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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, December 27, 2011.

Met at one minute past eleven o'clock A.M. (Mr. Petrucci 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. Petrucci), members, guests and staff then recited the pledge of allegiance to the flag.

Communication.

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of Senator Jennifer L. Flanagan to the Special Commission established (pursuant to Chapter 219 of the Acts of 2011) to make an investigation and study on the use of electronic benefit transfer (EBT) cards,-- **was placed on file.**

PAPERS FROM THE HOUSE

A Bill relative to enhancing the practice of nurse midwives (House, No. 3815,-- on House, No. 2369),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill relative to creditable service for retirement to non-working members of the reserve police force in the city of Malden (House, No. 3762,-- on petition) [Local approval received],-- **was read.**

There being no objection, the rules were suspended, on motion of Mr. Ross, 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 further regulating the probate code and establishing a trust code (House, No. 3780, amended),-- **came from the House with the endorsement that the House had concurred in the Senate amendments with a further amendment striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the following text:-**

“SECTION 1. Section 44 of chapter 521 of the acts of 2008, as amended by section 23 of chapter 409 of the acts of 2010, is hereby further amended by striking out, in line 3, the words ‘January 2, 2012’ and inserting in place thereof the following words:- ‘March 31, 2012’; by striking out the emergency preamble (inserted by

amendment by the Senate) and inserting in place thereof the following emergency preamble:-

“Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith to further regulate the probate code, therefore it is hereby declared an emergency law, necessary for the immediate preservation of the public convenience.”, and by striking out the title (inserted by amendment by the Senate) and inserting in place thereof the following title:- “An Act further regulating the probate code”.

The rules were suspended, on motion of Mr. Ross and the further House amendment was adopted, in concurrence.

A joint petition (accompanied by bill, House, No. 3862) of Denise C. Garlick and Richard J. Ross for legislation to establish a sick leave bank for James Crosby, an employee of the Department of Veterans’ Services,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Engrossed Bill.

An engrossed Bill relative to town elections in the town of Sturbridge (see Senate, No. 1947) (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. Petrucci) and laid before the Governor for his approbation.

Recess.

There being no objection, at nineteen minutes past eleven o’clock A.M., the Chair (Mr. Petrucci) declared a recess, subject to the call of the Chair; and, at twelve minutes past twelve o’clock noon, the Senate reassembled, Mr. Petrucci in the Chair.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill further regulating the probate code (see House, No. 3780, 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 3 to 0.**

The bill was signed by the Acting President (Mr. Petrucci) 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. Petrucci) 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 Thursday next at eleven o’clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

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