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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, January 14, 2014.

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

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

Communication.

Communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of Senator Karen Spilka to the Task Board established (under the provisions of Section 2 of Chapter 38 of the Acts of 2013) to make an investigation and study of ways to reduce costs and delays of the adoption process in Massachusetts,-- **was placed on file.**

Report.

Report of the District Attorney of Berkshire County (under the provisions of Section 99 of Chapter 272 of the General Laws) submitting a report relative to wiretaps for the calendar year 2013 (received January 13, 2014),-- **was read and sent to the House for its information.**

PAPERS FROM THE HOUSE.

The following initiative petitions, having been transmitted by the Secretary of the Commonwealth to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution, and having been received in the Office of the Clerk of the House on Thursday, January 9, 2014, were referred, in concurrence, as follows

Initiative petition of Mark A. Gottlieb and others for the passage of "An Act relative to illegal gaming" (House, No. 3842);
To the committee on Economic Development and Emerging Technologies.

Initiative petition of Karen A. Coughlin and others for the passage of "An Act patient safety act" (House, No. 3843); and
Initiative petition of Mary Havlicek Cornacchia and others for the passage of "An Act to limit excessive hospital operating margins and CEO compensation through greater financial transparency" (House, No. 3844);
Severally to the committee on Health Care Financing.

Initiative petition of Edward J. Markey and others for the passage of "An Act relative to earned sick time" (House, No. 3845);
and
Initiative petition of Elizabeth A. Warren and others for the passage of "An Act raising the minimum wage" (House, No. 3846);
Severally to the committee on Labor and Workforce Development.

Initiative petition of Steven W. Aylward and others for the passage of "An Act repeal of 2013 gas tax indexing" (House, No. 3847);
To the committee on Revenue.

Initiative petition of Thomas M. Menino and others for the passage of “An Act relative to updating the bottle bill” (House, No. 3848);

To the committee on Telecommunication, Utilities and Energy.

Bills

Relative to licenses issued by the Division of Marine Fisheries (House, No. 3821,-- on House, No. 817);

Establishing a sick leave bank for James Cooney, an employee of the Department of Correction (House, No. 3826,-- on petition); and

Establishing a sick leave bank for Carol L. Clark, an employee of the Department of Developmental Services (House, No. 3830,-- on petition);

Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Matter Taken Out of the Orders of the Day.

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

The House Bill exempting certain real property owned by veteran organizations in the city of Gardner from taxation (House, No. 3445),-- **was read a second time, ordered to a third reading, 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 exempting certain real property owned by certain veterans organizations in the city of Gardner from taxation”.**

Reports of Committees.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill authorizing the commissioner of Capital Asset Management and Maintenance to grant easements over certain parcels of land to the town of Amherst (Senate, No. 1531) (the committee on Bonding, Capital Expenditures and State Assets having recommended the bill be amended in section 1, by striking out in line 1, the words “Chapter 7” and inserting in place thereof the words:- “Chapter 7C”);-- ought to pass, with an amendment in section 1, by striking out, in line 1, the words “40E to 40J, inclusive, of chapter 7” and inserting in place thereof the following words:- “32 to 38, inclusive, of chapter 7C”; and in section 2, by striking out, in lines 11 to 12, inclusive, the words “, upon acceptance of Olympia Drive as a public way, repair and maintain said public way” and inserting in place thereof the following words:- “repair and maintain Olympia drive”.

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

The pending amendment, previously recommended by the committee on Bonding, Capital Expenditures and State Assets, was considered; and it was rejected.

The Ways and Means amendment was then considered; and it was adopted.

The bill (Senate, No. 1531, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

The House Bill relative to the conveyance of an easement in the city of Northampton (House, No. 2845, changed and amended),-- **ought to pass.**

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.

The House Bill relative to election laws (House, No. 3788),-- **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1975; 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 expand and improve forthwith access to voting, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

Order Adopted.

Mr. Brewer offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill relative to election laws (House, No. 3788) (the committee on Ways and Means having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1975) shall be placed in the Orders of the Day for a second reading on Thursday, January 16, 2014.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 2:00 P.M., on Wednesday, January 15, 2014. All such amendments shall be second-reading amendments to the recommended Senate Ways and Means new text (Senate, No. 1975) but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Ethics and Rules.

Subsequently, Mr. Rosenberg, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

The bill (House, No. 3788) was placed in the Orders of the Day for Thursday, January 16, 2013 for a second reading with the amendment pending.

PAPERS FROM THE HOUSE.

A Bill relative to the special city election in the city of Beverly (printed in House, No. 3850,-- being a message from his Excellency the Governor),-- **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.

A petition (accompanied by bill, House, No. 3851) of Denise C. Garlick and Michael F. Rush for legislation to authorize the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Needham,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.**

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at one o'clock P.M., in a full formal session with a calendar.

On motion of the same Senator, at twelve minutes past eleven o'clock A.M., the Senate adjourned to meet again on Thursday next at one o'clock P.M.