

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.

Tuesday, July 5, 2016.

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

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

Engrossed Bill — Laid Before the Governor.

An engrossed Bill making appropriations for the fiscal year 2017 for the maintenance of the departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4450) (which originated in the House), having been passed to be enacted and signed by the President on Thursday, June 30, 2016,— was laid before the Governor for his approbation on Friday, July 1, 2016.

Communications.

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

Communication from the Honorable John J. Long, City Clerk of the city of Somerville, sending a request from the Somerville Board of Aldermen stating the Board's strong support for those elements of House Bill #4385 that require the repair of natural gas leaks (received in the Office of the Clerk of the Senate on Friday, July 1, 2016) (copies having been sent to the committees on Telecommunications, Utilities and Energy and the Senate committee on Ways and Means);

Communications from the Department of Public Health relative to plans of correction for the following correctional facilities:

Western MA Women's Correctional Center

Plymouth County Correctional Center

Dartmouth Women's Center

Bristol County Modular Building

Bristol County Jail and House of Correction

Dartmouth I.C.E. Facility

NCCI Gardner (received June 23, 2016); and

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 46 of the Acts of 2015) submitting a Fiscal Year 2016 revised transfer schedule for the following accounts: 1595-6368 Massachusetts Transportation Trust Fund and 1595-6369 Massachusetts Bay Transportation Authority (received June 30, 2016).

Reports.

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

Report of the Office of Consumer Affairs and Business Regulation (pursuant to Section 57 of Chapter 98 of the General Laws) submitting the 2016 Annual Report for the Division of Standards (received June 28, 2016);

Reports of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to

inspection of the following correctional facilities:

MCI Shirley; and

Hampshire County Jail and House of Correction (received June 23, 2016);

Report of the Office of Medicaid (pursuant to Section 265 of Chapter 224 of the Acts of 2012) submitting its annual report certifying the compliance of contracted health plans with mental health parity requirements (received July 1, 2016);

Report of the Commission on Unaccompanied Homeless Youth (pursuant to Chapter 450 of the Acts of 2014) submitting its FY16 Status Report and MA Youth Count 2015 Methodology and Findings (received June 29, 2016); and

Report of the Department of Revenue (pursuant to Section 184 of Chapter 46 of the Acts of 2015) submitting its report and legislative proposals of the Multi-Agency Illegal Tobacco Task Force (received July 1, 2016)

Petition.

Mr. Humason presented a petition (accompanied by bill, Senate, No. 2397) of Donald F. Humason, Jr. and Nicholas A. Boldyga (with approval of the mayor and city council) for legislation relative to the leadership and governance of the city known as the town of Agawam [Local approval received];

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

Sent to the House for concurrence.

Reports of Committees.

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on Senate, Nos. 395, 398, 399, 402, 403, 405, 407, 409, 412, 413, 418, 421, 426, 430, 434, 435, 436, 438, 439, 441, 442, 448, 449, 459, 461, 462, 464, 465, 466, 467, 468, 470, 472 and 474, an Order relative to authorizing the joint committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain current Senate documents relative to environmental issues (Senate, No. 2380) [Senator Eldridge dissents inasmuch as relates to Senate, Nos. 395, 398, 402, 403 and 405; Senator Rush dissents inasmuch as relates to Senate, No. 462];

By Mr. Welch, for the committee on Health Care Financing, on Senate, Nos. 635 and 2231, 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 financing of health care coverage and analysis (Senate, No. 2381) [Senator Tarr dissents inasmuch as relates to Senate, No. 635];

By the same Senator, for the same committee, on Senate, Nos. 82, 598, 617, 644 and 1407, 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 health insurance premiums and hospital services (Senate, No. 2382) [Senator Tarr dissents inasmuch as relates to Senate, No. 644];

By Ms. Forry, for the committee on Housing, on Senate Nos. 689, 690, 691, 692, 696, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 710, 711, 712, 713, 714, 716, 717, 718, 719, 720, 721, 722, 1166 and 2024, an Order relative to authorizing the joint committee on Housing to make an investigation and study of a certain current Senate document relative to housing matters (Senate, No. 2383);

By Mr. Brownsberger, for the committee on the Judiciary, on Senate No. 885, an Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of a certain current Senate document relative to judicial matters (Senate, No. 2384);

By Ms. L'Italien, for the committee on Municipalities and Regional Government, on Senate Nos. 1060, 1062, 1069, 1071, 1075, 1077, 1086, 1087, 1088, 1097, 1098, 1102, 1104, 1106, 1107, 1108 and 2106, an Order relative to authorizing the joint committee on Municipalities and Regional Government to make an investigation and study of certain current Senate documents relative to municipalities and local government issues (Senate, No. 2385);

By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on Senate, Nos. 1616, 1622, 1625, 1629, 1630, 1633, 1635, 1637, 1638, 1641, 1642, 1643, 1644, 1645, 1647, 1658, 1661, 1662, 1663, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1677, 1680, 1683, 1684, 1685, 1687, 1688, 1695, 1696, 1697, 1698, 1700, 1702, 1707, 1708, 1709, 1711, 1713, 1714, 1715, 1716, 1719, 1723, 1724, 1725, 1726, 1727, 1728, 1730, 1731, 1732, 1733, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742 and 1744, an Order relative to authorizing the joint committee on State Administration and Regulatory Oversight to make an investigation and study of certain current Senate documents relative to state administration and regulatory oversight matters (Senate, No. 2386);

By Mr. Downing, for the committee on Telecommunications, Utilities and Energy, on Senate, Nos. 1748, 1750, 1755, 1756, 1765, 1768, 1769, 1772, 1773, 1775, 1776, 1780, 1781, 1790, 1791, 1792, 1793, 1794, 1795 and 1796, 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. 2388); and

By Mr. McGee, for the committee on Transportation, on Senate, Nos. 1805, 1810, 1811, 1814, 1816, 1818, 1822, 1823, 1827, 1828, 1831, 1832, 1835, 1837, 1840, 1844, 1846, 1850, 1859, 1863, 1864, 1868, 1869, 1870, 1872, 1876, 1877, 1878, 1879, 1880, 1881, 1884, 1888, 1890, 1891, 1892, 1893, 1896, 1900, 1901, 1902 and 2080, 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. 2387);

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

By Mr. Welch, for the committee on Health Care Financing, that the Senate Bill relative to the dispensing of certain cancer related drugs (Senate, No. 2313),-- **ought to pass [Estimated cost: less than \$100,000];**

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

Committee Discharged.

Mr. Welch, for the committee on Health Care Financing, reported, asking to be discharged from further consideration of the Senate Bill establishing a family and medical leave and temporary disability leave insurance program (printed as House, No. 4351),-- **and recommending that the same be referred to the Senate committee on Ways and Means;**

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

Sent to the House for concurrence in the discharge of the joint committee.

PAPERS FROM THE HOUSE

Bills

Relative to Medicaid (House, No. 822, amended,-- on petition); and

Providing for a study relative to the necessity of certain snow safety procedures (House, No. 3833,-- on petition);

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

Bills

Relative to parent-child privilege (House, No. 1245, amended,-- on petition);

Protecting motorists and emergency personnel (House, No. 3033,-- on petition);

Restoring accountability in claims against certain non-governmental actions for damage caused by public way defects (House, No. 3539,-- on petition); and

Creating a special commission studying cutting, welding and hot work processes regulated by the State Fire Code (House, No. 4455,-- on House, No. 2111);

Were severally read and, under Senate Rule 26, referred to the committee on Rules.

Bills

Relative to the charter of the city of Chelsea (House, No. 3569, amended-- on petition) [Local approval received]; and

Relative to certain parcels of land in the town of Wakefield (House, No. 3629,-- on petition) [Local approval received];

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

A Bill further regulating disclosure requirements for expenditures made to support or oppose candidates by certain committees (House, No. 541,-- on petition),-- **was read.**

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

A Bill relative to campaign contribution limits for certain candidates running for office in a state election (House, No. 542, amended,-- on petition),-- **was read.**

There being no objection, the rules were suspended, on motion of Mr. Brady, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, the same Senator moved that the bill be amended by inserting before the enacting clause the following emergency preamble:-

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for candidates who run in a special election and a regularly scheduled election in the same year to collect the maximum contribution from donors for each contest, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was **adopted.**

The bill, 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.

A Bill relative to disclosure of top contributors for independent expenditures or electioneering communications (House, No. 543,-- on petition),--**was read.**

There being no objection, the rules were suspended, on motion of Mr. Brady, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, the same Senator moved that the bill be amended by inserting before

the enacting clause the following emergency preamble:-

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith voters with a clearer understanding of the source of funding for political advertisements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was **adopted**.

The bill, as amended, was then ordered to a third reading and read a third time.

Subsequently, pending the question on passing the bill to be engrossed, Mr. Tarr moved that the bill be amended in line 5 after the word "association" the following:- “labor union, union or political action committee registered in any state or with the federal election commission.”;

In line 11 after the word "labor union" the following:- “union, or political action committee registered in any state or with the federal election commission.”;

In line 17 after the word "labor union" the following:- “union, or political action committee registered in any state or with the federal election commission.”;

In line 19 after the word "labor union" the following:- “union, or political action committee registered in any state or with the federal election commission.”; and

In line 25 after the word "communication" the following:- “made by a corporation, group, association, labor union, union, or political action committee registered in any state or with the federal election commission.”.

After remarks, the amendment was *rejected*.

The bill was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Reports of Committees.

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 enhancing courthouse security (Senate, No. 940).

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

Sent to the House for concurrence.

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 relative to respiratory therapy (Senate, No. 1150).

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.

Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill authorizing the board of directors of Metacommet Emergency Communications Center to accept chapter 32B of the General Laws (Senate, No. 1928),-- **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.

Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain property in the town of Framingham (House, No. 3939, changed and 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 changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Framingham”.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill improving vocational training opportunities for unemployed workers (Senate, No. 969),-- **ought to pass, with amendment substituting a new draft with the same title (Senate, No. 2405).**

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

The bill (Senate, No. 2405) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Shrewsbury (Senate, No. 2133) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill be amended in lines 3 and 4, by striking “or

recreational” and inserting in place thereof the words “, passive recreational, or agricultural”; in line 16, by striking “or recreational” and inserting in place thereof the words “, passive recreational, or agricultural”; and in line 31, by striking “or recreational” and inserting in place thereof the words “, passive recreational, or agricultural”),-- **ought to pass, with amendment substituting a new draft with the same title (Senate, No. 2406).**

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time.

The pending amendment, previously recommended by the committee on Bonding, Capital Expenditures and State Assets, was considered; and it was *rejected*.

The Ways and Means amendment was then considered; and it was adopted.

The bill (Senate, No. 2406) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Eugene Seminerio for legislation relative to the veteran property tax exemption residency requirement.

The rules were suspended, at the request of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael O. Moore and David K. Muradian, Jr. for legislation to authorize the division of capital asset management and maintenance to grant an easement to the town of Grafton over a certain parcel of land.

The rules were suspended, at the request of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4466) of Paul K. Frost, Michael O. Moore and others relative to fines and punishment for committing assault or assault and battery on law enforcement officers while in the performance of their duties,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at one o'clock P.M., in a full formal session with a calendar.

On motion of Mr. Brady, at a quarter before twelve o'clock noon, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.