

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.

Wednesday, June 26, 2013.

Met at five minutes past one o'clock P.M. (Mr. Rosenberg in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3529) of Cory Atkins and Michael Barrett (by vote of the town) that the town of Concord be authorized to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises;

Petition (accompanied by bill, House, No. 3530) of David Paul Linsky, Karen E. Spilka and Richard J. Ross (by vote of the town) that the town of Natick be authorized to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises;

Petition (accompanied by bill, House, No. 3531) of Thomas M. Stanley (by vote of the town) that the town of Lincoln be authorized to issue an additional license for the sale of wines and malt beverages to be drunk on premises; and

Petition (accompanied by bill, House, No. 3532) of Thomas M. Stanley (by vote of the town) that the town of Lincoln be authorized to issue a special license for the sale of wines and malt beverages;

Severally to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3533) of Kimberly N. Ferguson and Stephen M. Brewer (by vote of the town) that the town of Paxton be authorized to establish an open town meeting, board of selectmen, town administrator form of government;

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3534) of Geoff Diehl (by vote of the town) relative to tax titles in the town of East Bridgewater;

To the committee on Revenue.

A Bill establishing a district to operate a regional public safety communications and dispatch center for the towns of Franklin, Norfolk, Plainville and Wrentham (House, No. 2189,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

There being no objection, at six minutes past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twenty-seven minutes past two o'clock P.M., the Senate reassembled, Mr. Rosenberg in the Chair.

The Senator from Essex and Middlesex, Mr. Tarr then led the Chair (Mr. Rosenberg), members, guests and staff in the recitation of the pledge of allegiance to the flag.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill relative to documents of title and secured transactions (House, No. 28, amended),-- **was read a second time and ordered to a third reading.**

Reports of Committees.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of James E. Timilty for legislation to permit bad check restitution programs.

Senate Rule 36 was suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Consumer Protection and Professional Licensure.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Richard T. Moore and John V. Fernandes for legislation to prohibit a municipality or regional school district from using public funds or other public resources for the recruitment of students from outside the municipality or regional school district.

Senate Rule 36 was suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael R. Knapik and Joseph F. Wagner for legislation to establish a sick leave bank for Heather Pietras-Gladu, an employee of the Department of Children and Families.

Senate Rule 36 was suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Severally sent to the House for concurrence.

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill relative to a water storage facility in the city of Fall River (see Senate, No. 1764) (which originated in the Senate), 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 Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows:

The House Bill exempting the positions of police chief and fire chief in the city of Peabody from the civil service law (House, No. 3449),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the residue of the House Bill making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3522),-- **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1813.**

Order Adopted.

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3522) (the committee on Ways and Means having recommended that the bill be amended by substituting a new text, Senate, No. 1813) shall be placed in the Orders of the Day for a second reading on Thursday, June 27, 2013.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 10:00 A.M., on Thursday, June 27, 2013. All such amendments shall be second-reading amendments to the recommended Senate Ways and Means new text (Senate, No. 1813) but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

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

Subsequently, Mr. Rosenberg, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Ms. Flanagan, and the order was considered forthwith and adopted. The bill (House, No. 3522) was placed in the Orders of the Day for Thursday, June 27, 2013 for a second reading with the amendment pending.

Orders of the Day.

The Orders of the Day were considered as follows:

The House Bill implementing the Affordable Care Act and providing further access to affordable care (printed in House, No. 3452, amended),-- **was read a second time.**

After debate, the amendment previously recommended by the committee on Ways and Means that the pending new text be amended in section 20, by striking out, line 135, the words “cannot purchase a qualified health plan” and inserting in place thereof the following words:- “are not eligible for federal advanced premium tax credits”;

In section 36, by striking out, in line 189 to 191, inclusive, the words “and for the administration of the fair share employer contribution requirement pursuant to section 188 of chapter 149”;

In section 73, by striking out, in line 525, the word “designated”, and inserting in place thereof the following words:- “office of patient protection, established by section 16 of chapter 6D or, if applicable, the designated”; and

By inserting, after section 102, the following section:-

SECTION 102A. The commonwealth, by and through the governor or the governor’s designee, shall formally request a federal waiver to avoid the adverse effects of rating and rule changes to the Massachusetts merged market, to protect consumers and businesses in the commonwealth and in an effort to maintain current Massachusetts rating and rule requirements. All negotiations with any federal agency concerning this waiver shall be conducted in consultation with a member of the house of representatives as appointed by the speaker of the house and a member of the senate as appointed by the senate president. The governor, or the governor’s designee shall file a detailed report describing the waiver application and waivers received, along with all documentation, including, but not limited to, all related written and verbal responses from the Department of Health and Human Services, with the clerks of the senate and house not later than October 1, 2014. The governor shall report monthly to the joint committee on health care financing and the house and senate committees on ways and means on the status of the waiver request under this section,-- was considered.

Pending the question on adoption of the amendment, Mr. Tarr moved that the pending amendment (Ways and Means) be further amended by inserting after the word “requirements” the following language:- including, but not limited to, the number of ratings factors and number of annual rate settings.

After remarks, the further amendment was adopted.

After remarks, the question on adoption of the amendment (Ways and Means), as amended (Tarr) was determined by a call of the yeas and nays, at thirteen minutes before four o’clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 39 — nays 0*) [**Yeas and Nays No. 92**]:

YEAS.

Barrett, Michael J.

Kennedy, Thomas P.

Brewer, Stephen M.

Knapik, Michael R.

Brownsberger, William N.

Lovely, Joan B.

Candaras, Gale D.

McGee, Thomas M.

Chandler, Harriette L.

Montigny, Mark C.

Chang-Diaz, Sonia

Moore, Michael O.

Clark, Katherine M.

Moore, Richard T.

Creem, Cynthia Stone

O'Connor Ives, Kathleen

DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Finegold, Barry R.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. – 39.
Keenan, John F.	

NAYS – 0

The yeas and nays having been completed ten minutes before four o'clock P.M., the amendment was adopted.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the pending new text be amended by striking sections 48, 53 and 54. After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes past four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 6 — nays 33*) [**Yeas and Nays No. 93**]:

Roll Call 93

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

Ms. Spilka moved that the pending new text be amended by inserting at the end thereof the following new section:-
 “SECTION XX. Notwithstanding any general or special law to the contrary, by March 1, 2014 the Executive Office of Health and Human Services shall submit a report to the House and Senate Committees on Ways and Means and the Joint Committee on Health Care Financing detailing the cost savings to the Commonwealth that would result from implementation of a basic health program, pursuant to Section 9 of chapter 118E and federal law, 42 U.S.C § 18051.”
 The amendment was *rejected*.

Mr. Tarr moved that the pending new text be amended by inserting after section __ the following new section:-
 “SECTION __. The executive office of housing and economic development, in consultation with the department of revenue and manufacturers of medical devices in the commonwealth, shall conduct a study and evaluation of the impacts on such manufactures and the economy of the commonwealth of the tax on the sale of medical devices imposed pursuant to the federal affordable care act. The evaluation shall include an analysis of the economic impact of the tax, including but not limited to, its impact on jobs, employment, innovation, research, competitiveness, and on a patient's ability to receive medical devices and the cost at which patients obtain said devices. The report shall be published online on the department's website and sent to the clerks of the house and senate and the joint committee on economic development and emerging technologies not later than June 30, 2014.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at a quarter before five o'clock P.M., on motion of Mr. Knapik, as follows, to wit (*yeas 14 — nays 25*) [**Yeas and Nays No. 94**]:

YEAS.

Barrett, Michael J.	Moore, Michael O.
Brownsberger, William N.	O'Connor Ives, Kathleen
Finegold, Barry R.	Rodrigues, Michael J.
Forry, Linda Dorcena	Ross, Richard J.
Hedlund, Robert L.	Rush, Michael F.
Knapik, Michael R.	Tarr, Bruce E.
Lovely, Joan B.	Timilty, James — 14.

NAYS.

Brewer, Stephen M.	Joyce, Brian A.
Candaras, Gale D.	Keenan, John F.
Chandler, Harriette L.	Kennedy, Thomas P.
Chang-Diaz, Sonia	McGee, Thomas M.
Clark, Katherine M.	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Richard T.
DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Petrucelli, Anthony
Donoghue, Eileen M.	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Eldridge, James B.	Welch, James T.
Flanagan, Jennifer L.	Wolf, Daniel A. — 25.

Jehlen, Patricia D.

The yeas and nays having been completed eleven minutes before five o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved to amend the pending new text by inserting after section __, the following new section:-

“SECTION __. Section 1 of chapter 111M of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, in line 46, at the end of the definition of the term ‘Creditable coverage’ the following:-
Minimum creditable coverage, as defined by the board under the authority granted herein, shall not require coverage for prescription drugs.”

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the pending new text be amended by inserting the following new section:-

“SECTION __. Section 2 of chapter 176Q as added by section 42 of Chapter 288 of the Acts of 2010 is hereby amended by striking subsection (b) and inserting in place thereof the following subsection:-

(b) There shall be a board, with duties and powers established by this chapter, which shall govern the connector. The connector shall consist of 15 members: the secretary for administration and finance, or a designee, who shall serve as chairperson; the director of Medicaid or a designee; the commissioner of insurance or a designee; the executive director of the group insurance commission; 8 members appointed by the governor, 1 of whom shall be a member in good standing of the American Academy of Actuaries, 1 of whom shall be a health economist, 1 of whom shall represent the interest of small businesses, 1 of whom shall be a member of the Massachusetts chapter of the National Association of Health Underwriters, 1 of whom shall represent a consumer organization, and 3 of whom shall represent the interest of employers of various geographic locations and employee size; and 3 members appointed by the attorney general, 1 of whom shall be an employee health benefits plan specialist, 1 of whom shall be a representative of a health consumer organization and 1 of whom shall be a representative of organized labor. No appointee shall be an employee of any licensed carrier authorized to do business in the commonwealth. All appointments shall serve a term of 3 years, but a person appointed to fill a vacancy shall serve only for the unexpired term. An appointed member of the board shall be eligible for reappointment. The board shall annually elect 1 of its members to serve as vice-chairperson.”

The amendment was *rejected*.

Mr. Brownsberger moved to amend the pending new text by striking out section 71 and inserting in place thereof the following section:-

“SECTION 71. Said section 14 of said chapter 176Q, as so appearing, is hereby further amended by inserting after the word “binding”, in line 40, the following words:- on the insured and on the carrier, except to the extent other remedies are available under State or Federal law, and except that the requirement that the decision be binding shall not preclude the plan or issuer from making payment on the claim or otherwise providing benefits at any time, including after a final external review decision that denies the claim or otherwise fails to require such payment or benefits.”

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the pending new text be amended by striking sections 18 and 19; and by inserting after section __, the following new section:-

“SECTION __. The commonwealth, by and through the governor or the governor’s designee, shall formally request a federal waiver to avoid the adverse effects, financial and otherwise, of removing low-income individuals from the Connector and placing them on the MassHealth program. All negotiations with any federal agencies concerning this waiver shall be conducted in consultation with two members of the house of representatives, one to be appointed by the speaker of the house and one to be appointed by the minority leader of the house, and two members of the senate, one to be appointed by the senate president and one to be appointed by the minority leader of the senate. The governor, or the governor’s designee, shall file a detailed report describing the waiver application and waivers received, along with all documentation, including, but not limited to, all related written and verbal responses from the Department of Health and Human Services, with the clerks of the senate and house not later than October 1, 2014. The governor shall report monthly to the joint committee on health care financing and the house and senate committees on ways and means on the status of the waiver request under this section.”

The amendment was *rejected*.

Mr. Tarr moved to amend the pending new text in section 48 by adding after the second instance of the word “factor” in line 302, the following words:- “, which shall not exceed a ratio of one-to-one,”.

The amendment was *rejected*.

Mr. Tarr moved that the pending new text be amended by striking sections 2, 3 and 4.

The amendment was *rejected*.

Mr. Tarr moved that the pending new text be amended by inserting after section __, the following new section:-

“SECTION __. Notwithstanding any general or special law to the contrary, the executive office of health and human services, in collaboration with the commonwealth health insurance connector, the center for health information and analysis, and the health

policy commission shall, in increments of time not greater than 6 months, and for a period of not less than 4 years following the passage of this act, develop analyses of the cost impacts to the citizens, policyholders, employers, patients and state and municipal governments of the commonwealth of compliance with the federal Affordable Care Act. Such analyses shall include but not be limited to such factors as insurance premiums, copayments and deductibles, the impact the Affordable Care Act has on the state's ability to comply with state law limiting increases in medical spending to the overall economic growth rate in Massachusetts, and the costs associated with compliance and reporting of said Act. Such analyses shall be reported, together with any recommendations to reduce, mitigate or eliminate such cost impacts, with the clerks of the house and senate and the joint committee on health care financing, and shall be made available to the general public by electronic posting so as to provide convenient and searchable access to such analyses."

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the pending new text be amended by inserting the following new section:-

"SECTION __. The executive office of health and human services shall report on how many individuals will qualify and the cost of implementation of subsection (j) in Section 20, and shall report the findings to the joint committee on health care financing and the clerks of the house and senate. Section 20 of this act shall not go into effect until 30 days after said report is filed."

The amendment was *rejected*.

Mr. Tarr moved that the pending new text be amended by inserting after section _ the following section:-

"SECTION __. Subsection (b) of Section 12 of said chapter 176J, as amended by section 179 of chapter 224 of the acts of 2012, is amended by striking the figure '6', in lines 29 and 32, respectively, and inserting in place thereof the following:- '12'.'; and by striking, in line 37, the figure '85,000' and inserting in place thereof:- '175,000'"

The amendment was *rejected*.

Mr. Tarr moved that the pending new text be amended by inserting after section _ the following section:-

"SECTION __. The health policy commission shall study and issue a report on demerging the small and non-group health care marketplace. Said report shall include, but not be limited to, an analysis of the current merged market and the anticipated impact to the market as a result of compliance with the affordable care act, and an analysis of the demerging of the small and non-group health care markets and the potential benefits of such a change specifically emanating as a result of the laws and regulations of the affordable care act. Said report, together with any legislative suggestions, shall be filed with the clerks of the house and senate and the joint committee on health care financing not later than June 30, 2014."

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the pending new text be amended by striking section 97 in its entirety.

The amendment was *rejected*.

Mr. Tarr moved that the pending new text be amended by adding at the end thereof the following new section:

"SECTION XX. Section 12 of Chapter 12C is amended by striking subsection (b) in its entirety and inserting in place thereof the following:

(b) The center shall permit providers, provider organizations, public and private health care payers, government agencies and authorities and researchers access to de-identified data collected by the center for the purposes of lowering total medical expenses, coordinating care, benchmarking, quality analysis and other research, administrative or planning purposes, provided, however, that the data shall not include information that would allow the identification of the health information of an individual patient, except to the extent necessary for a government agency or authority to accomplish the public purposes for which access was given. The center shall also permit providers, provider organizations, and public and private health care payers access to data with patient identifiers solely for the purpose of carrying out treatment and coordinating care among providers. In providing any access to data under this section, the center, through its rules and regulations under Section 5, may do so under conditions that: (i) protect patient privacy; (ii) prevent collusion or anti-competitive conduct; and (iii) prevent the release of data that could reasonably be expected to increase the cost of health care. The center may limit access to data based on its proposed use, the credentials of the requesting party, the type of data requested or other criteria required to make a determination regarding the appropriate release of the data. The center may also limit the requesting party's use and release of any data to which that party has been given access by the center. Access to data authorized under this section shall be deemed to comply with the requirements of chapter 66A. The center shall charge user fees sufficient to defray the center's cost of providing such access to non-governmental entities."

The amendment was *rejected*.

Mr. Tarr moved that the pending new text be amended by inserting after section __, the following new section:-

"SECTION __. The secretary of the executive office of health and human services shall study the feasibility of the commonwealth utilizing the less restrictive rating bands allowed under the federal Affordable Care Act, including but not limited to equitable cost-sharing based on an individual's earning potential and other factors. The secretary shall report the findings to the joint committee on health care financing and the clerks of the house and senate within 60 days of the effective date of this act."

The amendment was *rejected*.

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

Matter Taken Out of the Notice Section of the Calendar.

The House Bill relative to documents of title and secured transactions (House, No. 28, amended),-- **was read a third time. Mr. Downing, for the committee on Bills in the Third Reading, reported, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1811.**

After remarks, the report was accepted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill implementing the Affordable Care Act and providing further access to affordable care (printed in House, No. 3452, amended),-- was considered, the main question being on ordering the bill to a third reading.

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

“SECTION __. Notwithstanding any special or general law to the contrary, any small business group purchasing cooperative authorized under Chapter 288 of the Acts of 2010, certified to operate by the division of insurance prior to July 1, 2013, may operate for plan years beginning on January 1, 2015, as a single plan sponsor and operate as a fully insured large group employer under continued authorization and reporting requirements to the division as required in Chapter 176J of the General Laws, or in the same manner as required of groups authorized under Section 78 of Chapter 153 of the Acts of 1992.”

The amendment was *rejected*.

The President in the Chair, there being no objection during consideration of the Orders of the Day, the following matter was considered, as follows:

PAPER FROM THE HOUSE

Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill relative to transportation finance (House, No. 3415) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1770) recommending the following new draft (House, No. 3535), -- **came from the House, and was read.**

The rules were suspended, on motion of Mr. McGee, and the report was considered forthwith.

After debate, the question on acceptance of the report of the committee of conference, in concurrence, was determined by a call of the yeas and nays, at fourteen minutes before seven o'clock P.M., on motion of Mr. Hedlund, as follows, to wit (*yeas 34 - nays 6*) **[Yeas and Nays No. 95]:**

YEAS.

Barrett, Michael J.

Joyce, Brian A.

Brewer, Stephen M.

Keenan, John F.

Brownsberger, William N.

Kennedy, Thomas P.

Candaras, Gale D.

Knapik, Michael R.

Chandler, Harriette L.

Lovely, Joan B.

Chang-Diaz, Sonia	McGee, Thomas M.
Clark, Katherine M.	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
DiDomenico, Sal N.	Moore, Richard T.
Donnelly, Kenneth J.	Murray, Therese
Donoghue, Eileen M.	Petrucelli, 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	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 34.

NAYS.

Hedlund, Robert L.	Ross, Richard J.
O'Connor Ives, Kathleen	Tarr, Bruce E.
Pacheco, Marc R.	Timilty, James – 6.

The yeas and nays having been completed at eleven minutes before seven o'clock P.M., the report was accepted, in concurrence.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill implementing the Affordable Care Act and providing further access to affordable care (House Bill, printed in House, No. 3452, amended),-- **was considered, the main question being on ordering the bill to a third reading.**

Mr. Tarr moved that the proposed new text be amended by inserting after section __, the following new section:-
 “SECTION_. Notwithstanding any general or special law to the contrary, to the maximum extent permitted by federal law, all applicants and recipients of MassHealth, as defined in section 9A of chapter 118E, shall have their income, asset, and identity verified by a computerized integrated eligibility system that meets all applicable federal and state privacy and security requirements, to acquire, assimilate and utilize data necessary to verify income, assets, and identity when determining an applicant’s eligibility for assistance, prior to the distribution of benefits and during eligibility reviews, in order to eliminate the duplication of assistance and deter fraud.

The verification system shall include a statewide document imaging system to track applicant and recipient eligibility documents,

including the costs of ensuring said documents are properly categorized and accessible in a secure centralized location. Prior to awarding, continuing, or reissuing MassHealth assistance, the integrated eligibility system shall be used to match the social security number of each applicant for or recipient of MassHealth against, at minimum, information provided by the following public records data sources:

- (1) a nationwide public records data source of physical asset ownership such as real property, automobiles, watercraft, aircraft and luxury vehicles;
- (2) the department of revenue;
- (3) undisclosed depository account information and account balances of disclosed accounts at national and local financial institutions;
- (4) a nationwide public records data source of incarcerated individuals;
- (5) outstanding default or arrest warrant information maintained by the criminal history systems board, the criminal justice information system, and the warrant management system;
- (6) a nationwide best-address and driver's license data source to verify individuals are residents of the commonwealth;
- (7) the registry of motor vehicles;
- (8) the department of elementary and secondary education;
- (9) a comprehensive public records database that identifies potential identity fraud or identity theft that can closely associate name, social security number, date of birth, phone and address information; and
- (10) a database which is substantially similar to or a successor of a database mentioned in this section.

Prior to awarding, continuing, or reissuing public assistance, MassHealth shall use the integrated eligibility system to match the social security number of each applicant and recipient of public assistance against information provided by the following data sources, to the extent such data sources are available:

- (1) unearned income information maintained by the Internal Revenue Service;
- (2) employer quarterly reports of income and unemployment insurance payment information maintained by the department of labor and workforce development;
- (3) earned income information maintained by the Social Security Administration;
- (4) immigration status information maintained by the United States Citizenship and Immigration Services;
- (5) death register information maintained by the Social Security Administration;
- (6) prisoner information maintained by the Social Security Administration;
- (7) public housing and Section 8 Housing Assistance payment information maintained by the Department of Housing and Urban Development and the Massachusetts public housing authorities;
- (8) national fleeing felon information maintained by the Federal Bureau of Investigation;
- (9) wage reporting and similar information maintained by states contiguous to this State;
- (10) beneficiary records and earnings information maintained by the Social Security Administration in its Beneficiary and Earnings Data Exchange (BENDEX) database;
- (11) earnings and pension information maintained by the Social Security Administration in its Beneficiary Earnings Exchange Record System (BEERS) database;
- (12) employment information maintained by the department of labor and workforce development and the department of unemployment assistance;
- (13) employment information maintained by the United States Department of Health and Human Services in its National Directory of New Hires database;
- (14) supplemental Security Income information maintained by the Social Security Administration in its SSI State Data Exchange (SDX) database;
- (15) workers compensation information maintained by the department of industrial accidents;
- (16) veterans' benefits information maintained by the United States Department of Health and Human Services, in coordination with the Massachusetts department of health and human services and department of veterans' affairs, in the federal Public Assistance Reporting Information System (PARIS) database;
- (17) child care services information maintained by the department of children and families;
- (18) utility payments information maintained by the department of housing and community development under the low income home energy assistance program;
- (19) emergency utility payment information maintained by local cities and towns or councils on aging;
- (20) a database of all persons who currently hold a license, permit, or certificate from a State agency the cost of which exceeds \$1,000; and
- (21) a database which is substantially similar to or a successor of a database mentioned in this section."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at five minutes past seven o'clock P.M., on motion of Mr. Hedlund, as follows, to wit (*yeas 5 — nays 32*) [**Yeas and Nays No. 96**]:

YEAS

Hedlund, Robert L.

Tarr, Bruce E.

Knapik, Michael R.

Timilty, James – 5.

Ross, Richard J.

NAYS

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.

Clark, Katherine M.

Moore, Michael O.

Creem, Cynthia Stone

O'Connor Ives, Kathleen

Donnelly, Kenneth J.

Pacheco, Marc R.

Donoghue, Eileen M.

Petrucelli, 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

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – 32.

PAIRED.

YEAS.

NAYS.

Moore, Richard T. (*present*)

DiDomenico, Sal N. – 2.

The yeas and nays having been completed nine minutes past seven o'clock P.M., the amendment was *rejected*.

Mr. Montigny moved that the proposed new text be amended by inserting after section 4, the following section:-
 “SECTION 4A. Section 18 of chapter 15A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-
 Every full-time and part-time student enrolled in a public or independent institution of higher learning located in the commonwealth shall participate in a qualifying student health insurance program. For the purposes of this section, ‘part-time student’ shall mean a student participating in at least 75 per cent of the full-time curriculum. Such an institution may allow students to waive participation in its student health insurance program or any part thereof; provided, however, that such an institution shall require students waiving participation to certify in writing prior to any academic year in which the student will not participate in the institution's plan that such student is a participant in a health insurance program providing comparable coverage; and provided further, that such institution shall allow students to waive participation in its student health insurance program if: the student is currently enrolled in MassHealth, the student continues to meet all relevant MassHealth eligibility criteria under state and federal law and: (i) the student has been enrolled in MassHealth for at least 1 year prior to becoming eligible for the institution’s student health insurance program or (ii) the student has been enrolled in MassHealth for at least 6 months and the student provides documentation, as required by the commonwealth health insurance connector in consultation with MassHealth, that participation in the qualifying student health insurance program would be financially prohibitive.”; and
 By adding the following section:-
 "SECTION 106. Section 4A shall take effect on July 1, 2014."
After remarks, the amendment was adopted.
The Ways and Means amendment, as amended, was then adopted.
The bill, as amended, was then ordered to a third reading.
Subsequently, the bill was released from the Notice Section of the Calendar and read a third time.
Mr. Downing, for the committee on Bills in the Third Reading, reported recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1812.
After remarks, the report was accepted.
 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 twenty-eight minutes past seven o’clock P.M., on motion of Mr. Brewer, as follows, to wit (*yeas 38 — nays 1*) [**Yeas and Nays No. 97**]:

YEAS.

Barrett, Michael J.	Knapik, Michael R.
Brewer, Stephen M.	Lovely, Joan B.
Brownsberger, William N.	McGee, Thomas M.
Candaras, Gale D.	Montigny, Mark C.
Chandler, Harriette L.	Moore, Michael O.
Chang-Diaz, Sonia	Moore, Richard T.
Clark, Katherine M.	Murray, Therese
Creem, Cynthia Stone	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Petrucelli, 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.	Tarr, Bruce E.
Joyce, Brian A.	Timilty, James
Keenan, John F.	Welch, James T.
Kennedy, Thomas P.	Wolf, Daniel A. – 38.

NAYS.

Hedlund, Robert L. – 1.

ABSENT OR NOT VOTING

DiDomenico, Sal N. – 1.

The yeas and nays having been completed a half past seven o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill relative to transportation finance (see House, No. 3535), 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 13 to 3.**

The bill was signed by the President and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Exempting the positions of police chief and fire chief in the city of Peabody from the civil service law (see House, No. 3449);
and

Relative to transportation finance (see House, No. 3535).

Order Adopted.

On motion of Mr. Brewer,--

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

On motion of Mr. Rosenberg, at twenty-two minutes before eight o'clock P.M., the Senate adjourned to meet again tomorrow at one o'clock P.M.