

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, April 21, 2011.

Met at one minute past eleven o'clock A.M. (Mr. Petrucci 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. Petrucci), members, guests and employees then recited the pledge of allegiance to the flag.

Communication.

A communication from the Honorable Bonnie Alexander, Chief Clerk of the House of Representatives for the State of Idaho, transmitting House Joint Memorial No. 1 urging the ratification of the Parental Rights Amendment to the United States Constitution,-- **was placed on file.**

Petitions.

Petitions were severally presented and referred, as follows:

By Ms. Murray, a petition (accompanied by bill, Senate No. 1915) of Therese Murray (by vote of the town) for legislation to authorize the town of Kingston to install, finance and operate wind energy facilities [Local approval received];
Under Senate Rule 20, to the committee on Municipalities and Regional Government.

By the same Senator, a petition (accompanied by bill, Senate No. 1916) of Therese Murray (by vote of the town) for legislation relative to the town of Kingston [Local approval received];

Under Senate Rule 20, to the committee on Telecommunications, Utilities and Energy.
Severally sent to the House for concurrence.

Report of a Committee

By Ms. Clark, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Theresa Hillard (Senate, No. 1896);

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

Resolutions.

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

Resolutions (filed by Ms. Jehlen) "congratulating the Winchester Multicultural Network on the occasion of its twentieth anniversary";

Resolutions (filed by Mr. Rosenberg) "honoring Professor Arlene Voski Avakian on the occasion of her retirement"; and

Resolutions (filed by Messrs. Ross and Timilty) “congratulating Morin’s Hometown Bar and Grille and Russell Morin Fine Catering on the occasion of the restaurant’s one hundredth anniversary.”

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

April 19, 2011

Mr. William F. Welch
Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

During the formal session held on Thursday, April 14, 2011, I was absent from the chamber serving in my capacity as a member of the Special Senate Committee to the Spring Forum of the National Conference of State Legislatures.

Consequently, I was not recorded on the roll call vote relative to the proposed local aid resolution. Had I been present I would have voted in the following manner:

S. 1894 – Local Aid Resolution – Yes

Consistent with my speech on the floor of the Senate on April 7, 2011, I believe that we owe our municipal leaders the benefit of guidance as they attempt to craft their budgets based on our projections, and this would have supported the resolution requested by the Minority Leader and proposed by the Committee on Ways & Means.

I respectfully request that a copy of this letter be printed in the Journal of the Senate. Thank you in advance for your assistance.

Sincerely,
RICHARD T. MOORE,
State Senator
Worcester & Norfolk District.

On motion of Mr. Tarr, the above communication was ordered printed in the Journal of the Senate.

PAPER FROM THE HOUSE

A petition (accompanied by bill, House, No. 3391) of Tacky Chan for legislation to provide an income tax credit for child care expenses,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Revenue.**

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 Senate Bill authorizing an alternative mode of design and construction for the rehabilitation of a sewer interceptor in the city of Everett (Senate, No. 1571).

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

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill establishing a financial literacy trust fund (see House, No. 3347) [being the text contained in Section 4A of the Supplemental Appropriation Bill (see House, No. 3318, amended)][for message, see House, No. 3345],— **came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-**

By striking out all after the enacting clause and inserting in place thereof the following:

“Chapter 10 of the General Laws is hereby amended by inserting after section 35PP the following section:-

Section 35QQ. (a) There shall be established and set up on the books of the commonwealth a Financial Literacy Trust Fund to encourage financial literacy and education for residents, institutions, community organizations and entities that will promote financial literacy. The fund shall be administered by the state treasurer, in consultation with the board of trustees established under subsection (b). The fund shall accept private contributions, publicly or privately-funded grants and funds appropriated by the state or federal government. No expenditure from the fund shall cause the fund to be in deficiency at the close of the fiscal year. Monies deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year. The fund shall be an expendable trust fund and shall not be subject to appropriation or allotment.

(b) There shall be a board of trustees to consist of 20 members. There shall be 6 non-voting members, 2 of whom shall be appointed by the senate president and 1 of whom shall be appointed by the minority leader of the senate; 2 of whom shall be appointed by the speaker of the house of representatives and 1 of whom shall be appointed by the minority leader of the house of representatives. The 14 voting members shall consist of the state treasurer or a designee, who shall serve as chair; the attorney general or a designee; the under secretary of consumer affairs and business regulation or a designee; the commissioner of elementary and secondary education or a designee; the secretary of education or a designee; the secretary of housing and economic development or a designee; and 8 persons to be appointed by the state treasurer who shall have experience in fundraising, education or financial services. All non-elected members shall serve for terms of 3 years, but they may be reappointed. The board of trustees shall develop by-laws and may develop regulations for the implementation of the trust. The trust may expend funds to administer the fund, which may include an annual independent audit of the financial activities of the fund. The trust may also enter into contracts with private corporations to manage and implement the programmatic fiduciary or administrative goals of the trust, subject to the approval of the board of trustees. The trust may also, to the extent necessary, create a 501(c)(3) corporation to fulfill the purposes of the trust. The state treasurer shall annually report to the general court all programmatic and financial activities and balances of the fund not later than the last Wednesday in December.

(c) Notwithstanding any general or special law or rule or regulation to the contrary, the state treasurer, members of the board of trustees or their designees shall maximize the balance in the trust by soliciting private donations, gifts, grants and bequests of the trust, including direct and indirect fundraising.”.

The message, as amended was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Tarr, and the Governor’s amendment, as amended was considered forthwith.

On motion of the same Senator, the Governor’s amendment, as amended, was adopted, in concurrence (as corrected BTR).

Sent to the House for re-enactment.

Emergency Preamble Adopted; Engrossed Bill Re-Enacted.

An engrossed Bill establishing a financial literacy trust fund (see House, No. 3347, 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. Petrucci) and sent to the House for enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been re-enacted in that branch.

The Senate then passed the bill to be re-enacted; and it was signed by the Acting President (Mr. Petrucci) and again laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday 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-nine minutes past twelve o’clock noon, the Senate adjourned to meet again on Monday next at eleven o’clock A.M.