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, February 6, 2014.

Met according to adjournment at one o'clock P.M. (Mr. Richard T. Moore in the Chair).

Communication.

Communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of Senator Sal DiDomenico (pursuant to Executive Order 548) to the Cross Secretariat Task Force on School Safety and Security,-- **was placed on file.**

Report.

Report of the Massachusetts Department of Transportation (under the provisions of Section 6 of Chapter 6C of the General Laws) submitting its yearly performance management report (received, January 31, 2014),-- **was placed on file.**

Petitions.

Petitions were severally presented and referred as follows:

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 2002) of Sal N. DiDomenico and Boston City Councilor Sal LaMattina for legislation to direct the city of Boston Police Department to waive the maximum age requirement for police officer Edward Grace [Local approval received];
Under Senate Rule 20, to the committee on Public Service.
Sent to the House for concurrence.

By Mr. DiDomenico, a petition (subject to Joint Rule 12) of DiDomenico, a petition (subject to Joint Rule 12) of Sal N. DiDomenico and Thomas M. McGee for legislation to establish a sick leave bank for Cynthia Salsman, an employee of the Soldiers' Home in Massachusetts; and

By Mr. Downing, a petition (subject to Joint Rule 12) of Benjamin B. Downing and Stephen Kulik for legislation relative to the Massachusetts Broadband Institute;
Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of a Committee.

By Mr. Brownsberger, for the committee on the Judiciary, on petition, a Bill to establish a sick leave bank for Angela Furey, an employee of the Trial Court (Senate, No. 1998);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPERS FROM THE HOUSE

Bills
Authorizing the town of Stoneham to create a special fund for railroad right of way proceeds (House, No. 3743,-- on petition) [Local approval received];
Authorizing the city of Salem to convert 1 seasonal license to an annual license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3831, changed,-- on petition) [Local approval received]; and
Eliminating the board of public works of the town of Acushnet (House, No. 3834,--on petition) [Local approval received];
Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Reports

Of the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1967) of Sean Garballey and others that the Department of Public Health establish a formal public hearing process prior to certain licensing and ownership of nursing home facilities decisions,-- **and recommending that the same be referred to the committee on Elder Affairs; and**

Of the committee on Public Service, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2415) of Kathi-Anne Reinstein for legislation to require pharmacists to inform purchasers of drugs of the availability of over-the-counter interchangeable drug products,-- **and recommending that the same be referred to the committee on Public Health;**
Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Richard T. Moore) declared a recess subject to the call of the Chair; and, at twenty-five minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

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

Resolutions.

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

Resolutions (filed by Mr. Ross) "congratulating Richard A. Higgins on his elevation to the rank of Eagle Scout."

PAPERS FROM THE HOUSE
Engrossed Bills—Land Takings for Conservation Etc.

An engrossed Bill relative to the conveyance of an easement in the city of Northampton (see House, No. 2845, changed and amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII 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-six minutes past one o'clock P.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 241]:
YEAS.
Barrett, Michael J. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Humason, Donald, Jr. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. − 38.
NAYS − 0.

The yeas and nays having been completed at twenty-seven minutes before two 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.

An engrossed Bill authorizing the town of Andover to exchange certain parcels of land (see House, No. 3483, changed) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII 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-six minutes before two o'clock P.M., as follows, to wit (yeas 36 - nays 0) [Yeas and Nays No. 242]:
YEAS.
Barrett, Michael J. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. Kennedy, Thomas P.
Candaras, Gale D. Lovely, Joan B.
Chandler, Harriette L. McGee, Thomas M.
Chang-Diaz, Sonia Montigny, Mark C.
Creem, Cynthia Stone Moore, Michael O.
DiDomenico, Sal N. Moore, Richard T.
Donnelly, Kenneth J. O'Connor Ives, Kathleen
Donoghue, Eileen M. Pacheco, Marc R.
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Humason, Donald, Jr. Timilty, James E.
Jehlen, Patricia D. Wolf, Daniel A. − 36.
NAYS − 0.
ABSENT OR NOT VOTING.
Petruccelli, Anthony Welch, James T. − 2.

The yeas and nays having been completed at twenty-two minutes before two 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.
Orders of the Day.
The Orders of the Day were considered as follows:
Bills
Authorizing the town of Westport to lease a certain parcel of land (Senate, No. 1961).
Authorizing the city of Northampton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 1962).
Authorizing the town of Webster to issue one additional all alcoholic beverages to be drunk on the premises of 41 Worcester Road (Senate, No. 1989);
Authorizing the town of Webster to issue five additional all alcoholic beverages to be drunk on the premises designated for use in the downtown's "slum and blight" Main Street area (Senate, No. 1990); and
Authorizing the town of Stoneham to establish a special fund for the collection and disposal of trash (House, No. 3744);
Were severally read a second time and ordered to a third reading

The Senate Committee Bill relative to unemployment insurance reforms (Senate, No. 2001),-- was read a second time.
After debate and pending the question on ordering the bill to a third reading, Ms. Spilka moved that the bill be amended by inserting at the end thereof, the following new section:-
"SECTION XX. The department of unemployment assistance shall investigate the feasibility of and design a pilot program to provide skills training internships with employers in the Commonwealth for residents who are unemployed and are receiving unemployment insurance benefits under chapter 151A of the General Laws.
The department shall file a report with the clerks of the senate and house of representatives not later than January 2, 2015 that will: (i) review existing federal and state laws, regulations and policies governing eligibility for unemployment insurance, unpaid internships, wages and hours and workers' compensation insurance; (ii) develop a pilot program that will be in compliance with the requirements outlined in section (i); (iii) outline eligibility requirements for persons and businesses to participate in a program; (iv) investigate procedures to ensure that interns do not displace or adversely affect the wages, hours or other benefits held by existing employees; (v) recommend specific industries or businesses in the commonwealth for participation in the

program; (vi) examine methods or incentives to encourage participation in the program; (vii) consider benchmarks and reporting standards to measure successful outcomes; (viii) explore any other measures it deems necessary for a skills training internship pilot program, including the cost of implementation."
After remarks, the amendment was adopted.
Mr. Tarr moved that the bill be amended by inserting, after Section__, the following new section:-
"SECTION__. Subsection (a) of section 62A of chapter 151A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following paragraph:-
The department shall yearly conduct not less than 1 public hearing to seek the input of Massachusetts employers. Said hearing shall be held at a time and location designated to maximize employer participation. Not less than 20 days prior to a public hearing the commissioner shall conspicuously post notice of the time and location of the hearing on its website and send notice, electronically or otherwise, to members of the general court; every employer with an account with the department; the Massachusetts and Greater Boston Chambers of Commerce; the Massachusetts Taxpayers Association, Associated Industries of Massachusetts, and the National Federal of Independent Businesses."
After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-six minutes past two o'clock P.M., on motion of Mr. Ross, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 243]:
YEAS.
Barrett, Michael J. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Humason, Donald, Jr. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. − 38.
NAYS − 0.

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

Mr. Tarr moved to amend the bill by inserting at the end thereof the following new section:-
"SECTION__. Said chapter 151A of the General Laws, as so appearing, is hereby amended by inserting after section 14P the following:-
Section 14Q. Treasury Offset Program. The commissioner may enter into an agreement with the Secretary of the Department of Treasury, under the provisions of 26 U.S.C. § 6402 (f) and 31 CFR § 285.8, to transmit valid, unpaid, and overdue unemployment compensation debts to the Financial Management Service, a bureau of the U.S. Department of the Treasury, for collection by offset of Federal tax refund payments through the Treasury Offset Program. If the commissioner chooses to participate in the Treasury Offset Program to recover unemployment compensation debt, the commissioner shall adhere to all rules, policies, and guidance as required by the U.S. Department of the Treasury and the U.S. Department of Labor in implementing and administering the program. The commissioner may promulgate such regulations as needed to implement this section."; by inserting at the end thereof the following new section:-
"SECTION_. Section 15 of said chapter 151A of the General Laws, as so appearing, is hereby amended by inserting after subsection (e), the following :-
(f) If an assessment, or any administrative decision upon review thereof has become final and the contributions, payments in lieu of contributions, interest, or penalties thereby assessed remain unpaid, the Director may refer the unpaid and overdue amount to the Secretary of the Department of Treasury for collection under the provisions of 26 U.S.C. § 6402 (f), the Treasury Offset Program, provided that all procedures for notice and opportunity to present evidence as required by 31 CFR § 285.8 have been followed." and by inserting at the end thereof the following new section:-
"SECTION_ Section 69B of said chapter 151A of the General Laws, as so appearing, is hereby further amended by inserting, at the end thereof, the following :-
(b) In addition to any other remedy provided by this chapter, the commissioner may request that the amount payable to the department by an individual resulting from an overpayment of unemployment benefits which has become final as specified in 430 CMR 6.12 be set off against any Federal tax refund payment owed such individual by the U.S. Department of Treasury, in

accordance with the requirements of the Treasury Offset Program described in section 14Q of this chapter."
The amendment was adopted.
Mr. Tarr moved to amend the bill by inserting at the end thereof the following new section:-
"SECTION__ Section 6A of said chapter 151A of the General Laws, as so appearing, is hereby amended by inserting after subsection (6) the following :-
(7) an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than $1000."
The amendment was rejected.
Mr. Tarr moved that the bill be amended by inserting, after section__, the following two new sections:-
"SECTION__. Section 38 of chapter 151A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the word 'cause', in line 26, the following words:- ; and provided further, however, that the commissioner or an authorized representative shall not determine the matter on the available information and shall further investigate the claim, as provided for in subsection (a) of section 39, if the claimant has previously received benefits under this chapter while employed by said employer in the current or previous calendar year or in any 3 of the previous 7 calendar years.
SECTION__. Subsection (a) of section 39 of said chapter 151A, as so appearing, is hereby amended by adding the following paragraph:-
The commissioner or an authorized representative shall, in consultation with the state advisory council provided for in section 9N of chapter 23, investigate any claim in which the claimant has previously received benefits under this chapter in the current or previous calendar year or in any 3 of the previous 7 calendar years; provided, however, that said investigation shall occur only if the claimant was employed by the employer against which said claimant is currently making the claim. Said investigation shall ensure the claimant is fully entitled to benefits under this chapter, and shall include, but not be limited to, an analysis of whether the unemployment is a result of a factual disruption of employment or rather a regular or seasonal method by the claimant to unlawfully generate income. The commissioner or an authorized representative shall represent the interests of the agency at a hearing if cause exists to suspect the claimant is not lawfully entitled to benefits."
The amendment was rejected.
Mr. Tarr moved that the bill be amended by inserting, after section__, the following new section:-
"SECTION__. Paragraph (a) of section 24 of chapter 151A of the General Laws is hereby amended by striking out in its entirety said paragraph and inserting in place thereof a new paragraph:-
(a) Have been paid wages in the base period amounting to at least forty times the weekly benefit rate; provided, however, that for the period beginning on January first, nineteen hundred and ninety-five the individual has been paid wages in at least two quarters of the base period amounting to at least thirty times the weekly benefit rate; provided, further, that said amount shall be increased annually proportionately, rounding to the nearest one hundred dollars, to any increases which have occurred during the prior calendar year in the minimum wage as set forth in section one of chapter one hundred and fifty-one; and, provided further, that any such increase shall be effective beginning on the first Sunday in January."
After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eighteen minutes before three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 4 — nays 34) [Yeas and Nays No. 244]:
YEAS.
Hedlund, Robert L. Ross, Richard J.
Humason, Donald, Jr. Tarr, Bruce E. − 4.
NAYS.
Barrett, Michael J. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Rush, Michael F.
Flanagan, Jennifer L. Spilka, Karen E.
Forry, Linda Dorcena Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. − 34.

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

Mr. Tarr moved to amend the bill by inserting after section__, the following new section:-
"SECTION__. Section 38 of chapter 151A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by

inserting after the word “information.”, in line 20, the following sentence:- If the employer responds within 10 days after such notice was mailed, the commissioner shall have a final determination of the matter within 30 days, unless good cause exists, in which case the commissioner shall send written notice to both the claimant and the employer that good cause exists for the matter not to be decided within 30 days; provided, however, that said written notice explains such good cause.”
The amendment was adopted.
Mr. Tarr moved to amend the bill in section 4 by striking the percentage row of “POS %17 or more” and inserting in place thereof the following 6 rows:-

25 or more .20 .26 .32 .40 .50 .60 .69
20 but less than 25 .30 .33 .40 .50 .61 .73 .80
20.0 .37 .42 .49 .57 .70 .83 .90
19.0 .42 .48 .56 .65 .77 .90 .99
18.0 .49 .55 .64 .74 .86 .99 1.08
17.0 .56 .64 .73 .83 .94 1.07 1.21

The amendment was *rejected*.

Mr. Tarr moved to amend the bill by inserting at the end thereof the following new section:-
“SECTION__. Section 28A of said chapter 151A of the General Laws, as so appearing, is hereby amended by inserting after subsection (d) the following:-
(e) with respect to any services described in subsections (a) and (b) that are provided to or on behalf of an education institution, benefits shall not be paid to any individual under the same circumstances as described in subsections (a) through (c)”.
The amendment was rejected.
Mr. Tarr moved to amend the bill by striking section 2 in its entirety; by striking out the table in section 4 and inserting in place thereof the following table:-

	Experience Rate Table						
	Unemployment compensation fund reserve percentage						
	A	B	C	D	E	F	G
	1.75% and over	1.6% or more but less than 1.75%	1.4% or more but less than 1.6%	1.1% or more but less than 1.4%	0.8% or more but less than 1.1%	0.5% or more but less than 0.8%	less than 0.5%
Negative Percentage							
23 or more	9.40	10.53	11.79	13.21	14.79	16.57	18.55
21	9.00	10.08	11.29	12.64	14.16	15.86	17.76
19	8.60	9.63	10.79	12.08	13.53	15.16	16.97
17	8.20	9.18	10.29	11.52	12.90	14.45	16.19
15	7.80	8.74	9.78	10.96	12.27	13.75	15.40
13	7.40	8.29	9.28	10.40	11.64	13.04	14.61
11	7.00	7.84	8.78	9.83	11.01	12.34	13.82
9	6.60	7.39	8.28	9.27	10.39	11.63	13.03
7	6.20	6.94	7.78	8.71	9.76	10.93	12.24
5	5.80	6.50	7.28	8.15	9.13	10.22	11.45
3	5.40	6.05	6.77	7.59	8.50	9.52	10.66
1	5.00	5.60	6.27	7.02	7.87	8.81	9.87
0 but < 1	4.60	5.15	5.77	6.46	7.24	8.11	9.08
Positive Percentage							
0 but < 0.5	3.90	4.37	4.89	5.48	6.14	6.87	7.70
0.5	3.80	4.26	4.77	5.34	5.98	6.70	7.50
1	3.70	4.14	4.64	5.20	5.82	6.52	7.30
1.5	3.60	4.03	4.52	5.06	5.66	6.34	7.11
2	3.50	3.92	4.39	4.92	5.51	6.17	6.91
2.5	3.40	3.81	4.26	4.78	5.35	5.99	6.71
3	3.30	3.70	4.14	4.64	5.19	5.82	6.51
3.5	3.20	3.58	4.01	4.50	5.04	5.64	6.32
4	3.10	3.47	3.89	4.36	4.88	5.46	6.12
4.5	3.00	3.36	3.76	4.21	4.72	5.29	5.92
5	2.90	3.25	3.64	4.07	4.56	5.11	5.72
5.5	2.80	3.14	3.51	3.93	4.41	4.93	5.53
6	2.70	3.02	3.39	3.79	4.25	4.76	5.33
6.5	2.60	2.91	3.26	3.65	4.09	4.58	5.13
7	2.50	2.80	3.14	3.51	3.93	4.41	4.93
7.5	2.40	2.69	3.01	3.37	3.78	4.23	4.74
8	2.30	2.58	2.89	3.23	3.62	4.05	4.54
8.5	2.20	2.46	2.76	3.09	3.46	3.88	4.34
9	2.10	2.35	2.63	2.95	3.30	3.70	4.15
9.5	2.00	2.24	2.51	2.81	3.15	3.52	3.95
10	1.90	2.13	2.38	2.67	2.99	3.35	3.75
10.5	1.80	2.02	2.26	2.53	2.83	3.17	3.55
11	1.70	1.90	2.13	2.39	2.67	3.00	3.36
11.5	1.60	1.79	2.01	2.25	2.52	2.82	3.16
12	1.50	1.68	1.88	2.11	2.36	2.64	2.96
12.5	1.40	1.57	1.76	1.97	2.20	2.47	2.76
13	1.30	1.46	1.63	1.83	2.05	2.29	2.57
13.5	1.20	1.34	1.51	1.69	1.89	2.11	2.37
14	1.00	1.12	1.25	1.40	1.57	1.76	1.97
15	0.90	1.01	1.13	1.26	1.42	1.59	1.78
16	0.80	0.90	1.00	1.12	1.26	1.41	1.58
17	0.70	0.78	0.88	0.98	1.10	1.23	1.38
18	0.60	0.67	0.75	0.84	0.94	1.06	1.18
19	0.50	0.56	0.63	0.70	0.79	0.88	0.99
20	0.40	0.45	0.50	0.56	0.63	0.70	0.79
25	0.30	0.34	0.38	0.42	0.47	0.53	0.59
30	0.20	0.22	0.25	0.28	0.31	0.35	0.39
35 or more	0.10	0.11	0.13	0.14	0.16	0.18	0.20

The amendment was rejected.

Messrs. Montigny, Joyce, Tarr and Hedlund moved to amend the bill by inserting at the end thereof the following new section:-

SECTION__. Section 1 of chapter 151A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting, in line 186, after the word ‘employer’, the following :-

Notwithstanding any general or special law to the contrary, an individual employed as a crewmember on a commercial fishing vessel shall be deemed to be in total unemployment during any period of general closing of his employer’s fishing vessel due to the employer’s inability to conduct fishing operations as a result of federal fisheries management restrictions and the individual performs no wage-earning services whatsoever, and for which he receives no remuneration during those periods of general closing of his employer’s fishing vessel.”; and by inserting at the end thereof the following new section:-

“SECTION__. Section 25 of Chapter 151A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting, after line 152, the following paragraph:-

Notwithstanding any general or special law to the contrary, no disqualification shall be imposed if an individual establishes to the satisfaction of the commissioner that the individual is employed as a crewmember of a commercial fishing vessel and is unable to work for a period of time due to the general closing of his employer’s fishing vessel for that period of time as a result of the

employer’s inability to conduct fishing operations pursuant to federal fisheries management restrictions.”
After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at nine minutes past three o’clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 245]:
YEAS.
Barrett, Michael J. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Humason, Donald, Jr. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. − 38.
NAYS − 0.

The yeas and nays having been completed at twelve minutes past three o’clock P.M., the amendment was adopted.
Messrs. Montigny and Joyce moved to amend the bill by inserting after section 10 the following section:-
“SECTION 10A. Section 39 of said chapter 151A, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The commissioner shall give notice of such determination, together with the reasons for such determination, to the claimant within 30 days of filing the claim, unless good cause exists, in which case the commissioner shall send written notice to both the claimant and the employer explaining such good cause.”
After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes past three o’clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 246]:
YEAS.
Barrett, Michael J. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Humason, Donald, Jr. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. − 38.
NAYS − 0.

The yeas and nays having been completed at seventeen minutes past three o’clock P.M., the amendment was adopted.
Mr. Tarr moved to amend the bill by inserting at the end thereof the following new section:-
“SECTION __. Notwithstanding any general or special law to the contrary, the director of the department of unemployment assistance in conjunction with the secretary of labor and workforce development and the secretary of housing and economic development shall submit an annual report for the next three years on the impact of this legislation. Said report shall include but not be limited to an analysis of the economic conditions impacted by the bill, included but not limited to, the economic competitiveness of employers, the impact on unemployment, and the impact of the economic stability of recipients of

unemployment benefits in the Commonwealth.
Said reports shall be made available on the website of the department of unemployment assistance and submitted to the clerks of the house and senate and the joint committee on labor and workforce development no later than December 31 2014, 2015, and 2016, respectively."
After remarks, the amendment was rejected.
Messrs. Ross and Tarr moved to amend the bill by inserting after section__, the following new section:-
"SECTION 16A. (a) There shall be a special commission to conduct an investigation and study of the activities and efficacy of the adjudication of unemployment insurance claims by the department of unemployment assistance. The commission shall consist of the following 11 members: 2 members appointed by the state auditor, both of whom shall have experience with the adjudication of unemployment disputes and 1 of whom shall serve as the chair; the house and senate chairs of the joint committee on labor and workforce development; 1 member of the senate or their designee, who shall be appointed by the minority leader of the senate; 1 member of the house of representatives or their designee, who shall be appointed by the minority leader of the house of representatives; the director of the department of unemployment assistance, or a designee; the president of the Massachusetts Taxpayer's Foundation, or a designee; the executive vice-president of the Massachusetts AFL-CIO, or a designee; an executive vice-president of Associated Industries of Massachusetts, or a designee; and the executive director of the Massachusetts Municipal Association, or a designee.
(b) The study shall include, but shall not be limited to : (1) the number of claims received by the department of unemployment assistance quarterly since January 1, 2010 and the resulting status of each claim, including, but not be limited to (i) the results of any initial determination about the claim, (ii) the results of any appeal from the initial determination, (iii) the number of rulings reversed through the appeals and review process, (iv) the number of claims arising under clauses (1) and (2) of subsection (e) of section 25 of chapter 151A of the General Laws and (v) the number of claims settled in favor of the claimant and in favor of the employer;
(2) the average length of time of the appeal and review process from initial determination to final disposition;
(3) the procedures used by the department to hire and train new employees who implement sections 39 through 41, inclusive, of said chapter 151A, including a determination as to whether or not employment procedures, under section 9K of chapter 23 of the General Laws, have been followed; and
(4) Recommendations of the commission relative to: (i) procedures through which the department may produce a quarterly report of the number of active claims and the status of said claims to be posted on the department's website; (ii) procedures through which any current backlog of cases may be fairly and efficiently resolved and avoided in future department proceedings; (iii) procedures through which oversight and quality control principles may be implemented to ensure the continuing prompt, equitable and transparent application of current law by the commissioner and the board of review; (iv) a complete review of the current statutes and regulations relative to the implementation of chapter 151A of the General Laws and any recommendations as to possible legislative reforms and streamlined procedures, including, but not limited to, recommendations and procedures for the uniform and effective implementation of section 25 of said chapter 151A.
(c) The commission may request from all state agencies such information and assistance as the commission may require. The commission shall report the results of its investigation and study, together with drafts of legislation, if any, necessary to carry out its recommendations, by filing the same with the clerks of the senate and house of representatives, who shall forward the same to the joint committee on labor and workforce development and the house and senate committees on ways and means on or before December 31, 2014. The report shall be made available to the public on the general court's website. "
After remarks, the amendment was adopted.
Ms. Candaras and Messrs. Tarr, Hedlund, Ross, Humason and Barrett moved that the bill be amended by inserting after section __ the following new section:-
"SECTION 16A. There shall be a special commission created to conduct an investigation and a study on the impact of unemployment on: (i) unemployment claimants who are over the age of 40, (ii) unemployment claimants experiencing long-term unemployment and (iii) unemployment claimants over the age of 40 experiencing long-term unemployment. For the purposes of this section, the term 'long-term unemployment' shall mean unemployment lasting longer than 27 weeks.
The commission shall consist of 15 members: the house and senate chairs of the joint committee on economic development and emerging technologies, who shall serve as co-chairs of the commission; the house and senate chairs of the joint committee on labor and workforce development; the secretary of labor and workforce development or a designee; the secretary of housing and economic development or a designee; the secretary of elder affairs or a designee; a representative of the federal reserve bank of Boston; the attorney general or a designee; a representative of Operation A.B.L.E. of Greater Boston; a representative of the Massachusetts Association of Chamber of Commerce Executives; 1 member who shall be appointed by the governor who shall be a health care expert with a specialty in gerontology; a representative from the National Association of Elder Law Attorneys or a designee; and 2 members associated with universities, each of whom shall have expertise in economics and employment and 1 of whom shall be appointed by the minority leader of the senate and 1 of whom shall be appointed by the minority leader of the house of representatives. The commission shall consult with a representative of a regional employment board for each county of the commonwealth, a representative of the AARP, the United States department of labor, employment and training division and the Sloan Center on Aging and Work at Boston College.
The study shall include, but not be limited to: (i) the economic and social cost of older, long-term unemployed or both older and long-term unemployed workers, (ii) an analysis of the unemployment system of the commonwealth specific to the effectiveness of existing laws and programs in providing retraining or re-employment opportunities to older, long-term unemployed or both older and long-term unemployed workers, (iii) the effect of the length of unemployment on the older worker and (iv) the

likelihood that the older worker will be offered job retraining opportunities and return to full employment. The commission shall make recommendations for possible changes to programming for older, long-term unemployed or both older and long-term unemployed workers, including an outline of possible pilot programs or supplemental unemployment programs focused on older, long-term unemployed or both older and long-term unemployed workers.
The commission shall report the results of its investigation and study, together with drafts of legislation, if needed, to implement its recommendations, by filing the report with the clerks of the senate and house of representatives, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, the joint committee on elder affairs and the house and senate committees on ways and means, not later than January 31, 2015. "
After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-nine minutes past three o'clock P.M., on motion of Ms. Candaras, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 247]:
YEAS.
Barrett, Michael J. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Humason, Donald, Jr. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. − 38.
NAYS − 0.

The yeas and nays having been completed at twenty-eight minutes before four o'clock P.M., the amendment was adopted.
Mr. Wolf moved to amend the bill by inserting after section 1 the following 2 sections:-
"SECTION 1A. Said section 14 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 39 and 51, the word 'twelve' each time it appears and inserting in place thereof in each instance the following figure:- 36.
SECTION 1B. Said section 14 of said chapter 151A, as so appearing, is hereby further amended by striking out, in line 56, the words 'calendar year' and inserting in place thereof the following words:- 36 consecutive months".;
By inserting after section 2 the following 2 sections:-
"SECTION 2A. Said section 14 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 68 and 228, the word 'twelve' each time it appears and inserting in place thereof, in each instance, the following figure:- 36.
SECTION 2B. Said section 14 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 167, the words 'twelve-months' and inserting in place thereof the following words:- 36 consecutive month".; and
By striking out section 15 and inserting in place thereof the following section:-
"SECTION 15. Notwithstanding section 14 of chapter 151A of the General Laws, for calendar year 2016, the experience rate of an employer qualifying under subsection (b) of section 14 of chapter 151A of the General Laws shall be the rate which appears in column "A" of clause (1) of subsection (i) of said section 14 of said chapter 151A; provided however, if the rate appearing in said column "A" is projected to result in a balance in the Unemployment Compensation Fund of less than $250,000,000, or greater as needed to ensure the minimum solvency of the Unemployment Compensation Fund, at the end of calendar year 2016, then the secretary of labor and workforce development shall submit a report to the clerks of the house of representatives and senate, the house and senate chairs of the joint committee on labor and workforce development and the house and senate chairs of the committees on ways and means, not later than December 31, 2015, with recommendations on the necessary rate change according to the rates set under said clause (1) of said subsection (i) of said section 14 of said chapter 151A to maintain an end of calendar year 2016 balance of $250,000,000, or greater as needed to ensure the minimum solvency of the Unemployment Compensation Fund; provided, further that said recommended rate change shall not exceed the rate set forth in column 'C' of said clause (1) of said subsection (i) of said section 14 of said chapter 151A.".
After remarks, the amendment was adopted.
Mr. Tarr moved that the bill be amended by inserting the text of Senate document numbered 2004, relative to increasing economic opportunities by reforming unemployment insurance.
After remarks, the amendment was rejected.
Mr. Tarr moved to amend the bill by inserting after section _ the following new section:-
"SECTION 18. Notwithstanding any general or special law to the contrary, the commissioner or director of the department of

unemployment assistance shall issue a report on the unemployment trust fund. Said report shall include, but not be limited to, the balance in the fund in each of the past 12 months and a projection of both the future balances in the fund for each of the next 12 months after the enactment of this legislation and the future balance projections without the enactment of this legislation, and the assumptions used to generate said projections. Said report shall be made available on the website of the department and submitted to the clerks of the house of representatives and the senate and to the joint committee on labor and workforce development not later than April 15, 2014."
The amendment was rejected.
Mr. Tarr moved to amend the bill by inserting after section 5 the following section:-
"SECTION 5A. Section 14L of said chapter 151A, as so appearing, is hereby amended by striking out, in line 4, the figure '0.075' and inserting in place thereof the following figure:- 0.05."
The amendment was adopted.
Messrs Tarr, Hedlund, Ross and Humason moved to amend the bill by inserting at the end thereof the following new section:-
"SECTION_. Notwithstanding any general or special law to the contrary there shall be a special commission to conduct an investigation and study of public sector retirees who return to work while receiving a defined benefit pension and then stop working and collect unemployment benefits. The commission shall consist of 9 members: the director of the department of unemployment assistance or designee, the secretary of labor and workforce development or designee, 2 members of the senate, 1 of whom shall be appointed by the senate president and 1 of whom shall be appointed by the minority leader of the senate; 2 members of the house of representatives, 1 of whom shall be appointed by the speaker of the house and 1 of whom shall be appointed by the minority leader of the house; the president of the Massachusetts taxpayer's foundation, or a designee; the executive vice-president of associated industries of Massachusetts, or a designee; and the executive director of the Massachusetts municipal association, or a designee.
The commission shall submit said report along with any recommendations to the clerks of the house and senate and the joint committee on labor and workforce development no later than December 31, 2014."
After remarks, the amendment was rejected.
Mr. Tarr moved to amend the bill by inserting after section _, the following section:-
"SECTION X. Section 30 of said chapter 151A of the General Laws, as so appearing, is hereby amended by striking out subsection (a) in its entirety and inserting in place thereof the following subsection:
(a) Except as provided in subsection (b), the total benefits which an unemployed individual may receive during his benefit year shall be an amount equal to thirty-six percent of his wages in the base period, or an amount equal to thirty times his benefit rate, whichever is less, plus dependency benefits payable under section 29; provided, that if in any month the average state-wide unemployment rate for the prior 6 months, as determined by the United States Department of Labor, is equal to or below 5.1 percent, the total benefits which an unemployed individual who then files a claim may receive during his benefit year shall be an amount equal to 36 per cent of his wages in the base period or an amount equal to 26 times his benefit rate, whichever is less, plus dependency benefits payable under said section 29. If such amount includes a fractional part of a dollar, it shall be rounded to the next lower full dollar amount
SECTION XX. Said section 30 of said chapter 151A of the General Laws, as so appearing, is hereby amended by adding the following subsection:-
(d) Notwithstanding the provisions of subsection (a), in any period that the average state-wide unemployment rate exceeds 5.1 percent and is below 7.0 percent, an individual's rights to receive regular benefits under this chapter for any week in excess of 26 times the individual's weekly benefit amount, plus dependency benefits payable under section 29, shall be dependent on the individual's participation in an unpaid internship program approved by the commissioner. An individual may participate and receive a weekly benefit amount in an approved unpaid internship program for 4 weeks in excess of the 26 week benefit period. For each week in excess of said 26 weeks, in order to receive the corresponding benefits for that week, the individual shall complete a week in such approved internship program. Approved participation in such program shall not result in a decrease in an individual's regular benefits. Benefits under this chapter in excess of 26 weeks shall not be conditional upon participation in an unpaid internship if the average state-wide unemployment rate for the prior 6 months is equal to or above 7.1 percent, provided that in no case shall regular benefits be distributed in excess of 30 weeks."
SECTION XXX. Section XX shall not take effect during anytime federal funding in not available after a recipient exhausts state benefits.
After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-nine minutes past three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 4 — nays 33) [Yeas and Nays No. 248]:
YEAS.
Hedlund, Robert L. Tarr, Bruce E.
Humason, Donald, Jr. Timilty, James E. − 4.
NAYS.
Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Lovely, Joan B.
Brownsberger, William N. McGee, Thomas M.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette L. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. O'Connor Ives, Kathleen

Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. − 33.
Keenan, John F.
ABSENT OR NOT VOTING.
Chang-Diaz, Sonia − 1.

The yeas and nays having been completed at twenty-eight minutes before four o'clock P.M., the amendment was rejected.

Recess.
At one minute past four o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at eighteen minutes before five o'clock P.M., the Senate reassembled, the President in the Chair.
Orders of the Day.
The Orders of the Day were further considered as follows:
The Senate Bill relative to unemployment insurance reforms (Senate, No. 2001),-- was considered, the main question being on ordering the bill to a third reading.
Mr. Brewer moves to amend the bill by striking out, in line 1, the words "SECTION 1." and inserting in place thereof the following words:-
"SECTION 1. Paragraph (2) of subsection (c) of section 189 of chapter 149 of the General Laws, as added by section 109 of chapter 38 of the acts of 2013, is hereby amended by striking out the words 'have the same meaning as the term "unemployment insurance taxable wage base" as defined in paragraph (4) of subsection (a) of section 14 of chapter 151A' and inserting in place thereof the following words:- mean $14,000.
SECTION 1A.";
By striking out section 4 and inserting in place thereof the following section:-
"SECTION 4. Said paragraph (1) of said subsection (i) of said section 14 of said chapter 151A, as so appearing, is hereby further amended by striking out the table and inserting in place thereof the following table:-
EXPERIENCE RATE TABLE

UNEMPLOYMENT COMPENSATON FUND RESERVE PERCENTAGE
A B C D E F G
1.65% and over 1.5% or more but less than 1.65% 1.2% or more but less than 1.5% 0.9% or more but less than 1.2% 0.6% or more but less than 0.9% 0.3% or more but less than 0.6% less than 0.3%
Employer Account Reserve Percentage
POS % 17 or more 0.56 0.64 0.73 0.83 0.94 1.07 1.21
16.0 0.64 0.73 0.83 0.95 1.08 1.22 1.39
15.0 0.73 0.83 0.94 1.07 1.21 1.38 1.57
14.0 0.81 0.92 1.04 1.18 1.34 1.53 1.73
13.5 0.97 1.10 1.25 1.42 1.61 1.83 2.08
13.0 1.05 1.19 1.35 1.54 1.75 1.99 2.26
12.5 1.13 1.28 1.46 1.66 1.89 2.14 2.43
12.0 1.21 1.37 1.56 1.77 2.01 2.29 2.60
11.5 1.29 1.47 1.67 1.89 2.15 2.45 2.78
11.0 1.37 1.56 1.77 2.01 2.29 2.6 2.96
10.5 1.45 1.65 1.87 2.13 2.42 2.75 3.12
10.0 1.53 1.74 1.98 2.25 2.56 2.91 3.3
9.5 1.61 1.83 2.08 2.36 2.69 3.05 3.47
9.0 1.7 1.93 2.19 2.49 2.82 3.21 3.65
8.5 1.78 2.02 2.29 2.61 2.96 3.37 3.82
8.0 1.85 2.10 2.39 2.72 3.09 3.51 3.99
7.5 1.94 2.20 2.5 2.84 3.23 3.67 4.17
7.0 2.02 2.30 2.61 2.96 3.37 3.82 4.35
6.5 2.09 2.38 2.71 3.08 3.50 3.97 4.51
6.0 2.17 2.47 2.81 3.20 3.63 4.13 4.69
5.5 2.25 2.56 2.91 3.31 3.76 4.28 4.86
5.0 2.34 2.66 3.02 3.43 3.90 4.43 5.04
4.5 2.42 2.75 3.13 3.55 4.04 4.59 5.21
4.0 2.50 2.84 3.23 3.67 4.17 4.74 5.38

3.5 2.58 2.93 3.33 3.79 4.30 4.89 5.56
3.0 2.67 3.03 3.44 3.91 4.44 5.05 5.74
2.5 2.75 3.12 3.54 4.02 4.57 5.20 5.90
2.0 2.82 3.21 3.65 4.14 4.71 5.35 6.08
1.5 2.9 3.3 3.75 4.26 4.84 5.50 6.25
1.0 2.98 3.39 3.85 4.38 4.98 5.65 6.43
0.5 3.06 3.48 3.96 4.5 5.11 5.81 6.60
0.0 3.14 3.57 4.06 4.61 5.24 5.96 6.77

NEG % 0.0 or less 4.22 4.79 5.45 6.19 7.03 7.99 9.08
-1.0 4.58 5.21 5.92 6.72 7.64 8.68 9.86
-3.0 4.95 5.63 6.39 7.27 8.26 9.38 10.66
-5.0 5.32 6.04 6.86 7.8 8.86 10.07 11.44
-7.0 5.68 6.46 7.34 8.34 9.48 10.77 12.23
-9.0 6.05 6.87 7.81 8.88 10.09 11.46 13.02
-11.0 6.42 7.29 8.29 9.42 10.70 12.16 13.81
-13.0 6.78 7.71 8.76 9.95 11.31 12.85 14.6
-15.0 7.15 8.13 9.24 10.49 11.93 13.55 15.39
-17.0 7.52 8.54 9.71 11.03 12.53 14.24 16.18
-19.0 7.88 8.96 10.18 11.57 13.15 14.94 16.97
-21.0 8.25 9.37 10.65 12.11 13.76 15.63 17.76
-23.0 or less 8.62 9.79 11.13 12.65 14.37 16.33 18.55
";
By inserting after section 4 the following 2 sections:-
"SECTION 4A. Said section 14 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 197 and 198, the words 'but less than 11.0 positive'.
SECTION 4B. Said section 14 of said chapter 151A, as so appearing, is hereby further amended by striking out, in line 217, the words 'but less than 0.5'.";
By inserting after section 5 the following section:-
"SECTION 5B. Said section 14L of said chapter 151A, as so appearing, is hereby further amended by striking out, in line 9, the figure '$18,000,000' and inserting in place thereof the following figure:- $22,000,000.";
In section 9, by striking out, in lines 41 and 42, the words "a family member, as defined in paragraph (7) of subsection (k) of section 14N," and inserting in place thereof the following words:- "an immediate family member";
In section 10, by striking out, in lines 50 and 51, the words "reduction of benefits solely because an individual quit a subsidiary part-time job" and inserting in place thereof the following words:- "full denial of benefits solely because an individual leaves a part time job, which supplements primary full-time employment";
In section 11, by striking out proposed subsection (a) of proposed section 47B and inserting in place thereof the following subsection:- "(a) No employer shall discharge, discipline, penalize or in any manner discriminate against any employee because: (i) the employee has filed a claim or instituted or caused to be instituted a proceeding alleging unemployment fraud by the employer; (ii) the employee has testified or is about to testify in any such proceeding alleging unemployment fraud by the employer; or (iii) the employee exercised a right in a matter alleging unemployment fraud, regardless of whether the right was exercised for the employee's benefit or the benefit of a third party.";
In said section 11, by striking out, in lines 67 to 68, inclusive, the words "and seniority rights";
In section 17, by striking out, in line 118, the figures "2, 3, 4" and inserting in place thereof the following figures:- "1, 1B, 1C, 2, 2A, 2B, 3, 4, 4A, 4B, 5A, 5B"; and
By adding the following section:-
"SECTION 21. Unless otherwise provided, this act shall take effect 6 months after the effective date of this act."
The amendment was adopted.
The bill (Senate, No. 2001, 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 twelve minutes before five o'clock P.M., on motion of Mr. Wolf, as follows, to wit (yeas 33 — nays 4) [Yeas and Nays No. 249]:
YEAS.
Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Lovely, Joan B.
Brownsberger, William N. McGee, Thomas M.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette L. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.

Eldridge, James B. Rosenberg, Stanley C.
Finegold, Barry R. Rush, Michael F.
Flanagan, Jennifer L. Spilka, Karen E.
Forry, Linda Dorcena Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. − 33.
Keenan, John F.
NAYS.
Hedlund, Robert L. Ross, Richard J.
Humason, Donald, Jr. Tarr, Bruce E. − 4.
ABSENT OR NOT VOTING.
Chang-Diaz, Sonia − 1.

The yeas and nays having been completed at eight minutes before five o'clock P.M., the bill was passed to be engrossed. [For text of bill, printed as amended, see Senate, No. 2003].
Sent to the House for concurrence.
PAPERS FROM THE HOUSE
Emergency Preamble Adopted.
An engrossed Bill establishing a sick leave bank for Debra Saverse, an employee of the Department of Revenue (see Senate, No. 1984), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 14 to 0.
The bill was signed by the President and sent to the House for enactment.
Engrossed Bill.
An engrossed Bill authorizing the town of Orleans to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 3622) (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.
Order Adopted.
On motion of Mr. Humason,--
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 six minutes before five o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.