

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, May 5, 2011.

Met at five minutes past 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 employees then recited the pledge of allegiance to the flag.

Communication.

A communication from the Department of Energy Resources (under the provisions of Section 12 of Chapter 25A of the General Laws) submitting proposed final regulations for renewable energy portfolio standards (received Wednesday, May 4, 2011),-- **was placed on file.**

Report of a Committee.

By Mr. Joyce, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill authorizing the Norfolk County Commissioners to borrow money for the repair, renovation and constructing, equipping and furnishing of buildings at Norfolk County Agricultural High School in the town of Walpole (Senate, No. 1062), -- **ought to pass; Referred, under Senate Rule 27, to the committee on Ways and Means.**

Committee Discharged.

Mr. McGee, for the committee on Transportation, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1739) of Susan C. Fargo, Thomas P. Conroy and Cory Atkins for legislation relative to the improvement of Route 2, Crosby's Corner Interchange, in the towns of Lincoln and Concord,-- **and recommending that the same be referred to the Senate committee on Ways and Means.**

**Under Senate Rule 36, the report was considered forthwith and accepted.
Sent to the House for concurrence in the discharge of the joint committee.**

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3402) of William M. Straus and Mark C. Montigny for legislation to relocate certain harbor lines in the Fairhaven and New Bedford harbors (having been filed in the office of the Clerk of the House of Representatives prior to 5pm on Friday, January 21, 2011 and having been returned, under the provisions of Joint Rule 9, from the Secretary of State on Thursday, April, 28, 2010);

To the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 3427) of Linda Dean Campbell and Steven A. Baddour (with the approval of the mayor and city council) for legislation to authorize the city of Methuen to lease the Oakland Avenue School building to the Islamic Academy for Peace;

To the committee on State Administration and Regulatory Oversight.

A Bill making appropriations for the fiscal year 2012 for the maintenance of departments, boards, commissions, institutions and certain activities of the Commonwealth for interest in sinking fund and serial bond requirements and for certain permanent improvements (House, No. 3401,-- on House, No. 1, in part),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Exempting the position of fire chief of the city of Lawrence from the civil service law (House, No. 3259,-- on petition) [Local approval received]; and

Relative to a sewer betterment abatement in the town of Shirley (House, No. 3319,-- on petition) [Local approval received];

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Resolutions.

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

Resolutions (filed by Ms. Creem) "honoring the contributions of Ronald Knudsen on the occasion of his eightieth birthday"; and Resolutions (filed by Mr. Kennedy) "congratulating Elaine H. Reiser on the occasion of her retirement from Brockton Area Multi-Services, Inc."

Communication.

The Clerk read the following communication.

OFFICE OF THE MINORITY WHIP
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1007

May 3, 2011

William F. Welch, Clerk
The Massachusetts State Senate
The State House
Boston, MA 02133

Dear Mr. Clerk,

On Thursday, April 28, 2011, I was admitted to Massachusetts General Hospital for surgery, while I did return to the Senate chambers to take a voice vote in the affirmative on Senate Bill 1058, I was re-called to the operating room before the roll call was taken. Had I been present, I would have voted in the affirmative on the enactment of An Act Establishing Procedures for the Sale and/or Lease of Property known as Conomo Point in the Town of Essex, as reflected in Roll Call #13.

I respectfully request that a copy of this correspondence be printed in the Senate Journal at your earliest convenience. Thank you in advance for your assistance in this matter.

Sincerely,
Senator Richard J. Ross

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

Orders Adopted.

Mr. Brewer offered the following order:

Ordered, that, notwithstanding the provisions of Senate Rule 27A, all amendments to the general appropriations bill as reported by the Committee on Ways and Means shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon on Friday, May 20, 2011; and be it further ordered that, pursuant to the provisions of Senate Rule 38B, the general appropriations bill as reported by the Committee on Ways and Means shall be placed in the Orders of the Day for Wednesday, May 25, 2011, for its second reading, as the only item on the calendar.

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. Tarr, and the order was considered forthwith and adopted.

Mr. Berry offered the following order:

Ordered, that, conformably to the provisions of Article LXVIII (48) (as amended by Article LXXXI (81) of the Amendments to the Constitution a joint session of the two Houses be held on Wednesday, May 11, 2011, at one o'clock P.M., for the purpose of considering proposals to the Constitution.

Insofar as applicable, the special rules of procedure, in effect in the preceding General Court shall govern said joint session, and any further joint sessions for the purpose of considering amendments to the Constitution

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

Sent to the House for concurrence.

Mr. Joyce offered the following order:

Ordered, that, the Senate hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amendment by Article LXXXI) of the Amendments to the Constitution, to consider the following proposal:

Proposal for a legislative amendment to the Constitution providing for the abolition of the Governor's Council (see Senate, No. 15) with reference to the committee on the Judiciary, reported, recommending that said amendment ought NOT to pass.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Jeffrey Botelho, an employee of the Department of Correction (House, No. 736),-- **ought to pass.**

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

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Brenda Randazzo, an employee of the Executive Office of Health and Human Services (see House, No. 3222), 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 David C. Napolitano, an employee of the Trial Court (see House, No. 3326), 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.

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 Benjamin Downing for legislation relative to the feeding of wildlife.

The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition Marc R. Pacheco and Jay Kaufman for legislation relative to the enrollment into the state retirement system of higher education employees in the optional retirement plan.

The rules were suspended, on motion of Mr. Tarr, 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.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition Marc Pacheco and Angelo D'Emilia for legislation to establish a sick leave bank for James Dupont, an employee of the Department of Revenue.

The rules were suspended, on motion of Mr. Tarr, 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.

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (all of which originated in the House), 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:

Establishing a sick leave bank for David Cummings, an employee of the Executive Office of Health and Human Services (see House, No. 3220);

Establishing a sick leave bank for Brenda Randazzo, an employee of the Executive Office of Health and Human Services (see House, No. 3222); and

Establishing a sick leave bank for David C. Napolitano, an employee of the Trial Court (see House, No. 3326).

Orders Adopted.

Mr. Tarr offered the following order:

Ordered, That, the Senate hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amendment by Article LXXXI) of the Amendments to the Constitution, to consider the following proposals:

Proposal for a legislative amendment to the Constitution relative to the reform of the Executive Council (see Senate, No. 14) with reference to the committee on the Judiciary, reported, recommending that said amendment ought NOT to pass;

Proposal for a legislative amendment to the Constitution relative to the Governor's Council (see Senate, No. 17) with reference to the committee on the Judiciary, reported, recommending that said amendment ought NOT to pass;

Proposal for a legislative amendment to the Constitution relative to abolishing the Governor's Council (see House, No. 511) with reference to the committee on the Judiciary, reported, recommending that said amendment ought NOT to pass;

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.

Adjournment in Memory of Superintendent Mary Jo Livingstone.

The Senator from Plymouth and Norfolk, Mr. Hedlund, requested that when the Senate adjourns today, it adjourn in memory of Superintendent Mary Jo Livingstone of Weymouth.

Superintendent Livingstone, who passed away on April 13, at the age of 54, was a talented and dedicated educator who throughout her life remained committed to that most noble cause of cultivating young minds and preparing students to be informed and responsible citizens and productive members of our Commonwealth and country.

A graduate of Weymouth High School, Mary Jo Livingstone began her career as a math teacher and later served as a department chair and administrator before becoming the first woman to hold the office of Superintendent of the Weymouth Public Schools in 2007.

Mary Jo Livingstone was a tremendous advocate for Weymouth's children and her passing is a tragic loss for the entire town. Her good works have left an indelible mark on the Weymouth community, and her memory lives on in the better town she leaves behind.

Accordingly, as a mark of respect to the memory of Superintendent Mary Jo Livingstone, at nineteen minutes before twelve o'clock noon, on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.