

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.

Monday, July 30, 2012.

Met at four minutes past ten o'clock A.M

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

Distinguished Guests.

There being no objection, the President introduced on the rostrum, Senator Randy Richardville from Monroe County, Michigan. He was elected to the Michigan Senate in November of 2006. Upon re-election in 2010, he was selected as Senate Majority Leader by his fellow Republican caucus members. He has been a leader in several key areas such as economic development, veterans and children's issues. Senator Richardville was welcomed with applause, signed the guest book and withdrew from the Chamber.

There being no objection, the President introduced, in the rear of the Chamber, six members of Parliament from the United Kingdom. The group is visiting the United States as part of the 2012 British American Parliamentary Group Project, an exchange program which has been operating annually since 1977. Some of the goals of this project include gaining insight into current domestic and foreign policy issues, examine the role of the media in the U.S. political system and to review the processes and traditions of the U.S. political system. Members of the group include: Mr. Guto Bebb, Ms. Luciana Berger, Ms. Lillian Greenwood, The Right Honorable Mr. John Healey, Mr. Julian Smith and Mr. Nadhim Zahawi. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, the President handed the gavel to Ms. Fargo for the purpose of an introduction. Ms. Fargo then introduced in the rear of the Chamber, Lela Chiavaras, Mary Kopsiaftis, and Alexis Shaw from Waltham; and Lisa Meaders and Rita Robert from Beacon Hill. These women who were chosen to honor the Massachusetts State Library, in conjunction with the Massachusetts Garden Club Federation, and create floral arrangements that represent artifacts from the State Library Collection. Their festive interpretations of pieces of the collection are on display now in the State House Library. The Senate applauded their accomplishments and they withdrew from the Chamber.

There being no objection, the President handed the gavel to Ms. Candaras for the purpose of an introduction. Ms. Candaras then introduced in the rear of the Chamber, Amanda Mindlin and Nisha Kapur. They are both interns with the Massachusetts Mutual Life Insurance Company. Amanda is a student at Harvard Law School and Nisha is a student at the University of Connecticut School of Law. The Senate welcomed them with applause and they withdrew from the Chamber.

Reports of Committees.

By Mr. McGee, for the committee on Transportation, on Senate, Nos. 395, 396, 398, 1729, 1737, 1738, 1740, 1743, 1745, 1751, 1752, 1753, 1755, 1767, 1768, 1769, 1784, 1786, 1790, 1794, 1803, 1806, 1807, 1808, 1809, 1811, 1812 and 1908, 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. 2388);

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

By Mr. Joyce, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill authorizing the leasing of the Leo J. Martin Golf Course (Senate, 1583),-- **ought to pass;**

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

Committees Discharged.

Mr. Joyce, for the committee on Bonding, Capital Expenditures and State Assets, reported, asking to be discharged from further consideration of the Senate Bill authorizing the transfer of a parcel of land in the city of Taunton (Senate, No. 1606),-- **and recommending that the same be referred to the Senate committee on Ways and Means.**

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

PAPER FROM THE HOUSE

A Bill designating male breast cancer awareness week (House, No. 4019,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Reports 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 relative to the recorking of wine (Senate, No. 115).

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.

Sent to the House for concurrence.

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 relative to coverage under the Massachusetts Property Insurance Underwriting Association (Senate, No. 449).

There being no objection, the rules were suspended, on motion of Mr. Donnelly, 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.

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 to increase the presence of dental hygienists on the Board of Registry in Dentistry (Senate, No. 2209) (the committee on Health Care Financing having recommended that the bill be amended by substituting a new draft, Senate, No. 2328).

There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time and was amended, as recommended by the committee on Health Care Financing.

The bill (Senate, No. 2328) was then 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 increasing the number of dental hygienists on the Board of Registration in Dentistry".

Sent to the House for concurrence.

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 House Bill relative to limited purpose trust companies (House, No. 2040, amended).

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

PAPER FROM THE HOUSE

The Senate Bill further regulating animal control (Senate, No. 2192, amended),-- **came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4226, amended.**

The rules were suspended, on motion of Ms. Jehlen, the House amendment was considered forthwith and adopted, in concurrence.

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill relative to authorizing the town of Needham to authorize the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4187),-- **was read a second time and ordered to a third reading. The rules were suspended, on motion of Mr. Ross, and the bill was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Hingham to transfer and change the use of certain parcels of land in the town (House, No. 4275),-- **was read a second time and ordered to a third reading.**

The Senate Bill to enhance the license plate system of the Commonwealth (Senate, No. 2299),-- **was read a second time.**

The pending Ways and Means amendment, substituting a new draft entitled "An Act relative to license plates in the Commonwealth" (Senate, No. 2387),-- was considered; and it was adopted.

The bill (Senate, No. 2387) was ordered to a third reading. The rules were suspended, on motion of Mr. Brewer, and the bill was read a third time and passed to be engrossed.

Sent to the House for concurrence.

The House Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4334),-- **was read a second time.**

After remarks, pending the question on ordering the bill to a third reading, Mr. Michael O. Moore moved to amend the bill by inserting the following new section:-

"SECTION _____. The last paragraph of section 22 of chapter 61 of the acts of 2009 is hereby amended by striking out the words 'April 30, 2012', inserted by section 22 of chapter 36 of the acts of 2012, and inserting in place thereof the following words:- 'October 31, 2012'."

The amendment was adopted.

Mr. Donnelly moved to amend the bill in section 2A, by inserting after item 1599-1711 the following item:-

"1599-xxxx For a reserve for costs incurred in response to the July 18, 2012 microburst storm in the town of Arlington; provided that expenditures from this item shall be offset by federal reimbursements to the extent available.....\$340,000".

After remarks, the amendment was rejected.

Ms. Creem moved that the bill be amended by inserting at the end thereof the following:-

"SECTION XX. Provided that not less than \$211,000 shall be appropriated for payments to the Uniform Law Commission, pursuant to section 28 of chapter 6 of the general laws and provided further that prior fiscal year payments may be payable from said appropriation."

The amendment was rejected.

Ms. Fargo moved to amend the bill by inserting, after ___, the following new section:-

"Notwithstanding any general or special law or regulation to the contrary, not less than \$300,000, for removal of above ground utility poles, wires, and associated structures in the town of Chelmsford pursuant to Chapter 415 of the Acts of 2010, Chapter 119, §119-3, of the Chelmsford Code; and G.L.c. 166, §22A-§22D, and §22M".

The amendment was rejected.

Ms. Clark moved to amend the bill by inserting the following section:-

"SECTION XX. Notwithstanding any general or special law to the contrary, the department of housing and community development may provide not more than \$10,000,000 to eligible entities that administer the federal Low Income Home Energy Assistance Program described in item 7004-2033 of section 2D to allow such eligible entities to begin start-up operations of said program for the purposes of providing advanced funding no later than 30 days after August 15; provided, that the department and such eligible entities may expend a portion of these funds for approved administrative costs consistent with the current or prior year's state plan submitted by the department in accordance with the federal program; provided further, that the department and such eligible entities may, after November 1, 2012, expend a portion of these funds to assist low-income elders, working families and other households with the purchase of heating oil, propane and natural gas and electricity and other primary or secondary heating sources; provided further, that funds expended for this purpose shall be transferred from the General Fund; and provided further, that such advanced funding shall be subject to federal reimbursement of funds described in said item 7004-2033 of said section 2D".

The amendment was rejected.

Mr. Rush moved to amend the bill by inserting in section 2, after item 4800-0041, the following new item:-

"7002-003 For a reserve to support the commonwealth's defense sector initiatives \$350,000".

The amendment was adopted.

Mr. Timilty moved to amend the bill by adding at the end thereof the following new section:-

"SECTION X. Section 100A of chapter 32 of the general laws, as appearing in the 2010 official edition, is hereby amended by inserting in subsection (c) after the words 'chapter 15A,' in line 18 the following:- 'any deputy sheriff,'."

The amendment was rejected.

Ms. Fargo moved to amend the bill by inserting after ___, the following new section:-

"Notwithstanding any general or special law or regulation to the contrary, the Massachusetts Department of Transportation shall commission a sound barrier study at the interchange of Marrett Road/Interstate 95 and Route 2A in the town of Lexington."

The amendment was rejected.

Mr. Timilty moved to amend the bill by adding at the end thereof the following new section:-

"SECTION X. Section 3 of chapter 111C of the general laws, as appearing in the 2010 official edition, is hereby amended in subsection (b) by inserting after the first sentence the following:- 'The department shall consult and collaborate with the executive office of public safety and security with regard to vehicle and equipment inspection, and with regard to any matter over which said executive office may have jurisdiction.'"

The amendment was rejected.

Mr. Tarr moved to amend the bill by inserting after section ___, the following new section:-

"SECTION ___. Notwithstanding any law, rule or regulation to the contrary, the Department of Conservation and Recreation shall develop an inventory of all beaches, pools, spray pools and other similar facilities which have been decommissioned or remained inoperative in the course of the past three years, provided further that the department shall develop a plan for the reactivation of such facilities, including a priority schedule and the financial and other requirements of doing so. Said inventory and plan shall be filed with the clerks of the house and senate not later than six months following the passage of this act."

The amendment was rejected.

Mr. Keenan moved that the bill be amended by adding the following section:-

"SECTION XX. Section 1 of chapter 94C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting, after the definition of "Isomer", the following definition: -

'K-2' or 'spice', any form of cannabis, including synthetic compounds or structures that are molecularly similar to cannabis, shall be included in this definition.";

By amending Subparagraph (b) of paragraph (e) of section 31 of said chapter 94C by adding, after the words and number "(4) 1-Nitrosoxy-Mthel-Propane.", the following words and number:- (5) K-2 or Spice.; and

By amending Sections 32L, 32M, and 34 of said chapter 94C by inserting after the word "marijuana", in each instance, the following words:- "or K-2 or Spice".

The amendment was rejected.

Mr. Keenan moved that the bill be amended by adding the following section:-

"SECTION XX. Section 2 of chapter 94c of the General Laws is hereby amended by inserting the following subsection:-

(e) (1) If the Commissioner finds that the scheduling of a drug or substance on a temporary basis is necessary to avoid an imminent hazard to the public safety and is necessary for the preservation of the public health, safety or general welfare, the Commissioner may, by order and without regard to the requirements of this section, schedule such substance in schedule I if the substance is not listed in any other schedule in section 3 of this chapter or if no exception is in effect for the substance under section 4 of this chapter.

(2) When issuing an order under paragraph (1), the Commissioner shall be required to consider, with respect to the finding of an imminent hazard to the public safety, those factors set forth in subsection (b) of this section and, relative to each drug or substance, its actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution.

(3) An order issued under paragraph (1) shall be considered an emergency regulation and subject to the provisions of section 3 of chapter thirty A and shall remain in effect in accordance with the provisions of said section.

(4) An order issued under paragraph (1) is not subject to judicial review."

The amendment was rejected.

Mr. Tarr moved to amend the bill by inserting in section 2A the following line item:-

"1599-xxxx For a reserve to further improve the quality, infrastructure and capacity of the early education and care system in the commonwealth; provided further that these funds shall be used to ensure stability in programs funded in items 3000-3050, 3000-4050 and 3000-4060; provided further, that the increase shall be directed to expenditures for salaries for staff, employee and employer benefit costs; provided further that, payments from this reserve shall be distributed by the department of early education and care to increase reimbursement rates for subsidized early education and school age care; provided further that funds appropriated herein shall be used to increase such rates by an equal percentage for all said providers..... \$25,000,000"; and

By striking section 30 in its entirety and inserting in place thereof:-

"SECTION 30. Chapter 139 of the acts of 2012 is hereby amended by striking out section 154 and inserting in place thereof the following section:-

Section 154. (a) Notwithstanding any general or special law to the contrary, the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2012 in the following order of precedence : (i) transfer \$25,000,000 from the General Fund to 1599-xxxx as provided for in Section 2A of this act (ii) transfer \$15,000,000 from the General Fund to the Massachusetts Life Sciences Investment Fund established by section 6 of chapter 23I of the General Laws; (iii) transfer \$20,000,000 from the General Fund to the Health Care Workforce Transformation Trust Fund established in section 2FFFF of chapter 29 of the General Laws; (iv) distribute not more than \$2,703,119 to the New Bedford public school district to account for the district's actual low-income enrollment, as defined by section 2 of chapter 70 of the General Laws, which amount shall be included in the district's fiscal year 2013 chapter 70 aid and shall be considered base aid for the purpose of calculating fiscal year 2014 chapter 70 aid; provided, that said amount shall be certified by the department of elementary and secondary education prior to final transfer and (v) make available \$15,000,000 to be used as revenue in fiscal year 2013; (vi) transfer any remaining amount of the consolidated net surplus to the Stabilization Fund.

(b) all transfers specified in this section shall be made from the undesignated fund balances in the budgetary funds proportionally from those undesignated fund balances, but no such transfer shall cause a deficit in any of those funds; provided, however, that prior to certifying the consolidated net surplus, the comptroller shall, to the extent possible, eliminate deficits in any fund contributing to the surplus by transferring positive fund balances from any other fund contributing to the surplus."

During debate, at four minutes past eleven o'clock A.M., Mr. Tarr doubted the presence of a quorum. The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at five minutes past eleven o'clock A.M., a quorum was declared present.

After further debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes past eleven o'clock A.M., on motion of Mr. Tarr, as follows, to wit (yeas 7 – nays 29) [Yeas and Nays No. 275]:

YEAS

Hedlund, Robert L. Rodrigues, Michael J.
Jehlen, Patricia D. Ross, Richard J.
Joyce, Brian A. Tarr, Bruce E.
Knapik, Michael R. Timilty, James E. — 9.
Moore, Michael O.

NAYS

Brewer, Stephen M. Jehlen, Patricia D.
Brownsberger. William N. Joyce, Brian A.
Candaras, Gale D. Keenan, John F.
Chandler, Harriette L. Kennedy, Thomas P.
Chang-Diaz, Sonia McGee, Thomas M.
Clark, Katherine M. Montigny, Mark C.
Creem, Cynthia Stone. Moore, Richard T.
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petruccelli, Anthony
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Rush, Michael F.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Welch, James T.
Flanagan, Jennifer L. Wolf, Daniel A. — 29.
Hart, John A., Jr.

ABSENT OR NOT VOTING

Berry, Frederick E. Finegold, Barry R. — 2.

The yeas and nays having been completed at eighteen minutes past eleven o'clock A.M., the amendment was rejected.

Mr. Tarr moved to amend the bill by striking clause (iv) in section 30 and inserting in place thereof:-

“(iv) make available \$20,000,000 to be used as revenue in fiscal year 2013 and deposit \$20,000,000 into the Tax Reduction Fund in section 2I of chapter 29 of the general laws;”.

The amendment was rejected.

Mr. Hart moved to amend the bill by inserting the following:-

“SECTION XX: Notwithstanding any general or special law to the contrary, or the availability of federal financial participation for the expenditure, the executive office of health and human services shall not deem ineligible any hospital licensed health center for consideration for any funds or grants to serve MassHealth recipients as long as the hospital licensed health center is otherwise qualified, where the hospital is not eligible to receive such funds or grants. Provided however, that the executive office shall not award any funds or grants to any hospital licensed health center if such award would result in the loss of federal financial participation for any other MassHealth initiative.”

After remarks, the amendment was adopted.

Messrs. Rosenberg and Michael O. Moore and Ms. Donoghue moved to amend the bill by inserting in section 2A, the following:-
“1599-1712. For services and costs associated with the emergency responses of the campuses of the University of Massachusetts as a result of a January 2011 snow storm federally declared disaster reimbursement number 1959.....
\$227,617.54.”

The amendment was rejected.

Mr. Donnelly moved to amend the bill by inserting after item 7004-0099 the following:-

“7004-0101 \$15,000,000”.

After remarks, the amendment was rejected.

Mr. Donnelly moved to amend the bill by inserting the following new section:-

“SECTION XX. Item 7004-0101 in section 2 of chapter 139 of the acts of 2012 is hereby amended by inserting at the end thereof the following words:- ; provided further that, notwithstanding any general or special law to the contrary, the department shall not implement the proposed revised regulations and policies submitted to the Legislature for review on July 17, 2012 or any other policies or regulations restricting access to emergency shelter without express authorization from the Legislature that is enacted on or after July 30, 2012.”

The President ruled that this amendment was unconstitutional; and it was laid aside.

Mr. Tarr moved to amend the bill by inserting at the end thereof the following new Section:-

“SECTION __. Notwithstanding any general or special law to the contrary, each member community of the Essex County Regional Emergency Communications Center that has accepted and executed the Intergovernmental Agreement shall be assessed on a per capita basis as provided for in the Intergovernmental Agreement. The assessment shall be made through a cherry sheet assessment. The amount of the assessment shall be levied on each member city or town and the funds transferred by the treasurer into a new account or accounts established by the comptroller and under the control of the Sheriff Department of Essex consistent

with the intent of the Intergovernmental Agreement. The comptroller shall establish an operational account and a trust account for capital expenses. The state comptroller shall exempt the Essex County Sheriff's Department from all applicable charges or assessments made against grants disbursed from the Enhanced 911 Fund to the Essex County Regional Emergency Communications Center pursuant to its authority under sections 5D and 6B of chapter 29 of the General Laws. Notwithstanding any special of general law to the contrary the Essex County Regional Emergency Communications Center may obtain private liability insurance."

The amendment was rejected.

Mr. Tarr moved to amend the bill in section 2A, by inserting the following new line item:-

"8910-0620 For the Essex sheriff's department, which may expend for the operation of the Essex County Regional Emergency Communications department an amount not to exceed \$5,500,000 from revenues received from cherry sheet assessments and grant funding from the State 911 Department; provided, that said sheriff may expend from this item costs associated with the operation of the Essex County Regional Emergency Communications Center from the per capita cherry sheet assessment on member communities and support and incentive grant funds received; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system..... \$5,500,000".

The amendment was rejected.

Mr. Tarr moved to amend the bill by adding the following section:-

"SECTION _____. The Department of Housing and Community Development shall conduct an examination of the 'HomeBASE' program, so-called, to determine its efficacy in reducing dependence on shelter housing and homelessness, its achievements of cost-saving and efficiencies, its sustainability within current budgetary parameters, and any additional resources required in order for the program to meet its goals and remain viable for the next five fiscal years. The results of said examination, together with any legislative recommendations, shall be filed with the clerks of the house and the senate not later than 90 days following the passage of this act."

The amendment was adopted.

Messrs. Tarr, Hedlund, Knapik and Ross moved to amend the bill by inserting after section__ the following section:-

"SECTION ___. Chapter 18 of the General laws, as amended by chapter 139 of the acts of 2012, is hereby amended by adding in section 5I the following subsection:-

(d) the department shall submit semi-annual reports detailing enforcement and violations of the section. The report shall include, but not necessarily be limited to, the number of alleged violations reported, the number of alleged violations investigated, the number of violations found, the amount received for reimbursements for purchases made in violation of this section, the number of 2 month disqualifications, the number of permanent disqualification notices, hearings, and permanent disqualifications, and further specify actions taken to improve the implementation of this section and limit the number of eligible recipients who knowingly make a prohibited purchase in violation of this section. The reports shall be filed with the clerks of the house of representatives and the senate, with the first report to be filed not later than March 15, 2013."

The amendment was adopted.

There being no objection, during consideration of the Orders of the Day, the following items were considered, as follows:

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant to the city of Lowell easements over certain parcels of land (see Senate, No. 2233), 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 13 to 0.

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

An engrossed Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the city of Worcester (see Senate, No. 2250, 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 4 to 0.

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

An engrossed Bill relative to limited purpose trust companies (see House, No. 2040, 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 7 to 0.

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

An engrossed Bill relative to the transfer of land in the town of Sharon (see House, No. 3794, 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 13 to 0.
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the town of Groton to convey a certain parcel of land to the Department of Fish and Game and place conservation restrictions on certain parcels of land (see House Bill printed in House, No. 3886), 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 11 to 0.
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the Department of Fish and Game to exchange certain property in the town of Shirley for other property in the same town (see House, No. 4273, 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 12 to 0.
The bill was signed by the President and sent to the House for enactment.

Reports of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to the registration of podiatrists (Senate, No. 1145),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2396).
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.
After remarks, the bill (Senate, No. 2396) was then ordered to a third reading, read a third time and passed to be engrossed.
Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to disclosure of political spending (Senate, No. 2375,-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2396).
There being no objection, the rules were suspended, on motion of Mr. Eldridge, and the bill was read a second time.
Pending the question on adoption of the Ways and Means amendment, Mr. Tarr moved that the proposed new draft be amended in section 12, by inserting at the end thereof the following sentence:- "If an independent expenditure or electioneering communication is paid for by an entity that is not an individual, the advertisement or communication must contain a written statement with the words "For a listing of the contributors to this advertisement visit www.mass.gov/ocpf."
The amendment was adopted.

Mr. Eldridge moved that the proposed new draft be amended by adding the following emergency preamble:-
"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to enhance transparency in campaign finance, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted.

The pending Ways and Means new draft, as amended, was considered; and, after remarks, was adopted.

The bill (Senate, No. 2397, amended) was then ordered to a third reading and read a third time.

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-two minutes past twelve o'clock noon, on motion of Mr. Eldridge, as follows, to wit (yeas 36 – nays 0) [Yeas and Nays No. 276]:

YEAS

Brewer, Stephen M. Keenan, John F.
Brownsberger. William N. 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. Petrucci, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Rosenberg, Stanley C.
Eldridge, James B. Ross, Richard J.
Fargo, Susan C. Rush, Michael F.
Flanagan, Jennifer L. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.

Hedlund, Robert L. Timilty, James E
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. — 36.
NAYS — 0.
ABSENT OR NOT VOTING
Berry, Frederick E. Finegold, Barry R. — 2.

The yeas and nays having been completed at twenty-nine minutes past twelve o'clock noon, the bill was passed to be engrossed.
Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill to improve quality physical education (Senate, No. 2221),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2398).
There being no objection, the rules were suspended, on motion of Mr. McGee, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.
The bill (Senate, No. 2398) was then ordered to a third reading, read a third time and passed to be engrossed.
Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill to to include call/volunteer firefighters on the Fire Service Commission (Senate, No. 2221),-- ought to pass.
There being no objection, the rules were suspended, on motion of Mr. Brewer, 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 to include call and volunteer firefighters on the Massachusetts Fire Service Commission".
Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill to relative to a certain parcel of land in the city of Chelsea (House, No. 4202),-- ought to pass.
There being no objection, the rules were suspended, on motion of Mr. DiDomenico, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the Massachusetts Water Resources Authority to convey certain land to the city of Chelsea without a restriction on its use".

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to creating a statutory housing restriction and providing remedies related to statutory housing (Senate, No. 587),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2399).
There being no objection, the rules were suspended, on motion of Mr. Eldridge, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.
After remarks, the bill (Senate, No. 2399) was then ordered to a third reading, read a third time and passed to be engrossed.
Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative manufactured buildings (Senate, No. 1566),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2401).
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.
After remarks, the bill (Senate, No. 2401) was then ordered to a third reading, read a third time and passed to be engrossed.
Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to housing rights for victims of domestic violence (Senate, No. 2203),-- ought to pass, with an amendment substituting a new draft entitled "An Act relative to housing rights for victims of domestic violence, rape, sexual assault and stalking" (Senate, No. 2402).
There being no objection, the rules were suspended, on motion of Ms. Creem, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.
After remarks, the bill (Senate, No. 2402) was then ordered to a third reading, read a third time.
The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at eighteen minutes before one o'clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 36 – nays 0) [Yeas and Nays No. 277]:

YEAS

Brewer, Stephen M. Keenan, John F.
Brownsberger. William N. 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. Petruccelli, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Rosenberg, Stanley C.
Eldridge, James B. Ross, Richard J.
Fargo, Susan C. Rush, Michael F.
Flanagan, Jennifer L. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. — 36.
NAYS — 0.
ABSENT OR NOT VOTING
Berry, Frederick E. Finegold, Barry R. — 2.

The yeas and nays having been completed at a quarter before one o'clock P.M., the bill was passed to be engrossed.
Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill relative to co-operative banks (House, No. 3806, amended),-- ought to pass, with an amendment striking out, in lines 423 and 424, the words "commissioner of revenue" and inserting in place thereof the following word: "treasurer".

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

The bill was then ordered to a third reading, read a third time and, after remarks, passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE

Engrossed Bill.

An engrossed Bill relative to limited purpose trust companies (see House, No. 2040, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.

A Bill authorizing the exchange of land in the town of Rockland (printed in House, No. 4327,-- being a message from his Excellency the Governor),-- was read.

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

The Senate Bill relative to the emergency service response of public utility companies (Senate, No. 2143),-- came from the House passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4220.

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

The same Senator presented a motion that the Senate concur with the House amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2404.

The motion was accepted; and the amendment was adopted.

Sent to the House for concurrence in the further amendment.

Recess.

There being no objection at five minutes before one o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-nine minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

At twenty-nine minutes before four o'clock P.M., Mr. Tarr doubted the presence of a quorum. The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at twenty-six minutes before four o'clock P.M., a quorum was declared present.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The House Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4334),-- was again considered, the main question being on ordering it to a third reading.

Mr. Brewer moved that the bill be amended by inserting after section 7, the following section:-

“SECTION 7C. The last paragraph of section 22 of chapter 61 of the acts of 2009 is hereby amended by striking out the words ‘April 30, 2012’, inserted by section 22 of chapter 36 of the acts of 2012, and inserting in place thereof the following words:- October 31, 2012.”;

In Section 2A, by inserting, after item 1599-4380, the following item:-

“7002-0035 For a reserve to support the commonwealth's defense sector initiatives \$350,000”;

By adding the following section:-

“SECTION 40. Notwithstanding any general or special law to the contrary, or the availability of federal financial participation for the expenditure, the executive office of health and human services shall not deem ineligible any hospital licensed health center for consideration for any funds or grants to serve MassHealth recipients as long as the hospital licensed health center is otherwise qualified, if the hospital is not eligible to receive such funds or grants; provided however, that the executive office shall not award any funds or grants to any hospital licensed health center if such award would result in the loss of federal financial participation for any other MassHealth initiative.”;

By adding the following section:-

“SECTION 41. The department of housing and community development shall conduct an examination of the ‘HomeBASE’ program, so-called, to determine its efficacy in reducing dependence on shelter housing and homelessness, its achievements of cost-saving and efficiencies, its sustainability within current budgetary parameters, and any additional resources required in order for the program to meet its goals and remain viable for the next five fiscal years. The results of said examination, together with any legislative recommendations, shall be filed with the clerks of the house and the senate not later than 90 days after the effective date of this act.”

By inserting after section 3 the following section:-

“SECTION 3B. Section 5I of chapter 18 of the General laws, as amended by chapter 139 of the acts of 2012, is hereby further amended by adding the following subsection:-

(d) the department shall submit semi-annual reports detailing enforcement and violations of the section. The report shall include, but not necessarily be limited to, the number of alleged violations reported, the number of alleged violations investigated, the number of violations found, the amount received for reimbursements for purchases made in violation of this section, the number of 2 month disqualifications, the number of permanent disqualification notices, hearings, and permanent disqualifications, and further specify actions taken to improve the implementation of this section and limit the number of eligible recipients who knowingly make a prohibited purchase in violation of this section. The reports shall be filed with the clerks of the house of representatives and the senate, with the first report to be filed not later than March 15, 2013.”;

In section 2, in item 2800-0700, by striking out the figure “\$350,000” and inserting in place thereof the following figure:- “\$1,100,000”;

In section 2A, by inserting after item 1599-4420 the following item:-

“1599-6263.. For a reserve for the purposes of eradication and control of mosquitoes to prevent the spread of eastern equine encephalitis; provided, that the secretary of administration and finance shall report on the expenditures from this account including, but not limited to, the amount spent from this account during the fiscal year, the communities where spraying occurred and the amount spent per community..... \$2,000,000”;

In section 2C.I, by inserting after item 1599-4420 the following item:-

“1599-6263.....\$2,000,000”;

In said section 2C.I, in item 2800-0700, by striking out the figure “\$350,000” and inserting in place thereof the following figure:- “\$1,100,000”;

By striking out section 3 and inserting in place thereof the following 2 sections:-

“SECTION 3. Clause (1) of subsection (c) of section 98 of chapter 6 of the General Laws, as appearing in section 17 of chapter 165 of the acts of 2012, is hereby amended by adding the following words:- , but any such regulations or guidelines shall not apply to the commonwealth.

SECTION 3A. Chapter 6A of the General Laws is hereby amended by inserting after section 16G the following section:-

Section 16H. (a) There shall be a Housing and Economic Development Trust to be administered by the secretary of housing and economic development. Monies in the trust shall be deposited with the state treasurer in a manner that will secure the highest interest rate available consistent with the safety of the trust and with the requirement that all amounts on deposit be available for immediate use.

(b) The secretary shall appoint the fund's trustee, who shall serve until a successor is appointed.

(c) There shall be credited to the trust:

(1) grants, bequests, gifts or contributions of cash or securities, or contributions of services or property in kind from any persons or other governmental, nongovernmental, quasi-governmental or local governmental entities made for the purpose of supporting the executive office of housing and economic development as set forth in subsection (d); and

(2) all interest earned on monies in the trust.

(d) Expenditures from the trust shall not be subject to appropriation and balances remaining at the end of a fiscal year shall not revert to the General Fund. Expenditures from the trust shall be made only for the following purposes:

(1) operating costs of the executive office of housing and community development, including the divisions and programs within the executive office;

(2) operating costs of the Massachusetts marketing partnership and the offices within the partnership, including the Massachusetts international trade office, the commonwealth marketing office, the office of travel and tourism, the Massachusetts

film office and the Massachusetts sports partnership; and the Massachusetts office of business development, including the divisions and programs within that office; and

(3) costs associated with housing and economic development programs, grants and initiatives of the secretary.

(e) Funds deposited and expended from the trust shall not be assessed any indirect costs.

(f) For the purpose of accommodating timing discrepancies between the trust's receipt of revenues and related expenditures, the trust may incur expenses and the comptroller may certify payments from the trust in anticipation of trust receipts based on estimated receipts as certified by the trustee. The trustee shall insure that no expenditures from the trust shall cause the trust to be in deficiency at the close of a fiscal year.”;

By striking out section 4 and inserting in place thereof the following 3 sections:-

“SECTION 4. Chapter 20 of the General Laws is hereby amended by adding the following section:-

Section 32. There shall be established and set upon the books of the commonwealth an Agricultural Inspection and Infrastructure Trust Fund, consisting of: (i) fee revenues from apiary inspections under sections 32 and 35 of chapter 128, poultry inspections under section 124 of chapter 94, registration of animal rescue and shelter operations under section 39A of chapter 129 and registration of pesticide companies; (ii) interest or investment earnings on such monies; and (iii) all other monies credited or transferred to the fund by law.

The commissioner shall be the trustee of the fund and may expend monies in the fund without further appropriation for programs and costs related to the following: (1) sections 32 to 38, inclusive, and sections 64 and 65 inclusive of chapter 128; (2) the integrated pest management program established in chapter 132B and in chapter 85 of the acts of 2000; (3) spay and neuter programs and animal rescue and shelter programs established under section 139A of chapter 140; (4) poultry testing programs established in 330 CMR 5.00 seq; and (5) the Agricultural Innovation Center.

Any unexpended balance in the fund at the end of the fiscal year, not to exceed \$200,000, shall not revert to the General Fund but shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year.

SECTION 4A. Section 20 of chapter 29 of the General Laws, as appearing in section 112 of chapter 165 of the acts of 2012, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The provisions of this section relating to bonds shall also be applicable to the issuance of notes insofar as such provisions may be appropriate for such notes.

SECTION 4B. The first paragraph of section 5G of said chapter 29, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following 2 sentences:- If the department of revenue certifies that the amount of tax revenues estimated to have been collected from capital gains income exceeds \$1,000,000,000 in a fiscal year, the comptroller shall transfer quarterly any such amount that exceeds \$1,000,000,000 collected during that fiscal year to the Commonwealth Stabilization Fund established in section 2H. The \$1,000,000,000 threshold established in the preceding sentence shall be adjusted annually to reflect the average annual rate of growth in United States gross domestic product over the preceding 5 years based on the most recently available data published by the Bureau of Economic Analysis in the United States Department of Commerce.”;

By inserting after section 5 the following section:-

“SECTION 5A. The second paragraph of section 60A of said chapter 29, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- For each subsequent fiscal year, the limit shall be the product of the limit established for the previous fiscal year and 1.05.”;

By inserting after section 7 the following 2 sections:-

“SECTION 7A. Section 81 of chapter 146 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the definition of ‘Pipefitting’ and inserting in place thereof the following definition:-

‘Pipefitting’, the installation, repair, replacement, maintenance or alteration of any apparatus for piping appliances, devices or accessories for heating systems having a rating greater than 700,000 British Thermal Units, including apparatus and piping for the general use of conveyance of steam and associated pumping equipment, vacuum and pneumatic systems, oil and petroleum products, ice making machinery, air conditioning equipment, piping systems used for the conveyance and storage of Category M liquids, as defined in ASME B31.3 Process Piping manual and high pressure systems over 150 pound-force per square inch gauge or hazardous industrial type gases used in processes, biopharma or semi-conductor manufacturing, but excluding sheet metal work, refrigeration systems, boilers and plumbing as defined under the rules and regulations of the board of state examiners of plumbers promulgated under sections 4 and 13 of chapter 142.

SECTION 7B. Section 89 of said chapter 146, as so appearing, is hereby amended by adding the following 2 paragraphs:-

Whoever prevents, or attempts to prevent, an inspector from entering any premises in the discharge of the inspector’s duty shall be punished by a fine of not less than \$250 and not more than \$3,000, or by imprisonment for not more than 3 months, or both such fine and imprisonment.

Any person who permits an unlicensed person to engage in pipefitting, as defined in section 81, shall be punished by a fine of not less than \$1,000 and not more than \$3,000, or by imprisonment for not more than 3 months, or both such fine and imprisonment.”;

By inserting after section 14 the following section:-

“SECTION 14A. Said chapter 142 is hereby further amended by striking out section 94 and inserting in place thereof the following section:-

Section 94. There shall be established and set up on the books of the commonwealth a Substance Abuse Services Fund. The commissioner of public health shall serve as the fund’s trustee. Funds in the fund shall be used to expand inpatient treatment

facilities and ongoing case management for individuals civilly committed under section 35 of chapter 123 of the General Laws. Prior the end of fiscal year 2012, the comptroller shall transfer \$10,000,000 from the General Fund to the Substance Abuse Services Fund. Upon the submission of a spending plan for this fund to the secretary of administration and finance, the house and senate committees on ways and means and the clerks of the house and senate, the commissioner may make expenditures from the fund for the purpose of expanding inpatient treatment facilities and ongoing case management. In developing the spending plan, the commissioner shall hold at least 1 public hearing and shall consult with the commissioner of mental health, the court administrator of the trial court, a representative of the Massachusetts Medical Society, a representative of the Massachusetts Organization for Addiction Recovery and a representative of the Association for Behavioral Healthcare. The commissioner shall submit a draft spending plan to the house and senate committee on ways and means 45 days prior to the submission of the final plan. This fund shall be in effect until June 30, 2013.”;

By inserting after section 21 the following 2 sections:-

“SECTION 21A. Item 1599-0026 of said section 2 of said chapter 139 is hereby amended by adding the following words:- ‘; provided further, that funds from this item may be expended to reimburse municipalities for tuition and transportation costs under section 7C of chapter 74 of the General Laws; and provided further, that any reimbursements for tuition under the preceding proviso shall be in addition to allowable federal grants used to cover reimbursement costs and approved by the department of elementary and secondary education for expenditure in fiscal year 2013’.

SECTION 21B. Item 2000-0100 said section 2 of said chapter 139 is hereby amended by adding the following words:- ‘; and provided further, that any funds appropriated in fiscal year 2012 for a program of collaborative research with the Massachusetts Maritime Academy that applies sonar technology over significant surface area of the ocean to assess the biomass of groundfish in the region managed by the New England Fishery Management Council shall not revert and shall be made available for such purposes in fiscal year 2013”;

By inserting after section 22 the following section:-

“SECTION 22A. Item 2800-0700 of said section 2 of said chapter 139 is hereby amended by adding the following words:- ‘; provided further, that not less than \$350,000 shall be expended for repairs to the Upper Bondsville Dam in the town of Belchertown; and provided further, that not less than \$750,000 shall be expended for repairs to the Town Brook Dam in the town of Plymouth’.”;

By inserting after section 25 the following section:-

“SECTION 25A. Item 4590-1507 of said section 2 of said chapter 139 is hereby amended by striking out the words ‘and provided further, that the department of public health shall award not less than \$800,000 each to the Massachusetts Alliance of Boys and Girls Clubs and the Alliance of Massachusetts YMCAs, which shall be distributed equally between the respective recipients’ member organizations’ and inserting in place thereof the following words:- ‘provided further, that the department of public health shall award not less than \$800,000 to the Massachusetts Alliance of Boys and Girls Clubs and \$725,000 to the Alliance of Massachusetts YMCAs, which shall be distributed equally between the respective recipients’ member organizations; and provided further, that not less than \$75,000 shall be awarded to the Alliance of Massachusetts YMCAs for the alliance to support the expansion of existing YMCAs to communities not currently served by a YMCA’.”;

By striking out section 29;

By striking out section 30 and inserting in place thereof the following section:-

“SECTION 30. Said chapter 139 is hereby further amended by striking out section 154 and inserting in place thereof the following section:-

Section 154. (a) Notwithstanding any general or special law to the contrary, the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2012 in the following order of precedence: (i) make available to be used as revenue for fiscal year 2013 an amount equal to .5 per cent of the total revenue from taxes in fiscal year 2012; (ii) transfer \$15,000,000 to the Massachusetts Life Sciences Investment Fund established by section 6 of chapter 23I of the General Laws; (iii) transfer \$20,000,000 to the Health Care Workforce Transformation Trust Fund established in section 2FFFF of chapter 29 of the General Laws; (iv) distribute not more than \$2,703,119 to the New Bedford public school district to account for the district’s actual low-income enrollment, as defined by section 2 of chapter 70 of the General Laws, which amount shall be included in the district’s fiscal year 2013 chapter 70 aid and shall be considered base aid for the purpose of calculating fiscal year 2014 chapter 70 aid; provided, that said amount shall be certified by the department of elementary and secondary education prior to final transfer; (v) make available \$40,000,000 to be used as revenue in fiscal year 2013; and (vi) transfer any remaining amount of the consolidated net surplus to the Stabilization Fund; provided, however, that all funds transferred under clauses (i) to (v), inclusive shall be made available in the General Fund in fiscal year 2013.

(b) To the extent that balances in the General Fund are insufficient to carry out the transfers under subsection (a), the transfers shall be made from the other budgetary funds proportionally from those undesignated fund balances, but no such transfer shall cause a deficit in any of those funds; provided, however, that prior to certifying the consolidated net surplus, the comptroller shall, to the extent possible, eliminate deficits in any fund contributing to the surplus by transferring positive fund balances from any other fund contributing to the surplus.”;

By inserting after section 31 the following 4 sections:-

“SECTION 31A. Section 188 of said chapter 139 is hereby amended by striking out the words ‘2011 amendments’ and inserting in place thereof the following words:- 2011 and 2012 amendments.

SECTION 31B. Section 189 of said chapter 139 is hereby amended by striking out the words ‘2011 amendments’ and inserting in place thereof the following words:- 2011 and 2012 amendments.

SECTION 31C. Said section 189 of said chapter 139 is hereby further amended by striking out clause (gg) and inserting in place

thereof the following clause:-

(gg) between the commonwealth and AFSCME Local 653, for the Essex North/South registry of deeds;

SECTION 31D. Said section 189 of said chapter 139 is hereby further amended by adding the following 3 clauses:-

(kk) between the commonwealth and AFSCME Local 414, for the Middlesex South registry of deeds;

(ll) between the commonwealth and SEIU Local 888, for the Suffolk registry of deeds; and

(mm) between the commonwealth and SEIU Local 888, for the Worcester North registry of deeds.”;

By inserting after section 35 the following 4 sections:-

“SECTION 35A. A person who was not required to be licensed pursuant to section 84 of chapter 146 of the General Laws and who shall submit satisfactory proof to the bureau of pipefitters, refrigeration technicians and sprinkler fitters that such person has been actively engaged in the pipefitting industry for a period of 4 years prior to the effective date of this act and who has applied for a license within 1 year after the effective date of this act, shall not be required to pass a written, oral or practical examination and shall be issued a master pipefitter's license upon payment of the applicable fee.

A person who was not required to be licensed pursuant to said section 84 of said chapter 146 and who shall submit satisfactory proof to the bureau of pipefitters, refrigeration technicians and sprinkler fitters that such person has been actively engaged in the pipefitting industry for a period of 3 years prior to the effective date of this act, shall not be required to pass a written, oral or practical examination and shall be issued a journeyman's pipefitter's license upon payment of the applicable fee; provided, however, that for the purposes of this section, completion of an apprentice training program by any such persons shall not be required.

Any proof required to be submitted under this section shall be accompanied by a statement that such information has been submitted under the pains and penalties of perjury.

SECTION 35B. The department of public safety shall file a report with the secretary of administration and finance and the house and senate committees on ways and means containing funding recommendations necessary to enforce pipefitting licensing and inspection of work undertaken by licensed pipefitters under sections 81 to 89, inclusive, of chapter 146 of the General Laws. The department shall file the report not later than February 1, 2013.

SECTION 35C. The salary adjustments and other cost items authorized by the 2011 and 2012 amendments to the following collective bargaining agreements, for the period from July 1, 2011 to June 30, 2014, inclusive, shall be effective for the purposes of section 7 of chapter 150E of the General Laws; provided, however, that the costs associated with these agreements may be funded from item 1599-4444 of section 2 of chapter 139 of the acts of 2012:

(a) between the Middlesex sheriff and the Superior Officers Association (Unit SM4);

(b) between the Norfolk sheriff and the National Association of Government Employees, Local 296 (SN3);

(c) between the Norfolk Sheriff and the Norfolk Superior Officers, Local 295 (Unit SN2);

(d) between the University of Massachusetts and the International Brotherhood of Police Officers, Local 432 (A&B Units) for the Amherst campus; and

(e) between the University of Massachusetts and the International Association of University Police Officers (Unit L94), for the Lowell campus.

SECTION 35D. The salary adjustments and other cost items authorized by the 2011 and 2012 amendments to the following collective bargaining agreements, for the period from July 1, 2011 to June 30, 2014, inclusive, shall be effective for the purposes of section 7 of chapter 150E of the General Laws:

(a) between the trial court and the National Association of Government Employees/Service employees International Union Local 5000 (Units J2C and J2P); and

(b) between the trial court and the OPEIU Local 6 (Units J6C and J6P).”;

By adding the following section:-

“SECTION 42. Sections 3, 4A, 4B, 5 and 5A shall take effect on January 1, 2013.”

The amendment was adopted.

The bill was then ordered to a third reading, read a third time and, after remarks, passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

Report of a Committee of Conference

The committee of conference, to whom was referred the matters of difference between the two branches with reference to the House amendment (striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4225) to the Senate Bill relative to competitively priced electricity in the Commonwealth (Senate, No. 2214, amended) reported the accompanying bill “An Act relative to competitively priced electricity in the Commonwealth” (Senate, No. 2395).

The rules were suspended, on motion of Mr. Downing, and the report was considered forthwith.

After remarks, the question on accepting the report of the committee of conference was determined by a call of the yeas and nays, at eleven minutes past four o'clock P.M., on motion of Mr. Downing, as follows, to wit (yeas 38 – nays 0) [Yeas and Nays No. 278]:

YEAS

Berry, Frederick E. Keenan, John F.

Brewer, Stephen M. Kennedy, Thomas P.

Brownsberger, William N. 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. Petruccelli, Anthony
 Donoghue, Eileen M. Rodrigues, Michael J.
 Downing, Benjamin B. Rosenberg, Stanley C.
 Eldridge, James B. Ross, Richard J.
 Fargo, Susan C. Rush, Michael F.
 Flanagan, Jennifer L. Spilka, Karen E.
 Hart, John A., Jr. Tarr, Bruce E.
 Hedlund, Robert L. Timilty, James E
 Jehlen, Patricia D. Welch, James T.
 Joyce, Brian A. Wolf, Daniel A. — 38.
 NAYS — 0.
 ABSENT OR NOT VOTING
 Finegold, Barry R. — 1.

The yeas and nays having been completed at fourteen minutes past four o'clock P.M., the report of the committee of conference was accepted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Engrossed Bills — Land Takings for Conservation Etc.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant to the city of Lowell easements over certain parcels of land (see Senate, No. 2233) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at half past four o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 279]:

YEAS

Berry, Frederick E. Keenan, John F.
 Brewer, Stephen M. Kennedy, Thomas P.
 Brownsberger, William N. 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. Pacheco, Marc R.
 DiDomenico, Sal N. Petruccelli, Anthony
 Donnelly, Kenneth J. Rodrigues, Michael J.
 Donoghue, Eileen M. Rosenberg, Stanley C.
 Downing, Benjamin B. Ross, Richard J.
 Eldridge, James B. Rush, Michael F.
 Fargo, Susan C. Spilka, Karen E.
 Flanagan, Jennifer L. Tarr, Bruce E.
 Hart, John A., Jr. Timilty, James E
 Hedlund, Robert L. Welch, James T.
 Jehlen, Patricia D. Wolf, Daniel A. — 37.
 Joyce, Brian A.
 NAYS — 0.
 ABSENT OR NOT VOTING
 Finegold, Barry R. — 1.

The yeas and nays having been completed at twenty-one minutes past four o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the city of Worcester (see Senate, No. 2250, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-two minutes past four o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 280]:

YEAS

Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger, William N. 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. Pacheco, Marc R.
DiDomenico, Sal N. Petrucci, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 37.
Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Finegold, Barry R. — 1.

The yeas and nays having been completed at twenty-three minutes past four o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill relative to the transfer of land in the town of Sharon (see House, No. 3794, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-four minutes past four o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 281]:

YEAS

Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger, William N. 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. Pacheco, Marc R.
DiDomenico, Sal N. Petrucci, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 37.
Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Finegold, Barry R. — 1.

The yeas and nays having been completed at twenty-six minutes past four o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Groton to convey a certain parcel of land to the Department of Fish and Game and place conservation restrictions on certain parcels of land (see House Bill printed in House, No. 3886, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, and, this being a bill which had been submitted by the Governor, under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution; and also a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-seven minutes past four o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 282]:

YEAS

Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger. William N. 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. Pacheco, Marc R.
DiDomenico, Sal N. Petrucci, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 37.
Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Finegold, Barry R. — 1.

The yeas and nays having been completed at twenty-nine minutes past four o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Truro to amend a certain conservation restriction (see House, No. 3919) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at half past four o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 283]:

YEAS

Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger. William N. 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. Pacheco, Marc R.
DiDomenico, Sal N. Petrucci, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.

Fargo, Susan C. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 37.
Joyce, Brian A.
NAYS — 0.
ABSENT OR NOT VOTING
Finegold, Barry R. — 1.

The yeas and nays having been completed at twenty-eight minutes before five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Northborough to convey certain parklands to abutters (see House, No. 4075, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-seven minutes before five o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 284]:

YEAS
Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger. William N. 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. Pacheco, Marc R.
DiDomenico, Sal N. Petruccielli, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 37.
Joyce, Brian A.
NAYS — 0.
ABSENT OR NOT VOTING
Finegold, Barry R. — 1.

The yeas and nays having been completed at twenty-five minutes before five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill relative to the transfer of land in the town of Sharon (House, No. 3794, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-four minutes before five o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 285]:

YEAS
Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger. William N. 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. Pacheco, Marc R.
DiDomenico, Sal N. Petruccelli, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 37.
Joyce, Brian A.
NAYS — 0.
ABSENT OR NOT VOTING
Finegold, Barry R. — 1.

The yeas and nays having been completed at twenty-three minutes before five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill authorizing the change of use and the lease of certain land in the town of Lenox for a solar powered generation facility (House, No. 4277) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-two minutes before five o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 286]:

YEAS
Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger. William N. 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. Pacheco, Marc R.
DiDomenico, Sal N. Petruccelli, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 37.
Joyce, Brian A.
NAYS — 0.
ABSENT OR NOT VOTING
Finegold, Barry R. — 1.

The yeas and nays having been completed at twenty minutes before five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to sentencing and improving law enforcement tools (see House, No. 3818, amended),— came from the House with the endorsement that the House had rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).

The message 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.

There being no objection, the rules were suspended, on the motion of Ms. Flanagan, and the Governor's amendment was rejected. Sent to the House for re-enactment.

A Bill establishing a temporary workers right to know (House, No. 4304, amended,-- on House, No. 1393),--was read.

There being no objection, the rules were suspended on the motion, of Mr. Wolf, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Rodrigues moved that the bill be amended in section 1 by inserting after the definition of "Department" the following definition:-

““Labor Pool,” a staffing agency a majority of whose applicants or workers congregate at, or report to, the firm’s office or other public location to await potential temporary assignments and, depending on the availability of assignments, are dispatched or transported the same day from that office or location to a client worksite.”; and by inserting in section 2, line 7, after the word “following” the following subsection:-

“(b) A labor pool shall provide to each employee for new assignment or employment notice of the following:

- (1) the name, address and telephone number of: (i) the labor pool, or the contact information of the labor pool agent facilitating the placement; (ii) its workers compensation carrier; (iii) the worksite employer; and (iv) the department;
- (2) a description of the position and whether it shall require any special clothing, equipment, training, or licenses and any costs charged to the employee for supplies or training;
- (3) the designated pay day, the hourly rate of pay and whether overtime pay may occur;
- (4) the daily starting time and anticipated end time and, when known, the expected duration of employment;
- (5) whether any meals shall be provided by the labor pool or worksite employer and the charge, if any, to the employee; and
- (6) details of the means of transportation to the worksite and any fees charged to the employee by the labor pool or worksite employer for any transportation services;

Nothing in this subsection shall be construed to prohibit a labor pool from directing an employee to employment by telephone; provided that the telephone message shall disclose the information in this subsection.

The information concerning the employee’s assignment shall be confirmed in writing and sent to the employee, in a form designated by the department, before the end of the first pay period; provided, however, that any change to the initial terms of assignment shall be immediately provided to the employee and the employee must acknowledge the change in terms

The labor pool shall post in a conspicuous place in each of its locations where it does business notice of an employee’s rights under this section and the name and telephone number of the department. The department shall provide a sample posted notice that meets the requirements of this section and, when appropriate, shall facilitate the translation of the notice to a language other than English.

The provisions of this subsection (b) shall not apply to any worker employed by a labor pool whose work authorization is verified by the labor pool through the U.S. Department of Homeland Security E-Verify system; however, subsection (c) shall be applicable to such worker.”; by striking out, in section 2, lines 8 and 9, and inserting in place thereof the following:-

“(c) A staffing agency shall, upon hire and in writing, inform each employee for temporary assignment or employment notice of the following:”;

In said section 2, by striking out lines 25 through 28, inclusive, and inserting in place thereof the following:-

“The information concerning the employee’s assignment shall be furnished in writing and sent to the employee at the employee’s request, in a form designated by the department, before the end of the first pay period following such request; provided, however, that any change to the initial terms of employment shall be immediately provided to the employee and furnished in writing upon the employee’s request.”; and by striking out lines 34 through 39, inclusive; by striking out in line 40, “(c)” and inserting in place thereof the following:- (d); by striking out in line 41, the words “or the cost of procuring employment”; by striking out in line 57, “(d)” and inserting in place thereof the following:- (e); by inserting in line 66 after the word “where” the following:- it knows or should know that; by striking out in line 68, “(e)” and inserting in place thereof the following:- (f); by inserting, after subsection (e) clause (4), the following clause:-

“(5) retaliate against any employee for exercising rights under this Section;”;

in said section 2, by striking out in line 80, “(f)” and inserting in place thereof the following:- (g); and by striking out in line 82, “(g)” and inserting in place thereof the following:- (h).”.

The amendment was rejected.

The bill was then ordered to a third reading, read a third time and passed to be engrossed.

Matter Taken Out of the Notice Section of the Calendar.

Mr. Rosenberg in the Chair, there being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

The House Bill authorizing the conveyance, lease and change of use of certain park lands in the city of Worcester (House, No. 4033),-- was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Chandler moved that the bill be amended in section 1 by inserting after the word “building, in line 4, the following words:- “in its current footprint and structure, and any additions and supporting spaces due to the grade characteristic requirements of the architectural access board and the Americans With Disabilities’ Act,”; by inserting after the word “bank”, in line 5, the following words:- and for the construction of an independent structure for a remote teller and automated teller machine; provided, however, that these structures shall be renovated or constructed in conformance with historic preservation standards acceptable to the city manager for use as a retail branch of the bank”; and in the first paragraph, by adding the following 2 sentences:- “The community meeting room and related amenities shall consist of at

least 51 per cent of the entire first floor of the building. The 3.0 acre lease shall include at least 6 spaces dedicated for the sole purpose of parking for Elm Park users and the community room and the remaining parking spaces shall be available to users of Elm Park and the community room after bank hours”; and in the last paragraph, by adding the following sentence:- “A conveyance under this section shall be subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws.”; in section 2, by adding the following sentence:- “The income from the leases authorized in this section shall be dedicated to the management and improvement of Elm Park.”; by striking out sections 6 to 9, inclusive, and inserting in place thereof the following 3 sections:-

“SECTION 6. In consideration for and as a condition of the conveyances, changes of use and leases authorized in sections 1, 2, 4 and 5, the city of Worcester, individually or together with the Greater Worcester Land Trust, shall record a permanent conservation restriction meeting the requirements of sections 32 and 33 of chapter 184 of the General Laws over approximately 4.6 acres of land along Plantation parkway and adjacent to Green Hill Park currently owned by the commonwealth under the care and control of the University of Massachusetts and formerly of the Worcester Business Development Corporation and being a triangle in the westernmost section of Worcester assessor’s Parcel 57-004-00A-2 and described in a plan on file with the city of Worcester department of public works and parks, and in furtherance of the purposes of this provision, the University of Massachusetts, any of its entities, and any other state department, agency or entity involved, shall have any authority under this act which is necessary and proper to approve and grant such permanent conservation restriction over the property described in this section.”

SECTION 7. The city of Worcester shall prepare and record in the Worcester district registry of deeds the plans of land describing the precise boundaries of the parcels of land altered pursuant to this act.”; 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 authorize forthwith the conveyance, lease and change of use of certain park lands in the city of Worcester, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted.

The bill was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

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 Acting President (Mr. Rosenberg) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation, to wit:

Further regulating animal control (see Senate, No. 2192, amended); and

Authorizing the Massachusetts Water Resources Authority to convey certain land to the city of Chelsea without a restriction on its use (see House, No. 4202).

Emergency Preamble Adopted.

An engrossed Bill authorizing the commissioner of the Division of Capital Asset Management and Maintenance to convey certain land in New Bedford to the city of New Bedford (see Senate, No. 2367, 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 7 to 0.

The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.

An engrossed Bill relative to the conveyance of easements in the town of Sutton (see Senate, No. 2369), 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 9 to 0.

The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.

A Bill relative to the exchange of certain land in the town of Truro (House, No. 3312, amended,-- on petition) [Local approval received],-- was read.

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

Suspension of Senate Rule 38A.

Ms. Flanagan moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Reports of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill relative to reducing phosphorous runoff (House, No. 4306),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2403; and by striking out the title and inserting in place thereof the following title: "An Act relative to the regulation of plant nutrients".

There being no objection, the rules were suspended, on motion of Mr. Wolf, and the bill was read a second time.

Pending the question on adoption of the amendment, Mr. Brewer moved that the proposed new text be amended by inserting, in line 64, after the word "with", the second time it appears, the following words:- "and with the approval of"

The amendment was adopted.

Mr. Wolf moved that the proposed new text be amended by striking out sections 8 and 9 and inserting in place thereof the following sections:-

"SECTION 8. Notwithstanding subsection (k) of section 2 of chapter 128 of the General Laws, any rule, regulation, ordinance or bylaw relative to nutrient management and fertilizer guidelines: (i) of a city or town in existence prior to July 1, 2013 shall remain enforceable by that city or town; (ii) adopted under chapter 561 of the acts of 1973, chapter 831 of the acts of 1977 and chapter 716 of the acts of 1989, shall remain enforceable, so long as such rule, regulation, ordinance or bylaw is not less restrictive than regulations adopted by department of agricultural resources; or (iii) adopted in accordance with a regional water resources management plan under chapter 312 of the acts of 2008, shall be enforceable, so long as such rule, regulation, ordinance or bylaw is not less restrictive than regulations adopted by the department of agricultural resources.

SECTION 9. Notwithstanding subsection (k) of section 2 of chapter 128 of the General Laws, any rule, regulation, ordinance or bylaw relative to nutrient management and fertilizer guidelines: (i) specific to sewerage sludge of a city or town in existence prior to July 1, 2013 shall remain enforceable by that city or town; (ii) adopted consistent with a comprehensive water resources management plan or integrated water resources management plan approved by the department of environmental protection shall be enforceable, so long as such rule, regulation, ordinance or bylaw is not less restrictive than regulations adopted by the department of agricultural resources; or (iii) a regional water resources management plan under chapter 312 of the acts of 2008 shall be enforceable, so long as such rule, regulation, ordinance or bylaw is not less restrictive than regulations adopted by the department of agricultural resources."

The amendment was adopted.

After remarks, the pending Ways and Means amendment, as amended, was then considered; and it 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. Sent to the House for concurrence in the amendment.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill to create equitable job access (Senate, No. 1568),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2386).

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

The bill (Senate, No. 2386) was then ordered to a third reading, read a third time and, after remarks, passed to be engrossed. Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the commissioner of the Division of Capital Asset Management and Maintenance to convey certain land in New Bedford to the city of New Bedford (see Senate, No. 2367, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at quarter before six o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 287]:

YEAS

Berry, Frederick E. Keenan, John F.

Brewer, Stephen M. Kennedy, Thomas P.

Brownsberger. William N. 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. Pacheco, Marc R.

DiDomenico, Sal N. Petrucci, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 37.
Joyce, Brian A.
NAYS — 0.
ABSENT OR NOT VOTING
Finegold, Barry R. — 1.

The yeas and nays having been completed at ten minutes before six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

Emergency Preamble Adopted.

An engrossed Bill authorizing the Massachusetts Water Resources Authority to provide additional sewer services through the city known as the town of Weymouth to the town of Hingham (see Senate, No. 2154), 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 10 to 0.
The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the lease of the Daly Field Complex located in the Brighton section of the city of Boston (see Senate, No. 2383, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at nine minutes before six o'clock P.M., as follows, to wit (yeas 34 - nays 3) [Yeas and Nays No. 288]:

YEAS

Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger, William N. 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.
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petrucci, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Rosenberg, Stanley C.
Fargo, Susan C. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Hart, John A., Jr. Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. — 34.
NAYS
Creem, Cynthia Stone. Timilty, James E.— 3.
Eldridge, James B.
ABSENT OR NOT VOTING
Finegold, Barry R.— 1

The yeas and nays having been completed at five minutes before six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

Emergency Preamble Adopted.

An engrossed Bill relative to sentencing and improving law enforcement tools (see House, No. 3818, 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 13 to 0.

The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for re-enactment.

Engrossed Bills — Land Takings for Conservation Etc.

An engrossed Bill relative to the conveyance of easements in the town of Sutton (see Senate, No. 2369) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at three minutes past six o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 289]:

YEAS

Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger. William N. 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. Pacheco, Marc R.
DiDomenico, Sal N. Petrucci, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 37.
Joyce, Brian A.
NAYS — 0.
ABSENT OR NOT VOTING
Finegold, Barry R. — 1.

The yeas and nays having been completed at seven minutes past six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

An engrossed Bill authorizing the exchange of land in the town of Rockland (see House Bill printed in House, No. 4327) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, and, this being a bill which had been submitted by the Governor, under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution; and also a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eight minutes past six o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 290]:

YEAS

Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger. William N. 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. Pacheco, Marc R.
DiDomenico, Sal N. Petruccelli, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 37.
Joyce, Brian A.
NAYS — 0.
ABSENT OR NOT VOTING
Finegold, Barry R. — 1.

The yeas and nays having been completed at eleven minutes past six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

Engrossed Bill.

An engrossed Bill authorizing the Massachusetts Water Resources Authority to provide additional sewer services through the city known as the town of Weymouth to the town of Hingham (see Senate, No. 2154) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

An engrossed Bill relative to sentencing and improving law enforcement tools (see House, No. 3818, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was, after remarks, passed to be re-enacted and signed by the Acting President (Mr. Rosenberg) and again laid before the Governor for his approbation.

A Bill authorizing the town of Maynard to transfer a certain parcel of conservation land (House, No. 4336,-- on petition) [Local approval received],-- was read.

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

Recess.

There being no objection at twenty-six minutes past six o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at ten minutes past eight o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE

The Senate Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the city of Lawrence to the Greater Lawrence Community Boating Program, Inc. (Senate, No. 2338),-- came from the House passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4338".

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

On motion of Mr. Tarr, the Senate NON-concurred with the House amendment.

Sent to the House for its action.

Emergency Preamble Adopted.

An engrossed Bill relative to certain conservation restrictions in the town of Canton (see House, No. 4103, 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 14 to 0.

The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.

Engrossed Bill Returned by Governor With His Objections Thereto.

The engrossed Bill relative to the registration of motor vehicles and trailers (see House, No. 4238), which, on Wednesday, July 18, 2012, had again been laid before His Excellency the Governor for his approbation,— came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing, [for message, see House, No. 4344] and having passed that branch, notwithstanding said objections.

The message (House, No. 4344) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

The question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at sixteen minutes past eight o'clock P.M., as follows, to wit (yeas 24 — nays 10) [Yeas and Nays No. 291]:

YEAS

Brewer, Stephen M. Moore, Michael O.
Candaras, Gale D. Moore, Richard T.
Chandler, Harriette L. Murray, Therese
Clark, Katherine M. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Flanagan, Jennifer L. Rodrigues, Michael J.
Hart, John A., Jr. Ross, Richard J.
Hedlund, Robert L. Rush, Michael F.
Joyce, Brian A. Spilka, Karen E.
Kennedy, Thomas P. Tarr, Bruce E.
Knapik, Michael R. Timilty, James E
Montigny, Mark C. Welch, James T.— 24

NAYS

Brownsberger, William N. Downing, Benjamin B.
Chang-Diaz, Sonia Eldridge, James B.
Creem, Cynthia Stone. Fargo, Susan C.
DiDomenico, Sal N. Keenan, John F.
Donnelly, Kenneth J. Wolf, Daniel A. — 10.

ABSENT OR NOT VOTING

Berry, Frederick E. McGee, Thomas M.
Finegold, Barry R. Rosenberg, Stanley C.— 5
Jehlen, Patricia D.

The yeas and nays having been completed at twenty-two minutes past eight o'clock P.M., the bill was passed by the Senate, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

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. Rosenberg) and laid before the Governor for his approbation, to wit:

Relative to the exchange of certain land in the town of Truro (see House, No. 3312, amended);

Relative to co-operative banks (see House, No. 3806, amended); and

Establishing a temporary workers right to know (see House, No. 4304, amended).

Order Adopted.

On motion of Mr. Hart,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at ten o'clock A.M., in a full formal session without a calendar.

Moment of Silence.

At the request of the President, the members, guests and employees stood in a moment of silence and reflection to the memory of Westfield Police Officer Jose Torres.

Adjournment in Memory of Jose Torres

The Senator from Hampden and Hampshire, Mr. Knapik, moved that when the Senate adjourn today it adjourn in memory of Officer Jose Torres, 53, of Westfield who was killed in the line of duty on Thursday, July 26, 2012.

Officer Torres was born in Springfield, Massachusetts on April 6th, 1959 to Jesus and Maria (Gonzales) Torres. He grew up in

Westfield and attended local schools and was a graduate of Westfield High School.

Jose enjoyed watching the Red Sox play and rooting for his favorite team. He also enjoyed spending time with family and friends and was considered by many as "the life of the party." He was extremely supportive of his two boys in their education and everything they pursued. His love for his wife was known by all as he took pride in marrying his best friend.

Jose was a US Army Veteran. He was appointed as a reserve on February 12, 1985 and was hired as a full time officer in August 26, of 1985. He loved serving the city of Westfield for 27 years as a police officer and was decorated twice for heroism for going above and beyond the call of duty. He was also proud to be recognized for his achievements by the Westfield Spanish American Association in 2001.

Jose leaves behind his loving wife Kara (Dominik) Torres and his two sons Jay and Christopher of Westfield, his mother Maria, brothers Jesus Torres Jr. and Daniel Torres and a sister Idalia Torres all of Westfield; his mother -in-law, Sharon Dominik and several nieces, nephews and extended family members.

Accordingly, as a mark of respect to the memory of Jose Torres, at twenty-eight minutes past eight o'clock P.M., on motion of Mr. Knapik, the Senate adjourned to meet again on Tuesday next at ten o'clock A.M.