

**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, March 24, 2016.*

Met at two minutes past eleven o'clock A.M. (Ms. L'Italien 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 (Ms. L'Italien), members, guests and staff then recited the pledge of allegiance to the flag.

#### *Distinguished Guests.*

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Eldridge for the purpose of an introduction. Mr. Eldridge then introduced, in the rear of the Chamber, the Nashoba Regional High School Football Team. The 2015 Nashoba Chieftains were recognized for finishing the season with a 13-0 record and for having won the Division 2 State Championship. This win marks the school's fourth Super Bowl Championship title. The Senate welcomed them with applause and they withdrew from the Chamber. The team was accompanied by Head Coach Jamie Tucker. They were also guests of Senator Flanagan and Representatives Hogan and Naughton.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, Roberta "Bobbi" Gibb. Roberta has been named the 2016 Grand Marshal of the Boston Marathon and was also recognized for the fiftieth anniversary of her achievement as the first woman to run the Boston Marathon, crossing the finish line in 3 hours, 21 minutes and 40 seconds. She was presented with a Senate Resolutions commemorating this achievement. The Senate applauded her accomplishments; Ms. Gibb briefly addressed the Chamber, signed the guest book and withdrew from the Chamber.

#### *Communication.*

Communication from the Honorable Alex Geourntas, Assistant City Clerk of the City of Boston, presenting Resolutions passed by the Boston City Council at its meeting on March 9, 2016, regarding the inconsistencies in Commuter Rail Fares and the effect of this policy on local communities (copies of the resolutions available in the office of the Clerk of the Senate),-- was placed on file.

#### *Report.*

Report of the Human Resources Department of the City of Worcester (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a list of civil service eligible lists that have been revoked by the delegated personnel administrator of the city of Worcester as of March 16, 2016 (received March 21, 2016),-- was placed on file.

#### *Petitions.*

Petitions were severally presented and referred as follows:

By Mr. Humason, a petition (accompanied by bill, Senate, No. 2189) of Donald F. Humason, Jr. and Nicholas A. Boldyga (by vote of the town) for legislation to authorize the town of Southwick to continue the employment of police chief David Ricardi [Local approval received];

**Under Senate Rule 20, to the committee on Public Service.**

**Sent to the House for concurrence.**

By Ms. Jehlen, a petition (accompanied by bill) (subject to Joint Rule 12) of Patricia D. Jehlen for legislation relative to protecting elders and persons with disabilities;

**Under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

*Reports of Committees.*

By Ms. Jehlen, for the committee on Elder Affairs, on petition, a Bill promoting equal choice and related cost savings (Senate, No. 356);

By the same Senator, for the same committee, on petition, a Bill regarding spouses as caregivers (Senate, No. 372);

By Ms. Flanagan, for the committee on Mental Health and Substance Abuse, on Senate, No. 1028 and House, No. 1799, a Bill to provide more timely treatment of inpatient mental health care (Senate, No. 1028, changed by striking out sections 2, 3, 4, 5 and 6); and

By the same Senator, for the same committee, on Senate No. 1502 and House Nos. 3460 and 3264, a Bill providing access to full spectrum addiction treatment services (Senate, No. 1502, changed in lines 14, 19 and 27 by striking the number "28" and inserting in place thereof the number "30");

**Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.**

By Mr. Keenan, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill relative to authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Shrewsbury (Senate, No. 2133),-- ought to pass, with an amendment in lines 3 and 4, by striking "or recreational" and inserting in place thereof the words " , passive recreational, or agricultural"; in line 16, by striking "or recreational" and inserting in place thereof the words " , passive recreational, or agricultural"; and in line 31, by striking "or recreational" and inserting in place thereof the words " , passive recreational, or agricultural".

**Referred, under Senate Rule 27, to the committee on Ways and Means.**

By Ms. Donoghue, for the committee on Economic Development and Emerging Technologies, on petition, a Bill providing for the evaluation of the economic impact of transportation projects (Senate, No. 233);

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on petition, a Resolve providing for an investigation and study of enhancing statewide recycling programs (Senate, No. 401);

By the same Senator, for the same committee, on petition, a Resolve relative to establishing a comprehensive waste management hierarchy in Massachusetts (Senate, No. 410);

By the same Senator, for the same committee, on petition, a Bill relative to privately operated animal shelters and rescue organizations (Senate, No. 443);

By the same Senator, for the same committee, on Senate No. 454 and House No. 671, a Bill relative to recycling (Senate, No. 454);

By the same Senator, for the same committee, on petition, a Bill relative to the timely disposal of contraband drugs (Senate, No. 477); and

By Mr. Rush, for the committee on Veterans and Federal Affairs, on petition, a Bill updating veterans' burial expenses (Senate, No. 1914);

**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Mr. Brownsberger, for the committee on the Judiciary, on petition, a Bill relative to testimony in criminal proceedings (Senate, No. 761);

By Mr. McGee, for the committee on Transportation, on petition, a Bill to protect bicyclists in bicycle lanes (Senate, No. 1808); and

By the same Senator, for the same committee, on petition, a Bill relative to year of manufacture registration plates (Senate, No. 1830);

**Severally read and, under Senate Rule 26, referred to the committee on Rules.**

**PAPER FROM THE HOUSE.**

A Bill relative to Gold Star Family motor vehicle registration eligibility (House, No. 3917, amended,-- on petition),-- was read and, under Senate Rule 26, referred to the committee on Rules.

### *Bills*

Relative to the health insurance of certain elected individuals in the town of Tyringham (House, No. 3649,-- on petition) [Local approval received]; and  
Authorizing the Nantucket Islands Land Bank to convey certain land held for open space, recreational or conservation purposes to the town of Nantucket for the same purposes (House, No. 3892,-- on petition) [Local approval received];  
Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-  
Resolutions (filed by Ms. Chandler and Messrs. McGee and Tarr) "A resolution relative to driver's license suspensions for drug offenses";  
Resolutions (filed by Mr. Humason) "commending the Holyoke Rotary Club, Inc. on its one hundredth anniversary";  
Resolutions (filed by Mr. Ross) "congratulating Treuvor A. Holowinsky of the city known as the town of North Attleborough on his elevation to the rank of Eagle Scout";  
Resolutions (filed by Mr. Ross) "congratulating Christopher J. Walnut of the city known as the town of North Attleborough on his elevation to the rank of Eagle Scout";  
Resolutions (filed by Mr. Rush) "commending Michael Lyons on the occasion of his retirement from the Board of Selectmen in the town of Norwood"; and  
Resolutions (filed by Messrs. Tarr and Brady, Ms. L'Italien, Messrs. McGee and Joyce, Ms. Lovely, Mr. Timilty, Ms. Gobi, Ms. Donoghue, Mr. Lesser, Ms. O'Connor Ives, Ms. Chandler and Messrs. Eldridge and Fattman) "commending Roberta 'Bobbi' Gibb on the fiftieth anniversary of her achievement as the first woman to run the Boston Marathon."

### **PAPERS FROM THE HOUSE**

#### *Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Jesse B. Walker, an employee of the Trial Court (see Senate, No. 2129, 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 2 to 0. The bill was signed by the Acting President (Ms. L'Italien) and sent to the House for enactment.**

A Bill making appropriations for the fiscal year 2016 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4116, amended,-- on House, No. 4009),-- **was read. There being no objection, the rules were suspended, on motion of Mr. Brownsberger, and the bill was read a second time. Pending the question on ordering the bill to a third reading, Ms. Spilka presented an amendment that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of S2193.**

#### *Order Adopted.*

Ms. Spilka offered the following order, to wit:

*Ordered,* That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill making appropriations for the fiscal year 2016 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4116, amended) (Senator Spilka 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 2193) shall be placed in the Orders of the Day for a second reading today.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 1:00 P.M., today. All such amendments shall be second-reading amendments to the pending new text (Senate, No. 2193), 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 Rules.**

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

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

**The further consideration of the bill was temporarily laid aside.**

#### *Communications.*

The Clerk read the following communications:

THE COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE

March 17, 2016

William Welch, Clerk  
Massachusetts State Senate  
State House, Room 334  
Boston, MA 02133

Dear Mr. Clerk:

Due to illness, I was absent from the Chamber on Thursday, March 10, 2016, Had I been present, I would have voted in the affirmative on the following roll calls:

Amendment 2 to Senate Bill, No. 2156, Roll Call 251  
Amendment 9 to Senate Bill, No. 2156, Roll Call 252  
Senate Bill No. 2138, Roll Call 253  
House Bill No. 4056, Roll Call 254

And had I been present, I would have voted in the negative on the following roll calls:

Amendment 2 to Senate Bill, No. 2153, Roll Call 250

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official records for the next session. Thank you in advance for your attention to this important matter.

*Sincerely,*  
BRIAN A. JOYCE

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

THE COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE

March 24, 2016

Senate President Stanley C. Rosenberg  
State House, Suite 332  
Boston, MA 02133

Dear President Rosenberg:

I am writing to inform you that I will be on military duty with the U.S. Navy in the Middle East for the period of March 25th, 2016 to April 11th, 2016. Therefore, I will not be present for the formal sessions that are, or may be, scheduled during this time. My Chief of Staff, John Regan, will assume my duties for the aforementioned time frame, apart from casting a formal vote on legislative matters.

*Sincerely,*  
MICHAEL F. RUSH  
*State Senator*  
*Norfolk & Suffolk District*

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

**PAPER FROM THE HOUSE.**

The House Bill authorizing the town of Maynard to grant 6 additional licenses for the sale of all alcoholic beverages to be drunk on the premises and 1 additional license for the sale of wines and malt beverages not to be drunk on the premises (House, No. 3371, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment with a further amendment striking out subsection (c) (as inserted by amendment by the House, changed by the Senate committee on Bills in the Third Reading and amended by the Senate) and inserting in place thereof the following subsection:-

“(c) The licensing authority of the town of Maynard shall not approve the transfer of a license granted pursuant to this act to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the

license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.”.  
**The rules were suspended, on motion of Mr. Ross, and the further House amendment was adopted, in concurrence (as corrected BTR).**

*Reports of Committees.*

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Robert Fothergill, an employee of the Massachusetts Trial Court (House, No. 4006),-- **ought to pass.**

**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, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act establishing a sick leave bank for Robert Fothergill, an employee of the Trial Court”.**

The following report was laid before the Senate, the time within which the said committee was required to report having expired:---

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 208) of James T. Welch for legislation to include online courses in mandatory continuing education for electricians.

**There being no objection, the rules were suspended, on motion of Mr. Ross, and the matter was considered forthwith. On further motion of the same Senator, the bill was substituted for the report of the committee. The bill (Senate, No. 208) was read and, under Senate Rule 27 referred to the committee on Ways and Means.**

The following report was laid before the Senate, the time within which the said committee was required to report having expired:---

Of the committee on Education, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 326) of Marc R. Pacheco, Frank I. Smizik, Denise Provost, Ann-Margaret Ferrante and other members of the General Court for legislation to establish a moratorium for charter schools.

**There being no objection, the rules were suspended, on motion of Mr. Ross, and the matter was considered forthwith. On further motion of the same Senator, the bill was substituted for the report of the committee. The bill (Senate, No. 326) was read and, under Senate Rule 27 referred to the committee on Ways and Means.**

The following report was laid before the Senate, the time within which the said committee was required to report having expired:---

Of the committee on Education, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 327) of Anthony W. Petrucci and Michael J. Rodrigues for legislation to further narrow the achievement gap.

There being no objection, the rules were suspended, on motion of Mr. Ross, and the matter was considered forthwith.

On further motion of the same Senator, the bill was substituted for the report of the committee.

**The bill (Senate, No., 327) was read and, under Senate Rule 27 referred to the committee on Ways and Means. Ms. Spilka, for the committee on Ways and Means, that the Senate Bill to further define standards of employee safety (Senate, No. 999),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2190).**

*Order Adopted.*

Ms. Spilka offered the following order, to wit:

*Ordered*, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to further define standards of employee safety (Senate, No. 999) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2190) shall be placed in the Orders of the Day for a second reading on Thursday, March 31, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, March 28, 2016. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2190), 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 Rules.**

**Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted. The rules were suspended, on motion of Mr. Ross, and the order was considered forthwith and adopted.**

**The bill will be placed in the Orders of the Day for Thursday, March 31, for a second reading with the amendment pending.**

*Report of a Committee.*

Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing the MassMade Program (Senate, No. 2135),- **ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2191).**

*Order Adopted.*

Ms. Spilka offered the following order, to wit:

*Ordered,* That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill establishing the MassMade Program (Senate, No. 2135) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2191) shall be placed in the Orders of the Day for a second reading on Thursday, March 31, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, March 28, 2016. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2191), 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 Rules.**

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

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

**The bill will be placed in the Orders of the Day for Thursday, March 31, for a second reading with the amendment pending.**

*Report of a Committee.*

Ms. Spilka, for the committee on Ways and Means, that the House Bill relative to survivors pension benefits and qualified domestic relations orders (House, No. 3971),-- **ought to pass.**

*Order Adopted.*

Ms. Spilka offered the following order, to wit:

*Ordered,* That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill relative to survivors pension benefits and qualified domestic relations orders (House, No. 3971) shall be placed in the Orders of the Day for a second reading on Thursday, March 31, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, March 28, 2016. All such amendments shall be second-reading amendments to House, No. 3971, 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 Rules.**

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

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

**The bill will be placed in the Orders of the Day for Thursday, March 31, for a second reading.**

*Report of a Committee.*

Ms. Spilka, for the committee on Ways and Means, that the House Bill relative to home improvement contractor registration (House, No. 4022),-- ought to pass with an amendment by striking out, in line 20, the words "July 1, 2016" and inserting in place thereof the following words:- October 1, 2016.

*Order Adopted.*

Ms. Spilka offered the following order, to wit:

*Ordered*, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill relative to home improvement contractor registration (House, No. 4022) (the committee on Ways and Means having recommended that the bill ought to pass, with an amendment) shall be placed in the Orders of the Day for a second reading on Thursday, March 31, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, March 28, 2016. All such amendments shall be second-reading amendments to the House, No. 4022, 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 Rules.**

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

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

**The bill will be placed in the Orders of the Day for Thursday, March 31, for a second reading with the amendment pending.**

#### **PAPERS FROM THE HOUSE.**

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4121) of Diana DiZoglio and others for legislation to establish a pulmonary hypertension task force;

**Under suspension of Joint Rule 12, to the committee on Public Health.**

Joint petition (accompanied by bill, House, No. 4122) of William Smitty Pignatelli and Benjamin B. Downing for legislation to establish a sick leave bank for Shannon Wilkins, an employee of the Massachusetts Department of Transportation;

Petition (accompanied by bill, House, No. 4123) David K. Muradian, Jr., Ryan C. Fattman and Michael O. Moore for legislation to establish a sick leave bank for Leanna Babineau, an employee of the Department of Developmental Services; and

Petition (accompanied by bill, House, No. 4124) Aaron Vega and Donald F. Humason, Jr., relative to establishing a sick leave bank for Miranda Marie Flanagan, an employee of the Massachusetts Department of Transportation;

**Severally, under suspension of Joint Rule 12, to the committee on Public Service.**

#### *Matters Taken Out of the Notice Section of the Calendar.*

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows:

The House Bill relative to the street closure permitting process in the city of Boston (House, No. 3729),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the city known as the town of Watertown to grant 15 additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 3975) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Brownsberger moved that the bill be amended by striking out section 2 and inserting in place thereof the following section:-

“SECTION 2. (a) Once a license is granted pursuant to this act, the licensing authority shall not approve the transfer of the license to any other location or area, but it may grant the license to a new applicant under the same conditions as specified in this act if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid. No license granted hereunder may be sold or otherwise transferred for financial consideration. (b) If a license granted pursuant to this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant under the same conditions specified in this act.”

The amendment was **adopted**.

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.**

**Sent to the House for concurrence in the amendment.**

#### **PAPER FROM THE HOUSE**

*Committee of Conference Report.*

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate further amendment to the Senate Bill relative to motor vehicle license suspension (Senate, No. 2021, amended),-- reports recommending that the House recede from its non-concurrence with the Senate in its further amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2094) and concur therein with a still further amendment by striking all after the enacting clause and inserting in place thereof the text of House document numbered 4088; and that the Senate concur in the still further amendment, -- **came from the House, and was read.**  
**The rules were suspended, on motion of Mr. Ross, the report was accepted, in concurrence.**

*Orders of the Day.*

The Orders of the Day were considered as follows:

*Bills*

Providing for recall elections in the town of Shirley (House, No. 3784) and  
Authorizing the city of Northampton to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4042);  
**Were severally read a second time and ordered to a third reading.**

*Recess.*

There being no objection, at twenty-seven minutes past eleven o'clock A.M., the Chair (Ms. L'Italien) declared a recess subject to the call of the Chair; and, at six minutes before one o'clock P.M., the Senate reassembled, Mr. Rodrigues in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

**PAPER FROM THE HOUSE**  
*Emergency Preamble Adopted.*

An engrossed Bill relative to motor vehicle license suspension (see Senate, No. 2021, 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 2 to 0.**  
**The bill was signed by the Acting President (Mr. Rodrigues) and sent to the House for enactment.**

*Recess.*

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

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The Senate Bill relative to unsolicited loans (Senate, No. 175),-- **was read a second time.**

Ms. Creem in the Chair, after remarks and pending the question on ordering the bill to a third reading, Ms. Forry moved that the bill be amended by striking out proposed section 2 of proposed chapter 140F of the General Laws and inserting in place thereof the following section:-

“Section 2. No person or entity shall issue an unsolicited loan instrument; provided, however, that this section shall not prohibit a financial institution from advancing money or credit in accordance with the law and pursuant to a customer relationship, as defined in the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6809 (11), or a valid mortgage or loan agreement.”;

By adding in said proposed chapter 140F the following section:-

“Section 8. If a an unsolicited loan instrument is negotiated, the obligor shall have the right to rescind the contract within 10 days of the date that a negotiable instrument is cashed by notifying the financial institution or lender and returning the entire amount of the loan pursuant to the negotiable instrument.”; and

By adding the following section:-

“SECTION 2. Chapter 266 of the General Laws is hereby amended by inserting after section 33A the following section:-  
Section 33B. Whoever converts into cash or equivalent value an unsolicited loan instrument, as defined in section 1 of chapter 140F, with intent to defraud shall be punished by imprisonment in a house of correction for not more than 2 ½ years or by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$25,000, or by both such fine and imprisonment.”.

After remarks, the President in the Chair, the amendment was adopted.

Mr. Keenan moved to amend the bill by inserting after the word "loan" in line 13 the words:- "or to open any line of credit".

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

Mr. Keenan moved to amend the bill by inserting after the word “chapter” in line 28 the following words:- “, which shall include but not be limited to sending notice to the Attorney General upon discovery of any violation of this chapter.”

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

**The bill (Senate, No. 175, amended) was then ordered to a third reading and read a third time.**

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at seventeen minutes before two o'clock P.M., on motion of Ms. Spilka, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 255**]:

**YEAS.**

Barrett, Michael J.	Keenan, John F.
Brady, Michael D.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.
Gobi, Anne M.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. — <b>37</b> .
Joyce, Brian A.	

**NAYS – 0.**

**The yeas and nays having been completed at fourteen minutes before two o'clock P.M., the bill was passed to be engrossed [For bill, printed as amended, see Senate, No. 2194]. Sent to the House for concurrence.**

The Senate Bill expanding the community college workforce training incentive program (Senate, No. 657),-- **was read a second time.**

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means substituting a new draft with the same title (Senate, No. 2183), and pending the main question on ordering the bill to a third reading, Mr. Tarr moved that the proposed new draft be amended by adding the following section:-

“SECTION 4. The department of higher education, in conjunction with the executive office of labor and workforce development, shall conduct a feasibility study to expand the rapid response incentive program and explore additional methods to incentivize employers to participate in the rapid response incentive program, including, but not limited to, providing tax credits to participating employers.

The department of higher education shall file its findings and recommendations with the clerks of the senate and house of representatives, the joint committee on higher education, the joint committee on labor and workforce development and the house and senate committees on ways and means not later than October 1, 2016.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at seven minutes before two o'clock P.M., on motion of Ms. Tarr, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 256**]:

**YEAS.**

Barrett, Michael J.	Keenan, John F.
Brady, Michael D.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.

Flanagan, Jennifer L.

Spilka, Karen E.

Forry, Linda Dorcena

Tarr, Bruce E.

Gobi, Anne M.

Timilty, James E.

Humason, Donald F., Jr.

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – 37.

Joyce, Brian A.

**NAYS – 0.**

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

**The Ways and Means amendment, as amended, was then adopted.**

**The bill (Senate, No. 2183, amended) was then ordered to a third reading and read a third time.**

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at two o'clock P.M., on motion of Ms. Donoghue, as follows, to wit (*yeas 37 – nays 0*) [**Yeas and Nays No. 257**]:

**YEAS.**

Barrett, Michael J.

Keenan, John F.

Brady, Michael D.

Lesser, Eric P.

Brownsberger, William N.

Lewis, Jason M.

Chandler, Harriette L.

L'Italien, Barbara A.

Chang-Diaz, Sonia

Lovely, Joan B.

Creem, Cynthia Stone

McGee, Thomas M.

deMacedo, Viriato M.

Montigny, Mark C.

DiDomenico, Sal N.

Moore, Michael O.

Donnelly, Kenneth J.

O'Connor Ives, Kathleen

Donoghue, Eileen M.

Pacheco, Marc R.

Downing, Benjamin B.

Rodrigues, Michael J.

Eldridge, James B.

Ross, Richard J.

Fattman, Ryan C.

Rush, Michael F.

Flanagan, Jennifer L.

Spilka, Karen E.

Forry, Linda Dorcena

Tarr, Bruce E.

Gobi, Anne M.

Timilty, James E.

Humason, Donald F., Jr.

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – 37.

Joyce, Brian A.

**NAYS – 0.**

**The yeas and nays having been completed at three minutes past two o'clock, P.M. the bill was passed to be engrossed. Sent to the House for concurrence.**

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There being no objection, during consideration of the Orders of the Day the following matters were considered, as follows:

Mr. Tarr moved to temporary allow news media into the Chamber and this motion prevailed.

*Reconsideration.*

Mr. Tarr moved that the Senate reconsider the vote by which it had previously adopted Resolutions “commending Roberta ‘Bobbi’ Gibb on the fiftieth anniversary of her achievement as the first woman to run the Boston Marathon”; and, there being no objection, the motion prevailed.

The President requested that Mr. Tarr come to the Rostrum for the purposes reading the Resolutions “commending Roberta ‘Bobbi’ Gibb on the fiftieth anniversary of her achievement as the first woman to run the Boston Marathon” (Senate, No. 2197), as follows:

WHEREAS, ROBERTA “BOBBI” GIBB HAS BEEN NAMED THE 2016 GRAND MARSHAL OF THE BOSTON MARATHON AND IS BEING HONORED ON THE FIFTIETH ANNIVERSARY OF HER FIRST BOSTON MARATHON RUN AND FOR HER ACHIEVEMENT AS THE FIRST WOMAN TO RUN THE BOSTON MARATHON; AND

WHEREAS, BOBBI GIBB MADE HISTORY IN 1966 BY BECOMING THE FIRST WOMAN TO COMPLETE THE BOSTON MARATHON, CROSSING THE FINISH LINE IN 3 HOURS, 21 MINUTES AND 40 SECONDS; AND WHEREAS, BOBBI GIBB TRAINED FOR 2 YEARS TO COMPETE IN THE BOSTON MARATHON ONLY TO BE TOLD AFTER SUBMITTING AN APPLICATION TO RUN IN 1966 THAT WOMEN WERE NOT PERMITTED IN THE RACE UNDER RULES SET BY THE AMATEUR ATHLETIC UNION WHICH BARRED WOMEN FROM PARTICIPATING IN COMPETITIVE RACES LONGER THAN 1 AND 1/2 MILES; AND

WHEREAS, BOBBI GIBB NEVERTHELESS TRAVELED TO THE COMMONWEALTH FROM CALIFORNIA, CONCEALED HER FACE AND HID NEAR THE STARTING PEN ON APRIL 19, 1966 IN ORDER TO RUN THE ENTIRE 26.2 MILES OF THE BOSTON MARATHON AND FINISHED AHEAD OF 2/3 OF THE 415 OFFICIAL STARTERS; AND

WHEREAS, BOBBI GIBB’S IDENTITY WAS NOT KEPT SECRET FOR LONG AS NEWS OF HER HISTORIC RUN SPREAD AMONG THE CHEERING CROWD AND SHE WAS GREETED WITH CRIES OF SUPPORT AND MALE RUNNERS OFFERING TO SHIELD HER FROM THOSE WHO TRIED TO STOP HER FROM RUNNING, CULMINATING IN HER BEING MET AT THE FINISH LINE BY GOVERNOR JOHN VOLPE, WHO SHOOK HER HAND AND CONGRATULATED HER; AND

WHEREAS, BOBBI GIBB WAS THE TOP WOMEN'S FINISHER IN 1967 AND 1968 AS WELL AND WAS THE FIRST AMONG A NUMBER OF OTHER WOMEN TO COMPETE AS UNSANCTIONED RUNNERS TO CHANGE MISGUIDED GENDER STEREOTYPES, CULMINATING IN THE FIRST WOMEN'S DIVISION MARATHON OPENING IN 1972; AND

WHEREAS, BOBBI GIBB WENT ON TO BECOME A LAWYER, SCULPTOR, AUTHOR, NEUROSCIENCE LABORATORY ASSOCIATE AND MOTHER AND ON APRIL 18, 2016 WILL BE HONORED AS THE 2016 GRAND MARSHAL OF THE BOSTON MARATHON; NOW THEREFORE BE IT

RESOLVED, THAT THE MASSACHUSETTS SENATE HEREBY COMMENDS ROBERTA "BOBBI" GIBB ON THE FIFTIETH ANNIVERSARY OF HER ACHIEVEMENT AS THE FIRST WOMAN TO COMPLETE THE BOSTON MARATHON AND FURTHER EXTENDS ITS SINCERE BEST WISHES FOR CONTINUED SUCCESS IN ALL HER FUTURE ENDEAVORS; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THESE RESOLUTIONS BE TRANSMITTED FORTHWITH BY THE CLERK OF THE SENATE TO ROBERTA "BOBBI" GIBB.

After remarks, the question on adoption of the resolutions was determined by a call of the yeas and nays at fourteen minutes past two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 38 – nays 0*) [**Yeas and Nays No. 258**]:

**YEAS.**

Barrett, Michael J.	Keenan, John F.
Brady, Michael D.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Rosenberg, Stanley C.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.

Gobi, Anne M.

Tarr, Bruce E.

Humason, Donald F., Jr.

Timilty, James E.

Jehlen, Patricia D.

Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. – 38.

**NAYS – 0.**

**The yeas and nays having been completed at sixteen minutes past two o'clock, P.M. the resolutions were adopted.**

*Resolutions.*

The President requested that Ms. Chandler and Mr. Tarr come to the Rostrum for the purposes reading the Resolutions “congratulating Senator Marc R. Pacheco on being conferred the Grand Decoration of Honour in Gold with Star for services to the Republic of Austria” (Senate, No. 2198), as follows:

WHEREAS, THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA, DOCTOR HEINZ FISCHER, HAS CONFERRED THE GRAND DECORATION OF HONOUR IN GOLD WITH STAR FOR SERVICES TO THE REPUBLIC OF AUSTRIA ON SENATE PRESIDENT PRO TEMPORE, MARC R. PACHECO; AND

WHEREAS, FEDERAL PRESIDENT DOCTOR HEINZ FISCHER APPLIES A STRICT STANDARD IN SUGGESTING CANDIDATES FOR THE GRAND DECORATION OF HONOUR DISTINCTION IN ORDER TO RESPECT THE INTENTIONS OF THE LEGISLATORS AND THE DISTINCTION IS ONLY CONFERRED UPON PERSONS HAVING ACTED IN SUCH A WAY AS TO PROVIDE OUTSTANDING PUBLIC BENEFIT AND/OR EXCELLENT SERVICES TO THE REPUBLIC OF AUSTRIA; AND

WHEREAS, SENATOR MARC R. PACHECO HAS FOSTERED PARTNERSHIP AND COLLABORATION BETWEEN THE COMMONWEALTH AND THE REPUBLIC OF AUSTRIA ON MANY FRONTS, INCLUDING CLIMATE CHANGE AWARENESS, SUSTAINABILITY INITIATIVES, NEW TECHNOLOGIES AND YOUTH ENGAGEMENT, AND IS A MOST DESERVING RECIPIENT OF THE GRAND DECORATION OF HONOUR DISTINCTION ; AND

WHEREAS, THE GRAND DECORATION OF HONOUR IN GOLD WITH STAR FOR SERVICES TO THE REPUBLIC OF AUSTRIA IS THE FOURTH HIGHEST DECORATION OF MERIT THAT THE REPUBLIC OF AUSTRIA CAN CONFER ON THE FEDERAL LEVEL; NOW THEREFORE BE IT

RESOLVED, THAT THE MASSACHUSETTS SENATE HEREBY CONGRATULATES SENATOR MARC R. PACHECO ON BEING CONFERRED THE GRAND DECORATION OF HONOUR IN GOLD WITH STAR FOR SERVICES TO THE REPUBLIC OF AUSTRIA; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THESE RESOLUTIONS BE TRANSMITTED FORTHWITH BY THE CLERK OF THE SENATE TO SENATOR MARC R. PACHECO.

After remarks, the question on adoption of the resolutions was determined by a call of the yeas and nays at twenty-six minutes past two o'clock P.M., on motion of Ms. Chandler, as follows, to wit (*yeas 37 – nays 0*) [**Yeas and Nays No. 259**]:

**YEAS.**

Barrett, Michael J.

Keenan, John F.

Brady, Michael D.

Lesser, Eric P.

Brownsberger, William N.

Lewis, Jason M.

Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.
Gobi, Anne M.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 37.
Joyce, Brian A.	

**NAYS – 0.**

**ANSWERED “PRESENT”.**

Pacheco, Marc R. (*present*) – 1.

**The yeas and nays having been completed at twenty-nine minutes past two o'clock, P.M., the resolutions were adopted.**

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*Orders of the Day.*

The Orders of the Day were further considered as follows:

The Senate Bill relative to uniform financial aid information (Senate, No. 661),-- **was read a second time.**  
After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and

Means substituting a new draft with the same title (Senate, No. 2184), and pending the main question on ordering the bill to a third reading, Mr. Lesser moved that the proposed new draft be amended in subsection (b) of section 1, by adding the following sentence:- “An institution of higher education may also provide a mobile version of the uniform financial aid information shopping sheet’s electronic version.”.

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

Ms. Spilka moved that the proposed new draft be amended by striking out, in line 30, the figure “2017-2018” and inserting in place thereof the following figure:- “2018-2019”.

The amendment was **adopted**.

**The Ways and Means amendment was then adopted, as amended.**

**The bill (Senate, No. 2184, amended) was then ordered to a third reading and read a third time.**

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at eighteen minutes before three o’clock P.M., on motion of Ms. Donoghue, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 260**]:

#### YEAS.

Barrett, Michael J.	Joyce, Brian A.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L’Italien, Barbara A.
Creem, Cynthia Stone	Lovely, Joan B.
deMacedo, Viriato M.	McGee, Thomas M.
DiDomenico, Sal N.	Montigny, Mark C.
Donnelly, Kenneth J.	Moore, Michael O.
Donoghue, Eileen M.	O’Connor Ives, Kathleen
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.
Gobi, Anne M.	Timilty, James E.

Humason, Donald F., Jr.

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – 36.

**NAYS – 0.**

**ANSWERED “PRESENT”.**

Pacheco, Marc R. (*present*) – 1.

**The yeas and nays having been completed at sixteen minutes before three o'clock P.M., the bill was passed to be engrossed [For bill, printed as amended, see Senate, No. 2195].  
Sent to the House for concurrence.**

**PAPERS FROM THE HOUSE**

*Engrossed Bills.*

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Jesse B. Walker, an employee of the Trial Court (see Senate, No. 2129, amended);  
Designating a certain basketball court in the city of Boston as the Richard "Jazz" Maffie memorial basketball court (see House, No. 2760); and  
Further regulating the appointment and removal of certain personnel in Dartmouth Fire District Number Two (see House, No. 3875).

An engrossed Bill relative to motor vehicle license suspension (see Senate, No. 2021, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage. After remarks, the question on passing it to be enacted was determined by a call of the yeas and nays, at eight minutes before three o'clock P.M., on motion of Ms. Chandler, as follows, to wit (*yeas 38 - nays 0*) [**Yeas and Nays No. 261**]:

**YEAS.**

Barrett, Michael J.

Keenan, John F.

Brady, Michael D.

Lesser, Eric P.

Brownsberger, William N.

Lewis, Jason M.

Chandler, Harriette L.

L'Italien, Barbara A.

Chang-Diaz, Sonia

Lovely, Joan B.

Creem, Cynthia Stone

McGee, Thomas M.

deMacedo, Viriato M.

Montigny, Mark C.

DiDomenico, Sal N.

Moore, Michael O.

Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Rosenberg, Stanley C.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. – 38.

#### NAYS – 0.

The yeas and nays having been completed at five minutes before three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

#### UNFINISHED BUSINESS

The Senate then returned to a matter temporarily laid aside:

The House Bill making appropriations for the fiscal year 2016 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4116, amended),-- **was considered, the main question being on ordering the bill to a third reading.**

After remarks and pending the question on adoption of the amendment previously recommended by Ms. Spilka (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2193), and pending the main question on ordering the bill to a third reading, Ms. Donoghue moved that the proposed new text be amended by inserting at the end thereof the following new section:-

“SECTION XX. Section 15 of chapter 185 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word ‘wit’ and inserting in place thereof the following word:- ‘writ’”

The amendment was *rejected*.

Ms. L'Italien and Ms. Jehlen moved that the proposed new text be amended by adding the following section:-

“SECTION XX: Item 9110-1630 of said section 2 of chapter 46 of the acts of 2015 is hereby amended by adding the following words:- ; provided further, that the executive office of elder affairs shall report, not later than January 1, 2017, to the house and senate committees on ways and means on: (i) enrollment data and any other information relevant to caseload forecasting for items 9110-1630 and 9110-1500 at current levels; (ii) projected utilization of services provided by said items 9110-1630 and 9110-1500 with eligibility expanded to include the individuals whose income does not exceed 275 per cent of the federal poverty level and with eligibility expanded to include the individuals whose income does not exceed 300 per cent of the federal poverty level; (iii) the projected fiscal impact of expanding eligibility to include the individuals whose income does not exceed 275 per cent of the federal poverty level and the individuals whose income does not exceed 300 per cent of the federal poverty level; (iv)

program design considerations regarding the application of cost-sharing revenues to best support individuals in an expansion population of up to 300 per cent of the federal poverty level. provided further that the executive office of health and human services shall file a state plan amendment for section 1915(i) of the federal Social Security Act to maximize the opportunity for federal financial participation for any future expansion of eligibility for individuals whose incomes exceed current limits.” 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 Ms. L’Italien, as follows, to wit (*yeas 37 – nays 0*) **[Yeas and Nays No. 262]**:

**YEAS.**

Barrett, Michael J.	Keenan, John F.
Brady, Michael D.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L’Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O’Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.
Gobi, Anne M.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 37.
Joyce, Brian A.	

**NAYS – 0.**

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

Ms. L'Italien moved that the proposed new text be amended by adding at the end of thereof the following new sections:-  
“SECTION XX. Section 29 of Chapter 15C of the General Laws, as inserted by Section 2 of Chapter 226 of the Acts of 2014, is hereby amended by the following 2 subsections:

(i) It is the intention of the general court that the achieving a better life experience program shall qualify as a ‘qualified ABLE program’ as defined in Section 529A of the federal Internal Revenue Code, as amended. Any provision of this chapter determined by the authority to be in conflict with any requirement of the federal Internal Revenue Code, as amended, as applicable to a qualified ABLE program shall be superseded by the requirements of such applicable provision to the extent necessary to assure that the program meets requirements for tax-advantaged status under said Section 529A or any successor provision thereto, as reflected in regulations promulgated by the authority or in any agreements with the authority applicable to the achieving a better life experience program.

(j) Any requirement of this section determined to be more restrictive than or duplicative of the requirements of said Section 529A of the federal Internal Revenue Code, as amended, including without limitation the definition of an individual with a disability, the definition of qualified disability expenses and the requirements for a disability verification, may be modified by the authority by regulation or in any agreements with the authority applicable to the achieving a better life experience program.

SECTION XXX. The requirements of subsection (b) of section 33 of chapter 226 of the acts of 2014 are deemed satisfied by Section 103 of the federal Achieving a Better Life Experience Act of 2014, and sections 2 and 21 of chapter 226 of the acts of 2014 are hereby declared effective.

After remarks, the amendment was *rejected*.

Messrs. Lewis, Welch, Keenan and McGee moved that the proposed new text be amended by adding the following section:-

“SECTION 23. Notwithstanding any general or special law to the contrary, for fiscal year 2016, the health safety net office shall maintain eligibility criteria for the health safety net at the level in effect as of March 1, 2016. For fiscal year 2016, the health safety net office shall continue to provide services to persons whose income is below: (i) 400 per cent of the federal poverty level and who are otherwise eligible for reimbursement and who shall continue to be reimbursable pursuant to this section; and (ii) 200 per cent of the federal poverty level and who are otherwise eligible for reimbursement and who shall continue to be reimbursable pursuant to this section without any cost sharing burden to the patient. A hospital or community health center providing a service otherwise eligible for reimbursement by the health safety net shall be reimbursed if the service is provided up to 6 months before the date on which the application for reimbursement is submitted to the health safety net office.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-one minutes past three o'clock P.M., on motion of Mr. Lewis, as follows, to wit (*yeas 37 – nays 0*) **[Yeas and Nays No. 263]:**

**YEAS.**

Barrett, Michael J.

Keenan, John F.

Brady, Michael D.

Lesser, Eric P.

Brownsberger, William N.

Lewis, Jason M.

Chandler, Harriette L.

L'Italien, Barbara A.

Chang-Diaz, Sonia

Lovely, Joan B.

Creem, Cynthia Stone

McGee, Thomas M.

deMacedo, Viriato M.

Montigny, Mark C.

DiDomenico, Sal N.

Moore, Michael O.

Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.
Gobi, Anne M.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 37.
Joyce, Brian A.	

**NAYS – 0.**

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

Ms. Chang-Diaz, Messrs. McGee and DiDomenico, Ms. Jehlen and Mr. Lewis moved that the proposed new text be amended by adding the following section:-

“SECTION 23. There shall be an interagency task force to make recommendations on the commonwealth’s ability to most accurately and efficiently count low-income students in public school districts, hereinafter called the task force. The task force shall develop recommendations on topics including, but not limited to: (i) accounting for low-income students who are not present in commonwealth databases serving low-income populations, such as the Supplemental Nutrition Assistance Program, or SNAP, and transitional assistance for families with dependent Children, or TAFDC; (ii) overcoming existing obstacles and improving the ability of the commonwealth’s data systems to successfully identify matches between school enrollment rosters and enrollment in the SNAP, TAFDC, the department of children and families' foster care program and the office of Medicaid and (iii) ensuring that there is no loss of federal Title I and other funds from school districts due to undercounting of low-income students.

The task force shall include 1 designee from each of the following: the Massachusetts office of information technology; the department of elementary and secondary education; the department of transitional assistance; the office of Medicaid; the executive office of health and human services; the Massachusetts Association of School Superintendents; the Massachusetts Law Reform Institute; Project Bread; Health Care for All; and the Massachusetts Budget and Policy Center. The designees from the department of elementary and secondary education and the Massachusetts Association of School Superintendents shall serve as co-chairs.

The task force shall:

- (i) identify best practices in the counting of low-income student populations in other states, including an assessing whether using probabilistic matching algorithms would improve direct certification rates in the commonwealth and an assessing whether there are other changes to the matching algorithm that would improve direct certification rates in the commonwealth;
- (ii) identify all relevant data fields currently collected within each of the relevant databases in the commonwealth, and determining additional data needed in each of the databases that would improve the ability of the systems to generate successful direct certification matches including, but not limited to, expanded use of the State Assigned Student Identifier and additional name fields and recommendations for implementing any necessary changes to data fields included in the databases;
- (iii) determine necessary steps to allow the commonwealth to identify partial matches with the Medicaid database and to implement those changes;

- (iv) recommend methods to ensure that direct certification includes all relevant commonwealth programs;
- (v) recommend methods to ensure the commonwealth is able to accurately identify students eligible for free meals and students with incomes up to 185 per cent of the federal poverty level; and
- (vi) analyze the format in which data are received and reviewed by schools and school districts and the procedures used by schools and school districts to review the data, in order to determine whether there are ways to simplify procedures for direct certification and the resolution of partial matches at the local level.

The task force shall file its recommendations with the clerks of the senate and house of representatives, the senate and house chairs of the joint committee on education and the house and senate committees on ways and means not later than August 31, 2016.”

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

Mr. Humason moved that the proposed new text be amended by inserting, in section 2, the following new item:-  
 “7115-0100 ..... 1,400,000.00”

The amendment was *rejected*.

**The pending amendment (Spilka) was then adopted, as amended.**

**The bill, as amended was then ordered to a third reading and read a third time.**

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at twenty-seven minutes before four o'clock P.M., on motion of Ms. Spilka, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 264**]:

**YEAS.**

Barrett, Michael J.	Keenan, John F.
Brady, Michael D.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.

Gobi, Anne M.

Timilty, James E.

Humason, Donald F., Jr.

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – 37.

Joyce, Brian A.

**NAYS – 0.**

**The yeas and nays having been completed at twenty-five minutes before four o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment [For text of Senate amendment, printed as amended, see Senate, No. 2196].**

**Sent to the House for concurrence in the amendment.**

*Moment of Silence.*

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of Paul Doherty of Longmeadow.

*Order Adopted.*

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again Monday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

*Adjourn In Memory of Paul Doherty of Longmeadow.*

The Senator from Hampden and Hampshire, Mr. Lesser, moved that when the Senate adjourns today, it adjourn in memory of Paul Doherty of Longmeadow.

Paul Doherty was a proud husband, father, uncle and grandfather along with his wife Dianne, and a committed and energetic supporter of civic life in Springfield and throughout Western Massachusetts.

Born in Springfield, Paul grew up in Longmeadow and graduated from Deerfield Academy, Bowdoin College, and Harvard Law School. He was the co-founder, along with his father, of the Springfield law firm Doherty, Wallace, Pillsbury, and Murphy where he spent more than 50 years as a corporate, tax, and estate planning lawyer.

Paul was an accomplished professional athlete, a skilled tennis, squash, and hockey player and an avid skier.

Paul was famous for asking questions that helped people think more deeply about their hopes and goals, and he listened to all with a generous heart. Clients, friends, and family sought his support and carefully reasoned advice, which was often salted with his beloved gentle wit. He was a former adjunct faculty member at Western New England University Law School, and a mentor, teacher and advisor to many students, young lawyers and community members.

Paul's passion for serving the community included years of voluntary service for which he received many awards for his numerous activities carried out in support of Springfield and the Greater Pioneer Valley, including the William Pynchon, the area's oldest community service recognition award. He served on many non-profit and corporate boards, including Westmass Area Development Corporation, ING Funds, Tambrands, Business Leaders for Education, and Roca.

Paul was a past chair of United Way, Springfield Chamber of Commerce, Springfield Boys Club, and Mass Ventures. Paul was also a Trustee of the UMass-Amherst Foundation and a early and lifetime supporter of both the Community Foundation of Western Mass and the Downey Side adoption agency.

He was a co-founder of Valley Gives a campaign to share the philanthropic generosity of western mass. He was also a former member of many Governor-appointed state boards including the Massachusetts Board of Regents of Higher Education, the Massachusetts Judicial Nominating Council, and the Automobile Liability Insurance Committee. More recently he was actively

involved in the Springfield Public School Teacher/Workforce Housing Initiative, helping to recruit outstanding public school teachers to Springfield.

Paul enjoyed both the complexity of world politics and the significance of community politics. He appreciated the simple things around him in life, often commenting how fortunate and blessed he was.

The Springfield Community is better because of Paul's selfless dedication, and he will be dearly missed by everyone who knew him.

Accordingly, as a mark of respect in memory of Paul Doherty, at twenty-four minutes before four o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.