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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, July 11, 2016.

Met at seven minutes past eleven o'clock A.M. (Mr. Rodrigues in the Chair).

The Chair (Mr. Rodrigues), members, guests and staff then recited the pledge of allegiance to the flag.

Reports.

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

Report of the LGBT Aging Commission (pursuant to Section 16Y of Chapter 6 of the General Laws) submitting its priorities and recommendations for the 2016 calendar year (received July 8, 2016); and

Report of the Dukes County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received July 11, 2016),-- was placed on file.

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Downing, a petition (accompanied by bill, Senate, No. 2413) of Benjamin B. Downing (by vote of the town) for legislation to authorize the issuance of a certain license for the retail sale of wine and malt beverages to be consumed on the premises in the town of Westhampton [Local approval received]; and

Under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.

By the same Senator, a petition (accompanied by bill, Senate, No. 2412) of Benjamin B. Downing, Tricia Farley-Bouvier and Paul W. Mark (with approval of the mayor and city council) for legislation to amend Chapter 28 of the Acts of 2001 [Local approval received];

Under Senate Rule 20, to the committee on Revenue.

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 Teresa Lowe, an employee of the Massachusetts Department of Correction;

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

Report of a Committee.

By Mr. Brady, for the committee on Election Laws, on petition, a Bill relative to eliminating sub-precinct 9A in the town of Andover (Senate, No. 2368) [Local approval received];

Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

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 Health Care Financing to make an investigation and study of a certain current Senate document relative to electronic health records (Senate, No. 2411),-- **and recommending that the same be referred to the committee on Rules; Under Senate Rule 36, the report was considered forthwith and accepted.**

PAPERS FROM THE HOUSE.

A Bill relative to job creation, workforce development and infrastructure investment (House, No. 4483,-- on House, No. 3983),-- **was read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.**

A Bill authorizing the Department of Fish and Game to acquire land of the town of Townsend (House, No. 3748, amended,-- on petition) [Local approval received],-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill authorizing the city of Salem to establish the Salem Harbor Port Authority (House, No. 4479,-- on House, No. 3894) [Local approval received on House, No., 3894],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Reports of Committees.

By Mr. Keenan, for the committee on Bonding, Capital Expenditures and State Assets, that the House Bill relative to job creation, workforce development and infrastructure investment (House, No. 4483),-- **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2422 [Bond Issue: \$708,900,000.00]. Referred, under Senate Rule 27, to the committee on Ways and Means.**

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 House Bill relative to the judicial enforcement of noncompetition agreements (House, No. 4434, amended) (the committee on Rules having recommended recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2418; and 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 further provide for the judicial enforcement of trade secrets and noncompetition agreements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

Order Adopted.

Mr. Wolf offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill relative to the judicial enforcement of noncompetition agreements (House, No. 4434, amended) (the committee on Rules 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 2418) shall be placed in the Orders of the Day for a second reading on Thursday, July 14, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Tuesday, July 12, 2016. All such amendments shall be second-reading amendments to the Senate Rules new text (Senate, No. 2418), 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, July 14, for a second reading with the amendments pending.

PAPER FROM THE HOUSE.

The Senate Bill authorizing the town of Bellingham to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 148),-- **came from the House passed to be engrossed, in concurrence with an amendment in section 1 by inserting after the word “street”, in line 4, the following words:- “suite 6A”; and by striking out, in lines 8 and 9, the words “indicating that the license is in good standing with the department and that all applicable taxes” and**

inserting in place thereof the following words:- “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”.
The rules were suspended, on motion of Mr. Tarr, and the House amendment was considered forthwith and adopted, in concurrence.

Recess.

There being no objection, at twelve minutes past eleven o'clock A.M., the Chair (Mr. Rodrigues) declared a recess subject to the call of the Chair; and, at ten minutes before two o'clock P.M., the Senate reassembled, Mr. Rodrigues in the Chair.

Reports of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to naming the Plymouth Trial Court in honor of Senate President Therese Murray (Senate, No. 794),-- **ought to pass, with amendment substituting a new draft with the same title (Senate, No. 2420).**

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2420) was then 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 Senate Bill relative to manufactured housing communities (Senate, No. 715),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2419).**

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2419) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., in a full formal session with a calendar.

On motion of the same Senator, at six minutes past two o'clock, P.M., the Senate adjourned to meet again on tomorrow at eleven o'clock A.M.