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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, July 17, 2012.

Met at one minute past eleven o'clock A.M. (Mr. Rosenberg in the Chair).

Report of a Committee.

By Mr. McGee, for the committee on Transportation on Senate, Nos. 1720, 1726, 1734, 1735, 1742, 1744, 1748, 1749, 1750, 1754, 1758, 1760, 1765, 1766, 1770, 1773, 1774, 1779, 1782, 1785, 1791, 1795, 1796, 1800, 1813 and 1814, an Order relative to authorizing the joint committee on Transportation to make an investigation and study of certain current Senate documents relative to transportation matters (Senate, No. 2349);

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Committees Discharged.

Mr. Berry, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Education to make an investigation and study of a certain current Senate document relative to education issues (Senate, No. 2347),-- **and recommending that the same be referred to the committee on Ethics and Rules.**

Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4277) of William Smitty Pignatelli and Benjamin B. Downing (by vote of the town) for legislation that the town of Lenox be authorized to reclassify and lease a certain parcel of land known as the old landfill in said town for the construction of a solar powered generation facility; and

Petition (accompanied by bill, House, No. 4278) of William Smitty Pignatelli and Benjamin B. Downing (by vote of the town) for legislation that the town of Lee be authorized to reclassify and lease certain recreational land in said town for the construction of a solar powered generation facility;

Severally, to the committee on Municipalities and Regional Government.

Bills

Relative to public access of private restrooms (House, No. 2366,-- on petition);

Relative to annual immunization against influenza for children (House, No. 3948,-- on House, No. 582); and

Relative to trafficking in methamphetamines (House, No. 4160,-- on House, No. 2220);

Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

A report of the committee on Economic Development and Emerging Technologies, recommending that the Message from His Excellency the Governor relative to the "Tribal State Compact between the Mashpee Wampanoag Tribe and the Commonwealth

of Massachusetts” (House, No. 4260) be placed on file,-- came up accepted by the House.

Under Senate Rules 36, the report was considered forthwith and accepted in concurrence.

Recess.

There being no objection at two minutes past eleven o’clock A.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at fourteen minutes past eleven o’clock A.M., the Senate reassembled, Mr. Rosenberg in the Chair.

The Senator from Essex and Middlesex, Mr. Tarr, then led the Chair (Mr. Rosenberg), members, guests and staff in the recitation of the pledge of allegiance to the flag.

Order Adopted

Mr. Berry offered the following order, to wit:

Whereas, The general court has authorized the governor of the Commonwealth to enter into compact negotiations with a federally recognized Indian tribe in the Commonwealth under section 91 of chapter 194 of the acts of 2011; and

Whereas, The Tribe and the Commonwealth have mutually agreed, under the Indian Gaming Regulatory Act, to the Mashpee Wampanoag Tribe-Commonwealth of Massachusetts Tribal-State Compact; and

Whereas, A Tribal-State compact negotiated and agreed to by the governor and the Tribe shall be submitted for approval from the general court under subsection (d) of said section 91 of said chapter 194; therefore be it

Ordered, That the Resolve approving and ratifying the Mashpee Wampanoag Tribe-Commonwealth of Massachusetts Tribal-State Compact, as appearing in House document numbered 4260, between the Mashpee Wampanoag Tribe and the Commonwealth of Massachusetts (House, No. 4261), shall not be subject to amendment by the Senate.

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

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered, as follows:

The House Bill authorizing the town of Sudbury to establish a means tested senior citizen property tax exemption (House, No. 4062, amended),--**was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Reading to grant a utility easement over certain parcels of land in the town (House, No. 4170),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Ms. Clark presented an amendment striking out section 2 and inserting in place thereof the following 3 sections:-

“SECTION 2. As a condition for the conveyance authorized in section 1, the town of Reading shall transfer a parcel of land under the care, custody, management and control of the board of selectmen and dedicated for general municipal purposes to the conservation commission and such parcel shall be dedicated for conservation purposes. If no suitable parcel shall be available for transfer to the conservation commission, the town shall acquire a parcel of land or place a conservation restriction upon private or public land as provided in section 31 of chapter 184 of the General Laws. Any such land acquired or restricted shall be under the jurisdiction of the conservation commission and shall be dedicated or restricted for conservation purposes. The parcel dedicated, acquired or restricted pursuant to this section shall be of equal or greater size and value for conservation, park or water supply purposes than the parcel described in said section 1.

SECTION 3. If the land conveyed pursuant to section 1 ceases to be used for the purposes described in said section 1, the land shall revert to the town of Reading for conservation, park or water supply purposes.

SECTION 4. This act shall take effect upon its passage.”

The amendment was adopted.

The bill was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the town of Reading to grant a utility easement over certain parcels of land”.

Sent to the House for concurrence in the amendment.

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill relative to infrastructure investment, enhanced competitiveness and economic growth in the Commonwealth (House, No. 4119) (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 2346),-- reported that the pending Bonding committee new text ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2350; and 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 a business-friendly environment that will stimulate job growth and improve the ease with which businesses can operate in the markets they serve, and to coordinate economic development activities funded by the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

Order Adopted.

Mr. Brewer offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill relative to infrastructure investment, enhanced competitiveness and economic growth in the Commonwealth (House, No. 4119) (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 2346), with the recommended Ways and Means new text (Senate, No. 2350) shall be placed in the Orders of the Day for a third reading on Thursday, July 19, 2012.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M. on Wednesday, July 18, 2012. All such amendments shall be second-reading amendments to the Ways and Means new text (Senate, No. 2350), 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. Tarr, and the order was considered forthwith and adopted.

The bill (House, No. 4119), was then placed in the Orders of the Day for a second reading on Thursday, July 19 with the Bonding, Capital Expenditures and State Assets new text (Senate, No. 2346) and the Ways and Means new text (Senate, No. 2350) pending.

PAPERS FROM THE HOUSE

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4279) of John J. Binienda for legislation relative to community service to expedite the sealing of delinquency records;

Under suspension of Joint Rule 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 4280) of Joseph F. Wagner and James T. Welch for legislation to establish a sick leave bank for Louise Moson, an employee of the Massachusetts Department of Transportation;

Under suspension of Joint Rule 12, to the committee on Public Service.

Order Adopted

On motion of Mr. Knapik,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. Tarr, at twenty-one minutes past eleven o'clock A.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.