

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, June 23, 2016.

Met at nine minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Brownsberger), members, guests and staff then recited the pledge of allegiance to the flag.

Report.

Report of the Department of Elementary and Secondary Education (pursuant to item 7061-9408 of Chapter 46 of the Acts of 2015 and Section 1J(z) of Chapter 69 of the General Laws) submitting its FY16 Targeted Assistance and Intervention Legislative Report (received June 20, 2016),-- was placed on file.

Petitions.

Petitions were severally presented and referred as follows:

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 2355) of Anne M. Gobi and Todd M. Smola (by vote of the town) for legislation relative to the membership of the conservation commission of the town of Sturbridge [Local approval received];

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

Sent to the House for concurrence.

By Mr. Donnelly, a petition (accompanied by bill) (subject to Joint Rule 12) of Kenneth J. Donnelly for legislation relative to regional school district capital improvements; and

By Mr. Pacheco, a petition (accompanied by bill) (subject to Joint Rule 12) of Marc R. Pacheco and Keiko M. Orrall for legislation to provide for the release of a certain agricultural preservation restriction on a parcel of land in the town of Berkley;

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

Reports of Committees.

By Ms. L'Italien, for the committee on Consumer Protection and Professional Licensure, on Senate, Nos. 126, 127, 128, 130, 132, 133, 137, 143, 144, 154, 155, 156, 157, 158, 161, 163, 164, 165, 166, 168, 174, 177, 181, 185, 188, 190, 191, 192, 193, 194, 195, 197, 199, 200 and 201, an Order relative to authorizing the joint committee on Consumer Protection and Professional Licensure to make an investigation and study of certain current Senate documents relative to the committee consumer protection and professional licensure matters (Senate, No. 2357);

By Ms. Donoghue, for the committee on Economic Development and Emerging Technologies, on Senate, No. 121, an Order relative to authorizing the joint committee on Economic Development and Emerging Technologies to make an investigation and study of a certain current Senate document relative to economic development and emerging technologies (Senate, No. 2358) [Senator deMacedo dissenting];

By Mr. Eldridge, for the committee on Financial Services, on Senate, No. 506, an Order relative to authorizing the joint committee on Financial Services to make an investigation and study of a certain current Senate document relative to financial services matters (Senate, No. 2359);

By Mr. Welch, for the committee on Health Care Financing, on Senate Nos. 91, 93, 284, 352, 355, 359, 360, 361, 364, 371, 463, 563, 564, 566, 568, 569, 572, 573, 575, 576, 577, 578, 579, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 595, 596, 597, 599, 600, 601, 602, 604, 605, 606, 607, 609, 610, 611, 612, 613, 614, 615, 616, 620, 621, 622, 623, 624, 625, 626, 628, 629, 630, 631, 632, 633, 636, 637, 638, 639, 640, 641, 642, 643, 645, 646, 647, 648, 649, 853, 1027, 1029, 1031, 1051, 1114, 1123, 1125, 1140, 1143, 1148, 1161, 1181, 1188, 1203, 1206, 2004, 2076, 2113 and 2149, an Order relative to authorizing the joint committee on Health Care Financing to make an investigation and study of certain current Senate documents relative to the financing and delivery of health care in the Commonwealth (Senate, No. 2356);

By the same Senator, for the same committee, on Senate Nos. 356, 372 and 1028, an Order relative to authorizing the joint committee on Health Care Financing to make an investigation and study of certain current Senate documents relative to the financing and delivery of health care (Senate, No. 2360);

By Mr. Brownsberger, for the committee on the Judiciary, on Senate Nos. 741, 768, 810, 836, 847, 900, 901, 906, 914, 1801, 1964 and 2116, an Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of certain current Senate documents relative to judiciary matters (Senate, No. 2361) [Senator Ross dissents inasmuch as relates to Senate, Nos. 906, 914, 1801 and 2116; Representatives Garry of Dracut and Lyons of Andover dissenting];

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on Senate, Nos. 428, 1084, 1198, 1234, 1237, 1239, 1240, 1242, 1243, 1244, 1245, 1246, 1247, 1253, 1255, 1256, 1257, 1259, 1261, 1262, 1263, 1265, 1266, 1267, 1268, 1269, 1270, 1272, 1273, 1274, 1276, 1277, 1279, 1292, 1293, 1294, 1299, 1300, 1302, 1304, 1306, 1308, 1317, 1319 and 1320, an Order relative to authorizing the joint committee on Public Safety and Homeland Security to make an investigation and study of certain current Senate documents relative to public safety (Senate, No. 2362);

By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on Senate No. 2173, an Order relative to authorizing the joint committee on State Administration and Regulatory Oversight to make an investigation and study of a certain current Senate document relative to land in the town of Stoughton (Senate, No. 2363);

By Mr. Downing, for the committee on Telecommunications, Utilities and Energy, on Senate, Nos. 1749, 1752, 1753, 1754, 1770, 1771, 1777, 1784, 1787, 1788, 1789, 1797 and 1799, an Order relative to authorizing the joint committee on Telecommunications, Utilities and Energy to make an investigation and study of certain current Senate documents relative to telecommunications, utilities and energy matters (Senate, No. 2366);

By Mr. McGee, for the committee on Transportation, on Senate, Nos. 1806, 1834, 1836, 1851, 1852, 1856, 1860, 1861, 1866, 1882, 1885, 1886, 1887, 2003 and 2005, an Order relative to authorizing the joint committee on Transportation to make an investigation and study of certain current Senate documents relative to transportation matters (Senate, No. 2364); and

By the same Senator, for the same committee, on Senate, No. 1809, an Order relative to authorizing the joint committee on Transportation to make an investigation and study of a certain current Senate document relative to bicycle safety (Senate, No. 2365);

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

By Mr. Timilty, for the committee on Public Service, on petition, a Bill authorizing the town of Warren to continue the employment of Dennis Desrosiers (Senate, No. 2319) [Local approval received];

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

Resolutions.

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

Resolutions (filed by Ms. Chandler and Mr. Moore) "commending the Jewish Healthcare Center, Inc. on its one hundredth anniversary";

Resolutions (filed by Mr. deMacedo) "congratulating Judge Rosemary B. Minehan on her retirement";

Resolutions (filed by Ms. L'Italien) "congratulating Martha Lopez-Velez on receiving the 2016 Eartha Dengler History Award";

Resolutions (filed by Ms. L'Italien and Mr. Tarr) "welcoming His Beatitude Bechara Peter Cardinal Rai, the Maronite Patriarch of Antioch and All the East, to the Commonwealth";

Resolutions (filed by Mr. Rush) "commemorating the observance of June 27, 2016 as National Post-Traumatic Stress Disorder Awareness Day";

Resolutions (filed by Ms. Spilka) "congratulating Zachary Stetson of the town of Framingham on his elevation to the rank of Eagle Scout"; and

Resolutions (filed by Mr. Tarr) "commending the Cape Ann Amateur Radio Association, Inc. on its fortieth anniversary."

PAPERS FROM THE HOUSE.

A Bill making certain appropriations for fiscal year 2017 before final action on the general appropriation bill (printed in House, No. 4425,-- 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.

Reports of Committees.

By Mr. Montigny, for the committees on Rules, that the Senate petition of Barbara L'Italien and Frank A. Moran (by vote of the town) for legislation relative to eliminating sub-precinct 9A in the town of Andover (having been timely filed prior to 5:00 P.M., on Friday, January 16, 2015),-- has complied with the provisions of Joint Rule 7B, and has received local approval from the town.

The petition (accompanied by bill, Senate, No. 2368) was referred to the committee on Election Laws. Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill to maintain public water systems (Senate, No. 2124),-- ought to pass.

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, its title having been change by the committee on Bills in the **Third Reading to read as follows: "An Act further regulating the sprinkler fitters examination and license requirements relative to working on hydrants and certain components of fire protection sprinkler systems". Sent to the House for concurrence.**

By Ms. Spilka, for the committee on Ways and Means, that the House Bill relative to certain property located in the town of Belchertown (House, No. 4131, amended),-- ought to pass.

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, its title having been change by the committee on Bills in the Third Reading to read as follows: "An Act further regulating the disposition of a certain parcel of land in the town of Belchertown".

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Paul Sinkiewicz, an employee of the Department of Youth Services (House, No. 4035, amended),-- **ought to pass.**

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.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for David J. Saulnier, an employee of the Middlesex Sheriff's Office (House, No. 4291),-- **ought to pass.**

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.

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

The Senate Bill to protect health and safety of animals in vehicles (Senate, No. 787) (the committee on Rules having recommended that the bill be amended by substituting a new draft entitled "An Act to prevent animal suffering and death" (Senate, No. 2369) (also based on Senate, Nos. 1085 and 2229).

Order Adopted.

Ms. L'Italien offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to protect health and safety of animals in vehicles (Senate, No. 878) (also abased on Senate, Nos. 1085 and 2229) (the committee on Rules having recommended that the bill be amended by substituting a new draft, Senate, No. 2369) shall be placed in the Orders of the Day for a second reading on Tuesday, June 28, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon, on Monday, June 27, 2016.

All such amendments shall be second-reading amendments to the Senate Rules new draft (Senate, No. 2369), 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. Tarr, and the order was considered forthwith and adopted.
The bill will be placed in the Orders of the Day for Tuesday, June 28, for a second reading with the amendment pending.**

Report of a Committee.

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

The Senate Bill protecting abandoned animals in vacant properties (Senate, No. 2174) (the committee on Rules having recommended that the bill be amended by substituting a new draft with the same title (Senate, No. 2375).

Order Adopted.

Ms. L'Italien offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill protecting abandoned animals in vacant properties (Senate, No. 2174) (the committee on Rules having recommended that the bill ought to pass, with an amendment, substituting a new draft, Senate, No. 2375) shall be placed in the Orders of the Day for a second reading on Tuesday, June 28, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon, on Monday, June 27, 2016.

All such amendments shall be second-reading amendments to the Senate Rules new draft (Senate, No. 2375) 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. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Tuesday, June 28, for a second reading with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to protecting puppies and kittens (Senate, No. 1103),-- **ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2370).**

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 protecting puppies and kittens (Senate, No. 1103) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2370) shall be placed in the Orders of the Day for a second reading on Tuesday, June 28, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon, on Monday, June 27, 2016.

All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2370), 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. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Tuesday, June 28, for a second reading with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill to promote personal savings (Senate, No. 495),-- **ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2374).**

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 promote personal savings (Senate, No. 495) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2374), shall be placed in the Orders of the Day for a second reading on Wednesday, June 29, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, June 27, 2016. All

such amendments shall be second-reading amendments to Senate, No. 2374, 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. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Wednesday, June 29, for a second reading with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill relative to the ride for hire industry (House, No. 4064),-- **ought to pass with amendments striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2371; and by striking out the title and inserting in place the following title "An Act regulating transportation network companies"**.

Orders Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill relative to the ride for hire industry (House, No. 4064) (the committee on Ways and Means having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2371) shall be placed in the Orders of the Day for a second reading on Wednesday, June 29, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, June 27, 2016. All such amendments shall be second-reading amendments to the Senate Ways and Means new text (Senate, No. 2371), 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. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Wednesday, June 29, for a second reading with the amendment pending.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill to promote energy diversity (House, No. 4385), to be reported by the committee on Ways and Means with a recommended new text striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2372, on Friday, June 24, 2016 prior to five o'clock P.M., and read into the Senate Journal on Monday, June 27, 2016, shall be placed in the Orders of the Day on Thursday, June 30, 2016, the main question being on ordering the bill to a third reading, with the amendment pending.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon, on Tuesday, June 28, 2016. All such amendments shall be second-reading amendments to the recommended Senate Ways and Means new text (Senate, No. 2372) 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. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, June 30, for a second reading with the amendment pending.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (both of which originated in the House), 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. Brownsberger) and laid before the Governor for his approbation, to wit:

Establishing the Olmsted Park Improvement Fund (see House, No. 4023); and
Making certain appropriations for fiscal year 2017 before final action on the general appropriation bill (see House Bill, printed in House, No. 4425).

Report of a Committee.

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

The Senate Bill clarifying municipal authority regarding cash sureties (Senate, No. 41).

Order Adopted.

Mr. Eldridge offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill clarifying municipal authority regarding cash sureties (Senate, No. 41) shall be placed in the Orders of the Day for a second reading on Wednesday, June 29, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, June 27, 2016. All such amendments shall be second-reading amendments to Senate, No. 41, 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. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Wednesday, June 29, for a second reading.

Order Adopted.

On motion of Mr. Tarr,--

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

On motion of Mr. Tarr, at twenty-nine minutes past eleven o'clock A.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.