

Wednesday, May 9, 2007.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Gracious God, Lord of Creation, we offer this prayer of thanks to You for Your constant concern for our total well-being. Your assistance enables us to face and resolve the many difficult issues and challenges of each day with confidence and hope. Your gifts of wisdom and fortitude strengthen us in dealing with the pressing concerns of constituents and our communities. Help us to remain faithful, in these changing times, to our ideals, principles and values, both human and spiritual. Inspire us to work together in building strong, safe and stable communities which serve the best interests of our Commonwealth.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of
allegiance.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Silent Prayer.

Lieutenant
Ryan P.
Jones.

At the request of the Mr. Evangelidis of Holden, the members, guests and employees stood for a moment of silent prayer in memory of Army First Lieutenant Ryan P. Jones, the only son of Elaine and Kevin Jones of Westminster, who was killed by an IED in Baghdad on May second at the age of twenty-three. Having graduated at the top of his class at the Montachusett Regional Vocational Technical High School as a member of the National Honor Society and the Monty Tech football team, Lieutenant Ryan graduated from Worcester Polytechnic Institute in 2005 before joining the Army. He was stationed at Fort Riley, Kansas, before being deployed to Iraq in February, 2006.

Statement Concerning Representative Smith of Everett.

A statement of Mr. Rogers of Norwood concerning Mr. Smith of Everett was spread upon the records of the House, as follows:

Statement
concerning
Representative
Smith of
Everett.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Smith of Everett, will not be present in the House Chamber for today's sitting due to being outside of the Commonwealth attending his daughter's graduation. Any roll calls that he may miss today will be due entirely to the reason stated. Representative Smith of Everett.

Statement Concerning Representative Stanley of West Newbury.

A statement of Mr. Rogers of Norwood concerning Ms. Stanley of West Newbury was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Stanley of West Newbury, will not be present in the House Chamber for today's sitting due to a previously scheduled commitment. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement
concerning
Representative
Stanley of
West Newbury.

Statement Concerning Representative Story of Amherst.

A statement of Mr. Rogers of Norwood concerning Ms. Story of Amherst was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Story of Amherst, was not present in the House Chamber for today's sitting due to a prior commitment in her district. Had she been present, she would have voted in the affirmative on roll call No. 88. Any roll calls that she missed today was due entirely to the reason stated.

Statement
concerning
Representative
Story of
Amherst.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. deMacedo of Plymouth and Calter of Kingston) congratulating Sean Patrick Baker on receiving the Eagle Award of the Boy Scouts of America;

Sean Patrick
Baker.

Resolutions (filed by Messrs. deMacedo of Plymouth and Calter of Kingston) congratulating Sean Cornwell on receiving the Eagle Award of the Boy Scouts of America;

Sean
Cornwell.

Resolutions (filed by Messrs. deMacedo of Plymouth and Calter of Kingston) congratulating William Driscoll, Jr., on receiving the Eagle Award of the Boy Scouts of America; and

William
Driscoll, Jr.

Resolutions (filed by Ms. Wolf of Cambridge) welcoming a visiting delegation from Las Flores to Massachusetts and the city of Cambridge;

Las Flores.

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. O'Day of Worcester, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Ms. Peake of Provincetown presented a petition (accompanied by bill, House, No. 4021) of Sarah K. Peake (by vote of the town) that the town of Harwich be authorized to establish a road betterment fund; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Harwich,—
road
fund.

Mary Hayes,—
creditable
service.

Mr. Murphy of Weymouth presented a petition (subject to Joint Rule 12) of James M. Murphy relative to authorizing the state board of retirement to grant creditable service to Mary R. Hayes; and the same was referred, under Rule 24, to the committee on Rules.

Paper from the Senate.

The following notice was received from the Clerk of the Senate, to wit:—

May 9, 2007.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356, State House
Boston, MA 02133

Dear Mr. Speaker:

On Wednesday, May 9, 2007, the Senate called for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amendment by Article LXXXI) of the Amendments to the Constitution, to consider the following proposals:

Constitutional
Officers.

Proposal for a legislative amendment to the Constitution relative to Constitutional Officers (see Senate, No. 25), with reference to which the committee on Election Laws has reported, recommending that said amendment ought NOT to pass [Senator Brown and Representatives Rodrigues of Westport and Frost of Auburn dissenting];

Civil rights,—
preserve.

Proposal for a legislative amendment to the Constitution to preserve civil rights and equal protection (see Senate, No. 26), with reference to which the committee on the Judiciary has reported, recommending that said amendment ought NOT to pass, the time within which the said committee was required to report having expired; and

Civil and
legal rights.

Proposal for a legislative amendment to the Constitution relative to civil rights and legal rights (see House, No. 3878), with reference to which the committee on the Judiciary has reported, recommending that said amendment ought NOT to pass, the time within which the said committee was required to report having expired.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Orders of the Day.

House bills

Third
reading
bills.

Authorizing the town of Wellesley to convey a certain parcel of land (printed in House, No. 3748); and

Authorizing the town of Wellesley to convey a certain parcel of land (House, No. 3954) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The Senate Bill relative to the sale of land by the Massachusetts Water Resources Authority (Senate, No. 2179, amended) was read a second time; and it was ordered to a third reading. Second reading
bill engrossed.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Flynn of Bridgewater, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

Senate bills

Relative to the Newton Community Development Authority and the Newton Housing Authority (Senate, No. 1162); and Second
reading
bills.

Relative to the charter of the town of Bourne (Senate, No. 1177); and

House bills

Establishing the Rehoboth agricultural and natural resources preservation council (House, No. 2032);

Relative to certain playground land in the town of Provincetown (House, No. 3754);

Relative to the relocation and alteration of the layout of High Pole Hill Road in the town of Provincetown (House, No. 3755);

Authorizing the town of Chatham to lease certain buildings (House, No. 3952); and

Authorizing the town of Orleans to lease certain town land (House, No. 3990);

Severally were read a second time; and they were ordered to a third reading.

Emergency Measure.

The engrossed Bill relative to the sale of land by the Massachusetts Water Resources Authority (see Senate, No. 2179, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble. MWRA,—
sale of land.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 34 to 0. Sent to the Senate for concurrence.

Recess.

At fourteen minutes after eleven o'clock A.M., on motion of Mr. Donato of Medford (Mr. Petrolati of Ludlow being in the Chair), the House recessed until a quarter before twelve o'clock noon; and at ten minutes before twelve o'clock the House was called to order with Mr. Donato in the Chair. Recess.

Orders.

The following order (filed by Mr. Torrisi of North Andover) was adopted:

Ordered, That the House of Representatives hereby calls for a Joint Session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Private
institutions,—
state aid.

Private
institutions,—
state aid.

Constitution, for the purpose of considering the Proposal for a Legislative Amendment to the Constitution relative to changing Article XLVI (46) of the Constitution (Senate, No. 20),— with reference to which the committee on Education has reported that the amendment proposed by said petition ought NOT to pass.

The following order (filed by Mr. Torrissi of North Andover) was adopted:

Constitution,—
Legislative
Amendments.

Ordered, That the House of Representatives hereby calls for a Joint Session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering the Proposal for a Legislative Amendment to the Constitution relative to legislative action (Senate, No. 27),— with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment proposed by said petition ought NOT to pass, the time within which the said committee was required to report having expired.

The following order (filed by Mr. Torrissi of North Andover) was adopted:

Constitution,—
initiative
amendments.

Ordered, That the House of Representatives hereby calls for a Joint Session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering the Proposal for a Legislative Amendment to the Constitution relative to legislative action on Initiative amendments (House, No. 1727),— with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment proposed by said petition ought NOT to pass, the time within which the said committee was required to report having expired.

The following order (filed by Mr. Peterson of Grafton) was adopted:

General Court,—
terms of office.

Ordered, That the House of Representatives hereby calls for a Joint Session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering the Proposal for a Legislative Amendment to the Constitution to change the length of term for Representatives and Senators from two years to four years (House, No. 685),— with reference to which the committee on Election Laws has reported that the amendment proposed by said petition ought NOT to pass.

Recess.

Recess.

At five minutes before twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at one minute before one o'clock P.M. the House was called to order with the Speaker in the Chair.

*Joint Session of the Two Houses to Consider
Specific Amendments to the Constitution.*

At one minute past one o'clock P.M., the two Houses met in

Joint
Session.

JOINT SESSION

and were called to order by the Honorable Therese Murray, President of the Senate, who made the following observations:

"Pursuant to an order previously adopted, the two houses are in joint session for the purpose of considering various proposals for amendment to the Constitution. The matters that have been called for consideration are now seasonably laid before the Senate in conformity with the provisions of Articles XLVIII and LXXXI of the Constitution."

The following initiative proposal and legislative proposals for amendments to the Constitution were seasonably laid before the joint session for consideration:

Proposal for an Initiative amendment to the Constitution to define marriage (see Senate, No. 2220 of 2007), having received, in joint session, the affirmative votes of not less than one-fourth of all members elected [see House, No. 4617 of 2006], has been referred, in accordance with Article XLVIII of the Amendments to the Constitution, to the present General Court;

Constitution,—
definition of
marriage.

Proposal for a legislative amendment to the Constitution authorizing the General Court to provide for absentee voting by any voter (see Senate, No. 2221 of 2007), having received, in joint session, the affirmative votes of a majority of all members elected to the preceding General Court [see Senate, No. 9, amended of 2005], has been referred, in accordance with Article XLVIII of the Amendments to the Constitution, to the present General Court;

Constitution,—
absentee
voting.

Proposal for a Legislative Amendment to the Constitution relative to changing Article XLVI of the Constitution of the Commonwealth (see Senate, No. 20), with reference to which the committee on Education has reported recommending that the amendment ought NOT to pass;

Constitution,—
state aid.

Proposal for a Legislative Amendment to the Constitution for a legislative amendment to the Constitution to increase the term of the General Court from two to four year (see Senate, No. 21), with reference to which the committee on Election Laws has reported recommending that the amendment ought NOT to pass (Senator Spilka and Representatives Atsalis of Barnstable and Rogeness of Longmeadow dissenting).;

General Court,—
term increase.

Proposal for a Legislative Amendment to the Constitution establishing an independent redistricting commission and criteria for redistricting for state House, Senate, and Councillor districts (see Senate, No. 22) with reference to which the committee on Election Laws has reported recommending that the amendment ought NOT to pass (Senators Augustus, Spilka and Brown and Representatives Eldridge of Acton, Rogeness of Longmeadow and Frost of Auburn dissenting);

Redistricting,—
commission.

Elected
officials.

Proposal for a Legislative Amendment to the Constitution relative to emergency appointments of elected officials (see Senate, No. 23), with reference to which the committee on Election Laws has reported recommending that the amendment ought to pass (Senator Creedon dissenting);

Constitutional
officers.

Proposal for a Legislative Amendment to the Constitution relative to Constitutional officers (see Senate, No. 25), with reference to which the committee on Election Laws has reported recommending that the amendment ought NOT to pass (Senator Brown and Representatives Rogeness of Longmeadow and Frost of Auburn dissenting);

Civil rights.

Proposal for a Legislative Amendment to the Constitution amending the Constitution to preserve civil rights and equal protection (see Senate, No. 26), having been reported from the committee on the Judiciary ought NOT to pass (under Joint Rule 23) (the time within which the committee was required to report having expired);

Constitution,—
legislative
action.

Proposal for a Legislative Amendment to the Constitution relative to legislative action (see Senate, No. 27), having been reported from the committee on the Judiciary ought NOT to pass (under Joint Rule 23) (the time within which the committee was required to report having expired);

Constitution,—
redistricting.

Proposal for a Legislative Amendment to the Constitution establishing an independent redistricting commission and criteria for redistricting for state House of Representatives, Senate, and Councilor districts (see House, No. 661), with reference to which the committee on Election Laws has reported recommending that the amendment ought NOT to pass (Senators Augustus, Spilka and Brown and Representatives Eldridge of Acton, Rogeness of Longmeadow and Frost of Auburn dissenting);

Executive
vacancies.

Proposal for a Legislative Amendment to the Constitution relative to a vacancy in the office of Governor or Lieutenant Governor (see House, No. 664) with reference to which the committee on Election Laws has reported recommending that the amendment ought to pass (Senator Creedon dissenting);

General
Court,—
terms.

Proposal for a Legislative Amendment to the Constitution to change the length of term for Representatives and Senators from two years to four years (see House, No. 685), with reference to which the committee on Election Laws has reported recommending that the amendment ought NOT to pass (Senator Spilka and Representatives Atsalis of Barnstable and Rogeness of Longmeadow dissenting);

Eminent
domain,—
private
property.

Proposal for a Legislative Amendment to the Constitution prohibiting eminent domain takings for the purpose of economic development (see House, No. 1497), with reference to which the committee on the Judiciary has reported recommending that the amendment ought to pass;

Eminent
domain.

Proposal for a Legislative Amendment to the Constitution prohibiting eminent domain (see House, No. 1705) having been reported from the committee on the Judiciary ought NOT to pass (under Joint Rule 23) (the time within which the committee was required to report having expired);

Constitutional
Amendments.

Proposal for a Legislative Amendment to the Constitution relative to legislative action on initiative amendments (see House, No. 1727) having been reported from the committee on the Judiciary ought NOT

to pass (under Joint Rule 23) (the time within which the committee was required to report having expired);

Proposal for a Legislative Amendment to the Constitution relative to eminent domain takings (see House, No. 1771), with reference to which the committee on the Judiciary has reported recommending that the amendment ought to pass; Eminent domain.

Proposal for a Legislative Amendment to the Constitution relative to initiative petitions (see House, No. 1772) having been reported from the committee on the Judiciary ought NOT to pass (under Joint Rule 23) (the time within which the committee was required to report having expired); Constitution,—
initiative
petitions.

Proposal for a Legislative Amendment to the Constitution relative to civil and legal rights (see House, No. 3878), having been reported from the committee on the Judiciary ought NOT to pass (under Joint Rule 23) (the time within which the committee was required to report having expired). Civil rights.

Without action on the matters duly and constitutionally assigned for consideration, on motion of Ms. Menard, at two minutes past one o'clock P.M., the joint session was recessed until one o'clock P.M., on Thursday, June 14, 2007; and the Senate withdrew from the House Chamber under the escort of the Sergeant-at-Arms.

At fourteen minutes after one o'clock P.M., the House was called to order with Mr. Petrolati of Ludlow in the Chair. Called to order.

The House thereupon took a further recess, on motion of Mr. O'Day of Worcester, until half past one o'clock; and at the hour of two o'clock the House was called to order with Mr. Rushing of Boston in the Chair. Recess.

Quorum.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Rushing), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum. Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 148 members were recorded as being in attendance. Quorum,—
yea and nay
No. 86.

[See Yea and Nay No. 86 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

The House Bill relative to security freezes and notification of data breaches (House, No. 4012) was read a second time. Data
breaches,—
security.

Pending the question on ordering the bill to a third reading, Mr. Rodrigues of Westport and other members of the House moved to amend it by substitution of a Bill relative to the protection of personal information (House, No. 4018), which was read.

The amendment was adopted; and the substituted bill was ordered to a third reading.

Data
breaches,—
security.

Subsequently, the noon recess having terminated, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill to be engrossed, Mr. Casey of Winchester moved to amend it by adding at the end thereof the following section:

“SECTION 15. Section 25 of chapter 140D of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:—

Such request or application shall not satisfy the requirements of the first paragraph unless, in addition to any other requirements prescribed by law, it is accompanied by a current photographic image from the frontal view of the unobstructed face of the person submitting such request or application, where such person is a natural person. Where the issuing creditor is engaged in the sale of property or services at retail, which the card to be issued may be used to obtain on credit, such photographic image shall be produced or obtained by the card issuer or its agent on premises, and by the use of photographic equipment, controlled or operated by the issuing creditor or an agent or employee thereof at the time of the submission of such request or application.”.

After debate (Mr. Donato of Medford being in the Chair) the amendment was rejected.

Mr. Casey of Winchester then moved to amend the bill by adding at the end thereof the following section:

“SECTION 15. Notwithstanding any General Law or Special Act to the contrary, any individual who requests a free credit report from any of the nationwide consumer credit reporting companies shall also receive, at no cost, their credit rating as reported by said companies.”.

After remarks the amendment was rejected.

Mr. Costello of Newburyport then moved to amend the bill by adding at the end thereof the following section:

“SECTION 15. There shall be a special commission to investigate, study and make legislative recommendations on the impact of financial losses to financial institutions in relation to data reaches by private entities. The commission shall consist of 12 members, 1 of whom shall be appointed by the governor who shall serve as co-chairman of the commission; 3 members of the senate appointed by the President, 1 of whom shall serve as co-chairman of the commission and 1 of whom shall be appointed by the minority leader; 3 members of the house of representatives appointed by the Speaker, 1 of whom shall serve as co-chairman of the commission and 1 of whom shall be appointed by the minority leader; the commissioner of the office of consumer affairs or their representative; the director of the division of banks or their representative; a member of the Massachusetts Bankers Association; a member of the Massachusetts Credit Union League; a member of the Massachusetts Retailers Association. The commission shall file a report on the results of its study, together with its recommendations, if any, and drafts of legislation necessary to carry such recommendations into effect, with the clerks of the house of representatives and the senate not later than December 31, 2007.”.

The amendment was adopted.

Messrs. Straus of Mattapoisett and Costello of Newburyport then moved to amend the bill in section 11, in line 181, by inserting after the word "information" the word "derived"; and the amendment was adopted.

The same members then moved to amend the bill in section 11, in line 266, by inserting after clause (h) the following sentence: "On or after January 31, 2009, a consumer reporting agency shall honor a consumer's request made by electronic mail or by telephone to lift the security freeze within fifteen minutes of receiving the request, provided, however, that the request is made during normal business hours, and that the consumer's proper identification and correct personal identification number or password is included." After remarks the amendment was rejected.

Mr. Costello then moved to amend the bill in section 11, after line 50, by striking out the following: "c. date of birth"; and in line 51, in clause (d), by inserting before the words "account number" the word "financial". The amendments were rejected.

Ms. Walz of Boston then moved to amend the bill in section 11, in line 13, by inserting after the word "acquisition" the words "or loss"; and in line 57 by inserting before the word "acquired" the words "lost or". The amendments were adopted.

Ms. Walz then moved to amend the bill in section 11, in line 81; and also in line 201, by inserting after the words "overnight mail", in each instance, the words "or as authorized by regulation". The amendments were adopted.

Mr. Rodrigues of Westport then moved to amend the bill in section 11, in line 196, by striking out the figures "10" and inserting in place thereof the figure "5".

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 156 members voted in the affirmative and 0 in the negative.

Amendment
adopted,—
yea and nay
No. 87.

[See Yea and Nay No. 87 in Supplement.]

Therefore the amendment was adopted.

Messrs. Rodrigues of Westport and Straus of Mattapoisett then moved to amend the bill in section 11, in lines 91 to 117, inclusive, by striking out the following subsection:

"Section 3. Any agency or person sustaining a breach of security shall notify the attorney general of the commonwealth, the director of the office of consumer affairs and business regulation, the commissioner of banks and consumer reporting agencies identified by the director of the office of consumer affairs and business regulation. The notification shall include the nature of the breach and the numbers of residents of the commonwealth affected by said breach." and inserting in place thereof the following subsection:

"Section 3. This chapter does not relieve an agency or persons from the duty to comply with requirements of any applicable general or special law or federal law regarding the protection and privacy of personal information; provided however, an agency or person that is regulated by federal law and that maintains procedures for a breach of security pursuant to the laws, rules, regulations, guidance, or guidelines established by its primary or functional federal regulator is deemed to be in

Data
breaches,—
security.

compliance with this chapter if the agency or person notifies said Massachusetts resident, the director of the office of consumer affairs and business regulation, the commissioner of the division of banks, the attorney general of the commonwealth and any consumer reporting agencies identified by the director of the office of consumer affairs and business regulation, in accordance with the maintained and required procedures when a breach occurs. [A]Said notification shall include, but not be limited to, the nature of the breach, the number of residents of the commonwealth affected by said breach, the process by which a resident may take to place a security freeze on their consumer report including the consumer's right to obtain a police report, the method of how a request shall be placed, the address for each major consumer reporting agency, the information that shall be contained in a security freeze request, and any fees that shall be paid to any of the consumer reporting agencies, provided however that said notification to said resident shall not include the nature of the breach and the number of residents of the commonwealth affected by said breach. This section shall be subject to the regulatory authority of the director of the office of consumer affairs.”.

After remarks the amendment was adopted.

Mr. Rodrigues of Westport then moved to amend the bill in section 11, in subsection 3 (as inserted by the previous amendment), in the second sentence, by striking out [at “A”] the words “Said notification” and inserting in place thereof the word “Notification”. After remarks the amendment was adopted.

Messrs. Rodrigues and Straus of Mattapoisett then moved that the bill be amended by inserting after section 1 the following section:

“SECTION 1A. Section 10 of chapter 66 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:—

(e) Notwithstanding any General or special law, or any rule or regulation, to the contrary, before any record or document is furnished to the public it shall be redacted by the custodian or holder of said record or document so that only the last four digits of an individual's Social Security number, government-issued driver's license or other identification number contained thereon can practicably be read. Nothing in this paragraph shall prohibit said custodian from providing an unredacted copy of such record or document when required to do so by any other state or federal law.”.

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Rodrigues; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 88 in Supplement.]

Therefore the amendment was adopted.

Mr. Rodrigues of Westport then moved to amend the bill by striking out section 13 as follows:

“SECTION 13. Notwithstanding any general or special law to the contrary, the director of the office of consumer affairs and business regulation, in consultation with the secretary of housing and economic development, shall promulgate rules and regulations including, but not limited to, the method of notice or substitute notice, the fees to be

Amendment
adopted,—
yea and nay
No. 88.

charged, and the method for requesting security freezes and the lifting or removing thereof; provided further, that the director of the office of consumer affairs and business regulation shall, within 6 months of the effective date of this act, file a report with the house and senate chairs of the joint committee on consumer protection and professional licensure, outlining recommendations of methods to expedite the process by which consumers and consumer reporting agencies may place, lift or remove a security freeze pursuant to this act.”; and inserting in place thereof the following section:

“SECTION 13. The director of the office of consumer affairs and business regulation shall, within 6 months of the effective date of this act, file a report with the house and senate chairs of the joint committee on consumer protection and professional licensure, outlining recommendations of methods to expedite the process by which consumers and consumer reporting agencies may place, lift or remove a security freeze pursuant to this act.”.

The amendment was adopted.

Mr. Rodrigues of Westport then moved to amend the bill in section 11, in line 133, by inserting after the word “defense.” the following subsection:

“Section 5. Notwithstanding any general or special law to the contrary, the director of the office of consumer affairs and business regulation, in consultation with the secretary of housing and economic development, shall promulgate rules and regulations pursuant to this chapter including, but not limited to, the method of notice and substitute notice.”.

The amendment was adopted.

The same member then moved to amend the bill in section 11, in line 133, after the word “defense.” by inserting the following subsection:

“Section 5. Notwithstanding any general or special law to the contrary, the director of the office of consumer affairs and business regulation, in consultation with the secretary of housing and economic development, shall promulgate rules and regulations pursuant to this chapter including, but not limited to, the fees to be charged, and the method for requesting security freezes and the lifting or removing thereof.”.

The amendment was adopted.

Mr. Rodrigues then moved to amend the bill in section 11 by adding the following subsection:

“Section 5. Notwithstanding any general or special law to the contrary, the director of the office of consumer affairs and business regulation, in consultation with the secretary of housing and economic development, shall promulgate rules and regulations pursuant to this chapter.”.

The amendment was adopted.

Mr. Rodrigues of Westport then moved to amend the bill in section 11, in line 39, by inserting after the word “entity.” the following sentence: “Any person or agency required to provide notice or substitute notice of a security breach to a consumer shall, whenever possible, be required to provide legal verifiable evidence that the notice or substitute notice in the case of electronic mail notification was in fact sent

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breaches,—
security.

to the consumer, received by the consumer, the message content and official time stamps recorded.”. The amendment was adopted.

The same member then moved to amend the bill in section 2, in line 5, by striking out the words “judicial branch”; and in section 5, in line 4, by striking out the words “chief justice for administration and management, the”. The amendments were adopted.

Mr. Costello of Newburyport then moved to amend the bill in section 11, after line 316; and also after line 329, by striking out, in each instance, the following: “c. date of birth”. The amendments were adopted.

The bill, as amended, then was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mr. Scaccia of Boston, for said committees, reported recommending that the bill ought to pass.

Under suspension of the rules, on motion of Mr. Rodrigues of Westport, the bill was considered forthwith.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Rodrigues; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 89 in Supplement.]

Therefore the bill (House, No. 4018, printed as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o’clock A.M.

Next
sitting.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eighteen minutes before four o’clock P.M., on motion of Mrs. Harkins of Needham (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o’clock A.M., in an Informal Session.