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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, November 3, 2011.

Met at two minutes past eleven o'clock A.M. (Mr. Donnelly in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Donnelly), members, guests and staff then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the Chair (Mr. Donnelly) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, a group of alumnae from the class of 1974 and 1975 from Brandeis University. The Senate welcomed them with applause and they withdrew from the Chamber. They were accompanied by Representative Lyons.

Petitions.

Petitions were severally presented and referred, as follows:

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer for legislation relative to notice requirements for special town meetings during a state of emergency

By Mr. Hedlund, a petition (subject to Joint Rule 12) of Robert L. Hedlund for legislation to authorize the Massachusetts Water Resources Authority to provide additional sewer services through the city known as the town of Weymouth to the town of Hingham; and

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

Resolutions.

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

Resolutions (filed by Mr. Ross) "congratulating the citizens of Needham on the occasion of the rededication of the town hall."

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Elaine Strout-Clements, an employee of the Trial Court (see House, No. 3704, 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 2 to 0. The bill was signed by the Acting President (Mr. Donnelly) and sent to the House for enactment.**

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered, as follows:
The House Bill relative to district councilors elected at the 2011 election in the town of Amesbury (House, No. 3620),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Amesbury to place a certain question relative to the fluoridation of the public water supply on the town's election ballot (House, No. 3622),-- **was read a third time and passed to be engrossed, in concurrence.**

PAPER FROM THE HOUSE.

A Bill establishing a sick leave bank for Jay Brinkerhoff, an employee of the Supreme Judicial Court (House, No. 3752,-- on petition),-- **was read.**

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

Engrossed Bill.

An engrossed Bill amending the charter of the town of Holden (see Senate, No. 1984) (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. Donnelly) and laid before the Governor for his approbation.

Recess.

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

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),-- came from the House with the endorsement that the House had concurred in the Senate amendments in Section 2 (as printed), 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 (as printed), 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 (as printed), by inserting after item 1410-0010 the following item:-

"1410-0012.....\$477,193";

By striking out section 3 (as printed) 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 section 2 of chapter 68 of the acts of 2011 is hereby amended by adding the following words:- ; and provided further, that no funds shall be transferred from this item.";

In Section 6 (as printed), 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 (as printed), 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 (as printed);

In Section 12 (as printed), 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 (as printed);

By adding the following section:-

“SECTION 12A. 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 however, that no such funds shall be expended unless federal funds for this purpose are unavailable as of November 7, 2011; provided further, 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 such funds to the Commonwealth Stabilization Fund.”;

By adding the following section:-

“SECTION 12B. 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 not later than December 15, 2011.”; and

By adding the following section:-

“SECTION 12C. 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.” with further amendments in section 2, in item 0610-2000, by striking out the figure “\$222,807” and inserting in place thereof the figures “\$700,000”; by striking out item 1410-0012; by striking out section 12A; by striking out section 12B; and by striking out section 12C.

There being no objection, the rules were suspended on the motion, of Mr. Tarr, and further House amendments were considered.

On motion of the same Senator, the Senate concurred with the further House amendments in section 2, in item 0610-2000, by striking out the figure “\$222,807” and inserting in place thereof the figures “\$700,000”; by striking out item 1410-0012; by striking out section 12A; and NON-concurred in the further House amendments striking out sections 12B and 12C.

Sent to the House for its action.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Jay Brinkerhoff, an employee of the Supreme Judicial Court (see House, No. 3752), 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 3 to 0. The bill was signed by the Acting President (Mr. Donnelly) and sent to the House for enactment.**

Engrossed Bills.

The following engrossed bills (all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Donnelly) and laid before the Governor for his approbation, to wit:

Relative to district councilors elected at the 2011 election in the town of Amesbury (see House, No. 3620);

Authorizing the town of Amesbury to place a certain question relative to the fluoridation of the public water supply on the town's election ballot (see House, No. 3622); and

Establishing a sick leave bank for Elaine Strout-Clements, an employee of the Trial Court (see House, No. 3704, amended).

Recess.

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

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),-- **came from the House with the endorsement that the House has insisted on its amendments striking out section 12B and striking out section 12C.**

The rules were suspended on motion of Mr. Tarr and bill was considered.

On motion of Mr. Brewer, the Senate receded from its NON-concurrence in the further House amendments.

The Senate Bill providing for additional pension reform and benefits modernization (Senate, No. 2018),— **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 of House document numbered 3790; and by striking out the title and inserting in place thereof the following title: "An Act providing for pension reform and benefit modernization."**

Mr. Brewer moved that the Senate NON-concur in the House amendments and asked for a committee of conference on the disagreeing votes of the two branches; and Senators Clark, Brewer and Knapik were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Subsequently, notice was received from the House that the House had insisted on its amendments, and had concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Representatives Scibak of South Hadley, Dempsey of Haverhill and Fattman of Suttten had been appointed as the committee on the part of the House.

Engrossed Bills.

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Donnelly) and laid before the Governor for his approbation, to wit:

Relative to vendor contracts (see House, No. 3726, amended); and

Establishing a sick leave bank for Jay Brinkerhoff, an employee of the Supreme Judicial Court (see House, No. 3752).

Recess.

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

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 3788, published as 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 2 to 0.**

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

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Donnelly).

Order Adopted.

On motion of Mr. Tarr,--

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

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