

**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, March 31, 2016.*

Met at four minutes past eleven o'clock A.M. (Ms. Chandler in the Chair).

The Chair (Ms. Chandler), members, guests and staff recited of the pledge of allegiance to the flag.

#### *Distinguished Guests.*

There being no objection, during consideration of the Orders of the Day, the President introduced, in the rear of the Chamber, Coach Greg Carvel. Coach Carvel was named the 14th ice hockey head coach at the University of Massachusetts-Amherst on March 29, 2016. He is a National Hockey League coaching veteran and former Eastern College Athletic Conference Defensive Forward of the Year and Coach of the Year. The Senate welcomed him with applause and he withdrew from the Chamber. He was accompanied by Ryan Bamford who was named the 7th permanent Director of Athletics last year.

#### *Communications.*

The following communications were severally received and placed on file, to wit:

Communication from the Department of Elementary and Secondary Education (pursuant to Section 92(p) of Chapter 71 of the General Laws) submitting its report to the Legislature on the implementation and fiscal impact of innovation schools (received March 28, 2016); and

Communication from the Norfolk County Sheriff's Office submitting a plan of action report for the Norfolk Sheriff's Office Correctional Center and Dedham Alternative Center (received March 30, 2016).

#### *Reports.*

The following reports were severally received and placed on file, to wit:

Report of the Department of Elementary and Secondary Education (pursuant to Section 432 of Chapter 159 of the Acts of 2000) submitting its annual report on students with disabilities 2014-2015 (received March 28, 2016);

Report of the Secretary of the Commonwealth (pursuant to Section 2JJJ of Chapter 29 of the General Laws) submitting the Registers Technological Fund Spending Plan (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received March 28, 2016); and

Report of the Department of Unemployment Assistance (pursuant to Section 14F of Chapter 151A of the General Laws) submitting the March 2016 Unemployment Insurance Trust Fund Report (received March 30, 2016).

#### *Reports of Committees.*

By Ms. Forry, for the committee on Housing, on petition (accompanied by bill, Senate, No. 708), a Bill relative to promoting local economic development (Senate, No. 2202);

By Mr. Lewis, for the committee on Public Health, on petition (accompanied by bill, Senate, No. 1132), a Bill to protect children and families from harmful flame retardants (Senate, No. 2200);

By Mr. Timilty, for the committee on Public Service, on petition, a Bill relative to the retroactive application of veterans creditable service (Senate, No. 1335);

By the same Senator, for the same committee, on petition, a Bill relative to the annual allowance for certain survivors of public retirees and employees (Senate, No. 1345);

By the same Senator, for the same committee, on petition, a Bill relative to Option (d) beneficiaries (Senate, No. 1346);

By the same Senator, for the same committee, on petition, a Bill relative to SMART retirement plan fees (Senate, No. 1351);

By the same Senator, for the same committee, on petition, a Bill relative to death benefits to surviving spouses of call and volunteer firefighters (Senate, No. 1353);

By the same Senator, for the same committee, on petition, a Bill relative to the retirement of Mr. Kenneth Wheeler (Senate, No. 1365);

By the same Senator, for the same committee, on petition, a Bill relative to the survivor benefits of Michael J. Simeone (Senate, No. 1368);

By the same Senator, for the same committee, on petition, a Bill authorizing Gary W. Tirrell to receive additional creditable service from the Massachusetts Teachers' Retirement System (Senate, No. 1371);

By the same Senator, for the same committee, on petition, a Bill relative to GIC dental and vision benefits for municipal employees (Senate, No. 1382);

By the same Senator, for the same committee, on petition, a Bill relative to documentary material or data received by retirement boards (Senate, No. 1383);

By the same Senator, for the same committee, on petition, a Bill authorizing the State Board of Retirement to grant creditable service to John A. Giannini (Senate, No. 1391); and

By the same Senator, for the same committee, on petition, a Bill relative to creditable service for school business administrators (Senate, No. 1392) [Representative Whelan of Brewster dissenting];

**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Ms. L'Italien, for committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 2111), a Bill relative to the workforce competitiveness trust fund (Senate, No. 2201) [Local approval received on Senate, No. 2111]; and

By Mr. Timilty, for committee on Public Service, on petition, a Bill authorizing the town of Tolland to continue the employment of police officer Lester M. Walker (Senate, No. 1372) [Local approval received];

**Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

#### *Committees Discharged.*

Mr. Montigny, for the committee on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Public Health to make an investigation and study of certain current Senate documents relative to public health issues (Senate, No. 2199),-- **and recommending that the same be referred to the committee on Rules.**

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

Mr. Montigny, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Public Health to make an investigation and study of certain current Senate documents relative to public health issues (Senate, No. 2199), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate No. 1144) of James B. Eldridge, John J. Lawn, Jr., Thomas M. Stanley, Daniel J. Hunt and other members of the General Court for legislation relative to equal access to original birth certificates,-- **and recommending that the same be recommitted to the committee on Public Health.**

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

Mr. Lewis, for the committee on Public Health, reported, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2434) of James Arciero and Rady Mom relative to the excise tax on alternative nicotine products and vapor products and further prohibiting the use of said products by minors,-- **and recommending that the same be referred to the committee on the Ways and Means;**

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

**Sent to the House for concurrence inasmuch as relates to the discharge of the joint committee.**

#### **PAPERS FROM THE HOUSE.**

A petition (accompanied by bill, House, No. 4132) of Antonio F. D. Cabral and others (with the approval of the mayor and city council) that the city of New Bedford be authorized to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises,-- **was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

A Bill financing improvements to municipal roads (House, No. 4133,-- on House, No. 4095),-- **was read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.**

A Bill relative to the form of representative town government in the town of North Attleborough (House, No. 3853,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

#### *Reports*

Of the committee on Public Service, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2299) of Sean Garballey relative to the effects of military service on salary or vacation allowance of public employees; and

Of the petition (accompanied by bill, House, No. 2300) of Sean Garballey relative to disability retirement benefits for veterans;

**And recommending that the same severally be referred to the committee on Veterans and Federal Affairs.**

**Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

#### *Resolutions.*

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

Resolutions (filed by Ms. Gobi) "commending the Sturbridge Lions Club, Inc. on the occasion of its fiftieth anniversary";

Resolutions (filed by Mr. Pacheco) "congratulating Gilbert J. Lopes, Jr. on the occasion of his receipt of the Prince Henry Society Award";

Resolutions (filed by Mr. Tarr) "commemorating the one hundredth anniversary of the Pontian Greek genocide";

Resolutions (filed by Mr. Tarr) "commending the Sepsis Alliance for bringing awareness to sepsis"; and

Resolutions (filed by Mr. Timilty, Ms. Creem Ms. Spilka and Messrs. Ross, Keenan, Rush, Fattman and Joyce) "commending Norfolk County Agricultural High School on its one hundredth anniversary."

#### **PAPER FROM THE HOUSE.**

A Bill validating the actions taken at the annual town election held in the town of Dudley (printed in House, No. 3778,-- being a message from his Excellency the Governor ),-- **was read.**

**There being no objection, the rules were suspended, on motion of Mr. deMacedo, and the bill was read a second time and ordered to a third reading.**

#### *Recess.*

There being no objection, at four minutes past eleven o'clock A.M., the Chair (Ms. Chandler) declared a recess subject to the call of the Chair; and, at fourteen minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

#### **PAPER FROM THE HOUSE.**

The House Bill making appropriations for the fiscal year 2016 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4116, amended),-- **came from the House with the endorsement that the House had concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2196) with a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4146.**

**The rules were suspended, on motion of Ms. Gobi, and the further House amendment was considered forthwith and adopted, in concurrence.**

A Bill relative to the annual town elections and special state election in the towns of Hull, Marshfield and Norwell (printed in House, No. 4043,-- being a message from his Excellency the Governor),-- was read.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

#### *Recess.*

There being no objection at three minutes before two o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at twenty-six minutes past two o'clock P.M., the Senate reassembled, Mr. Donnelly in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

#### **PAPERS FROM THE HOUSE**

*Emergency Preamble Adopted.*

An engrossed Bill making appropriations for the fiscal year 2016 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4116, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 11 to 0.**  
**The bill was signed by the Acting President (Mr. Donnelly) and sent to the House for enactment.**

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

Petition (accompanied by bill, House, No. 4149) of James Arciero and others relative to violations for passing a stopped or stationary waste or recycling collection vehicle on a public way; and  
Petition (accompanied by bill, House, No. 4150) of Bassam Haddad relative to the statute of limitations in civil child sexual abuse cases;

**Severally, under suspension of Joint Rule 12, to the committee on the Judiciary.**

Petition (accompanied by bill, House, No. 4151) of Todd M. Smola and Anne M. Gobi (local approval received from the town of Palmer) for legislation to authorize the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Palmer for conservation purposes;

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

Petition (accompanied by bill, House, No. 4152) of Rick Couto relative to motor vehicle exhaust sound levels; and  
Petition (accompanied by bill, House, No. 4153) of Angelo M. Scaccia and Michael F. Rush for legislation to designate a certain bridge in the city of Boston as the Navy Cross Recipient PFC Alvin Richard Gale, USMC Memorial Bridge;

**Severally, under suspension of Joint Rule 12, to the committee on Transportation.**

*Engrossed Bill.*

An engrossed Bill authorizing the city known as the town of Watertown to grant 15 additional licenses for the sale of alcoholic beverages to be drunk on the premises (see House, No. 3975, amended) (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 Acting President (Mr. Donnelly) and laid before the Governor for his approbation.

*Orders of the Day.*

The Orders of the Day were considered as follows:

*Bills*

Providing for recall elections in the town of Erving (Senate, No. 1957);  
Relative to the Gloucester Fisheries Commission (Senate, No. 2042);  
Authorizing the town of Middleborough to exchange certain parcels of conservation land (Senate, No. 2090, changed);  
Authorizing the town of Hubbardston to exchange of a parcel of land located on Ragged Hill Road for a parcel of land located on Gardner Road (Senate, No. 2130);  
Relative to certain affordable housing in the city of Boston (House, No. 3617);  
Relative to the appointment of special police officers in the town of Bridgewater (House, No. 3686);  
Relative to the town of Mattapoisett general by-laws (House, No. 3924); and  
Authorizing the town of Saugus to collect donations to the Veterans Relief Fund on certain municipal tax bills (House, No. 4031);

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

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

**PAPER FROM THE HOUSE**

*Engrossed Bill.*

An engrossed Bill relative to the annual town elections and special state election in the towns of Hull, Marshfield and Norwell (see House Bill, printed in House, No. 4043) (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, two-thirds of the members present having voted in the affirmative, and signed by the Acting President (Mr. Donnelly) and laid before the Governor for his approbation.

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*Orders of the Day.*

The President in the Chair, the Orders of the Day were further considered and, there being no objection, the following matter was taken out of order, and considered as follows:

The Senate Bill establishing the MassMade Program (Senate, No. 2135),-- **was read a second time.**

After remarks, and pending the question on adoption of the pending amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2191), and pending the main question on ordering the bill to a third reading, Mr. Moore moved that the proposed new draft be amended by adding the following section:-

“SECTION 2. Not later than December 1, 2016, the division of capital asset management and maintenance shall submit a report to the clerks of the senate and house of representatives detailing methods to promote and provide support to businesses that are headquartered or have a principal place of business in the commonwealth and are engaged in the division’s bidding process. The report shall, at a minimum, examine the factors considered in selecting bidders for projects and provide recommendations on effective strategies to elicit the participation of businesses that are headquartered or have a principal place of business in the commonwealth.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at six minutes before three o'clock P.M., on motion of Mr. Moore, as follows, to wit (*yeas 36 — nays 0*) **[Yeas and Nays No. 265]:**

#### YEAS.

|                          |                         |
|--------------------------|-------------------------|
| Barrett, Michael J.      | Joyce, Brian A.         |
| Brady, Michael D.        | Keenan, John F.         |
| Brownsberger, William N. | Lesser, Eric P.         |
| Chandler, Harriette L.   | Lewis, Jason M.         |
| Chang-Diaz, Sonia        | L'Italien, Barbara A.   |
| Creem, Cynthia Stone     | Lovely, Joan B.         |
| deMacedo, Viriato M.     | McGee, Thomas M.        |
| DiDomenico, Sal N.       | Montigny, Mark C.       |
| Donnelly, Kenneth J.     | Moore, Michael O.       |
| Donoghue, Eileen M.      | O'Connor Ives, Kathleen |
| Downing, Benjamin B.     | Pacheco, Marc R.        |
| Eldridge, James B.       | Rodrigues, Michael J.   |
| Fattman, Ryan C.         | Ross, Richard J.        |
| Flanagan, Jennifer L.    | Spilka, Karen E.        |
| Forry, Linda Dorcena     | Tarr, Bruce E.          |
| Gobi, Anne M.            | Timilty, James E.       |

Humason, Donald F., Jr.

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – **36.**

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Rush, Michael F. – **1.**

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

Mr. Tarr moved that the proposed new draft be amended by inserting in line 5 after the word “commonwealth” the following:-  
“and identifying obstacles to conducting business in the Commonwealth”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at one minute before three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 34 — nays 2) [Yeas and Nays No. 266]:

**YEAS.**

Barrett, Michael J.

Joyce, Brian A.

Brady, Michael D.

Keenan, John F.

Brownsberger, William N.

Lesser, Eric P.

Chandler, Harriette L.

Lewis, Jason M.

Chang-Diaz, Sonia

L'Italien, Barbara A.

Creem, Cynthia Stone

Lovely, Joan B.

deMacedo, Viriato M.

McGee, Thomas M.

DiDomenico, Sal N.

Montigny, Mark C.

Donnelly, Kenneth J.

Moore, Michael O.

Donoghue, Eileen M.

O'Connor Ives, Kathleen

Eldridge, James B.

Pacheco, Marc R.

Fattman, Ryan C.

Rodrigues, Michael J.

Flanagan, Jennifer L.

Ross, Richard J.

Forry, Linda Dorcena

Spilka, Karen E.

Gobi, Anne M.

Tarr, Bruce E.

Humason, Donald F., Jr.

Timilty, James E.

Jehlen, Patricia D.

Welch, James T. – **34.**

**NAYS.**

Downing, Benjamin B.

Wolf, Daniel A. – **2.**

**ABSENT OR NOT VOTING.**

Rush, Michael F. – **1.**

**The yeas and nays having been completed at one minute past three o'clock P.M., the amendment was adopted.**

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

**The bill (Senate, No. 2191, amended) was then ordered to a third reading and read a third time.**

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at three minutes past three o'clock P.M., on motion of Ms. Donoghue, as follows, to wit (*yeas 36 – nays 0*) [**Yeas and Nays No. 267**]:

**YEAS.**

Barrett, Michael J.

Joyce, Brian A.

Brady, Michael D.

Keenan, John F.

Brownsberger, William N.

Lesser, Eric P.

Chandler, Harriette L.

Lewis, Jason M.

Chang-Diaz, Sonia

L'Italien, Barbara A.

Creem, Cynthia Stone

Lovely, Joan B.

deMacedo, Viriato M.

McGee, Thomas M.

DiDomenico, Sal N.

Montigny, Mark C.

Donnelly, Kenneth J.

Moore, Michael O.

Donoghue, Eileen M.

O'Connor Ives, Kathleen

Downing, Benjamin B.

Pacheco, Marc R.

Eldridge, James B.

Rodrigues, Michael J.

Fattman, Ryan C.

Ross, Richard J.

Flanagan, Jennifer L.

Spilka, Karen E.

Forry, Linda Dorcena

Tarr, Bruce E.

Gobi, Anne M.

Timilty, James E.

Humason, Donald F., Jr.

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – **36**.

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Rush, Michael F. – **1**.

**The yeas and nays having been completed at five minutes past three o'clock, P.M. the bill was passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill to further define standards of employee safety (Senate, No. 999),-- **was read a second time.**

After remarks, and pending the question on adoption of the pending amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2190), and pending the main question on ordering the bill to a third reading, Messrs. Pacheco and Lewis moved that the proposed new draft be amended in line 16 by inserting after "New England Water Works Association, Inc. or a designee;" the following: "one representative of a community based safety organization; three representatives of organized labor submitted by the President of the Massachusetts AFL-CIO;".

After remarks, the amendment was **adopted**.

Ms. Spilka moved to amend the proposed new draft by striking out, in line 25, the word "January" and inserting in place thereof the following word:- "July".

**The amendment was adopted.**

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

**The bill (Senate, No. 2190, amended) was then ordered to a third reading and read a third time.**

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at a quarter past three o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (*yeas 36 – nays 0*) [**Yeas and Nays No. 268**]:

**YEAS.**

Barrett, Michael J.

Joyce, Brian A.

Brady, Michael D.

Keenan, John F.

Brownsberger, William N.

Lesser, Eric P.

Chandler, Harriette L.

Lewis, Jason M.

Chang-Diaz, Sonia

L'Italien, Barbara A.



|                         |                         |
|-------------------------|-------------------------|
| Creem, Cynthia Stone    | Lovely, Joan B.         |
| deMacedo, Viriato M.    | McGee, Thomas M.        |
| DiDomenico, Sal N.      | Montigny, Mark C.       |
| Donnelly, Kenneth J.    | Moore, Michael O.       |
| Donoghue, Eileen M.     | O'Connor Ives, Kathleen |
| Downing, Benjamin B.    | Pacheco, Marc R.        |
| Eldridge, James B.      | Rodrigues, Michael J.   |
| Fattman, Ryan C.        | Ross, Richard J.        |
| Flanagan, Jennifer L.   | Spilka, Karen E.        |
| Forry, Linda Dorcena    | Tarr, Bruce E.          |
| Gobi, Anne M.           | Timilty, James E.       |
| Humason, Donald F., Jr. | Welch, James T.         |
| Jehlen, Patricia D.     | Wolf, Daniel A. – 36.   |

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

**Rush, Michael F. – 1.**

**The yeas and nays having been completed at twenty minutes past three o'clock, P.M. the bill was passed to be engrossed. Sent to the House for concurrence.**

The House Bill relative to survivors pension benefits and qualified domestic relations orders (House, No. 3971),-- **was read a second time.**

After remarks, and pending the question on ordering the bill to a third reading, Mr. Moore moved that the bill be amended by inserting after section 4, the following 3 new sections:-

"SECTION \_ : Section 1 of chapter 32 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the definition of "IV-D agency" the following new definition:-

"Law enforcement officer", any police officer, any auxiliary, intermittent, special, part-time or reserve police officer, any police officer in the employ of a public institution of higher education under section 5 of chapter 15A, any public prosecutor, any municipal or public emergency medical technician, Deputy Sheriff and/or Correction officer.

SECTION \_ : Section 1 of chapter 32 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the definition of "Veteran" the following new definition:-

"Violent Altercation", any interaction between a law enforcement officer in the lawful performance of their duties and an individual that results in an assault with a dangerous weapon as defined in Section 15B of chapter 265, including, but not limited to a shooting, stabbing, bombing, road rage incident, or hostage situation.

SECTION \_ : Section 7 of chapter 32 of the General Laws is hereby amended by striking subsection (2)(a)(ii) and replacing it

with the following new section

(ii) A yearly amount of pension equal to 72 per cent of the annual rate of his regular compensation on the date such injury was sustained or such hazard was undergone, or equal to 72 per cent of the average annual rate of his regular compensation for the 12-month period for which he last received regular compensation immediately preceding the date his retirement allowance becomes effective, whichever is greater; provided, however, that if an individual was in a temporary or acting position on the date such injury was sustained or hazard undergone, the amount to be provided under this paragraph shall be based on the annual rate of regular compensation in his permanent position on the date such injury was sustained or such hazard was undergone, or the average annual rate of his regular compensation in his permanent position for the 12-month period for which he last received regular compensation immediately preceding the date his retirement allowance becomes effective, whichever is greater; provided, however, that for any employee who was not a member in service on or before January 1, 1988 or who has not been continuously a member in service since that date, the total yearly amount of the sum of such pension and the annuity as determined in accordance with clause (i) shall not exceed 75 per cent of the annual rate of regular compensation as determined in this paragraph; and provided further, that no individual who was a member in service on January 1, 1988, whose allowance is limited by the 75 per cent limitation as established in this paragraph, shall receive an amount of pension that is less than 72 per cent of such individual's regular compensation on January 1, 1988; provided further, that any law enforcement officer, as defined in section 1, whose disability in accordance with subsection (1) is a result of a violent altercation shall receive a yearly amount of pension equal to 100 per cent of the annual rate of his regular compensation in accordance with this section, and, notwithstanding any general or special law to the contrary, there shall be no restrictions on future earnings associated with disability retirement due to a violent altercation."

After debate, the amendment was *rejected*.

**After remarks, the bill was ordered to a third reading, read a third time and 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 further regulating survivors pension benefits and qualified domestic relations orders".**

The House Bill relative to home improvement contractor registration (House, No. 4022),-- **was read a second time.**

After remarks, and pending the question on ordering the bill to a third reading, the pending amendment, previously recommended by the committee on Ways and Means striking out, in line 20, the words "July 1, 2016" and inserting in place thereof the following words:- October 1, 2016,-- **was considered, and it was adopted.**

**The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.**

**Sent to the House for concurrence in the amendment.**

#### **PAPER FROM THE HOUSE**

##### *Engrossed Bill.*

An engrossed Bill making appropriations for the fiscal year 2016 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4116, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, after remarks, was passed to be enacted and signed by the President and laid before the Governor for his approbation.

##### *Report of a Committee.*

Ms. Spilka, for the committee on Ways and Means, that the Senate Bill to further narrow the achievement gap (Senate, No. 327),- ought to pass with an amendment substituting a new draft entitled "An Act enhancing reform, innovation and success in education" (Senate, No. 2203).

##### *Order Adopted.*

Ms. Spilka offered the following order, to wit:

*Ordered*, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to further narrow the achievement gap (Senate, No. 327) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, entitled "An Act Enhancing Reform, Innovation and Success in Education", Senate, No. 2203) shall be placed in the Orders of the Day for a second reading on Thursday, April 7, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 11:00 A.M., on Tuesday, April 5, 2016 and shall be printed in the calendar for Thursday, April 7, 2016. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2203), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

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

**Under the rules, referred to the committee on Rules.**

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

**The rules were suspended, on motion of the same Senator, and the order was considered forthwith and adopted.**

**The bill will be placed in the Orders of the Day for Thursday, April 7, for a second reading with the amendment pending.**

*Moment of Silence.*

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of Massachusetts State Trooper Thomas L. Clardy.

*Order Adopted.*

On motion of Mr. Tarr,--

*Ordered*, That when the Senate adjourns today, it adjourn to meet again Monday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

*Adjourn In Memory of State Trooper Thomas L. Clardy*

The Senator from Middlesex and Worcester, Mr. Eldridge, moved that when the Senate adjourns today, it adjourn in memory of Massachusetts State Trooper Thomas L. Clardy.

Massachusetts State Police Trooper Thomas L. Clardy of Hudson died on March 16, 2016 from injuries he sustained in the line of duty. He was 44. Trooper Clardy was conducting a routine traffic stop when his cruiser was struck in the breakdown lane by another vehicle.

Trooper Clardy was born in Roseville, California, and grew up in Park City, Utah. He was a graduate of Park City High School. He proudly served his country as a member of the United States Army for two years before he transferred to the United States Marine Corps and served 11 years until being honorably discharged in 2003. He began his career as a Massachusetts State Trooper at the Academy in 2004, and graduated a year later in 2005.

Trooper Clardy was stationed at the Charlton Barracks and prior to that was stationed at Sturbridge and Brookfield. He was a member of the community action team out of C-Troop. Trooper Clardy was repeatedly recognized for his outstanding police work and received three different superintendent's commendations, including one for a May 2015 arrest where, along with several other officers, he helped capture an armed kidnapper who had taken a woman and an 11 month old child hostage.

Trooper Clardy is survived by his wife, Reisa, his six children, ages 4 to 17, Tyler, Gabryella, Lily, Emma, Eva, and Noah; his father, William of California; his mother Kathy of Utah; his two sisters, Michelle and Tammy; and two brothers, Drake and Billy. He was a proud member of the Mormon Church of Latter Day Saints.

Tom had many interests in his life but his family was his passion. He always looked forward to spending time with his wife and children, and attending various activities for his children. He will always be remembered as a loving husband and father and his ability to bring a smile to everyone around him through his great sense of humor.

Trooper Clardy was known for his professionalism and dedication. He will be remembered by all as a well-liked, hard worker, and an all-around great man.

Trooper Clardy faithfully served his country, his Commonwealth, his community, his church and his family, and we shall be forever in his debt.

Accordingly, as a mark of respect in memory of State Trooper Thomas L. Clardy, at twenty minutes before four o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.