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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, November 2, 2011.

Met at three minutes past one o'clock P.M. (Mr. Baddour in the Chair).

Report of a Committee.

By Mr. Eldridge, for the committee on Housing, on petition, a Bill to prevent homelessness among elderly and disabled persons and families facing no-fault evictions (Senate, No. 595);

Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Recess.

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

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

Communication.

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

November 1, 2011

Mr. William F. Welch, Clerk
Massachusetts State Senate
State House, Room 334
Boston, MA 02133

Dear Mr. Clerk:

Due to a commitment outside the building on November 1, 2011, I was absent from the Chamber when three roll call votes were taken.

Had I been present, I would have voted in the following manner on roll calls taken:

1. Yes, S. 2045, Senate-Councillor Redistricting (Roll Call No. 107)
2. Yes, S. 2044, Ulin Rink (Roll Call No. 108)
3. Yes, H. 3667, Needham (Roll Call No. 109)

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official records for November 1, 2011. Thank you in advance for your attention to this important matter.

Sincerely,
CYNTHIAS STONE CREEM
State Senator

On motion of Ms. Clark, the above communication was ordered printed in the Journal of the Senate.

Report of Committees.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marc R. Pacheco, Patricia A. Haddad and Shaunna O'Connell for legislation to establish a sick leave bank for Michael Foti, an employee of the Department of Correction.

The rules were suspended, on motion of Mr. Brewer, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the House for concurrence.

PAPER FROM THE HOUSE

A Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3788,-- on House, No. 3761, in part),--**was read.**

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

Pending the question on ordering the bill to a third reading Mr. Tarr moved to amend the bill by inserting in section 5, after the words "the type of assistance later required and provided," the following language:- "the financial implications of the broader range of strategies implemented by the HomeBase program to address family homelessness, specifically addressing how the program has met expectations of efficiency and cost savings, detailing any areas the program has not produced the desired efficiency and what steps if any have been implemented to help reach the stated goals, including planned actions intended to reach future cost savings".

After debate, the amendment was *rejected*.

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

"SECTION _____. The executive office of housing and economic development shall analyze and project the costs and expenditures associated with the low income heat and energy assistance (LIHEAP) program in the commonwealth for fiscal year 2012, and shall submit a report to the General Court to include, but not be limited to, the following: the disbursement of available state and federal funds for heat and energy assistance prior to the implementation of this act; the projected funding needs for the program for the remainder of the fiscal year; and the determination of whether current appropriations and anticipated federal funds are currently sufficient to meet the resident demand for assistance from this program.

Said executive office shall submit a report to the executive office for administration and finance, house and senate committees on ways and means, and the clerks of the house and the senate on or before December 15, 2011."

After remarks, the amendment was adopted.

Messrs. Tarr, Ross, Knapik and Hedlund moved to amend the bill by inserting at the end thereof the following new section:-

"SECTION _____. The executive office for administration and finance shall report on the adverse fiscal impacts of the 2009 increase in the sales tax rate from five percent to 6.25 percent. Said report shall take into account factors including, but not limited to, the adverse impacts on businesses in border communities, employee levels in businesses located in the commonwealth, and the impact on sales volumes, employee compensation, and other business indicators in the retail sector. Said report shall be filed with the house and senate committees on ways and means and the clerks of the house and senate by January 15, 2012."

After debate, the amendment was *rejected*.

Messrs. Tarr, Ross, Knapik and Hedlund moved to amend the bill inserting at the end thereof the following new section:-

"SECTION _____. The executive office for administration and finance shall, in consultation with other state agencies, study and development recommendations, legislative or otherwise, to ensure that all reasonable, cost-effective measures are in place to verify the eligibility of those receiving any benefits funded by the state, ensuring that those who are not lawfully entitled to benefits do not receive them. Said recommendations shall be filed with the house and senate committees on ways and means and the clerks of the house and senate by January 5, 2012."

The amendment was adopted.

Messrs. Knapik, Tarr and Ross, Ms. Clark and Ms. Donoghue and Mr. Pacheco move that the bill be amended by inserting, after section 13 the following new section:-

"SECTION XX. Notwithstanding any general or special law to the contrary, the Commonwealth shall provide \$10,000,000 from the Commonwealth Stabilization Fund for the federal Low Income Home Energy Assistance Program described in line item

7004-2033, for the purposes of assisting 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 no such funds shall be expended unless federal funds for this purpose are unavailable as of November 7, 2011; provided, that expenditure of these supplemental funds shall be made in accordance with the state plan submitted by the department of housing and community development in accordance with the federal program; provided further, that the department shall establish the maximum assistance for which a household is eligible commensurate with the increased funding provided in this item; provided further, that upon receipt of federal funding, the department of housing and community development shall refund all said funds to the Commonwealth Stabilization Fund;.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twelve minutes before three o’clock P.M., on motion of Mr. Knapik, as follows to wit (*yeas 34 -- nays 0*) [**Yeas and Nays No. 110**]:

YEAS

Baddour, Steven A.	Joyce, Brian A.
Brewer, Stephen M.	Keenan, John F.
Chandler, Harriette L.	Kennedy, Thomas P.
Chang-Diaz, Sonia	Knapik, Michael R.
Clark, Katherine M.	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	Moore, Richard T.
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Petrucelli, Anthony
Eldridge, James B.	Rodrigues, Michael J.
Fargo, Susan C.	Ross, Richard J.
Finegold, Barry R.	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. — 34.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E.	Rosenberg, Stanley C.
Candaras, Gale D.	Rush, Michael F.— 4.

The yeas and nays having been completed at nine minutes before three o’clock P.M., the amendment was adopted.

Mr. Hedlund moved to amend the bill in section 2 by inserting, after item 1410-0010, the following item:
“7066-0021 To fully fund the Commonwealths Foster Care and Adopted Fee Waiver Program...2,965,000”
The amendment was *rejected*.

Mr. Brewer moved to amend the bill in Section 2, in item 0610-2000, by striking out the figure “\$700,000” and inserting in place thereof the following figure:- “\$222,807”;
In said Section 2, by inserting, after item 0610-2000, the following item under the following caption:-

“TREASURER & RECEIVER GENERAL
Office of the Treasurer and Receiver General

“0612-0105.....\$200,000”;

in said Section 2, by inserting after item 1410-0010 the following item:-

“1410-0012.....\$477,193”;

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

"SECTION 3. Chapter 132 of the acts of 2009 is hereby amended by striking out section 11 and inserting in place thereof the following section:-

Section 11. Notwithstanding any general or special law to the contrary, a resident of the commonwealth who is sent overseas as a member of the United States Armed Forces and is eligible to receive benefits under clauses (1) and (2) of section 16 of chapter 130 of the acts of 2005 may receive such benefits; provided, however, that an eligible resident shall receive the full bonus allowed by said clause (1) of said section 16 of said chapter 130 upon return after his first deployment to the Afghanistan or Iraq area as those areas are described by proper federal authority, and shall receive the full bonus allowed under clause (2) of said section 16 of said chapter 130 after his first deployment within the continental limits of the United States or outside the continental limits of the United States other than in the Afghanistan or Iraq areas. He shall thereafter receive 50 per cent of the bonus defined in either clause (1) or (2) of said section 16 of said chapter 130 after each subsequent return from deployment to the areas defined under each section, provided that appropriated funding is available and the state treasurer certifies that the relevant account has sufficient funds to maintain such an initiative.

SECTION 3A. Item 1102-3307 of said section 2 of said chapter 68 is hereby amended by adding the following words:- ; and provided further, that no funds shall be transferred from this item.”;

In Section 6, by inserting after the word “assistance”, in line 164, the following words:- “but have not yet entered into an agreement for tenancy”;

By inserting after Section 8, the following section:-

“SECTION 8A. (a) Notwithstanding section 28 of chapter 53 of the General Laws, or any other general or special law to the contrary, the state primary for the calendar year 2012 shall be held on Thursday, September 6.

(b) For the purposes of determining the day and time for performing any act prescribed by any general or special law applicable to the state primary for calendar year 2012, such state primary shall be deemed to be held on the day provided in subsection (a).”;

By striking out sections 10 and 11;

In Section 12, by striking out, in lines 330 and 331, the words “and provided further, that any unexpended funds in this item shall be made available in fiscal year 2012;”;

By striking out Section 13.

The amendment was adopted.

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

Sent to the House for concurrence in the amendments.

Order Adopted.

On motion of Mr. Baddour,--

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

On motion of Mr. Brewer, at nine minutes past three o’clock P.M., the Senate adjourned to meet again tomorrow at eleven o’clock A.M.