

**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, May 12, 2016.

Met at six minutes past eleven o'clock A.M

The Senator from Essex and Middlesex, Mr. Tarr, then led the members, guests and staff in the recitation of 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. Donnelly for the purpose of an introduction. Mr. Donnelly then introduced, in the rear of the Chamber, members of the American Society of Safety Engineers Greater Boston Chapter. Thomas A. Rich is the past president of A.S.S.E Greater Boston Chapter and is the Corporate Safety Director for Walsh Brothers, Inc. in Boston and Richard O'Keefe is Chair of Government Affairs of A.S.S.E Greater Boston Chapter. They were visiting the State House to recognize North American Safety and Occupational Health Week which was May 1st through May 7th and Occupational Safety and Health Professionals Day which occurred on May 4th. The goal of NAOSH Week is to focus employers, employees, partners and the public on the importance of preventing injury and illness in the workplace, at home and in the community. The Senate applauded their accomplishments and they withdrew from the Chamber. They were also guests of Representative Dwyer.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Spilka and Mr. Ross for the purpose of an introduction. Ms. Spilka then introduced, in the Senate Gallery, students from the Tri-County Regional Vocational Technical School in Franklin. The group consisted of freshman and juniors that are participating in the Early Education Program, learning skills to educate future generations. The Senate welcomed them with applause and they withdrew from the Chamber. They were also guests of Representative Roy of Franklin.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Fattman for the purpose of an introduction. Mr. Fattman then introduced, in the Senate Gallery, students from St. Joseph's School in Webster. The students were on a field trip to the State House learning about the different aspects of state government. They were accompanied by teachers and parents. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Spilka for the purpose of an introduction. Ms. Spilka then introduced, in the rear of the Chamber, the 2016 class of the Leadership MetroWest Academy. Since 1989, the leadership program has graduated over 750 alumni who come from a diverse network of engaged leaders in the public, private, and nonprofit sectors who work to enhance the quality of life in the MetroWest region. The students were accompanied by Executive Director Helen LaMoine. The Senate applauded their accomplishments and they withdrew from the Chamber.

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, Evie Karakosta, a member of the Hellenic Parliament Republic of Greece. The Senate welcomed her with applause, she signed the guest book and withdrew from the Chamber. She was accompanied by Rhode Island Senator Leonidas P. Raptakis, who also signed the guest book.

*Petitions.*

Petitions were severally presented and referred as follows:

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2291) of Bruce E. Tarr and Bradford R. Hill (by vote of the town) for legislation to authorize the town of Wenham to grant an additional license for the sale of alcoholic beverages not to be drunk on the premises [Local approval received];

**Under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.  
Sent to the House for concurrence.**

By Mr. Eldridge, a petition (accompanied by bill) (subject to Joint Rule 12) of James B. Eldridge for legislation to establish a sick leave bank for Matthew P. March, an employee of the Massachusetts Department of Correction; and

By Mr. Montigny, a petition (accompanied by bill) (subject to Joint Rule 12) of Mark C. Montigny for legislation to prevent the euthanasia and overpopulation of animals due to irresponsible breeding practices;

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

*Reports of Committees.*

By Mr. Rodrigues, for the committee on Revenue, on Senate, Nos. 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1461, 1462, 1465, 1466, 1469, 1470, 1471, 1472, 1473, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1504, 1505, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1520, 1522, 1524, 1525, 1527, 1528, 1529, 1530, 1531, 1532, 1534, 1535, 1536, 1538, 1543, 1545, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1564, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1603, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1613, 1615, 2067 and 2164, an Order relative to authorizing the joint committee on Revenue to make an investigation and study of certain current Senate documents relative to revenue matters (Senate, No. 2290);  
**Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.**

By Ms. Chang-Diaz, for the committee on Education, on petition (accompanied by bill, Senate, No. 262), a Bill relative to language opportunity for our kids (Senate, No. 2288); and

By the same Senator, for the same committee, on Senate, No. 336 and House, No. 422, a Bill to promote global trade and economic development through dual language and bi-literacy (Senate, No. 2289);

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

*Committees 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 Order relative to authorizing the joint committee on Revenue to make an investigation and study of certain current Senate documents relative to revenue matters (Senate, No. 2290),-- and recommending that the same be referred to the committee on Rules;

**Under Senate Rule 36, the report was considered forthwith and accepted.**

Mr. Montigny, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Revenue to make an investigation and study of certain current Senate documents relative to revenue matters (Senate, No. 2290), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate No. 1494) of Patricia D. Jehlen, Jennifer E. Benson, Michael O. Moore, Denise Provost and other members of the General Court for legislation to increase the property tax deferral for seniors,-- **and recommending that the same be referred to the committee on Ways and Means;**

**Under Senate Rule 36, the report was considered forthwith and accepted.**

**PAPERS FROM THE HOUSE**

*Bills*

Establishing a sick leave bank for Carl Taylor, an employee of the Massachusetts Rehabilitation Commission (House, No. 4191, - on petition); and

Relative to housing, operations, military service and enrichment (House, No. 4285,-- on House, Nos. 3131, 3136, 3139, 3156 and 3547);

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

*Resolutions.*

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

Resolutions (filed by Messrs. Donnelly, Brady and DiDomenico, Ms. Jehlen, Messrs. Joyce, Keenan and Lesser, Ms. L'Italien, Messrs. Pacheco, Timilty, Wolf, Welch, Rush, Eldridge Moore and Humason and Ms. Chandler) "celebrating North American Occupational Safety and Health Week and Occupational Safety and Health Professional Day";  
Resolutions (filed by Ms. Gobi) "commending the Athol Golden Age Club on the occasion of its sixtieth anniversary";  
Resolutions (filed by Ms. Lovely, Messrs. McGee, Tarr and Lewis and Ms. L'Italien) "congratulating the Saint John's Preparatory School Golf Team on their 2015 Massachusetts Interscholastic Athletic Association Division I State Championship";  
Resolutions (filed by Mr. Ross) "congratulating Benson Colella of the town of Wrentham on his elevation to the rank of Eagle Scout";  
Resolutions (filed by Ms. Spilka) "congratulating Todd Timothy Carter of the town of Ashland on his elevation to the rank of Eagle Scout";  
Resolutions (filed by Ms. Spilka) "congratulating Ian Daniel McCarthy of the town of Framingham on his elevation to the rank of Eagle Scout";  
Resolutions (filed by Mr. Tarr) "commending Trinity Evangelical Church on its two hundredth anniversary"; and  
Resolutions (filed by Mr. Tarr) "commending the United States Coast Guard Aviation on its one hundredth anniversary."

*Communication.*

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE

May 9, 2016

William Welch  
Senate Clerk  
State House, Room 335  
Boston, MA 02133

Dear Senate Clerk:

Due to my attendance at an event in Andover on April 28, 2016, I was not present to vote during the second half of senate session. Had I been present, I would have voted the following ways on the following roll calls:

- Roll call #286 on Tarr Amendment #2; Had I been present, I would have voted NO.
- Roll call #287 on Timilty Amendment #11: Had I been present, I would have voted NO.
- Roll call #288 on Engrossment of S2234; Had I been present, I would have voted YES.

I request that this be printed with the Senate Journal. Please do not hesitate to contact me if you have any questions about this or need any clarification about these votes.

*Sincerely,*  
BARBARA L'ITALIEN  
*State Senator*  
*Second Essex and Middlesex District*

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

*Reports of Committees.*

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael O. Moore and Kate D. Campanale for legislation to establish a sick leave bank for Gwen Johnson, an employee of the Department of Developmental Services.

**The rules were suspended, on motion of Mr. Keenan, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.**

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael O. Moore and Paul K. Frost for legislation to establish a sick leave bank for Linda Orstrom, an employee of the Department of Mental Health.

**The rules were suspended, on motion of Mr. Keenan, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.**

**Severally sent to the House for concurrence.**

**PAPERS FROM THE HOUSE**

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

Petition (accompanied by bill, House, No. 4286) of Claire D. Cronin and Michael D. Brady for legislation to establish a sick leave bank for Nicole Dowling, an employee of the Trail Court;  
Petition (accompanied by bill, House, No. 4287) of Shawn Dooley for legislation to regulate or prohibit the use of marijuana in motor vehicles; and  
Petition (accompanied by bill, House, No. 4288) of James M. Murphy and Ronald Mariano for legislation to establish a sick leave bank for Kelli Murphy, an employee of the Trial Court;

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

Petition (accompanied by bill, House, No. 4289) of Colleen M. Garry for legislation to limit sick leave and vacation buy backs for public employees;  
Petition (accompanied by bill, House, No. 4290) of Thomas A. Golden, Jr., James Arciero and David M. Nangle for legislation to authorize the Middlesex County Retirement System to establish an early retirement incentive program for certain employees of the Chelmsford Water District;  
Petition (accompanied by bill, House, No. 4291) of Kenneth I. Gordon for legislation to establish a sick leave bank for David J. Saulnier, an employee of the Middlesex Sheriff's Office; and  
Petition (accompanied by bill, House, No. 4292) of John C. Velis for legislation to establish a sick leave bank for Christopher Mullen, an employee of the Hampshire County Sheriff's Office;

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

Petition (accompanied by bill, House, No. 4293) of Nick Collins relative to the conveyance of a certain parcel of state owned land on East First Street in the South Boston neighborhood of the city of Boston;  
Petition (accompanied by bill, House, No. 4294) of Michael S. Day and Jason M. Lewis that the commissioner of Capital Asset management and Maintenance be authorized to convey a certain parcel of land in the town of Stoneham; and  
Petition (accompanied by bill, House, No. 4295) of Aaron Michlewitz that the Department of Transportation be authorized to lease a certain parcel of land in the city of Boston;

**Severally, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.**

*Engrossed Bill.*

An engrossed Bill authorizing the city of Northampton to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4042) (which originated in the House), 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 President and laid before the Governor for his approbation.

*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 to clarify the executive powers of the Board of Water and Sewer Commissioners in the town of Foxborough (House, No. 3582) (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.**

The Senate Bill authorizing one additional license for the sale of all alcoholic beverages to be drunk on the premises and one additional license for the sale of an all alcoholic beverages to be drunk on the premises in the town of West Bridgewater (Senate, No. 2072),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Joyce presented an amendment substituting a new draft entitled "An Act authorizing the town of West Bridgewater to grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises and 1 additional license for the sale of all alcoholic beverages not to be drunk on the premises" (Senate, No. 2292). The amendment was **adopted.**

**The bill (Senate, No. 2292) was then passed to be engrossed. Sent to the House for concurrence.**

The House Bill relative to the Canoe River aquifer advisory committee (House, No. 3800),-- **was read a third time and passed to be engrossed, in concurrence.**

*Orders of the Day.*

The Orders of the Day were considered as follows:

**Bills**

Authorizing the city of Lawrence to establish a program for enforcement against illegal dumping (House, No. 3860);  
Authorizing the town administrator of the town of Milton to appoint the police chief (House, No. 4014); and  
Authorizing the city of Medford to use certain land for any municipal purpose (House, No. 4246);

**Were severally read a second time and ordered to a third reading.**

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There being no objection, the following matter was taken out of order from the Orders of the Day:

The Senate Bill relative to tax abatements for deaf residents (Senate, No. 1959),-- was read a second time.

After remarks, and pending the main question on ordering the bill to a third reading, the pending amendment, previously recommended by the committee on Rules, substituting a new draft with the same title (Senate, No. 2282),-- **was considered; and it was adopted.**

**The bill (Senate, No. 2282) was then ordered to a third reading.**

The Senate Bill relative to nondiscrimination regional advisory boards (Senate, No. 989),-- **was read a second time.**

After remarks, and pending the question on ordering the bill to a third reading, the pending amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2283),-- was considered; and it was **adopted.**

**The bill (Senate, No. 2283) was then ordered to a third reading.**

The Senate Bill to provide volunteer firefighters with a local option real estate tax exemption (Senate, No. 1537),-- **was read a second time and, after remarks, was ordered to a third reading.**

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There being no objection, during consideration of the Orders of the Day, the following matter was considered:

*Order Adopted.*

Ms. Spilka offered the following order, to wit:

*Ordered*, That pursuant to the provisions of Senate Rule 27A, all amendments to the general appropriations bill as reported by the Committee on Ways and Means shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M. on Thursday, May 19, 2016; and be it further ordered that, pursuant to the provisions of Senate Rule 38B, the general appropriations bill as reported by the Committee on Ways and Means shall be placed in the Orders of the Day for Tuesday, May 24, 2016, for its second reading, as the only item on the calendar.

**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 Ms. Spilka, and the order was considered forthwith and adopted.**

**The bill will be placed in the Orders of the Day for Tuesday, May 24, 2016, under the provisions of Senate Rule 38B, as the only item on the calendar.**

At ten minutes before twelve o'clock noon, at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at five minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

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

*Report of a Committee.*

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill to protect children and families from harmful flame retardants (Senate, No. 2200),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2293).**

*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 children and families from harmful flame retardants (Senate, No. 2200) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2293) shall be placed in the Orders of the Day for a second reading on Thursday, May 19, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, May 16, 2016. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2293), 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. Donnelly, and the order was considered forthwith and adopted. The bill will be placed in the Orders of the Day for Thursday, May 19, for a second reading, with the amendment pending.**

*Reports of a Committee.*

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Evelena Brown, an employee of the Department of Children and Families (Senate, No. 2238),-- **ought to pass.**

**There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Shannon Wilkins, an employee of the Massachusetts Department of Transportation (House, No. 4122),-- **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. Donnelly, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Miranda Marie Flanagan, an employee of the Massachusetts Department of Transportation (House, No. 4124),-- **ought to pass.**

**There being no objection, the rules were suspended, on motion of Ms. O'Connor Ives, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

At ten minutes past one o'clock P.M., Ms. Chandler doubted the presence of a quorum. The President having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum. Subsequently, at thirteen minutes past one o'clock P.M., a quorum was declared present.

*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 Senate Bill relative to nondiscrimination regional advisory boards (Senate, No. 2283),-- **was 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 twenty minutes past one o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 36 – nays 0*) [**Yeas and Nays No. 292**]:

**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.**

**ABSENT OR NOT VOTING.**

Pacheco, Marc R. – 1.

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

The Senate Bill providing volunteer firefighters and emergency medical technicians with a local option real estate tax exemption (Senate, No. 1537) (its title having been changed by the committee on Bills in the Third Reading),-- **was 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 twenty-five minutes past one o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 36 – nays 0*) [**Yeas and Nays No. 293**]:

**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. – <b>36.</b>

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Pacheco, Marc R. – **1.**

**The yeas and nays having been completed at twenty-seven minutes past one o'clock P.M., the bill was passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate Bill relative to tax abatements for deaf residents (Senate, No. 2282),-- **was 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 twenty-nine minutes before two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 36 – nays 0*) **[Yeas and Nays No. 294]:**

**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.**

**ABSENT OR NOT VOTING.**

Pacheco, Marc R. – 1.

**The yeas and nays having been completed at twenty-seven minutes before two o'clock P.M., the bill was passed to be engrossed.**

**Sent to the House for concurrence.**

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The Senate Bill relative to transgender anti-discrimination (Senate, No. 735),-- **was read a second time.**

After remarks, and pending the question on ordering the bill to a third reading, Ms. Chang-Diaz moved that the bill be amended by 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 protection from

discrimination on the basis of gender identity, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at a quarter before three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 33 – nays 4*) [**Yeas and Nays No. 295**]:

**YEAS.**

Barrett, Michael J.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	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.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. – <b>33</b> .
Keenan, John F.	

**NAYS.**

deMacedo, Viriato M.	Humason, Donald F., Jr.
Fattman, Ryan C.	Tarr, Bruce E. – <b>4</b> .

## ABSENT OR NOT VOTING.

Pacheco, Marc R. – 1.

The yeas and nays having been completed at thirteen minutes before three o'clock P.M., the amendment was **adopted**. Ms. O'Connor Ives moved that the bill be amended by inserting at the end the following:- "Nothing in the legislation shall be construed to compel sex-segregated bathroom facilities to be converted to unisex bathroom facilities."

### *Remarks of Senator William N. Brownsberger*

Thank you Mr. President, I want to take this opportunity to thank you for your leadership on this issue and also thank my sister from Boston for her leadership on this issue and thank all of my colleagues who have spoken to movingly over the past hour about the reasons for supporting this bill. I urge my colleagues to vote no on this amendment for the simple reason that it is unnecessary. The amendment states "Nothing in this legislation shall be construed to compel sex-segregated bathroom facilities to be converted to unisex bathroom facilities." I represent to the body that nothing in this legislation could be so construed and that multiple attorneys have reviewed this legislation and agree and that nothing in this legislation could be so construed. With regard to sex segregated facilities, the bill simply indicated that where a public accommodation lawfully segregates access to facilities on the basis of a person's sex that public accommodation must grant them permission admission, a person admitted to the facilities consistent with that persons gender identity.

So to be crystal clear Mr. President, it is not the intention of the sponsors of this bill in any way, shape or form to compel the conversion of sex segregated bathrooms into unisex bathroom facilities. Mr. President I ask that my remarks be spread upon the record so as to create a legislative history and clarity on this point.

On motion of Mr. Brownsberger, the above remarks were ordered printed in the Journal of the Senate.

After debate, the amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting at the end thereof the following new section:-

"SECTION \_\_. The Massachusetts commission against discrimination, established by section 56 of chapter 6, shall annually make a report regarding any cases related to this act, provided, that such report shall be transmitted to the house and senate clerks who shall forward the same to the house and senate committees on ways and means and the joint committee on judiciary; provided, that said report shall be filed on or before March 15, 2017 and for four consecutive years thereafter."

After debate, the amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting at the end thereof the following new section:-

"SECTION \_\_.

A birth certificate, as established by chapter 46, which has been amended by the provisions set forth in sections 13 and 13A which delineates a person's gender identity shall create a rebuttable presumption of such person's sincerely held gender identity.";

and by adding after paragraph(e) after line 91 in section 13 of chapter 46 the following:-

(e)(1) If a person has engaged in psychotherapy, hormone therapy, medical intervention or surgical therapy for the purpose of gender dissonance between natal sex and gender identity experienced, the birth record of that person shall be amended to permanently and accurately reflect the reassigned sex if the following documents have been received by the state registrar or town clerk:

(i) an affidavit executed by the person to whom the record relates affirming the condition of (e)(1), and the inaccuracy of the sex recorded; and

(ii) a physician's notarized statement that the person has engaged medical intervention, appropriate for that individual, for the purpose of gender dissonance between natal sex and gender identity experienced.

(2) The affiant shall furnish a certified copy of the legal change of name if the affiant is seeking a birth record with the legal change of name instead of the name as appearing on the birth record prior to the amendment."

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting at the end thereof the following new sections:-

"SECTION \_\_. Section 7 of chapter 4, as so appearing in the 2014 Official Edition, is hereby amended by inserting at the end thereof the following:- 'provided further that any such action shall be punished pursuant to Section 98 of Chapter 272, as so appearing in the General Laws'."

SECTION \_\_. Said section 98 of chapter 272, as so appearing in the 2014 Official Edition, is hereby further amended by inserting the following in line 6 after the word 'restriction':- "or who shall improperly assert gender identity pursuant to Section 7 of Chapter 4, as so appearing in the General Laws,"

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twelve minutes past three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 11 – nays 26*) [**Yeas and Nays No. 296**]:

**YEAS.**

deMacedo, Viriato M.	O'Connor Ives, Kathleen
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E. – <b>11.</b>
Moore, Michael O.	

**NAYS.**

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.
DiDomenico, Sal N.	McGee, Thomas M.
Donnelly, Kenneth J.	Montigny, Mark C.
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Spilka, Karen E.
Forry, Linda Dorcena	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – <b>26.</b>

**ABSENT OR NOT VOTING.**

Pacheco, Marc R. – 1.

The yeas and nays having been completed at a quarter past three o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting at the end thereof the following new section:-

“SECTION \_\_. Chapter 92A of Chapter 272, as appearing in the 2014 Official Edition, is hereby amended by inserting at the end thereof the following:-

‘The provisions of this act shall not apply to facilities with one or more restrooms designated as unisex.’”

Pending the question on adoption of the amendment, Mr. deMacedo moved that the pending amendment (Tarr) be further amended by striking the underlying text and inserting in place there of the following:-

By inserting at the end thereof the following new section:-

“SECTION \_\_. Notwithstanding any general or special law to the contrary the provisions of this act shall not apply to multiple capacity gender based locker rooms and showering facilities where there is an expectation of privacy that do not provide for separation between occupants.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-two minutes past three o'clock P.M., on motion of Mr. deMacedo, as follows, to wit (*yeas 6 – nays 31*) [**Yeas and Nays No. 297**]:

#### YEAS.

deMacedo, Viriato M.

Rush, Michael F.

Fattman, Ryan C.

Tarr, Bruce E.

Humason, Donald F., Jr.

Timilty, James E. – 6.

#### NAYS.

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.

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.

Rosenberg, Stanley C.

Flanagan, Jennifer L.

Ross, Richard J.

Forry, Linda Dorcena

Spilka, Karen E.

Gobi, Anne M.

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – **31**.

Joyce, Brian A.

#### **ABSENT OR NOT VOTING.**

Pacheco, Marc R. – **1**.

The yeas and nays having been completed at a twenty-four minutes past three o'clock P.M., the further amendment (deMacedo) was *rejected*.

*The pending amendment (Tarr) was then withdrawn.*

Mr. Tarr moved that the bill be amended by inserting at the end thereof the following new sections:-

"SECTION \_ . Notwithstanding any general or special law to the contrary, this act shall not go into effect until the policies as required under section 5 have been implemented."

The amendment was *rejected*.

**The bill (Senate, No. 735, 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 a half past three o'clock P.M., on motion of Ms. Chang-Diaz, as follows, to wit (*yeas 33 – nays 4*) [**Yeas and Nays No. 298**]:

#### **YEAS.**

Barrett, Michael J.

Lesser, Eric P.

Brady, Michael D.

Lewis, Jason M.

Brownsberger, William N.

L'Italien, Barbara A.

Chandler, Harriette L.

Lovely, Joan B.

Chang-Diaz, Sonia

McGee, Thomas M.

Creem, Cynthia Stone

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.

Flanagan, Jennifer L.

Rush, Michael F.

Forry, Linda Dorcena

Spilka, Karen E.

Gobi, Anne M.

Timilty, James E.

Jehlen, Patricia D.

Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. – 33.

Keenan, John F.

**NAYS.**

deMacedo, Viriato M.

Humason, Donald F., Jr.

Fattman, Ryan C.

Tarr, Bruce E. – 4.

**ABSENT OR NOT VOTING.**

Pacheco, Marc R. – 1.

**The yeas and nays having been completed at twenty-eight minutes before four o'clock P.M., the bill was passed to be engrossed.**

**Sent to the House for concurrence.**

**PAPERS FROM THE HOUSE**

Ms. Chandler in the Chair, the following House Orders (approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Consumer Protection and Professional Licensure be granted until Monday, May 23, 2016, within which time to make its final report on current House document numbered 4188.

After remarks, pending the question on adoption of the order, Ms. L'Italien moved that the order be amended by striking out the words and figures "Monday, May 23, 2016" and inserting in place there of the words and figures "Monday, June 13, 2016".

The amendment was **adopted**.

**The order (House, No. 4261) was then adopted, in concurrence, with the amendment.**

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

*Ordered*, that notwithstanding the provisions of Joint Rule 10, the committee on Financial Services be granted until Wednesday, July 6, 2016, within which time to make its final report on current House document numbered 4148.

**The rules were suspended, on motion of Mr. Eldridge, and the order (House, No. 4279) was considered forthwith; and, after remarks, was adopted, in concurrence.**

*Order Adopted.*

On motion of Ms. Forry,--

*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.

On motion of the same Senator, at twenty minutes before four o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.