

Thursday, February 3, 2011.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag. Pledge of allegiance.

Message from the Governor — Reorganization Plan Number 1 of 2011.

A message from His Excellency the Governor submitting (under Article LXXXVII of the Amendments to the Constitution) Reorganization Plan Number 1 of 2011, relative to reorganizing the Executive Office of Labor and Workforce Development (House, No. 39), was filed in the office of the Clerk on Wednesday, January 26, 2011. Reorganization Plan No. 1,— Labor and Workforce Development.

The message was read; and it was referred, under Article LXXXVII and Joint Rule 23A, with the accompanying draft of a bill, to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Messages from the Governor.

A message from His Excellency the Governor submitting the annual budget of the Commonwealth for the fiscal year beginning July 1, 2012 (House, No. 1), was filed in the office of the Clerk on Wednesday, January 26, 2011. General Appropriations Bill.

The message was read; and it was referred, under Rule 30, with the accompanying schedules, to the committee on Ways and Means.

A message from His Excellency the Governor submitting recommendations for making appropriations for the fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 37), was filed in the office of the Clerk on Wednesday, January 26, 2011. Supplemental appropriations.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

A message from His Excellency the Governor recommending legislation relative to oversight of private occupational schools (House, No. 38), was filed in the office of the Clerk on Wednesday, January 26, 2011. Occupational school,— oversight.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Education.

A message from His Excellency the Governor recommending legislation relative to criminal sentencing (House, No. 40), was filed in the office of the Clerk on Wednesday, January 26, 2011. Criminal sentencing.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Judiciary. Sent to the Senate for concurrence.

Criminal sentencing.

A message from His Excellency the Governor recommending legislation to enhance public safety (House, No. 41), was filed in the office of the Clerk on Friday, January 14, 2011;

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Judiciary. Sent to the Senate for concurrence.

Retirement system,— reforms.

A message from His Excellency the Governor recommending legislation relative to additional pension reform and benefits modernization (House, No. 35), was filed in the office of the Clerk on Tuesday, January 18, 2011.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Public Service. Sent to the Senate for concurrence.

Municipal reforms.

A message from His Excellency the Governor recommending legislation relative to further strengthening the Commonwealth's partnership with its municipalities (House, No. 36), was filed in the office of the Clerk on Friday, January 21, 2011.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Public Service. Sent to the Senate for concurrence.

Communication.

State Police Crime Laboratory.

A communication from the State Police Crime Laboratory (under the provisions of Item 8000-0106 contained in Section 2 of Chapter 131 of the Acts of 2010) submitting a report relative to the CODIS database and district attorney workloads by county, was placed on file.

Quarterly and Special Reports.

Transportation contracts.

A quarterly report of the Executive Office of Transportation (under Section 12 of Chapter 86 of the Acts of 2008 and Section 18 of Chapter 233 of the Acts of 2008) submitting a summary of periodic and substantial completion estimates for certain contracts; and

Special reports

Public Health,— inspection reports.

Of the Department of Public Health (under the provisions of Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspections of the following two facilities:

MCI Framingham in the town of Framingham and the Middlesex County House of Correction in the town of Billerica; and

Trial Court,— court officers.

Of the Chief Justice for Administration and Management of the Trial Court (under the provisions of Item 0330-0300 contained in Section 2 of Chapter 131 of the Acts of 2010) relative to the number of court officers and associate court officers in each of the trial courts of the Commonwealth;

Severally were placed on file.

Paper from the Senate.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments (striking out Rules 11 to 11D, inclusive, and inserting in place thereof six new sections; and in Joint Rule 12 striking out the following 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." (inserted by amendment by the Senate) to the Senate Order relative to the permanent Joint Rules for the 2011-2012 Legislative Session (Senate, No. 6, amended),— recommending that the Senate concur with the House in its amendment striking out Rule 11 to 11D, inclusive, and inserting in place thereof six new rules with a further amendment, striking out Rule 11 to 11D, inclusive, and inserting in place thereof the following five rules:

"11. Committees of conference shall consist of 3 members on the part of each branch, representing its vote; and their report, if agreed to by a majority of each committee, shall be made to the branch asking for the conference, and may be either accepted or rejected, but no other action shall be had, except through a new committee of conference.

Committees of conference to whom are referred matters of difference in respect to bills or resolves, shall, before filing their reports, have the same approved or discharged by each committee on Bills in the Third Reading.

11A. Committees of conference to whom are referred matters of difference in respect to appropriation bills, including capital outlay programs, shall, before filing their reports, have the same approved or discharged by each committee on Bills in the Third Reading.

Upon the appointment of a committee of conference to whom matters of difference in respect to any appropriation bill or in respect to any bill providing for capital outlay programs and projects are referred, the clerk of the branch requesting said committee of conference shall make available to members of the General Court a list of the matters in disagreement identified by item number and item purpose and showing the amount made available by each branch of the General Court, and any other matters in disagreement and the position of each of the said branches.

The report of said committee of conference shall consist of the matters of difference so referred and so identified, showing the amounts appropriated by each of the said branches and other matters in disagreement and the position of each branch with respect to those matters, and shall state said committee's recommendations with respect to the matters so referred. Matters on which there exists no disagreement between the branches shall not be disturbed by the committee on conference.

The committees on ways and means of each branch of the General Court shall assist such committee of conference in any and all matters necessary to the preparation and completion of its report.

Joint
Rules.

11B. No report from a committee of conference shall be considered or acted upon by either branch until the calendar day following the day on which said report shall have been available to the public and to the members of the General Court. The committee shall file its report no later than 8 p.m. on the day preceding its consideration and the General Court shall not consider said report before 1 p.m. on the following day, except that a report from such committee of conference that it is unable to agree may be considered and acted upon at the time that such report is filed.

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

11D. Upon the filing of a report by a committee of conference the clerk shall, as soon as practicable, make the report and the summary of the report available to all members electronically and to the public on the official website of the General Court.”; and that the House concur in the further amendment; and that the Senate recede from its non-concurrence with House in its amendment in proposed Joint Rule 12 and concurred therein, came from the Senate with the endorsement that it had been accepted by said branch.

Under suspension of the rules, on motion of Mr. Binienda of Worcester, the report was considered forthwith; and it was accepted, in concurrence.

Order.

On motion of Mr. DeLeo,—

Next
sitting.

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

At fourteen minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on the following Monday at eleven o'clock A.M., in an Informal Session.