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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, October 17, 2013.

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

Distinguished Guests.

There being no objection, the Chair (Mr. Richard T. Moore) handed the gavel to Mr. Pacheco for the purpose of an introduction. Mr. Pacheco then introduced, in the rear of the Chamber, members of the Greentech Bridge Mission to Massachusetts. The group consists of business leaders and entrepreneurs from Austria who focus on bridging the gap between Austrian and US-green tech companies and institutions. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, the Chair (Mr. Richard T. Moore) handed the gavel to Mr. Brewer for the purpose of an introduction. Mr. Brewer then introduced, on the Rostrum, Marcelene Baptiste who was being recognized as the Senate Staff Member of the Year. Marcelene has been an integral part of the Senate Ways and Means office since she was hired in 2001. She is the "gate keeper" and the face of the committee and is well known and respected by legislators, staff and visitors. Marcelene has worked under four Ways and Means Chairs and her dedication to the job and her reliability made her stand out to be honored for this award. She addressed the Senate from the Rostrum thanking them for their support, she was applauded for her accomplishments and he withdrew from the Chamber.

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 authorizing the committee on Bonding, Capital Expenditures and State Assets to make an investigation and study of the sale or lease of the National Guard armory in Worcester (Senate, No. 1883),-- **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.

PAPERS FROM THE HOUSE.

Bills

Authorizing municipalities to utilize funds from enterprise accounts (House, No. 3706,-- on House, No. 1865); and Making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3707,-- on House, No. 3611, in part);
Were severally read, and under Senate Rule 27, referred to the committee on Ways and Means.

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 six minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and staff in the recitation of 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 Messrs. Richard T. Moore and Ross and Ms. Spilka) “commending the National Family Partnership on its observance of ‘Red Ribbon Week’ which was set aside to promote a drug-free America”;

Resolutions (filed by Ms. Murray) “highlighting the Commonwealth as a global hub for health technology innovation on the occasion of the first Massachusetts Connected Health Week being held from October 21 to October 25, 2013”;

Resolutions (filed by Mr. Pacheco) “congratulating Yvonne Angelle Vigeant on the occasion of her one hundredth birthday”;

Resolutions (filed by Messrs. Tarr and Montigny) “honoring Brian J. Rothschild, Ph.D. for a lifetime of dedication and achievement in the field of Marine Fisheries”; and

Resolutions (filed by Mr. Tarr) “congratulating the Building Center in the City of Gloucester on the occasion of its one hundred and tenth anniversary.”

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 Benjamin B. Downing to provide for an investigation and study of statewide hunger in the Commonwealth.
Senate Rule 36 was suspended, on motion of Mr. Brewer, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by resolve) was referred to the committee on Children, Families and Persons with Disabilities.

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 Jonathan Ring for legislation relative to tobacco cessation.
Senate Rule 36 was suspended, on motion of Mr. Brewer, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Health.
Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for April D. Robinson, an employee of the Department of Developmental Services (see House, No. 3628), 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 8 to 0.**

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

An engrossed Bill establishing a sick leave bank for Katherine Swearingen, an employee of the Department of Developmental Services (see House, No. 3660), 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 8 to 0.**

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

An engrossed Bill relative to a lease agreement for land in the town of Tewksbury between the Division of Capital Asset Management and Maintenance and the Tewksbury Hospital Equestrian Farm (see House, No. 3663, 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 10 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:

Authorizing the town of Adams to convert a seasonal license for the sale of all alcoholic beverages to be drunk on the premises to an annual license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 1867); and

Authorizing the city of Fitchburg to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 3448, amended).

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement upon land located in the town of Ware to the Massachusetts Water Resources Authority (see Senate, No. 1837) (which originated in the Senate), 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 one minute before two o'clock P.M., as follows, to wit (*yeas 37 - nays 0*) [**Yeas and Nays No. 195**]:
YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Lovely, Joan B.
Brownsberger, William N. 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. Petruccelli, 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 E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. – 37.
Keenan, John F.
NAYS – 0.
ABSENT OR NOT VOTING.
Candaras, Gale D. – 1.

The yeas and nays having been completed at eight minutes past 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.

PAPERS FROM THE HOUSE

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

Petition (accompanied by bill, House, No. 3712) of John H. Rogers for legislation to authorize the town of Norwood to change the use of a certain parcel of recreation department land and to further authorize the construction of a regional indoor ice skating rink and recreation center;

Under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3713) of Marc T. Lombardo for legislation to provide tax incentives to increase safety and security in schools;

Under suspension of Joint Rule 12, to the committee on Revenue.

Petition (accompanied by bill, House, No. 3714) of Carlo Basile relative to licensing;

Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

The Senate Resolve providing for an investigation and study by a special commission relative to the feasibility of hosting the summer Olympics in the Commonwealth (Senate, No. 1840),-- came from the House, passed to be engrossed, with an amendment striking out the text and inserting in place thereof the text contained in House document numbered 3607, amended in lines 2 to 9, inclusive by striking out the paragraph contained in those lines (as changed by the House committee on Bills in the Third Reading) and inserting in place thereof the following paragraph:

“Resolved, That a special commission, to consist of 11 members: 2 persons to be appointed by the president of the senate, 1 person to be appointed by the minority leader of the senate, 2 persons to be appointed by the speaker of the house of representatives, 1 person to be appointed by the minority leader of the house of representatives, 3 persons to be appointed by the governor, 1 of whom shall be a member of the Boston 2024 Organizing Committee, Inc. and 1 of whom shall have experience in public safety or law enforcement and 2 persons to be appointed by the mayor of Boston, is hereby established for the purpose of making an investigation and study relative to the feasibility of hosting the summer Olympics in 2024.”; and in line 27, by striking out the date “September 30” and inserting in place thereof the date “November 15”.

The rules were suspended, on motion of Ms. Donoghue, and the House amendment was considered forthwith and adopted, in concurrence (as corrected BTR).

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered, as follows:
The Senate Bill providing for a charter for the town of Sandwich (Senate, No. 1792),-- was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Murray moved that the bill be amended by substituting a new draft entitled "An Act amending the charter of the town of Sandwich" (Senate, No. 1884).

The amendment was adopted.

The bill (Senate, No. 1884) was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill authorizing the town of Nantucket to convey certain land to the Nantucket Islands Land Bank (House, No. 3314, changed) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time and passed to be engrossed, in concurrence.

The Senate Bill authorizing the city of Fall River to use certain park land for combined sewer overflow control (Senate, No. 1851),-- was read a third time and passed to be engrossed.

Sent to the House for concurrence.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Relative to the adjustment of disability retirement benefits to Lynn police officer Gregory LeBlanc (Senate, No. 1765);

Relative to the civil service eligibility list for police officers in the city of Quincy (Senate, No. 1781);

Providing for recall elections in the town of Wales (House, No. 641);

Relative to the town manager in the town of Cohasset (House, No. 3486);

Relative to insurance proceeds for injured police and fire personnel in the town of Northborough (House, No. 3510);

Relative to the town treasurer-collector in the town of Hingham (House, No. 3550);

Authorizing the town of Avon to establish a department of public works (House, No. 3576); and

Relative to the inspector of plumbing and gas fitting in the town of South Hadley (House, No. 3578).

Were severally read a second time and ordering to a third reading.

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that 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. 3707),-- ought to pass with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1890.

The rules were suspended, on motion of Mr. Brewer, and the bill was read a second time.

After remarks, Mr. Richard T. Moore in the Chair, pending the question on adoption of the amendment recommended by the committee on Ways and Means, Ms. Clark, Messrs. Downing, Eldridge, Tarr, Donnelly and Keenan, Ms. Candaras, Ms. Jehlen, Messrs. Kennedy, Wolf and Rush, Ms. O'Connor Ives, Ms. Donoghue, Ms. Lovely, Ms. Chang-Diaz, Messrs. Timilty, Petrucci, Finagold, Rosenberg and McGee, Ms. Forry, Messrs. Ross, DiDomenico, Michael O. Moore, Welch, Montigny and Joyce moved that the proposed new text by inserting in section 2A the following item:-

"7004-1000 For the federal Low Income Home Energy Assistance Program 42 U.S.C. section 8621 et seq., to assist low-income elders, working families and other households with the purchase of heating oil, propane, natural gas, electricity and other primary or secondary heating sources; provided, that expenditure of these funds shall be made in accordance with the state plan submitted by the department of housing and community development for operation of the fiscal year 2014 program, in accordance with federal law; provided further, that such funds shall be expended until such time as the department of housing and community development receives federal funds for the administration of the federal Low Income Energy Assistance Program pursuant to item 7004-2033 of section 2D of chapter 38 of the acts of 2013 \$20,000,000"; and by inserting, the following section:-

"SECTION. (a) Notwithstanding any general or special law to the contrary, the department of housing and community development may provide not more than \$20,000,000, as provided for in item 7004-1000, in advance funding to participating agencies that administer the federal Low Income Home Energy Assistance Program described in item 7004-2033 of section 2D of chapter 38 of the acts of 2013 for the purposes of operating the program in fiscal year 2014; provided, that the advanced funding shall be subject to the federal reimbursement of funds under said item 7004-2033 of said section 2D; provided further, that a portion may be expended for approved administrative costs consistent with the current or prior year's state operation plan required by the federal program. The department and the eligible entities may, after November 1, 2013, expend a portion of these funds to assist low-income elders, working families and other households with the purchase of heating oil, propane and natural gas and electricity and other primary or secondary heating sources.

(b) Notwithstanding any general or special law to the contrary, upon receipt of any federal funds for the administration of the federal Low Income Home Energy Assistance Program pursuant to item 7004-2033 of section 2D of chapter 38 of the acts of 2013, the Comptroller shall transfer such amount from the General Fund to the Stabilization Fund as expended through item 7004-1000."

After remarks, the amendment was adopted.

Ms. Clark moved to amend the proposed new text by inserting the following section:-

"SECTION XXX. Item 7010-0012 of section 2 of chapter 38 of the acts of 2013 is hereby amended by inserting after the words 'said report' the following:- 'and provided further, that not less than \$40,000 shall be expended for METCO, Inc.'"; and by

striking the figure ‘\$18,642,582’ and inserting in place thereof the following figure:- ‘\$18,682,582’.”

The amendment was rejected.

Mr. Keenan moved that the proposed new text be amended in section 2, by inserting after line item 7004-0103 the following:-

“Massachusetts Marketing Partnership

7008-0900 provided further, that not less than \$5,000 shall be expended for the town of Abington’s tricentennial celebration.....\$5,000

Massachusetts Tourism Fund..... 100%”.

The amendment was rejected.

Mr. Tarr moved to amend the proposed new text by inserting at the end thereof the following new Section:-

“Notwithstanding any general or special law to the contrary, \$25,000,000 of the unexpended and unencumbered balances of appropriations on June 30, 2013 shall be distributed to cities and towns for the Chapter 90 Program in line item (6122-1223) authorized by Chapter 22 of the Acts of 2013. The distribution authorized by this section shall be executed no later than October 31, 2013; provided further, that any funds distributed under this section shall be considered one-time funding; provided further, the distribution shall in no way constitute a new and continuing funding source for cities and towns.”

The amendment was rejected.

Mr. Joyce moved that the proposed new text be amended by inserting at the end thereof the following new section:-

“SECTION ____ Item 2810-0100 of said section 2 of said chapter 38 is hereby amended by inserting after the words ‘Trailside Museum’ the following words:- provided further, that not less than \$250,000 shall be expended for the Blue Hills Ski Area;.”

The amendment was rejected.

Mr. Michael O. Moore moved to amend the proposed new text by inserting after section ____, the following section:-

“SECTION ____ Clause (iv) of subsection (a) of section 145 of chapter 38 of the acts of 2013 is hereby amended by inserting after the word ‘workers’ the following words:- in center based programs and family child care systems employees.”

The amendment was rejected.

Ms. Donoghue moved that the proposed new text be amended by adding the following section:-

“SECTION XX. Section 184C of chapter 94 of the General Laws is hereby amended by striking out paragraph (h), and inserting in place thereof the following paragraph: - (h) If the consumer purchases an item that qualifies for a discount granted or a sale granted when presenting a loyalty card, the amount saved shall be reflected in the checkout price and printed on the consumer’s itemized sales receipt.”

The amendment was rejected.

Ms. Donoghue moved that the proposed new text be amended by adding the following item:-

“SECTION XX. (a) Notwithstanding section 1 of chapter 51 of the General Laws, or any other general or special law to the contrary, every citizen seventeen years of age, not being a person under guardianship or incarcerated in a correctional facility due to a felony conviction, and not being temporarily or permanently disqualified by law because of corrupt practices in respect to elections, who is a resident in the City of Lowell where he or she claims the right to vote at the time he or she registers, and who has complied with the requirements of this chapter, may have his or her name entered on a separate list of persons designated to vote therein in any elections of candidates for municipal office in the City of Lowell.

(b) Any such qualified residents of the City of Lowell who are seventeen (17) years of age on the date of any elections of candidates for municipal office in the City of Lowell who chose to register to vote in the City of Lowell local elections shall be designated ‘Special Registered Minors.’

(c) Qualified residents of the City of Lowell who are seventeen (17) years of age shall be registered by completing a ‘Special Registered Minors Registration Form.’ Such form shall be created, maintained, and disseminated by the City of Lowell Election and Census Commission Department. The ‘Special Registered Minors Registration Form’ shall require the applicant to provide his or her full name, former name if applicable, current address, address where the applicant receives mail, date of birth, identification number in the form of a Massachusetts Driver’s license number or the last four digits of the applicant’s social security number, and party enrollment or designation. The applicant may provide a telephone number. The applicant must sign a ‘Special Registered Minors Registration Form’ and affirm that the information provided is true and accurate upon penalty of perjury. If the applicant is unable to sign the ‘Special Registered Minors Registration Form,’ a person helping the applicant will provide his or her name and address on the form. The assister may also provide a telephone number.

(d) ‘Special Registered Minors’ shall have their names placed on a separate election roll list compiled and maintained by the City of Lowell Election and Census Commission, separate and apart from the regular elector roll.

(e) Any such ‘Special Registered Minors’ will, on the applicable local Election Day, be granted a specially prepared ballot that shall contain only those local elections for which ‘Special Registered Minors’ are entitled to vote pursuant to this chapter.

(f) When a ‘Special Registered Minor’ becomes eighteen (18) years of age, his or her name will immediately be stricken from the City of Lowell’s separate election roll list compiled in accordance with section 4. Said former ‘Special Registered Minor’ shall be barred from voting in any state, local or federal election unless he or she registers to vote as required by section 1 of chapter 51 of the General Laws.

(g) The City of Lowell, by and through its Election and Census Commission, shall send notice, by mail, to ‘Special Registered Minors’ when they become eighteen (18) years of age informing them of their removal from the City of Lowell’s separate election roll list compiled in accordance with section 4. Said notice will also provide instructions regarding how to qualify and register as an official voter of Massachusetts.

(h) Notwithstanding any general or special law to the contrary, the provisions of chapters 50 through 54 of the General Laws shall apply to ‘Special Registered Minors’ so far as applicable.

(i) Nothing in this chapter shall be construed to qualify a 'Special Registered Minor' any rights, privileges, or titles provided to voters as so referenced under section 1 of chapter 51 of the General Laws, the Massachusetts Constitution, or the Federal Constitution of the United States.

(j) Nothing in this chapter shall be construed to grant a 'Special Registered Minor' any right or claim to run or otherwise qualify as a candidate to become any elected official in any local, state, or federal election.

(k) Nothing in this chapter shall be construed to grant any 'Special Registered Minor' the right to vote in any election for any office or candidate other than an office or candidate for the Lowell City Council, the Lowell School Committee, or any other body politic in Lowell for which a 'Special Registered Minor' becomes qualified to vote after the passage of this act. Nothing in this act shall be construed to enable any 'Special Registered Minor' to vote for any state ballot initiative, regional school committee election, or any other regional, state, or federal election.

(l) Nothing in this chapter shall be construed to grant any 'Special Registered Minor' enrolled in a public school in Lowell the right to excuse oneself without permission from school authorities to vote or otherwise participate in an election during school hours. Participation is defined as skipping school without permission on an applicable election day to vote, hold, sponsor or attend any election-related event or meeting, distribute campaign literature, transport voters or other 'Special Registered Minors' to polling locations, or otherwise participate in said election during school hours.

(m) The provisions of this act shall take effect upon its passage by the voters of the City of Lowell.

(n) The exact question as it would appear on the ballot in the next general election of the City of Lowell is:

Do you approve of a law summarized below, on which a vote was taken by the Senate and the House of Representatives on _____?

Summary:

This proposed law would lower the voting age for all local municipal elections in the City of Lowell to citizens seventeen (17) years of age who register as 'Special Registered Minors.' Potential 'Special Registered Minors' must still comply with all other state and city electoral requirements before having their name entered on a separate designated election roll list compiled and maintained by the City of Lowell.

'Special Registered Minors' are only permitted to vote in any local municipal election and only for such positions pertaining to the governance of the City of Lowell. Nothing in this law would grant 'Special Registered Minors' any rights to vote in any other regional, state, or federal election.

When a 'Special Registered Minor' becomes eighteen (18) years of age, his or her name will be stricken from the City of Lowell's designated elector roll list for such 'Special Registered Minors.' He or she will be unable to vote in any election unless he or she registers to vote as required by Massachusetts General Laws, c. 51, s.1.

A YES VOTE would lower the voting age in all local municipal elections in the City of Lowell to all qualified citizens seventeen (17) years of age or older.

A NO VOTE would make no change in the voting age for local municipal elections in the City of Lowell."

The amendment was rejected.

Mr. Tarr moved to amend the proposed new text by inserting at the end thereof the following new Section:-

"SECTION __. The department of housing and community development shall conduct an examination of the 'HomeBASE' program, so-called, to determine its efficacy in reducing dependence on shelter housing and homelessness, its achievement of cost-savings and efficiencies, its sustainability within current budgetary parameters, and any additional resources required in order for the program to meet its goals and remain viable for the next five fiscal years. The results of said examination, together with any legislative recommendations, shall be filed with the clerks of the house and the senate not later than 90 days after the effective date of this act."

After debate, the amendment was rejected.

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

"SECTION XX. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority is hereby directed to conduct a comprehensive sound study along the Providence/Stoughton commuter rail line from Dale St. north to Canterbury St. in the Hyde Park section of Boston."

The amendment was rejected.

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

"SECTION XX. Notwithstanding any general or special law to the contrary, the department of transportation is hereby directed to conduct a comprehensive traffic sound study from the intersection of Washington St. along Route 128 north to University Avenue in the towns of Westwood and Dedham."

The amendment was rejected.

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

"SECTION __. Section 3 of chapter 55 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking the fifth, sixth, seventh and eighth sentence of the eighth paragraph, contained in lines 81 to 97, inclusive, and inserting in place thereof the following sentences:-

The name of a candidate who is required to file campaign finance reports with the director, and who fails to file any statement or report after the initiation of civil proceedings under this section to compel such filing, shall not be printed on any municipal preliminary, state primary or general or special election ballot unless the statement or report is timely filed pursuant to chapter 53 or any charter or special law establishing such filing deadline. The director shall notify the state secretary, or for municipal candidates, the registrars of the city or town, of the names of those candidates against whom civil proceedings for failure to timely file have been initiated and shall do so within 72 hours of the filing deadline for nomination papers for such candidate.

Any candidate who is disqualified from appearing on any municipal preliminary, state primary or general or special election ballot as set forth above shall be ineligible to be nominated or elected as a write-in or sticker candidate unless the candidate shall have filed the statements or reports which are the subject of the civil litigation by the date of the municipal preliminary, state primary, or general or special election in which the candidate is seeking nomination or election. If civil proceedings are initiated against a state or county candidate for failure to timely file his or her campaign finance report or statement and the candidate files the report or statement before the primary, the director shall notify the state secretary no later than 24 hours after the date of the primary. If civil proceedings are initiated against a municipal candidate who is required to file with the director and the candidate files the campaign finance report or statement prior to the preliminary or, if no preliminary is held, prior to the date the preliminary for the office sought would have been held, the director shall notify the registrars no later than 24 hours after the date of the preliminary or the date the preliminary would have been held.”

The amendment was rejected.

Ms. Lovely moved that the proposed new text be amended in section 2, line 87, by adding at the end of item 2800-0100 thereof the following new item:-

“2800-0100 For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the department of conservation and recreation and the office of water resources in the department; provided further, that \$400,000 shall be expended for the costs of hydraulic dredging, construction of containment and flocculation basins, and other technologies for sediment removal, disposal, and aquatic invasive species control in Crystal Lake and Elginwood Pond in the City of Peabody \$400,000”.

The amendment was rejected.

Messrs. Hedlund and Tarr moved that the proposed new text be amended in Section 2 by inserting the following new item:

“2330-0100 For the operation of the division of marine fisheries, provided that \$250,000 shall be expended for the conduct of investigations of invertebrate species and fisheries in coastal waters including a ventless lobster trap survey employing the services of contracted fishing vessels”.

After remarks, the amendment was rejected.

Ms. Lovely moved that the proposed new text be amended by inserting after section 56 the following new section:

“SECTION XX: \$810,000 shall be appropriated for the reconstruction of an elevator and shaft in order to provide safe, secure access to the Women’s Quarters at the New England Center for Homeless Veterans in the City of Boston.”

The amendment was rejected.

Messrs. Hedlund and Tarr moved that the proposed new text be amended by inserting the following item in section 2A:-

“2800-7994.....for the implementation or expansion of a grant program to provide financial assistance to municipalities for costs associated with participation in the Community Rating System (CRS) program for the National Flood Insurance Program (NFIP); provided that funding secured through this grant be limited to those floodplain management activities recognized by the Federal Emergency Management Agency (FEMA) as measures resulting in credit points toward premium discounts for policy holders, including but not limited to public information, mapping and regulations, flood damage reduction and flood preparedness \$100,000”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at thirteen minutes past three o’clock P.M., on motion of Mr. Hedlund, as follows, to wit (yeas 9 — nays 27) [Yeas and Nays No. 196]:

YEAS.

Hedlund, Robert L. Moore, Michael O.

Keenan, John F. Ross, Richard J.

Kennedy, Thomas P. Tarr, Bruce E.

Lovely, Joan B. Wolf, Daniel A. — 9.

Montigny, Mark C.

NAYS.

Barrett, Michael J. Forry, Linda Dorcena

Brewer, Stephen M. Jehlen, Patricia D.

Brownsberger, William N. Joyce, Brian A.

Chandler, Harriette L. McGee, Thomas M.

Chang-Diaz, Sonia Moore, Richard T.

Clark, Katherine M. O’Connor Ives, Kathleen

Creem, Cynthia Stone Pacheco, Marc R.

DiDomenico, Sal N. Petrucci, Anthony

Donnelly, Kenneth J. Rodrigues, Michael J.

Donoghue, Eileen M. Rosenberg, Stanley C.

Downing, Benjamin B. Rush, Michael F.

Eldridge, James B. Spilka, Karen E.

Finegold, Barry R. Welch, James T. — 27.

Flanagan, Jennifer L.

ABSENT OR NOT VOTING.

Candaras, Gale D. Timilty, James E. — 2.

The yeas and nays having been completed at eighteen minutes past three o'clock P.M., the amendment was rejected.

Mr. Tarr moved to amend the proposed new text by striking section 24.

The amendment was rejected.

Mr. Tarr moved to amend the proposed new text by striking section 54 in its entirety.

The amendment was rejected.

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

“SECTION XX. Section 1. There shall be special commission to make an investigation and study relative to the fiscal and environmental impact that vegetation removal by public utility companies has on the Commonwealth of Massachusetts. In order to assist lawmakers in determining if the increased safety and grid reliability resulting from vegetation removal activities are worth the costs, the commission shall investigate and study the effect that vegetation management activities have on endangered species, including whether the endangered species act should apply to such activities, home values, municipal property tax income, water supply quality, public safety, reliability of the electrical grid, and dangers that will exist if trees are not removed.

(a) The special commission shall consist of: 2 members of the Senate or their designee, 1 of whom shall be appointed by the minority leader; 2 members of the House of Representatives or their designee, 1 of whom shall be appointed by the minority leader; 2 residents on whose property a public utility company completed vegetation removal activities around transmission lines within the preceding 2 years, 1 of whom shall be appointed by the speaker of the House and 1 of whom shall be appointed by the Senate president; 1 member who shall be appointed by the Massachusetts Municipal Association; 2 representatives of public utility companies; 1 town or city assessor, who shall be appointed by the Massachusetts Association of Assessing Officers; the Chair of the Department of Public Utilities or a designee; the Commissioner of the Department of Environmental Protection or a designee; the Commissioner of the Department of Fish and Game or a designee; the Secretary of the Executive Office of Public Safety or a designee. All appointments shall be made not later than 30 days after the effective date of this section. The chairpersons shall meet with the commission not later than 60 days after the effective date of this section. Members shall not receive compensation for their services but may receive reimbursement for the reasonable expenses incurred in carrying out their responsibilities as members of the commission.

(b) The commission shall report to the General Court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the Clerk of the Senate and the Clerk of the House of Representatives not later than June 30, 2014.

The amendment was rejected.

Mr. Timilty moved to amend the proposed new text by inserting in line 35 the following item:-

“Department of Criminal Justice Information Services

8000-0110.....\$250,000”.

The amendment was rejected.

Ms. Forry moved to amend the proposed new text by adding the following section:

“SECTION XXXX. Item 2810-0100 of Section 2 of Chapter 38 of the acts of 2013 is hereby amended by inserting at the end thereof, the following words:-; provided further, that no less than \$3,000,000 shall be expended for DCR park land for the design, construction, and environmental cleanup of the Shaffer paper site in the Port Norfolk section of Dorchester.”; and in said item by striking out the figures “\$42,554,957” and inserting the figures “\$45,554,957”.

The amendment was rejected.

Ms. Chang-Díaz and Mr. Brownsberger moved that the proposed new text be amended in section 2 by inserting after item 7053-1925 the following item:-

“7061-9010 For fiscal year 2013 reimbursements to certain cities, towns and regional school districts of charter school tuition and the per pupil capital needs component included in the charter school tuition amount for commonwealth charter schools, as calculated under subsections (ff) and (gg) of section 89 of chapter 71 of the General Laws; provided, that notwithstanding said subsection (ff) of said section 89 of said chapter 71 or any other general or special law to the contrary, the per pupil capital needs component of the commonwealth charter school tuition rate for fiscal year 2013 shall be \$893; and provided further, that if the amount appropriated is insufficient to fully fund all reimbursements required by said section 89 of said chapter 71, the department shall fully reimburse the cost of such per pupil capital needs component and shall prorate the tuition reimbursements calculated under said subsection (gg) of said section 89 of said chapter 71. This sum shall be in addition to any amounts previously appropriated and made available for the purpose of this item. This sum shall not revert and shall be made available for expenditure until June 30, 2014 \$2,172,300”.

The amendment was rejected.

Mr. Michael O. Moore moved to amend the proposed new text by inserting after section 45 the following section:-

“SECTION 45A. (a) As used in sections this section, the following words shall have the following meanings unless the context clearly indicates otherwise:

‘Commissioner’, the commissioner of capital asset management and maintenance.

‘GRC committee’, the Irving A. Glavin Regional Center at Shrewsbury Reuse Committee, which shall include 3 representatives of the town of Shrewsbury, 1 of whom shall be a member of the Shrewsbury board of selectmen or a designee who shall serve as chairperson, 1 of whom shall be a member of the Shrewsbury planning board or a designee and 1 of whom shall be chosen by the Shrewsbury board of selectmen; 1 representative of the division of capital asset management and maintenance and 1 representative of the department of developmental services. The members, other than the representatives of the state agencies, shall be appointed annually by the local governing authority. The senator and representative who represent the town shall serve as

ex-officio members.

'GRC site', the area of state-owned land located in the town of Shrewsbury known as the Irving A. Glavin Regional Center at Shrewsbury, together with the buildings and improvements thereon and the rights, easements and other interests appurtenant thereto.

'Plan', a reuse plan prepared by the division in consultation with the GRC committee which shall be approved by the commissioner and filed in accordance with subsection (b); provided, however, that the plan may be enhanced, refined or amended from time to time as provided in this section and shall include uses for department programs, uses that promote environmental preservation, open space and any other use found to be appropriate by the commissioner, town and committee.

'Selection committee', the proposal selection committee established to review proposals and make recommendations to the commissioner, which shall include 1 representative of the town chosen by the board of selectmen to be appointed annually; 1 representative of the division of capital asset management and maintenance; 1 representative of the department of developmental services; and 1 representative from the GRC committee.

(b) The commissioner shall undertake planning, studies and preparation of plans and specifications necessary to carry out this section consistent with the plan. The GRC committee shall submit its recommendations for the reuse plan with the commissioner within 180 days after the effective date of this section. The GRC committee shall hold at least 2 public comment sessions. The commissioner shall consult with the GRC committee on any amendment to the plan and shall develop, issue and advertise requests for proposals consistent with the plan within 90 days after receipt of the plan. Upon receipt of proposals, the commissioner shall convene the selection committee to review and make recommendations regarding selection to the commissioner. The town's governing authority shall be encouraged to submit proposals for uses consistent with the plan for some or all of the property. If proposals from the town shall be among those recommended to the commissioner, the commissioner shall reasonably accommodate the schedule required for town meeting votes if a town meeting vote is required to complete or approve a proposal before making any final decisions on the proposals. Any reuse shall be consistent with chapter 212 of the acts 2012." ; and by striking out section 59 and inserting in place thereof the following section:-

"SECTION 59. Sections 45A and 53 shall take effect upon their passage."

The amendment was adopted.

Messrs. Tarr, Hedlund, and Ross moved that the proposed new text be amended by inserting at the end the following new sections:-

"SECTION XX. Section 12 of chapter 68 of the Acts of 2011 is hereby amended by striking the words:- 'and (9) collaborate with other state agencies, authorities and other entities to carry out these purposes.' and inserting in place thereof the following:- (9) track all legislative directives, reports, studies or recommendations, whether completed or not, required by law to be performed by all secretariats, commissions, task forces, departments, agencies, quasi-state agencies or entities of the commonwealth and required to be submitted to the clerks of the house or senate or a legislative committee or subcommittee; (10) make all legislative directives, reports, studies or legislative recommendations conspicuously available and accessible online in searchable format on the office of commonwealth performance, accountability and transparency website; and (11) collaborate with other state agencies, authorities and other entities to carry out these purposes.

SECTION XXX. Notwithstanding any general or special law to the contrary, all commissions, secretariats, departments, agencies, quasi-state agencies or entities of the commonwealth required by law to file a report with the clerks of the house of representatives and the senate, or with the chairs of any legislative committee, shall file said report via electronic means and shall provide an electronic copy of the report to the office of commonwealth performance, accountability and transparency. Said office of commonwealth performance, accountability and transparency shall monitor the progress of all required reports and prominently make all reports available to the public via its website. A secretariat, department, agency, quasi-state agency or any other entity of the commonwealth shall provide a copy in hard copy format of any report upon request."

The amendment was rejected.

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

"SECTION XX. Item 8900-0001 of section 2 of chapter 139 of the acts of 2012 is hereby amended by inserting after the figure '\$800,000', the following words:- ; provided further, that the department shall expend no less than the amount provided for in chapter 61 of the acts of 2007 to the municipality hosting the Bay State Correctional Center."

After remarks, the amendment was rejected.

Mr. Ross 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 town of North Attleboro shall provide a report detailing the extraordinary law enforcement expenses incurred as a result of the Odin Lloyd murder investigation. Said report shall be submitted by the town of North Attleboro to the executive office of administration and finance."

The amendment was adopted.

Messrs. Tarr, Montigny and Hedlund move to amend the proposed new text by inserting in section 2 the following new item:-

"xxxx-xxxx For the division of marine fisheries; provided, that the division shall develop a plan to protect, preserve and strengthen the commonwealth's commercial domestic harvest capacity of groundfish in response to the crisis occurring from federal allowable catch reductions; provided further, that in the development of said plan, the division shall conduct not less than three public hearings in geographically diverse coastal commercial fishing ports, and shall consider strategies including but not limited to: direct grants to commercial fishing vessel owners and crews, the purchase lease and banking of commercial groundfish permits and/or catch quota, loans, guarantees and subsidies, the lease of commercial fishing vessels for research and other academic purposes and other mechanisms to prevent the extinction or outmigration of commercial groundfish capacity and allowable catch of commercial groundfish from the commonwealth; provided further, that said plan shall consider and include all

areas of the state and all gear types for harvesting, including trawls, gillnets, hooks and seines; provided further, that said plan, together with cost estimates and necessary legislative and regulatory actions required for implementation, shall be reported to the clerks for the house and senate not later than December 31, 2013 \$50,000”.

The amendment was adopted.

Mr. Brewer moved to amend the proposed new text by striking out section 32 and inserting in place thereof the following section:-

“SECTION 32. Item 4000-0500 of section 2 of chapter 38 of the acts of 2013 is hereby amended by adding the following words:- ; provided further, that MassHealth shall implement all Current Procedural Terminology, or CPT, evaluation and management codes for behavioral health services in accordance with the new CPT evaluation and management codes as most recently adopted by the American Medical Association and the Centers for Medicare and Medicaid Services, or CMS; provided further, that if a code is covered under a MassHealth fee schedule and paid on the medical surgical benefit, then the code shall reimburse providers the same rate as provided in nonfacility settings on the behavioral health and substance abuse benefit; provided further, that the office of Medicaid shall work with its actuary to ensure that capitation rates for contracting managed care organizations appropriately account for changes in MassHealth provider rates for all rate changes associated with incremental increases for behavioral health services; provided further, that not later than December 15, 2013, the office of Medicaid shall report to the house and senate committees on ways and means the methodology used to create actuarially-sound capitation rates for contracting managed care organizations to reflect changes to behavioral health services payments; provided further, that any integrated care organization, managed care entity or behavioral health carve-out entity that manages behavioral health services on behalf of the commonwealth shall implement all CPT evaluation and management codes for behavioral health services in accordance with the new CPT evaluation and management codes as most recently adopted by the American Medical Association and CMS; provided further, that any integrated care organization, managed care entity or behavioral health carve-out entity that manages behavioral health services on behalf of the commonwealth shall be required to pay, at a minimum, the MassHealth rates of payment for all CPT evaluation and management codes for behavioral health services by January 1, 2014; and provided further, that MassHealth shall review and adjust all rates of payment accordingly for mental health services provided in community health centers and mental health centers by January 1, 2014.”;

In section 52, in line 553, by striking out the figure “06” and inserting in place thereof the following words:- “Local R1-255”; By inserting after section 58 the following section:-

“SECTION 58A. Section 46 is hereby repealed.”; and

By adding the following section:-

“SECTION 61. Section 58A shall take effect on January 31, 2014.”

The amendment was adopted.

The Ways and Means amendment was then adopted, as amended.

The bill, as amended, 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 fourteen minutes past four o'clock P.M., on motion of Mr. Brewer, as follows, to wit (yeas 36 — nays 0) [Yeas and Nays No. 197]:

YEAS.

Barrett, Michael J. Keenan, John F.

Brewer, Stephen M. Kennedy, Thomas P.

Brownsberger, William N. Lovely, Joan B.

Chandler, Harriette L. McGee, Thomas M.

Chang-Diaz, Sonia Montigny, Mark C.

Clark, Katherine M. 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. Petrucci, 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.

Jehlen, Patricia D. Welch, James T.

Joyce, Brian A. Wolf, Daniel A. — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Candaras, Gale D. Timilty, James E. — 2.

The yeas and nays having been completed at eighteen minutes past four o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments. [For text of Senate amendments, see Senate, No. 1891, printed as amended.] Sent to the House for concurrence in the amendment.

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered, as follows:
The Senate Bill authorizing the town of Belchertown to convey certain conservation land (Senate, No. 1752),-- was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Candaras presented an amendment substituting a new draft entitled "An Act authorizing the town of Belchertown to convey certain land" (Senate, No. 1884).

The amendment was adopted.

The bill (Senate, No. 1884) was then passed to be engrossed.

Sent to the House for concurrence.

Order Adopted.

On motion of Mr. McGee ,--

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 Mr. Tarr, at a half past four o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.