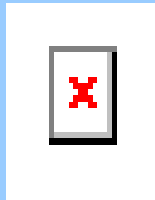


NOTICE: - While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **not** been proofread against the events of the session for this day. All information 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.

Thursday, January 24, 2013.

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

PAPER FROM THE HOUSE.

The House Order relative to joint rules governing the 2013-2014 legislative sessions (House, No. 2016,-- on House, No. 2015) (having been approved by the committees on Rules of the two branches, acting concurrently),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

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

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

Resolutions.

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

Resolutions (filed by Mr. Richard T. Moore) "congratulating the Whittin Community Center in the town of Northbridge on its ninetieth anniversary."

Orders of the Day.

The Senate Report recommending proposed Senate Rules to be adopted as the permanent rules of the Senate for 2013-2014 (Senate, No. 7),-- **was considered, the main question being on acceptance of the report.**

After remarks, Mr. Brownsberger moved that the report be amended by adding the following rule:-

62B.(a) The Chief Financial Officer of the Senate shall complete the procurement of all goods and services for the Senate. Procurements for goods or services shall be made from the statewide procurement list established by the operational services division, to the extent practicable, as determined by the Chief Financial Officer. If the Chief Financial Officer determines that a procurement cannot be made using the statewide procurement list established by the operational services division, the Chief Financial Officer may procure the required goods or services under subsections (b), (c) or (d).

(b) Procurement of a supply or service from a vendor not on the statewide procurement list valued at less than \$10,000 shall be made at the discretion of the Chief Financial Officer.

(c) If the Chief Financial Officer seeks to procure a supply or service from a vendor not on the statewide procurement list valued at \$10,000 or more, but less than \$100,000, the Chief Financial Officer shall seek quotations from not fewer than 3 persons providing such supply or service. The Chief Financial Officer shall record the names and addresses of all persons from whom quotations were received, the names of the persons submitting quotations and the date and amount of each quotation. The Chief Financial Officer shall award the contract to the responsible person whose quotation offers the needed quality of supply or service and which represents the best value for the Senate.

(d) If the Chief Financial Officer seeks to procure a supply or service from a vendor not on the statewide procurement list valued at \$100,000 or more, the Chief Financial Officer shall seek proposals through a competitive bid process, which shall be established by the Chief Financial Officer.

(e) The Chief Financial Officer shall maintain a file on each procurement not executed using the statewide procurement list established by the operational services division and in excess of \$10,000 and shall include in such file all documents related to the procurement. The files maintained shall be available for inspection by members of the Senate during regular business hours unless the information is otherwise protected by state or federal law.

(f) In addition to the requirements of this rule, all procurements for legal services shall be approved by the Senate Counsel.

(g) If, in the determination of the Chief Financial Officer, an emergency procurement of greater than \$10,000 is necessary, the Chief Financial Officer may procure the goods or services immediately and create and maintain a file explaining the nature of the emergency and the goods or services that were procured as a result. The Chief Financial Officer shall document the goods or services that were procured, the process used to procure the goods or services, the vendors that were contacted and any other information relevant to the procurement, and make that information available to members of the Senate during regular business hours, unless the information is otherwise protected by state or federal law.

After remarks, the amendment was **adopted.**

Messrs. Tarr, Eldridge, Hedlund, Knapik and Ross moved that the report be amended by striking out rule 8A and inserting in place thereof the following rule:-

“8A. The Clerk 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.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at ten minutes before three o’clock P.M., on motion of Mr. Tarr, as follows to wit (*yeas 39 — nays 0*) [**Yeas and Nays No. 2**]:

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.	Moore, Richard T.
Creem, Cynthia Stone	O’Connor Ives, Kathleen
DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Finegold, Barry R.	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. — 39.
Keenan, John F.	

NAYS — 0.

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

Messrs. Tarr, Hedlund, Knapik and Ross moved that the report be amended in rule 12A, by inserting before the first sentence, in line 202, the following new sentence: “There shall be a standing Committee on Ethics and Rules consisting of six members, three of whom shall be appointed by the President of the Senate and three of whom shall be appointed by the Minority Leader of the Senate at the beginning of the first year of the biennial session of the General Court.”; and in rule 13, by striking the second sentence of paragraph (b), as appearing in lines

292 through 297, and inserting in place thereof the following new sentence: “Except as provided in rule 12A, the President shall in making such appointments give consideration to representation of both the majority and minority parties relative to their respective representation in the Senate and in any event shall reserve at least 2 positions on the Senate Committee on Ways and Means and at least 1 position upon each standing or special committee for a Senate member of the minority party and appointments to such positions shall be made by the Senate minority party leader.”

The amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the report be amended by striking rule 38A ½ and inserting in place thereof the following:-

“38A ½. The Senate shall not continue in session beyond midnight. This rule shall be suspended only with the unanimous consent of the members present and voting consent to such suspension on a recorded yeas and nays vote.”

After debate, 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. Tarr, as follows, to wit (*yeas 4 – nays 35*) [**Yeas and Nays No. 3**]:

YEAS

Hedlund, Robert L.	Ross, Richard J.
Knapik, Michael R.	Tarr, Bruce E. — 4.

NAYS

Barrett, Michael J.	Keenan, John F.
Brewer, Stephen M.	Kennedy, Thomas P.
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.	Moore, Richard T.
Creem, Cynthia Stone	O’Connor Ives, Kathleen
DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Rush, Michael F.
Finegold, Barry R.	Spilka, Karen E.
Flanagan, Jennifer L.	Timilty, James E
Hart, John A. Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. — 35.
Joyce, Brian A.	

The yeas and nays having been completed at eight minutes past three o’clock P.M., the amendment was *rejected*.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the report be amended, in rule 7, by striking the last sentence in its entirety and inserting in place thereof the following sentence:- “When the presentation of the calendar required under this rule is suspended under Rule 5A, a session shall be considered informal and no matter shall be considered if a member at said session objects to its consideration, or if a member prior to said session requested that the matter be held for consideration by placing such request in writing to the Clerk of the Senate no later than 30 minutes prior to the start of the informal session.”

The amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the report be amended by striking in rule 45 in line 823 the first sentence and inserting in place thereof the following:- “A question for debate before the Senate, including an amendment, containing 2 or more propositions, capable of division, shall be divided whenever desired by any member.”

After debate, the amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the report be amended, in rule 27A, by inserting at the end of the first paragraph, in line 581, the following two sentences:- “Said presentation shall clearly indicate any reliance on non-recurring revenues and off-budget spending, including the nature and amount of federal revenues, and shall also include a diagram that simply and clearly details all the spending recommendations and corresponding revenue sources, as well as indicate spending on each item for each of the previous five fiscal years. The committee shall, in its presentation, identify all new initiatives and major policy alterations within the general appropriations bill, including what service shall be provided by said initiative, any associated spending recommendations, savings realized by the Commonwealth, and revenue sources relied upon to fund said initiative.”

After debate, the amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the report be amended, in rule 27A, by inserting in the third paragraph, in line 604, after the words “an executive summary which shall”, the following text:- “identify the revenue source upon which the recommendation is based, identify the total appropriation for the fiscal year if an existing appropriation is being altered, and”.

After debate, the amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the report be amended in rule 56 by inserting after the fifth sentence, in line 931, the following sentence:- “Pairing of votes shall be allowed only in those instances where a member is not present in the Senate Chamber due to military service or physical incapacity.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes before four o’clock P.M., on motion of Mr. Hedlund, as follows, to wit (*yeas 4 – nays 35*) [**Yeas and Nays No. 4**]:

YEAS

Hedlund, Robert L. Ross, Richard J.
Knapik, Michael R. Tarr, Bruce E. — **4.**

NAYS

Barrett, Michael J.	Keenan, John F.
Brewer, Stephen M.	Kennedy, Thomas P.
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.	Moore, Richard T.
Creem, Cynthia Stone	O'Connor Ives, Kathleen
DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Rush, Michael F.
Finegold, Barry R.	Spilka, Karen E.
Flanagan, Jennifer L.	Timilty, James E.
Hart, John A. Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. — 35.
Joyce, Brian A.	

The yeas and nays having been completed at twenty-two minutes before four o'clock P.M., the amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the report be amended by striking rule 61B in its entirety and inserting in place thereof the following:-

“61B. No use of cellular telephones shall be permitted in the Senate Chamber while the Senate is in session.”

After remarks, the amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the report be amended in Rule 68 in the second paragraph by striking out the first sentence and inserting in place thereof the following sentence:- “This commission shall consist of 3 members: the Senate President pro tempore or a designee; the majority leader or a designee; and the minority leader or a designee; and shall examine and compare the current rules and practices of the Massachusetts State Senate with the body’s historic rules and practices.”

The amendment was **adopted**.

Messer. Tarr, Hedlund, Knapik, and Ross moved that the report be amended by inserting in Rule 68 in line 1100 after the word “schedule” the following: - “, and staff compensation.”

The amendment was *rejected*.

Mr. Tarr moved that the report be amended in rule 13A, by striking, in line 319, the words “two-thirds” and inserting in place thereof the following:- “majority”.

After remarks, the amendment was *rejected*.

Messrs Tarr, Hedlund, Knapik, and Ross moved that the report be amended by inserting, in rule 5, line 31 after the word “present” the following:- “as determined by years of service”.

Pending the question on adoption of the amendment, Ms. Flanagan moved to amend the pending amendment (Tarr et al) by striking out the text and inserting in place thereof the following text:- “in rule 5, by striking out the words, “eldest senior” and inserting in place thereof the following words:- longest, continuously serving and eldest.”.

After remarks, the further amendment was **adopted**.

The pending amendment (Tarr et al), as amended (Flanagan), was then **adopted**.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the report be amended by striking, in line 596, the number “24” and inserting in place thereof the following:- “48”.

After remarks, the amendment was **adopted**.

Mr. Tarr moved that the report be amended in Rule 20A by adding after the word “Senate” the following words:- “and all petitions not assigned bill numbers.”.

The amendment was *rejected*.

Mr. Tarr moved that the report be amended by inserting in rule 7, at the end the following:- “any member may object with a written notice to the Clerk”.

The amendment was *rejected*.

Mr. Tarr moved that the report be amended, in rule 5A, by striking the third sentence and inserting in place thereof the following sentence:- “The President may also declare a session informal in nature, with prior notice given; provided, however, that at the request of any member, the Senate may also take a vote to declare a session informal.”

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the report be amended in Rule 13 C by inserting, in line 340, the following language after the word “Senate Clerk”:- “and state auditor”.

The amendment was *rejected*.

Mr. Tarr moved that the report be amended by inserting, in rule 27A, at the end of the first paragraph the following, “No bill, resolve or order proposing an increase in taxation shall be placed before the Senate prior to its being in print and posted on the Senate website for 7 days.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven minutes past four o’clock P.M., on motion of Mr. Tarr, as follows, to wit
(*yeas 5 – nays 34*) **[Yeas and Nays No. 5]:**

YEAS

Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Timilty, James E. —5.
Ross, Richard J.	

NAYS

Barrett, Michael J.	Joyce, Brian A.
Brewer, Stephen M.	Keenan, John F.
Brownsberger, William N.	Kennedy, Thomas P.

Candaras, Gale D.	Lovely, Joan B.
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.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Petrucelli, Anthony
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Finegold, Barry R.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Hart, John A. Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. — 34.

The yeas and nays having been completed at nine minutes past four o'clock P.M., the amendment was rejected.

Mr. Tarr moved that the report be amended by adding at the end thereof the following new rule:-

“XX. A measure to repeal, change, add or otherwise modify a rule or rules of the Senate may be proposed at any time by any two members, provided that such measure is presented to the clerk in the form of an order. Such order shall be referred immediately to the Committee on Ethics and Rules, which shall report to the Senate on such order within 10 days of its referral to the committee. Such report shall be placed in the Orders of the Day for the next formal session for consideration by the Senate.”

The amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the report be amended, in rule 59A, by inserting after the word “formal”, in line 975, the following words:- “and informal”; and by adding at the end of rule 59A the following:-

“Not later than April 1 in the first year of the biannual session the Committee on Ethics and Rules shall issue a report on the progress and outreach efforts of negotiations providing for formal sessions of the Senate to be broadcast on television and be made accessible to electronic media, including television, radio and the internet. Said report shall be filed with the Clerk of the Senate.”; and

by inserting after the word “request”, in line 1005, the following words:-

“and a copy of each formal Senate session broadcast shall be delivered to each community antenna television systems within 7 days of said session; provided, however, that said broadcast shall not be delivered if a community antenna television system provides notice to the Clerk of the Senate it does not wish to receive said broadcast.”;

After debate, the amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the report be amended by inserting, in rule 7, in line 66, after the word “public” and inserting the following:- “as soon as practicable but not

less than”.

After remarks, the amendment was *rejected*.

The report (Senate, No. 7, amended) was then accepted.

Order Adopted.

On motion of Mr. Hart,--

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

Adjournment in Honor Of International Holocaust Remembrance Day

The Senator from Middlesex and Norfolk, Ms. Creem, and the Senator from Worcester, Ms. Chandler, moved that when the Senate adjourns today, it adjourn in honor of the January 27, 1945 liberation of Auschwitz-Birkenau, the largest Nazi death camp.

In 2005, the United Nations General Assembly designated January 27 as International Holocaust Remembrance Day (IHRD), an annual day of commemoration to honor the victims of the Nazi era.

The U.N.'s International Holocaust Remembrance Day resolution rejects denial of the Holocaust, and condemns discrimination and violence based on religion or ethnicity.

Accordingly, as a mark of respect in Honor of International Holocaust Remembrance Day, at twenty-four minutes past four o'clock A.M., on motion of Mr. Hart, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.