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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, July 1, 2010.

Met at two minutes past two o'clock P.M. (Mr. Richard T. Moore in the Chair).

Distinguished Guests.

There being no objection, the President introduced, seated on the rostrum, Rear Admiral Mark S. Boensel, the Commander for the Navy Region Mid-Atlantic. He graduated from the U.S. Naval Academy in 1978 and went on to graduate from the College of Command and Staff at the U.S. Naval War College. Rear Admiral Boensel has received numerous honors for his notable service; including the Defense Superior Service Medal, the Meritorious Service Medal, two Navy and Marine Corps Commendation Medals and four Navy and Marine Corps Achievement Medals. His deployments around the world have included service aboard the USS Carl Vinson, the USS Independence and the USS Kitty Hawk. Rear Admiral Boensel addressed the Senate, signed the guestbook and was applauded for his courageous acts and service to our country.

There being no objection, during consideration of the Orders of the Day, the President introduced, in the gallery, Claire Jenkins Boudreau of Braintree. Claire came to the United States from Scotland in 2000 and became a citizen in March 2010. She is a teacher of Biology/Science at Quincy High School. She was accompanied by her father, Ian Jenkins who is visiting from Hamilton, Scotland. The Senate welcomed them with applause and they withdrew from the gallery.

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 gallery, her brother, Richard, his wife, Sandy and their two children, Dean and Leandra. They were visiting the State House from New York. The Senate welcomed them with applause and they withdrew from the Chamber.

Reports of a Committee.

The following reports, the time within which the said committee was required to report having expired, were severally referred, under Senate Rule 36, to the committee on Ethics and Rules:

Of the committee on Health Care Financing, ought NOT to pass (under Joint Rule 10), on the Bill relative to level IV treatment interventions (Senate, No. 45); and

Of the same committee, ought NOT to pass (under Joint Rule 10), on the Bill creating a special commission on behavior modification (Senate, No. 46, changed);

There being no objection, at three minutes past two o'clock P.M., the Chair (Mr. Richard T. Moore) declared a recess subject to the call of the Chair; and, at twelve minutes before three o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

At one minute eleven minutes before three o'clock P.M., Mr. Tisei doubted the presence of a quorum; and at eight minutes before three o'clock P.M., the President declared that a quorum was present.

Suspension of Senate Rule 38A.

Mr. Berry moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Report of Committees.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Gale D. Candaras and Brian M. Ashe for legislation to establish a sick leave bank for Holly Ann Beaumier, an employee of the office of Medicaid.

The rules were suspended, on motion of Ms. Candaras, 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. Sent to the House for concurrence.

PAPER FROM THE HOUSE

A petition (accompanied by bill, House, No. 4843) of Alice Hanlon Peisch for legislation to establish a special commission to make in investigation and study relative to higher education scholarship programs,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Higher Education.**

Orders of the Day

The Orders of the Day were considered, as follows:

The Senate Bill to protect motor vehicle owners' and independent repairers' right to repair (Senate, No. 2268),-- **was considered, the main question being on passing the bill to be engrossed.**

The pending motion, previously moved by Mr. Tisei, to lay the matter on the table was considered; and it was negated. The pending amendment, previously moved by Mr. Hart, that the bill be amended by substituting a new draft with the same title (Senate, No. 2517, amended),- was considered, and it was adopted.

Pending the question on passing the bill (Senate, No. 2517, amended) to be engrossed, on motion of Mr. Tisei, the further consideration thereof was postponed until the next session.

The engrossed Bill relative to debt restructuring (see House, No. 4617, amended),-- **was considered, the main question being on passing it to be enacted.**

The pending motion, previously moved by Mr. Montigny, to lay the matter on the table was considered; and it was negated.

The engrossed bill (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was then put upon its final passage; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-two minutes past three o'clock P.M., as follows to wit (*yeas 31 - nays 6*) **[Yeas and Nays No. 323]:**

INSERT ROLL CALL ["323"]

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

The House Bill establishing expanded gaming in the Commonwealth (House, No. 4619),-- **was considered, the main question being on ordering the bill to a third reading.**

The pending motion, previously moved by Mr. Montigny, to lay the matter on the table was considered; and it was negated.

The pending amendment, previously moved by Ms. Menard, that the proposed new text be amended by adding the following two sections:-

“SECTION X. Section 2 of Chapter 266 of the Acts of 2002 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The Fall River Redevelopment Authority may develop said land for commercial, industrial and other economic development purposes, but expressly excluding any use of said land for landfill related purposes, without the necessity of adopting or adhering to an urban renewal plan, as defined in section 1 of chapter 121B of the General Laws, and with respect to said land the Fall River Redevelopment Authority shall enjoy the statutory authority it would possess for land and structures and other property within an urban renewal project as defined by section 1 of said chapter 121B. The lack of available industrial land in Fall River and Freetown is detrimental to the economic welfare of the citizens of the commonwealth and, in particular, the city of Fall River and the town of Freetown.

SECTION XX. Said Chapter 266 is hereby further amended by striking out Section 7 and inserting in place thereof the following

section:-

SECTION 7. The Commonwealth of Massachusetts, acting by and through the Commissioner of Division of Capital Asset Management and Maintenance ('DCAM') on behalf of and in consultation with Department of Conservation and Recreation ('DCR'), successor to Department of Environmental Management, shall execute and deliver in recordable form to the Fall River Redevelopment Authority an amendment to the Release Deed dated January 22, 2009 and recorded in Book 07124 Page 95 which shall incorporate the changes made to Section 2 of Chapter 266 of the Acts of 2002 as a result of this act.

DCAM is hereby authorized and directed to execute and deliver a release or termination of any other documentation which in any way reflects the restriction described above to said Section 2 of said Chapter 266 prior to the enactment of this law. Such restrictions shall be fully released from the subject property. DCAM is also authorized and directed to execute any other documentation reasonably requested by the Fall River Redevelopment Authority or any successor or assignee to more fully carry out the provisions of this Act.”; Mr. Panagiotakos having moved that the pending amendment (Menard) be further amended by striking the text in its entirety and inserting in place thereof the following text:- by adding the following two sections:- “SECTION X. Section 2 of Chapter 266 of the Acts of 2002 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The Fall River Redevelopment Authority may develop said land for commercial, industrial and other economic development purposes, but expressly excluding any use of said land for landfill related purposes, without the necessity of adopting or adhering to an urban renewal plan, as defined in section 1 of chapter 121B of the General Laws, and with respect to said land the Fall River Redevelopment Authority shall enjoy the statutory authority it would possess for land and structures and other property within an urban renewal project as defined by section 1 of said chapter 121B. The lack of available industrial land in Fall River and Freetown is detrimental to the economic welfare of the citizens of the commonwealth and, in particular, the city of Fall River and the town of Freetown.

SECTION XX. Said Chapter 266 is hereby further amended by striking out Section 7 and inserting in place thereof the following section:-

SECTION 7. The Commonwealth of Massachusetts, acting through the Commissioner of Division of Capital Asset Management and Maintenance ('DCAM') on behalf of and in consultation with Department of Conservation and Recreation ('DCR'), successor to Department of Environmental Management, shall execute and deliver in recordable form to the Fall River Redevelopment Authority an amendment to the Release Deed dated January 22, 2009 and recorded in Book 07124 Page 95 which shall incorporate the changes made to Section 2 of Chapter 266 of the Acts of 2002 as a result of this act.

DCAM is hereby authorized and directed to execute and deliver a release or termination of any other documentation which in any way reflects the restriction described above to said Section 2 of said Chapter 266 prior to the enactment of this law. Such restrictions shall be fully released from the subject property. DCAM is also authorized and directed to execute any other documentation reasonably requested by the Fall River Redevelopment Authority or any successor or assignee to more fully carry out the provisions of this Act.”-- **was considered.**

After debate, the question on adopting the further amendment (Panagiotakos) was determined by a call of the yeas and nays, at twenty-nine minutes past four o'clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (*yeas 27 – nays 11*) [**Yeas and Nays No. 324**]:

INSERT ROLL CALL “324”

The yeas and nays having been completed at twenty-seven minutes before five o'clock P.M., the further amendment (Panagiotakos) was adopted.

The pending amendment (Menard), as amended (Panagiotakos), was then considered.

Order.

Pending the question on adoption of the amended amendment, Mr. Montigny offered the following order:

Ordered, That pursuant to section 9 of Chapter 12 of the General Laws, the Senate asks the Attorney General of the Commonwealth her opinion on the following question of law:-

Whether the following amendment requires a two-thirds vote of the legislature pursuant to Article 97 of the Constitution?
“Chapter 266 of the Acts of 2002 – Ms. Menard moves to amend the bill (s. 2495) by adding the following two sections:
“SECTION X. Section 2 of Chapter 266 of the Acts of 2002 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The Fall River Redevelopment Authority may develop said land for commercial, industrial and other economic development purposes, but expressly excluding any use of said land for landfill related purposes, without the necessity of adopting or adhering to an urban renewal plan, as defined in section 1 of chapter 121B of the General Laws, and with respect to said land the Fall River Redevelopment Authority shall enjoy the statutory authority it would possess for land and structures and other property within an urban renewal project as defined by section 1 of said chapter 121B. The lack of available industrial land in Fall River and Freetown is detrimental to the economic welfare of the citizens of the commonwealth and, in particular, the city of Fall River and the town of Freetown.

SECTION XX. Said Chapter 266 is hereby further amended by striking out Section 7 and inserting in place thereof the following section:-

SECTION 7. The Commonwealth of Massachusetts, acting by and through the Commissioner of Division of Capital Asset Management and Maintenance ('DCAM') on behalf of and in consultation with Department of Conservation and Recreation ('DCR'), successor to Department of Environmental Management, shall execute and deliver in recordable form to the Fall River Redevelopment Authority an amendment to the Release Deed dated January 22, 2009 and recorded in Book 07124 Page 95 which shall incorporate the changes made to Section 2 of Chapter 266 of the Acts of 2002 as a result of this act.

DCAM is hereby authorized and directed to execute and deliver a release or termination of any other documentation which in any way reflects the restriction described above to said Section 2 of said Chapter 266 prior to the enactment of this law. Such restrictions shall be fully released from the subject property. DCAM is also authorized and directed to execute any other documentation reasonably requested by the Fall River Redevelopment Authority or any successor or assignee to more fully carry out the provisions of this Act."

Under the rules, referred to the committee on Ethics and Rules.

The pending amendment (Menard), as amended (Panagiotakos), was again considered.

After debate, the question on adoption of the pending amendment (Menard), as amended (Panagiotakos) was determined by a call of the yeas and nays, at twenty-six minutes before five o'clock P.M., on motion of Ms. Menard, as follows, to wit (*yeas 27 – nays 11*) [**Yeas and Nays No. 325**]:

INSERT ROLL CALL "325"

The yeas and nays having been completed at twenty-four minutes before five o'clock P.M., the amendment (Menard), as amended (Panagiotakos) was adopted.

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

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill validating the election of a charter commission in the city of Everett (see House, No. 4739) (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.

Orders of the Day

The Orders of the Day were further considered, as follows:

The House Bill establishing expanded gaming in the Commonwealth (House, No. 4619),-- **was considered, the main question being on ordering the bill to a third reading.**

Messrs. Tisei, Tarr, Knapik, Hedlund, and Ross moved that the proposed new text be amended by inserting after section ____, the following new section:-

"SECTION X. Section 2 of chapter 64H of the General Laws, as amended by section 53 of chapter 27 of the acts of 2009, is hereby amended by striking out, in line 3, the figure '6.25 per cent' and inserting in place thereof the following words: - 'five percent'."

Pending the question on adoption of the amendment, Ms. Spilka moved to further amend the amendment by striking out the text and inserting in place thereof the following text:- by inserting after section 72 the following section:-

"SECTION 72A. The secretary of administration and finance and the secretary of housing and economic development shall jointly study and report on the changing competitive profile of the commonwealth as a result of ongoing or imminent policy changes and the commonwealth's response and the response of other states to the national fiscal crisis. This study shall include, but shall not be limited to, the following issues: modifications in taxation in the commonwealth and other states; a comparison of the level of state support for public secondary education, public higher education and workforce development between the commonwealth and other states; a comparison of the level of private investment between the commonwealth and other states; and a comparison of the level of student achievement between the commonwealth and other states. The study shall also include a review and comparison of recent multi-state studies by other state-funded or nonprofit groups, including but not limited to, the Tax Foundation, the Massachusetts Technology Collaborative and the Beacon Hill Institute at Suffolk University.

The secretaries shall collaborate with the Massachusetts Technology Collaborative and shall seek to collaborate with the Beacon Hill Institute at Suffolk University in conducting this study. The secretaries shall submit a written report of their findings and recommendations to the chairs of the joint committee on economic development and emerging technologies, the chairs of the joint committee on revenue, and to the chairs of the house and senate committees on ways and means, not later than 90 days after the effective date of this section."

Mr. Brewer in the Chair, after debate, the question on adoption of the further amendment was determined by a call of the yeas and nays, at twenty-nine minutes past five o'clock P.M., on motion of Ms. Spilka, as follows, to wit (*yeas 27 – nays 10*) [**Yeas and Nays No. 326**]:

INSERT ROLL CALL "326"

The President in the Chair, the yeas and nays having been completed at twenty-four minutes before six o'clock P.M., the further amendment was adopted.

The pending amendment (Tisei, et al), as amended (Spilka), was then considered and adopted.

Mr. Hedlund moved that the proposed new text be amended by adding after Section 19(a)(2), the following new sections:-
“Section 19(a)(3). The gaming commission shall develop and promulgate regulations to ensure that a person receiving funds pursuant to a contract awarded by a gaming licensee regarding the licensee’s gaming establishment is in compliance with federal laws pertaining to immigration and citizenship including, but not limited to 42 U.S.C. section 1436(a). Such regulations shall include, but not be limited to, ascertaining and verifying immigration and citizenship status through a work authorization program.

Section 19(a)(4). For the purpose of this Chapter, ‘Work authorization program’, shall mean an electronic verification of work authorization program or an equivalent work authorization program operated by the United States Department of Homeland Security, the United States Department of Labor, the Social Security Administration, other federal agency or by a private verification system authorized by the director of labor to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 and its successor acts.

Section 19(a)(5). No funds shall be expended in accordance with a contract awarded by or to a gaming licensee which will result in the payment of any kind to a person not in compliance with any and all federal laws pertaining to immigration and citizenship, including but not limited to 42 U.S.C. 1436(a).”

Pending the question on adoption of the amendment, Messrs. Tarr, Hedlund, Tisei, Knapik and Ross moved to further amend the pending amendment by striking out Section 19(a)(3) and inserting in place thereof the following section:-

“Section 19(a)(3). The gaming commission shall develop and promulgate regulations to ensure compliance with federal laws pertaining to immigration and citizenship including, but not limited to, 42 U.S.C. section 1436(a), by (a) a person receiving funds pursuant to a contract awarded by a gaming licensee regarding the licensee’s gaming establishment, and (b) a business engaged in the construction of any gaming establishment licensed under this chapter. Such regulations shall include, but not be limited to, ascertaining and verifying immigration and citizenship status through a work authorization program.”

After debate, the further amendment (Tarr, et al) was adopted.

After remarks, the pending amendment (Hedlund), as amended (Tarr, et al) was adopted.

Mr. Tarr moved that the proposed new text be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2524, relative to consolidation.

Pending the question on adoption of the amendment, Mr. Hedlund moved to further amend the amendment by inserting after Section __, the following new section: -

“SECTION X. Section 6 of chapter 64H of the General Laws, as amended by section 55 of chapter 27 of the acts of 2009, is hereby amended in lines 71 and 72 by striking the words “and 64F” and inserting in place thereof the following words: - “64F and one hundred and thirty-eight.”

After debate, the question on adoption of the further amendment was determined by a call of the yeas and nays, at twenty minutes past six o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 13 – nays 24*) [**Yeas and Nays No. 327**]:

INSERT ROLL CALL “327”

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

Mr. Panagiotakos moved that the pending amendment (Tarr) be further amended by striking out the text in its entirety and inserting in place thereof the following text:- by inserting after section 72 the following section:-

“The secretary of administration and finance and the secretary of housing and economic development shall jointly study and report the use of gaming regulatory agencies in those states where state-licensed gaming facilities, including, but not limited to, casinos and slot parlors are currently operating. The study shall include but not be limited to the following: the benefits of establishing a bifurcated agency model versus a unitary agency model; separation of duties of operating a gaming regulatory authority from the issuing of a casino license; which model provides greater adjudicatory impartiality and the regulatory costs of each model.

The secretaries shall submit a written report of their findings and recommendations to the chairs of the house and senate committees on ways and means and the chairs of the joint committee on economic development and emerging technologies, not later than 90 days after the effective date of this section.”

The further amendment (Panagiotakos) was adopted.

The pending amendment (Tarr), as amended (Panagiotakos) was then adopted.

Recess.

At twenty-five minutes past six o'clock P.M., the President declared a recess; and at sixteen minutes past seven o'clock P.M., the Senate reassembled, the President in the Chair.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, prior to consideration to the Orders of the Day, one matter was taken out of the Notice Section of the Calendar and considered forthwith:

The Senate Bill authorizing the town of Wareham to issue eight (8) additional liquor licenses (Senate, No. 2483).

The bill was read a second time and was amended, on motion of Mr. Pacheco, by substituting a new draft with the same title (Senate, No. 2520).

**The bill (Senate, No. 2520) was then 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 House Bill establishing expanded gaming in the Commonwealth (House, No. 4619),-- **was considered, the main question being on ordering the bill to a third reading.**

Mr. Tisei moved that the proposed new text be amended by inserting after section __ the following new section:-

“Section X. Section 4 of said chapter 62 of the General Laws, as most recently amended by chapter 173 of the acts of 2008, is hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the following subsection:-

(b) Part B taxable income shall be taxed at the rate of 5 percent for the taxable years beginning on or after January 1, 2011.”

Pending the question on adoption of the amendment, Mr. Hart moved to further amend the pending amendment by striking out the text and inserting in place thereof the following text:- by inserting after section 72 the following section:-

“SECTION 72A. The department of revenue shall conduct a study of income tax rate structure and collections in those states where state-licensed gaming facilities, including, but not limited to, casinos and slot parlors, are currently operating. The study shall include, but not be limited to, the following topics: income tax collections per capita, with increases or decreases in such per capita collections in each state which has expanded gaming operations since 1987, since those gaming facilities began operations in that state; whether upward or downward trends in per capita income tax collections resulting from changes in the state or national economy have been exacerbated by the introduction of operating legalized gaming facilities; whether such states have progressive or flat income tax rates, and, for those states which expanded gaming operations since 1987, whether such structures have changed since such gaming facilities began operations; and whether any such states have enacted changes in their income tax rates since such gaming facilities began operations and the content of those changes.

The department shall submit a written report of its findings to the chairs of the joint committee on economic development and emerging technologies, the chairs of the joint committee on revenue and to the chairs of the house and senate committees on ways and means, not later than 90 days after the effective date of this section.”

After debate, the further amendment (Hart) was adopted.

The pending amendment (Tisei), as amended (Hart) was then adopted.

Ms. Fargo moved to amend the proposed new text by inserting the following five sections:

“SECTION 76. Section 2 of chapter 64H of the General Laws, as amended by section 53 of chapter 27 of the acts of 2009, is hereby amended by striking out, in line 3, the figure ‘6.25’ and inserting in place thereof the figure ‘5.0’.

SECTION 77. Section 30A of chapter 64H of the General Laws, as amended by section 56 of chapter 27 of the Acts of 2009, is hereby amended by striking out the figure ‘6.25’ as so appearing in subsection (a), lines 4 and 6, and in subsection (b), lines 3 and 6, and inserting in place thereof in each instance the figure ‘5.0’.

SECTION 78. Section 2 of chapter 64I of the General Laws, as amended by section 57 of chapter 27 of the Acts of 2009 is hereby amended by striking out the figure ‘6.25’, in line 6, and inserting in place thereof the figure ‘5.0’.

SECTION 79. Section 31A of chapter 64I of the General Laws, as amended by section 59 of chapter 27 of the Acts of 2009, is hereby amended by striking out the figure ‘6.25’ as so appearing in subsection (a), lines 4 and 6, and in subsection (b), lines 3 and 6, and inserting in place thereof in each instance, the figure ‘5.0’.

SECTION 80. Sections 76 through 79, inclusive, shall take effect on January 1st of the following year first occurring after the awarding of the second gaming establishment license by the commission pursuant to the provisions of chapter 23K.”

Pending the question on adoption of the amendment, Mr. Brewer moved to further amend the pending amendment by striking out the text and inserting in place thereof the following text:- by inserting after section 72 the following section:-

“SECTION 72A. The department of revenue shall conduct a study of sales tax rate structure and collections in those states where state-licensed gaming facilities are currently operating. The study shall include, but not be limited, the following topics: sales tax collections per capita in such states, and increases or decreases in such per capita collections since such gaming facilities have started operating, for those states where gaming has been legalized since 1987; whether upward or downward trends in per capita sales tax collections resulting from changes in the state or national economy have been exacerbated by the introduction of operating legalized gaming facilities; and whether any such states have enacted changes in their sales tax rates since such gaming facilities have started operating, and the content of those changes.

The department shall submit a written report of its findings to the chairs of the joint committee on economic development and emerging technologies, the chairs of the joint committee on revenue, and to the chairs of the house and senate committees on ways and means, not later than 90 days after the effective date of this section.”

After remarks, the further amendment was adopted.

The pending amendment (Fargo), as amended (Brewer), was then adopted.

Messrs. Donnelly, Michael O. Moore and Brewer and Ms. Fargo moved that the proposed new text be amended by inserting at the end thereof the following new section:-

“SECTION XX. All fire districts, authorities, municipalities and the Commonwealth of Massachusetts shall be allocated not less than one percent from gross gaming revenues. The yearly distribution of the above funds is for the purpose of providing-Safe Staffing Levels on all fire apparatus including fire department ambulances that respond to any and all requests to emergencies. The yearly allocation and distribution of these funds shall also be provided to fire departments for training and purchasing of safe equipment that will assist firefighters to respond safely and effectively.

The Commissioners of the Department of Fire Services shall devise a formula for the distribution of these funds to all fire departments.”

Pending the question on adoption of the amendment, Mr. Panagiotakos moved to that the amendment be further amended by striking out the text and inserting in place thereof the following text:- in section 13 in proposed chapter 23K by inserting in subsection 65 after the words “public safety” the following words:- “, including police, fire, and emergency services.”.

After remarks, the further amendment was adopted.

The pending amendment (Donnelly), as amended (Panagiotakos), was then adopted.

At twenty-six minutes before eight o'clock P.M., the President declared a recess; and at twelve minutes before eight o'clock P.M., the Senate reassembled, the President in the Chair.

Mr. Panagiotakos moved to amend the proposed new text in section 13, in section 1 of proposed chapter 23K by striking out the definition of “cashless wagering” and inserting in place thereof the following definition:-

“‘Cashless wagering system’, a method of wagering and accounting in which the validity and value of a wagering account, promotional account, wagering instrument or wagering credits, not including slot machine printed vouchers, are determined, monitored and retained for an individual by an electronic system operated and maintained by a licensee which maintains a record of each transaction involving the wagering account, promotional account, wagering instrument or wagering credits, exclusive of the game or gaming device on which wagers are being made, including electronic systems which facilitate electronic transfers of money directly to or from a game or gaming device.”;

In said section 13 by inserting after the words “gaming establishment”, in line 289, the following words:- “, gaming vendor”;

In said section 13, in paragraph (2) of subsection (a) of section 12 of proposed chapter 23K by striking out the words “or lease price”;

In said section 13, in paragraph (17) of subsection (a) of section 13 of proposed chapter 23K by striking out the words “is using” and inserting in place thereof the following words:- “purchased or intends to purchase”;

In said section 13, in said section 13 of proposed chapter 23K by striking out subsection (b) and inserting in place thereof the following subsection:-

“(b) Applications for licenses shall be public records for the purposes of section 10 of chapter 66; provided further that trade secrets, competitively-sensitive or other proprietary information provided in the course of an application for a gaming license under this chapter, the disclosure of which would place the applicant at a competitive disadvantage, may be withheld from disclosure under chapter 66.”;

In said section 13, in said section 13 of proposed chapter 23K by striking out subsection (c);

In said section 13, in paragraph 14 of subsection (a) of section 16 of proposed chapter 23K by striking out the following word “strength” and inserting in place thereof the following word:- “stretch”;

In said section 13, in clause (iv) of said paragraph 14 of said subsection (a) of said section 16 of proposed chapter 23K by striking out the word “identified” and inserting in place thereof the following word:- “qualified”;

In said section 13, in clause (iv) of said paragraph 14 of said subsection (a) of said section 16 of proposed chapter 23K by striking out the word “division” and inserting in place thereof the following word:- “department”;

In said section 13, in the first sentence of subsection (a) of section 46 of proposed chapter 23K by inserting after the word “establishment” the following words:- “as defined by host community and surrounding community”;

In said section 13, in the second sentence of said subsection (a) of said section 46 of proposed chapter 23K, by striking out the word “may” and inserting in place thereof the following word:- “shall”; and

In said section 13, in subsection (b) of said section 46 of proposed chapter 23K by inserting after the word “labor” the following words:- “who shall be selected from a list of 3 names proposed by the president of the Massachusetts AFL-CIO”.

Pending the question on adoption of the amendment, Ms. Chandler moved that the pending amendment be further amended by striking out the text and inserting in place thereof the following text:-

In section 13, in section 1 of proposed chapter 23K by striking out the definition of “cashless wagering” and inserting in place thereof the following definition:-

“‘Cashless wagering system’, a method of wagering and accounting in which the validity and value of a wagering account, promotional account, wagering instrument or wagering credits, not including slot machine printed vouchers, are determined, monitored and retained for an individual by an electronic system operated and maintained by a licensee which maintains a record of each transaction involving the wagering account, promotional account, wagering instrument or wagering credits, exclusive of the game or gaming device on which wagers are being made, including electronic systems which facilitate electronic transfers of money directly to or from a game or gaming device.”;

In said section 13 by inserting after the words “gaming establishment”, in line 289, the following words:- “, gaming vendor”;

In said section 13, in paragraph (2) of subsection (a) of section 12 of proposed chapter 23K by striking out the words “or lease

price”;

In said section 13, in paragraph (17) of subsection (a) of section 13 of proposed chapter 23K by striking out the words “is using” and inserting in place thereof the following words:- “purchased or intends to purchase”;

In said section 13, in said section 13 of proposed chapter 23K by striking out subsection (b) and inserting in place thereof the following subsection:-

“(b) Applications for licenses shall be public records for the purposes of section 10 of chapter 66; provided further that trade secrets, competitively-sensitive or other proprietary information provided in the course of an application for a gaming license under this chapter, the disclosure of which would place the applicant at a competitive disadvantage, may be withheld from disclosure under chapter 66.”;

In said section 13, in said section 13 of proposed chapter 23K by striking out subsection (c);

In said section 13, in paragraph 14 of subsection (a) of section 16 of proposed chapter 23K by striking out the following word “strength” and inserting in place thereof the following word:- “stretch”;

In said section 13, in clause (iv) of said paragraph 14 of said subsection (a) of said section 16 of proposed chapter 23K by striking out the word “identified” and inserting in place thereof the following word:- “qualified”;

In said section 13, in clause (iv) of said paragraph 14 of said subsection (a) of said section 16 of proposed chapter 23K by striking out the word “division” and inserting in place thereof the following word:- “department”;

In said section 13, in the first sentence of subsection (a) of section 46 of proposed chapter 23K by inserting after the word “establishment” the following words:- “as defined by host community and surrounding community”;

In said section 13, in the second sentence of said subsection (a) of said section 46 of proposed chapter 23K, by striking out the word “may” and inserting in place thereof the following word:- “shall”;

In said section 13, in subsection (b) of said section 46 of proposed chapter 23K by inserting after the word “labor” the following words:- “who shall be selected from a list of 3 names proposed by the president of the Massachusetts AFL-CIO”; and

In section 72A by striking out the figure “59Q” and inserting in place thereof the following figure:- “59S”.

The further amendment was adopted.

The pending amendment (Panagiotakos), as amended (Chandler) was then adopted.

The pending Ways and Means amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2495, as amended, and inserting before the enacting clause an emergency preamble was then adopted.

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

Mr. Baddour in the Chair, after debate, the question on passing the bill to be engrossed, in concurrence, with the amendment, was determined by a call of the yeas and nays, at six minutes before nine o'clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (*yeas 25 – nays 15*) [**Yeas and Nays No. 328**]:

INSERT ROLL CALL “328”

The yeas and nays having been completed at two minutes before nine o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment [For text of the Senate amendments, see Senate, No. 2530]. Sent to the House for concurrence in the amendment.

Order Adopted.

The President in the Chair, on motion of Mr. Berry,

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

Moment of Silence.

At the request of the President, the members, guests and employees stood in a moment of silence and reflection to the memory of Army Specialist Scott A. Andrews.

Adjournment in Memory of Army Specialist Scott A. Andrews

The Senator from Bristol and Plymouth, Ms. Menard, requested that when the Senate adjourns today, it adjourn in memory of Army Specialist Scott A. Andrews.

Army Specialist Scott A. Andrews was killed on June 21st in Afghanistan by an enemy improvised explosive device.

Specialist Andrews was a native of Fall River. He is survived by his mother Jo Ann Mello, father Alfred Andrews, and brothers Matthew and David.

Specialist Andrews was a member of the Army's 618th Engineer Support Company 27th Engineer Battalion, 20th Engineer Brigade, stationed in Fort Bragg, North Carolina. He served his first assignment in Afghanistan as a wheeled vehicle mechanic during routine clearance operations.

During the two years and four months since he enlisted for active duty in February 2008, Andrews was awarded the following military awards, decorations and campaign and service medals: The Purple Heart, Army Achievement Medal, Afghanistan Campaign Medal, National Defense Service Medal, Global War on Terrorism Medal, Army Service Ribbon, Overseas Service Ribbon, Army Good Conduct Medal and a Combat Action Badge.

His burial service will be held this Saturday with full military honors.

Specialist Andrews has served his family, his community and his country well. He is truly one of the brave.

Accordingly, as a mark of respect to the memory of Army Specialist Scott A. Andrews, at two minutes past nine o'clock P.M., on motion of Ms. Menard, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.