

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, April 7, 2016.

Met at three minutes past eleven o'clock A.M.

The Senator from Hampden and Hampshire, Mr. Humason, led the President, members, guests and staff in the recitation of the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the Chair (Mr. Downing) handed the gavel to Ms. Gobi for the purpose of an introduction. Ms. Gobi then introduced, in the rear of the Chamber, Doug "Danger" Senecal. Doug "Danger" was recognized for having recently broken Evel Knievel's record by jumping 22 cars using Knievel's 1972 Harley. He is also a cancer survivor and motivational speaker. The Senate applauded his accomplishments. He addressed the Senate from the Rostrum, signed the guest book and withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Spilka for the purpose of an introduction. Ms. Spilka then introduced, in the rear of the Chamber, Girl Scout Troop 85128 from the Wilson Middle School in Natick. They were accompanied by Troop Leaders Jean Borgman and Tracey Sockalasky. The group was welcomed with applause and withdrew from the Chamber. They were also guests of Senator Ross and Representative Linsky.

Report.

Report of the Division of Administrative Law Appeals (pursuant to Section 4H of Chapter 7 of the General Laws) submitting its 2015 Annual Report (received April 4, 2016),-- was placed on file.

Petitions.

Petitions were severally presented and referred as follows:

By Mr. McGee, a petition (accompanied by bill, Senate, No. 2206) of Thomas M. McGee and Lori A. Ehrlich (by vote of the town) for legislation to revise the charter of the town of Swampscott [Local approval received];

**Under Senate Rule 20, to the committee on Municipalities and Regional Government.
Sent to the House for concurrence.**

By Mr. Pacheco, a petition (accompanied by bill) (subject to Joint Rule 12) of Marc R. Pacheco and Susan Williams Gifford for legislation relative to retirement benefits for Thomas Brian Donnelly;

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

Reports of Committees.

By Ms. Donoghue, for the committee on Economic Development and Emerging Technologies, on Senate, Nos. 209, 210, 211, 214, 215, 216, 217, 218, 220, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 235, 237, 239, 240, 241 and 242, an Order

relative to authorizing the joint committee on Economic Development and Emerging Technologies to make an investigation and study of certain current Senate documents relative to economic development and emerging technologies issues (Senate, No. 2215) [Senator deMacedo dissenting inasmuch as relates to Senate, Nos. 217, 218, 225, 227, 228, 235, 237, 239 and 240; Representative Orrall of Lakeville dissenting inasmuch as relates to Senate, No. 235]; and

By Mr. Moore, for the committee on Higher Education, on Senate, Nos. 652, 654, 656, 666, 667, 668, 670, 674, 675, 679, 680, 681, 682, 684, 685 and 686, an Order relative to authorizing the joint committee on Higher Education to make an investigation and study of certain current Senate documents relative to higher education matters (Senate, No. 2214);

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

By Ms. L'Italien, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill establishing the licensure of interpreters and oral transliterators for the deaf (Senate, No. 205);

By the same Senator, for the same committee, on Senate, No. 1120 and 1126 and House, No. 1883, a Bill relative to safe application and removal of body art (Senate, No. 2212);

By Mr. Eldridge, for the committee on Financial Services, on petition, a Bill to increase health insurer reporting transparency (Senate No. 563);

By Mr. Lewis, for the committee on Public Health, on Senate, Nos. 1179 and 1180 and House, No. 1932, a Bill supporting individuals with intellectual and developmental disabilities (Senate No. 2211); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1189), a Bill to prevent death and disability from stroke (Senate, No. 2213);

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Ms. L'Italien, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill relative to enhancing Alcoholic Beverages Control Commission background checks (Senate, No. 196);

By Mr. Eldridge, for the committee on Financial Services, on petition, a Bill relative to motor vehicle service contracts (Senate, No. 493);

By the same Senator, for the same committee, on petition, a Bill relative to the licensure of insurance adjusters in the Commonwealth (Senate, No. 494);

By the same Senator, for the same committee, on petition, a Bill to promote personal savings (Senate, No. 495);

By the same Senator, for the same committee, on petition, a Bill relative to group market plans for automobile and homeowners insurance (Senate, No. 530);

By the same Senator, for the same committee, on petition, a Bill relative to principle-based reserving for life insurance (Senate, No. 539);

By Mr. Wolf, for the committee on Labor and Workforce Development, on Senate, No. 966 and House, No. 1748, a Bill to prevent wage theft and promote employer accountability (Senate, No. 2207);

By Mr. Timilty, for the committee on Public Safety, on petition, a Bill limiting the retention of fingerprints (Senate, No. 1235);

By the same Senator, for the same committee, on petition, a Bill relative to the establishment of independent forensic sciences laboratories and the oversight and accreditation of such laboratories (Senate, No. 1236);

By the same Senator, for the same committee, on petition, a Bill improving juvenile justice data collection (Senate, No. 1241);

By the same Senator, for the same committee, on petition, a Bill relative to dangerous weapons (Senate, No. 1252);

By the same Senator, for the same committee, on petition, a Resolve establishing a special commission on prisoner and correctional officer suicides (Senate, No. 1254);

By the same Senator, for the same committee, on petition, a Bill relative to amusement devices (Senate, No. 1260);

By the same Senator, for the same committee, on petition, a Bill relative to criminal justice training regarding autistic persons (Senate, No. 1264);

By the same Senator, for the same committee, on petition, a Bill relative to community corrections programs administered by the Office of Community Corrections (Senate, No. 1281);

By the same Senator, for the same committee, on petition, a Bill providing for HIV testing for at risk police officers (Senate, No. 1283);

By the same Senator, for the same committee, on petition, a Bill relative to window guards in residential rental properties (Senate, No. 1284);

By the same Senator, for the same committee, on petition, a Bill relative to elevator certification fees (Senate, No. 1290); and

By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on petition, a Bill relative to structural steel (Senate, No. 1721);

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

Committees Discharged.

Mr. Montigny, 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 the Judiciary to make an investigation and study of certain current Senate documents relative to judicial matters (Senate, No. 2204),-- **and recommending that the same be referred to the committee on Rules;**
Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4157) of F. Jay Barrows (by vote of the town) that the town of Foxborough be authorized to grant two additional licenses for the sale of all alcoholic beverages to be drunk on the premises;
To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4175) of Timothy J. Toomey, Jr. and others (with the approval of the mayor and board of aldermen) that the city of Somerville be authorized to amend the form of petitions accompanying statements of candidates relative to non-partisan municipal elections in said city;
To the committee on Election Laws,

Petition (accompanied by bill, House, No. 4158) of Steven S. Howitt (by vote of the town) that the town of Rehoboth be authorized to convey a certain parcel of town owned land in said town; and
Petition (accompanied by bill, House, No. 4159) of Benjamin Swan and Mayor Domenic J. Sarno (with the approval of the mayor and city council) that the city of Springfield be authorized to convert certain lands to construct a senior center and a replacement park;
Severally to the committee on Municipalities and Regional Government.

Bills

Establishing a sick leave bank for Donna Juarez, an employee of the Department Of Developmental Services (House, No. 4055,-- on petition); and
Establishing a sick leave bank for Shannon Wilkins, an employee of the Massachusetts Department of Transportation (House, No. 4122,-- on petition);
Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Report of the committee on Transportation asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3091) of Theodore C. Speliotis for legislation to further regulate motorcycle sound levels,-- **and recommending that the same be referred to the committee on House Ways and Means,-- was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Notice was received from the House of Representatives announcing the following appointment by the Speaker:

That Representative Peake of Provincetown had been appointed (under Executive Order No. 502 of 2008) as his designee to the Plymouth, Massachusetts 400th Anniversary Commission; and
That Representative Cariddi of North Adams had been appointed (under Section 42 of Chapter 46 of the Acts of 2015) as his designee to the Rural Policy Advisory Commission.

Resolutions.

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

Resolutions (filed by Mr. Brady) “commending the Boston Numismatic Society, the Collectors Club of Boston and the Currency Club of New England on their celebration of National Coin Week”; and
Resolutions (filed by Ms. Spilka) “congratulating Matthew Christopher Franklin of the town of Ashland on his elevation to the rank of Eagle Scout.”

Communications.

The Clerk read the following communications:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

March 31, 2016

William Welch, Clerk
Massachusetts State Senate
State House, Room 334
Boston, MA 02133

Dear Mr. Clerk:

I was absent from the Chamber for a portion of the formal session on Thursday, March 10, 2016.

Had I been present, I would have voted in the affirmative on the following roll calls:

- Amendment #2 to Senate Bill, No. 2156, Roll Call 251
- Amendment #9 to Senate Bill, No. 2156, Roll Call 252
- Senate Bill, No. 2138, Roll Call 253

And had I been present I would have voted in the negative on the following roll calls:

- Amendment # 2 to Senate Bill, No. 2153, Roll Call 250.

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official records for the next session, Thank you in advance for your attention to this important matter.

Sincerely,
KATHLEEN O'CONNOR IVES
State Senator
First Essex District.

On motion of Mr. Humason, the above communication was ordered printed in the Journal of the Senate.

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

April 7, 2016

The Honorable William Welch
Clerk of the Massachusetts Senate
State House Room 335
Boston, MA 02133

Dear Mr. Clerk:

Regrettably, I will not be present during today's formal session. Understanding that the Senate may debate several important issues today, I will be sure to indicate how I would have voted on all missed roll call votes and submit it to you as soon as possible so that it may be recorded and printed in the journal. Thank you.

Sincerely,
JOAN B. LOVELY

On motion of Mr. Humason, the above communication was ordered printed in the Journal of the Senate.

PAPERS FROM THE HOUSE
Committee of Conference Report.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate further amendment to the Senate Bill relative to solar energy (Senate, No. 1979, amended),-- reports recommending that the House recede from its non-concurrence with the Senate in its further amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2058) and concur therein with a still further amendment by striking all after the enacting clause and inserting in place thereof the text of House document numbered 4173; and that the Senate concur in the still further amendment, -- **came from the House, and was read.**

The rules were suspended, on motion of Mr. deMacedo, the report was accepted, in concurrence.

A Bill designating the Sunday preceding the third Monday in April as First Responder Day (House, No. 4161,-- on House, No. 2791),--**was read.**

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

Emergency Preamble Adopted.

An engrossed Bill designating a certain bridge in the West Roxbury section of the city of Boston as the Paul C. McLaughlin Bridge (see House, No. 3636, changed and amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 4 to 0.**

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

Reports of Committees.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:---

Of the committee on Transportation, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 2165) of Richard J. Ross and Shawn Dooley for legislation to designate a certain intersection in the town of Plainville as the Special Police Officer Michael O. Maher Memorial Intersection.

On motion of Mr. Downing, the petition was recommitted to the Joint Committee on Education.

By Mr. Keenan, for the committee on Bonding, Capital Expenditures and State Assets, that the House Bill financing improvements to municipal roads (House, No. 4133),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Humason, and the bill was read a second time, 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 financing improvements to certain municipal roads".

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4186) of Thomas J. Calter, Michael D. Brady and others relative to zoning regulations of structures used for growing, cultivation, distribution or dispensation of marijuana or marihuana,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.**

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Acton in exchange for other real property (House, No. 3792, changed and amended),-- ought to pass, with an amendment in section 4, by striking out the words "section 1" and inserting in place thereof the following words:- "this act".

There being no objection, the rules were suspended, on motion of Mr. Keenan, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

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

Matter Taken Out of the Notice Section of the Calendar.

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

The House Bill establishing a community enhancement fee stabilization fund in the city of Everett (House, No. 3831) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Increasing the exemption for residential property to 30 percent in the town of Nantucket (Senate, No. 1937, changed);

Relative to the health insurance of certain elected individuals in the town of Tyngham (House, No. 3649); and

Authorizing the Nantucket Islands Land Bank to convey certain land held for open space, recreational or conservation purposes to the town of Nantucket for the same purposes (House, No. 3892);

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 matters were considered as follows:

Report of a Committee.

Mr. Downing in the Chair, Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to tagging (Senate, No. 727),-- **ought to pass** (Senator Humason dissenting).

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 relative to tagging (Senate, No. 727) shall be placed in the Orders of the Day for a second reading on Thursday, April 14, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, April 11, 2016. All such amendments shall be second-reading amendments to Senate, No. 727, 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 Ms. Chang-Díaz, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, April 14, for a second reading.

Report of a Committee.

Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to the penalty for vandalism (Senate, No. 728),-- **ought to pass**.

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 relative to the penalty for vandalism (Senate, No. 728) shall be placed in the Orders of the Day for a second reading on Thursday, April 14, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, April 11, 2016. All such amendments shall be second-reading amendments to Senate, No. 728, 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 Mr. Keenan, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, April 14, for a second reading.

Report of a Committee.

Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to adjusting the credit for nonpayment of fines (Senate, No. 795),-- **ought to pass**.

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 relative to adjusting the credit for nonpayment of fines (Senate, No. 795) shall be placed in the Orders of the Day for a second reading on Thursday, April 14, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, April 11, 2016. All such amendments shall be second-reading amendments to Senate, No. 795, 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 Ms. Flanagan, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, April 14, for a second reading.

Report of a Committee.

Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to the use of community corrections for pre-trial detainees and criminal defendants (Senate, No. 1275),-- **ought to pass.**

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 relative to the use of community corrections for pre-trial detainees and criminal defendants (Senate, No. 1275) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2216) shall be placed in the Orders of the Day for a second reading on Thursday, April 14, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, April 11, 2016. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2216), 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 Mr. Brownsberger, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, April 14, for a second reading with the amendment pending.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Downing) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation, to wit:

Regulating preliminary elections in the city of Gloucester (see Senate, No. 45); and

Designating a certain bridge in the West Roxbury section of the city of Boston as the Paul C. McLaughlin Bridge (see House, No. 3636, changed and amended).

Emergency Preamble Adopted.

An engrossed Bill relative to solar energy (see Senate, No. 1979, 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 12 to 0.**

The bill was signed by the Acting President (Mr. Downing) and sent to the House for enactment.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith, and adopted, in concurrence, to wit:

Ordered, That notwithstanding House Rule 12, Senate Rule 7 or any other Special Rule of the Joint Session to the contrary, the Initiative Amendment to the Constitution to provide resources for education and transportation through an additional tax on incomes in excess of one million dollars (see House, No. 3933) shall be the only item considered at the Joint Session to be held at one o'clock P.M. on Wednesday, May 18, 2016.

All amendment to such proposal shall be filed electronically prior to 5:00:01 P.M., on Thursday, May 12, 2016 with the Clerk of the Joint Convention by email to senate.clerkleg@masenate.gov. The Clerk of the Joint Convention shall further specify the procedure and format for filing all amendments, consistent with this order.

After amendments to the Initiative are considered, the question shall be on agreeing to the amendment (House, No. 4176).

Recess.

There being no objection, at nine minutes before twelve o'clock noon, the Chair (Mr. Downing) declared a recess subject to the call of the Chair; and, at eleven minutes past two o'clock P.M., the Senate reassembled, the President in the Chair.

The Orders of the Day were further considered as follows:

The Senate Bill to further narrow the achievement gap (Senate, No. 327),-- **was read a second time.**

Pending the question on adoption of the pending amendment, previously recommended by the committee on Ways and Means, substituting a new draft entitled "An Act enhancing reform, innovation and success in education" (Senate, No. 2203), and pending the main question on ordering the bill to a third reading, at fourteen minutes before ten o'clock P.M., Mr. Tarr doubted the presence of a quorum; but a quorum was deemed present

Ms. Flanagan and Ms. L'Italien moved that the proposed new draft be amended in section 71 by inserting the following text at the end thereof:- "Provided, further, that the powers granted in this section shall be subject to the provisions of Chapter 30B".

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

Ms. Flanagan and Ms. L'Italien moved that the proposed new draft be amended in section 86 by striking out in lines 1015 and 1018 the words:- " The school district shall be responsible for the cost of the transportation unless the school district and the charter school do not reach agreement on the start time of the charter school's day, then the school district shall be responsible for 50 per cent of the charter school's transportation costs;" and inserting in place thereof the following "The school district and the charter school shall be required coordinate the start time of the school district and charter school's day. The school district shall be responsible for 50 per cent of the charter school's transportation costs;".

The amendment was *rejected*.

Mr. Lewis and Ms. Lovely moved that the proposed new draft be amended by inserting after section 5 the following section:- "SECTION 5A. The ninth paragraph of section 11 of said chapter 69 of the General Laws, as so appearing, is hereby amended by striking out, in lines 101 and 102, the words '(a) an analysis of student and subgroup achievement gaps in core subjects;' and inserting in place thereof the following clause:-

(a) an analysis of student and subgroup achievement gaps, including English language learners and students receiving special education."

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

Mr. Rodrigues moved that the proposed new draft be amended by striking out section 79 and inserting in place thereof the following section:-

"SECTION 79. Said section 89 of said chapter 71, as so appearing, is hereby amended by striking out subsection (q) and inserting in place the following section:-

(q) A charter school may be located in part of an existing public school building, in space provided on a private work site, in a public building or any other suitable location; provided, however, that school building assistance funds authorized under chapter 70B may be awarded to a commonwealth charter school for the purpose of constructing, reconstructing or improving a commonwealth charter school; provided, further, that the construction, reconstruction or improvement of a public building for use by a charter school shall comply with section 7A and sections 26, 27, 27G and 44A to 44M, inclusive, of chapter 149."

After remarks, the amendment was *rejected*.

Ms. L'Italien and Ms. O'Connor Ives moved that the proposed new draft be amended by striking section 70 and inserting in place thereof the following text:

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

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

(i) the school enrolls students using a weighted lottery process that grants admission proportionally to reflect the special education, English language learner, racial and gender diversity of the districts from which the school enrolls students; or

(ii) the school's primary purpose is to establish alternative education programs designed to serve at-risk students or students who

have dropped out of school; provided that, for the purposes of this section, the term 'at-risk student' shall mean any student enrolled in grades 9 through 12 who is identified as 'high-risk' according to the early warning indicator index system developed by the department to identify and track students at risk of not graduating on time; and provided, further, that not less than 75 per cent of students enrolled at the school shall qualify as at-risk students or students who have dropped out of school.

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

And moves to further amend the bill by deleting the words "opt-out" in lines 839, 844, 846, and 848.

After debate, the amendment was *rejected*.

Ms. L'Italien moved that the proposed new draft be amended in section 56 by striking the number "7" in line 564 and inserting in place thereof with the following:- "9"; and by striking in line 565 the following:- "or any successor data collection and tracking system".

After remarks, the amendment was *rejected*.

Ms. Chang-Diaz moved that the proposed new draft be amended in section 70 by inserting after the words "only students from that district;" the following new words:- "provided further that a regional commonwealth charter school may participate in at least one of the district assignment systems of those districts whose students are eligible to attend the commonwealth charter school;"; and by inserting at the end thereof the following new sentence:- "The department shall promulgate regulations for the administration of this section."

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

Ms. Chang-Diaz and Ms. L'Italien moved that the proposed new draft be amended by inserting in line 1159 after the word "leaving," the following new sentence:- "Said regulations shall include a means by which all public schools in the commonwealth shall, upon the enrollment of a student that previously attended another school in the commonwealth, record the reason or reasons the student left the previous school; provided that such data shall be collected in a way that allows for aggregation and comparison of data; provided further that such data shall be made available on the department's website in a machine readable format."

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

Mr. Keenan and Ms. L'Italien moved that the proposed new draft be amended by inserting the following section:-
"SECTION _____. There shall be a special commission to study the feasibility and suitability of allowing cities and towns to establish regional school districts or regional programming to support students with dyslexia. The commission shall consider whether a regional district model, which may include summer or other part time programming that supplements district public schools, agreements pursuant to section 4 of chapter 71B intended to provide for the needs of students with dyslexia, or regional schools that provide full academic years of education to students with dyslexia, can benefit and support the needs of said students. The commission shall also consider different methods of funding and operating such regional schools or programming to maximize the benefit to said students and to their sending school districts.

The special commission shall consist of: the secretary of education, or a designee; a representative of the Massachusetts Association of Regional Schools; a representative of the Massachusetts Association of School Superintendents, Inc.; a representative of the Massachusetts Association of School Committees, Inc.; an individual appointed by the governor with experience advocating for students with dyslexia; and any additional members appointed the governor.

The commission shall submit a report of its recommendations, including any legislation necessary to implement said recommendations, to the clerks of the House and the Senate, and to the House and Senate chairs of the joint committee on education, not later than June 1, 2017."

The amendment was *rejected*.

Mr. Tarr, Ms. L'Italien and Mr. Humason moved that the proposed new draft be amended by inserting after section ____, the following section:-

"Notwithstanding any general or special law to the contrary the commissioner of the department of elementary and secondary education shall require all school districts, along with all commonwealth charter schools and Horace Mann Charter Schools to submit a plan to ensure that every student is able to read at age appropriate grade level."

The amendment was *rejected*.

Mr. Tarr, Ms. L'Italien and Mr. Humason moved that the proposed new draft be amended by inserting after section 32 the following section:-

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

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

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

Mr. Tarr, Ms. L'Italien and Mr. Humason moved that the proposed new draft be amended by inserting after section __, the following new section:-

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

The amendment was *rejected*.

Messrs. Tarr and Humason moved that the proposed new draft be amended by inserting after section __, the following section:-

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

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

The amendment was *rejected*.

Mr. Rodrigues moved that the proposed new draft be amended by striking out all after the enacting clause inserting in place thereof the text of Senate document numbered 2208, relative to expanding educational opportunity.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-one minutes past three o’clock P.M., on motion of Mr. Wolf, as follows, to wit (*yeas 5 – nays 30*) [**Yeas and Nays No. 269**]:

YEAS.

deMacedo, Viriato M.

Ross, Richard J.

Fattman, Ryan C.

Tarr, Bruce E. – **5**.

Humason, Donald F., Jr.

NAYS.

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

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.

Rosenberg, Stanley C.

Flanagan, Jennifer L.

Spilka, Karen E.

Forry, Linda Dorcena

Timilty, James E.

Gobi, Anne M.

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – **30.**

PAIRED.

YEAS.

NAYS.

Rodrigues, Michael J. (*present*)

Lovely, Joan B. – **2.**

ABSENT OR NOT VOTING.

Rush, Michael F. – **1.**

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

Messrs. Tarr and Humason moved that the proposed new draft be amended in section 95, by striking out the first paragraph and inserting in place thereof the following 2 paragraphs:-

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

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

The amendment was *rejected*.

Ms. Chang-Diaz moved that the proposed new draft be amended in line 1089 by inserting after the word “school” the following new words:- “since July 1, 2014”.

The amendment was *rejected*.

Mr. Moore and Ms. L’Italien moved that the proposed new draft be amended by adding the following section:-

“SECTION X. Subsection (ff) of Section 89 of said Chapter 71 is hereby amended in the ninth paragraph by striking the first sentence and inserting in place thereof the following sentence:- The department shall provide funding directly to all charter

schools for the per pupil capital needs component of the total charter tuition costs.”; and by striking out section 89 and inserting in place thereof the following section:-

“SECTION 89: Section 89 of said Chapter 71 is hereby amended by striking subsection (gg) in its entirety and inserting in place thereof the following subsection:-

(gg) Annually the Department of Elementary and Secondary Education shall certify the projected cost of each districts’ maximum enrolled charter school seats, based on the district’s most recent average charter school tuition rate not including the facilities rate. The commonwealth shall incur 100 per cent of the total charter school tuition amount that is greater than the district’s total charter school tuition amount for the previous year in the year in which the increase occurs; the direct funding amount shall be equal to 100 per cent of the increase in the year in which the increase occurs and 50 per cent in the second year and 25 per cent in the third year. Said portion of charter school tuition shall be paid directly from the commonwealth to the charter school and shall not be deducted from the total state school aid, as defined in section 2 of chapter 70, of the district in which the student resides.”

The amendment was *rejected*.

Mr. Ross and Ms. L’Italien moved that the proposed new draft be amended by striking out section 35 and inserting in place the following:-

“SECTION 35. Section 2 of chapter 70 of the General Laws, as so appearing, is hereby amended by striking the second and third definitions and inserting in place thereof the following definitions:-

‘Assumed tuitioned-out special education enrollment’, the prior 5 year district average percentage of students included in foundation enrollments on Special Education Individual Education Plans whom the district has placed in out of district placements.

‘Assumed in-school special education enrollment’, the prior 5 year district average percentage of students included in foundation enrollments on Special Education Individual Education Plans who attend district schools.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-one minutes before four o’clock P.M., on motion of Mr. Ross, as follows, to wit (*yeas 17 – nays 18*) [**Yeas and Nays No. 270**]:

YEAS.

Barrett, Michael J.

L’Italien, Barbara A.

deMacedo, Viriato M.

Moore, Michael O.

Donoghue, Eileen M.

O’Connor Ives, Kathleen

Fattman, Ryan C.

Rodrigues, Michael J.

Flanagan, Jennifer L.

Ross, Richard J.

Forry, Linda Dorcena

Tarr, Bruce E.

Gobi, Anne M.

Timilty, James E.

Humason, Donald F., Jr.

Welch, James T. – **17**.

Lesser, Eric P.

NAYS.

Brady, Michael D.

Jehlen, Patricia D.

Brownsberger, William N.

Joyce, Brian A.

Chandler, Harriette L.

Keenan, John F.

Chang-Diaz, Sonia

Lewis, Jason M.

Creem, Cynthia Stone

McGee, Thomas M.

DiDomenico, Sal N.

Montigny, Mark C.

Donnelly, Kenneth J.

Pacheco, Marc R.

Downing, Benjamin B.

Spilka, Karen E.

Eldridge, James B.

Wolf, Daniel A. – 18.

ABSENT OR NOT VOTING.

Lovely, Joan B.

Rush, Michael F. – 2.

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

Ms. Chang-Diaz and Ms. L'Italien moved that the proposed new draft be amended by inserting after section 41 the following section:-

“SECTION 41A. Said chapter 70 is hereby amended by inserting after section 4 the following section:-

Section 4A. (a) The department, in consultation with the executive office of education, shall convene a data advisory committee to promote the improved use of school-level data to inform effective resource allocation decisions at the local level. The data advisory committee shall include, but not be limited to, a representative from the following organizations: the Massachusetts Association of School Committees, Inc.; the Massachusetts Association of School Superintendents, Inc.; the Massachusetts Association of School Business Officials, Inc.; the Massachusetts Association of Vocational Administrators, Inc.; and the Massachusetts Association of Regional Schools, Inc. The data advisory committee shall assist the department to identify, advise and analyze cost-effective ways to achieve the following goals including, but not limited to:

- (i) streamlining financial reporting, eliminate duplicate reporting requirements and improve data quality;
- (ii) strengthening the department's capacity to analyze and report staffing, scheduling and financial data in ways that support strategic resource allocation decisions at the district and school level;
- (iii) strengthening district capacity to use data to make strategic resource allocation decisions; and
- (iv) how to establish a data collection and reporting system that:
 - (1) tracks funding allocated for English language learner and low-income students to ensure that spending is targeted to the intended populations and to provide a data source for the foundation budget review commission about the accuracy and adequacy of the low-income and English language learner increments; and
 - (2) allows for access to school-level expenditures and data across all districts to inform the public and policy-makers about effective school-level interventions and investments.

The data advisory committee shall report its progress to the board, the chairs of the joint committee on education and the house and senate committees on ways and means not less than semi-annually, by December 1 and June 1 of each year, and shall make recommendations as are necessary for the department to achieve the goals outlined in this section. The department may, in consultation with the data advisory group, develop or procure the data collection and reporting system under clause (iv).”

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

Mr. Humason, Ms. L'Italien, Ms. O'Connor Ives and Mr. Tarr moved that the proposed new draft be amended by inserting after section 47 the following section:-

“SECTION 47A. Section 16C of chapter 71 is hereby amended by adding the following 2 sentences:- Reimbursement to a school district for regional school transportation shall not be subject to section 9C of chapter 29. A reduction in regional school transportation funding shall be made solely by a vote of the general court; provided, however, that a reduction made by the general court shall not be greater than the percentage reduction in school aid under chapter 70.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at thirteen minutes before four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 35 – nays 1*) [**Yeas and Nays No. 271**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Brady, Michael D.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara A.
Creem, Cynthia Stone	McGee, Thomas M.
deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
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. – 35.
Joyce, Brian A.	

NAYS.

Chang-Diaz, Sonia – **1.**

ABSENT OR NOT VOTING.

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

Ms. Chang-Diaz moved that the proposed new draft be amended by striking out section 41 and inserting in place thereof the following section:-

“SECTION 41. Said section 2 of said chapter 70, as so appearing, is hereby further amended by inserting after the definition of ‘Total foundation staff’ the following 2 definitions:-

‘Tuitioned-out special education allotment’, the product of the tuitioned-out special education rate and the assumed tuitioned-out special education enrollment.

‘Tuitioned-out special education rate’, 4 times the statewide foundation budget per-pupil amount less the statewide foundation budget per-pupil amount.”

The amendment was *rejected*.

Ms. O'Connor Ives, Messrs. Ross and Tarr moved that the proposed new draft be amended by striking out section 1 in its entirety and inserting in place thereof the following:

"SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 35CCC the following section:-

Section 35DDD. There shall be established upon the books of the commonwealth a separate fund to be known as the Innovative Education Trust Fund. The secretary of education shall be the trustee of the fund and may expend monies from the fund; provided, however, that amounts credited to the fund shall be expended to support and incentivize innovative education by enhancing Horace Mann and Innovation Schools, and, provided further, that the grants provided from the fund may be matched by private sector donations.

The fund shall consist of: (i) any unexpended funds from item 7061-9011; (ii) revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund; (iii) any interest earned on monies in the fund; and (iv) any funds from private sources including, but not limited to, gifts, grants and donations received by the commonwealth that are specifically designated to be credited to the fund. The secretary of education may incur expenses and the comptroller may certify for payments amounts in anticipation of expected receipts, but no expenditure shall be made from the fund which shall cause the fund to be in deficit at the close of a fiscal year. Amounts credited to the fund shall not be subject to further appropriation and monies remaining in the fund at the end of a fiscal year shall not revert to the General Fund. The secretary shall report annually not later than October 1 to the house and senate committees on ways and means on the fund's activity."

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

Messrs. Barrett and Rodrigues and Ms. L'Italien moved that the proposed new draft be amended in section 87, by adding the following sentence:- “At least annually, the department shall make available to each charter school the student attrition data and student stability data for each of the charter school’s sending districts.”

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

Messrs. Barrett and Rodrigues and Ms. L'Italien moved that the proposed new draft be amended in section 88, by adding the following sentence:- “At least annually, the department shall make available to each charter school the out of school suspension data for each of the charter school’s sending districts.”

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

Messrs. Barrett and Rodrigues moved that the proposed new draft be amended in section 87, by inserting at the end of that section, the following sentence:- "This paragraph shall not apply to alternative education charters as defined under subsection (iii) of paragraph (5) of subsection (i)."

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

Messrs. Barrett and Rodrigues moved that the proposed new draft be amended in section 87, by inserting in line 1083, after the word “students”, the following:- “; provided further that for any charter school whose average 3 year student attrition rate is higher than the sending district’s or whose student stability rate is less than the sending district’s, for students overall or for any subgroup identified by the board, if the board determines that there are circumstances that justify such discrepancy from the sending district’s rate of student attrition or stability, it may grant a waiver and issue a detailed written opinion stating the reasons for its decision”.

The amendment was *rejected*.

Messrs. Barrett and Rodrigues moved that the proposed new draft be amended in section 88, by inserting in line 1111, after the word “charter”, the following:- “; provided further that for any charter school whose average 3 year out of school suspension rate is higher than the sending district’s, for students overall or for any subgroup identified by the board, if the board determines that there are circumstances that justify such discrepancy from the sending district’s rate of out of school suspension, it may grant a

waiver and issue a detailed written opinion stating the reasons for its decision”.
The amendment was *rejected*.

Messrs. Barrett and Rodrigues moved that the proposed new draft be amended by striking out lines 1081 through 1083 and inserting in place thereof the following:- “clauses (i) through (iv) a waiver if it certifies that the gap relative to the disqualifying clause is de minimus and that the charter school has made a rigorous effort to retain all students”.
After remarks, the amendment was **adopted**.

Messrs. Barrett and Rodrigues moved that the proposed new draft be amended in section 63, by striking out the first paragraph of proposed subsection (h) of section 89 of chapter 71 of the General Laws and inserting in place thereof the following paragraph:- “Before filing an application for the establishment of a commonwealth charter school, the applicant shall: (i) meet with the district superintendent of each school district from which the charter school is expected to enroll students to review the proposed application, including how the proposed commonwealth charter school plans to complement the curriculum and instruction in the district; and (ii) hold not less than 1 public hearing with the local school committee of each school district from which the charter school is expected to enroll students to review the proposed application. Applicants that do not meet with the school district superintendent and hold a public hearing shall be disqualified from further consideration; provided, however, that if the district superintendent does not meet with the applicant at least 10 days prior to the application deadline, as established by the department, the applicant may proceed with submitting the application but shall include a written explanation, which shall also be sent to district superintendent of each school district from which the charter school is expected to enroll students, documenting all attempts to establish a meeting with the superintendent and reasons that the meeting did not take place; and, provided further, if a local school committee does not hold at least 1 public hearing with the applicant to discuss the proposed application at least 10 days prior to the application deadline, the applicant may proceed with submitting the application but shall include a written explanation, which shall also be sent to the school committee, documenting all attempts to establish a hearing and reasons that the hearing did not take place. A school district superintendent or a school committee may provide its own written explanation to the commissioner documenting all attempts to establish a meeting or hearing with the applicant and reasons that the meeting or hearing did not take place. The commissioner may disqualify the applicant from further consideration if the commissioner believes that the applicant acted in bad faith with respect to scheduling the meeting with the district superintendent or the public hearing with the local school committee.”
After remarks, the amendment was **adopted**.

Messrs. Barrett and Rodrigues moved that the proposed new draft be amended in section 7, by inserting, in line 209, after the figure “(x)”, the following words:- “provide for increased usage of teachers’ aides or other paraprofessionals to provide educational support, including but not limited to tutoring, instructional assistance and parental involvement activities; (xi)”; in said section 7, by striking out, in line 212, the figure “(xi)” and inserting in place thereof the figure “(xii)”; in said section 7, by striking out, in line 213, the figure “(xii)” and inserting in place thereof the figure “(xiii)”; and in said section 7, by striking out, in line 215, the figure “(xiii)” and inserting in place thereof the figure “(xiv)”.
After remarks, the amendment was adopted.

Messrs. Barrett and Rodrigues moved that the proposed new draft be amended by adding the following section:-
“SECTION XX. Section 1J of chapter 69, as so appearing, is hereby amended by inserting, in line 551, after the figure ‘(14)’, the following words:- ‘provide for increased usage of teachers’ aides or other paraprofessionals to provide educational support, including but not limited to tutoring, instructional assistance and parental involvement activities; (15)’; in line 552, the figure ‘(15)’ and inserting in place thereof the figure ‘(16)’; and by striking out, in line 554, the figure ‘(16)’ and inserting in place thereof the figure ‘(17)’.”
The amendment was **adopted**.

Messrs. Barrett and Rodrigues moved that the proposed new draft be amended by adding the following section:-
“SECTION XX. Section 1J of chapter 69, as so appearing, is hereby amended by inserting, in line 200, after the figure ‘(14)’, the following words:- ‘provide for increased usage of teachers’ aides or other paraprofessionals to provide educational support, including but not limited to tutoring, instructional assistance and parental involvement activities; (15)’; by striking out, in line 202, the figure ‘(15)’ and inserting in place thereof the figure ‘(16)’; and by striking out, in line 204, the figure ‘(16)’ and inserting in place thereof the figure ‘(17)’.”
The amendment was **adopted**.

Messrs. Tarr and Humason moved that the proposed new draft be amended by striking out all after the enacting clause inserting in place thereof the text of Senate document numbered 2210, relative to charter school reform.
After debate, the amendment was *rejected*.

Recess.

There being no objection, at thirteen minutes before five o’clock P.M., the President declared a recess subject to the call of the Chair; and, at thirteen minutes before six o’clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill to further narrow the achievement gap (Senate, No. 327),-- was considered, the main question being on ordering the bill to a third reading.

Mr. Brady and Ms. L'Italien moved that the proposed new draft be amended by striking section 93.

The amendment was *rejected*.

Mr. Tarr, Ms. L'Italien and Mr. Humason moved that the proposed new draft be amended by inserting after section 56, the following section:-

“SECTION 56A. Notwithstanding any general or special law to the contrary, the department of elementary and secondary education shall examine and report innovations performed by charter schools and determine any replicability for non-charter schools in the commonwealth; provided, that in preparing said report the department shall conduct at least 1 public hearing. The report, along with any recommendations, shall be submitted to the clerks of the house of representatives and the senate, the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on education not later than January 1, 2018.”

The amendment was **adopted**.

Mr. Tarr, Ms. L'Italien and Mr. Humason moved that the proposed new draft be amended by inserting after section 93 the following section:-

“SECTION 93A. Chapter 71 of the General Laws is hereby amended by adding the following section:-

Section 97. No public school shall offer money or gifts of any monetary value as an incentive for application or enrollment.”

The amendment was **adopted**.

Mr. Tarr, Ms. L'Italien and Mr. Humason moved that the proposed new draft be amended by inserting after section __, the following new section:-

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

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

The amendment was *rejected*.

Messrs. Barrett and Rodrigues moved that the proposed new draft be amended by striking out section 62 and inserting in place thereof the following section:-

"SECTION 62. Said subsection (e) of said section 89 of said chapter 71, as so appearing is hereby further amended by adding the following clause:- ; and (xvii) a summary, including the date, of the applicant's meeting with the local superintendents and public hearings.";

In section 63, by inserting after the word “materials”, in line 667, the following words:- “, including an analysis of the anticipated impact on the community involvement, educational opportunities and financial capacity of the school districts from which the charter school is expected to enroll students and an analysis of the impact on the programs and services of the sending school district or districts including, but not limited to, impacts related to fixed variable and step variable costs,”; and

In said section 63, by striking out, in lines 676 and 677, the words “and provide an assessment of the accuracy of the analysis of the impact on the programs and services of the sending school district or districts required under clause (xix) of subsection (e)”.

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

Ms. L'Italien moved that the proposed new draft be amended by inserting after section 99 the following section:-

“SECTION 99A. The commissioner of elementary and secondary education, in consultation with the state ethics commission, shall issue a report recommending changes to relevant regulations to ensure that a member of a school committee shall not: (i) be employed by a charter school; (ii) receive any monetary compensation from a charter school or proposed charter school; or (iii) be a proposed employee of a charter school on an application for a charter school. The commission shall issue the report, along with proposed draft regulations, not later than January 1, 2017 to the clerks of the senate and house of representatives, house and senate chairs of the joint committee on education, the house and senate chairs of the committees on ethics and the house and senate chairs of the committees on ways and means.”

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

Ms. Chang-Diaz moved that the proposed new draft be amended in line 1189 by inserting after the word “districts” the following word:- “fully”.

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

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

PAPER FROM THE HOUSE.

The Senate Bill authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 2051),-- came from the House passed to be engrossed, in concurrence, with an amendment striking all after the enacting clause and inserting in place thereof the following text:-

“SECTION 1. (a) Notwithstanding sections 11 and 17 of chapter 138 of the General Laws, the licensing authority of the town of Milton may grant an additional license for the sale of all alcoholic beverages to be drunk on the premises of the restaurant located on the second floor of 10 Bassett street in the town of Milton, to Lombardi Enterprises, LLC d/b/a/ The Plate restaurant or any successors in interest; provided, however, that any successor in interest shall be subject to approval by the Milton board of selectmen and the alcoholic beverages control commission. An application to transfer the license to a successor in interest shall be granted and approved according to the standard for a new license and all the procedures set forth in section 15A of said chapter 138 shall be applicable thereto. The license shall be subject to all of said chapter 138, except said section 17. The licensing authority of the town of Milton shall not approve the transfer of the license to any other location.

(b) The license may be reissued by the licensing authority of the town of Milton at the same location if an applicant for the license files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid. If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto to the licensing authority and the licensing authority of the town of Milton may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.”

The rules were suspended, on motion of Ms. L'Italien, and the further House amendment was considered forthwith.

Mr. Joyce moved that the Senate concur with the further House amendment with a still further amendment striking out section 1 and inserting in place thereof the following section:-

“SECTION 1. (a) Notwithstanding sections 11 and 17 of chapter 138 of the General Laws, the licensing authority of the town of Milton may grant an additional license for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to Lombardi Enterprises, LLC d/b/a The Plate restaurant located on the second floor of 10 Bassett street. A license granted pursuant to this act shall be subject to the conditions set by the licensing authority and shall be subject to all of said chapter 138 except said section 17.

(b) Once issued, the licensing authority shall not approve the transfer of the license to any other person, partnership, corporation, limited liability company, organization or other entity or to any other location but the licensing authority may grant the license to a new applicant if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If the license granted pursuant to this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions specified in this act.”.

The amendment was **adopted**

Sent to the House for concurrence in the still further amendment.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill to further narrow the achievement gap (Senate, No. 327),-- was considered, the main question being on ordering the bill to a third reading.

Mr. Brady, Ms. L'Italien and Ms. O'Connor Ives moved that the proposed new draft be amended by striking sections 7 through 34.

After remarks, Mr. Brady moved that when a vote be taken, it be taken by a call of the yeas and nays. An insufficient number of members joining with him in this request, a call of the yeas and nays was not ordered.

The amendment was *rejected*.

Mr. Moore, Ms. Jehlen, Ms. Chandler, Mr. Lewis, Ms. Gobi, Mr. Eldridge, Ms. Flanagan, Ms. O'Connor Ives, Ms. L'Italien, Messrs. Keenan and Pacheco, Ms. Lovely and Messrs. Brownsberger and Brady moved that the proposed new draft be amended by inserting after section 56 the following section:-

"SECTION 56A. Said subsection (a) of said section 89 of said chapter 71, as so appearing, is hereby further amended by inserting after the definition of 'district' the following definition:-

'Local approval', an affirmative action accepting a commonwealth charter school taken by a majority vote of a locally elected school committee for each school district from which a commonwealth charter school is expected to enroll students, or, in school districts in which the school committee is an appointed body, an affirmative action accepting a commonwealth charter school which shall be approved by the city council and school committee's appointing authority.”;

By striking out section 65 and inserting in place thereof the following section:-

“SECTION 65. Said paragraph (1) of said subsection (i) of said section 89 of said chapter 71 is hereby further amended by striking out the last paragraph and inserting in place thereof the following 3 paragraphs:-

Applications to establish a commonwealth charter school shall be submitted to the board annually by November 15. The board shall review the applications and grant new commonwealth charters in February of the following year. Applications to establish a Horace Mann charter school may be submitted to the board and granted by the board at any time.

Notwithstanding any general or special law to the contrary, every commonwealth charter school application shall be subject to the local approval of every school district expected to enroll students. Approval of a commonwealth charter school application that has not received local approval shall require an affirmative vote of a majority of the members of the board. If the board approves an application it shall notify the school districts that expect to enroll students of the approval.

Approval of an application by the board without local approval shall be funded by the commonwealth; provided, however, that in a school district in which a commonwealth charter school application is approved by the board without local approval, the school district shall not be eligible for district impact mitigation funding under subsection (gg) for the approved commonwealth charter school and the total number of students enrolled in the approved commonwealth charter school shall not be included in the school district's foundation budget as calculated under chapter 70.”; and

By inserting after section 105 the following section:-

“SECTION 105A. The last 2 paragraphs of paragraph (1) of subsection (i) of section 89 of chapter 71 of the General Laws, as inserted by section 65, shall apply to commonwealth charter schools approved after January 1, 2016 that do not have students currently enrolled.”

After debate, and pending the question on adoption of the amendment, at twenty minutes before seven o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at six minutes before seven o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

At six minutes before seven o'clock P.M., Mr. Tarr doubted the presence of a quorum; but a quorum was deemed present Suspension of Senate Rule 38A.

Ms. Chandler 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**.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill to further narrow the achievement gap (Senate, No. 327),-- was considered, the main question being on ordering the bill to a third reading.

The pending amendment, previously moved by Mr. Moore, Ms. Jehlen, Ms. Chandler, Mr. Lewis, Ms. Gobi, Mr. Eldridge, Ms. Flanagan, Ms. O'Connor Ives, Ms. L'Italien, Messrs. Keenan and Pacheco, Ms. Lovely and Messrs. Brownsberger and Brady, that the proposed new draft be amended by inserting after section 56 the following section:-

"SECTION 56A. Said subsection (a) of said section 89 of said chapter 71, as so appearing, is hereby further amended by inserting after the definition of 'district' the following definition:-

'Local approval', an affirmative action accepting a commonwealth charter school taken by a majority vote of a locally elected school committee for each school district from which a commonwealth charter school is expected to enroll students, or, in school districts in which the school committee is an appointed body, an affirmative action accepting a commonwealth charter school which shall be approved by the city council and school committee's appointing authority.”;

By striking out section 65 and inserting in place thereof the following section:-

“SECTION 65. Said paragraph (1) of said subsection (i) of said section 89 of said chapter 71 is hereby further amended by striking out the last paragraph and inserting in place thereof the following 3 paragraphs:-

Applications to establish a commonwealth charter school shall be submitted to the board annually by November 15. The board shall review the applications and grant new commonwealth charters in February of the following year. Applications to establish a Horace Mann charter school may be submitted to the board and granted by the board at any time.

Notwithstanding any general or special law to the contrary, every commonwealth charter school application shall be subject to the local approval of every school district expected to enroll students. Approval of a commonwealth charter school application that has not received local approval shall require an affirmative vote of a majority of the members of the board. If the board approves an application it shall notify the school districts that expect to enroll students of the approval.

Approval of an application by the board without local approval shall be funded by the commonwealth; provided, however, that in a school district in which a commonwealth charter school application is approved by the board without local approval, the school district shall not be eligible for district impact mitigation funding under subsection (gg) for the approved commonwealth charter school and the total number of students enrolled in the approved commonwealth charter school shall not be included in the school district's foundation budget as calculated under chapter 70.”; and

By inserting after section 105 the following section:-

“SECTION 105A. The last 2 paragraphs of paragraph (1) of subsection (i) of section 89 of chapter 71 of the General Laws, as inserted by section 65, shall apply to commonwealth charter schools approved after January 1, 2016 that do not have students currently enrolled.”;-- was again considered.

After further debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-four minutes before eight o'clock P.M., on motion of Mr. Moore, as follows, to wit (*yeas 24 – nays 10*) **[Yeas and Nays No. 272]:**

YEAS.

Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Creem, Cynthia Stone	L'Italien, Barbara A.
DiDomenico, Sal N.	McGee, Thomas M.
Donnelly, Kenneth J.	Montigny, Mark C.
Donoghue, Eileen M.	Moore, Michael O.
Eldridge, James B.	O'Connor Ives, Kathleen
Flanagan, Jennifer L.	Pacheco, Marc R.
Gobi, Anne M.	Spilka, Karen E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Welch, James T. – 24.

NAYS.

Barrett, Michael J.	Forry, Linda Doreen
Chang-Diaz, Sonia	Humason, Donald F., Jr.
deMacedo, Viriato M.	Ross, Richard J.
Downing, Benjamin B.	Tarr, Bruce E.
Fattman, Ryan C.	Wolf, Daniel A. – 10.

PAIRED.

YEAS.

NAYS.

Lovely, Joan B.

Rodrigues, Michael J. (*present*) – 2.

ABSENT OR NOT VOTING.

Rush, Michael F. – 1.

The President in the Chair, the yeas and nays having been completed at twenty-one minutes before eight o'clock P.M., the amendment was **adopted**.

Ms. Spilka moved that the proposed new text be amended by inserting the text of Senate document numbered 2209, relative to charter school reform.

The amendment was **adopted**.

Ms. O'Connor Ives moved that the proposed new draft be amended by striking in line 230 of section 7 the following:- “provided, however, that if the plan requires any waiver of provisions of the collective bargaining agreement beyond those authorized by the negotiated agreement pursuant to paragraph (1), the school committee and the local teachers union shall meet to negotiate additional waivers. Such negotiations shall be completed within 15 days and the parties shall not be eligible for relief under section 9 of chapter 150E. If the school committee and the union fail to reach an agreement, the process provided in this subsection shall be terminated and the commissioner may designate the school as underperforming pursuant to subsection (a).”

After remarks, the amendment was adopted.

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

The bill (Senate, No. 2203, 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 two minutes after eight o'clock P.M., on motion of Ms. Spilka, as follows, to wit (*yeas 22 – nays 13*) [**Yeas and Nays No. 273**]:

YEAS.

Barrett, Michael J.

Gobi, Anne M.

Brownsberger, William N.

Jehlen, Patricia D.

Chandler, Harriette L.

Joyce, Brian A.

Chang-Diaz, Sonia

Lesser, Eric P.

Creem, Cynthia Stone

Lewis, Jason M.

DiDomenico, Sal N.

Moore, Michael O.

Donnelly, Kenneth J.

O'Connor Ives, Kathleen

Donoghue, Eileen M.

Pacheco, Marc R.

Downing, Benjamin B.

Rosenberg, Stanley C.

Eldridge, James B.

Spilka, Karen E.

Forry, Linda Dorcena

Wolf, Daniel A. – 22.

NAYS.

Brady, Michael D.

McGee
Thomas M.

deMacedo, Viriato M.

Rodrigues, Michael J.

Fattman, Ryan C.

Ross, Richard J.

Flanagan, Jennifer L.

Tarr, Bruce E.

Humason, Donald F., Jr.

Timilty, James E.

Keenan, John F.

Welch, James T. – **13.**

L'Italien, Barbara A.

PAIRED.

YEAS.

NAYS.

Lovely, Joan B.

Montigny, Mark C. *(present)* – **2.**

ABSENT OR NOT VOTING.

Rush, Michael F. – **1.**

**The yeas and nays having been completed at five minutes after eight o'clock, P.M. the bill was passed to be engrossed [For text of bill, see Senate, No. 2220].
Sent to the House for concurrence.**

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill relative to solar energy (see Senate, No. 1979) (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. The question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-nine minutes before nine o'clock P.M., on motion of Mr. Downing, as follows, to wit (*yeas 35 - nays 0*) [**Yeas and Nays No. 274**]:

YEAS.

Barrett, Michael J.

Keenan, John F.

Brady, Michael D.

Lesser, Eric P.

Brownsberger, William N.

Lewis, Jason M.

Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
deMacedo, Viriato M.	Moore, Michael O.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Spilka, Karen E.
Flanagan, Jennifer L.	Tarr, Bruce E.
Forry, Linda Dorcena	Timilty, James E.
Gobi, Anne M.	Welch, James T.
Humason, Donald F., Jr.	Wolf, Daniel A. – 35.
Jehlen, Patricia D.	

NAYS – 0.

ANSWERED “PRESENT”.

Joyce, Brian A. (*present*) – 1.

ABSENT OR NOT VOTING.

Lovely, Joan B.	Rush, Michael F. – 2.
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The yeas and nays having been completed at twenty-six minutes before nine o’clock P.M., the bill was passed to be enacted, and it was signed by the President and laid before the Governor for his approbation.

PAPERS FROM THE HOUSE.

The following House Orders (approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Friday, April 29, 2016, within which time to make its final report on current Senate documents numbered 2162, 2163, and 2170, and House documents numbered 4025, 4072, and 4112.

The rules were suspended, on motion of Mr. Timilty, and the order was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight be granted until Friday, May 6, 2016, within which time to make its final report on current Senate document numbered 2169.

The rules were suspended, on motion of Mr. Brady and the order was considered forthwith; and, after remarks, was adopted, in concurrence.

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.

On motion of the same Senator, at nineteen minutes before nine o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.