

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, July 16, 2014.

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

Petitions.

Petitions were severally presented and referred, as follows:

By Mr. McGee, a petition (accompanied by bill, Senate, No. 2276) of Thomas M. McGee and Robert F. Fennell (with the approval of the mayor and city council) for legislation relative to the Department of Inspectional Services in the city of Lynn [Local approval received];

Under Senate Rule 20, to the committee on Municipalities and Regional Government.

By Mr. Ross, a petition (accompanied by bill, Senate, No. 2275) of Richard J. Ross and Shawn Dooley (by vote of the town) for legislation to authorize the appointment of special police officers in the town of Wrentham [Local approval received];

Under Senate Rule 20, to the committee on Public Service.

Severally sent to the House for concurrence.

Committees Discharged

Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Public Safety and Homeland Security to make an investigation and study of certain current Senate documents relative to public safety and homeland security issues (Senate, No. 2266),-- and recommending that the same be referred to the committee on Ethics and Rules.

Under Senate Rule 36, the report was considered forthwith and accepted.

There being no objection, at fourteen minutes before one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess for the purposes of attending the Joint Session of the Two Houses.

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

IN JOINT SESSION.

and were called to order by the Honorable Therese Murray, President of the Senate.

Without action on the matters duly and constitutionally assigned for consideration, on motion of Mr. Rosenberg, at two minutes past one o'clock P.M., the convention of the two branches was dissolved; and the Senate withdrew from the Joint Session, under the escort of the Sergeant-at-Arms.

At twenty-seven minutes before two 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.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill designating October 9 as PANDAS/PANS Awareness Day (see House, No. 2882, amended), 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 4 to 0.

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

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), 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:

Relative to the Department of Community Development in the town of Ware (see Senate, No. 2109);

Authorizing the sale of alcoholic beverages on Sunday mornings (see House, No. 228);

Relative to proof of identity for certain licensure (see House, No. 3946, amended);

Authorizing the lease of air rights over a portion of a municipal off-street parking area (see House, No. 4120, amended); and

Establishing a sick leave bank for Mariange Robert, an employee of the Department of Correction (see House, No. 4203, amended).

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Relative to authorization of the town administrator in the town of Sherborn to approve warrants for payment (House, No. 4168); and

Increasing the number of selectmen in the town of Sherborn (House, No. 4169).

The House Bill relative to improving student achievement (House, No. 4108),-- was read a second time.

During consideration of the matter, at twenty-one minutes before two o'clock P.M., Ms. Chang-Diaz doubted the presence of a quorum. The President having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at twenty minutes before two o'clock P.M., a quorum was declared present; and the Senate proceeded with the business at hand.

After debate, the amendment previously recommended by the committee on Ways and Means striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2262; and by striking out the title and inserting in place thereof the following title: "An Act relative to bridging gaps in education.",-- was considered.

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

"SECTION __. Section 89 of chapter 71 of the General Laws is hereby amended in subsection (ee) by inserting at the end thereof the following new paragraph:-

The board may also, on its own motion or by request, reconsider its grant of a charter and revoke or suspend said charter within six months of approval of that charter; provided, that the revocation must be accompanied by written findings explaining the action of the board; provided further, that the charter applicant shall be given sufficient notice and an opportunity to be heard before the board on the matter."

After remarks, the amendment was adopted.

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

"SECTION __. Section 89 of chapter 71 of the General Laws is hereby amended by inserting at the end of subsection (l) the following sentence:- Charter schools may not solicit applications for enrollment by offering money or gifts of any monetary value as an incentive for application."

After remarks, the amendment was adopted.

Mr. Tarr moved to amend the proposed new text by inserting after section 32, the following section:-

"SECTION 32A. Subsection (h) of said section 89 of said chapter 71, as so appearing, is hereby amended by adding the following paragraph: -

Within 30 days of the approval of a new commonwealth charter school in any community, the board shall issue a written confirmation that the school meets all requirements set out in subsections (e) and (f) and in the implementing regulations and a summary of the reasons for its findings."

After remarks, the amendment was adopted.

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

"SECTION __. Section 89 of chapter 71 of the General Laws is hereby amended by inserting at the end thereof the following new

subsection:

(nn) The board shall promulgate regulations for implementation and enforcement of this section. The board shall also develop procedures and guidelines for the waiver of any regulations implementing this section; provided, that no waivers shall be issued except at the written request of the charter applicant or at the written request of the board itself, both of which shall only be for exceptional circumstances. Said waiver must be accompanied by a written explanation of the reasons for the waiver, and may only be issued by a 2/3 vote of the board."

After remarks, the amendment was adopted.

Mr. Tarr moved to amend the proposed new text in section 56, by striking out the first paragraph and inserting in place thereof the following 2 paragraphs:-

"There shall be a commission to review and report on the efficacy of charter school funding in the commonwealth, the implementation of caps on charter school attendance and other matters related to innovation in charter schools.

The commission shall study and report on: (i) the methods used to fund charter schools in various states and the appropriateness of the approach currently used in the commonwealth, including financing and reimbursement provisions under chapters 70 and 71 of the General Laws, as compared to other states; provided that the commission shall make recommendations for revising the commonwealth's approach to charter school funding as appropriate; (ii) the extent to which the reimbursement provisions of said chapter 70, said chapter 71 or any other funding mechanism are effective at minimizing the adverse financial impact of charter schools on sending school districts while providing sufficient resources for the successful operation of charter schools; (iii) ways to encourage broader utilization of Horace Mann charter schools; (iv) reasons for the transfer of students from charter schools back to a public school; (v) the differences in special education services provided to students in charter and public schools; (vi) the differences in English Language Learner programs provided to students in charter and public schools and (vii) the percentages of students in charter schools who require special education, receive free and reduced lunch and are English Language Learners."

After remarks, the amendment was adopted.

Mr. Tarr moved to amend the proposed new text in line 374 of section 33, by inserting after the word "residents", the following:-
"; and provided further that two of the remaining schools, regardless of the number of residents in the municipality, shall be located in districts with an MCAS failure rate of twenty per cent or higher and more than 200 students on waiting lists".

The amendment was *rejected*.

Mr. Kennedy moved to amend the proposed new text by inserting after section __, the following section:

"SECTION __. Chapter 71, Section 89 (d) be amended by adding at the end of the first sentence:- ; and, provided further, for-profit business and corporate entities shall be prohibited from managing a charter school on behalf of a charter school board of trustees."

The amendment was *rejected*.

Mr. Lewis moved to amend the proposed new text by adding the following section:-

"SECTION X. Section 1. Section 11 of chapter 69 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 96, the words '(a) an analysis of student and subgroup achievement gaps in core subjects;' and inserting in place thereof the following text:-

'(a) an analysis of student and subgroup achievement gaps, including English as a Second Language students and special education students, in core subjects;'

Section 2. Section 11 of chapter 69 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 99, the words 'and (d) performance benchmarks and processes for evaluating the effect of district improvement initiatives.' and inserting in place thereof the following text:-

'(d) performance benchmarks and processes for evaluating the effect of district improvement initiatives; and (e) the plan shall be compiled by sending school district of the student.'"

The amendment was *rejected*.

Mr. Lewis moved to amend the proposed new text by adding the following section:-

"SECTION X. Section 1. Section 89 of chapter 71 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 54, the words '(iii) 10 or more parents; provided, however, that for profit business or corporate entities shall be prohibited from applying for a charter.' and inserting in place thereof the following text:-

'(iii) 10 or more parents; provided, however, that for profit business or corporate entities shall be prohibited from applying for a charter and from managing a charter school on behalf of a board of trustees.'"

The amendment was *rejected*.

Mr. Lewis moved to amend the proposed new text by inserting the following section:-

"SECTION X. Section 1. Section 89 of chapter 71 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the word 'criteria.' in line 272 the following:- These criteria shall include a study on the impact that the charter school will have on students in the district public schools."

The amendment was *rejected*.

Mr. Finegold moved to amend the proposed new text in section 55, by striking the second paragraph.

After remarks, the amendment was *rejected*.

Mr. Humason moved to amend the proposed new text in section 56, by adding after the word "superintendent;" the following words:- "a representative of the Massachusetts Municipal Association; a representative of the chief executive officer of a city or town whose school district is in the lowest ten percent defined in subsection (i) of section 89 of chapter 71 of the General Laws;"

The amendment was *rejected*.

Mr. Finegold moved to amend the proposed new text by striking sections 41 and 42 and replacing them with the following sections:-

"SECTION 41. Subsection (i) of said section 89 of said chapter 71, as so appearing, is hereby amended by adding the following paragraph:-

(4) For a district qualifying under paragraph (3) whose charter school tuition payments exceed 18 per cent of the school district's net school spending, the board shall only approve an application for the establishment or expansion of a commonwealth charter school if the school meets 1 or more of the following criteria:

(i) the school enrolls students using an opt-out admissions lottery process that automatically includes the names of all eligible students, without any required application process for the school; or

(ii) the school's primary purpose is to establish alternative education programs designed to serve at-risk students or students who have dropped out of school; provided that, for the purposes of this section, the term "at-risk student" shall mean any student enrolled in grades 7 through 12 who is identified as 'high-risk' according to the early warning indicator index system, or any successor data collection and tracking system, developed by the department to identify and track students at risk of not graduating on time; and provided, further, that not less than 75 per cent of students enrolled at the school shall qualify as at-risk students or students who have dropped out of school.

Existing charter schools that apply for an expansion under clause (i) or (ii) shall demonstrate the ability to meet the criteria set forth in said clauses through a phased-in process established by the board. An existing Horace Mann or commonwealth charter school, which meets the criteria for expansion under clause (i) and is approved for new seats in a higher grade than the school currently serves, may assign students already enrolled in the school to those new seats; provided, however, that the charter school may fill all other open seats, including seats that open up in lower grades at the beginning of the school year and in any grade during the school year, using an opt-out admissions lottery process. Nothing in this section shall prevent the board from approving other Horace Mann or commonwealth charter school applications that meet the criteria in clause (i) or (ii) of this paragraph in districts where the net school spending cap has not been reached.

SECTION 42. Subsection (m) of said section 89 of said chapter 71, as so appearing, is hereby amended by adding the following 3 paragraphs:-

For a charter school qualifying under clause (i) of paragraph (4) of subsection (i), all students eligible to attend the school under the district's assignment policy, if it were a district school, shall be deemed eligible for enrollment in the charter school without any application process required for admittance to the school, unless such application is required under the district's assignment policy. The charter school shall conduct an admissions lottery, including the names of all eligible students, to fill all of the spaces in the school; provided, that the lottery is based upon a list of eligible students provided by the district. In the event that the parents or guardians of a student who is randomly selected for admission to the charter school through the lottery determine not to enroll the student in the charter school, then the charter school shall fill that enrollment space with a student from the waitlist maintained pursuant to this subsection. Parents or guardians of a student may elect for that student to not participate in the enrollment lottery.

Each charter school shall conduct an opt-out lottery at least 1 time per academic year. Through the lottery, the charter school shall randomly select a number of students equal to the number of anticipated enrollment spaces and shall randomly select a number of additional students to be placed on a waitlist. The charter operator, who shall maintain the waitlist, shall determine the number of students randomly selected for the waitlist in order to fill any open enrollment spaces that become available throughout the year. A charter school may conduct additional opt-out lottery draws during an academic year if the school determines that its waitlist will be exhausted prior to the fulfillment of all midyear enrollment spaces. An additional opt-out lottery shall place any students not immediately placed in an open enrollment space on the waitlist. If a student randomly selected through an opt-out lottery remains on a waitlist at the close of the academic year in which the student was randomly selected, the student shall have the option to receive preference placement of the next available enrollment space in the next highest grade level, unless the next highest grade level is not offered by the charter school.

Notwithstanding subsection (n), charter schools qualifying under said clause (i) of said paragraph (4) of said subsection (i) shall have a rolling enrollment policy, approved by the Commissioner, in which the school shall attempt to fill vacant seats during the school year."

The amendment was *rejected*.

Mr. Humason moved to amend the proposed new text by inserting in section 49, after clause (4) the following:-

"(5) If a school district unreasonably limits the transportation provided to charter school students, the charter school may appeal the district's limitations to the board of elementary and secondary education. The board shall schedule a hearing within 30 days upon receipt of an appeal. The board shall make a determination within 10 days of the hearing, and the board decision shall be in writing."

The amendment was adopted.

Mr. Tarr moved to amend the proposed new text by inserting after section 56, the following section:-

"SECTION 56A. Notwithstanding any general or special law to the contrary, the department of elementary and secondary education shall examine and report innovations performed by charter schools and determine any replicability for non-charter schools in the commonwealth; provided, that in preparing said report the department shall conduct at least 1 public hearing.

The report, along with any recommendations, shall be submitted to the clerks of the house of representatives and the senate, the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on education not later than January 1, 2017."

The amendment was adopted.

Mr. Humason moved to amend the proposed new text by striking section 49 and replacing it with the following:-

"SECTION 49. (a) The department of elementary and secondary education shall convene a working group on charter school transportation within 30 days of the effective date of this act. The working group shall include, but not be limited to: the commissioner of elementary and secondary education, or a designee, who shall serve as chair of the working group; 3 representatives from commonwealth charter schools, 1 of whom shall be from a charter school located in a municipality with more than 500,000 residents, 1 of whom shall be from a charter school located in a municipality with less than 100,000 residents and 1 of whom shall be from a regional charter school; and 3 representatives from school districts that provide transportation to 1 or more commonwealth charter schools, 1 of whom shall be from a municipality with more than 500,000 residents, 1 of whom shall be from a municipality with less than 100,000 residents and 1 of whom shall be from a municipality that provides transportation to 1 or more regional charter schools.

(b) The working group shall: (i) review current patterns and approaches to providing transportation to commonwealth charter schools in districts across the commonwealth; (ii) assess the financial impacts of charter school student transportation patterns on district finances; (iii) propose changes to improve efficiency; and (iv) identify any statutory modifications necessary to make such changes. The working group shall issue a final report containing its findings and recommendations within 6 months of the effective date of this act. Said report shall be submitted to the clerks of the senate and house of representatives, who shall forward the report to the chairs of the joint committee on education and the senate and house committees on ways and means."

The amendment was *rejected*.

Ms. Creem moved to amend the proposed new text by inserting after section __, the following new section:-

"SECTION XX: Section 89 of Chapter 71 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following new subsection:-

(nn) The commissioner shall collect attrition data on teachers and other professional staff who leave charter schools, including, but not limited to the number of teachers and professional staff leaving each charter school, years of professional experience prior to leaving, and reasons for leaving. The commissioner shall make the data publicly available online, annually on or before December 1, and may file the data annually with the clerks of the house and senate and the joint committee on education on or before December 1."

The amendment was adopted.

Mr. Finegold moved to amend the proposed new text in section 41 by striking paragraph (i); and by striking section 42.

After remarks, the amendment was *rejected*.

Mr. Keenan moved to amend the proposed new text by striking out the words "(v) 2 educators chosen by the faculty of the school, 1 of whom shall be a classroom teacher and 1 of whom shall be a certified non-teaching professional from the school;", in lines 60-62, and inserting in place thereof the following:-

"(v) 4 educators chosen by the faculty of the school, 1 of whom shall be a classroom teacher, 1 of whom shall be a teacher of English Language Learners, 1 of whom shall be a teacher of children with Special Needs and one of whom shall be a certified non-teaching professional from the school;".

After remarks, the amendment was adopted.

Mr. Tarr moved to amend the proposed new text by striking section 57 in its entirety and inserting in place thereof the following:-

"SECTION 57. All sections of this act shall go into effect on January 1, 2016."

The amendment was *rejected*.

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

"SECTION __. Section 89 of chapter 71 of the General Laws is hereby amended in subsection (ee) by striking the first sentence and inserting in place thereof the following: - "The board may revoke a school's charter if the school has not fulfilled any conditions imposed by the board in connection with the granting of the charter, the school has violated any provision of its charter, or the board has substantially violated any provision of this section or its implementing regulations in granting the charter."

The amendment was *rejected*.

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

"SECTION __. Notwithstanding any general or special law to the contrary, the department of elementary and secondary education shall, not less than 60 days prior to implementing any alternative testing system to the Massachusetts Comprehensive Assessment System (MCAS), shall submit to the clerks of the house and senate a report evaluating alternative systems being considered and the costs and benefits associated with replacing the current or modernized MCAS system with any alternative system being considered."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes before four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 14 -- nays 25) [**Yeas and Nays No. 406**]:

YEAS.

Eldridge, James B.

Moore, Richard T.

Forry, Linda Dorcena

O'Connor Ives, Kathleen

Hedlund, Robert L.	Pacheco, Marc R.
Humason, Donald F., Jr.	Rodrigues, Michael J.
Jehlen, Patricia D.	Ross, Richard J.
Lovely, Joan B.	Tarr, Bruce E.
Moore, Michael O.	Timilty, James E. – 14.

NAYS.

Barrett, Michael J.	Joyce, Brian A.
Brewer, Stephen M.	Keenan, John F.
Brownsberger, William N.	Kennedy, Thomas P.
Candaras, Gale D.	Lewis, Jason M.
Chandler, Harriette L.	McGee, Thomas M.
Chang-Diaz, Sonia	Montigny, Mark C.
Creem, Cynthia Stone	Petrucelli, Anthony
DiDomenico, Sal N.	Rosenberg, Stanley C.
Donnelly, Kenneth J.	Rush, Michael F.
Donoghue, Eileen M.	Spilka, Karen E.
Downing, Benjamin B.	Welch, James T.
Finegold, Barry R.	Wolf, Daniel A. – 25.
Flanagan, Jennifer L.	

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

Recess.

There being no objection, at thirteen minutes before four o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-one minutes past four 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 House Bill relative to improving student achievement (House, No. 4108),-- was considered, the main question being on ordering the bill to a third reading.

Mr. Brewer moved to amend the proposed new text by striking out, in lines 52 and 53 and in lines 157 and 158, the words "the parties shall not be eligible for relief under section 9 of" and inserting in place thereof, in each instance, the following words:- "shall not be subject to impasse provisions under section 9 of chapter 150E or unilateral implementation after impasse under said section 9 of said";

By striking out, in line 190, the word "and" and inserting in place thereof the following word:- ", which";

By striking out, in line 275, the word "can" and inserting in place thereof the following word:- "may";

Inserting after the word "school", in line 446, the following words:- "qualifying under said clause (i) of said paragraph (4) of said subsection (i)";

By striking out, in line 457, the word "of" and inserting in place thereof the following words :- "in the subsequent academic year for"; and
", 16".

The amendment was *rejected*.

The question on adoption of the Ways and Means amendment, as amended, was then determined by a call of the yeas and nays, at twenty-six minutes past four o'clock, P.M., on motion of Mr. Donnelly, as follows, to wit (yeas 13 -- nays 26) [**Yeas and Nays No. 407**]:

YEAS.

Barrett, Michael J.	Humason, Donald F., Jr.
Brownsberger, William N.	Joyce, Brian A.
Chang-Diaz, Sonia	Petrucelli, Anthony
Downing, Benjamin B.	Rodrigues, Michael J.
Finegold, Barry R.	Ross, Richard J.
Forry, Linda Dorcena	Tarr, Bruce E. — 13 .
Hedlund, Robert L.	

NAYS.

Brewer, Stephen M.	Lovely, Joan B.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	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.
Eldridge, James B.	Rosenberg, Stanley C.
Flanagan, Jennifer L.	Rush, Michael F.
Jehlen, Patricia D.	Spilka, Karen E.
Keenan, John F.	Timilty, James E.
Kennedy, Thomas P.	Welch, James T.
Lewis, Jason M.	Wolf, Daniel A. – 26.

The yeas and nays having been completed at a half past four o'clock P.M., the amendment was *rejected*.

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

The question on passing the bill to be engrossed, was determined by a call of the yeas and nays, at twenty-nine minutes before five o'clock, P.M., on motion of Mr. Donnelly, as follows, to wit (yeas 9 -- nays 30) [**Yeas and Nays No. 408**]:

YEAS.

Barrett, Michael J.	Petrucelli, Anthony
Finegold, Barry R.	Rodrigues, Michael J.
Forry, Linda Dorcena	Ross, Richard J.
Hedlund, Robert L.	Tarr, Bruce E. – 9.
Humason, Donald F., Jr.	

NAYS.

Brewer, Stephen M.	Kennedy, Thomas P.
Brownsberger, William N.	Lewis, Jason M.
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.	Rosenberg, Stanley C.
Eldridge, James B.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Welch, James T.
Keenan, John F.	Wolf, Daniel A. – 30.

The yeas and nays having been completed at twenty-five minutes before five o'clock P.M., the bill was *rejected*.

The Senate Bill relative to fair retainage payments in private construction (Senate, No. 2271),-- was considered, the main question being on ordering the bill to a third reading.

The pending motion, previously moved by Mr. Tarr, to lay the matter on the table,-- was considered; and, it was *negatived*.

The bill was then ordered to a third reading, read a third time and, after remarks, was passed to be engrossed. Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), 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:

To foster economic independence (see Senate, No. 2212); and

Designating October 9 as PANDAS/PANS Awareness Day (see House, No. 2882, amended).

A petition (accompanied by bill, House, No. 4315) of Ronald Mariano and Robert L. Hedlund for legislation to promote the sustainable economic development of the former Weymouth Naval Air Station for the benefit of the towns of Abington, Rockland, and Weymouth, the NAS South Weymouth Region and the Commonwealth,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Economic Development and Emerging Technologies.**

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 expansion of the Boston Convention and Exhibition Center (House, No. 4111) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2196),-- reported, a "Bill relative to the expansion of the Boston Convention and Exhibition Center" (House, No. 4308),— came from the House, and was read.

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

After debate, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at a three minutes before five o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 33 – nays 7) **[Yeas and Nays No. 409]:**

YEAS.

Barrett, Michael J.	Lewis, Jason M.
Brewer, Stephen M.	Lovely, Joan B.
Brownsberger, William N.	McGee, Thomas M.
Candaras, Gale D.	Moore, Michael O.
Chandler, Harriette L.	Moore, Richard T.
Chang-Diaz, Sonia	Murray, Therese
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.
Finegold, Barry R.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Timilty, James E.
Joyce, Brian A.	Welch, James T.
Keenan, John F.	Wolf, Daniel A. – 33.
Kennedy, Thomas P.	

NAYS.

Eldridge, James B.	Montigny, Mark C.
Hedlund, Robert L.	Ross, Richard J.
Humason, Donald F., Jr.	Tarr, Bruce E. – 7.
Jehlen, Patricia D.	

The yeas and nays having been completed at one minute past five o'clock P.M., the report was accepted, in concurrence.

Recess.

There being no objection, at eleven minutes past five o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at seventeen minutes before six o'clock P.M., the Senate reassembled, the President in the Chair.

Report of a Committee.

By Mr. Brownsberger, for the committee on the Judiciary, on petition, a Bill to promote public safety and protect access to reproductive health care facilities (Senate, No. 2281);

Under Senate Rule 26, referred to the committee on Ethics and Rules.

Subsequently, Mr. Rosenberg, for the committee on Ethics and Rules, reported that the matter be placed in the Orders of the Day for the next session:

There being no objection, the rules were suspended, on motion of Mr. Brownsberger, and the bill was read a second time.

During consideration of the matter, at sixteen minutes before six o'clock P.M., Mr. Tarr doubted the presence of a quorum. The President having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at a quarter before six o'clock P.M., a quorum was declared present; and the Senate proceeded with the business at hand.

After remarks, and pending the question on ordering the bill to a third reading, Ms. Chandler moved that the bill be amended in section 2, by striking out the definition of "Gathering";

In said section 2, in proposed section 120E½ of chapter 266 of the General Laws, by striking out proposed subsection (b) and inserting in place thereof the following subsection:-

"(b) A law enforcement official may order the immediate withdrawal of 1 or more individuals who have on that day substantially impeded access to or departure from an entrance or a driveway to a reproductive health care facility. A withdrawal order issued pursuant to this section shall be in writing and shall include the following statements: (i) the individual or individuals have substantially impeded access to or departure from the reproductive health care facility; (ii) the individual or individuals so ordered shall, under the penalty of arrest and prosecution, immediately withdraw and cease to stand or be located within at least 25 feet of an entrance or a driveway to the reproductive health care facility; and (iii) the order shall remain in place for 8 hours or until the close of business of the reproductive health facility, whichever is earlier. This subsection shall apply during the business hours of a reproductive health care facility. This subsection shall also apply only if the 25-foot boundary is clearly marked and subsections (a) through (c), inclusive, of this section are posted outside of the reproductive health care facility.";

In said section 2, by striking out, in lines 41, 74 and 77, the word "dispersal" and inserting in place thereof, in each instance, the following word:- "withdrawal"; and

By inserting before the enacting clause the following emergency preamble:-

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect forthwith access to reproductive health care facilities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety."

The amendment was adopted.

The bill (Senate, No. 2281, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

[For text of bill, printed as amended, see Senate, No. 2283].

Sent to the House for concurrence.

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 relative to juvenile life sentences (House, No. 4184, amended) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2258 and by striking out the title and inserting in place thereof the following title: "An Act relative to juvenile life sentences") reports, a "Bill relative to juvenile life sentences for first degree murder" (House, No. 4307), -- came from the House, and was read.

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

After debate, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at eighteen minutes past six o'clock P.M., on motion of Mr. Tarr, as follows, to wit (35 yeas - 4 nays) **[Yeas and Nays No. 410]:**

YEAS.

Barrett, Michael J.

Lovely, Joan B.

Brewer, Stephen M.	McGee, Thomas M.
Brownsberger, William N.	Montigny, Mark C.
Candaras, Gale D.	Moore, Michael O.
Chandler, Harriette L.	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.
Finegold, Barry R.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Hedlund, Robert L.	Spilka, Karen E.
Humason, Donald F., Jr.	Tarr, Bruce E.
Joyce, Brian A.	Timilty, James E.
Keenan, John F.	Welch, James T.
Kennedy, Thomas P.	Wolf, Daniel A. – 35.
Lewis, Jason M.	

NAYS.

Chang-Diaz, Sonia	Forry, Linda Dorcena
Eldridge, James B.	Jehlen, Patricia D. – 4.

The yeas and nays having been completed at twenty-one minute past six o'clock P.M., the report was accepted, in concurrence.

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.

Adjourn in memory of the Lowell Fire Victims

The Senator from Middlesex, Ms. Donoghue, moved that when the Senate adjourns today, it do so in memory of the Lowell fire victims: the Sak Family, Sayori Sak, age 7, Ryan Sak, age 9, Anthony Sak, age 12 and their parents Torn Sak and Ellen Vuong, Tina Christakos, age 38 and Robert Downs, age 72.

Accordingly, as a mark of respect in memory of the Lowell fire victims, at twenty-two minutes past six o'clock PM, on motion of Ms. Donoghue, the Senate adjourned to meet again tomorrow at one o'clock P.M.
