Mr. Brewer offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, House Bill financing improvements to the Commonwealth's transportation system (House, No. 4000, amended), with the pending Bonding, Capital Expenditures and State Assets new text (Senate, No. 2213) shall be placed in the Orders of the Day for a second reading on Thursday, April 12, 2012.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 2:00 P.M. on Wednesday, April 11, 2012. All such amendments shall be second-reading amendments to the Bonding, Capital Expenditures and State Assets new text (Senate, No. 2213) but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Ethics and Rules.

Subsequently, Mr. Berry, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Ross, and the order was considered forthwith and adopted.

The bill (House, No. 4000, amended) was then placed in the Orders of the Day for a second reading for Thursday, April 12, 2012, with the proposed Bonding, Capital Expenditures and State Assets new text (Senate, No. 2213) pending.

PAPER FROM THE HOUSE

The Senate Bill relative to an exclusive and perpetual easement within Monroe State Forest (Senate, No. 1988, amended),-- 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, No. 3755, amended; and by striking out the title and inserting in place thereof the following title: "An Act authorizing the Commissioner of Capital Asset Management and Maintenance to grant easements within Monroe State Forest."

The rules were suspended, on motion of Mr. Ross, and the House amendment was considered forthwith.

Mr. Downing presented a motion that the Senate concur with the House amendment with a further amendment, by striking out section 1 and inserting in place thereof the following section:-

"Section 1. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may grant permanent easements over, under and through portions of certain parcels of land in the Monroe State Forest in the town of Monroe, to Iberdrola Renewables, LLC and Massachusetts Electric Company d/b/a National Grid, their successors and assigns, for the purposes of clearing vegetation and the installation, operation, and maintenance of poles, guy wires, anchors, and equipment in connection with the construction, operation and maintenance of an electrical tie line for a wind power facility, subject to sections 3 and 4, and subject to such reasonable additional terms and conditions consistent with this act as the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may prescribe. The parcels are more particularly described in a deed to the Commonwealth of Massachusetts recorded in the Franklin county registry of deeds in book 690, page 231. The permanent easements to be granted shall apply to 6,400 square feet of land in the aggregate, more or less, as more fully described on certain plans titled 'Hoosac Wind Project/Distribution Line Tie-In,' prepared by Westwood Professional Services, Inc., numbered Sheets 1 through 5 of 5, and dated 12/15/11, as filed with the department of conservation and recreation; provided, however, that the plans shall also indicate certain clearing mitigation areas which are not part of the permanent easement. Modifications to the easement description set forth in the plans described above may be made in order to conform with a final land survey, as accepted by the division and the department, before any grant of easements to carry out this act."

The motion was accepted; and the amendment was adopted.

Sent to the House for concurrence in the further amendment.

Order Adopted.

On motion of Mr. Ross,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at one o'clock P.M., in a full formal session with a calendar.

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