

NOTICE: While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE..

Thursday, June 12, 2014.

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

Distinguished Guests.

There being no objection, the President introduced, in the rear of the Chamber, Hong Kong's Commissioner for Economic and Trade Affairs to the United States, Clement Leung. Mr. Leung is the most senior representative of the Hong Kong Special Administrative Region Government in North America and directs the Hong Kong government's efforts in promoting U.S. – Hong Kong economic trades and ties and constituency building activities in the United States. He was accompanied by Acting Director of the Hong Kong Economic Trade Office in New York, Paul Cheung. Mr. Cheung was appointed to this post in March of 2014 after working as the Deputy Director since 2011. He is responsible for promoting closer economic and cultural ties between Hong Kong and Taiwan. The Senate welcomed them with applause and they withdrew from the Chamber. They were also guests of Representatives Chan and Wong. Clement Leung and Paul Cheung.

Communication.

A communication from the Honorable Therese Murray, President of the Senate, announcing the following appointments to several joint and standing committees: Committee appointments.

- Vice-Chair Post Audit- Senator Downing
Committee Member Post-Audit- Senator Lewis – to the 6th position
- Vice-Chair Mental Health & Substance Abuse- Senator Forry
Committee Member Mental Health & Substance Abuse- Senator Lewis – to the 5th position
- Committee Member Judiciary- Senator Donoghue – to the 5th position
- Committee Member Public Health- Senator Lewis – to the 5th position
- Committee Member Public Safety- Senator Lewis – to the 5th position

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2194) of Bruce E. Tarr and Bradford Hill (by vote of the town) for legislation to authorize the town of Ipswich to issue two additional licenses for the sale of all alcoholic beverages to be drunk on the premises [Local approval received]

Under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 2193) of Michael J. Rodrigues and Paul A. Schmid, III (by vote of the town) for legislation to authorize the board of selectmen of the town of Westport to borrow money for the payment of

certain medical expenses for certain public safety personnel [Local approval received]; Westport

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

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 2192) of Michael J. Rodrigues and Paul A. Schmid, III (by vote of the town) for legislation to authorize the town of Westport to assess additional amounts of real estate and personal property taxes to pay certain medical expenses incurred by certain public safety personnel [Local approval received]

Under Senate Rule 20, to the committee on Revenue.

Severally sent to the House for concurrence.

By Mr. Tarr, a petition (subject to Joint Rule 12) of Bruce E. Tarr, Donald F. Humason, Jr., James M. Cantwell, Leah Cole and other members of the General Court for legislation relative to distinctive registration plates

Under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Welch, for the committee on Health Care Financing, that the Senate Bill to protect children and families from harmful flame retardants (Senate, No. 1931),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2190) [Estimated cost-less than \$100,000];**

Read and, under Senate Rule 26, referred to the committee on Ethics and Rules, with the amendment pending.

By Ms. O'Connor Ives, for the committee on Tourism, Arts and Cultural Development, on Senate, Nos. 1625, 1628, 1631 and 1632, an Order relative to authorizing the joint committee on Tourism, Arts and Cultural Development to make an investigation and study of certain current Senate documents relative to tourism, arts and cultural development issues (Senate, No. 2191);

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Welch, for the committee on Health Care Financing, on petition (accompanied by bill Senate, No. 556), a Bill relative to the spinal cord injury trust fund (Senate, No. 2189) [Estimated cost-less than \$100,000];

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

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 Veterans and Federal Affairs to make an investigation and study of certain current Senate documents relative to veterans and federal affairs issues (Senate, No. 2186),-- 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

A Message from His Excellency the Governor recommending legislation relative to validating the actions taken at the May 5, 2014 annual town election held by the town of Southampton (printed in House, No. 4161),-- was referred, in concurrence, to the committee Election Laws.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4166) of Claire D. Cronin (by vote of the town) that the town of Easton be authorized to grant an additional licenses for the sale of all alcoholic beverages not to be drunk on the premises; and

Petition (accompanied by bill, House, No. 4167) of Bradford Hill and Joan B. Lovely (by vote of the town) that the town of Topsfield be authorized to issue eight additional licenses for the sale of all alcoholic beverages to be drunk on the premises;

Severally, under suspension of Joint Rule 12, to the committee Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4168) of David Paul Linsky and Richard J. Ross (by vote of the town) that the town administrator of the town of Sherborn be authorized to approve warrants for payment from town funds;

Petition (accompanied by bill, House, No. 4169) of David Paul Linsky and Richard J. Ross (by vote of the town) relative to increasing the number of members on the board of selectmen in the town of Sherborn;

Petition (accompanied by bill, House, No. 4170) of William Smitty Pignatelli and Benjamin B. Downing (by vote of the town) that the board of selectmen of the town of Blandford be authorized to appoint the collector of taxes for said town; and

Petition (accompanied by bill, House, No. 4171) of William Smitty Pignatelli and Benjamin B. Downing (by vote of the town) that the board of selectmen of the town of Blandford be authorized to appoint the town treasurer for said town;

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

Petition (accompanied by bill, House, No. 4172) of Kenneth I. Gordon (by vote of the town) for legislation to exempt positions within the police department of the town of Burlington from the civil service law; and

Petition (accompanied by bill, House, No. 4173) of Frank A. Moran, James J. Lyons, Jr. and Barry R. Finegold (by vote of the town) that elected officials of the town of Andover be excluded from health care benefits provided by said town;

Severally, under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 4174) of Frank A. Moran, James J. Lyons, Jr. and Barry R. Finegold (by vote of the

town) that the town of Andover be authorized to provide property tax relief for certain elderly residents of said town Under suspension of Joint Rule 12, to the committee on Revenue.

Petition (accompanied by bill, House, No. 4175) of Sarah K. Peake and Daniel A. Wolf (by vote of the town) that the town of Wellfleet be authorized to increase maximum fine limits for parking tickets issued in said town; Under suspension of Joint Rule 12, to the committee on Transportation.

A Resolve providing for an investigation and study by a special commission relative to aphasia (House, No. 4162,-- on House, No. 3455),-- was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

A Bill establishing a district to operate a regional public safety communications and dispatch center for the city known as the city of Revere and the town of Winthrop (House, No. 3936,-- on petition) [Local approval received],-- was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

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 nineteen minutes before three o'clock P.M., the Senate reassembled, the President in the Chair.

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

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:- Resolutions (filed by Messrs. Brewer and Brownsberger, Ms. Candaras, Ms. Chandler, Ms. Chang-Díaz, Ms. Creem, Messrs. DiDomenico, Donnelly, Downing and Finegold, Ms. Flanagan, Ms. Forry, Messrs. Hedlund and Humason, Ms. Jehlen, Messrs. Keenan, Lewis, McGee, Montigny, Michael O. Moore and Richard T. Moore, Ms. Murray, Messrs. Pacheco, Rodrigues, Rosenberg and Rush, Ms. Spilka and Messrs. Timilty, Welch and Wolf) "commending Admetech Foundation on hosting the Sixth Annual Prostate Cancer Awareness Day at the Massachusetts State House on June 19, 2014"; Resolutions (filed by Mr. Joyce) "congratulating Margaret T. Hanna on her retirement"; Resolutions (filed by Mr. McGee) "congratulating John Hoffman on the occasion of his retirement"; Resolutions (filed by Mr. Pacheco) "congratulating Lorraine D. Duty on the occasion of her one hundredth birthday"; and Resolutions (filed by Mr. Pacheco) "congratulating the Thai Buddhist Community as they celebrate the grand opening of the Wat Nawamintarachutis Temple and Meditation Center."

At seventeen minutes before three 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 sixteen minutes before three o'clock P.M., a quorum was declared present.

PAPERS FROM THE HOUSE

Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill relative to natural gas leaks (House, No. 3873, 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 2095) recommending a new draft (House, No. 4164), -- came from the House, and was read.

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

After remarks, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at eight minutes before three o'clock P.M., on motion of Mr. Downing, as follows, to wit (38 yeas – 0 nays) [Yeas and Nays No. 349]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Lewis, Jason M.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Díaz, Sonia Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Finegold, Barry R. Rosenberg, Stanley C.
Flanagan, Jennifer L. Ross, Richard J.
Forry, Linda Dorcena Rush, Michael F.

Hedlund, Robert L. Spilka, Karen E.
Humason, Donald F., Jr. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Welch, James T.
Keenan, John F. Wolf, Daniel A. – 38.
NAYS – 0.
ABSENT OR NOT VOTING.
Eldridge, James B. – 1.

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

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Anne Federico, an employee of the Department of Public Health (see House, No. 3958) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.

Engrossed Bills — Land Takings for Conservation Etc.

An engrossed Bill authorizing the Wilkinsonville Water District to convey a certain parcel of land (see Senate, No. 1995, amended) (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 three minutes before three o'clock P.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 350]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Lewis, Jason M.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Finegold, Barry R. Rosenberg, Stanley C.
Flanagan, Jennifer L. Ross, Richard J.
Forry, Linda Dorcena Rush, Michael F.
Hedlund, Robert L. Spilka, Karen E.
Humason, Donald F., Jr. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Welch, James T.
Keenan, John F. Wolf, Daniel A. – 38.
NAYS – 0.
ABSENT OR NOT VOTING.
Eldridge, James B. – 1.

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

An engrossed Bill relative to a certain parcel of land in the town of Stow (see House, No. 3935) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at one minute past three o'clock P.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 351]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Lewis, Jason M.
Brownsberger, William N. Lovely, Joan B.

Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Finegold, Barry R. Rosenberg, Stanley C.
Flanagan, Jennifer L. Ross, Richard J.
Forry, Linda Dorcena Rush, Michael F.
Hedlund, Robert L. Spilka, Karen E.
Humason, Donald F., Jr. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Welch, James T.
Keenan, John F. Wolf, Daniel A. – 38.
NAYS – 0.
ABSENT OR NOT VOTING.
Eldridge, James B. – 1.

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

Reports of Committees.

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

The Senate Bill designating a certain bridge in the town of Barre as the Barre American Legion Bridge (Senate, No. 1874). There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed.
Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill enabling the Department of Environmental Management to lease real property (Senate, No. 1966),-- ought to pass.
There being no objection, the rules were suspended, on motion of Mr. Petruccelli, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the Department of Conservation and Recreation to lease certain parkland in the city of Cambridge".
Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill An Act protecting the commercial value of artists, entertainers, and other notable personalities (Senate, No. 2022),-- ought to pass.
There being no objection, the rules were suspended, on motion of Mr. Rosenberg, and the bill was read a second time, ordered to a third reading, read a third time and, after remarks, was passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act protecting the commercial value of artists, entertainers and other notable personalities".
Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Marcy L. Bray, an employee of the Massachusetts Department of Developmental Services (House, No. 4041),-- ought to pass.
There being no objection, the rules were suspended, on motion of Mr. Barrett, and the bill was read a second time, ordered to a third reading, read a third time and, after remarks, was passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act establishing a sick leave bank for Marcy L. Bray, an employee of the Department of Developmental Services".

Report of a Committee of Conference.

Mr. Brewer, for the committee of conference on the disagreeing votes of the two branches, with reference to the House amendment to the Senate Bill restoring the minimum wage and providing unemployment insurance reforms (Senate, No. 2123) (amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4079; and by striking out the title and inserting in place thereof the following title: "An Act relative to workforce reform",-- reports, in part, a "Bill restoring the minimum wage and providing unemployment insurance reforms" (Senate, No.

2195).

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

After debate, the question on acceptance of the report was determined by a call of the yeas and nays, at five minutes past four o'clock P.M., on motion of Mr. Wolf, as follows, to wit (yeas 35 – nays 4) [Yeas and Nays No. 352]:

YEAS.

Barrett, Michael J. Lewis, Jason M.

Brewer, Stephen M. Lovely, Joan B.

Brownsberger, William N. McGee, Thomas M.

Candaras, Gale D. Montigny, Mark C.

Chandler, Harriette L. Moore, Michael O.

Chang-Diaz, Sonia Moore, Richard T.

Creem, Cynthia Stone Murray, Therese

DiDomenico, Sal N. O'Connor Ives, Kathleen

Donnelly, Kenneth J. Pacheco, Marc R.

Donoghue, Eileen M. Petrucci, Anthony

Downing, Benjamin B. Rodrigues, Michael J.

Finegold, Barry R. Rosenberg, Stanley C.

Flanagan, Jennifer L. Rush, Michael F.

Forry, Linda Dorcena Spilka, Karen E.

Jehlen, Patricia D. Timilty, James E.

Joyce, Brian A. Welch, James T.

Keenan, John F. Wolf, Daniel A. – 35.

Kennedy, Thomas P.

NAYS.

Hedlund, Robert L. Ross, Richard J.

Humason, Donald F., Jr. Tarr, Bruce E. – 4.

ABSENT OR NOT VOTING.

Eldridge, James B. – 1.

The yeas and nays having been completed at eight minutes past four o'clock P.M., the report was accepted.

Sent to the House for concurrence in the report of the committee of conference.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Repealing chapter 151 of the special acts of 1981 (Senate, No. 2109);

Authorizing the reinstatement of Richard L. Cross as a reserve police officer in the town of Southwick (House, No. 3852);

Authorizing the town of Holliston to establish a department of public works (House, No. 3961);

Authorizing the city of Holyoke to issue additional licenses for the sale of all alcoholic beverages and wines and malt beverages to be drunk on the premises (House, No. 4048);

Authorizing the city of New Bedford to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4054, amended); and

Authorizing the lease of air rights over a portion of a municipal off-street parking area – rear of the property located at 280-290 Harvard Street (House, No. 4120);

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

The House Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 3933),-- was read a second time.

After remarks, pending the question on adoption of the Bonding committee new text (Senate, No. 2142), pending the question on adoption of the Ways and Means new text (Senate, No. 2187), and pending the main question on ordering the bill to a third reading, Mr Lewis moved that the proposed new text be amended in line item 1100-3003, by adding the following words:- “and provided further, that funds shall be expended for the design and construction of the Malden Community Conference Center”. After remarks, the amendment was adopted.

Mr. Rosenberg moved to amend the proposed new text in section 2, in item 1102-2009, by inserting at the end thereof the following:- “provided further, that \$9,458,561 shall be expended for the design and construction of a 14,000 square foot child care center on the campus of Greenfield Community College to provide early education and care to low-income children in a safe, affordable child care environment for Greenfield Community College students while they pursue their education and training, and to provide a teaching laboratory site for Greenfield Community College Education degree program students practicum placements and Education program faculty observation/assessment activities”. After remarks, the amendment was adopted.

Ms. Spilka and Ms. Jehlen moved to amend the proposed new text by adding at the end thereof the following new section “SECTION _ . Item 7066-8000 of section 2 of chapter 258 of the acts of 2008 is hereby amended by striking out, in line 67, the

figure '\$22,100,000' and inserting in place thereof the following figure:- \$36,100,000."

After remarks, the amendment was adopted.

Mr. Rush moved to amend the proposed new text by inserting in section 2A, in item 1100-3003, the following:-"; provided further that not less than \$2,000,000 shall be expended to fund capital improvements to the municipal campus in Dedham". The amendment was adopted.

Mr. Rush moved to amend the proposed new text by inserting in section 2A, in item 1100-3003, the following:- "; provided further that funds shall be expended for the construction of a regional indoor skating rink and recreation center in the town of Norwood pursuant to chapter 151 of the acts of 2013".

After remarks, the amendment was adopted.

Mr. Rodrigues moved that the proposed new text be amended in section 2A, item 1100-3003, by adding the following words:- "; provided further, that funds shall be expended for the preservation of historical naval vessels berthed in Battleship Cove in Fall River".

The amendment was adopted.

Ms. Candaras moved that the proposed new text be amended in section 2A, in item 1100-3003, by adding at the end thereof the following new language:- "; provided further, that \$2,000,000 shall be expended for the demolition and environmental remediation on the site of the former Belchertown State School; provided further that funds shall be expended for the renovation of the Pynchon Building located in the city of Springfield".

After remarks, the amendment was adopted.

Ms. Candaras and Mr. Welch moved that the proposed new text be amended in section 2A, in item 1100-3003, by adding at the end thereof the following new language:- "; provided further, that \$12,000,000 shall be expended for the restoration of the Campanile at Court Square located in the city of Springfield".

The amendment was rejected.

Ms. Candaras and Mr. Welch moved that the proposed new text be amended in section 2A, in item 1100-3003, by adding at the end thereof the following new language:- "; provided further, that \$100,000 shall be expended for improvements to Symphony Hall in the city of Springfield".

The amendment was rejected.

Ms. Candaras and Mr. Welch moved that the proposed new text be amended in section 2A, in item 1100-3003, by adding at the end thereof the following new language:- "; provided further, that \$4,500,000 shall be expended for the restoration, renovation and design of the Pynchon Building located in the city of Springfield".

The amendment was rejected.

Ms. Chandler moved to amend the proposed new text in section 2A, by inserting after the word "program" in line 84, the following words:- "; and provided further, that \$40,000 shall be expended to upgrade the technology at the West Boylston Public Library".

After remarks, the amendment was adopted.

Messrs. Michael O. Moore and Downing, Ms. Lovely, Ms. O'Connor Ives, Ms. Jehlen and Ms. Chandler moved to amend the proposed new text by inserting after section 3 the following section:-

"SECTION 3A. Item 7066-8000 of section 2 of chapter 258 of the acts of 2008 is hereby amended by inserting after the word 'projects', in line 160, the following words:- ; provided further, that not less than \$100,000,000 shall be expended to address deferred maintenance at state colleges and universities and community colleges."; and by inserting after section 4 the following section:-

"SECTION 4A. Item 7100-1000 of said section 2 of said chapter 258 is hereby amended by inserting after the words 'city of Worcester', the second time they appear, the following words:- ; provided further, that not less than \$100,000,000 shall be expended to address deferred maintenance at the University of Massachusetts."

After remarks, the amendment was adopted.

Mr. Keenan moved that the proposed new text be amended in section 2, item 1100-3003, by adding at the end thereof the following:- "; provided further, that \$1,000,000 shall be expended on the expansion of the Braintree Department of Elder Affairs Senior Center"; and in section 2A, item 8000-3501, by adding at the end thereof the following:- "; provided further, that \$1,000,000 shall be expended for the feasibility, engineering and design of a public safety building in the city of Quincy".

The amendment was adopted.

Mr. Keenan and Ms. Jehlen moved that the proposed new text be amended in section 2, item 1100-3003, by adding at the end thereof the following:- "; provided further, that \$500,000 shall be expended for the renovation and redesign of the Old Thayer Library in the town of Braintree to make it handicap accessible for purposes of moving municipal offices onsite".

The amendment was rejected.

Mr. Keenan moved that the proposed new text be amended in section 2, item 1102-2009, by adding at the end thereof the following:- "; and provided further, that \$1,600,000 be expended to the Department of Conservation and Recreation for the purchase of land located at 797 Quincy Shore Drive in the city of Quincy for the preservation of open space and park land, and to provide additional parking for the Wollaston Beach Reservation".

The amendment was rejected.

Mr. Michael O. Moore and Ms. Jehlen moved that the proposed new text be amended in section 2A, in item 1100-3003, by adding at the end thereof the following: "provided further, that \$1,500,000 shall be expended for the renovation of the South Grafton Library into a bikeway visitor center in the town of Grafton; provided further, that \$500,000 shall be expended for the redevelopment of Jacques Park in the town of Millbury".

The amendment was adopted.

Mr. DiDomenico moved that the proposed new text be amended in section 2A, line item 1100-3003, by adding the following: “; provided further that no less than \$750,000 shall be expended to the Glenwood Memorial Cemetery for updates to maximize available burial plot space for Everett residents; provided further that no less than \$500,000 shall be expended for the City of Cambridge Citywide Senior Center to help cover the cost of redesigning the front entry and reception area to better accommodate access issues for seniors”.

After remarks, the amendment was adopted.

Mr. Keenan moved to amend the proposed new text by inserting after the word “provided,” in line 41, the following words: - “that not less than \$2,000,000 shall be expended on a planning study by the department of public health to examine the feasibility of establishing a new state public health laboratory and the investment needed to define the scope of the proposed project; and provided further.”.

The amendment was rejected.

Mr. Barrett and Ms. Donoghue moved to amend the proposed new text in section 2, in item 1102-2009, by inserting at the end thereof the following:- “; provided further, that \$1,600,000 shall be expended for the demolition and removal of the Richardson Building, the Upham Building, and the Gould Building located on the West Campus of the University of Massachusetts Lowell at 255 Princeton Street in Chelmsford for the purpose of improving public safety on the property and the abutting residential neighborhood”.

After remarks, the amendment was adopted.

Mr. Barrett and Ms. Donoghue move to amend the proposed new text in section 2, in item 1102-2009, by inserting at the end thereof the following:- “; provided further, that not less than \$1,600,000 shall be expended for the demolition and removal of vacant buildings for the purpose of improving public safety of such property and any abutting residential neighborhoods”.

The amendment was rejected.

Mr. Barrett and Ms. Donoghue moved to amend the proposed new text in section 2, in item 1102-2009, in line 23 by inserting at after the word “repair” the following words:- “or demolition”.

The amendment was rejected.

Ms. Flanagan moved to amend the proposed new text in section 2, in item 4000-2022, by adding at the end thereof the following: “provided further, that not less than \$1,500,000 shall be expended to complete the newly constructed Community Health Connection Health Center in the city of Fitchburg”.

After remarks, the amendment was adopted.

Mr. Michael O. Moore, Ms. Chandler, Ms. Candaras and Mr. Welch moved to amend the proposed new text in section 2A, in item 1100-3003, by adding the following words:- “; provided further, that not less than \$5,000,000 shall be expended for improvements, repairs, maintenance, expansion and energy efficiency upgrades at the DCU Arena and Convention Center in the city of Worcester and for infrastructure and streetscape improvements in the area of the city bounded and described as follows: Beginning at, and including, 17 Lincoln Square, thence southerly along the westerly street line of Main street to the intersection with Foster street; thence easterly along the southerly line of Foster street to its intersection with Major Taylor boulevard; thence northerly along the easterly line of Major Taylor boulevard to 17 Lincoln Square, the point of beginning; and provided further, that not less than \$5,000,000 shall be expended for the planning, development, construction and related costs of the parking expansion and additional meeting space at the MassMutual Convention Center in the city of Springfield”.

The amendment was adopted.

Mr. Finegold moved to amend the proposed new text in section 2A, in item 8000-3501, by adding at the end thereof the following new language:- “; provided further, that \$1,650,000 shall be expended for the design and construction of a regional public safety center in the city of Lawrence”; and by striking out the figure “\$10,000,000” and inserting in place thereof the figure “\$11,650,000”.

After remarks, the amendment was adopted.

Mr. Finegold moved to amend the proposed new text in section 2A, in item 8000-3501, by adding at the end thereof the following new language:- “; provided further, that \$350,000 shall be expended for an architectural study for a regional public safety center in the city of Lawrence”; and by striking out the figure “\$10,000,000” and inserting in place thereof the figure “\$10,350,000”.

The amendment was rejected.

Mr. Keenan moved that the proposed new text be amended in section 2A, item 8000-3501, by adding at the end thereof the following:- “; provided further, that \$2,000,000 shall be expended for the feasibility, engineering and design of a public safety building in the city of Quincy”.

The amendment was rejected.

Mr. Joyce moved that the proposed new text be amended by inserting in line 84, after the word “program”, the following:- “; provided, further, that \$2,500,000 shall be expended for the historic preservation, restoration and renovation of the Broderick Stables; provided further that \$2,500,000 shall be expended for improvements at the John L. Kelly Field in the town of Milton; provided, further, that \$1,000,000 shall be expended on improvements to the state theatre in the town of Stoughton; provided, further, that \$1,500,000 shall be expended on construction and improvements to the Canton Senior Center; provided further, that \$2,000,000 shall be expended for further improvements to parking, lighting, and ball fields, and the construction of a well at Houghton’s Pond in Milton”.

After remarks, the amendment was adopted.

Mr. Joyce moved that the proposed new text be amended by inserting in line 47, after the word “item”, the following:- “;”

provided, further, that \$10,000,000 shall be expended for the maintenance, improvement, and expansion of the Massachusetts Hospital School in the town of Canton”.

After remarks, the amendment was adopted.

Mr. Pacheco moved to amend the proposed new text by inserting at the end thereof the following new outside section:-

“SECTION ____ Resolved, That the special commission established in chapter 2 of the resolves of 2008, further amended in chapter 3 of the resolves of 2010 is hereby revived and continued to December 31, 2015.”

The amendment was adopted.

Mr. Downing moved to amend the proposed new text in line 1100-3003, by inserting at the end thereof the following:- “provided, further, that \$25,420,000 shall be expended for the phase III expansion of the Massachusetts Museum of Contemporary Art located in the city of North Adams”.

After remarks, the amendment was adopted.

Mr. McGee moved that the proposed new text be amended in section 2A, in item 1100-3003, by adding at the end thereof the following new language:- “provided that no less than \$250,000 shall be expended for capital repairs to the Grand Army of the Republic Museum in Lynn; and provided further that no less than \$125,000 shall be expended for safety upgrades and repairs along Route 129 on the Lynn border in the town of Swampscott”.

After remarks, the amendment was adopted.

Messrs. Joyce, Eldridge, Barrett, and Wolf, Ms. Creem, Ms. Chang-Diaz, Ms. O’Connor Ives, Ms. Lovely and Messrs. Michael O. Moore, Montigny and Downing moved that the proposed new text be amended in line 69, by striking the figure “\$50,000,000” and inserting in place thereof the following:- “\$75,000,000”.

The amendment was rejected.

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

“SECTION___. Chapter 304 of the Acts of 2008 is hereby amended, in section 2C, in item 1100-3001, by striking the words ‘provided further, that not less than \$1,500,000 shall be expended for Essex Town Hall exterior’ and inserting in place thereof the following:- ‘provided further, that \$5,000,000 shall be expended for exterior renovations and associated ADA upgrades at Essex Town Hall in the Town of Essex’.”

The amendment was rejected.

Ms. Creem moved to amend the proposed new text by inserting in line item 1100-3003, after the words “this program”, the following:- “; provided, that \$75,000 shall be made available to the City of Newton for repair and renovations of community playgrounds at elementary schools”.

After remarks, the amendment was adopted.

Mr. Welch moved to amend the proposed new text in section 2A, in line item 1100-3003, by inserting after the word “proposal” the following words:- “; provided further that not less than \$2,000,000 be provided for a cultural and recreational facility in the town of West Springfield”; and in said section 2A, item 1100-3003, by adding at the end thereof the following:- “; provided further funds shall be expended to rebuild the community pool at the John F. Kennedy Middle School in the city of Springfield”.

The amendment was adopted.

Mr. Tarr moved to amend the proposed new text in section 2A, in item 1100-3003, by inserting at the end thereof the following:- “; provided further, that \$200,000 shall be expended for the restoration of the historic fishing vessel Phyllis A. in the City of Gloucester”.

The amendment was rejected.

Mr. Wolf moved to amend the proposed new text in item 4000-2022, by adding at the end thereof the following: “provided that no less than \$500,000 be expended for the renovation, acquisition or construction of a facility for the Hyannis Day Center for homeless individuals”.

After remarks, the amendment was adopted.

Ms. Donoghue moved to amend the proposed new text in section 2, in item 1102-2009, by inserting at the end thereof the following:- “provided further, that funds shall be expended for the study, design and construction of the consolidated Trial Court facility in Lowell, which will replace two outdated facilities and one private lease”.

After remarks, the amendment was adopted.

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

“SECTION___. Chapter 304 of the Acts of 2008 is hereby amended, in section 2C, in item 1100-3001, by striking the words “that not less than \$350,000 shall be granted to Gloucester for an economic development study for a previously-identified area of the city with the potential for job creation” and inserting in place thereof the following words:- ‘that not less than \$3,500,000 shall be granted to Gloucester for an economic development study, planning, design, and construction for a previously-identified area of the city with the potential for job creation’.”

The amendment was rejected.

Mr. Tarr moved to amend the proposed new text in section 2A, in item 1100-3003, by inserting at the end thereof the following:- “; provided further, that \$250,000 shall be expended for changes to windows and doors at school buildings in the Town of Wilmington in order to provide an egress in case of emergency and for the installation of shatterproof glass for windows and doors on the first floor of all school buildings in the Town of Wilmington”.

The amendment was rejected.

Mr. Welch and Ms. Candaras moved to amend the proposed new text in section 2A, in line item 1100-3003, by inserting after the word “proposal” the following words:- “; provided further that not less than \$4,500,000 be provided to rebuild the community pool at the John F. Kennedy Middle School in the city of Springfield”.

The amendment was rejected.

Mr. Richard T. Moore moved to amend the proposed new text by inserting in section 2A, in item 7000-9091, at the end thereof, the following:- “; provided further, that the grant for the reconstruction, renovation and rehabilitation of the Chester C. Corbin Library in the town of Webster shall not be less than seventy-five percent of the total project cost authorized pursuant to said section 19G of chapter 78 of the General Laws; provided further, that \$1,200,000 shall be expended for the construction and renovation associated with the relocation of the Taft Public Library in the town of Mendon”.

The amendment was adopted.

Mr. Richard T. Moore moved to amend the proposed new text by inserting in section 2A, in item 1100-3033, at the end thereof, the following:- “; provided further, that \$800,000 shall be expended for the repair and renovation of the Millville Town Hall, including, but not limited to, asbestos removal, foundation repair and interior renovations”.

After remarks, the amendment was adopted.

Mr. Tarr moved to amend the proposed new text in section 2A, in item 1100-3003, by inserting at the end thereof the following:- “; provided further, that \$3,000,000 shall be expended for the interior and exterior restoration and repair of the historic Gloucester City Hall in the City of Gloucester” and in by striking the figure “10,000,000” and inserting in place thereof the following figure:- “\$13,000,000”.

The amendment was rejected.

Messrs. Brownsberger and DiDomenico moved to amend the proposed new text by striking out section 15.

The amendment was adopted.

Ms. O'Connor Ives moved to amend the proposed new text in section 2, in item 1102-2009, by adding at the end thereof the following: "provided further, that not less than \$1,000,000 shall be expended for the renovation of the Methuen High School Fieldhouse in the City of Methuen; provided further, that not less than \$600,000 shall be expended for the historic Town Hall in the Town of Merrimac; provided further, that not less than \$300,000 shall be expended for the implementation of Wayfinding program in the City of Amesbury; provided further, that not less than \$100,000 shall be expended for the renovation and restoration of the Schofield Mill in the Town of North Andover”.

After remarks, the amendment was adopted.

Ms. Forry, Ms. Chang-Diaz and Mr. Joyce moved that the propose new text be amended in section 2, in item 4000-2022, by inserting the following at the end thereof:- “; provided further, that funds shall be expended to fund capital improvements at the Dimock Center in the city of Boston”.

The amendment was adopted.

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

“On or before January 15, the secretary of administration and finance shall meet with the house and senate committees on ways and means and shall jointly develop a consensus debt service (both interest and principal) forecast on Commonwealth general obligation debt for the budget for the ensuing fiscal year which shall be agreed to by the secretary and said committees. In developing such a consensus debt service forecast, the secretary and said committees, or subcommittees of said committees, shall hold joint hearings on the economy of the commonwealth and its impact on debt service forecasts; provided, however, that in the first year of the term of office of a governor who has not served in the preceding year; said parties shall agree to the consensus debt service forecast not later than January 31 of said year. In making its estimate, the secretary and said committees shall consider:

(1) the amount of state bonds that, during the next fiscal year:

(i) will be outstanding; and

(ii) will be authorized but unissued;

(2) the capital program prepared by the secretary of administration and finance;

(3) capital improvement and school construction needs during the next 5 fiscal years, as projected by the Massachusetts School Building Assistance Authority;

(4) projections of debt service requirements during the next 10 fiscal years;

(5) the criteria that recognized bond rating agencies use to judge the quality of issues of state bonds;

(6) any other factor that is relevant to:

(i) the ability of the state to meet its projected debt service requirements for the next 5 fiscal years; or

(ii) the marketability of state bonds;

(7) the effect of authorizations of new state debt on each of the factors in this subsection;

(8) identification of pertinent debt ratios, such as debt service to General Fund revenues, debt to personal income, debt to estimated full-value of property, and debt per capita;

(9) A comparison of the debt ratios prepared for paragraph (8) with the comparable debt ratios for the 5 other states in New England, New York and 5 other states the committee determines to offer a fair comparison to the commonwealth;

(10) A description of the percentage of the state's outstanding general obligation bonds constituting fixed rate bonds, variable rate bonds, bonds that have an effective fixed interest rate through a hedging contract, and bonds that have an effective variable interest rate through a hedging contract. The report shall also include, for each outstanding hedging contract, a description of the hedging contract, the outstanding notional amount, the effective date, the expiration date, the name and ratings of the counterparty, the rate or floating index paid by the state and the rate or floating index paid by the counterparty, and a summary of the performance of the state's hedging contracts in comparison to the objectives for which the hedging contracts were executed; and

(11) the amount of issuances, debt outstanding, and debt service requirement of other classes of commonwealth tax supported

debt as well as other debt of commonwealth units.

Said consensus debt service forecast shall be included in a joint resolution and placed before the members of the general court for their consideration. Such joint resolution, if passed by both branches of the general court, shall establish the maximum amount of debt service which may be considered for the general appropriation act for the ensuing fiscal year.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-five minutes past five o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 5 – nays 32) [Yeas and Nays No. 353]:

YEAS.

Hedlund, Robert L. Tarr, Bruce E.

Humason, Donald F., Jr. Timilty, James E. – 5.

Ross, Richard J.

NAYS.

Barrett, Michael J. Keenan, John F.

Brewer, Stephen M. Kennedy, Thomas P.

Brownsberger, William N. Lewis, Jason M.

Candaras, Gale D. Lovely, Joan B.

Chandler, Harriette L. Montigny, Mark C.

Chang-Diaz, Sonia Moore, Michael O.

Creem, Cynthia Stone Moore, Richard T.

DiDomenico, Sal N. O'Connor Ives, Kathleen

Donnelly, Kenneth J. Pacheco, Marc R.

Donoghue, Eileen M. Petruccelli, Anthony

Downing, Benjamin B. Rodrigues, Michael J.

Finegold, Barry R. Rosenberg, Stanley C.

Flanagan, Jennifer L. Rush, Michael F.

Forry, Linda Dorcena Spilka, Karen E.

Jehlen, Patricia D. Welch, James T.

Joyce, Brian A. Wolf, Daniel A. – 32.

ABSENT OR NOT VOTING.

Eldridge, James B. McGee, Thomas M. – 2.

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

Mr. Tarr moved to amend the proposed new text by striking section 17 in its entirety and inserting in place thereof the following section:-

“SECTION 17. (a) The terms used in this section shall have the following meanings unless the context clearly requires otherwise: ‘Commissioner’, the commissioner of the division of capital asset management and maintenance.

‘District’, the Essex North Shore Agricultural and Technical School District established pursuant to chapter 463 of the Acts of 2004 as amended by chapter 9 of the acts of 2006 and by chapter 130 of the acts of 2010.

‘Division’, the division of capital asset management and maintenance.

‘School’, the Essex North Shore Agricultural and Technical School established pursuant to chapter 463 of the acts of 2004 as so amended.

(b) Notwithstanding section 32 to 37, inclusive, of chapter 7C of the General Laws, chapter 463 of the acts of 2004 as amended by chapter 9 of the acts of 2006 and by chapter 130 of the acts of 2010 or any other general or special law, rule, or regulation to the contrary, the commissioner may, in consultation with the District, lease or enter into other agreements for a term, including any extensions, not to exceed 25 years for certain lands and any buildings and other appurtenances thereon located at the school in the town of Middleton to Essex Sports Center, LLC. The location and boundaries of the parcel or parcels to be leased shall be determined by the commissioner based upon a survey by a certified engineer.

(c) The lessee shall use the property solely for the purpose of constructing and operating athletic and recreational facilities for use by the school or any other authorized parties. The lease or other agreement pertaining to the lease of the property shall include a provision restricting the use of the property to such purposes and providing for termination of the lease if the property ceases to be used for such a purpose. Upon the expiration of the lease, or if Essex Sports Center, LLC ceases to be the lessee at any time before the expiration of the lease, the land, facilities, fields and appurtenances shall revert to the commonwealth upon such terms and conditions as the commissioner of capital asset management and maintenance may determine. Such lease may permit one or more leasehold mortgages covering any lease executed as allowed herein in order to assist the lessee in financing improvements to the leased property, provided, however, that any such leasehold mortgage shall be subordinate to any such lease, subject to the ability of any such leasehold mortgagee to exercise its rights under any such mortgage.

(d) The lease or other agreement authorized by this act shall be on terms and conditions acceptable to the commissioner and the district after consultation with the district, and subject to review of the Inspector General prior to the execution of the lease; provided, however, that such lease or other agreement shall provide, without limitation that: (1) the lessee shall manage, operate, improve, repair, and maintain the land, buildings, and appurtenances associated therewith during the term of the lease which is subject to the approval of the commissioner and the district. The upkeep shall be reviewed on an annual basis by the commissioner, the lessee and the district; the lessee shall be responsible for the repairs and maintenance as recommended by the

commissioner or the district; (2) the lessee shall carry comprehensive general liability and construction insurance in amounts acceptable to the commissioner and the district naming the commonwealth and the district as the co-insured, protecting the commonwealth and the district against all claims for personal injury or property damage arising from the land, buildings, and appurtenances associated therewith during the construction and/or the term of the lease; (3) the lessee shall pay rent in an amount equal to or greater than the full and fair market value of its leasehold interest under this act as determined by an independent appraisal prepared in accordance with the usual and customary professional appraisal practices by a certified appraiser commissioned by the commissioner, in consultation with the Inspector General; (4) the lessee shall be responsible for the capital improvements to the premises; (5) the lessee shall pay all costs of all utilities during the term of the lease; and (6) the lessee shall not design or construct any facilities on the parcel without the written approval of the division, in consultation with the district. (e) The lessee shall be responsible for and shall maintain an escrow fund for all costs and expenses including, but not limited to, costs associated with any engineering, surveys, appraisals, and lease preparation as such costs may be determined by the commissioner.

(f) The district may establish a receipts reserved for appropriation account for any revenue generated from the lease of property to the lessee. This account shall be used for the general appropriations of the district.

(g) No general or special law, rule, or regulation relating to the advertising, bidding, or award of contracts to the procurement of services, including, but not limited to chapter 30B of the General Laws, or to the construction and design improvements shall apply to the district or the lessee under this act.

(h) The 25-year lease and other agreements executed under this section shall be on terms, conditions and consideration acceptable to the commissioner of capital asset management and maintenance and the district; provided, however, that the lessee shall permit the following reserved ice rink needs free of charge and on a priority basis to the district: (1) daytime physical education classes, which are scheduled as part of the regular school curriculum; (2) practice and games for the following hockey teams if and when each team is created: male varsity, male junior varsity, female varsity, and female junior varsity; provided, further, that the lessee shall permit the following reserved turf field needs free of charge and on a priority basis to the district: (1) daytime physical education classes, which are scheduled as part of the regular school curriculum; (2) practice and games for the following soccer, football, field hockey, winter track and field, spring track and field, lacrosse, baseball, and softball teams if and when each team is created: male varsity, male junior varsity, female varsity, and female junior varsity; provided, further, that schedules for the ice rink and turf field use will be presented by the district to the lessee by July 1 preceding each academic year, and only for those classes and teams which are in existence for that academic year; provided, further, that the lessee shall permit reserved ice for school sponsored or Massachusetts Interscholastic Athletic Association tournaments, if available; provided, further, that the lessee shall ensure fair and reasonable use of the ice rink, fields, facilities, land and appurtenances for communities within the district.

(i) All records of the lessee relating to the operation of the facility, including, but not limited to, finances and scheduling shall be made available for inspection by the offices of the Auditor, Attorney General, Inspector General and the division of capital asset management, upon request.”

The amendment was adopted.

Ms. Forry moved that the proposed new text be amended in section 2, in item 4000-2022, by inserting the following at the end thereof: - "; provided further, that \$500,000 shall be expended to fund capital improvements for the Historic restoration of the African Meeting House in the city of Boston; " and by striking out the figures "\$300,000,000" and inserting in place thereof the following figure: - "300,500,000."

The amendment was adopted.

Mr. Montigny moved to amend the proposed new text in section 2A, by inserting in line item 1100-3003, at the end thereof the following:- "provided further that \$2,000,000 be expended for capital improvements including, but not limited to, demolition, acquisition, renovation, restoration, design, and construction at the Zeiterion Theatre in the city of New Bedford"; and by inserting after section XX the following section:-

“SECTION __. The secretary of transportation and the secretary of energy and environmental affairs shall jointly submit a report regarding the capital and operating needs of the New Bedford state pier to the senate and house chairs of the committees on bonding, capital expenditures and state assets and the clerks of the senate and the house of representatives not later than December 31, 2014. The report shall include, but not be limited to:

(i) an analysis of the current state of repair of the pier, including a description of all projects and expenditures needed to bring the pier into a state of good repair and low-end and high-end estimates of the useful life of all physical components of the pier and the estimated cost, as of the effective date of this act, to replace the physical components of the pier;

(ii) all operating expenses associated with the pier for the prior and current fiscal years including, without limitation, payments to all vendors performing any work with respect to the pier and the salaries of all state employees who have performed any work with respect to the pier;

(iii) all persons and entities currently making use of the pier under any written or unwritten lease, license, permit, invitation or other agreement;

(iv) recommendations as to the most efficient structure for ownership, management, operation and oversight of the pier including, without limitation, a recommendation as to which state agencies should own or operate the pier and what actions, if any, should be undertaken with regard to whether future operation of the pier should include input or participation by municipalities or other governmental instrumentalities abutting the port of New Bedford; and

(v) recommendations for improvements and repairs to infrastructure and enhancements to increase public access, facilitation of activities surrounding the offloading and transport of commercial fishing landings, expanding the use of the facility for water

dependent cargo, short sea shipping, marine transportation, cruise facilities and non-water dependent uses related to tourism and economic development, potential redevelopment and creation of mixed use facilities to include commercial uses, retail, restaurants, research and development and public event space. The amount authorized in item 1100-1420 of section 2A of chapter 312 acts of 2008 with regard to the pier shall be used to fund implementation of all recommendations of the study.”

After remarks, the amendment was adopted.

Mr. Tarr moved to amend the proposed new text in section 2, in item 1102-2014, by inserting after the word “designee;”, in line 58, the following:- “provided further, that \$500,000 shall be expended for sidewalk and other improvements on Gregory Street in the town of Middleton to facilitate access to the state department of youth services facility authorized under section 16 of this act;”; and in said section 2A, in item 1100-3003, by inserting at the end thereof the following:- “; provided further, that \$1,500,000 shall be expended for historic restoration projects in the city of Gloucester, including Gloucester City Hall, the historic fishing vessel Phyllis A., and the Gloucester Stage Company Theater”.

The amendment was adopted.

Subsequently, after action on another matter in the Orders of the Day, Mr. Brewer moved to amend the proposed new text in section 2, in item 1102-2009, by adding the following words:- “; and provided further, that \$15,000,000 shall be expended to renovate or replace the power plant building and to construct an energy and environment building at Massachusetts Maritime Academy”;

In said section 2, in said item 1102-2009, by striking out the figure “\$350,000,000” and inserting in place thereof the following figure:- “378,058,561”;

In said section 2, in item 1102-2014, by striking out the figure “\$25,000,000” and inserting in place thereof the following figure:- “\$25,500,000”;

In said section 2, in item 4000-2022, by striking out the figure “\$300,000,000” and inserting in place thereof the following figure:- “\$312,500,000”;

In section 2A, in item 1100-3003, by adding the following words:- “; provided further, that not less than \$2,000,000 shall be expended for costs associated with the construction, expansion and modernization of the emergency department and outpatient facilities at Athol Hospital in the town of Athol; provided further, that not less than \$1,500,000 shall be expended for the construction, reconstruction or renovation of a senior center in the town of Hardwick; provided further, that not less than \$1,500,000 shall be expended for the construction, reconstruction or renovation of a senior center in the town of Hubbardston; provided further, that \$300,000 shall be expended to complete phase 2 repairs of the Athol depot owned by the Montachusett Area Regional Transit Authority and for construction and maintenance of the station: provided further, that \$700,000 shall be expended for handicapped accessible improvements at Oakham town hall, known as Memorial Hall; provided further, that \$150,000 shall be expended for the installation of an elevator in the Spire Center for Performing Arts in the town of Plymouth; provided further, that \$7,300,000 shall be expended for the Water Street promenade project in the town of Plymouth; provided further, that not less than \$200,000 shall be expended for the historic town hall in the town of Topsfield; and provided further, that not less than \$5,000,000 shall be expended for the University of Massachusetts at Boston for the development of programs and curriculum at the Edward M. Kennedy Institute in the city of Boston”;

In said section 2A, in said item 1100-3003, by striking out the figure “\$10,000,000” and inserting in place thereof the following figure:- “\$88,610,000”;

In said section 2A, in item 7000-9091, by striking out the figure “\$150,000,000” and inserting in place thereof the following figure:- “\$151,200,000”;

In section 2A, in item 8000-3051, by adding the following words:- “; and provided further, that not less than \$2,000,000 shall be expended for the construction, reconstruction and renovation of the North Brookfield fire house”;

In said section 2A, in item 8000-3501, by striking out the figure “\$10,000,000” and inserting in place thereof the following figure:- “\$14,650,000”;

In said section 2C, in said item 8000-2022, by striking out the figure “\$20,000,000” and inserting in place thereof the following figure:- “22,000,000”;

In section 4, by striking out, in line 173, the figure “\$1,289,055,630” and inserting in place thereof the following figure:- “\$1,303,055,630”; and

In section 6, by striking out, in line 179, the figure “\$2,390,555,630” and inserting in place thereof the following figure:- “\$2,404,555,630”; and

In section 7, by striking out, in line 183, the figure “\$675,000,000” and inserting in place thereof the following figure:- “\$716,058,561”; and

In section 8, by striking out, in line 193, the figure “\$228,000,000” and inserting in place thereof the following figure:- “\$312,460,000”; and

In section 10, by striking out, in line 213, the figure “\$20,000,000” and inserting in place thereof the following figure:- “\$22,000,000”.

The amendment was adopted.

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

The Bonding, Capital Expenditures and State Assets amendment was then adopted, as amended.

The bill (House, No. 3933) was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at thirteen minutes before eight o'clock P.M., on motion of Mr. Brewer, as follows, to wit (yeas 37 – nays 0) [Yeas and Nays No. 361]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Lewis, Jason M.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette L. Moore, Michael O.
Chang-Diaz, Sonia 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.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Humason, Donald F., Jr. 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.

Eldridge, James B. McGee, Thomas M. – 2.

The yeas and nays having been completed at ten minutes before eight o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment [For text of Senate amendment – see the Senate, No. 2197].
Sent to the House for concurrence in the amendment.

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

The House Bill relative to the expansion of the Boston Convention and Exhibition Center (House, No. 4111),-- was read a second time.

At sixteen minutes before six o'clock P.M., Mr. Tarr doubted the presence of a quorum. The President determined that a quorum was present and the Senate continued with the business at hand.

Mr. Richard T. Moore in the Chair, pending the question on adoption of the Bonding committee new text (Senate, No. 2180), pending the question on adoption of the Ways and Means new text (Senate, No. 2188) and pending the main question on ordering the bill to a third reading, Mr. Joyce and Ms. Forry moved that the proposed new text be amended by inserting in section 1 after the words "section 5" the following:- "and provided, further, that an amount not to exceed \$50,000,000 shall be available for use to assist in certain transportation projects, benefitting or related to the BCEC Expansion Project including the relocation of existing MassDOT facilities located on the expansion site and costs related thereto, and the design and construction of a rail station project on the west side of the BCEC that would facilitate direct public transportation access through diesel multiple unit (DMU) vehicles, but only if MassDOT activates track 61 for that purpose;".

The amendment was adopted.

Messrs. Joyce, Montigny, Barrett and Eldridge and Ms. Chang-Diaz moved that the proposed new text be amended by inserting in section 1, after the words "section 5", the following:- "and provided further that no funds authorized in this item shall be used to provide a direct subsidy for the design, construction, or operation of any privately owned hotel;".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-nine minutes past six o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 37 – nays 0) [Yeas and Nays No. 354]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Lewis, Jason M.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette L. Moore, Michael O.
Chang-Diaz, Sonia 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.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.

Hedlund, Robert L. Tarr, Bruce E.
Humason, Donald F., Jr. 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.
Eldridge, James B. McGee, Thomas M. – 2.

The yeas and nays having been completed at twenty-eight minutes before seven o'clock P.M., the amendment was adopted. Mr. Joyce, Ms. Creem and Mr. DiDomenico moved that the proposed new text be amended by striking out section 7 in its entirety and inserting in place thereof the following:-

“SECTION 7. (a) In the design and construction of the BCEC Expansion Project, the Authority shall achieve a minimum certification of ‘LEED Silver – New Construction’ from the United States Green Building Council or an equivalent certification from a similarly recognized organization issuing certification for compliance with environmental and sustainability guidelines for design and construction. In said design and construction, the Authority shall comply with the energy efficiency requirements of either: (1) the ‘Stretch Energy Code’, as defined in 780 CMR, 115; (2) or the Massachusetts energy code in effect at the time of the application for building permit, whichever is more stringent.

(b) In the building operations and maintenance of BCEC structures constructed pursuant to chapter 152 of the acts of 1997, the Authority shall use best efforts to achieve a minimum certification of ‘LEED Silver - Existing Buildings’ from the United States Green Building Council or an equivalent certification from a similarly recognized organization issuing certification for compliance with environmental and sustainability guidelines for building operations and maintenance. In said building operations and maintenance, the Authority shall use best efforts to comply with the energy efficiency requirements of either: (1) the ‘Stretch Energy Code’, as defined in 780 CMR, 115; (2) or the Massachusetts energy code in effect at the time of the application for building permit, whichever is more stringent.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-two minutes before seven o'clock P.M., on motion of Mr. Joyce, as follows, to wit (yeas 37 – nays 0) [Yeas and Nays No. 355]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Lewis, Jason M.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette L. Moore, Michael O.
Chang-Diaz, Sonia 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.
Finegold, Barry R. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Forry, Linda Dorcena Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Humason, Donald F., Jr. 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.
Eldridge, James B. McGee, Thomas M. – 2.

The yeas and nays having been completed at twenty minutes before seven o'clock P.M., the amendment was adopted. Ms. Creem, Messrs. Eldridge, Wolf, Barrett and Michael O. Moore, Ms. Jehlen and Ms. Chang-Diaz moved that the proposed new text be amended in section 5(d), in line 163, by striking the word “may” and inserting in place thereof the word “shall”. The amendment was adopted.

Ms. Creem, Messrs. Downing, Eldridge, Wolf, Barrett and Michael O. Moore, Ms. Jehlen and Mr. Tarr moved that the proposed new text be amended in section 7 by adding the following subsection:-

“(c) The design and construction of the BCEC Expansion Project shall consider on-site renewable energy generation for the BCEC including the installation and use of photovoltaic solar panels.”

After remarks, the amendment was adopted.

Messrs. Donnelly, Wolf and Eldridge and Ms. Chang-Diaz moved that the proposed new text be amended by inserting at the end of section 3, the following paragraph:-

“An employee claiming to be aggrieved by a violation of the previous paragraph may, 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any lost wages and other benefits. Any employee so aggrieved who prevails in such an action shall be awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall also be awarded the costs of the litigation and reasonable attorneys’ fees.”

After remarks, the amendment was adopted.

Ms. Chang-Díaz and Mr. Eldridge moved that the proposed new text be amended in section 6, in subsection (a), by striking out lines 197-200 and inserting in place thereof the following:- “further, that said participation goals shall be comparable to those achieved, as a percentage of total project dollars, on recently initiated or completed inclusive projects in the City of Boston, including the Whittier Street Health Center, the Salvation Army Kroc Center of Boston, the Northeastern University International Village, and the Northeastern University Interdisciplinary Science and Engineering Complex.”; and in said section 6, in subsection (c), by striking out all after the words “construction contractors;” and inserting in place thereof the following:- “provided further, that said contractor participation goals shall be comparable to those achieved, as a percentage of total project dollars, on recently initiated or completed inclusive projects in the City of Boston, including the Whittier Street Health Center, the Salvation Army Kroc Center of Boston, the Northeastern University International Village, and the Northeastern University Interdisciplinary Science and Engineering Complex; and (iv) pursuant to the workforce training program established pursuant to subsection (a), the Authority shall develop and implement a program that provides training in construction-related trades to minority persons and women”.

The amendment was rejected.

Ms. Lovely and Mr. Keenan moved that the proposed new text be amended by inserting after section ____, the following new section:-

“SECTION XX. The Massachusetts Department of Transportation shall expend \$5,000,000 to support the use of the commonwealth’s waterways to promote economic development and waterborne transportation for attendees at the Boston Convention Center by expanding passenger ferry service operations in the seaport district in the city of Boston to the port areas of Lynn, Salem, Quincy, and Plymouth in the interest of tourism and reducing motor vehicle usage in areas of high traffic volume.” Pending the question on the adoption of the amendment Mr. Hedlund moved that the pending amendment (Lovely) be further amended by inserting after the word “Quincy” the following word:- “Hingham,”.

After remarks, the further amendment (Hedlund) was rejected.

The pending amendment (Lovely) was then considered; and it was rejected.

Mr. Tarr moved that the proposed new text be amended in section 8, by striking subsection (c) in its entirety (lines 342-360) and inserting in place thereof the following:-

“(c) As additional security for bonds of the commonwealth issued under authority of this section, the convention center fund, and all amounts on deposit from time to time therein, are hereby pledged to the payment of such bonds and, if so determined by the state treasurer with the concurrence of the secretary of administration and finance, to the payment of bonds outstanding under section 11 of chapter 152 of the acts of 1997, subject to the application of such amounts as provided in subsection (c) of section 10 of said chapter 152 and the trust agreement for such bonds.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at fourteen minutes past seven o'clock P.M., on motion of Mr. Tarr as follows, to wit (yeas 15 – nays 22) [Yeas and Nays No. 356]:

YEAS.

Candaras, Gale D. O'Connor Ives, Kathleen
Downing, Benjamin B. Rodrigues, Michael J.
Hedlund, Robert L. Ross, Richard J.
Humason, Donald F., Jr. Tarr, Bruce E.
Lovely, Joan B. Timilty, James E.
Montigny, Mark C. Welch, James T.
Moore, Michael O. Wolf, Daniel A. – 15.
Moore, Richard T.

NAYS.

Barrett, Michael J. Forry, Linda Dorcena
Brewer, Stephen M. Jehlen, Patricia D.
Brownsberger, William N. Joyce, Brian A.
Chandler, Harriette L. Keenan, John F.
Chang-Díaz, Sonia Kennedy, Thomas P.
Creem, Cynthia Stone Lewis, Jason M.
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petruccelli, Anthony
Donoghue, Eileen M. Rosenberg, Stanley C.
Finegold, Barry R. Rush, Michael F.
Flanagan, Jennifer L. Spilka, Karen E. – 22.
ABSENT OR NOT VOTING.
Eldridge, James B. McGee, Thomas M. – 2.

The President in the Chair, the yeas and nays having been completed at seventeen minutes past seven o'clock P.M., the amendment was rejected.

Suspension of Senate Rule 38A.

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

Mr. Montigny moved that the proposed new text be amended by inserting after section XX the following new section:-
“SECTION XX. (a) Notwithstanding any general or special law to the contrary, the Authority shall issue within the next 180 days a request for proposals for a minimum of 120 days to sell, license or rent naming or sponsorship rights including but not limited to whole building naming rights for all buildings, facilities, parking garages, function rooms and public areas or other assets operated and owned by the authority, except the Boston Convention and Exhibition Center for which a request for proposals shall take place within 120 days of its proposed expansion completion. The Authority shall preserve the name John B. Hynes Veterans Memorial Convention Center as its already named facility. Nothing in this section shall prohibit the selling, licensing or rental of other sponsorship rights at the John B. Hynes Veterans Memorial Convention Center.

(b) The executive director shall direct all revenues generated by the Authority under this section to be split evenly between the Massachusetts Office of Travel and Tourism to promote statewide tourism and the Massachusetts Cultural Council to promote cultural programming.”

After remarks, the amendment was rejected.

Ms. Forry and Ms. Chang-Diaz moved that the proposed new text be amended in section 6, in line 177, by inserting after the word “project” the following: - “, including pre-construction and post- construction, until building operations commence, activities.”

The amendment was adopted.

Ms. Forry moved that the proposed new text be amended in section 6, subsection a, in line 197, by inserting after the word “to” the following: - “or exceed”.

The amendment was adopted.

Mr. Tarr moved that the proposed new text be amended in section 8, by inserting after the word “finance,” in line 350 the following:- “and the legislature and governor pass authorizing legislation pursuant to Part 2, Chap. 1, Sect. 1, Art. II of the Constitution.”

The amendment was rejected.

Mr. Tarr moved that the proposed new text be amended by striking section 12 (lines 396-409) in its entirety.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-two minutes past seven o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 6 – nays 31) [Yeas and Nays No. 357]:

YEAS.

Candaras, Gale D. Jehlen, Patricia D.

Hedlund, Robert L. Ross, Richard J.

Humason, Donald F., Jr. Tarr, Bruce E. – 6.

NAYS.

Barrett, Michael J. Lewis, Jason M.

Brewer, Stephen M. Lovely, Joan B.

Brownsberger, William N. Montigny, Mark C.

Chandler, Harriette L. Moore, Michael O.

Chang-Diaz, Sonia 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.

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. – 31.

Kennedy, Thomas P.

ABSENT OR NOT VOTING.

Eldridge, James B. McGee, Thomas M. – 2.

The yeas and nays having been completed at twenty-five minutes past seven o'clock P.M., the amendment was rejected.

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

“SECTION _____. Section 14C of Chapter 7 is hereby amended by inserting in line 11 after the word ‘senate’ the following

words:- 'Massachusetts convention center authority'.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes past seven o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 37 – nays 0) [Yeas and Nays No. 358]: YEAS.

Barrett, Michael J. Kennedy, Thomas P.

Brewer, Stephen M. Lewis, Jason M.

Brownsberger, William N. Lovely, Joan B.

Candaras, Gale D. Montigny, Mark C.

Chandler, Harriette L. Moore, Michael O.

Chang-Diaz, Sonia 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.

Finegold, Barry R. Ross, Richard J.

Flanagan, Jennifer L. Rush, Michael F.

Forry, Linda Dorcena Spilka, Karen E.

Hedlund, Robert L. Tarr, Bruce E.

Humason, Donald F., Jr. 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.

Eldridge, James B. McGee, Thomas M. – 2.

The yeas and nays having been completed at twenty-nine minutes past seven o'clock P.M., the amendment was adopted.

Mr. Tarr moved that the proposed new text be amended by striking section 10 (lines 381-389) in its entirety.

The amendment was rejected.

Messrs. Downing and Welch, Ms. Candaras, and Mr. Humason moved that the proposed new text be amended in section 8, in subsection (c), by striking out lines 348 to 360, inclusive.

The amendment was rejected.

Mr. Montigny moved that the proposed new text be amended by striking section 2.

After remarks, the amendment was rejected.

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

“SECTION __. There shall be authorized and setup on the books of the Commonwealth a Tourism Facilities Fund, the purpose of which shall be to provide grants, loans and guarantees for the planning, design and construction, maintenance and repair of buildings, equipment and technology for the purpose of promoting the tourism industry of the Commonwealth, including the management and education of visitors. Items eligible for assistance from the fund shall include, but not be limited to, visitors and welcome centers, information booths and kiosks, signs, billboards that provide guidance, education or interpretation, and electronic displays or equipment.

The fund shall be administered by the Secretary of Administration and Finance in consultation with the Office of Travel and Tourism, provided that the secretary shall develop a system of annual disbursements from the fund to eligible municipalities, regional tourism councils, chambers of commerce and non-profit entities engaged in the promotion and management of tourism in the Commonwealth. Said system shall provide for a comprehensive plan of investment throughout the Commonwealth, with equitable distribution among regions and municipalities and market sectors; provided further that it may require a match of funds or in-kind services or other value for funds received from the system.

The Secretary shall report not later than December 31 of each year on the activity of the fund, the items receiving assistance from the fund, and the economic impact of such activity. Said report shall be posted electronically in an easily accessible and searchable format and filed with the clerks of the house and senate, the senate and house committees on ways and means, and the joint committee on tourism.

SECTION __. To meet the expenditures necessary to carry out the provisions of section __, the state treasurer, upon request of the governor, may issue and sell bonds of the commonwealth in an amount to be specified by the governor, from time to time, not exceeding, in the aggregate, \$25,000,000. All such bonds issued by the commonwealth shall be designated on their face Tourism Facilities Improvement Act of 2014, and shall be issued for a maximum term of years, not exceeding 25 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable no later than June 30, 2043. All interest and payments on account of principal on these obligations shall be payable from revenues generated from the hotel occupancy tax established by section 3 of chapter 64G, except for the portion designated to the Tourism Fund established pursuant to section 35J of chapter 10. Bonds and interest thereon issued pursuant to this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

Said fund shall be initially capitalized from bonds in an amount not less than \$25,000,000 million over a period of not less than

three years, provided that additional funding beyond that period shall be subject to appropriation from the proceeds of the hotel occupancy tax which is in excess of the amounts necessary to fund debt service and the funding of the Tourism Fund established pursuant to section 35J of chapter 10.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes before eight o'clock P.M., on motion of Mr. Tarr as follows, to wit (yeas 13 – nays 24) [Yeas and Nays No. 359]:

YEAS.

Barrett, Michael J. Pacheco, Marc R.
Finegold, Barry R. Rodrigues, Michael J.
Hedlund, Robert L. Ross, Richard J.
Humason, Donald F., Jr. Tarr, Bruce E.
Lovely, Joan B. Timilty, James E.
Montigny, Mark C. Wolf, Daniel A. – 13.
Moore, Richard T.

NAYS.

Brewer, Stephen M. Jehlen, Patricia D.
Brownsberger, William N. Joyce, Brian A.
Candaras, Gale D. Keenan, John F.
Chandler, Harriette L. Kennedy, Thomas P.
Chang-Diaz, Sonia Lewis, Jason M.
Creem, Cynthia Stone Moore, Michael O.
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Petruccelli, Anthony
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Rush, Michael F.
Flanagan, Jennifer L. Spilka, Karen E.
Forry, Linda Dorcena Welch, James T. – 24.
ABSENT OR NOT VOTING.
Eldridge, James B. McGee, Thomas M. – 2.

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

Messrs. Joyce, Montigny and Eldridge moved that the proposed new text be amended in subsection (d) of section 6 by adding the following words:- "; provided, however, that if the Authority elects to use procurement methods inconsistent with said section 39M of said chapter 30, sections 44A to 44M, inclusive, of chapter 149 or said chapter 149A, the Authority shall consult with the inspector general on such procurement methods and upon consultation the inspector general shall be provided at least 30 days to provide written comments before the Authority begins the procurement of services for the project pursuant to such alternative measures".

After remarks, the amendment was adopted.

Mr. Brewer moved that the proposed new text be amended in section 1, by striking out, in lines 2 and 3, the words "this section is hereby made available, subject to the laws regulating the disbursement of public funds and the approval thereof" and inserting in place thereof the following words:- "section 2 is hereby made available, subject to the laws regulating the disbursement of public funds and the approval thereof.

SECTION 2”;

By striking out, in line 11, the word "SECTION 2" and inserting in place thereof the following word:- "SECTION 2A"; and

In section 12, by striking out, in line 408, the words "purpose set forth in section 1 of this act", and inserting in place thereof the following words:- "purposes set forth in sections 1 and 2".

The amendment was adopted.

The Ways and Means amendment was then adopted, as amended

The Bonding, Capital Expenditures and State Assets amendment was then adopted, as amended.

Mr. Brewer moved to amend the bill 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 facilitate forthwith the issuance of certain bonds and provide for the expansion of the Boston convention and exhibition center, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted.

The bill (House, No. 4111) was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at seventeen minutes before eight o'clock P.M., on motion of Mr. Joyce, as follows, to wit (yeas 31 – nays 6) [Yeas and Nays No. 360]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Lewis, Jason M.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. Moore, Michael O.

Chandler, Harriette L. Moore, Richard T.
Chang-Diaz, Sonia 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.
Finegold, Barry R. Spilka, Karen E.
Flanagan, Jennifer L. Timilty, James E.
Forry, Linda Dorcena Welch, James T.
Joyce, Brian A. Wolf, Daniel A. – 31.
Keenan, John F.

NAYS.

Hedlund, Robert L. Montigny, Mark C.
Humason, Donald F., Jr. Ross, Richard J.
Jehlen, Patricia D. Tarr, Bruce E. – 6.
ABSENT OR NOT VOTING.
Eldridge, James B. McGee, Thomas M. – 2.

The yeas and nays having been completed at fourteen minutes before eight o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment [For text of Senate amendment – see the Senate, No. 2196].
Sent to the House for concurrence in the amendment.

The House Bill relative to the substitution of interchangeable biosimilars (House, 3734, amended),-- was considered; the main question being on passing it to be engrossed.

The pending motion, previously moved by Mr. Richard T. Moore, to lay the matter on the table was considered; and it was negatived.

Messrs. Rodrigues and Richard T. Moore moved to amend the bill, as previously amended by the Senate (Senate, No. 2176), by striking out subsection (d) and inserting in place thereof the following subsection:-

“(d) Within a reasonable time following any such substitution, the dispensing pharmacist or the pharmacist’s designee shall notify the prescribing practitioner of the substitution. The notification shall be conveyed by a notation in the interoperable electronic health record of the patient, as defined by section 1 of chapter 118I.

If the pharmacist does not have the ability to make a notation in the patient’s interoperable health record, then the notification shall be conveyed by facsimile, electronic transmission or by making a notation in the patient’s record maintained by the pharmacy, which is accessible to the practitioner by request.

A pharmacist who utilizes an interoperable electronic prescribing technology shall enter the substitution into the patient’s electronic health record.”

The amendment was adopted.

The bill, as amended, was then passed to be engrossed.

Sent to the House for concurrence in the amendment, previously adopted by the Senate, as amended.

Order Adopted.

On motion of Mr. Brewer,--

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 Ms. Forry, at nine minutes before eight o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.