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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, May 19, 2011.

Met according to adjournment at one o'clock P.M. (Mr. Rosenberg in the Chair).

Petitions.

Petitions were severally presented and referred, as follows:

By Mr. Finegold, a petition (accompanied by bill, Senate No. 1909) of Barry R. Finegold, Paul Adams and James R. Miceli (by vote of the town) for legislation to validate a certain vote taken by the town of Tewksbury [Local approval received];

Under Senate Rule 20, to the committee on Revenue.

Sent to the House for concurrence.

By Mr. Joyce, a petition (subject to Joint Rule 12) of Brian A. Joyce, Bruce J. Ayers, Mark Cusack and Walter F. Timilty for legislation to establish a sick leave bank for Frank Silveira, an employee of the Department of Revenue; and

By Mr. Wolf, a petition (subject to Joint Rule 12) of Daniel A. Wolf for legislation relative to fire training;

Severally, under Senate Rule 20, to the committees on the two branches, acting concurrently.

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill making appropriations for the fiscal year two thousand twelve for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No, 3401),-- **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 3.**

[Estimated cost:

Direct Appropriation: \$28,031,956,994

Retained Revenue Appropriation: \$575,723,187

Total: \$28,607,680,181];

Pursuant to an order previously adopted by the Senate, the bill was placed in the Orders of the Day for Wednesday, May 25, for a second reading with the recommended new text (Senate, No. 3) pending.

Committee Discharged.

Mr. Pacheco, for the committee on Environment, Natural Resources and Agriculture, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 395) of Steven A. Tolman for legislation concerning lanes on Storrow Drive;

Of the petition (accompanied by bill, Senate, No. 396) of Steven A. Tolman for legislation to improve pedestrian safety on Park

Drive; and

Of the petition (accompanied by bill, Senate, No. 398) of Steven A. Tolman for legislation to study traffic patterns on Greenough Boulevard in Watertown;

And recommending that the same severally be referred to the committee on Transportation.

Under Senate Rule 36, the reports were considered forthwith and accepted.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE

Bills

Authorizing the town of Sturbridge to convey a certain parcel of land (House, No. 574,-- on petition) [Local approval received]; and

Authorizing the town of Montague to grant a license for the sale of all alcoholic beverage not to be drunk on the premises (House, No. 3311,-- on petition) [Local approval received];

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

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at four minutes past two o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Resolutions.

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

Resolutions (filed by Mr. Berry) "recognizing the Ukrainian Congress Committee of America on its commemoration of the twenty-fifth anniversary of the Chernobyl Disaster";

Resolutions (filed by Mr. Pacheco) "congratulating Christopher Baptiste on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Ross and Ms. Spilka) "congratulating Theodore H. Lindblad, IV on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Ross and Ms. Spilka) "congratulating Timothy T. Swift on his elevation to the rank of Eagle Scout"; and

Resolutions (filed by Messrs. Tolman, Baddour, Berry and Brewer, Ms. Candaras, Ms. Chandler, Ms. Chang-Díaz, Ms. Clark, Ms. Creem, Messrs. DiDomenico and Donnelly, Ms. Donoghue, Messrs. Downing and Eldridge, Ms. Fargo, Mr. Finegold, Ms. Flanagan, Messrs. Hart and Hedlund, Ms. Jehlen, Messrs. Joyce, Keenan, Kennedy, Knapik, McGee, Montigny, Michael O. Moore and Richard T. Moore, Ms. Murray, Messrs. O'Leary, Pacheco, Petruccelli, Rodrigues, Rosenberg, Ross and Rush, Ms. Spilka and Messrs. Tarr, Timilty, Tolman, Welch and Wolf) "honoring the victims of 'The Great Hunger' in Ireland."

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Edward V. Brooks, an employee of the Department of Correction (see Senate, No. 1917), 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 6 to 0. The bill was signed by the President and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Sheila Santelli, an employee of the Department of Housing and Community Development (see House, No. 3219, 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 5 to 0.**

The bill was signed by the President and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (the first 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 President and laid before the Governor for his approbation, to wit:

Relative to debt payments in the town of Rutland (see Senate, No. 1882); and

Exempting the position of fire chief of the city of Lawrence from the civil service law (see House, No. 3259).

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 Steven A. Baddour and Brian S. Dempsey for legislation to establish a sick leave bank for Bethany M. Tsioropoulos, an employee of the Massachusetts Rehabilitation Commission.

The rules were suspended, on motion of Mr. Brewer, 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. Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Theresa Hillard (Senate, No. 1896),-- ought to pass, with an amendment inserting after the second sentence the following sentence: "Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department."; and by striking out the last sentence and inserting in place thereof the following:-- "Whenever Theresa Hillard terminates employment with the department, or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank."

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 1896, amended) was then ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act establishing a sick leave bank for Theresa Hillard, an employee of the Department of Public Health". Sent to the House for concurrence.

Orders of the Day.

The Orders of the Day were considered, as follows, to wit:

The House Bill relative to a sewer betterment abatement in the town of Shirley (House, No. 3319),-- **was read a second time and ordered to a third reading.**

The House Bill authorizing the town of Shrewsbury to establish a special fund (House, No. 556, changed),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Michael O. Moore moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following text:-

"SECTION 1. Section 1 of chapter 319 of the acts of 2002 is hereby amended by striking out clause (1) and inserting in place thereof the following clause:-

(1) Construction, equipping and furnishing of a new high school to be located on Holden street and the new Sherwood middle school;

SECTION 2. This act shall take effect upon its passage."

The amendment was adopted.

The bill, as amended, was then ordered to a third reading. The rules were suspended, on motion of Mr. Michael O. Moore, and the bill was read a third time and passed to be engrossed, in concurrence, with the amendment. Sent to the House for concurrence in the amendment.

The House Bill relative to the reorganization of the judicial system of the Commonwealth (House, No. 3395, amended),-- **was read a second time.**

Pending the question on adoption of the proposed Ways and Means new text (Senate, No. 1907) and pending the main question on ordering the bill to a third reading, Messrs. Tarr, Hedlund, Knapik and Ross moved to amend the proposed new text by inserting after section__ the following new section:-

"SECTION__ . Prior to the implementation of this act, the chief justice of the trial court shall conduct an analysis of the cost and budgetary impacts of the provisions of this act, including but not limited to the displacement of existing court personnel and impacts on the functions and performance of the court and the ability to meet the needs of those it serves in a timely and efficient manner. Said analysis shall be submitted to the clerk of the house and the clerk of the senate no later than six months after the passage of this act."

After debate, the amendment was *rejected*.

Ms. Clark and Mr. Keenan moved to amend the proposed new text by striking lines 341 through 349 and inserting in place the following new language:-

"An officer or employee whose appointment is subject to this section may be removed for cause by the appointing authority;

provided, however, that in the event of a conflict between this section and a term of an applicable collective bargaining agreement, the term of the collective bargaining agreement shall take precedence. Every removal of an officer or employee whose appointment was subject to this section shall be reviewed by the committee, and no such removal shall be final until approved by the committee. If any such officer or employee has served 3 full years in a position, appointment to which is subject to the provisions of this section, the officer or employee shall have the right to appear personally before the committee before the committee reaches its decision as to whether or not to affirm the officer's or employee's removal. The committee shall also advise the court administrator in the establishment of salaries and pay scales of all court personnel unless otherwise provided by statute."; in line 475 by inserting after the word "shall" the following words:- " , subject to the terms of applicable collective bargaining agreements,"; and in line 1244 by inserting after the word "officers" the following words:- " ; provided, however, that in the event of any conflict between this clause and a term of an applicable collective bargaining agreement, the term of the collective bargaining agreement shall take precedence".

After remarks, the amendment was adopted.

Messrs. Tarr, Hedlund, Knapik, Ross and Montigny moved to amend the proposed new text by inserting after section __ the following new section:-

"SECTION __. In calendar year 2013, and each calendar year thereafter, the auditor of the Commonwealth and the inspector general shall, jointly and according to one or more methodologies mutually agreed upon, conduct an audit of the trial court which encompasses its several subdivisions and operations. Said audit shall be consistent with generally accepted principles for those of its type, and shall be completed no later than March 31 of the year following the year being audited. Said audit shall be submitted to the chief justice of the supreme judicial court and filed with the clerks of the house and the senate and the ways and means committees of the house and the senate."

After remarks, the amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik, Ross and Montigny moved to amend the proposed new text in section 53 in proposed section 8 by striking out the second paragraph and inserting in place thereof the following paragraph:-

"The committee shall advise the court administrator who shall establish and promulgate standards for the appointment, performance, promotion, continuing education and removal of all personnel within the trial court, except judges, clerks and registers of probate. The standards shall ensure that all appointments, promotions and increases in compensation of personnel within the trial court are merit based and maintain internal and external integrity with regard to their processes. Such standards shall be made available to the public and promulgated prominently on the website of the trial court."; in said section 53, in clause (xii) of proposed section 9A, by inserting after the third sentence, the following sentence:- "The court administrator shall provide such reports to the clerk of the house of representatives and the clerk of the senate."; and by inserting after section 129, the following section:-

"SECTION 129A. The court administrator shall provide copies of the standards promulgated under section 8 of chapter 211B of the General Laws to all divisions or places for holding sessions within the department of the trial court and by September 1, 2012 shall provide copies to the clerk of the house and the clerk of the senate."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at one minute past three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 39 – nays 0*) [**Yeas and Nays No, 14**]:

YEAS

Baddour, Steven A.	Keenan, John F.
Berry, Frederick E.	Kennedy, Thomas P.
Brewer, Stephen M.	Knapik, Michael R.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.
Clark, Katherine M.	Moore, Richard T.
Creem, Cynthia Stone	Murray, Therese
DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
Finegold, Barry R.	Tarr, Bruce E.
Flanagan, Jennifer L.	Timilty, James E.
Hart, John A., Jr.	Tolman, Steven A.

Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — **39**.
Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Rush, Michael F.—**1**.

The yeas and nays having been completed at five minutes past three o'clock P.M., the amendment was adopted.

Messrs. Tarr, Hedlund, Knapik and Ross moved to amend the proposed new text in section 53, by inserting after the words “filled by”, in line 376, the following words:- “an interim appointee of”.

The amendment was adopted.

Messrs. Tarr, Hedlund, Knapik, Ross and Montigny moved to amend the proposed new text in section 23 by striking out the words “end of the hiring process” and inserting in place thereof the following words:- “applicant has met all other qualifications and requirements for the position to be filled”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven minutes past three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 38 – nays 0*) [**Yeas and Nays No, 15**]:

YEAS

Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Keenan, John F.
Brewer, Stephen M.	Kennedy, Thomas P.
Candaras, Gale D.	Knapik, Michael R.
Chandler, Harriette L.	McGee, Thomas M.
Chang-Diaz, Sonia	Montigny, Mark C.
Clark, Katherine M.	Moore, Michael O.
Creem, Cynthia Stone	Moore, Richard T.
DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
Finegold, Barry R.	Tarr, Bruce E.
Flanagan, Jennifer L.	Timilty, James E
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. — 39 .

NAYS — 0.

ABSENT OR NOT VOTING

Rush, Michael F.—**1**.

The yeas and nays having been completed at ten minutes past three o'clock, P.M., the amendment was adopted.

Messrs. Tarr, Hedlund, Knapik and Ross moved to amend the proposed new text in section 124, in proposed section 98A, by striking out the first paragraph and inserting in place thereof the following paragraph:-

“There shall be a board to advise the commissioner of probation and the court administrator. The board shall make recommendations on the management of the office of probation. The board shall consist of 9 members to be appointed by the supreme judicial court: 2 persons who have significant experience in criminal justice, 2 persons who have significant experience in public policy, 2 persons who have significant experience in management, 1 person who has significant experience in human

resources management, 1 person who is a member of the Massachusetts bar with active status, and 1 person with significant experience as a probation officer. Upon the expiration of the term of any appointive member, his successor shall be appointed in a like manner for a term of 3 years. In making their initial appointments, the supreme judicial court shall appoint 2 members to serve for a term of 1 year, 4 members to serve for a term of 2 years and 3 members to serve for a term of 3 years.”

The amendment was adopted.

Ms. Creem, Ms. Fargo and Ms. Jehlen moved to amend the proposed new text by inserting at the end thereof the following section:-

“SECTION _____. Section 3 of Chapter 279 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 14 and 15, the words “such suspension is revoked, the sentence shall be in full force and effect” and inserting in place thereof the following:- the defendant violates a condition of probation, the court may (a) continue him on probation with or without extending the term or modifying or enlarging the conditions; or (b) revoke the sentence of probation and commit the defendant to an intermediate sanctions program or impose all or any portion of the suspended sentence.”

The amendment was *rejected*.

Ms. Creem, Ms. Chang-Diaz, Mr. Eldridge, Ms. Fargo and Ms. Jehlen moved to amend the proposed new text by striking sub-section (h) of section 125 of the bill and inserting in place thereof the following sub-section:-

“(h) The commissioner shall report regularly to the public on the progress the office and its divisions are making at achieving stated goals. The report on performance measurements shall be published annually and made available to the public not later than December 31. The report shall also be filed annually with the clerks of the house of representatives and the senate, the chairs of the house and senate committees on ways and means, the house and senate chairs of the joint committee on public safety and homeland security and the house and senate chairs of the joint committee on the judiciary. The commissioner shall be responsible for reporting publicly and transparently and making all reports available through an on-line system. The commissioner must, to the extent practicable, develop partnerships with research institutions to further analyze performance management data. Notwithstanding any other general law to the contrary, aggregate information and data relative to the performance of the probation department, which does not identify any individual, including any probation officer or person on probation, shall be considered a public record, provided further that nothing herein shall limit the disclosure of information already considered to be a public record.”

The amendment was *rejected*.

Messrs. Tarr and Knapik moved to amend the proposed new text in section 7, in line 50, by inserting at the end of clause (c) the following language:- “to ensure that said supervision is meted in an orderly and effective manner for those individuals who are subject to dual supervision”.

The amendment was adopted.

Messrs. DiDomenico and Petrucci moved to amend the proposed new text by striking out the language in section 125 and inserting in place thereof the following:

“SECTION 125. Said chapter 276 is hereby further amended by inserting after section 99E, as appearing in the 2008 Official Edition, the following section:-

Section 99F. (a) The commissioner of probation shall establish a performance measurement system for the office of probation and any private organizations under contract with the commonwealth to perform services as part of a probationary sentence. The commissioner shall annually establish program goals, measure program performance against those goals and report publicly on the progress to improve the effectiveness of probation programs. The commissioner shall determine the appropriate measures and standards of performance in all categories and reporting on performance trends. Clear measurements shall be developed and effectuated while ensuring that no undue administrative burden is placed on agencies and organizations subject to this section. The performance measurement system shall require each division to develop a strategic plan for program activities and performance goals.

(b) Performance measurements shall include, but not be limited to, the recidivism and violation rate for probationers, probationers’ compliance with court orders, the effectiveness of the probation departments’ provision of information to the court and any other measurements established by the commissioner of probation.

(c) The commissioner shall annually re-evaluate the goals and measures established by the office and monitor the results that the divisions and contractors report. The office shall recommend changes to proposed goals and measures as are appropriate to enhance public safety.

(e) The commissioner shall use the performance measurements established under this section to determine the quality of service of all private entities. The results of such performance measures shall be criteria used in negotiating any contracts, and contracts with private organizations not meeting their performance goals shall be publicly bid upon their expiration. Renewal contracts may also provide incentives to reward reporting in compliance with performance measurements and to reward achievement of specific performance goals.

(f) The commissioner shall consider applications for rehabilitative pilot programs that incorporate evidence based correctional practices. Said applications shall encourage partnerships with the state and can demonstrate an ability to leverage federal and/or private grant opportunities.

(g) The results of such performance measures shall be considered in conducting performance evaluations of staff.

(h) The commissioner shall report regularly to the public on the progress the office and its divisions are making at achieving

stated goals. The report on performance measurements shall be published annually and made available to the public not later than December 31. The report shall also be filed annually with the clerks of the house of representatives and the senate, the chairs of the house and senate committees on ways and means, the house and senate chairs of the joint committee on public safety and homeland security and the house and senate chairs of the joint committee on the judiciary. The commissioner shall be responsible for reporting publicly and transparently and making all reports available.

(i) The commissioner shall, to the extent practicable, develop partnerships with research institutions to further analyze performance management data.”

The amendment was adopted.

Messrs. Tarr, Knapik and Ross moved to amend the proposed new text by inserting after section __ the following new section:-
“SECTION __. Notwithstanding any general or special law to the contrary, the chief justice of the trial court, together with the court administrator, shall submit a report to the joint committee on the judiciary and the house and senate committees on ways and means 90 days prior to the temporary closure or the temporary relocation of courthouses; provided further that said report shall include, but not be limited to, the transfer of personnel, the reallocation of resources, the impact on other courthouses resulting from the temporary closure of said court and other factors that may affect implementation of said temporary closure.”

The amendment was adopted.

Mr. Eldridge moved to amend the proposed new text by inserting the following new sections:-

“SECTION __. Section 7 of chapter 4 of the General Laws, as so appearing, is hereby further amended by inserting after the word ‘thereof,’ at line 131, the following words:- or of the office of court management or the office of probation.

SECTION __. Section 7 of said chapter 4, as so appearing, is hereby further amended by inserting at the end of subclause (f) of clause twenty-sixth the following words:- , and information regarding the supervision of individual named probationers; provided that when such information is introduced in a judicial proceeding it shall be publicly accessible in the same manner as other judicial records.

SECTION __. Section 100 of said chapter 276 is hereby repealed.”

After debate, the amendment was *rejected*.

Messrs. Tarr and Knapik moved to amend the proposed new text in section 120, by inserting after the words “court administrator”, in line 1112, the following words:- “and the first justice of the applicable court”; by inserting after the words “court administrator”, in line 1124, the following words:- “in consultation with the first justice of the applicable court”; and by inserting after the words “court administrator”, in line 1140, the following words:- “in consultation with the first justice of the applicable court”.

The amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved to amend the proposed new text by inserting after section 130 the following new section:-

“SECTION 130A. The court administrator shall conduct a study exploring the feasibility of allowing payment of fees, fines, costs, assessments and other monies collected by any department of the trial court to be made with a credit card. The court administrator shall prepare a report on the findings, including recommendations and legislation necessary to effectuate those recommendations, by filing the same with the clerks of the house of representatives and the senate not later than December 1, 2011.”

The amendment was adopted.

Ms. Creem moved to amend the proposed new text by striking out section 56 and inserting in place thereof the following 2 sections:-

“SECTION 56. Said chapter 211B is hereby further amended by inserting after section 10C the following section:-

Section 10D. (a) Each applicant for initial appointment as a court officer within the trial court shall pass a written examination established and administered by the chief justice for administration and management, after consultation with the personnel administrator, who shall determine the form, method and subject matter of the examination. The examination shall test the knowledge, skills and abilities which can be objectively and reliably measured and which are required to perform the duties of the position of court officer. The chief justice for administration and management, in consultation with the personnel administrator, shall establish a uniform minimum score needed for further consideration of the applicant for consideration as a court officer.

(b) The name of each applicant for initial appointment as a court officer within the trial court who has successfully completed the examination under subsection (a) shall be forwarded to the chief justice for administration and management or a designee who shall objectively screen the applicant to determine whether the applicant meets the minimum criteria for appointment as a court officer.

(c) Those applicants who have passed the examination under subsection (a) and are deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (b) shall be subject to an investigative and interview process which shall include, but not be limited to: (i) inquiry into and review of the applicant’s education, prior work history; related work history in the trial courts and other accomplishments to ensure that the applicant is well suited for the culture of the organization and will further the organization’s stated goals; (ii) behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation and writing assessments; provided, however, that the candidate assessments shall

focus on the specific requirements of the position.

(d) Those applicants who have passed the examination under subsection (a) and were deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (b) and who have successfully completed the interview and investigative processes under subsection (c) shall be eligible for appointment by the chief justice for administration and management. The chief justice for administration and management may appoint court officers to the several sessions of the trial court as the chief justice deems necessary.

(e) A court officer seeking a promotion within the trial court shall pass a written examination established and administered by the chief justice for administration and management, after consultation with the personnel administrator, who shall determine the form, method and subject matter of the examination. The examination shall test the knowledge, skills and abilities which can be objectively and reliably measured and which are required to perform the duties of the position being applied for. The chief justice for administration and management, in consultation with the personnel administrator, shall establish a uniform minimum score needed for further consideration of the applicant for consideration for promotion.

(f) The name of each applicant for promotion who has successfully completed the examination under subsection (e) shall be forwarded to the chief justice for administration and management or a designee who shall objectively screen the applicant to determine whether the applicant meets the minimum criteria for promotion.

(g) Those applicants who have passed the examination under subsection (e) and were deemed by the personnel administrator to have met the minimum criteria for promotion under subsection (f) shall be subject to an investigative and interview process which shall include, but not be limited to: (i) inquiry into and review of the applicant's education, prior work history, related work history in the trial courts and other accomplishments to ensure that the applicant is well suited for the culture of the organization and will further the organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation and writing assessments; provided, however, that the candidate assessments shall focus on the specific requirements of the position.

(h) Those applicants who have passed the examination under subsection (e) and were deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (f) and successfully completed the interview and investigative processes under subsection (g) shall be eligible for promotion by the chief justice for administration and management.

(i) All court officers of the trial court shall devote their full time and attention to the duties of their office during regular business hours.

SECTION 56A. Said chapter 211B is hereby further amended by striking out section 10D, as appearing in section 56, and inserting in place thereof the following section:-

Section 10D. (a) Each applicant for initial appointment as a court officer within the trial court shall pass a written examination established and administered by the court administrator, after consultation with the personnel administrator, who shall determine the form, method and subject matter of such examination. The examination shall test the knowledge, skills and abilities which can be objectively and reliably measured and which are required to perform the duties of the position of court officer. The court administrator, in consultation with the personnel administrator, shall establish a uniform minimum score needed for further consideration of the applicant for consideration as a court officer.

(b) The name of each applicant for initial appointment as a court officer within the trial court who has successfully completed the examination under subsection (a) shall be forwarded to the court administrator or a designee who shall objectively screen the applicant to determine whether the applicant meets the minimum criteria for appointment as a court officer.

(c) Those applicants who have passed the examination under subsection (a) and were deemed by the court administrator to have met the minimum criteria for appointment under subsection (b) shall be subject to an investigative and interview process which shall include, but not be limited to: (i) inquiry into and review of the applicant's education, prior work history, related work history in the trial courts and other accomplishments to ensure that the applicant is well suited for the culture of the organization and will further the organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation and writing assessments; provided, however, that the candidate assessments shall focus on the specific requirements of the position.

(d) Those applicants who have passed the examination under subsection (a) and were deemed by the court administrator to have met the minimum criteria for appointment under subsection (b), and who have successfully completed the interview and investigative processes under subsection (c) shall be eligible for appointment by the court administrator. The court administrator may appoint court officers to the several sessions of the trial court as the court administrator deems necessary, in consultation with the chief justice of the trial court.

(e) A court officer seeking a promotion within the trial court shall pass a written examination established and administered by the court administrator, after consultation with the personnel administrator, who shall determine the form, method and subject matter of such examination. The examination shall test the knowledge, skills and abilities which can be objectively and reliably measured and which are required to perform the duties of the position being applied for. The court administrator, in consultation with the personnel administrator, shall establish a uniform minimum score needed for further consideration of the applicant for consideration for promotion.

(f) The name of each applicant for promotion who has successfully completed the examination under subsection (e) shall be forwarded to the court administrator or a designee who shall objectively screen the applicant to determine whether the applicant meets the minimum criteria for promotion.

(g) Those applicants who have passed the examination under subsection (e) and were deemed by the personnel administrator to have met the minimum criteria for promotion under subsection (f) shall be subject to an investigative and interview process

which shall include, but not be limited to: (i) inquiry into and review of the applicant's education, prior work history, related work history in the trial courts and other accomplishments to ensure that the applicant is well suited for the culture of the organization and will further the organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation and writing assessments; provided, however, that the candidate assessments shall focus on the specific requirements of the position.

(h) Those applicants who have passed the examination under subsection (e) and were deemed by the court administrator to have met the minimum criteria for appointment under subsection (f) and successfully completed the interview and investigative processes under subsection (g) shall be eligible for promotion by the court administrator.

(i) All court officers of the trial court shall devote their full time and attention to the duties of their office during regular business hours.”;

By striking out section 120 and inserting in place thereof the following 2 sections:-

“SECTION 120. Chapter 276 of the General Laws is hereby amended by striking out section 83, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 83. (a) Each applicant for initial appointment as a probation officer within the office of the commissioner of probation shall pass a written examination established and administered by the chief justice for administration and management, after consultation with the personnel administrator, who shall determine the form, method and subject matter of such examination. The examination shall test the knowledge, skills and abilities which can be objectively and reliably measured and which are required to perform the duties of the position of probation officer. The chief justice for administration and management, in consultation with the personnel administrator, shall establish a uniform minimum score needed for further consideration of the applicant for consideration as a probation officer.

(b) The name of each applicant for initial appointment as a probation officer within the office of the commissioner of probation who has successfully completed the examination under subsection (a) shall be forwarded to the chief justice for administration and management or a designee who shall objectively screen the applicant to determine whether the applicant meets the minimum criteria for appointment as a probation officer.

(c) Those applicants who have passed the examination under subsection (a) and deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (b) shall be subject to an investigative and interview process which shall include, but not be limited to: (i) inquiry into and review of the applicant's education, prior work history and other accomplishments to ensure that the applicant is well suited for the culture of the organization and will further the organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation and writing assessments; provided, however, that the candidate assessments shall focus on the specific requirements of the position.

(d) Those applicants who have passed the examination under subsection (a) and were deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (b), and who have successfully completed the interview and investigative processes under subsection (c) shall be eligible for appointment by the commissioner as a probation officer. The commissioner may appoint probation officers to the several sessions of the trial court as the commissioner deems necessary, with the approval of the chief justice for administration and management.

(e) A probation officer seeking a promotion within the office of the commissioner of probation shall pass a written examination established and administered by the chief justice for administration and management, after consultation with the personnel administrator, who shall determine the form, method and subject matter of such examination. The examination shall test the knowledge, skills, and abilities which can be objectively and reliably measured and which are required to perform the duties of the position being applied for. The chief justice for administration and management, in consultation with the personnel administrator, shall establish a uniform minimum score needed for further consideration of the applicant for consideration for promotion.

(f) The name of each applicant for promotion within the office of the commissioner of probation who has successfully completed the examination under subsection (e) shall be forwarded to the chief justice for administration and management or a designee who shall objectively screen the applicant to determine whether the applicant meets the minimum criteria for promotion.

(g) Those applicants passed the examination under subsection (e) and were deemed by the court administrator to have met the minimum criteria for promotion under subsection (f) shall be subject to an investigative and interview process which shall include, without limitation: (i) inquiry into and review of the applicant's education, prior work history and other accomplishments to ensure that the applicant is well suited for the culture of the organization and will further the organization's stated goals; (ii) behaviorally-based interviews; and (iii) candidate assessments, including case study, presentation and writing assessments; provided, however, that the candidate assessments shall focus on the specific requirements of the position.

(h) Those applicants who have passed the examination under subsection (e) and were deemed by the chief justice for administration and management to have met the minimum criteria for appointment under subsection (f) and successfully completed the interview and investigative processes under subsection (g) shall be eligible for promotion under subsection (i).

(i) In any court having 2 or more probation officers, the first justice, subject to the approval of the chief justice for administration and management and the commissioner of probation, may designate 1 probation officer to serve as chief probation officer and may designate other probation officers to serve as assistant chief probation officers, as the first justice deems necessary for the effective administration of justice.

A first justice may recommend to the commissioner of probation the initiation of disciplinary proceedings against a probation officer so promoted under this section; provided, however, that such probation officer shall receive a hearing by the commissioner of probation prior to being discharged; and provided further, that such probation officer may appeal any

suspension, discipline or discharge to the chief justice for administration and management.

(j) The compensation of probation officers in the trial court shall be paid by the commonwealth according to schedules established in section 99B or in a provision of an applicable collective bargaining agreement.

(k) All probation officers shall devote their full time and attention to the duties of their office during regular business hours.

SECTION 120A. Section 83 of said chapter 276, as appearing in section 120, is hereby amended by striking out the words ‘chief justice for administration and management’; each time they appear, and inserting in place thereof, in each instance, the following words:- ‘court administrator’.”;

By striking out section 124 and inserting in place thereof the following 2 sections:-

“SECTION 124. Said chapter 276 is hereby further amended by striking out sections 98 and 99, as amended by section 103 of chapter 131 of the acts of 2010, and inserting in place thereof the following 3 sections:-

Section 98. There shall be an office of probation which shall be under the supervision, direction and control of a commissioner of probation. The commissioner shall be appointed, and may be removed, by the chief justice for administration and management, with the advice of the chief justice of the juvenile court, the chief justice of the superior court, the chief justice of the district court, the chief justice of the probate and family court and the chief justice of the Boston municipal court. The commissioner shall be a person of skill and experience in the field of criminal justice. The commissioner shall be the executive and administrative head of the office of probation and shall be responsible for administering and enforcing the laws relative to the office of probation and to each administrative unit of the office. The commissioner shall serve a term of 5 years and may be reappointed. The commissioner shall receive such salary as may be determined by law and shall devote full time to the duties of the office. In the case of an absence or vacancy in the office of the commissioner or in the case of disability as determined by the chief justice for administration and management, the chief justice may designate an acting commissioner to serve as commissioner until the vacancy is filled or the absence or disability ceases. The acting commissioner shall have all of the powers and duties of the commissioner and shall have similar qualifications as the commissioner.

Subject to the approval and consent of the chief justice for administration and management, the commissioner may appoint such deputies, supervisors and assistants as may be necessary for the performance of the commissioner’s duties. The deputies, supervisors and assistants shall, subject to appropriation, receive salaries to be fixed by the chief justice for administration and management. The commissioner shall perform such duties and responsibilities as otherwise provided by law or as designated from time to time by the chief justice for administration and management. The commissioner shall make recommendations to the chief justice for administration and management on:

- (i) the supervision and evaluation of all probation programs within the trial court;
- (ii) the evaluation of the probation service in each court of the commonwealth;
- (iii) the compilation, evaluation and dissemination of statistical information on crime, delinquency and appropriate probate and family court matters available in the commissioner’s records;
- (iv) the recruitment, training and educational development of probation officers;
- (v) the evaluation of the work performance of probation officers; and
- (vi) planning, initiation and development of volunteer, diversion and other programs in consultation with probation officers throughout the commonwealth.

Section 98A. There shall be a board to advise the commissioner of probation and the chief justice for administration and management. The board shall make recommendations on the management of the office of probation. The board shall consist of 9 members to be appointed by the supreme judicial court: 2 persons who have significant experience in criminal justice, 2 persons who have significant experience in public policy, 2 persons who have significant experience in management, 1 person who has significant experience in human resources management, 1 person who is a member of the Massachusetts bar with active status and 1 person with significant experience as a probation officer. Upon the expiration of the term of any appointive member, the member’s successor shall be appointed in a like manner for a term of 3 years. In making their initial appointments, the supreme judicial court shall appoint 2 members to serve for a term of 1 year, 4 members to serve for a term of 2 years and 3 members to serve for a term of 3 years. A person appointed to fill a vacancy on the board shall be appointed in like manner and shall serve for only the unexpired term of the former member. No member shall serve for more than 2 full terms. The board shall annually elect 1 of its members to serve as chair and 1 of its members to serve as vice-chair. The chair shall hold regular meetings and shall notify the board members of the time and place of the meetings.

Members of the board shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their official duties. The chief justice for administration and management shall serve as the executive secretary of the board and the office of probation shall provide, at the request of the board, detailed reports regarding the work of probation in the court.

The board shall advise the commissioner of probation and the chief justice for administration and management on all matters of probation reform. The board shall make recommendations to the commissioner of probation and the chief justice for administration and management and shall forward such recommendations to the house and senate committees on ways and means.

Section 99. The commissioner shall have executive control and supervision of the probation service and shall have the power to:

- (1) supervise the probation work in all of the courts of the commonwealth and, for such purposes, the commissioner and the commissioner’s staff shall have access to all probation records of those courts;
- (2) subject to the approval of the chief justice for administration and management, establish reports and forms to be maintained by probation officers, establish procedures to be followed by probation officers and establish standards and rules of probation work, including methods and procedures of investigation, mediation, supervision, case work, record keeping, accounting and

caseload and case management;

(3) promulgate rules and regulations concerning probation officers or offices; provided, however, that such rules and regulations shall be approved in writing by the chief justice for administration and management subject to chapter 150E;

(4) assist the chief justice for administration and management in developing standards and procedures for the performance evaluation of probation officers and assist each first justice in evaluating the work performance of probation officers; provided, however, that in the event of any conflict between this clause and a term of an applicable collective bargaining agreement, the term of the collective bargaining agreement shall take precedence;

(5) receive all notices of intended disciplinary action against a probation officer or supervising probation officer, including reprimand, fine, suspension, demotion or discharge, that may be initiated by a first justice, supervisor or chief probation officer;

(6) develop and conduct basic orientation and in-service training programs for probation officers, such programs to be held at such times and for such periods as the commissioner shall determine;

(7) conduct research studies relating to crime and delinquency; provided, however, that the commissioner may participate with other public and private agencies in joint research studies;

(8) annually submit written budget recommendations for the probation service to the chief justice for administration and management, which shall be in addition to the budget requests submitted by the first justices on behalf of their respective courthouse or courthouses, including probation offices;

(9) annually conduct regional meetings with chief probation officers to discuss the budget needs of the local probation offices; and

(10) hold conferences on probation throughout the commonwealth; provided, however, that the traveling expenses of trial court justices or probation officers authorized by the chief justice for administration and management to attend any such conference shall be paid by the commonwealth.

SECTION 124A. Said chapter 276 is hereby further amended by striking out sections 98 to 99, inclusive, as appearing in section 124, and inserting in place thereof the following 3 sections:-

Section 98. There shall be an office of probation which shall be under the supervision, direction and control of a commissioner of probation. The commissioner shall be appointed, and may be removed, by the chief justice of the trial court and the court administrator, with the advice of the chief justice of the juvenile court, the chief justice of the superior court, the chief justice of the district court, the chief justice of the probate and family court and the chief justice of the Boston municipal court. The commissioner shall be a person of skill and experience in the field of criminal justice. The commissioner shall be the executive and administrative head of the office of probation and shall be responsible for administering and enforcing the laws relative to the office of probation and to each administrative unit of the office. The commissioner shall serve a term of 5 years and may be reappointed. The commissioner shall receive such salary as may be determined by law and shall devote full time to the duties of the office. In the case of an absence or vacancy in the office of the commissioner, or in the case of disability as determined by the chief justice of the trial court, said chief justice may designate an acting commissioner to serve as commissioner until the vacancy is filled or the absence or disability ceases. The acting commissioner shall have all of the powers and duties of the commissioner and shall have similar qualifications as the commissioner.

Subject to the approval and consent of the court administrator, the commissioner may appoint such deputies, supervisors and assistants as may be necessary for the performance of the commissioner's duties. The deputies, supervisors and assistants shall, subject to appropriation, receive salaries to be fixed by the court administrator. Subject to the approval and direction of the court administrator, the commissioner shall perform such duties and responsibilities as otherwise provided by law or as designated from time to time by the chief justice of the trial court and the court administrator. The commissioner shall make recommendations to the chief justice of the trial court and the court administrator on:

(i) the supervision and evaluation of all probation programs within the trial court;

(ii) the evaluation of the probation service in each court of the commonwealth;

(iii) the compilation, evaluation and dissemination of statistical information on crime, delinquency and appropriate probate and family court matters available in the commissioner's records;

(iv) the recruitment, training and educational development of probation officers;

(v) the evaluation of the work performance of probation officers; and

(vi) planning, initiation and development of volunteer, diversion and other programs in consultation with probation officers throughout the commonwealth.

Section 98A. There shall be a board to advise the commissioner of probation and the court administrator. The board shall make recommendations on the management of the office of probation. The board shall consist of 9 members to be appointed by the supreme judicial court: 2 persons who have significant experience in criminal justice, 2 persons who have significant experience in public policy, 2 persons who have significant experience in management, 1 person who has significant experience in human resources management, 1 person who is a member of the Massachusetts bar with active status and 1 person with significant experience as a probation officer. Upon the expiration of the term of any appointive member, the member's successor shall be appointed in a like manner for a term of 3 years. In making their initial appointments, the supreme judicial court shall appoint 2 members to serve for a term of 1 year, 4 members to serve for a term of 2 years and 3 members to serve for a term of 3 years. A person appointed to fill a vacancy on the board shall be appointed in like manner and shall serve for only the unexpired term of the former member. No member shall serve for more than 2 full terms. The board shall annually elect 1 of its members to serve as chair and 1 of its members to serve as vice-chair. The chair shall hold regular meetings and shall notify the board members of the time and place of the meetings.

Members of the board shall serve without compensation but shall be reimbursed for their expenses actually and necessarily

incurred in the discharge of their official duties. The court administrator shall serve as the executive secretary of the board and the office of probation shall provide, at the request of the board, detailed reports regarding the work of probation in the court. The board shall advise the commissioner of probation and the court administrator on all matters of probation reform. The board shall make recommendations to the commissioner of probation and the court administrator and shall forward such recommendations to the house and senate committees on ways and means.

Section 99. The commissioner shall have executive control and supervision of the probation service and shall have the power to:

- (1) supervise the probation work in all of the courts of the commonwealth and, for such purposes, the commissioner and the commissioner's staff shall have access to all probation records of those courts;
- (2) subject to the approval of the chief justice of the trial court, establish reports and forms to be maintained by probation officers, establish procedures to be followed by probation officers and establish standards and rules of probation work, including methods and procedures of investigation, mediation, supervision, case work, record keeping, accounting and caseload and case management;
- (3) promulgate rules and regulations concerning probation officers or offices; provided, however, that such rules and regulations shall be approved in writing by the court administrator subject to chapter 150E;
- (4) assist the court administrator in developing standards and procedures for the performance evaluation of probation officers and assist each first justice in evaluating the work performance of probation officers; provided, however, that in the event of any conflict between this clause and a term of an applicable collective bargaining agreement, the term of the collective bargaining agreement shall take precedence;
- (5) receive all notices of intended disciplinary action against a probation officer or supervising probation officer, including reprimand, fine, suspension, demotion or discharge, that may be initiated by a first justice, supervisor or chief probation officer;
- (6) develop and conduct basic orientation and in-service training programs for probation officers, such programs to be held at such times and for such periods as the commissioner shall determine;
- (7) conduct research studies relating to crime and delinquency; provided, however, that the commissioner may participate with other public and private agencies in joint research studies;
- (8) annually submit written budget recommendations for the probation service to the the court administrator, which shall be in addition to the budget requests submitted by the first justices on behalf of their respective courthouse or courthouses, including probation offices;
- (9) annually conduct regional meetings with chief probation officers to discuss the budget needs of the local probation offices; and
- (10) hold conferences on probation throughout the commonwealth; provided, however, that the traveling expenses of trial court justices or probation officers authorized by the court administrator to attend any such conference shall be paid by the commonwealth.”;

By striking out section 130; and

By striking out section 132 and inserting in place thereof the following section:-

“SECTION 132. Sections 1 to 55, inclusive, 56A, 58 to 118, inclusive, 120A, 121, 122, 123 124A, 125 and 131 shall take effect on July 1, 2012.”

The amendment was adopted.

Mr. Brewer and Ms. Creem moved to amend the proposed new text by inserting after section 15, the following section:-

“SECTION 15A. Chapter 66 of the General Laws is hereby amended by inserting, after section 3 the following section:-

Section 3A. Recommendations for employment submitted in support of candidates who are hired by the commonwealth, or any political subdivision of the commonwealth, in the position to which the recommendations were applicable, shall be considered public records under section 7 of chapter 4 and this chapter; provided, however that this shall not apply to internal communications. Recommendations for employment submitted in support of candidates applying for employment by the commonwealth, or any political subdivision of the commonwealth, shall not be considered by a hiring authority until the applicant has met all other qualifications and requirements for the position to be filled.”;

By striking out section 23;

In section 53, by striking, in line 245, the words “for administration and management” and inserting in place thereof the following words:- “of the trial court”;

In section 57, by striking lines 823 through 829 in their entirety and inserting in place thereof the following words:- “Disputes between the chief justice of the trial court and the court administrator shall be resolved by the chief justice of the supreme judicial court. The decision of the chief justice of the supreme judicial court shall be final and binding.”; and

In section 127, by striking, in lines 1312 to 1315, inclusive, the words “2 members shall be appointed by the Senate President neither of whom shall reside in the same congressional district and one of whom shall serve as co-chair, 2 members shall be appointed by the Speaker of the House of Representatives neither of whom shall reside in the same congressional district and one of whom shall serve as co-chair,” and inserting in place thereof the following words:- “the house and senate chairs of the joint committee on the judiciary, the Senate President or the Senate President’s designee, who shall serve as co-chair, the Speaker of the House of Representatives or the Speaker’s designee, who shall serve as co-chair,”.

The amendment was adopted.

After further remarks, the Ways and Means amendment, as amended, was then adopted.

The bill, as amended, was then ordered to a third reading and read a third time.

Ms. Creem, for the committee on Bills in the Third Reading, reported, that the same be amended as follows, and that, when so amended, it will be correctly drawn:-- **by inserting before the enacting clause the following emergency preamble:-** “Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for improvement and efficiency in the administration of the courts, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The report was accepted.

After remarks, the question on passing the bill to be engrossed, in concurrence, with the amendment was determined by a call of the yeas and nays, at twenty-nine minutes before four o'clock P.M., on motion of Ms. Creem, as follows, to wit (*yeas 39 – nays 0*) [**Yeas and Nays No. 16**]:

YEAS

Baddour, Steven A.	Keenan, John F.
Berry, Frederick E.	Kennedy, Thomas P.
Brewer, Stephen M.	Knapik, Michael R.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.
Clark, Katherine M.	Moore, Richard T.
Creem, Cynthia Stone	Murray, Therese
DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
Finegold, Barry R.	Tarr, Bruce E.
Flanagan, Jennifer L.	Timilty, James E.
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. — 39.
Joyce, Brian A.	

NAYS —0.

ABSENT OR NOT VOTING

Rush, Michael F.—**1.**

The yeas and nays having been completed at twenty-five minutes before four o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment [For the text of the Senate amendment, see Senate, No. 1911]. Sent to the House for concurrence in the amendment.

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:

The Senate Bill designating the new Bridge Street Bypass Road in Salem as the “Sgt. James Ayube Memorial Drive” (Senate, No. 1875)

There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act designating Bridge Street Bypass Road in the city of Salem as Sgt. James Ayube Memorial Drive”.

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., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. Berry, at twenty minutes before four o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.