

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, April 21, 2016.

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

Communications.

Communication from the Massachusetts Gaming Commission (pursuant to Section 9B of Chapter 128A of the General Laws) submitting proposed amendments to regulations 205 CMR 3.00: Harness Horse Racing and 205 CMR 4.00 Rules of Horse Racing (Senate, No. 2237) (received April 19, 2016),-- **was referred to the committee on Consumer Protection and Professional Licensure.**
Sent to the House for concurrence.

The following communications were severally received and placed on file, to wit:

Communication from the Department of Correction relative to a plan of correction in response to a facility inspections dated February 2, 3 and 4, 2016 (received April 19, 2016);

Communication from the Department of Correction relative to a plan of correction in response to a facility inspection conducted March 21, 2016 (received April 19, 2016); and

Communication from the Office of the Comptroller (pursuant to Chapter 29, Section 6B of the M.G.L.) submitting the reports detailing the status of federal grants received and expended in the first quarter and second quarters of fiscal year 2016 (received April 19, 2016).

Report.

Report of the Pioneer Valley Transit Authority (pursuant to Section 8 of Chapter 161B of the General Laws) submitting its annual report for the fiscal year 2015.(received April 12, 2016),-- was placed on file.

Reports of Committees.

By Mr. Eldridge, for the committee on Financial Services, on petition (accompanied by bill, Senate, No. 502), a Bill relative to Lyme Disease treatment coverage (Senate, No. 2231);

Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on petition, a Bill modernizing procedures for boards and commissions (Senate, No. 1621);

Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on petition, a Bill authorizing the transfer of a parcel of land in the city of Taunton (Senate, No. 1701, changed in lines 10 and 11 by striking out "Chapter 7" and inserting in place thereof "Chapter 7C");

Read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.

By Mr. Eldridge, for the committee on Financial Services, on petition (accompanied by bill, Senate, No. 146), a Bill relative to family financial protection (Senate, No. 2230);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 536), a Bill relative to motor vehicle service contracts (Senate, No. 2232);

By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on petition, a Bill relative to equity in public contracting in honor of Bruce C. Bolling (Senate, No. 1617);

By the same Senator, for the same committee, on petition, a Bill relative to jobs, workforce development, and main street fairness (Senate, No. 1618);

By the same Senator, for the same committee, on petition, a Bill making technical corrections to the state trademarks act (Senate, No. 1619);

By the same Senator, for the same committee, on petition, a Bill relative to IT procurement and management in the Commonwealth (Senate, No. 1620);

By the same Senator, for the same committee, on petition, a Bill relative to nondiscrimination (Senate, No. 1623);

By the same Senator, for the same committee, on petition, a Bill upholding bidding integrity in the Commonwealth (Senate, No. 1627);

By the same Senator, for the same committee, on petition, a Bill promoting the use of total energy impact analysis (Senate, No. 1632); and

By the same Senator, for the same committee, on petition, a Bill providing for alternative delivery of infrastructure projects (Senate, No. 1722);

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

By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on petition, a Bill requiring the disclosure of public funding (Senate, No. 1664);

By the same Senator, for the same committee, on petition, a Bill relative to the environment and public health (Senate, No. 1699); and

By Mr. McGee, for the committee on Transportation, on the recommitted petition, a Bill designating a certain intersection in the town of Plainville as the Special Police Officer Michael O. Maher Memorial Intersection (Senate, No. 2165);

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

Committee Discharged.

Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Bill to establish a municipal record preservation commission (Senate, No. 1636); and

Of the Senate Bill establishing a special commission to identify opportunities to improve the efficiency and effectiveness of state agencies, programs, and services (Senate, No. 1675);

And recommending that the same severally be referred to the committee on Rules;

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

PAPERS FROM THE HOUSE

A joint petition (accompanied by bill, House, No. 4227) of Paul J. Donato and Patricia D. Jehlen (with the approval of the mayor and city council) relative to authorizing the election of a charter commission in the city of Medford,-- **was referred, in concurrence, to the committee on Election Laws.**

A Bill authorizing the town of Falmouth to convey certain land to the West Falmouth Library, Inc. (House, No. 3976,-- on petition) [Local approval received],-- was 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. Creem) "congratulating the third grade students of the Edward Devotion School in the town of Brookline on their participation in the thirty-second annual JFK Essay and Poetry Program";

Resolutions (filed by Mr. Donnelly) "commending the Regent Theatre in the town of Arlington on its one hundredth anniversary";

Resolutions (filed by Ms. Gobi) “commending the Monson Rotary Club on its seventy-fifth anniversary”;
Resolutions (filed by Ms. Spilka and Mr. Ross) “congratulating Spencer Pitman of the town of Natick on his elevation to the rank of Eagle Scout”; and
Resolutions (filed by Ms. Spilka and Mr. Ross) “congratulating Vincent Roberts of the town of Natick on his elevation to the rank of Eagle Scout.”

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders the Day and considered as follows:
The Senate Bill relative to the membership of Berkshire County Regional Housing Authority (Senate, No. 693) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill authorizing the town of Becket to establish a parks and recreation committee (Senate, No. 2085),-- **was read a third time.**

Ms. Creem, for the committee on Bills in the Third Reading, reported, recommending that the bill be amended by substituting a new draft with the same title (Senate, No. 2224).

The report was accepted.

The bill (Senate, No. 2224) was then passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill authorizing the town of Westport to indemnify the payment of certain medical expenses for a retired firefighter (Senate, No. 2086) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill authorizing the town of Sterling to grant certain nitrogen loading easements (House, No. 3244) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Report of a Committee.

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill designating Massachusetts State Parks Day (Senate, No. 1712).

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

Pending the question on ordering the bill to a third reading, Mr. Rush presented an amendment inserting before the enacting clause the following emergency preamble:-

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the designation of the first Wednesday in May as State Parks Day, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was **adopted.**

The bill (Senate, No. 1712, amended) was then ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act designating the first Wednesday in May as State Parks Day”.

Sent to the House for concurrence.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to self-storage insurance (Senate, No. 533),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2233).

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 relative to self-storage insurance (Senate, No. 533) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2233) shall be placed in the Orders of the Day for a second reading on Thursday, April 28, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, April 25, 2016. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2233), 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. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, April 28, for a second reading, with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill to protect youth from the health risks of tobacco and nicotine addiction (Senate, No. 2152) (also accompanied by Senate, No. 747 and House, No. 2434),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2234) [Estimated cost: \$380,000].**

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 protect youth from the health risks of tobacco and nicotine addiction (Senate, No. 2152) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2234) shall be placed in the Orders of the Day for a second reading on Thursday, April 28, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, April 25, 2016. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2234), 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. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, April 28, for a second reading, with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill regulating secondary metals dealings (House, No. 3806, amended) (also accompanied by Senate, No. 202),-- **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2235 [Estimated cost: \$250,000].**

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 regulating secondary metals dealings (House, No. 3806, amended) (the committee on Ways and Means having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2235) shall be placed in the Orders of the Day for a second reading on Thursday, April 28, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, April 25, 2016. All such amendments shall be second-reading amendments to the Senate Ways and Means new text (Senate, No. 2235), 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. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, April 28, for a second reading, with the amendment pending.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (all of which originated in the House), 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 Acting President (Mr. Brownsberger) and laid before the Governor for his approbation, to wit:

Designating the Massachusetts Hospital School as the Pappas Rehabilitation Hospital for Children (see House, No. 2739, amended);

Designating a certain traffic island in the town of Hingham as The Frank Massa Memorial Island (see House, No. 3808); and
Authorizing the town of Saugus to designate a check-off box on its tax bills for the Saugus Veterans Relief Fund (see House, No. 4031).

Moment of Silence.

At the request of the Chair (Mr. Brownsberger), the members, guests and staff stood in a moment of silence and reflection to the memory of Ross Alameddine.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on 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 Ross Alameddine

The Senator from Essex, Mr. McGee, moved that when the Senate adjourns today, it adjourn in memory of Ross Alameddine of Saugus.

Nine years ago, on April 16, 2007, Ross Alameddine of Saugus, and 31 others were tragically taken by gun violence on the campus of Virginia Tech University.

Ross was an English major with minors in French and business. He attended St. Mary's Grammar School in Melrose and was a 2005 graduate of Austin Preparatory School in Reading. Ross loved roller-blading, movies and music. He played piano and sang at the Coffee House at Austin Preparatory. Ross's fondness of language and voicing strong opinions made him an active participant in French and debate clubs at Austin Prep.

He is survived by his parents, Lynnette Alameddine of Saugus and Dr. Abdallah Alameddine and his sister Yvonne Alameddine.

Accordingly, as a mark of respect in memory of Ross Alameddine, at seventeen minutes past eleven o'clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.