

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JANUARY 31, 2013.

[12]

JOURNAL OF THE SENATE

Thursday, January 31, 2013.

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

Distinguished Guests.

There being no objection, the President introduced, in the rear of the Chamber, the Upper Cape Cod Regional Technical School Football Team. The team was recognized for winning the MIAA Division 5 East High School Football Superbowl. The team was applauded for their accomplishments and they withdrew from the Chamber. They were accompanied by Superintendent Bob Dutch, Principal Roger Forjet, Head Coach Mike Hernon, Coach Tom Cadieux, Coach Ed Eldridge, Athletic Director Mike Carrier, Trainer Greg Folino, and several members of the school committee.

Upper Cape Cod
Regional Technical
School Football
Team.

Communications.

The following communications were severally received and placed on file, to wit:

A communication from the Honorable Therese Murray, President of the Senate, announcing leadership appointments that have been ratified by the Majority Party Caucus:

Senator Stanley C. Rosenberg – *Majority Leader*
Senator Richard T. Moore – *President Pro Tempore*
Senator Harriette L. Chandler – *Assistant Majority Leader*
Senator Karen E. Spilka. – *Majority Whip*
Senator Mark C. Montigny – *Assistant Majority Whip*

Senate Standing Committees.

Ethics and Rules. — Senators Rosenberg of Hampshire, Franklin and Worcester, Richard T. Moore of Worcester and Norfolk, Brewer of Worcester, Hampden, Hampshire and Middlesex and Spilka of Second Middlesex and Norfolk (the membership of the committee on Ethics and Rules also being the membership to the committees on Rules of the two branches, acting concurrently, on the part of the Senate.)

Ways and Means. — Senators Brewer of Worcester, Hampden, Hampshire and Middlesex, Flanagan of Worcester and Middlesex, DiDomenico of Middlesex and Suffolk, Candaras of First Hampden and Hampshire, Donoghue of First Middlesex, Downing of Berkshire, Hampshire, Franklin and Hampden, Jehlen of Second Middlesex, Joyce of Norfolk, Bristol and Plymouth, Kennedy of Plymouth and Bristol, McGee of Third Essex, Michael O. Moore of Second Worcester, Pacheco of First Plymouth and Bristol, Petruccelli of First Suffolk and Middlesex, Rush of Suffolk and Norfolk, Timilty of Bristol and Norfolk.

Bills in the Third Reading. — Senators Downing of Berkshire, Hampshire,

Franklin and Hampden, Petruccelli of First Suffolk and Middlesex, DiDomenico of Middlesex and Suffolk, Richard T. Moore of Worcester and Norfolk.

Post Audit and Oversight. — Senators Creem of Middlesex and Norfolk, Clark of Fifth Middlesex, Candaras of First Hampden and Hampshire, Donoghue of First Middlesex, Downing of Berkshire, Hampshire, Franklin and Hampden, Michael O. Moore of Second Worcester

Steering and Policy. — Senators Clark of Fifth Middlesex, Chandler of First Worcester, Montigny of Second Bristol and Plymouth, Spilka of Second Middlesex and Norfolk.

Global Warming and Climate Change. — Senators Pacheco of First Plymouth and Bristol, Eldridge of Middlesex and Worcester, Candaras of First Hampden and Hampshire, Downing of Berkshire, Hampshire, Franklin and Hampden, McGee of Third Essex.

Bonding, Capital Expenditures and State Assets. — Senators Joyce of Norfolk, Bristol and Plymouth, Keenan of Norfolk and Plymouth, Chang-Diaz of Second Suffolk, Donnelly of Fourth Middlesex, Michael O. Moore of Second Worcester.

Children's Caucus. — Senator McGee of Third Essex.

Joint Standing Committees.

CHILDREN, FAMILIES AND PERSONS WITH DISABILITIES — Senators Barrett of Third Middlesex, Welch of Hampden, Chang-Diaz of Second Suffolk, Keenan of Norfolk and Plymouth.

COMMUNITY DEVELOPMENT AND SMALL BUSINESS -- Senators Donoghue of First Middlesex, O'Connor Ives of First Essex, Lovely of Second Essex, Rodrigues of First Bristol and Plymouth, Wolf of Cape and Islands.

CONSUMER PROTECTION AND PROFESSIONAL LICENSURE --Senators Kennedy of Plymouth and Bristol, Petruccelli of First Suffolk and Middlesex, Lovely of Second Essex, O'Connor Ives of First Essex, Timilty of Bristol and Norfolk.

ECONOMIC DEVELOPMENT AND EMERGING TECHNOLOGIES -- Senators Candaras of First Hampden and Hampshire, McGee of Third Essex, DiDomenico of Middlesex and Suffolk, Donoghue of First Middlesex, Joyce of Norfolk, Bristol and Plymouth, Rush of Suffolk and Norfolk.

EDUCATION -- Senators Chang-Diaz of Second Suffolk, Jehlen of Second Middlesex, DiDomenico of Middlesex and Suffolk, Finegold of Second Essex and Middlesex.

ELDER AFFAIRS — Senators Jehlen of Second Middlesex, Donnelly of Fourth Middlesex, Creem of First Middlesex and Norfolk, Joyce of Norfolk, Bristol and Plymouth, Rodrigues of First Bristol and Plymouth.

ELECTION LAWS — Senators Finegold of Second Essex and Middlesex, Brownsberger of Second Suffolk and Middlesex, Donnelly of Fourth Middlesex, Lovely of Second Essex, Welch of Hampden.

ENVIRONMENT, NATURAL RESOURCES AND AGRICULTURE — Senators Pacheco of First Plymouth and Bristol, Rush of Suffolk and Norfolk, Brownsberger of Second Suffolk and Middlesex, Downing of Berkshire, Hampshire, Franklin and Hampden, Wolf of Cape and Islands.

FINANCIAL SERVICES —Senators Petruccelli of First Suffolk and Middlesex, Joyce of Norfolk, Bristol and Plymouth, Keenan of Norfolk and Plymouth, O'Connor Ives of First Essex, Rodrigues of First Bristol and Plymouth.

HEALTH CARE FINANCING — Senators Welch of Hampden, Joyce of

Norfolk, Bristol and Plymouth, Barrett of Third Middlesex, Finegold of Second Essex and Middlesex, Jehlen of Second Middlesex, Petruccelli of First Suffolk and Middlesex.

HIGHER EDUCATION – Senators Michael O. Moore of Second Worcester, Donoghue of First Middlesex, Downing of Berkshire, Hampshire, Franklin, and Hampden, O’Connor Ives of First Essex, Rodrigues of First Bristol and Plymouth.

HOUSING – Senators Eldridge of Middlesex and Worcester, Kennedy of Plymouth and Bristol, Jehlen of Second Middlesex, Pacheco of First Plymouth and Bristol.

THE JUDICIARY -- Senators Clark of Fifth Middlesex, Candaras of First Hampden and Hampshire, Brownsberger of Second Suffolk and Middlesex, Jehlen of Second Middlesex, Keenan of Norfolk and Plymouth.

LABOR AND WORKFORCE DEVELOPMENT -- Senators Wolf of Cape and Islands, Barrett of Third Middlesex, Finegold of Second Essex and Middlesex, Michael O. Moore of Second Worcester, Rush of Suffolk and Norfolk.

MENTAL HEALTH AND SUBSTANCE ABUSE -- Senators Lovely of Second Essex, Clark of Fifth Middlesex, Donnelly of Fourth Middlesex, Eldridge of Middlesex and Worcester.

MUNICIPALITIES AND REGIONAL GOVERNMENT -- Senators DiDomenico of Middlesex and Suffolk, Chang-Diaz of Second Suffolk, Brownsberger of Second Suffolk and Middlesex, Finegold of Second Essex and Middlesex, Timilty of Bristol and Norfolk.

PUBLIC HEALTH -- Senators Keenan of Norfolk and Plymouth, Pacheco of First Plymouth and Bristol, Clark of Fifth Middlesex, Lovely of Second Essex, Timilty of Bristol and Norfolk.

PUBLIC SAFETY AND HOMELAND SECURITY -- Senators Timilty of Bristol and Norfolk, Michael O. Moore of Second Worcester, Chang-Diaz of Second Suffolk, Clark of Fifth Middlesex, Welch of Hampden.

PUBLIC SERVICE – Senators Brownsberger of Second Suffolk and Middlesex, Rodrigues of First Bristol and Plymouth, Barrett of Third Middlesex, Kennedy of Plymouth and Bristol, Wolf of Cape and Islands.

REVENUE -- Senators Rodrigues of First Bristol and Plymouth, Timilty of Bristol and Norfolk, Keenan of Norfolk and Plymouth, Kennedy of Plymouth and Bristol, Pacheco of First Plymouth and Bristol.

STATE ADMINISTRATION AND REGULATORY OVERSIGHT – Senators Donnelly of Fourth Middlesex, Wolf of Cape and Islands, Barrett of Third Middlesex, Keenan of Norfolk and Plymouth, Rodrigues of First Bristol and Plymouth.

TELECOMMUNICATIONS, UTILITIES AND ENERGY -- Senators Downing of Berkshire, Hampshire, Franklin and Hampden, Finegold of Second Essex and Middlesex, Donoghue of First Middlesex, Eldridge of Middlesex and Worcester, Pacheco of First Plymouth and Bristol.

TOURISM, ARTS AND CULTURAL DEVELOPMENT -- Senators O’Connor Ives of First Essex, Downing of Berkshire, Hampshire, Franklin and Hampden, Chang-Diaz of Second Suffolk, Lovely of Second Essex, Wolf of Cape and Islands.

TRANSPORTATION -- Senators McGee of Third Essex, Kennedy of Plymouth and Bristol, Candaras of First Hampden and Hampshire, Michael O. Moore of Second Worcester, Pacheco of First Plymouth and Bristol, Rush of Suffolk and Norfolk.

VETERANS AND FEDERAL AFFAIRS – Senators Rush of Suffolk and

Norfolk, Lovely of Second Essex, Barrett of Third Middlesex, Wolf of Cape and Islands.

A communication from the Honorable Benjamin B. Downing, in compliance with Massachusetts General Laws Chapter 268A (received in the Office of the Clerk of the Senate on Tuesday, January 29, 2013 at twenty minutes before twelve o'clock noon),-- **was placed on file.**

Senator Benjamin B. Downing,--
Chapter 268A.

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

Recess.

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

Pledge of allegiance.

Communication.

The Clerk read the following communication:

MASSACHUSETTS SENATE
OFFICE OF THE ASSISTANT MAJORITY LEADER
STATE HOUSE, BOSTON, MA 02133-1007

January 31, 2013

Therese Murray
President of the Senate
State House
Suite 332
Boston, MA 02133

Senator John A. Hart,
Jr.,-- resignation
from Senate.

Dear President Murray:

I write to you today to submit my resignation as the State Senator of the First Suffolk District effective Friday, February 1, 2013.

It has been an honor to serve my district in the Massachusetts State Senate for the past eleven years and to serve under your leadership. Thank you for your leadership, but most of all thank you for your friendship.

With Warmest Regards,
JACK HART

On motion of Mr. Rosenberg, the above communication was ordered printed in the Journal of the Senate.

Ordered printed.

Recess.

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

Recess.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered

forthwith and adopted, as follows:-

Resolutions (filed by Ms. Chandler and Mr. Michael O. Moore) “congratulating Paul Reville on his retirement as Massachusetts Secretary of Education”; and

Paul Reville.

Resolutions (filed by Mr. Hedlund) “congratulating Justin Crisafulli on his elevation to the rank of Eagle Scout”, and

Justin Crisafulli.

Resolutions (filed by Mr. Hedlund) “congratulating Kyle Grable on his elevation to the rank of Eagle Scout.”

Kyle Grable.

Communication.

The Clerk read the following communication:

MASSACHUSETTS SENATE
STATE HOUSE, BOSTON, MA 02133

Senate President Therese Murray
State House Room 332
Boston, MA 02133

Senator Jennifer L.
Flanagan,-- absence
from Chamber.

Dear Senate President Murray:

This is to inform you that I will undergo shoulder surgery on January 30, 2013 and will be unable to be present for the Formal Session on Thursday, January 31, 2013.

Thank you for your attention and understanding.

Respectfully,
JENNIFER L. FLANAGAN
State Senator
Worcester and Middlesex District

On motion of Mr. Brewer, the above communication was ordered printed in the Journal of the Senate.

Ordered printed.

Orders of the Day.

The House Order relative to Joint Rules governing the 2013-2014 legislative sessions (House, No. 2016),-- was considered, the question being on adoption.

Joint Rules.

The pending amendment, previously recommended by the committee on Ethics and Rules, that the order be amended by striking out the text and inserting in place thereof the text of Senate document numbered 8, was considered.

Messrs. Timilty and Tarr moved that the order be amended by inserting in rule 1D after the words “interfering with committee proceedings” the following sentence:--“All meetings of joint standing committees, and special joint committees of the Senate and House of Representatives, shall be limited to no more than 35 bills to be discussed in a hearing, unless it can be determined that all of the bills being considered are of the same subject matter.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at six minutes before three o'clock P.M., on motion of

Mr. Timilty, as follows to wit (yeas 35 — nays 0) [**Yeas and Nays No. 6**]:

YEAS

Barrett, Michael J.	Kennedy, Thomas P.
Brewer, Stephen M.	Knapik, Michael R.
Brownsberger, William N.	Lovely, Joan B.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.
Clark, Katherine M.	O'Connor Ives, Kathleen
Creem, Cynthia Stone	Petrucelli, Anthony
DiDomenico, Sal N.	Rodrigues, Michael J.
Donnelly, Kenneth J.	Rosenberg, Stanley C.
Donoghue, Eileen M.	Ross, Richard J.
Downing, Benjamin B.	Rush, Michael F.
Eldridge, James B.	Spilka, Karen E.
Finegold, Barry R.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. — 35 .
Keenan, John F.	

NAYS — 0.

PAIRED.

YEAS.

NAYS.

Moore, Richard T. (*present*) Pacheco, Marc R. — **2**.

ABSENT OR NOT VOTING

Flanagan, Jennifer L. Hart, John A. — **2**.

Mr. Rosenberg in the Chair, the yeas and nays having been completed at three o'clock P.M., the amendment was adopted.

Messrs. Eldridge and Tarr moved that the order be amended by inserting, after rule 20, the following rule:-

“20A. The Clerk of the House and the Clerk of the Senate shall make available on the official website of the General Court the results of all roll call votes not later than 48 hours after such vote is taken, not including quorum calls, in a manner easily identifiable, searchable, and conspicuously located. The Clerk shall include the number of the roll call and the title of the matter voted upon. This rule shall take effect not later than May 1, 2013.”

Pending the question on adoption of the amendment, Messrs. Tarr and Ross moved that the pending amendment (Eldridge) be amended by striking out the text and inserting in lace thereof the following text:

“by inserting after rule 20, the following rule:-

20A. The Clerk of the House and the Clerk of the Senate shall make available on the official website of the General Court the results of all roll call votes not later than 48 hours after such vote is taken, not including quorum calls, in a manner easily identifiable, searchable, and conspicuously located. The Clerk shall include the number of the roll call and the title of the matter voted upon. This rule shall take effect not later than May 1, 2013. Such roll call votes shall be accompanied by a statement of context, which shall be prepared by the Clerk of the branch in which the matter was voted on”

After remarks, the further amendment (Tarr-Ross) was *rejected*.

UNCORRECTED PROOF.

The pending amendment (Eldridge) was then considered, and after remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at five minutes past three o'clock P.M., on motion of Mr. Eldridge, as follows to wit (yeas 35 — nays 0) [**Yeas and Nays No. 7**]:

YEAS

Barrett, Michael J.	Kennedy, Thomas P.
Brewer, Stephen M.	Knapik, Michael R.
Brownsberger, William N.	Lovely, Joan B.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.
Clark, Katherine M.	O'Connor Ives, Kathleen
Creem, Cynthia Stone	Petrucelli, Anthony
DiDomenico, Sal N.	Rodrigues, Michael J.
Donnelly, Kenneth J.	Rosenberg, Stanley C.
Donoghue, Eileen M.	Ross, Richard J.
Downing, Benjamin B.	Rush, Michael F.
Eldridge, James B.	Spilka, Karen E.
Finegold, Barry R.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. — 35 .
Keenan, John F.	

NAYS — 0.

PAIRED.

YEAS.

NAYS.

Moore, Richard T. (*present*) Pacheco, Marc R. — **2**.

ABSENT OR NOT VOTING

Flanagan, Jennifer L. Hart, John A. — **2**.

Mr. Rosenberg in the Chair, the yeas and nays having been completed at nine minutes past three o'clock P.M., the amendment was adopted.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the order be amended in joint rule 4, by inserting after the third sentence of the second paragraph the following new sentence: "Such roll call votes shall be posted on the official website of the General Court in a clear and conspicuous manner by the Clerks of both branches."

Pending the question on adoption of the amendment, Messrs. Donnelly, Hedlund, Knapik and Ross moved that the pending amendment (Tarr et al) be amended by striking out the text and inserting in place thereof the following text:- "in rule 4, in the second paragraph by adding the following sentence:- 'Such roll call votes shall be posted on the official website of the General Court in a clear and conspicuous manner by the Clerk of the branch to which the bill was reported and shall be accompanied by a statement of context, which shall be prepared by the chairs of the joint standing committee.'"

The further amendment (Donnelly, et al) was adopted.

The pending amendment, as amended (Tarr-Donnelly et al) was then considered, and after remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at thirteen minutes past three o'clock P.M., on motion of Mr. Tarr, as follows to wit (yeas 35 — nays 0) [**Yeas and Nays**

No. 8]:

YEAS

Barrett, Michael J.	Kennedy, Thomas P.
Brewer, Stephen M.	Knapik, Michael R.
Brownsberger, William N.	Lovely, Joan B.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.
Clark, Katherine M.	O'Connor Ives, Kathleen
Creem, Cynthia Stone	Petrucelli, Anthony
DiDomenico, Sal N.	Rodrigues, Michael J.
Donnelly, Kenneth J.	Rosenberg, Stanley C.
Donoghue, Eileen M.	Ross, Richard J.
Downing, Benjamin B.	Rush, Michael F.
Eldridge, James B.	Spilka, Karen E.
Finegold, Barry R.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. — 35 .
Keenan, John F.	

NAYS — 0.

PAIRED.

YEAS.

NAYS.

Moore, Richard T. (*present*) Pacheco, Marc R. — **2**.

ABSENT OR NOT VOTING

Flanagan, Jennifer L. Hart, John A. — **2**.

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

The President in the Chair, Messrs. Tarr, Hedlund, Knapik and Ross moved that the order be amended in joint rule 12, by inserting at the end of the second paragraph the following new sentence:- "If, after 30 days, the committees on Rules of the two branches, acting concurrently, fail to issue a report, then the committee on Rules of the branch in which the matter was deposited shall issue a report and said matter shall be deemed admitted and referred to the appropriate committee for consideration."

After remarks, the amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the order be amended by striking joint rule 11C and inserting in place thereof the following:-

"11C. Reports, other than those filed under Rule 11A, from a committee of conference shall be accompanied by a summary which shall be filed with the clerk."

After remarks, the amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the order be amended in joint rule 11B, by striking the words "8 p.m." and inserting in place thereof the following words: "5 p.m."; and in joint rule 11D by inserting after the word "practicable", in line 456, the following words:- "but not later than three hours following its filing".

The amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the order be amended in

joint rule 4, in the first sentence of the third paragraph by inserting, after the word “opportunity” the following words:- “to issue a dissenting minority report or”; and move to further amend joint rule 4 by adding at the end thereof the following sentence:- “Said report or reports shall be posted on the General Court website in a form and manner prescribed by the Clerk.”

The amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the order be amended by striking joint rule 6A in its entirety.

The amendment was adopted.

Messrs. Tarr, Hedlund, Knapik and Ross moved to amend the order in joint rule 10, by inserting after the first sentence the following new sentences:- “Notwithstanding the provisions of this rule, any committee which requests a reporting extension on any matter referred to the committee shall communicate in writing or electronically to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate and the Minority Leader of the House of Representatives the reasons necessitating an extension prior to the granting of any extension, and shall also provide a complete list of all matters included in the extension. No reporting extension shall be granted for a period that exceeds 30 days.”

The amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the order be amended in joint rule 21, by deleting the first paragraph and inserting in place thereof the following paragraph:

“The committees on Rules of the two branches, acting concurrently, shall establish regulations for the distribution of bills, reports or other documents, including petitions not assigned bill numbers. Bills, reports or other documents, regardless of whether or not they have been assigned a bill number, shall be made available to members electronically and published on the official website of the General Court, including the full text and the date on which each petition was filed. The committees on Rules of the two branches, acting concurrently, shall make such changes pertaining to the availability of bills, reports or other documents, including petitions not assigned bill numbers, as they deem necessary for expediting the work of the legislature.”; and by striking the word “may” in the second paragraph and inserting in place thereof the following word: “shall”.

The amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the order be amended in Joint Rule 1D, by inserting after the word “meetings” in line 141 the following words:- “, including a list of matters and copies of all bills that are to be voted on at an executive session, which shall be made available to the members of each committee electronically prior to their consideration”; and in Joint Rule 1D by inserting, after the word “information” in line 143, the following words:- “, including a list of matters and copies of all bills that are to be voted on at an executive session,”.

The amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the order be amended by inserting after joint rule 35 the following new rule:

“36. Not later than March 15 of each year, the house and senate shall consider and approve a joint resolution declaring the minimum amount of aid to be distributed to the cities and towns of the commonwealth in the upcoming fiscal year. Said resolution shall declare the minimum amount of chapter 70 aid,

unrestricted general government assistance, and expected lottery disbursements to be received by each city, town or school district.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-two minutes before four o’clock P.M., on motion of Mr. Knapik, as follows to wit (yeas 5 — nays 30) [**Yeas and Nays No. 9**]:

YEAS

Eldridge, James B.
Hedlund, Robert L.
Knapik, Michael R.

Ross, Richard J.
Tarr, Bruce E. — **5.**

NAYS

Barrett, Michael J.
Brewer, Stephen M.
Brownsberger, William N.
Candaras, Gale D.
Chandler, Harriette L.
Chang-Diaz, Sonia
Clark, Katherine M.
Creem, Cynthia Stone
DiDomenico, Sal N.
Donnelly, Kenneth J.
Donoghue, Eileen M.
Downing, Benjamin B.
Finegold, Barry R.
Jehlen, Patricia D.
Joyce, Brian A.

Keenan, John F.
Kennedy, Thomas P.
Lovely, Joan B.
McGee, Thomas M.
Montigny, Mark C.
Moore, Michael O.
O’Connor Ives, Kathleen
Petrucelli, Anthony
Rodrigues, Michael J.
Rosenberg, Stanley C.
Rush, Michael F.
Spilka, Karen E.
Timilty, James E
Welch, James T.
Wolf, Daniel A. — **30.**

PAIRED.

YEAS.

Moore, Richard T. (*present*)

NAYS.

Pacheco, Marc R. — **2.**

ABSENT OR NOT VOTING

Flanagan, Jennifer L.

Hart, John A. — **2.**

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

Messrs. Tarr, Hedlund, Knapik, Ross and Richard T. Moore moved that the order be amended in Joint Rule 10, in line 389, by inserting after the first sentence the following sentence:- “Notwithstanding the previous sentence, all joint committees shall make final report on all petitions filed or approved by the voters of a city or town, or the mayor and city council, or other legislative body of a city, or the town meeting of a town, with respect to a law relating to that city or town, within 60 days of receiving them.”

After remarks, the amendment was adopted.

Messrs. Tarr, Hedlund, Knapik, Ross and Richard T. Moore moved that the order be adopted by inserting, after Joint Rule 7B, the following rule:-

“7C. The approval vote required to file a petition, the operation of which is restricted to a particular city or town under Section 8 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth, shall be valid for not more than 2 years, regardless of any intervening action that may be taken by any legislative committee or either branch of the General Court.”

After remarks, the amendment was adopted.

Messrs. Tarr, Hedlund, Knapik and Ross moved to that the order be adopted in joint rule 1, by inserting in clause (i) after the word “laws” in line 60 the following:- “and the fiscal impact and sustainability of such laws, parts of laws, or regulations;”; and in joint rule 1 by striking clause (ii) in its entirety and inserting in place thereof the following clause:-

“(ii) in carrying out these review and study activities, each committee shall determine whether such laws, administrative regulations and programs under those laws are being implemented in accordance with the intent of the General Court; the cost-effectiveness of such laws, administrative regulations and programs; and whether such laws, administrative regulations and programs should be continued, curtailed or eliminated;”

The amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the order be amended by inserting after Joint Rule 4A the following rule:-

“4B. All joint committees of the General Court when reporting on bills referred to them shall include a taxation impact statement prepared based on information collected under section 3A of chapter 29 of the General Laws, showing the fiscal impact of any change to fees or taxes in the proposed legislation. Such taxation fiscal impact statement shall include the impact to the average taxpayer and to the economy of the commonwealth and shall be filed electronically in the office of the clerk to which the report is being made, and shall be promptly made available on the official website of the General Court.”

After remarks, the amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the order be amended in joint rule 1D, by inserting at the end of the second paragraph the following sentence:- “Sponsors of matters scheduled to be heard by a joint standing committee or any special joint committee of the Senate and House of Representatives shall be notified by the committee at least five days in advance of the date, time and location of the public hearing scheduled on said matter; provided, however that sponsors shall have the ability to waive said notice in writing.”

The amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the order be amended by inserting, after Joint Rule 32, the following new rule:-

“32A. The Senate and the House shall make available televised broadcast coverage of all informal sessions in the same manner and format as formal sessions.”

The amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik, and Ross moved that the order be adopted in joint rule 12A, by inserting at the end thereof the following new sentence:- “Each standing committee shall hold at least one public hearing per year to determine if the agencies and programs that fall under its jurisdiction can achieve savings or operate in a more cost-effective manner, and each committee shall report its findings and recommendations to the Clerks of the House and Representatives and the Senate, and to the Chairs of the House and Senate committees on Ways and Means, no later than 30 days after the holding of such public hearings.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at six minutes past four o’clock P.M., on motion of Mr. Knapik, as follows to wit (yeas 5 — nays 30) **[Yeas and Nays No. 10]**:

YEAS

UNCORRECTED PROOF.

Hedlund, Robert L.
Knapik, Michael R.
Ross, Richard J.

Tarr, Bruce E.
Timilty, James E — **5.**

NAYS

Barrett, Michael J.
Brewer, Stephen M.
Brownsberger, William N.
Candaras, Gale D.
Chandler, Harriette L.
Chang-Diaz, Sonia
Clark, Katherine M.
Creem, Cynthia Stone
DiDomenico, Sal N.
Donnelly, Kenneth J.
Donoghue, Eileen M.
Downing, Benjamin B.
Eldridge, James B.
Finegold, Barry R.
Jehlen, Patricia D.

Joyce, Brian A.
Keenan, John F.
Kennedy, Thomas P.
Lovely, Joan B.
McGee, Thomas M.
Montigny, Mark C.
Moore, Michael O.
O'Connor Ives, Kathleen
Petrucelli, Anthony
Rodrigues, Michael J.
Rosenberg, Stanley C.
Rush, Michael F.
Spilka, Karen E.
Welch, James T.
Wolf, Daniel A. — **30.**

PAIRED.

YEAS.

NAYS.

Moore, Richard T. (*present*) Pacheco, Marc R. — **2.**

ABSENT OR NOT VOTING

Flanagan, Jennifer L.

Hart, John A. — **2.**

Mr. Rosenberg in the Chair, the yeas and nays having been completed at nine minutes past four o'clock P.M., the amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the order be adopted in Joint Rule 1D, by striking the last sentence of the first paragraph and inserting in place thereof the following sentence:- "The records of all such roll calls shall be kept in the offices of the committee for the duration of the General Court during which said vote was recorded, shall be available for public inspection upon reasonable notice and during regular office hours, and shall also be posted on the General Court website."

After remarks, the amendment was adopted.

The Ethics and Rules amendment was then adopted, as amended.

The order, as amended, was then adopted, in concurrence, with the amendments [For text of Senate amendment, see Senate, No. 9].

Sent to the House for concurrence in the amendment.

Recess.

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

Recess.

PAPERS FROM THE HOUSE.

A Bill relative to the administration of special state primaries and elections in the year 2013 (House, No. 53,-- on House, No. 51),-- was read.

Special primaries
and elections.

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

Rosenberg, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Emergency Preamble Adopted; Engrossed Bill Enacted.

Mr. Rosenberg in the Chair, an engrossed Bill relative to the administration of special state primaries and elections in the year 2013 (see House, No. 53), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 5 to 0.

Special elections.

The bill was 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 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. Rosenberg) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M.

Time of meeting.

Adjournment in Memory of Alderman Carleton Merrill

The Senator from Middlesex and Norfolk, Ms. Creem moved that when the Senate adjourns today it adjourn in memory of one of Newton's most dedicated public servants, Newton Alderman Carleton Merrill. Alderman Merrill died Tuesday, January 22, 2013 at the age of 89.

A lifelong Newton resident, Alderman Merrill was first elected to the board in 1950 and was elected thirteen times to the Board of Aldermen as Alderman-at-Large from Ward 1.

An honored World War II US Army Air Corps veteran, Alderman Merrill was a former Commander for the American Legion, former Commander of the Newton Veterans of Foreign Wars, member of the Jewish War Veterans, and served as the City of Newton's Veterans Agent from 1962 until 1995. He was also a former Commissioner for the Scouts of America, a member of the Newton Advisory Committee and Nonantum Advisory Committee and a former Chairman of the West Suburban Division of the American Heart Association

Alderman Merrill was an indefatigable advocate for seniors, the Newton community and its neighborhoods. He was a committed public servant, and an avid NASCAR fan.

Newton Alderman Carleton Merrill will be missed by his wife Treva and his family and many friends.

Accordingly, as a mark of respect to the memory of Alderman Carleton Merrill at fourteen minutes before six o'clock P.M. on motion of Mr. Tarr, the

UNCORRECTED PROOF.

Senate adjourned to meet again on Monday next at eleven o'clock A.M.
