

**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, July 14, 2016.

Met at twenty-three minutes before twelve o'clock noon.

Members of the City Spotlight Leadership Program led the President, members, guests and staff in the recitation of the pledge of allegiance to the flag.

#### *Distinguished Guests.*

There being no objection, the President introduced, in the rear of the Chamber, the City Spotlight Leadership Program. This program empowers youth to become leaders in school, at home, and in their communities using their creative voices. In 2015, the City Spotlights Leadership Program featured 61 Teen Leaders from 36 different schools and 9 Boston neighborhoods- most had no formal arts training and little to no arts in their schools. The leadership, community, and career development training that the program provides creates a foundation for teen leaders to grow into adults who will champion change, drive innovation, and ensure our community's long term vitality. The group addressed the Senate in a performance and song and then withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Joyce for the purpose of an introduction. Mr. Joyce then introduced, in the rear of the Chamber, Easton Town Administrator David Colton. Mr. Colton has served the town of Easton as Town Administrator since 2006. He has a career in local government spanning 34 years including 12 as the Commissioner of Public Works in the City of Quincy. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Wolf for the purpose of an introduction. Mr. Wolf then introduced, in the rear of the Chamber, students from the 2016 ArtWorks School to Career Partnership Program. Heritage Museums and Gardens has partnered with the Cape and Islands Workforce Investment Board to present an eight week internship with area artists in disciplines including painting, photography, illustrations, potter and graphic design. The Artworks program was started in 1997 as an opportunity to connect students with working artists across Cape Cod and the Islands. The Senate welcomed them with applause and they withdrew from the Chamber. They were also guests of Senator deMacedo.

### PAPERS FROM THE HOUSE.

#### *Bills*

Relative to the curatorship program (House, No. 4210,-- on House, No. 2533); and  
Relative to retirement benefits for the Chelmsford Water District employees (House, No. 4290, amended);  
**Were severally read and, under Senate Rule 26, referred to the committee on Rules.**

#### *Bills*

Making a corrective change for s certain fund in the town of Hingham (House No. 4051,-- on petition) [Local approval received];  
and

Authorizing the change of use of a certain park land in the town of South Hadley (House, No. 4379, amended,-- 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 communication from the Division of Energy Resources of the Executive Office of Energy and Environmental Affairs (under the provisions of section 12 of Chapter 25A of the General Laws) submitting amendments to 225 CMR 4.00, Residential Conservation Services Program Regulations ("RCS Regulations") (House, No. 4511),-- was referred, in concurrence, to the committee on Telecommunications, Utilities and Energy.

*Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-  
Resolutions (filed by Mr. Ross) "congratulating Connor Marland of the town of Wrentham on his elevation to the rank of Eagle Scout";  
Resolutions (filed by Mr. Ross) "congratulating David Veno of the town of Wrentham on his elevation to the rank of Eagle Scout";  
Resolutions (filed by Mr. Ross) "congratulating Timothy Volpe of the town of Wrentham on his elevation to the rank of Eagle Scout";  
Resolutions (filed by Mr. Ross) "congratulating Michael Wilkes of the town of Wrentham on his elevation to the rank of Eagle Scout"; and  
Resolutions (filed by Mr. Ross) "congratulating Michael Young of the town of Wrentham on his elevation to the rank of Eagle Scout."

**PAPERS FROM THE HOUSE**

*Emergency Preamble Adopted.*

An engrossed Bill relative to disclosure of top contributors for independent expenditures or electioneering communications (see House, No. 543, 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 7 to 0.**

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

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

Petition (accompanied by bill, House, No. 4513) of Sarah K. Peake and others that Barnstable County be authorized to establish a deeds excise fund;

**Under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4514) of John H. Rogers relative to retirement survivor benefits for Katherine M. McGuinness;

**Under suspension of Joint Rule 12, to the committee on Public Service.**

Petition (accompanied by bill, House, No. 4515) of Mathew Muratore (by vote of the town) that the commissioner of Capital Asset Management and Maintenance be authorized to grant easements over certain parcels of land at the southern end of Pilgrim Memorial State Park; and

Petition (accompanied by bill, House, No. 4516) of David T. Vieira, Randy Hunt and Viriato M. deMacedo for legislation to authorize the Division of Fisheries and Wildlife to convey a certain parcel of land located in the town of Bourne to said town;

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

*Orders of the Day.*

The Orders of the Day were considered as follows:

*Bills*

Authorizing the town of Southwick to continue the employment of police chief David Ricardi (Senate, No. 2189);

Providing for recall elections in the town of East Bridgewater (printed as Senate, No. 1953, amended); and

Relative to the charter of the town of Plymouth (House, No. 3968);

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

There being no objection, the following matter was taken out of order and considered, as follow:

The House Bill relative to job creation, workforce development and infrastructure investment (House, No. 4483),-- **was read a second time.**

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, that the pending Bonding, Capital Expenditures and State Assets pending new text (Senate, No. 2422) be amended by

striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2423, and pending the main question on ordering the bill to a third reading, Mr. Rodrigues moved that the proposed new text be amended in section 2A, in line item 7002-8018, by inserting the following:- “; provided, further that no less than \$300,000 shall be expended for the economic redevelopment of King Phillip Mills in the city of Fall River, including but not limited to environmental remediation, preparation and site cleanup”.

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

Mr. Rush moved that the proposed new text be amended in section 2A, in item 7002-8018, by adding at the end thereof:- “provided further, that not less than \$250,000 shall be expended for a regional indoor ice rink and recreation center located in the town of Norwood”.

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

Mr. Rush moved that the proposed new text be amended in section 2A, in item 7002-8018, by adding at the end thereof:- “provided further, that not less than \$250,000 shall be expended for facility improvements to the Bajko Memorial Ice Rink in the Hyde Park section of the city of Boston”.

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

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following two sections:  
“SECTION \_\_\_\_: Section 6J of said Chapter 62 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 41 the figure:- ‘\$50,000,000’ and inserting in its place the figure:- ‘\$60,000,000’.

SECTION \_\_\_\_: Section 38R of said Chapter 63 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 40 the figure:- ‘\$50,000,000’ and inserting in its place the figure:- ‘\$60,000,000’.”

After remarks, the amendment was *rejected*.

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

“SECTION X. It shall be the policy of the general court to impose a moratorium on all new mandated health benefit legislation until the latter of either January 1, 2016, or until the division of health care finance and policy has concluded review of, and published results from, a comprehensive review of mandated health benefits in effect on January 1, 2006.

While Chapter 58 was signed in April 2006, the mandate moratorium didn’t take effect until January 1, 2007. During that time, the Legislature passed the prosthetic devices mandate b/f the moratorium took effect and expanded the mental health parity law in July 2008.”

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

Mr. Tarr moved that the proposed new text be amended by inserting the following two sections:

“SECTION XXXX. Section 2 of chapter 40R of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word ‘meanings:,’ in line 2, the following definitions:-

‘Accessory dwelling unit’, a self-contained housing unit incorporated within a single-family dwelling or detached accessory structure that is clearly subordinate to the single-family dwelling and complies with the use, dimensional, and design requirements of the local zoning ordinance or by-law.

‘Accessory dwelling zoning district’, a zoning district adopted by a city or town pursuant to this chapter that is superimposed over 1 or more zoning districts, in which a developer may elect to (i) develop a project in accordance with requirements of the accessory dwelling zoning district ordinance or bylaw, or (ii) develop a project in accordance with requirements of the underlying zoning district.

SECTION XXXX. Said chapter 40R is hereby further amended by adding the following section:-

Section xxxx. In its zoning ordinance or by-law, a city or town may adopt an accessory dwelling zoning district. A proposed accessory dwelling zoning district shall permit the use of accessory dwelling units as of right.

No zoning ordinance or by-law shall unreasonably regulate the location, dimensions, or design of an accessory dwelling unit on a lot.

An accessory dwelling zoning district ordinance or by-law, or any amendment to or repeal of such ordinance or by-law, shall be adopted in accordance with section 5 of chapter 40A; provided however, that an accessory dwelling zoning district ordinance or bylaw shall be adopted, amended or repealed by a simple majority vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are 2 branches, or by a simple majority vote of a town meeting.

A city or town with an approved accessory dwelling zoning district shall not be eligible for a zoning incentive payment or a density bonus payment pursuant to section 9, unless the district meets the requirements of an approved smart growth zoning district pursuant to section 6 of this chapter.”

After debate, the amendment was *rejected*.

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

“SECTION XX. Section 63 of chapter 23A of the General Laws is hereby amended, in line 8, by inserting after the words ‘water treatment systems,’ the following words: ‘dredging of waterways,’.”

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting the following sections:-

“SECTION XX. Section 1 of Chapter 64H, as appearing in the 2012 Official Edition, is hereby amended by inserting, after the definition of ‘Retail establishment’, the following new definition:-

‘Rolling stock’, trucks, tractors, and trailers, used by common carriers to transport goods in interstate commerce.

SECTION XX. Section 6 of Chapter 64H, as most recently amended by chapter 165 of the acts of 2014, is hereby further amended by inserting, after subsection (xx), the following new subsection:

‘(yy) sales of rolling stock’

SECTION XX. Section 1 of Chapter 64I, as appearing in the 2012 Official Edition, is amended by inserting in line 6, after the words ‘retail sale’, the following new words:- ‘rolling stock’, .

SECTION XX. Section 7 of chapter 64I of the general laws, as so appearing, is hereby amended by inserting, after subsection (e), the following new subsection:-

‘(f) storage, use or other consumption of rolling stock.’”

The amendment was *rejected*.

Mr. OConnor moved that the proposed new text be amended by inserting after section 108, the following new section:-

"SECTION 109. Notwithstanding any special or general law there shall be a special commission to set standards in agreement with the Massachusetts Bay Transportation Authority and Keolis Commuter Services to assess levels of performance, quality of carriage, and time efficiency of each commuter rail and to set forth improvement procedures and timelines based on their findings.

The commission shall review and investigate the following areas: (1) total required seating area and commuter rail cars needed to seat all passengers; (2) quality of seating, air circulation, accommodations, and facilities; (3) approximate passenger counts during peak and off-peak commute hours; (4) commuter rail adherence to set schedules and average delay or cancellation times; (5) costs, methods, and standards associated with reaching set standards for improved quality and efficiency of travel; (6) future economic expansions and extensions of commuter rail lines in conjunction with improvements to existing rail lines and the prioritization of each.

The commission shall include, but not be limited to, the secretary of the department of transportation, the general manager of the Massachusetts Bay transportation authority, the general manager of Keolis Commuter Services, 1 employee from each of the 12 Massachusetts Bay Transit Authority commuter rail lines engaged in on-board operations, 1 member of the senate, appointed by the senate president, 1 member of the senate, appointed by the senate minority leader, 1 member of the house of representatives, appointed by the speaker of the house, and 1 member of the house of representatives, appointed by the house minority leader.

The commission shall submit a report to the Governor, the speaker of the house of representatives, the president of the senate, the joint committee on transportation, and the department of transportation no later than December 31, 2017, setting forth the commission’s findings, together with any recommendations for regulatory or legislative action with a timeline for planning, construction, implementation, and economic impact.”

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

Mr. Tarr moved that the proposed new text be amended by inserting the following at the end thereof:- “provided, that \$25 million shall be expended for the design, construction, reconstruction, improvement or rehabilitation of navigable coastal and inland waterways projects in the Commonwealth including, but not limited to, dredging for the purpose of promoting trade, tourism and other economic benefits on a local, regional or statewide basis”.

After remarks, the amendment was *rejected*.

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

“SECTION XX: Section 5A of chapter 30A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 2, the figure ‘12’ and inserting in place thereof the following figure:- 6.”

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

Mr. Tarr moved that the proposed new text be amended by inserting the text of Senate document numbered 2439, relative to pre-broadway live theater production.

After remarks, the amendment was *rejected*.

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

“SECTION XX. Section 44 of chapter 130 of the General Laws is hereby amended by striking out the third paragraph, as appearing in section 107 of chapter 38 of the acts of 2013, and inserting in place thereof the following paragraph:-

If the measurement of any such lobster taken from 1 or the other eye sockets is of the required length, such lobster shall be deemed to be a legal lobster. In all prosecutions under this section, any mutilation of any lobster which affects its measurement as aforesaid shall be prima facie evidence that the lobster was or is shorter than the required length; provided, however, that the director shall, by regulation approved by the marine fisheries advisory commission, allow the on-shore processing in the commonwealth of live lobsters of legal length into frozen shell-on lobster parts or tails and the importation of unfrozen shell-on lobster parts or tails for the purpose of further processing by wholesale dealers that are licensed by the department of public health under section 77G of chapter 94. Processed frozen shell-on lobster parts or tails may be possessed, sold or offered for sale in the commonwealth by any wholesale dealer, retail dealer or food establishments and such food product may be possessed by a consumer. The processing, possession or sale of frozen or unfrozen lobster tails pursuant to this section shall be limited to lobster

tails weighing 3 ounces or more. The packaging of processed frozen or unfrozen shell-on lobster parts or tails pursuant to this section as a food product shall be labeled in accordance with applicable federal and state laws and regulations. This section shall not apply to common carriers having lobster in possession for the purpose of transportation. This section shall take effect on April 1, 2017 during which time the Division of Marine Fisheries shall promulgate regulations, in accordance with recommendations from the 2012 Division of Marine Fisheries report entitled, 'Analysis of Laws, Regulations and Policies Pertaining to the Processing, Possession and Sale of Processed Frozen Lobster Parts,' to maintain enforcement of conservation rules and to ensure only legally sized lobsters are taken." After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-four minutes before one o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 37 – nays 0*) [**Yeas and Nays No. 411**]:

**YEAS.**

Barrett, Michael J.	Lesser, Eric P.
Boncore, Joseph A.	Lewis, Jason M.
Brady, Michael D.	L'Italien, Barbara A.
Brownsberger, William N.	Lovely, Joan B.
Chandler, Harriette L.	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.	OConnor, Patrick M.
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. – 37.

Keenan, John F.

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Chang-Diaz, Sonia

Forry, Linda Dorcena – 2.

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

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following new section:-  
“SECTION \_\_. Chapter 149 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out section 29C and inserting in place thereof the following section:-  
Section 29C. Any provision for or in connection with a contract or subcontract for construction, reconstruction, installation, alteration, remodeling, repair, snow and ice removal and/or control, demolition or maintenance work, including without limitation, excavation, backfilling or grading, on any building or structure, whether underground or above ground, or on any real property, including without limitation any road, bridge, tunnel, sewer, water or other utility line, which requires 1 party to indemnify or insure the other party, or anyone identified in the contract or subcontract as an indemnitee or additional insured, for injury to persons or damage to property to a greater extent than the proportion of said injury or damage proximately caused by the negligence of the indemnitor shall be unenforceable and void. Any such indemnification or insurance provision shall be interpreted to require indemnification or insurance only to the proportional extent the negligence of the indemnitor, its agents or employees is a proximate cause of the injury or damage.  
Nothing in this section shall be construed to alter existing law governing the liability of joint tortfeasors to a plaintiff.”  
After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof, the following new section:-  
“SECTION \_\_. Section 44F of chapter 149 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 13, the words ‘and (s)’ and inserting in place thereof the following words: (s) structural steel including when applicable structural steel framing, shear connectors, steel or metal joists, steel or metal decking, and/or hot dipped metal galvanizing; and (t).”  
After remarks, the amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by inserting after section 112 the following section:-  
“SECTION 112A. Notwithstanding any general or special law to the contrary, the department of revenue shall conduct an analysis of the impact of adopting the single sales factor apportionment formula. The analysis shall include, but not be limited to: (i) the impact on tax collections; (ii) the impact on business behavior or other economic impacts; and (iii) a comparison of the apportionment formulas used by other states. The department may, in conducting its analysis, seek input from interested stakeholders. The department shall file a report, including any recommendations, with the clerks of the senate and house of representatives who shall forward the report to the senate and house chairs of the joint committee on revenue and the chairs of the senate and house committees on ways and means not later than March 1, 2017.”  
After remarks, the amendment was **adopted**.

Mr. Lewis moved that the proposed new text be amended by adding the following sections:-  
“SECTION X: Section 1 of Chapter 63 of the Massachusetts General Laws, as appearing in the 2014 official addition, is hereby amended by inserting after the definition of ‘compensation’ the following new definition:-  
‘Compensation ratio’ for a taxable year means a ratio where the numerator is the amount equal to the greater of the compensation of the chief executive officer or the highest paid employee of the business for the calendar year preceding the beginning of the taxable year and the denominator is the amount equal to the median compensation of all employees employed by the business, including all contracted employees under contract with the business, in the United States for the calendar year preceding the beginning of the taxable year.  
SECTION X: Section 2 of Chapter 63 of the Massachusetts general Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting the following new subsection:-  
(e) Financial institutions whose compensation ratio exceeds 100 shall not be considered eligible for any tax credit in Chapter 63.  
SECTION X: Section 39 of Chapter 63 of the Massachusetts general Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting the following new subsection:-  
(c) A publicly held corporation, as defined in Section 162(m)(2) of the Internal Revenue Code, whose compensation ratio exceeds 100 shall not be considered eligible for any tax credit in Chapter 63.”  
After remarks, the amendment was *rejected*.

There being no objection, at nine minutes past one o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at five minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

At four minutes before two o'clock P.M., Mr. Tarr doubted the presence of a quorum. The President having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at ten minutes past two o'clock P.M., a quorum was declared present.

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

### **PAPER FROM THE HOUSE**

#### *Engrossed Bill.*

An engrossed Bill relative to disclosure of top contributors for independent expenditures or electioneering communications (see House, No. 543, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- **was laid before the Senate.**

Mr. Tarr moved to suspend Senate Rule 49, to offer an amendment to the engrossed bill; and, after remarks, the motion was negated by a standing vote of 6-14.

After debate, the question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty minutes past two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 34 - nays 6*) [**Yeas and Nays No. 412**]:

#### **YEAS.**

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	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.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.

Gobi, Anne M.

Timilty, James E.

Jehlen, Patricia D.

Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. – 34.

**NAYS.**

deMacedo, Viriato M.

OConnor, Patrick M.

Fattman, Ryan C.

oss, Richard J.

Humason, Donald F., Jr.

Tarr, Bruce E. – 6.

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

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to job creation, workforce development and infrastructure investment (House, No. 4483),-- was again considered, the main question being on ordering the bill to a third reading.

Ms. L'Italien moved that the proposed new text be amended in section 7, by inserting after the word "business", in line 258, the following words:- "or a reimbursement of costs incurred for capital investments made as a part of a certified project".

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

Mr. Eldridge, Ms. Chang-Diaz, Messrs. Montigny and Lewis and Ms. Jehlen moved that the proposed new text be amended by inserting at the end thereof the following section:-

"SECTION XX. Chapter 3 of the General Laws is hereby amended by inserting after section 23 the following section:-

Section 23A. (a) For the purposes of this section, 'tax expenditures' shall have the meaning assigned to it in section 1 of chapter 29.

(b) Each petition or other legislative proposal for new or revised tax expenditures shall include:

(i) a clearly specified public policy purpose and desired outcome;

(ii) a finding that the tax expenditure is expected to be highly effective at achieving the identified public policy purpose and desired outcome consistent with clause (i);

(iii) estimates of the anticipated foregone revenue such that these estimates can be considered by the executive office for administration and finance, the department of revenue, the general court and the governor in the course of their subsequent periodic evaluations of tax expenditures;

(iv) for discretionarily-awarded grant-like tax expenditures, an overall annual dollar cap on foregone revenue;

(v) a provision requiring that the tax expenditure either sunset or be reviewed periodically;

(vi) for discretionarily-awarded grant-like tax expenditures, criteria to be applied by the administering agency in making discretionary awards within the cap; and

(vii) for discretionarily-awarded grant-like tax expenditures, provisions for administration in accordance with best practices and for specific enforcement mechanisms, including: (1) clear written conditions and commitments; (2) if conditions are not met, thresholds for further review and enforcement, including the possibility of clawbacks, where appropriate; (3) public disclosure of recipients and tax benefits; and (4) a competitive award process."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at a quarter before three o'clock P.M., on motion of Mr. Eldridge, as follows, to wit (*yeas 35 – nays 4*) [**Yeas and Nays No. 413**]:

**YEAS.**

Barrett, Michael J.

Joyce, Brian A.

Boncore, Joseph A.

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	Lovely, Joan B.
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.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Welch, James T.
Gobi, Anne M.	Wolf, Daniel A. – 35.
Jehlen, Patricia D.	

**NAYS.**

Humason, Donald F., Jr.	Ross, Richard J.
OConnor, Patrick	Tarr, Bruce E. – 4.

**ABSENT OR NOT VOTING.**

Timilty, James E. – 1.

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

Mr. Ross moved that the proposed new text be amended by inserting the following section at the end thereof:-  
 “SECTION \_\_. Chapter 143 of the General Laws, as appearing in the 2014 Official Edition, is hereby by amended, by inserting

the following section:-

Section 71B½. No person shall work as a constructor, maintenance man, or repairman in the construction, maintenance, or repair of vertical reciprocating conveyors, as defined by the board of elevator regulations, unless he holds a vertical reciprocating conveyor mechanic license or an elevator mechanic license. The board of examiners shall adopt regulations to establish the requirements for a vertical reciprocating conveyor mechanic license, including adequate prior experience for obtaining a license without examination, examination for new applicants, on-the-job training for new applicants, and continuing education requirements for license renewal.”

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

Mr. Lewis moved that the proposed new text be amended by adding the following section:-

“SECTION X. Chapter 23A of the General Laws is hereby amended by adding after section 64 the following section:-  
Section 65. The Massachusetts office of business development shall, itself or in partnership with an external entity, create and maintain a searchable public online database of sites available for development in municipalities across the state. The Massachusetts office of business development shall accept site submissions for inclusion into the database from municipal officials or their designees, at no cost to the municipality.”

The amendment was *rejected*.

Mr. Brady moved to amend the proposed new text in item 7002-8018 by adding at the end thereof the following: "provided that \$200,000 shall be expended for the design and construction of the Halifax Council on Aging building".

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

Mr. Brady moved that the proposed new text be amended in item 7002-8018 by adding at the end thereof the following:-

“provided that \$300,000 shall be expended for the design and construction of the expansion of the Brockton Council on Aging Senior Center”.

The amendment was **adopted**.

Mr. Moore and Ms. Chandler moved that the proposed new text be amended in section 2A, in item 7002-8018 by inserting after the words “city of Lowell” the following:- “provided further, that \$463,665 shall be expended for the relocation and rehabilitation of Stearns Tavern in the city of Worcester”.

The amendment was **adopted**.

Mr. Eldridge, Ms. Chang-Diaz and Mr. Lewis move to amend the bill by inserting in section 2B the following item:-  
“xxxx-xxxx for SEED deposits into the college savings account established by The Massachusetts Education Financing Authority in M.G.L Chapter 15C section 30(b) ..... \$500,000”; and

By inserting at the end thereof the following section:-

SECTION XX. Chapter 15C of the General Laws is hereby amended by adding the following section:-

Section 30. (a) Notwithstanding any general or special law to the contrary, it is the policy of the Commonwealth to expand educational opportunity for all children. Consistent with this policy, the Massachusetts Education Financing Authority shall establish a children’s savings program to expand educational opportunity and financial capability for low-income high school students in the Commonwealth, with priority given to Gateway Cities and low-income communities of Boston.

(b) The Massachusetts Education Financing Authority shall establish college savings program (‘Program’) with following features:

- 1) The Massachusetts Education Financing Authority shall establish a college savings account (‘Account’) through the Program for participating high school students. Participants’ household income cannot exceed 250% of the federal poverty line.
- 2) Upon establishment of an Account, the Commonwealth shall deposit \$200 (‘SEED’) into the Account.
- 3) For accountholders completing financial education and financial coaching goals, the Commonwealth shall provide a one-time match up to \$100 per accountholder.
- 4) Participating students will be required to complete a financial education program designated by MEFA. Participating families will be required to complete an individual financial coaching program, designated by MEFA and provided by a statewide non-profit organization with expertise in financial coaching.
- 5) Deposits into the account may be made by the accountholder, family, and other outside private and public entities.
- 6) Withdrawals from Commonwealth funds shall not be permitted until the accountholder is 18 years of age or has enrolled full-time in post-secondary education, including a college, university, vocational school, and any two or four-year degree program from an accredited educational institution.
- 7) Distributions from an Account shall only be permitted for qualifying post-secondary education expenses. These expenses include but are not limited to tuition, mandatory fees, books, supplies, and equipment required for enrollment or attendance, or for any other necessary cost of attending school, including travel to and from school.
- 8) Withdrawals from an Account must be made prior to the accountholder attaining the age of twenty-nine. For students who serve in a national service program (such as the United States Military or Peace Corps), each year of service shall increase the maturity date by one year.
- 9) If a student does not use all funds in a student account for a qualified expense, any funds contributed to the Account will be returned to their source. Any Seed or match funds contributed by the Commonwealth or donated to the Commonwealth for the benefit of the Program will remain in the sole possession of the Commonwealth.

10) Persons otherwise eligible for the program of emergency aid to elders, disabled and children under chapter 117A of the General Laws shall not be subject to a resource limit based on savings held in the Account.

(c) The Massachusetts Education Financing Authority, in coordination with the Massachusetts State Treasurer, shall identify a public or private manager of the Accounts. The manager of the Accounts shall have fiduciary responsibility for the Account, and may establish a default investment program under which, in a manner similar to a lifecycle investment program, sums in each Account are allocated to investment funds in the USAccount Fund based on the amount of time before the account holder attains the age of 18.

(d) The Massachusetts Education Financing Authority shall annually release a written report with detailed description of the status and operation of the Program and management of the Accounts.”

The amendment was *rejected*.

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

"SECTION \_ . Section 6b of Chapter 159B of the general laws, by inserting after the first sentence, in the first paragraph, the following new sentence:-

‘The Department shall issue a decision on any written request for adjustment of the maximum charges within 12 months.’”

After remark, the question on adoption of the amendment was determined by a call of the yeas and nays at one minute before three o’clock P.M., on motion of Mr. Moore, as follows, to wit (*yeas 40 – nays 0*) [**Yeas and Nays No. 414**]:

#### YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
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.	OConnor, Patrick M.
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.	Rush, Michael F.

Forry, Linda Dorcena

Spilka, Karen E.

Gobi, Anne M.

Tarr, Bruce E.

Humason, Donald F., Jr.

Timilty, James E.

Jehlen, Patricia D.

Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. – 40.

**NAYS – 0.**

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

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

“SECTION \_\_. Section 225 of Chapter 112 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in fourth paragraph, the word ‘three’ and replacing it with the following word:- ‘one’.”

The amendment was *rejected*.

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

“SECTION \_\_

Section 1- There is hereby established and set up on the books of the Commonwealth a fund to be known as the ‘Priority Expense Fund’, in which shall be deposited all of the proceeds from the internet gaming, so-called, as authorized by Section 2 of this act, together with any sums appropriated from time to time by the General Court, and any funds obtained by grants, gifts or other means.

Section 2- Chapter 23K of the general laws is hereby amended by adding the following new section

Section 2A- Notwithstanding any general or special law to the contrary, a gaming license pursuant to Chapter 23K of the general laws may also be licensed, subject to the other provisions of said chapter and such other rules and regulations as the commission may establish, to conduct gaming operations via the internet, provided that such operations do not include or reflect gaming mechanisms operated by the state lottery program of those simulating or resembling slot machines, so-called, provided that such license obtains an Internet Gaming License pursuant to this section. An applicant for an Internet Gaming License shall conform to all other relevant provisions of this chapter.”

The amendment was *rejected*.

Mr. Welch moved that the proposed new text be amended by adding the following section:-

“SECTION XX. (a) Chapter 100A of the General Laws is hereby amended by inserting after section 14 the following section:-

Section 15. The commissioner of insurance shall set the minimum hourly labor rate that insurers shall pay on insured claims for repairs made by registered motor vehicle repair shops. The rate shall be the minimum rate paid by insurers on all Massachusetts insured motor vehicle damage claims and shall be the average of the hourly rates paid by insurers for motor vehicle damage repairs in Connecticut, New York, New Hampshire, Rhode Island and Vermont In determining the average of rates, the commissioner shall utilize data available from independent collision repair estimating services. Upon setting the rate, the commissioner shall have the discretion to adjust the hourly rate by not more than 3 per cent greater or 3 per cent less than said average. The commissioner shall review the hourly labor rate once every 3 years to make readjustments as necessary; provided, however, that the commissioner shall provide a report of any proposed new rate to the joint committee on financial services 15 days before promulgation. The commissioner shall adopt regulations for the administration and enforcement of this section.

(b). Section 113B of chapter 175 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, after the word “commissioner” in line 14, the following:- ; provided, however, that collision repair hourly labor rates, set pursuant to section 15 of chapter 100A, shall not be included when considering programs to control costs and expenses under this section or section 113H.

(c). Subsections (a) and (b) of this section are hereby repealed.

(d). Subsection (c) of this act shall take effect August 1, 2024.”

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

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

“SECTION XX. Chapter 29 of the General Laws is hereby amended by adding the following section:-

2JJJJ. There shall be established and set up on the books of the Commonwealth a separate fund to be known as the Murder Victims Families Assistance Fund. The purpose of the fund shall be to provide fiscal aid to immediate families of murder victims.

Immediate family shall include spouse, child, siblings, parent, stepparent or legal guardian unless such family member has been charged in the crime. There shall be credited to such fund revenues voluntarily contributed thereto from a publisher, author, movie or television studio or company that creates a book, movie or television show based on a murder or murders committed in the Commonwealth. The Massachusetts Film Office shall notify such persons of the existence of the fund. The victim and witness assistance board shall be the custodian of the fund and shall receive, deposit and invest all monies transmitted to it under this section and shall credit interest and earnings on the fund to the fund. The various district attorneys shall request distribute monies from the fund to the immediate families of murder victims.”

The amendment was *rejected*.

Mr. Lewis moved that the proposed new text be amended by adding the following section:-

“SECTION X. Chapter 23A of the General Laws is hereby amended by adding after section 64 the following section:-

Section 65. (a) The executive office of housing and economic development shall establish a local economic development assistance program. The purpose of the program shall be to provide technical assistance and financial assistance, in the form of grants, to cities and towns.

(b) To participate in the local economic development assistance program, a city or town, or two or more cities or towns applying jointly, shall: (1) file an application for technical assistance with the executive office of housing and economic development in a form and manner to be prescribed by the office; and (2) complete an economic self-assessment identifying opportunities for growth. Following completion of the economic self-assessment, the city or town, or two or more cities or towns applying jointly, shall be deemed eligible to apply for financial assistance.

(c) An eligible city or town, acting by and through its municipal officers or by and through any agency designated by such municipal officers to act on their behalf, may apply to the program for a grant in a specific amount to fund a development initiative identified as an opportunity for growth in the economic self-assessment. Two or more municipalities may apply jointly, with 1 municipality acting as fiscal agent, or through a regional planning agency acting as fiscal agent. The grants may be made in addition to other forms of local, state, and federal assistance.

(d) Funding for the local economic development assistance program in any single fiscal year shall be available subject to appropriation in a total amount of not more than \$10 million, or through other funds as the governing board of the Massachusetts Development Finance Authority shall provide.

(e) The office shall adopt rules, regulations, and guidelines for the administration and enforcement of this section, including, but not limited to, establishing applicant criteria, application forms and procedures, and reporting requirements.

(f) The office shall annually, no later than April 1, submit a report to the clerks of the senate and house of representatives, the joint committee on economic development and emerging technologies, the joint committee on state administration and regulatory oversight, and the senate and house committees on ways and means detailing the expenditures and results relative to the local economic development assistance program.”

The amendment was *rejected*.

Mr. Moore moved that the proposed new text be amended in section 2A, in item 7002-8018 by inserting after the words “city of Lowell” the following:- “provided further, that \$300,000 shall be expended to the Central Massachusetts Center for Business and Enterprise to support custom workforce training curriculums in the manufacturing industry through a higher learning institution within the Blackstone Valley”.

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

Mr. Pacheco moved that the proposed new text be amended by inserting the following section:-

“SECTION 2\_.

EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY  
Office of the Secretary

8100-0026 For the State Police and the Boston Regional Intelligence Center/Boston Police Department to enhance and expand technology and protocols to establish and improve programs for the prevention of economic cybercrime, terrorist activities, organized crime, including gangs, and to enhance emergency response and transportation infrastructure alerts and drug interdiction in accordance with an interagency agreement. The interagency agreement shall provide protocols to coordinate and share information and data aggregation developed by the parties and provide assistance and cooperation with the business community, the gateway communities, regional fusion centers, the Massachusetts Port Authority and the Mass Bay Transit Authority.....\$25,000,000”.

The amendment was *rejected*.

Mr. Eldridge, Ms. L'Italien and Mr. Lewis moved that the proposed new text be amended in Section 2B by inserting the following item:-

"7003-0607 For an employment training program for unemployed or underemployed young adults with disabilities, provided that funds shall be awarded competitively by the Executive Office of Labor and Workforce Development to community-based organizations with recognized success in creating strong collaborations with employers to consider young adults with disabilities; provided further that said organization shall provide extensive training and internship programming and ongoing post-placement

support for participants and employers..... \$250,000".  
The amendment was *rejected*.

Mr. Timilty moved that the proposed new text be amended in line item 7002-8018, by inserting at the end thereof the following:-  
“provided further, that not less than \$250,000 shall be expended for the creation, design, and construction of a roadway and further development at the property formerly known as the Medfield State Hospital in the town of Medfield. The further development shall prioritize adaptive recreational activities, inclusion and accessibility for those with physical, mental and emotional disabilities”.

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

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following new section:-  
“SECTION \_\_. Section 38 of Chapter 63 as appearing in the 2014 official edition is hereby amended by inserting at the end thereof the following new section:-

Super Research and Development Tax Credit

Section 1. A business corporation or taxpayer that qualifies for the research expense tax credit allowed under section 38M of this Chapter and 830 CMR 63.38M.1 is allowed an additional credit against the tax due under this section equal to the excess, if any, of qualified research expenses for the taxable year over the super credit base amount. For purposes of this section, ‘super credit base amount’ means the average amount spent on qualified research expenses by the taxpayer in the 5 taxable years immediately preceding the effective date of this section, increased by 50%. For purposes of this section, ‘qualified research expenses’ has the same meaning as under 830 CMR 63.38M.1 but applies only to expenditures for research conducted in this State.

Section 2. The credit allowed under this section is limited to 50% of the taxpayer's tax due after the allowance of any other credits taken pursuant to this chapter.

Section 3. A business corporation or taxpayer entitled to a credit under this section for any taxable year may carry over and apply to the tax due for any one or more of the next succeeding 5 taxable years the portion, as reduced from year to year, of any unused credit, but in no event may the credit applied in any single year exceed 50% of the taxpayer's tax due after the allowance of any other credits taken pursuant to this chapter

Section 4. The credit provided by this section may not be used to reduce the business corporation or taxpayer's tax liability under this section to less than the amount of the taxpayer's tax due in the preceding taxable year after the allowance of any credits taken pursuant to this chapter.

Section 5. In the case of corporations filing a combined return, a credit generated by an individual member corporation under the provisions of this section must first be applied against the tax due attributable to that company under this Part. A member corporation with an excess research and development credit may apply its excess credit against the tax due of another group member to the extent that that other member corporation can use additional credits under the limitations of subsection 4. Unused, unexpired credits generated by a member corporation may be carried over from year to year by the individual corporation that generated the credit, subject to the limitation in subsection 3.”

After remarks, the amendment was *rejected*.

Mr. Moore, Ms. Flanagan and Ms. Gobi moved that the proposed new text be amended by adding at the end thereof the following section:-

“SECTION \_\_. The Treasurer of the Commonwealth shall organize a task force to review the alcohol licensing and control laws, MGL. Chapter 138. Said Task Force shall consist of the Treasurer or her designee, the Chair of the ABCC, three members of the Senate, two members of the House, a representative of the MA Package Store Association, a representative of the MA Restaurant Association, a representative of the MA Brewers Guild, a representative of the MA Beer Distributors Association, a representative of the Wine & Spirits Wholesalers Association, one representative of the Department of Public Health, one representative of the Department of Public Safety, one representative of the suppliers substantially operating within the malt beverage industry, one alcohol policy expert who has been providing for not less than 7 years public policy leadership and assistance in the area of alcohol control and regulation, with experience in comparative analysis of the various regulatory systems of alcohol control, has presented to at least 2 national associations of alcohol regulators lectures on principles of alcohol control with comparative analyses, and has at least 7 years experience as a regulator of beverage alcohol in the United States, and one server training expert who has been providing for not less than 20 years server training and public policy leadership and assistance in the area of server training, has presented to at least 2 national associations of alcohol regulators lectures on the policy considerations of server training and other public policy issues in the area of alcohol control and regulation, and has at least 20 years experience in the public policy issues of server training;

Said Task Force shall meet and evaluate current laws, practices, and regulations related to Chapter 138 and shall make recommendations to improve the quality, effectiveness and efficiency of the state administration and enforcement of any provision of Chapter 138.

The commission shall meet at a time and place designated by the Treasurer. The Commission shall file the report of the study, including any recommendations included therein, no later than December 1, 2017 with the clerks of the house of representatives and senate who shall forward the same to the house and senate committees on ways and means and the joint committee on consumer affairs and professional licensure.”

The amendment was *rejected*.

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

## PAPER FROM THE HOUSE

A Bill making appropriations for the fiscal year 2016 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4512, amended,-- on House, No. 4009),-- **was read.**

**There being no objection, the rules were suspended, on motion of Ms. Spilka, 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 making appropriations for the fiscal year 2016 to provide for supplementing certain existing appropriations".**

### *Orders of the Day.*

The Orders of the Day were further considered as follows:

The House Bill relative to job creation, workforce development and infrastructure investment (House, No. 4483),-- **was again considered, the main question being on ordering the bill to a third reading.**

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

"SECTION \_\_. Chapter 23A of the General Laws, as appearing in 2014 Official Edition, is hereby amended by inserting after section 10B the following new section:-

Section 10C. (a) There is hereby established, at the Technology Transfer Center at the University of Massachusetts, the Commonwealth Student Innovation Center, managed by the President of the University or his designee, and governed by the investment board established in subsection (c) herein.

The purpose of the center shall be to provide students and graduates of Massachusetts institutions of higher learning with the assistance and guidance necessary to develop their product ideas and concepts and to commercialize them in the Commonwealth. Said assistance shall include but not be limited to investment from the fund established in section (b) hereof, forums, technical and legal service, business counseling, mentoring, logistics, planning, and marketing.

The center may be funded by not more than 10% of the fund established in section (b), provided that it may recover and return to said fund reasonable fees to covers some of the costs of its expenses providing assistance, provided, however, that the center shall seek to minimize such fees, and shall seek to maximize its available resources by securing funding and in kind assistance from the federal government, businesses, charitable organizations, private donors, business organizations and others. The center may also generate funding through agreements with student and graduate clients to share in the proceeds of commercialization of products receiving its assistance.

(b) There shall be established and set upon the books of the commonwealth a separate fund to be known as the student entrepreneurial development and economic investment fund, hereinafter referred to as the student investment fund, to which shall be credited any appropriations, bond proceeds, or other monies authorized by the general court and specifically designated to be credited thereto and additional funds designated for deposit to the student investment fund, including any pension funds, federal grants or loans, or private donations made available to the secretary of economic development. The secretary of economic development shall hold the student investment fund in an account separate from other funds or accounts. Amounts credited to the student investment fund shall be available to the investment board as established in subsection (c) to carry out the purposes of subsection (d).

(c) The investment board shall consist of the following members: the secretary of economic development or his designee, who shall serve as the chairperson of the board; the chairman of the board of higher education or his designee, who shall serve as the vice-chairperson of the board; the president of the Massachusetts technology development corporation, or his designee; the executive director of the office of commercial ventures and intellectual property, or his designee; two private Massachusetts-based investors to be chosen by the chairperson in consultation with the president of the Massachusetts technology development corporation; one student representative selected by the university of Massachusetts representative to the board of higher education; one student representative selected by the state college representative to the board of higher education; and one student representative selected by the community college representative to the board of higher education. The chairman of the board of higher education shall establish a student application program to aid the representatives of the board of higher education in the selection of student members to the board.

Five members of the board shall constitute a quorum and the affirmative vote of five members shall be necessary for any action taken by the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board.

(d) The purpose of the student investment fund shall be to provide an opportunity for interested students to gain experience in entrepreneurialism and early-stage business development while fostering an economic environment that will attract students to the commonwealth and forge a relationship between the public higher education system and the Massachusetts business community with the intent of driving economic growth. Funds made available to the student investment board from the student investment fund shall be used for a grant program administered by the board for prototype funding of Massachusetts' student ideas in early development stages; provided however, that the development of such ideas, plans, or business occur within the commonwealth. The secretary of economic development shall promulgate rules regarding the enforcement and penalties for recipients who relocate outside of the commonwealth. The board shall not be limited in the number of grants distributed to students in any one year; provided however, that the total monetary amount of all grants distributed by the board in a fiscal year shall not exceed twenty percent of the fund's first year balance. The board shall hold periodic hearings to allow selected students, who have submitted a statement of interest and initial business plan, the opportunity to present a comprehensive business plan

describing characteristics and proprietary positions of the student's product or services; present and future markets for such products or services; potential strategies for the future development and funding of the prototype product or service; a statement of amount, timing and projected use of the capital sought by the student; and a statement of the projected growth in employment or other positive economic impacts. Comprehensive business plans may be written and reviewed in consultation with the Massachusetts technology transfer center at the University of Massachusetts.

(e) The board shall, by January 1 of each year, submit a report of its activities for the preceding fiscal year to the governor, the joint committee on economic development and emerging technologies, and the clerks of the House of Representatives and senate. Each report shall set forth a complete financial statement covering its operation during the year and shall also include any requests for additional appropriations."

After remarks, the amendment was *rejected*.

Ms. Chandler and Mr. Barrett moved that the proposed new text be amended By adding the following sections:-

"SECTION X. Chapter 149 of the General Laws is hereby amended by adding the following section:-

Section 192. (a) To the extent not preempted by federal law, a provision in a contract waiving a substantive or procedural right or remedy relating to a claim of discrimination, nonpayment of wages or benefits, retaliation, harassment or violation of public policy in employment shall be unconscionable, void and unenforceable with respect to any such claim arising after the waiver is made. No right or remedy arising under this section, chapter, chapter 151B, common law, the constitution or a rule of procedure may be prospectively waived. If a provision of a contract is found to be unconscionable, void or unenforceable under this section, the remaining provisions of the contract shall continue in full force and effect.

(b) Whoever enforces or attempts to enforce a waiver found to be unconscionable, void or unenforceable under this section shall be liable for reasonable attorneys' fees and costs.

(c) No person or employer shall take retaliatory action including, but not limited to, failure to hire, discharge, suspend, demote or discriminate in the terms, conditions or privileges of employment, or any other adverse action, against a person because the person refuses to enter into a contract that contains a waiver that would be unconscionable, void or unenforceable under this section.

A person aggrieved by a violation of this section may, within 3 years after the violation, commence a civil action in such person's own name and on such person's own behalf for damages and injunctive relief. If the court finds that a person was aggrieved by a violation of this section, the person may recover reasonable attorneys' fees and costs. The rights and remedies in this section shall not be exclusive and shall not preempt other available procedures and remedies for retaliatory actions including, but not limited to, those contained in section 150 and section 4 of chapter 151B.

(d) The attorney general may enforce this section if the substantive or procedural right or remedy at issue arises under section 150.

(e) The Massachusetts Commission Against Discrimination may enforce this section if the substantive or procedural right or remedy at issue arises under chapter 151B

(f) A person aggrieved by a violation of chapter 151B who seeks a remedy other than: (i) nonenforcement of a provision prohibited by this section; or (ii) reasonable attorneys' fees and costs for enforcement of a provision prohibited by this section shall seek such remedy under said chapter 151B

(g) Nothing in this section shall expand or limit the use of collective bargaining agreements.

SECTION XX. Section 192 of chapter 149 of the General Laws shall apply to contracts entered into on or after the effective date of this act."

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

Ms. Chandler and Mr. Eldridge moved that the proposed new text be amended by adding at the end of Line Item 7002-8018, the following words:- "provided further, that not less than \$236,335 be spent for the sanitary sewer capacity improvement project in the town of Northborough".

The amendment was **adopted**.

Mr. Lewis moved that the proposed new text be amended in item 7002-8018, by inserting the following:- "provided, that not less than \$250,000 shall be expended for repairs, enhancements and improved pedestrian access in the Melrose downtown business and historic district"; and in said line item, by striking the figure "\$5,000,000" and inserting in place thereof the figure:- "\$5,250,000".

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

Ms. Chandler moved that the proposed new text be amended by inserting after item 7004-8016 the following item:-

"7004-8018 For a Workforce Housing Production Trust Fund, which shall support a program administered by the secretary of housing and economic development for the benefit of projects that are eligible for certification under section 4 of chapter 40V and qualify for the Massachusetts historic rehabilitation tax credit under section 38R of chapter 63 of the General Laws; provided, however, that dispensed funds may be issued up to an amount of the project's full eligibility under said chapter 40V and said section 38R of said chapter 63; provided further, that to receive the funds the project developer shall agree to return to the trust fund 25 per cent of the project's annual cash flow and 25 per cent of the profit received by the developer for the sale or refinancing of the project; provided further, that the payments required of the developer shall not exceed the total amount dispensed from the trust fund to the project; and provided further, that the secretary shall direct the agencies under the secretary's purview to issue additional regulations and guidance, as necessary, for the implementation of this

program.....\$25,000,000".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at seventeen minutes before four o'clock P.M., on motion of Ms. Chandler, as follows, to wit (*yeas 39 – nays 0*) **[Yeas and Nays No. 415]:**

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
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.	OConnor, Patrick M.
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.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 39.
Joyce, Brian A.	

NAYS – 0.

ABSENT OR NOT VOTING.

Timilty, James E. – 1.

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

Mr. Tarr moved that the proposed new text be amended by inserting after section \_\_, the following new section:-  
“SECTION \_\_. Subsection (i) of Section 6 of Chapter 62 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking in line 321 the figure ‘\$15,000’ and inserting in place thereof the following:- ‘\$25,000’; and, by striking in line 325 the figure ‘\$1,500’ and inserting in place thereof the following:- ‘\$4,000’; and by striking in line 327 the figure ‘\$6,000’ and inserting in place thereof the following:- ‘\$10,000’.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at nine minutes before four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 14 – nays 25*) [**Yeas and Nays No. 416**]:

**YEAS.**

Brownsberger, William N.	Lovely, Joan B.
deMacedo, Viriato M.	Moore, Michael O.
Fattman, Ryan C.	O'Connor Ives, Kathleen
Flanagan, Jennifer L.	OConnor, Patrick M.
Forry, Linda Dorcena	Ross, Richard J.
Humason, Donald F., Jr.	Tarr, Bruce E.
L'Italien, Barbara A.	Timilty, James E. – <b>14</b> .

**NAYS.**

Barrett, Michael J.	Joyce, Brian A.
Boncore, Joseph A.	Keenan, John F.
Brady, Michael D.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.

DiDome ico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Rodrigues, Michael J.
Donoghue, Eileen M.	Rush, Michael F.
Downing, Benjamin B.	Spilka, Karen E.
Eldridge, James B.	Welch, James T.
Gobi, Anne M.	Wolf, Daniel A. – <b>25.</b>
Jehlen, Patricia D.	

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

Mr. Boncore moved that the proposed new text be amended in section 2A in item 7002-8018, by inserting at the end thereof the following new language:- "provided further that \$250,000 shall be expended for design and construction of playing fields and public recreation space at the Beachmont School in Revere"; and in said item, by striking out the figures "\$5,000,000" and inserting in place thereof "\$5,250,000".

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

Mr. Joyce moved that the proposed new text be amended by inserting in line item 7002-8018 the following:- “; provided further that \$250,000 shall be expended for road, safety, sidewalk and aesthetic improvements at or near the intersection of Neponset Valley Parkway and Brush Hill Road in the town of Milton”.

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

Mr. Eldridge moved that the proposed new text be amended by inserting in section 2A, in item 7002-8018, the following:- "provided further, that \$500,000 shall be expended for improvements to the Main Street traffic rotary in the downtown area in the town of Hudson to improve and enhance access to the area”.

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

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following:- "SECTION \_\_. Notwithstanding any general or special law to the contrary the executive office of administration and finance shall conduct a feasibility study on the reduction of the state income tax rate to 5 percent. Said study along with any recommendation shall be submitted to the clerks of the house and senate, the joint committee on revenue and the house and senate committee on ways and means by December 31, 2016."

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

Mr. Lewis moved that the proposed new text be amended in item 7002-8018, by inserting the following:- "provided that not less than \$250,000 shall be expended to establish a facade improvement program for the city of Malden;" and, in said line item, by striking out the figure "\$5,000,000" and inserting in place thereof the following figure:- "\$5,250,000".

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

Mr. Ross moved that the proposed new text be amended by inserting after section \_\_, the following section:- "SECTION \_\_. Section 12 of chapter 156C, as appearing in the 2014 Official Edition, is hereby amended by striking subsection (d) and inserting in place thereof the following:-

(d) The fee for the filing of the certificate of organization required by subsection (a) shall be five hundred dollars. The fee for the filing of the annual report required by subsection (c) shall be five hundred dollars, except as provided in subsection (e). Such fees shall be paid to the state secretary at the time the certificate of organization or the annual report is filed.

(e) The fee for the filing of the certificate of organization required by subsection (a) for a limited liability company with 6 employees or fewer shall be two hundred and fifty dollar. The fee for the filing of the annual report required by subsection (c) for a limited liability company with 6 employees or fewer shall be two hundred and fifty dollars. Such fees shall be paid to the state secretary at the time the annual report is filed.”

After remarks, the amendment was *rejected*.

Mr. Joyce moved that the proposed new text be amended by inserting in line item 7002-8018 the following:- “; provided further that \$250,000 shall be expended to the town of Milton to promote economic development or recreational opportunities at or near the Town Landing at or near the Neponset River and Wharf Street in the town of Milton”.  
After remarks, the amendment was **adopted**.

Mr. Barrett moved that the proposed new text be amended in section 2A, in item 7002-8018, by adding at the end thereof the following:- “; and provided further, that \$200,000 shall be expended for a signage and wayfinding program in the Town of Chelmsford, as part of a project improving the pedestrian, bicycle, and public parking areas, and multi-use pathways in Chelmsford Center in the Town of Chelmsford”.  
After remarks, the amendment was **adopted**.

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following:-  
“SECTION \_\_. Section 39 of chapter 63 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting at the end thereof the following paragraph: ‘A business corporation shall not be subject to the excise under subsection (b) provided said corporation is within its first three years of incorporation, or if it has paid an amount calculated under the provisions of subsection (a) for all of the previous three years; provided, that under no circumstances shall a business corporation which employs more than 25 full-time or full-time equivalent employees be eligible for the provisions of this section.’.”  
After remarks, the amendment was *rejected*.

Messrs. Welch and Humason moved that the proposed new text be amended by inserting in item 7002-8018 the following:-  
"provided further, that not less than \$500,000 shall be expended for the Miracle League of Western Massachusetts for the renovation and construction of recreational facilities".  
After remarks, the amendment was **adopted**.

Mr. Downing moved that the proposed new text be amended in line 7002-8018, by inserting at the end thereof the following:- “; provided further, that \$250,000 shall be expended for the engineering cost of replacing the West Park Street Bridge in the town of Lee”.  
The amendment was **adopted**.

Mr. deMacedo moved that the proposed new text be amended in section 2A, in item 7002-8018, by adding at the end thereof the following:- “; provided further, that no less than \$300,000 shall be expended for the sampling and permitting of the dredging of Plymouth Harbor in the town Plymouth”; and in said item, by striking out the figures “\$5,000,000” and inserting in place thereof the figures “\$5,300,000.”.  
After remarks, the amendment was **adopted**.

Mr. Downing moved that the proposed new text be amended in line 7002-8014 by inserting at the end thereof the following:- “; provided further, that \$396,000 shall be expended to the Franklin County Community Development Corporation for costs associated with the expansion of the Western Massachusetts Food Processing Center.....  
\$6,396,000”.  
After remarks, the amendment was **adopted**.

Mr. Boncore moved that the proposed new text be amended in section 2A, in item 7002-8018, by inserting at the end thereof the following words:- "provided further that not less than \$250,000 shall be expended for the purposes of the design and development of a small business incubator at the site of the former Winthrop Middle School in the Town of Winthrop"; and in said item, by striking out the figures "\$5,000,000" and inserting in place thereof the following figures:- "\$5,250,000".  
After remarks, the amendment was **adopted**.

Messrs. McGee and Lewis moved that the proposed new text be amended by adding at the end thereof the following section:-  
“SECTION XX Chapter 161C of the General Laws, is hereby amended by inserting after section 7 the following section:-  
Section 8.

It being in the public interest to utilize the surplus, discontinued rail assets of the Commonwealth in ways that upgrade the in-state freight rail network, foster the safe transport of goods and materials by in-state freight railroads, and preserve and enhance the strength of the Massachusetts economy, the Secretary of the department of transportation, notwithstanding the provisions of any general or special law or rule or regulation to the contrary, is hereby authorized to offer and convey surplus rail and other track material, surplus rail-related equipment, such as signals, and surplus railroad bridge materials to the freight railroads operating on tracks to which they have rights located within the Commonwealth and to the freight railroads operating on in-state tracks owned by the Commonwealth. Working in concert with the Massachusetts Railroad Association, the department shall design and implement a fair, reasonable and orderly system to distribute the surplus assets; further, the department shall have the authority to change that system, as needed, in order to improve it in any way consistent with the objectives of the re-use program. The assets may only be conveyed to a railroad which has demonstrated an impending need for the assets at a specific in-state location. The Secretary shall cause to be created and published periodically a list of surplus rail assets, which may be made available through the department, and/or from department projects and Massachusetts Bay Transportation Authority projects, to

the above-described freight railroad companies operating within the Commonwealth.”  
After remarks, the amendment was **adopted**.

Mr. McGee moved that the proposed new text be amended in section 2A, in item 7002-8018, by adding at the end thereof the following:- “provided further, that \$100,000 shall be expended for the design and architectural costs for a building at the Blossom Street Extension Ferry Terminal location in the city of Lynn”.  
After remarks, the amendment was **adopted**.

Mr. McGee moved that the proposed new text be amended in section 2A, in item 7002-8018, by adding at the end thereof the following:- “provided further, that \$400,000 shall be expended for the cost or reimbursement of cost for the city of Lynn’s share of the feasibility study and design and construction for the dredging of Lynn Harbor in the city of Lynn”.  
The amendment was **adopted**.

Mr. Humason moved that the proposed new text be amended by striking out, in lines 595 to 597, the following words:- “to design, construct, reconstruct, widen, resurface, rehabilitate and otherwise improve roads and bridges or for the construction of chemical storage facilities”; and by inserting after the word “people”, in line 599, the following words:- “in undertaking projects to design, construct, reconstruct, widen, resurface, rehabilitate and otherwise improve roads and bridges or for the construction of chemical storage facilities that support economic development”.  
After remarks, the amendment was **adopted**.

Mr. Downing moved that the proposed new text be amended by inserting at the end thereof the following:-  
“SECTION XX: Chapter 29 of the General Laws is hereby amended in Section 2RR, in subsection (k) by inserting at the end thereof the following ‘; and further, not less than \$75,000 shall be provided annually to the Massachusetts Workforce Professionals Association to support the operations of the one stop career centers’.”  
The amendment was *rejected*.

Mr. Humason moved that the proposed new text be amended in section 2A, in item 7002-8018 by inserting at the end thereof the following:- “provided further that \$250,000 shall be expended for capital improvements in the city of Westfield in celebration of its 350th anniversary”.  
After remarks, the amendment was **adopted**.

Mr. Humason moved that the proposed new text be amended in section 2C, in item 7009-2005 by inserting after the words “administration of the program” the following words:- “provided further, that not less than \$250,000 be allocated for the purpose of job training at Holyoke Works”.  
The amendment was **adopted**.

Ms. L'Italien and Mr. Lewis moved that the proposed new text be amended by inserting the following section:-  
“SECTION X: Section 61 of chapter 7 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out subsection (r) and inserting in place thereof the following 2 subsections:-  
(r) SDO shall, in consultation with the Massachusetts office on disability, develop standards to identify and recruit, with the intent to hire, qualified applicants with disabilities. The standards shall apply to all contractors and sub-contractors providing goods and services under contracts or grants funded by state agencies within the executive offices. Those standards shall include, but shall not be limited to, a commitment to hiring persons with a disability and providing training and education to all state employees involved in hiring decisions pursuant to 42 U.S.C. 12111 et seq.  
SDO shall submit to the clerks of the senate and the house of representatives a report on the standards and recruitment efforts of the preceding year by not later than February 15 of each year. The clerks of the senate and the house of representatives shall forward the same to the joint committee on children, families and persons with disabilities and the joint committee on labor and workforce development. The report shall, at a minimum, describe the office’s efforts and progress in developing and implementing the standards and detail the number of persons with a disability employed by state agencies within the executive offices at the beginning and end of each contract period.  
(s) The director shall adopt regulations necessary to implement this section.”  
After remarks, the amendment was **adopted**.

Mr. deMacedo moved that the proposed new text be amended in section 88, lines 3 and 4, by striking “and the circumstances under which the application may be waived for good cause.”; and by striking section 89 and replacing it with the following:-  
“SECTION 89. Said section 30 of said Chapter 151A, as so appearing, is hereby further amended by inserting after the word ‘denied’, in line 55, the following words:- ; provided further, that, if the claim for regular benefits was denied and the reversal of said denial did not occur until after the thirty-first week of the claimant’s benefit year, the claimant shall not be barred from applying for and commencing training, even if the benefit year has expired, so long as the claimant applies for training within 21 days of the notice of reversal and commences training with the first available program.”  
After remarks, the amendment was *rejected*.

Messrs. Eldridge and Lewis moved that the proposed new text be amended by inserting in section 2A, the following item:-  
“xxxx-xxxx For the AIDS Action Committee job training service programs for homeless youth and HIV positive clients  
..... \$215,500”.  
The amendment was *rejected*.

Mr. OConnor moved that the proposed new text be amended in section 2A, by inserting at the end the following new line item:-  
“7002-8021 For the Marshfield Historical Commission to create a historic tourist zone for the Daniel Webster Estate and the  
Edward Winslow Complex.....\$100,000”.  
The amendment was *rejected*.

Mr. OConnor moved that the proposed new text be amended in section 2A by inserting at the end the following new line item:-  
“7002-8021 For the maintenance of an online chamber of commerce business exchange portal for the town of  
Cohasset..... \$2,000”.  
The amendment was *rejected*.

Mr. deMacedo moved that the proposed new text be amended in section 2A, in item, 7002-8018 by adding at the end thereof the  
following:- “; provided further, that no less than \$150,000 shall be expended for a feasibility study to improve parking in  
Falmouth Village in the town of Falmouth”; and in said item by striking out the figures “\$5,000,000” and inserting in place  
thereof the figures “\$5,150,000.”.  
After remarks, the amendment was **adopted**.

Mr. OConnor moved that the proposed new text be amended in section 2A by inserting at the end the following new line item:-  
“7002-8021 For the town of Cohasset to finance a study and implementation of parking lots and light fixtures in the cultural and  
business districts and the study and implementation of sidewalks in areas of need..... \$17,000”.  
The amendment was *rejected*.

Mr. Brownsberger moved that the proposed new text be amended in line 7002-8018, by adding at the end thereof the following:-  
"provided further, that \$500,000 shall be expended for transportation improvements along the Arsenal Street Corridor in the town  
of Watertown;".  
After remarks, the amendment was **adopted**.

Mr. Moore and Ms. Flanagan moved that the proposed new text be amended by striking section 92 in its entirety.  
The amendment was *rejected*.

Ms. Creem moved that the proposed new text be amended in item 7002-8018, by adding at the end thereof the following:- ";  
provided further, that \$200,000 shall be expended to Historic Newton for a plaque to commemorate George Washington’s  
passage through Newton Corner and other historic improvements”.  
After remarks, the amendment was **adopted**.

Ms. Jehlen moved that the proposed new text be amended in section 2A, in item 7002-8018, in line 53, by inserting after the  
word “Lowell;” the following:- “provided further, that \$250,000 shall be expended for design and reconstruction of traffic signals  
at the intersections of Mystic avenue and Main street, Main street and South street, and Main street and the westbound off ramp  
of the Mystic Valley parkway/Route 16 in the city of Medford”.  
After remarks, the amendment was **adopted**.

Ms. Jehlen and Mr. Brownsberger moved that the proposed new text be amended in section 2A, in item 7002-8018, in line 53, by  
inserting after the word “Lowell;” the following:- “provided further, that \$250,000 shall be expended for design and construction  
of the Watertown-Cambridge Greenway project in the Town of Watertown and the City of Cambridge”.  
The amendment was **adopted**.

Ms. Jehlen and Mr. Barrett moved that the proposed new text be amended in section 109, in lines 2061-2071, by striking the  
words “6 nominees provided by the Massachusetts AFL-CIO who shall be experienced in small business, the health care  
industry, education or workforce development, 1 of whom shall be a representative of business from a list of 3 nominees  
provided by the Massachusetts Business Roundtable who shall be experienced in renewable energy, small business, the health  
care industry, veterans’ affairs, immigration, workforce development or self-employment, 1 of whom shall be a representative of  
business from a list of 3 nominees provided by The Alliance for Business Leadership, Inc. who shall be experienced in renewable  
energy, small business, the health care industry, veterans’ affairs, immigration, workforce development or self-employment, 1 of  
whom shall be a representative of the unemployed from 3 nominees provided by Boston Connects, Inc. and 1 of whom shall be an  
expert in labor economics from a state college or university.” and inserting in place thereof the following:- “7 nominees provided  
by the Massachusetts AFL-CIO who shall be experienced in small business, the health care industry, education or workforce  
development, 1 of whom shall be a representative of business from a list of 3 nominees provided by the Massachusetts Business  
Roundtable who shall be experienced in renewable energy, small business, the health care industry, veterans’ affairs,  
immigration, workforce development or self-employment, 1 of whom shall be a representative of business from a list of 3

nominees provided by The Alliance for Business Leadership, Inc. who shall be experienced in renewable energy, small business, the health care industry, veterans' affairs, immigration, workforce development or self-employment, 1 of whom shall be a representative of the unemployed from 3 nominees provided by Boston Connects, Inc. and , 1 of whom shall be an expert in labor economics from a state college or university and 1 of whom shall be a representative from a home care agency from a list of 3 nominees provided by the Home Care Aide Council who shall be an expert in home care workforce".  
The amendment was **adopted**.

Ms. Creem moved that the proposed new text be amended in item 7002-8018, by adding at the end thereof the following:- "; provided further, that \$300,000 shall be expended for capital improvements to the Coolidge Corner Branch of the Brookline Public Library".  
After remarks, the amendment was **adopted**.

Mr. Montigny moved that the proposed new text be amended by adding at the end thereof the following 3 sections:-  
"SECTION \_\_. Section 2 of chapter 62 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding the following subparagraph:-  
(R) To the extent not otherwise excluded from gross income, in whole or in part, income attributable to the discharge of debt on a principal residence, including debt reduced through mortgage restructuring, as well as mortgage debt forgiven in connection with a foreclosure, subject to the following conditions and limitations:  
(i) No more than \$500,000 of forgiven debt is eligible for the exclusion under this section, or \$500,000 in the case of married filing separately for the purposes of federal taxes.  
(ii) This section shall only apply to 'acquisition indebtedness' as defined in section 163(h)(3)(B) of the Code.  
(iii) The amount excluded from gross income by reason of this section shall be applied to reduce, but not below zero, the Massachusetts basis of the principal residence of the taxpayer.  
(iv) This section shall not apply to the discharge of a loan if the discharge is on account of services performed for the lender or any other factor not directly related to a decline in the value of the residence or to the financial condition of the taxpayer.  
(v) If any loan is discharged, in whole or in part, and only a portion of such loan qualifies under this section, this section shall apply only to so much of the amount discharged as exceeds the amount of the loan, as determined immediately before such discharge, which does not qualify. The principal residence exclusion shall take precedence over an insolvency exclusion unless elected otherwise.  
(vi) For the purposes of this section, the term 'principal residence' shall have the same meaning as in section 121 of the Code.  
SECTION \_\_. This Act shall apply to discharges of indebtedness on or after January 1, 2015.  
SECTION \_\_. The commissioner shall promulgate regulations to effectuate this provision."  
The amendment was *rejected*.

Mr. DiDomenico moved that the proposed new text be amended in section 2A, in item 7002-8018, by inserting the following:- "; provided, that not less than \$250,000 shall be expended for upgrades to the Swan Street park tot lot in the city of Everett".  
After remarks, the amendment was **adopted**.

Mr. Montigny moved that the proposed new text be amended by adding at the end thereof the following two sections:-  
"SECTION \_\_: Section 6J of said Chapter 62 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 41 the figure:- '\$50,000,000' and inserting in its place the figure:- '\$60,000,000'.  
SECTION \_\_: Section 38R of said Chapter 63 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 40 the figure:- '\$50,000,000' and inserting in its place the figure:- '\$60,000,000'.  
The amendment was *rejected*.

Ms. Creem moved that the proposed new text be amended in item 7002-8012, by adding at the end thereof the following:- "; provided further, the Food Allergy Science Institute shall be eligible to receive matching grant funds for research and outreach on food allergies".  
After remarks, the amendment was **adopted**.

Mr. OConnor moved that the proposed new text be amended in section 2A, by inserting at the end the following new line item:-  
"7002-8021 For the town of Weymouth to finance the expansion of the Tufts Library parking lot to support mixed-use development .....\$250,000".  
The amendment was *rejected*.

Ms. Lovely moved that the proposed new text be amended in line 1983, after section 103, by adding the following sections:-  
"SECTION X. Section 22 (b) of Chapter 237 of the Acts of 2014 is hereby amended by adding the following word after the word Middleton:- 'initially' and by adding the following phrase after the words Essex Sports Center, LLC:- 'and any of its leasehold mortgagees'.  
SECTION X. Section 22 (c) of Chapter 237 of the Acts of 2014 is hereby amended by striking out the following phrase:- 'or if Essex Sports Center, LLC ceases to be the lessee at any time before the expiration of the lease,'.  
SECTION X. Section 22 of Chapter 237 of the Acts of 2014 is hereby amended by adding the following new subsection at the end thereof:- '(j) Prior to any transfer or assignment of any of tenant's interest for any reason, the landlord shall have the right to

conduct an auction of such interests in accordance with state procurement guidelines and subject to the interests of a permitted leasehold mortgagee’.”

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

Mr. DiDomenico moved that the proposed new text be amended in section 2A, in item 7002-8018, by inserting the following:- “; provided, that not less than \$250,000 shall be expended for the replacement of sidewalks on Hawthorne Street from Congress Avenue to Marginal Street in the city of Chelsea”.

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

Mr. Rodrigues moved that the proposed new text be amended in section 2A, in line item 7002-8018, by inserting the following:- ; provided, further that no less than \$200,000 shall expended for environmental remediation, preparation and site cleanup of the former police station on Bedford Street in the city of Fall River to support economic development in the Bank Street Neighborhood Association/downtown area”.

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

Mr. Timilty moved that the proposed new text be amended in line item 7002-8018, by inserting at the end thereof the following:- “provided further, that not less than \$250,000 shall be expended for the planning, design and construction of roadway improvements and traffic management, including new and improved signals and traffic management equipment, on Route 140 in the town of Norton to improve accessibility to interstate 495 in the town of Mansfield”.

The amendment was *rejected*.

Mr. Eldridge moved that the proposed new text be amended by inserting in section 2C, in item 7009-2006, the following:- “provided further, that \$500,000 be expended for the Manufacturing Workforce Collaboration Center at Mount Wachusett Community College Devens Campus to provide training in advanced manufacturing to future and incumbent workers”.

The amendment was *rejected*.

Messrs. Rodrigues and Montigny moved that the proposed new text be amended by inserting the following 3 sections:- “SECTION\_\_\_. Chapter 46 of the Acts of 2015 is hereby amended by striking out section 36 and inserting in place thereof the following section:-

SECTION 36. Section 9 of said chapter 15A, as so appearing, is hereby amended by striking out, in lines 75 to 79, inclusive, the words ‘In the case of the university, the council shall review the recommendations of the board of trustees relative to tuition rates at said university and its campuses. Said tuition rates shall be subject to the approval of the council’ and inserting in place thereof the following words:- Tuition rates shall be increased by a rate not to exceed the annual increase in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, for such year and shall be subject to the approval of the council; provided, however, that tuition rates at the University of Massachusetts shall be subject to section 1B of chapter 75 and shall not require the approval of the council.

SECTION\_\_\_. Section 9 of Chapter 15A of the general laws, as most recently amended by Section 36 of chapter 46 of the acts of 2015, is hereby amended by striking out the following words:- ‘Said guidelines shall be based upon a study of tuition and fees which shall be conducted by the council, and which shall be authorized by statute; provided, that fees as defined by said guidelines, shall not exceed twenty-five percent of total student charges for the state colleges and the community colleges’ and inserting in place thereof the following words:- Said guidelines shall be based upon a study of tuition and fees which shall be conducted by the council, and which shall be authorized by statute; provided, that fees as defined by said guidelines, shall be increased by a rate not to exceed the annual increase in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, for such year.

SECTION\_\_\_. Section 1B of chapter 75 of the general laws, as most recently amended by Section 73 of chapter 46 of the acts of 2015, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:- (b) The board of trustees shall fix and establish student charges for the university. In-state tuition and mandatory student charges shall preserve affordability for residents of the commonwealth. Out-of-state student charges shall appropriately balance the financial needs of the university with the need to be competitive with peer institutions and, to the extent possible, cover, at a minimum, the actual cost of a student's education. Tuition shall comprise the majority portion of student charges. In establishing student charges, the board of trustees shall consider factors including: (i) the Consumer Price Index published by the Bureau of Labor Statistics in the United States Department of Labor; (ii) the Higher Education Price Index calculated by Commonfund; (iii) tuition and fee rates at peer institutions; (iv) collective bargaining costs; (v) total support from the commonwealth, including direct appropriations and support for capital construction and maintenance; and (vi) other relevant data and measures. The board shall increase in-state student charges, fees or any other student charges established by the university by a rate not to exceed the annual increase in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, for such year.”

After remarks, the amendment was *rejected*.

Mr. Ross moved that the proposed new text be amended in item 7002-8018, by inserting at the end thereof the following:- "provided further, that \$250,000 shall be expended to rehabilitate, finish, or expand facilities related to the Center for the Arts in the town of Natick;".

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

Ms. Flanagan moved that the proposed new text be amended in section 2A, in item 7002-8018, by adding at the end thereof the following: "provided further, that \$200,000 be expended for critical infrastructure improvements in the city of Fitchburg in order to support economic development on Main Street and Airport Road by installing access to high speed internet". After remarks, the amendment was **adopted**.

Messrs. Welch, Downing and Montigny moved that the proposed new text be amended by adding at the end thereof the following section:-

"SECTION XX. Notwithstanding any law or regulation to the contrary, the controlling business or owner of a certified project shall not be awarded any tax credit by the EACC or any local tax incentive, tax increment financing, or special tax assessment by a municipality where that controlling business or owner has an unsatisfied financial or legal obligation to the Commonwealth or any city or town therein, or to a federal agency where the basis of the obligation arose out of conduct evidencing a harm in the Commonwealth."

After remarks, the amendment was *rejected*.

Mr. OConnor moved that the proposed new text be amended in section 2A, by inserting at the end the following new line item:- "7002-8021 For the town of Weymouth to finance the continuation of sidewalk reconstruction along Route 3A between Neck Street and Evans Street..... \$250,000".

The amendment was **adopted**.

Ms. Lovely moved that the proposed new text be amended in section 2A, in item 7002-8018, by adding at the end thereof the following:- "provided further, that not less than \$250,000 shall be expended for repairs to the carriage house at Lynch Park in the city of Beverly"; and in said item, by striking out the figures "\$5,000,000" and inserting in place thereof the figures "\$5,250,000".

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

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

"SECTION \_\_. Chapter 64A of the General Laws, as most recently amended by chapter 46 of the acts of 2013, is hereby further amended by inserting, after section 7A, the following section:-

Section 7B. The sale of fuel to a city or town which was consumed for any municipal purpose shall be exempt from the excise established by this chapter."

The amendment was *rejected*.

Mr. Lesser moved that the proposed new text be amended in section 2A, in item 7009-2005, by adding at the end thereof the following:- "provided further \$100,000 shall be expended for materials and equipment to establish an engineering and STEM program at Belchertown High School in the town of Belchertown"; and in said item, by striking out the figure "\$45,000,000" and inserting in place thereof the figure "\$45,100,000".

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

Messrs. Donnelly and Lewis moved that the proposed new text be amended by adding the following sections:-

"SECTION XX. Chapter 7 of the General Laws is hereby amended by inserting after section 22O the following new section:-  
Section 22P. Any state executive, legislative or judicial department, office, commission, board, bureau, institution, regional or independent authority, or any instrumentality thereof contracting for cleaning, maintenance or security guard services in any buildings shall abide by section 27H of chapter 149 and any rules promulgated thereunder. Any procurement bid or offer with the operational services division or any other state procurement agent that does not follow the requirements under this section and any rules promulgated under this section is a nonresponsive bid or offer. Any contract entered into by any department, office, commission, institution or regional authority, after the effective date of this section, shall be void if it is not in compliance with this section and section 27H of chapter 149. Any solicitation by a state department, office, commission, institution or regional authority contracting for cleaning, maintenance or security guard services in any building shall include (1) a statement of required hours; and (2) a worksheet requiring a breakdown of the cost components of the hourly proposed rate as developed by the Executive Office for Administration and Finance or its designee; and (3) a provision for annual adjustments to the contract price to reflect increases to wage and benefits requirements as determined by the director of the department of labor standards.

SECTION XX. Section 27H of chapter 149 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking, in lines 1 and 2, the words 'the cleaning and maintenance of' and inserting in place thereof the following words:- 'cleaning, maintenance or security guard services in';

SECTION XX. Section 27H of said chapter 149 is hereby further amended by striking, in line 6, the word 'maintenance' and inserting in place thereof the following words:- ', security guard'."

After remarks, the amendment was *rejected*.

Ms. Jehlen, Messrs. Eldridge and Lewis, Ms. Chang-Diaz and Messrs. Brownsberger, Donnelly, Welch, Wolf and Montigny moved that the proposed new text be amended by inserting at the end there of the following new section:-

"SECTION XX.

Chapter 29 of the General Laws is hereby amended by inserting after section 6E the following section:-

Section 6F. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires

otherwise:

'Entity', a corporation and a foreign corporation; a domestic or foreign nonprofit corporation; a profit and a nonprofit unincorporated association; a limited liability company; a business trust; an estate; a partnership; a registered limited liability partnership; a trust and 2 or more persons having a joint or common economic interest; an entity that is of a type created by filing a public organic document; quasi-governmental organization; limited partnership, general partnership, limited liability partnership, limited liability company, joint venture and joint stock company.

'Financial support', funds received through the appropriations process, funds received through capital bonds, grants exceeding \$10,000, funds from a trust in which the commonwealth acts as a fiduciary administering funds on behalf of other parties or tax credits totaling at least \$100,000 during the fiscal year.

'Public', the general public, including, but not limited to clients, potential clients, shareholders and beneficiaries of the entity; but shall not include employees of the entity and agents of the government acting in their official capacity.

(b) Any entity receiving financial support from the commonwealth shall disclose this information by printing a disclosure on the entity's letterhead and on all other electronic and printed materials distributed to the public. The disclosure shall also be posted in a prominent place on the entity's website.

(c) The content of the disclosure shall, at a minimum, acknowledge that the entity receives financial support from the commonwealth."

After remarks, the amendment was *rejected*.

Ms. Lovely moved that the proposed new text be amended in line 275 in section 7 by striking the number "7" and inserting in place thereof the following number:- "8."; and in line 277 of said section 7, following the word "commonwealth," by inserting the following words:- "1 of whom shall be from the northeastern region of the commonwealth,".

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

Messrs. Lesser and Humason moved that the proposed new text be amended in section 2A, in item 7009-2005, by adding at the end thereof the following:- "provided that \$200,000 shall be expended for equipment, materials and transportation for the carpentry and electric, machine tool technology, and auto technology programs at Chicopee Comprehensive High School in the city of Chicopee"; and in said item, by striking out the figure "\$45,000,000" and inserting in place thereof the figure "\$45,200,000".

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

Mr. Wolf moved that the proposed new text be amended in section 39, by inserting after the word "calculation", in line 941, the following words:- "or alternatively, if there are not more than 4 property owners in the proposed district, all such property owners shall sign the petition";

In said section 39, by striking out, in line 972, the words "and a town meeting";

In said section 39, by inserting after the word "district", in line 973, the following words:- "; provided, however, in a town with a population of not more than 10,000, the district shall not be declared organized without a vote by the board of selectmen and a town meeting";

In said section 39, by striking out, in lines 1107, 1109 and 1118, the words "assessed value" and inserting in place thereof, in each instance, the following words:- "assessments"; and

In said section 39, by striking out, in lines 1116 and 1120, the words "assessed valuation" and inserting in place thereof, in each instance, the following words:- "assessments".

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

Ms. Forry and Ms. Lovely moved that the proposed new text be amended by adding the text of Senate document numbered 2438, relative to starter home districts.

The amendment was *rejected*.

Mr. Wolf moved that the proposed new text be amended in section 2A, in line item 7002-8018, by adding at the end thereof the following:- "provided further, that not more than \$200,000 shall be expended to expand the current park and ride facility at exit 6 off United States highway route 6 in the city known as the town of Barnstable or build a new park and ride facility in the city known as the town of Barnstable".

The amendment was **adopted**.

Mr. Ross moved that the proposed new text be amended in item 7002-8018, by inserting at the end thereof the following:- "provided further, that \$250,000 shall be expended to the Town of Plainville for public safety improvements;".

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

Mr. Montigny moved that the proposed new text be amended by inserting after the word "operator" in line 1557 the following new words:- "; provided, however, that the excise shall apply to whatever dollar amount is held out to the occupant as the cost of the rent, including any charges or fees included in the rent which are not separately itemized; provided further, that the excise shall not apply to any fees or charges which are separately itemized from the rent".

The amendment was *rejected*.

Ms. Flanagan moved that the proposed new text be amended in section 2A, in item 7002-8018, by adding at the end thereof the following: "provided further, that \$300,000 shall be expended for the acquisition of property on rear Main Street in Gardner". The amendment was **adopted**.

Messrs. Moore and Lewis moved that the proposed new text be amended in section 109, in line 2060, by striking out the figure "6" and inserting in place thereof the following figure:- "7"; and, in line 2071, by inserting after the word "university" the following:- "and 1 of whom shall be a representative of early education and care providers from a list of 3 nominees submitted by the Massachusetts Association for Early Education and Care who shall be experienced in the provision of early education and care for low income children and families". After remarks, the amendment was **adopted**.

Ms. Gobi moved that the proposed new text be amended in item 7002-8018, by inserting the following:- "provided further, that \$500,000 shall be expended for a dredging project and to improve, manage and protect the water quality of Lake Wickaboag in the town of West Brookfield;". After remarks, the amendment was **adopted**.

Ms. Gobi and Ms. Chandler moved that the proposed new text be amended by inserting after section 48 the following section:- "SECTION 49. Section 5 of chapter 59 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting in line 1496, after the word 'system', the following words:- 'or bioenergy system utilizing either an anaerobic digestion tank or gassifier'." The amendment was *rejected*.

Mr. Wolf moved that the proposed new text be amended in section 2B, in line 61, by striking the figures:- "\$7,500,000" and inserting in place thereof the figures:-"\$10,000,000"; and in section 111, in line 2093, by striking the figures:- "\$7,500,000" and inserting in place thereof the figures:-"\$10,000,000". After remarks, the amendment was **adopted**.

Mr. Lesser moved that the proposed new text be amended in section 2A, in item 7002-8009, by adding at the end thereof the following:- "provided that \$200,000 shall be expended to DevelopSpringfield for the construction and expansion of the Springfield Innovation Center in the city of Springfield"; and in said item, by striking out the figure "\$15,000,000" and inserting in place thereof the figure "\$15,200,000". The amendment was **adopted**.

Mr. Boncore moved that the proposed new text be amended by striking out section 3 and inserting in place thereof the text of Senate document numbered 2440, relative to horse racing and wagering. The amendment was **adopted**.

Messrs. Lesser, Tarr and Moore, Ms. Forry, Messrs. Rush and McGee and Ms. Gobi moved that the proposed new text be amended by inserting the text of Senate document numbered 2441, relative to live theater production tax incentive. The amendment was *rejected*.

Mr. Wolf moved that the proposed new text be amended in section 2A, line item 7002-8018, by adding at the end thereof the following:- "provided further, that not less than \$300,000 be provided to Barnstable County for the design, engineering, installation, piloting and assessment of the nitrogen removal capabilities of soil based innovative Title V septic systems developed by the Barnstable County Health Department to meet the objectives of an approved 208 region-wide water quality plan". After remarks, the amendment was **adopted**.

Ms. Gobi moved that the proposed new text be amended by inserting after section 36 the following section:- "SECTION 37. Section 6B of said chapter 40J, as so appearing, is hereby amended by inserting, in line 73, after the word 'interest' the following words:- ; provided that a public entity or public entities may, by a unanimous vote of the broadband committee or committees, vote not to accept the vendor recommendation of the institute and shall receive grant funding to be dispersed by the public entity or public entities for the purposes outlined in this section, provided that in the event of such unanimous vote not to accept the vendor recommendation of the institute, such public entity or public entities shall assume all responsibility for the deployment of broadband technology in said entities'." After remarks, the amendment was *rejected*.

Ms. Forry moved that the proposed new text be amended in section 2A in line item 7002-8018, by inserting the following: "...provided that \$500,000 be expended for a grant program, to be administered by the Massachusetts Office of Business Development, to assist minority owned business, women owned businesses and veteran owned businesses with capital and infrastructure improvements aimed at growing and expanding their business capacity'. After remarks, the amendment was **adopted**.

Mr. OConnor moved that the proposed new text be amended in line item 7002-8018 of section 2A by inserting at the end the following:- “provided further, that \$250,000 shall be expended to the town of Hingham to finance structural improvements and expansions to the Route 3A rotary”.

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

Mr. Timilty moved that the proposed new text be amended amend the bill in line item 7002-8018, by inserting at the end thereof the following:- "provided further, that not less than \$250,000 shall be expended for infrastructure improvements at Attleboro High School for expansion of career and technical education department”.

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

Ms. Lovely moved that the proposed new text be amended in section 2A, in item 7002-8018, by adding at the end thereof the following: “provided further, that not less than \$250,000 shall be expended for a Children’s Museum or other economic redevelopment at the city-owned property located at 2-12 Washington Street In Peabody”; and in said item, by striking out the figures “\$5,000,000” and inserting in place thereof the figures “\$5,250,000”.

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

Ms. Forry moved that the proposed new text be amended in section 86, in proposed subsection (d) of section 44A½ of chapter 149 of the General Laws, by adding the following 2 sentences:- “The supplier diversity office established in section 58A of chapter 7 shall establish a data collection program to collect data surrounding meaningful participation in construction and design projects by minority owned businesses, women owned business and veteran owned businesses in order to ensure compliance with this section. The supplier diversity office shall biannually submit a report to the clerks of the senate and house of representatives who shall forward the same to the chairs of the joint committee on state administration.”

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

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following section:-  
“SECTION . Notwithstanding any general or special law to the contrary, the secretary of the executive office of housing and economic development shall submit economic growth projections for the commonwealth for the next five years. Said projection shall be submitted to the clerks of the house and senate and the house and senate committee on ways and means by June 30th.”

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

*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.

*Recess.*

There being no objection, at twenty-six 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 twenty minutes past seven o’clock P.M., the Senate reassembled, the President in the Chair.

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

**PAPERS FROM THE HOUSE**

*Engrossed Bill — Land Taking for Conservation Etc.*

An engrossed Bill authorizing the town of Nantucket to convey certain land held for open space, recreational or conservation purposes to the Nantucket Islands Land Bank and Madaket Conservation Trust for open space, recreational or conservation purposes (see Senate, No. 1935) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty minutes past seven o’clock P.M., as follows, to wit (*yeas 39 - nays 0*) [**Yeas and Nays No. 417**]:

**YEAS.**

Barrett, Michael J.

Keenan, John F.

Boncore, Joseph A.

Lesser, Eric P.

Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
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.	OConnor, Patrick M.
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
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. – 39.
Joyce, Brian A.	

**NAYS – 0.**

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

*Engrossed Bill.*

An engrossed Bill making appropriations for the fiscal year 2016 to provide for supplementing certain existing appropriations (see House, No. 4512, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and

truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The House Bill relative to job creation, workforce development and infrastructure investment (House, No. 4483),-- was again considered, the main question being on ordering the bill to a third reading.

Ms. L'Italien moved that the proposed new text be amended in Line Item 7002-8018 by inserting after the word "Northampton" the following words: " , provided further that not less than \$200,000 shall be expended for development along the Route 133 corridor in Andover".

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

Ms. L'Italien moved that the proposed new text be amended in Line Item 7002-8018 by inserting after the word "Northampton" the following words:- " , provided further that not less than \$150,000 shall be expended for sidewalks on Route 38 in the town of Dracut".

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

Ms. L'Italien moved that the proposed new text be amended in Line Item 7002-8018 by inserting after the word "Northampton" the following words: " , provided further that not less than \$150,000 shall be expended for road and sidewalk construction and improvements along Main Street in the town of Tewksbury".

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

Messrs. Rodrigues, Montigny, Lewis and Fattman moved that the proposed new text be amended by inserting after section 112 the following section:-

"SECTION 112A. There shall be a special commission to investigate the issue of college affordability. The commission shall examine and make recommendations on the contributing factors to rising tuition and fee costs at institutes of higher education in the commonwealth. For the purposes of this section, the term 'institutes of higher education' shall include public and private institutes of higher education. The commission may hold public hearings.

The commission's investigation shall include, but not be limited to, the following areas: (i) employee expenditures including, but not limited to, employee issued credit cards and expense accounts; (ii) vacation and sick time policies for administrative employees; (iii) salaries, bonuses and stipends for administrative employees and professors including, but not limited to, tenured and non-tenured, associate and part-time professors and instructors who are members of collective bargaining units and who are considering joining collective bargaining units; (iv) professor class load; (v) the number of administrative positions at institutes of higher education and their descriptions; (vi) the cost and benefit of construction projects on campuses of institutes of higher education; (vii) endowments and annual profits of institutes of higher education; (viii) mandatory fees charged to students beyond the price of tuition charges, including technology and laboratory fees; (ix) the affordability of college textbooks including, but not limited to, the costs and benefits of open source textbooks; (x) ways for an institute of higher education to directly credit a student's account with funds to pay for books and supplies in accordance with 34 CFR 668.164(c)(2); (xi) the cost differences and composition of online credit hours versus on-campus credit hour; and (xii) other areas the commission deems appropriate to review and investigate.

The commission shall consist of the following members: 5 persons appointed by the governor, 1 of whom shall serve as the chair, 1 of whom shall have expertise in finance and investment, 2 of whom shall be parents or guardians of current college students; 1 member of the senate to be appointed by the senate president; 1 member of the senate to be appointed by the senate minority leader; 1 member of the house to be appointed by the speaker; 1 member of the house to be appointed by the minority leader; a representative of the University of Massachusetts office of the president; a representative of the University of Massachusetts director of libraries; 2 members of the Student Advisory Council to the board of education; a representative from the office of student financial assistance; a representative from the Massachusetts educational financing authority; a representative from the department of higher education; a member of the board of higher education; a representative of the Massachusetts State Universities Council of Presidents; a representative of the Massachusetts Community Colleges Executive Office; a representative of the Massachusetts Taxpayers Foundation, Inc.; a member of the Massachusetts Society of Certified Public Accountants, Inc.; and a member of the Association of Independent Colleges and Universities in Massachusetts, Inc."

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

Messrs. Tarr, OConnor and Lesser moved that the proposed new text be amended by inserting after section 57 the following:-

"SECTION . Section 6 of said chapter 62, as amended by section 1 of chapter 52 of the acts of 2015, is hereby further amended by adding the following subsection:-

(t)(1) As used in this subsection, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

'Business', a profession, sole proprietorship, trade partnership, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, non-profit entity or other business entity.

'Gateway municipality', a gateway municipality as defined in section 3A of chapter 23A.

'Qualifying business', a business which: (i) has its principal place of business in the commonwealth; (ii) has at least 50 per cent

of its employees located in the business's principal place of business; (iii) has a fully developed business plan that includes all appropriate long-term and short-term forecasts and contingencies of business operations, including research and development, profit, loss and cash flow projections and details of angel investor funding; (iv) employs 20 or fewer full-time employees at the time of the taxpayer investor's initial qualifying investment as provided for in paragraph (2); (v) has a federal tax identification number; and (vi) has gross revenues equal to or less than \$500,000 in the fiscal year prior to eligibility.

'Qualifying investment', a monetary investment that is at risk and is not secured or guaranteed; provided, however, that a qualifying investment shall not include venture capital funds, hedge funds or commodity funds with institutional investors or investments in a business involved in retail, real estate, professional services, gaming or financial services.

'Taxpayer investor', an accredited investor, as defined by the United States Securities and Exchange Commission pursuant to 15 U.S.C. section 77b(15)(ii) who is not the principal owner of the qualifying business and who is involved in the qualifying business as a full-time professional activity.

(2) A taxpayer investor who makes a qualifying investment in a qualifying business shall be allowed a credit against the taxes imposed by this chapter in an amount equal to 20 per cent of the amount of the taxpayer's qualifying investment. A taxpayer investor who makes a qualifying investment in a qualifying business with its principal place of business located in a gateway municipality shall be allowed a credit against the taxes imposed by this chapter in an amount equal to 30 per cent of the amount of the taxpayer's qualifying investment. Taxpayer investors may invest up to \$125,000 per qualifying business per year with a \$250,000 maximum for each qualifying business. The total of all tax credits available to a taxpayer investor under this subsection shall not exceed \$50,000 in any single calendar year.

(3) Qualifying investments may be used by a qualifying business for the following purposes: (i) capital improvements; (ii) plant equipment; (iii) research and development; and (iv) working capital. Qualifying investments shall not be used to pay dividends, fund or repay shareholders' loans, redeem shares, repay debt or pay wages or other benefits of the taxpayer investor.

(4) The credits allowed under paragraph (2) may be taken against income tax due in either the tax year of the initial investment or in any of the 3 subsequent taxable years. Any amount of the tax credit that exceeds the tax due for a taxable year may be carried forward by the taxpayer investor to any of the 3 subsequent taxable years. If the qualifying business ceases to have its principal place of business in the commonwealth within such 3 year period, the taxpayer investor shall not claim any further credits and shall repay the total amount of credits claimed to the commonwealth.

(5) The Massachusetts Life Sciences Center, in consultation with the executive office of housing and economic development and the commissioner, shall authorize, administer and determine eligibility for this tax credit and allocate the credit in accordance with the standards and requirements as set forth in regulations promulgated pursuant to this subsection, and with the goal of creating and maintaining jobs including, but not limited to, jobs in the following sectors: digital e-health, information technology, and healthcare. Any tax credits authorized pursuant to this subsection shall be subject to the annual cumulative cap pursuant to subsection (d) of section 5 of chapter 23I.

(6) The commissioner, the Massachusetts Life Sciences Center, and the executive office of housing and economic development shall promulgate regulations necessary to carry out this subsection."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-five minutes before eight o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 34 – nays 6*) [**Yeas and Nays No. 418**]:

#### YEAS.

Barrett, Michael J.	Lewis, Jason M.
Boncore, Joseph A.	L'Italien, Barbara A.
Brady, Michael D.	Lovely, Joan B.
Chandler, Harriette L.	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	OConnor, Patrick M.

Downing, Benjamin B.	Pacheco, Marc R.
Fattman, Ryan C.	Rodrigues, Michael J.
Flanagan, Jennifer L.	Rosenberg, Stanley C.
Forry, Linda Dorcena	Ross, Richard J.
Gobi, Anne M.	Rush, Michael F.
Humason, Donald F., Jr.	Spilka, Karen E.
Joyce, Brian A.	Tarr, Bruce E.
Keenan, John F.	Timilty, James E.
Lesser, Eric P.	Welch, James T. – 34.

**NAYS.**

Brownsberger, William N.	Eldridge, James B.
Chang-Diaz, Sonia	Jehlen, Patricia D.
deMacedo, Viriato M.	Wolf, Daniel A. – 6.

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

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

"SECTION . Notwithstanding any general or special law to the contrary the executive office of administration and finance shall conduct a feasibility study on the reduction of the state sales tax to 5 percent. Said study along with any recommendation shall be submitted to the clerks of the house and senate, the joint committee on revenue and the house and senate committee on ways and means by December 31, 2016."

The amendment was **adopted**.

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

"SECTION . Notwithstanding any general or special law to the contrary the executive office of administration and finance shall conduct a feasibility study on reducing local property tax. Said study along with any recommendation shall be submitted to the clerks of the house and senate, the joint committee on revenue and the house and senate committee on ways and means by December 31, 2016."

The amendment was **adopted**.

Mr. Pacheco moved that the proposed new text be amended by inserting in section 2A, in item 7002-8018, after the word "Lowell;" in line 53 the following:- " provided further, not less than \$500,000 shall be expended for design and other related services for corridor improvements and related work on Broadway (Route 138), from Taunton Green northerly to Purchase Street in the City of Taunton".

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

There being no objection, further consideration of the matter was temporarily laid aside.

There being no objection, the following matter was taken out of order and considered, as follow:

The House Bill relative to the judicial enforcement of noncompetition agreements (House, No. 4434, amended),-- was read a second time.

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Rules (striking all after the enacting clause and inserting in place thereof the text of Senate document numbered 2418; and 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 further provide for the judicial enforcement of trade secrets and noncompetition agreements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”), and pending the main question on ordering the bill to a third reading, Ms. Flanagan moved that the proposed new text be amended in section 3, in line 118, by striking the definition of “noncompetition agreement” and replacing with the following:-

“‘Noncompetition agreement’, an agreement between an employer and an employee arising out of an existing or anticipated employment relationship, under which the employee or expected employee agrees not to engage in certain specified activities competitive with the employee’s employer after the employment relationship has ended; provided, however, that “noncompetition agreements” shall not include: (i) covenants not to solicit or hire employees of the employer; (ii) covenants not to solicit or transact business with customers, clients or vendors of the employer; (iii) noncompetition agreements made in connection with the sale of a business entity or substantially all of the operating assets of a business entity or partnership, or otherwise disposing of the ownership interest of a business entity or partnership, or division or subsidiary thereof, when the party restricted by the noncompetition agreement is a significant owner of or member or partner in the business entity who will receive significant consideration or benefit from the sale or disposal of the business entity; (iv) noncompetition agreements outside of an employment relationship; (v) forfeiture agreements; (vi) nondisclosure or confidentiality agreements; (vii) invention assignment agreements; (viii) garden leave clauses; (ix) noncompetition agreements made in connection with the termination of or separation from employment if the employee is expressly given 7 business days to rescind acceptance; (x) agreements by which an employee agrees to not reapply for employment to the same employer after termination of the employee; or (xi) forfeiture for competition agreements.”

The amendment was *rejected*.

Ms. Spilka moved that the proposed new text be amended in section 3, by striking out, in line 162, the words “3 months” and inserting in place thereof the following words:- “1 year”.

The amendment was *rejected*.

Ms. Spilka moved that the proposed new text be amended in section 3, by striking out, in lines 215 to 219, inclusive, proposed subsection (e) of proposed section 24L of chapter 149.

The amendment was *rejected*.

Ms. Spilka moved that the proposed new text be amended in section 3, by striking out, in lines 204 to 209, inclusive, the words “(v) an employee whose average weekly earnings, calculated by dividing the employee’s earnings during the period of 12 calendar months immediately preceding the date of termination of employment by 52, or such number of weeks that the employee was actually paid during that 52 week period, are less than 2 times the average weekly wage in the commonwealth as determined pursuant to subsection (a) of section 29 of chapter 151A” and inserting in place thereof the following words:- “(v) an employee whose average annual earnings during the period of 12 calendar months immediately preceding the date of termination are less than \$80,000”.

The amendment was *rejected*.

Ms. Spilka moved that the proposed new text be amended in section 3, by inserting after the definition of “Garden leave clause” the following definition:- “‘Long term compensation plan’, a plan offered by an employer for acceptance by an employee that includes compensation linked to the long term results of the business entity, that may include stock options, restricted or performance stock units, or other consideration and variable payment terms offered by the employer for acceptance by an employee and shall include notice of the terms of the compensation plan as it relates to payments to the employee for termination of employment with and without cause. The combination of any severance payments and the value of long term compensation initially offered to an employee that is subsequently terminated without cause shall be equal to or exceed payments applicable under a garden leave clause.”; and

In said section 3, by striking out, in lines 181 to 196, inclusive, proposed clause (10) of proposed subsection (b) of proposed section 24L of chapter 149, and inserting in place thereof the following words: - “(10) The noncompetition agreement shall be supported by a garden leave clause or other mutually-agreed upon consideration between the employer and the employee, provided that such consideration is offered in connection with a long term compensation plan; provided, however, that if the employee’s annual earnings by the employer in the 12 calendar months immediately preceding the date of termination of employment exceeds \$600,000, the employer shall not be required to provide garden leave or other mutually-agreed upon consideration between the employer and the employee offered in connection with a long term compensation plan. To constitute a garden leave clause within the meaning of this section, the agreement shall (i) provide for the payment, consistent with the requirements for the payment of wages under section 148, on a pro-rata basis during the entirety of the restricted period, of at least 50 per cent of the employee’s highest annualized base salary paid by the employer within the 2 years preceding the employee’s termination or other mutually agreed-upon terms in a long term compensation plan; and (ii) except in the event of a breach by the employee, not permit an employer to unilaterally discontinue or otherwise fail or refuse to make the payments; provided, however, if the restricted period has been increased beyond 12 months as a result of the employee’s breach of a fiduciary duty to the employer or the employee has unlawfully taken, physically or electronically, property belonging to the

employer, the employer shall not be required to provide payments to the employee during the extension of the restricted period.”  
The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by striking in line 154 the number "5" and inserting in place thereof the following:- "3"

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

Mr. Barrett moved the proposed new text be amended in section 3, by striking in line 209 the words: "or (vi) independent contractors under section 148B", and inserting in place thereof: "(vi) independent contractors under section 148B; or (vii) employees covered under any collective bargaining agreement".

The amendment was *rejected*.

Mr. Montigny moved that the proposed new text be amended in section 3, by striking out, in lines 183 and 184 the words "100 per cent of the employee's highest annualized earnings paid by the employer within the 2 years preceding the employee's termination" and inserting in its place thereof the following words:- "the value of the garden leave clause"; and in said section 3, by striking out, in line 189, the word "of", the second time it appears, and inserting in place thereof the following words:- "for the duration of the restricted period at a rate of at least".

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

**The Rules amendment was then adopted, as amended.**

**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.**

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

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

*Engrossed Bill Returned with Recommendation of Amendment.*

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to MBTA fare increases (see House, No. 4492) [being the text contained in Section 133 of the General Appropriations Bill (see House, No. 4450)] [for message, see attachment K of House, No. 4505],-- came from the House with the endorsement that the House had rejected the amendment recommended by the Governor, (as approved by the House Committee on Bills in the Third Reading).

**The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.**

**The rules were suspended, on motion of Ms. Spilka.**

After debate, the question on the adoption of the Governor's recommendation of amendment was determined by a call of the yeas and nays, at twenty minutes before nine o'clock P.M., as follows, to wit (*yeas 30 — nays 10*) [**Yeas and Nays No. 419**]:

#### **YEAS.**

Barrett, Michael J.	Joyce, Brian A.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.
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.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Timilty, James E.
Jehlen, Patricia D.	Wolf, Daniel A. – 30.

**NAYS.**

Brownsberger, William N.	OConnor, Patrick M.
deMacedo, Viriato M.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Humason, Donald F., Jr.	Tarr, Bruce E.
Keenan, John F.	Welch, James T. – 10.

**The yeas and nays having been completed at sixteen minutes before nine o'clock P.M., the Governor's amendment was rejected, in concurrence.  
Sent to the House for re-enactment.**

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to low-income taxpayer clinics (see House, No. 4485) [being the text contained in Section 12 of the General Appropriations Bill (see House, No. 4450)] [for message, see attachment D of House, No. 4505],-- came from the House with the endorsement that the House had rejected the amendment recommended by the Governor, (as approved by the House Committee on Bills in the Third Reading).

**The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.**

**There being no objection, the rules were suspended, on the motion of Ms. Spilka, and, after debate, the Governor's amendment was rejected, in concurrence.  
Sent to the House for re-enactment.**

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to the office of the child advocate (see House, No. 4486) [being the text contained in Section 24 of the General Appropriations Bill (see House, No. 4450)] [for message, see attachment E of House, No. 4505],-- came from the House with the endorsement that the House had rejected the amendment recommended by the Governor, (as approved by the House Committee on Bills in the Third Reading).

**The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.**

**There being no objection, the rules were suspended, on the motion of Ms. Spilka, and the Governor's amendment was**

**rejected, in concurrence.**

**Sent to the House for re-enactment.**

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to administering controlled substances (see House, No. 4489) [being the text contained in Section 63 of the General Appropriations Bill (see House, No. 4450)] [for message, see attachment H of House, No. 4505],-- came from the House with the endorsement that the House had rejected the amendment recommended by the Governor, (as approved by the House Committee on Bills in the Third Reading).

**The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.**

**There being no objection, the rules were suspended, on the motion of Ms. Spilka, and, after debate, the Governor's amendment was rejected, in concurrence.**

**Sent to the House for re-enactment.**

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to the Massachusetts child psychiatry access program (see House, No. 4487) [being the text contained in Section 36 of the General Appropriations Bill (see House, No. 4450)] [for message, see attachment F of House, No. 4505],-- came from the House with the endorsement that the House had rejected the amendment recommended by the Governor, (as approved by the House Committee on Bills in the Third Reading).

**The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.**

**There being no objection, the rules were suspended, on the motion of Ms. Spilka, and, after debate, the Governor's amendment was rejected, in concurrence.**

**Sent to the House for re-enactment.**

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to long-term antibiotic therapy for the treatment of lyme disease (see House, No. 4491) [being the text contained in Sections 108, 111, 113 and 115 of the General Appropriations Bill (see House, No. 4450)] [for message, see attachment J of House, No. 4505],-- came from the House with the endorsement that the House had rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).

**The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.**

**There being no objection, the rules were suspended, on the motion of Ms. Spilka, and, after remarks, the Governor's amendment was rejected, in concurrence.**

**Sent to the House for re-enactment.**

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to protective custody (see House, No. 4490) [being the text contained in Section 73 of the General Appropriations Bill (see House, No. 4450)] [for message, see attachment I of House, No. 4505],-- came from the House with the endorsement that the House had rejected the amendment recommended by the Governor, and had adopted the following amendment by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Chapter 111E of the General Laws is hereby amended by inserting after section 9 the following section:-

Section 9A. For purposes of this section, ‘incapacitated’ shall mean the condition of a person who, by reason of the consumption of a controlled substance or toxic vapor or other substance other than alcohol is (1) unconscious, (2) in need of medical attention, (3) likely to suffer or cause physical harm or damage property, or (4) disorderly.

Any person who is incapacitated may be placed into protective custody by a police officer without the person's consent for the purpose of immediately transporting the person to an acute care hospital or satellite emergency facility as defined in section 51½ of chapter 111 or otherwise immediately obtaining appropriate emergency medical treatment. For purposes of this section, to determine whether or not a person is incapacitated, a police officer may request the person to submit to reasonable tests of coordination, coherency of speech, and breath. A police officer may place the person into protective custody when such tests or other information or observations indicate that the person is incapacitated. Whenever a police officer places into protective custody a person under the age of 18 in accordance with this section, the police officer shall notify the parent or guardian of that person forthwith.

A person may not be held in protective custody against the person's will beyond the time required to complete the person's immediate transport to an acute care hospital or satellite emergency facility as defined in section 51½ of chapter 111, or to otherwise immediately obtain appropriate emergency medical treatment.

A police officer acting in accordance with this section may use such force as is reasonably necessary to carry out the officer's authorized responsibilities. If the police officer reasonably believes that there may be a risk to the safety of the incapacitated person, the safety of the officer, or the safety of other persons present, the police officer may search the person and the immediate surroundings of the person placed into protective custody but only to the extent necessary to discover and seize any items or weapons which may pose a danger. Any item taken shall be inventoried and, unless the item is contraband or otherwise unlawfully possessed, shall be returned to the person when the person is no longer incapacitated.

A person placed under protective custody in accordance with this section shall not be considered to have been arrested or to have

been charged with any crime. An entry of custody shall be made indicating the date, time, place of custody, the name of the assisting officer and the name of the officer in charge. No such entry shall be treated as an arrest or criminal record for any purpose.

SECTION 2. This act shall take effect as of July 1, 2016.”

**The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.**

**The rules were suspended, on motion of Ms. Spilka.**

**After remarks, the Governor’s amendment was then rejected.**

**The House amendment was considered; and it was adopted, in concurrence.**

**Sent to the House for re-enactment.**

The Senate Bill authorizing Nantucket County to convey certain parcels of land to the town of Nantucket (Senate, No. 1936),-- came from the House passed to be engrossed, in concurrence with an amendment in section 1, in line 5, by striking out the words “and for general municipal purposes and access purposes”.

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

#### *Orders of the Day.*

The Orders of the Day were further considered as follows:

The House Bill relative to job creation, workforce development and infrastructure investment (House, No. 4483),-- **was again considered, the main question being on ordering the bill to a third reading.**

Ms. Flanagan, Ms. L’Italien and Messrs. Brady, Brownsberger, Tarr and Humason moved that the proposed new text be amended by inserting after section 3 the following 2 sections:-

“SECTION 3A. Section 24 of chapter 10 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: -

The commission may conduct a state lottery, including a lottery conducted online, over the internet or through the use of mobile applications. The commission shall determine: (i) the types of lottery to be conducted; (ii) the prices of tickets, games or shares in the lottery; (iii) the numbers and sizes of the prizes on the winning tickets, games or shares; (iv) the manner of selecting the winning tickets, games or shares; (v) the manner of payment of prizes to the holders of winning tickets, games or shares; (vi) the frequency of the drawings or selections of winning tickets, games or shares; (vii) the types of locations at which tickets, games or shares may be sold; (viii) the method to be used in selling tickets, games or shares; (ix) the licensing of agents to sell tickets, games or shares; provided, however, that no person under the age of 18 shall be licensed as an agent; (x) the manner and amount of compensation, if any, to be paid to licensed sales agents; provided, however, that the amount of compensation, if any, to be paid to licensed sales agents as commission shall be calculated on the total face value of each ticket, game or share sold and not on the discounted price of any ticket, game or share sold; and (xi) such other matters that the commission deems necessary or desirable for the efficient and economical operation and administration of the lottery, for the convenience of the purchasers of tickets, games or shares and for the convenience of the holders of winning tickets, games or shares. The commission may operate the daily numbers game 7 days a week. Each lottery ticket, game or share that is not played online shall have imprinted thereon the seal of the commonwealth and a serial number. The commission may establish and from time to time revise such rules and regulations as it deems necessary or desirable and shall file the same with the office of the state secretary.

The commission shall establish rules and regulations for lotteries conducted online, over the internet or through use of mobile applications that shall, at a minimum:

- (i) require age verification measures to be reasonably designed to block access to and prevent sales of lottery tickets, games or shares online, over the internet or through the use of a mobile application to persons under the age of 18;
- (ii) limit sales of lottery tickets, games or shares online, over the internet or through the use of mobile applications to transactions initiated and received or otherwise made within the commonwealth;
- (iii) allow any player to voluntarily prohibit or otherwise exclude themselves from purchasing a lottery ticket, game or share online, over the internet or through the use of a mobile application; provided, however, that a third party may also request to exclude or set deposit or loss limits for a player holding an online lottery account;
- (iv) establish maximum limits for account deposits and transactions of lottery tickets, games or shares conducted online, over the internet or through the use of a mobile application and allow players to reduce their own deposit or transaction limit at any time;
- (v) limit any electronic deposits made in an online lottery account to the use of a verified bank account, prepaid gift card or debit card; provided, however, that the commission shall not accept credit card payments or deposits for the purchase of any ticket, game or share online, over the internet or through the use of a mobile application;
- (vi) clarify that money in an online lottery account belongs solely to the owner of the account and may be withdrawn by the owner at any time; and
- (vii) require the commission to implement promotional activities to encourage the purchase of lottery tickets, games or shares through licensed sales agents including, but not limited to, the sale of prepaid gift cards for online transactions through licensed sales agents.

The commission shall advise and make recommendations to the director regarding the operation and administration of the lottery. The commission shall report monthly to the governor, the attorney general and the general court on the total lottery revenues,

prize disbursements and other expenses for the preceding month. The commission shall make an annual independently-audited financial report to the governor, the attorney general and the general court which shall include a full and complete statement of lottery revenues, prize disbursements and other expenses, including such recommendations as it may deem necessary or advisable, and the report shall be made available electronically to the general public not later than the earliest date established for reports in section 12 of chapter 7A. The commission shall report immediately to the governor and the general court on any matters that require immediate changes in the law in order to prevent abuses and evasions of the laws relative to lotteries or to rectify undesirable conditions in connection with the administration or operation of the state lottery.

Notwithstanding any general or special law to the contrary, the name, address, transaction history, account balance or other personal or identifying information of an individual who purchases lottery tickets, games or shares online, over the internet or through the use of mobile applications shall not be deemed public records of the commission and shall not be subject to section 10 of chapter 66; provided, however, that this section shall not prohibit the commission from maintaining, using or sharing such information in the course of an investigation by law enforcement or in compliance with sections 28A or 28B.

SECTION 3B. Section 24A of said chapter 10, as so appearing, is hereby amended by inserting after the word ‘games’, in line 8, the following words: - , including multi-jurisdictional lottery games to be conducted online, over the internet or through the use of mobile applications provided that such lotteries games to be conducted online, over the internet or through the use of mobile applications have been properly authorized by each state or other jurisdiction that is part of the group.”; and

By inserting after section 69 the following section:-

“SECTION 69A. Section 3 of chapter 137 of the General Laws, as so appearing, is hereby amended by inserting after the figure ‘23K’, in line 7, the following words:- and chapter 10.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-seven minutes before ten o’clock P.M., on motion of Ms. Flanagan, as follows, to wit (yeas 22 – nays 17) [**Yeas and Nays No. 420**]:

#### YEAS.

Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	L'Italien, Barbara A.
Brownsberger, William N.	McGee, Thomas M.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	OConnor, Patrick M.
Donoghue, Eileen M.	Pacheco, Marc R.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Tarr, Bruce E.
Gobi, Anne M.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T. – 22.

#### NAYS.

Barrett, Michael J.	Keenan, John F.
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Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
deMacedo, Viriato M.	O'Connor Ives, Kathleen
Downing, Benjamin B.	Rodrigues, Michael J
Eldridge, James B.	Spilka, Karen E.
Jehlen, Patricia D.	Wolf, Daniel A. – 17.
Joyce, Brian A.	

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

Ms. Flanagan moved that the proposed new text be amended by inserting after section \_\_\_ the following section:-  
 “SECTION X. Section 19D of Chapter 138 of Title XX of Part 1 of the General Laws is hereby amended by striking subsections one through four under section (g) and replacing it with the following:

- (1) at wholesale to any person holding a valid wholesalers’ and importers’ license under section 18;
- (2) at wholesale in kegs, casks, barrels or bottles to any person holding a license to sell under section twelve, thirteen or fourteen, and, for the sole purpose of resale in containers in which the malt beverage was delivered, to any person holding a license to sell under section fifteen; provided that the total annual sales to sections twelve, thirteen, fourteen, and fifteen licensees shall not exceed fifty thousand gallons;
- (3) at wholesale to churches and religious societies, educational institutions, incorporated hospitals, homes for the aged, manufactures of food products and manufacturers of drugs and chemicals as authorized by and subject to the provisions of section 28;
- (4) at retail by the bottle to consumers for consumption off the brewery premises;
- (5) at wholesale to any person in any state or territory in which the importation and sale of malt beverages is not prohibited by law; and
- (6) at wholesale to any person in a foreign country.”

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by inserting after section 70 the following section:-  
 “SECTION 70A. Said section 12 of said chapter 138, as so appearing, is hereby further amended by adding the following paragraph:-

Bottles of wine, craft beer, malt liquor may be sold on the licensed premises of a multi-use wine shop or craft beer store. Wine, beer or malt liquor may be drunk on the licensed premises of a multi-use wine shop or craft beer store only when accompanied by food purchased at the multi-use wine shop or craft beer store. For the purposes of this section, ‘multi-use wine shop or craft beer store’ shall mean a building or part of a building having adequate and sanitary professional restaurant-style kitchen and dining area equipment and the capacity for preparing cooking and serving suitable food for strangers, travelers, other patrons and customers and meeting and complying with all the requirements imposed upon common victuallers under chapter 140.”

The amendment was *rejected*.

Mr. OConnor moved that the proposed new text be amended by striking in section 81 in line 1758 the following:-"or on the last Monday in May"; by striking section 82 in its entirety; and by striking section 84 in its entirety.  
 After remarks, the amendment was *rejected*.

Messrs. Tarr and OConnor moved that the proposed new text be amended by inserting after section 20 the following:-  
 “SECTION \_ . Chapter 23G of the General Laws is hereby amended by inserting after section 46 the following section:-  
 Section 47. (a) There shall be established and set up on the books of the commonwealth a Designated Port Area Fund within the Massachusetts Development Finance Agency. In carrying out its duties under this section, the agency may use the fund as provided in this section to make grants, loans, or a combination thereof for the design, construction, repair, renovation, rehabilitation, or other capital improvement of existing commercial and marine industrial infrastructure and commercial and

public maritime transportation infrastructure in designated port areas as defined in 301 CMR 25.02.

(b) The fund shall be administered and managed by a fund director, who shall be appointed by the executive director of the agency. The agency may adopt such guidelines as are necessary to implement the program. The fund may coordinate with other agencies, community development organizations, and instrumentalities of the commonwealth to effectuate this section.

(c) The liabilities and obligations of the fund shall not extend beyond the monies which are deposited in the fund and shall not constitute a debt or pledge of the faith and credit of the commonwealth or any subdivision thereof.

(d) Monies in or received for the fund may be deposited with and invested by any institution as may be designated by the treasurer of the agency at the treasurer's sole discretion and paid as the fund director shall direct. Any return on such investment received by the fund shall be deposited and held for the use and benefit of the fund. The treasurer of the agency may make payments from such deposit accounts for use in accordance with the provisions of this section. The agency may be reimbursed annually from the fund for all reasonable and necessary direct costs and expenses incurred with the administration, management and operation of the fund, including reasonable staff time, out-of-pocket expenses and administrative costs.

(e) The fund shall be eligible to apply for and accept subventions, grants, loans, advances and contributions from any source of money, property, labor, or other things of value to be held, used and applied in furtherance of this section.

(f) The agency shall use the fund to make grants, loans, or a combination thereof for the design, construction, repair, renovation, rehabilitation, or other capital improvements of existing commercial and marine industrial infrastructure and public maritime transportation infrastructure in designated port areas as defined in 301 CMR 25.02, provided that funds allocated in line item 1100-2511 of Chapter 286 of the Acts of 2014, may be utilized for the Designated Port Area Fund. In making such loans, the agency shall consider: (i) the impacts on future economic growth and commercial and industrial development within the designated port area; (ii) the impacts on the commercial fishing industry; (iii) the impacts on wastewater and wastewater pretreatment in the designated port area; (iv) the attendant economic benefits to the commonwealth; and (v) any strategic report or other assessment created under section 94 of chapter 287 of the acts of 2014. In connection with any grant, loan or combination thereof made under this section, the agency shall reasonably anticipate that such loan will leverage additional private investment in the property or the designated port area in which the property is located.

(g) The agency shall, in coordination with the executive office of housing and economic development, submit an annual report to the clerks of the house and senate who shall forward the report to the house and senate committees on ways and means and the joint committee on economic development and emerging technologies on or before December 31. The report shall include a current assessment of the progress of each project funded through the program.”

After remarks, the amendment was *rejected*.

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

“SECTION \_ . Section 13 of chapter 176J of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding the following subsection:

(d) Notwithstanding this chapter or any other general or special law to the contrary, carriers may annually offer group purchasing cooperative members rewards or other incentives for participation in wellness programs sponsored by the cooperative. The amount of such rewards shall be determined by the carrier in coordination with the provider of the wellness program, based upon the promotion and participation of the cooperative and its members in sponsored wellness programs that include, among other things, health care education and the use of available transparency tools. Any reward established pursuant to this subsection shall be submitted to the commissioner for informational purposes prior to the payment of any such reward. The requirements to qualify for such reward shall be applied equally and consistently to all cooperative members, treating all similarly situated cooperative members that have qualified for the reward in the same manner.

The Commissioner shall study the ability of cooperatives to use other incentives for wellness programs within the restrictions of state and federal rating rules and may also consider the use of an innovation waiver to pursue such flexibility.”

The amendment was *rejected*.

Messrs. Tarr and OConnor moved that the proposed new text be amended by inserting the following 3 sections:

“SECTION XXXX. Section 2 of chapter 62 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding the following subparagraph:-

(R) To the extent not otherwise excluded from gross income, in whole or in part, income attributable to the discharge of debt on a principal residence, including debt reduced through mortgage restructuring, as well as mortgage debt forgiven in connection with a foreclosure, subject to the following conditions and limitations:.”

The amendment was *rejected*.

Messrs. Rush and deMacedo moved that the proposed new text be amended by inserting after section 67 the following section:--

“SECTION 67A. Chapter 74 of the General Laws is hereby amended by adding the following section:-

Section 57. Subject to appropriation, the board of higher education shall establish and maintain, in cooperation with local public and vocational school authorities, postsecondary technical schools and the boards of trustees of community colleges, a program to support training and education programs that address the workforce shortages of the advanced automotive and diesel technician industry with the goal of training students, creating new jobs, retaining and upgrading existing jobs, and retraining existing workers to implement new technologies and to help meet the workforce and talent pipeline needs of employers including, but not limited to, a person who has obtained a Class 1 license pursuant to sections 58 and 59 of chapter 140. There shall be, subject to appropriation, a grant program to implement this section to which employers shall have access to:

(i) identify, support or establish collaborative regional partnerships including, but not limited to, employers, workforce

development and education organizations, regional economic development organizations established pursuant to sections 3J and 3K of chapter 23A and economic development officials in every region where Class 1 licensees and related industries demonstrate demand for automotive and diesel repair technicians;

(ii) address critical workforce shortages in the automotive and diesel repair industry;

(iii) improve and increase employment opportunities in the automotive and diesel repair industry for low-income individuals, women and minorities;

(iv) provide training and educational or career ladder services for employed or unemployed automotive and diesel repair workers who are seeking new positions or responsibilities within the automotive and diesel repair industry;

(v) increase support for internship and apprentice training at facilities associated with Class 1 licensees;

(vi) boost industry-relevant instructor capacity for high school and postsecondary programs; and

(vii) direct support for succession planning, worker retention and upskilling strategies for older and incumbent workers.

For the purposes of the grant program, 'eligible applicants' shall include, but not be limited to: (i) employers and employer associations; (ii) local workforce investment boards; (iii) institutions of higher education; (iv) kindergarten to grade 12, inclusive, and vocational education institutions; (v) private for-profit and nonprofit organizations providing education and workforce training; (vi) 1-stop career centers; (vii) local workforce development entities; and (viii) any partnership or collaboration between eligible applicants. Any funds allocated through the program shall complement and not replace existing local, state, private or federal funding for training and educational programs.

A grant proposal submitted pursuant to this section shall include, but not be limited to:

(i) a plan that defines specific goals for advanced automotive and diesel repair technology workforce training and educational improvements;

(ii) the evidence-based programs the applicant shall use to meet the goals;

(iii) a budget necessary to implement the plan, including a detailed description of any funding or in-kind contributions that an applicant will be providing in support of the proposal;

(iv) any other private funding or private sector participation that the applicant anticipates in support of the proposal; and

(v) the proposed number of individuals who would be enrolled, complete training and be placed into employment in the targeted industries.

The board of higher education shall, in consultation with the executive office of housing and economic development, executive office of labor and workforce development, the department of education and entities representing parties who are eligible to participate in the grant program, develop guidelines for an annual review of the progress being made by each grantee. A grantee shall participate in any evaluation or accountability process implemented by or authorized by the commonwealth corporation. The board shall file annual reports for the duration of the programs with the chairs of the house and senate committee on ways and means, the chairs of the joint committee on labor and workforce development and the chairs of the joint committee on economic development and emerging technologies not later than January 1; provided, however, that the report shall include an overview of the activities of the programs, the number of participants in the programs and the employment outcomes in the programs."

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

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

"SECTION XX. Notwithstanding any general or special law to the contrary, there shall be a special commission to examine the state of the telecommunications and broadband infrastructure in the commonwealth, including fiber-to-the-premises, cable, wireless, and landline technologies with the goal of recommending a comprehensive approach to manage, maintain, improve and expand the telecommunications network and ensure consumers, both residences and businesses, as well as competitive local exchange carriers have access to a reliable and competitive broadband network.

The commission shall review: (i) the status of competition and pricing for broadband communications services and networks; (ii) current and future consumer expectations; (iii) national and international approaches to ensuring core public interest principles and robust communication capabilities are maintained; (iv) reliability, resiliency and interoperability of networks in the commonwealth; (v) technology types and speeds available across the state; (vi) access and underservice issues; and (vii) comparative analysis of census data across the Commonwealth.

The commission shall consist of the following members or their designees: the commissioner of the department of telecommunications and cable, who shall serve as chair; (1) representative of the Massachusetts Communications Association; (1) representative of the Massachusetts Broadband Institute; (1) representative of the Massachusetts Municipal Association; (1) representative Massachusetts Technology Leadership Council; (1) representative designated by the President of the AFL-CIO from a telecommunications union in the commonwealth; and (3) member who shall be appointed by the governor, (1) of whom shall be a senior executive from a telecommunications company; (1) of whom shall be a professor with expertise in telecommunications research and policy; (1) one of whom shall be a senior executive from a competitive local exchange carrier. The commission shall file a report of its recommendations and proposed legislation or regulatory changes, if any, with the clerk of the house and senate and with the chairs of the joint committee on telecommunications, utilities and energy not later than March 1, 2017."

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting the text of Senate document numbered 2442, relative to providing for alternative delivery of infrastructure projects.  
The amendment was *rejected*.

Messrs. Tarr and O'Connor Ives moved that the proposed new text be amended by striking section 67 in its entirety.  
After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twelve minutes before ten o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 9 – nays 30*) [**Yeas and Nays No. 421**]:

**YEAS.**

deMacedo, Viriato M.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Humason, Donald F., Jr.	Tarr, Bruce E.
O'Connor Ives, Kathleen	Timilty, James E. – <b>9</b> .
OConnor, Patrick M.	

**NAYS.**

Barrett, Michael J.	Jehlen, Patricia D.
Boncore, Joseph A.	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'Italie , Barbara A.
Creem, Cynthia Stone	Lovely, Joan B.
DiDomenico, Sal N.	McGee, Thomas M.
Donnelly, Kenneth J.	Montigny, Mark C.
Donoghue, Eileen M.	Moore, Michael O.
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.

Flanagan, Jennifer L.

Spilka, Karen E.

Forry, Linda Dorcena

Welch, James T.

Gobi, Anne M.

Wolf, Daniel A. – 30.

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

Mr. Fattman moved that the proposed new text be amended in section 2A, in item 7002-8018, by adding at the end thereof:-  
“provided further, that not less than \$250,000 shall be expended for sidewalks and bicycle paths in the town of Blackstone”.  
The amendment was **adopted**.

Mr. Fattman moved that the proposed new text be amended in section 2A, in item 7002-8018, by adding at the end thereof:-  
“provided further, that not less than \$250,000 shall be expended for infrastructure improvements at Oxford Crossing in Oxford”.  
After remarks, the amendment was **adopted**.

Mr. Tarr moved that the proposed new text be amended in section 2A, in item 7002-8018, by adding the following at the end thereof:-  
"provided further, that \$300,000 shall be expended for downtown improvements including but not limited to the planning and design of a public safety facility in the town of Ipswich".  
After remarks, the amendment was **adopted**.

Mr. Tarr moved that the proposed new text be amended in section 2A, in item 7002-8018, by adding the following at the end thereof:-  
"provided further, that \$150,000 shall be expended for the planning, design, permitting, construction, site preparation and development of a wastewater pre-treatment facility for fish processing in the city of Gloucester".  
The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended in section 2A, in item 7002-8018, by adding the following at the end thereof:-  
"provided further, that \$200,000 shall be expended for downtown improvements including but not limited to the planning and design of a public safety facility in the town of Essex".  
The amendment was **adopted**.

Mr. Tarr moved that the proposed new text be amended in section 2B by striking out the figure “\$7,500,000” and inserting in place thereof the figure “\$15,000,000.”  
The amendment was *rejected*.

Mr. Moore and Ms. Flanagan moved that the proposed new text be amended by inserting after section 116 the following section:-  
“SECTION 116A. Section 23 of chapter 166A of the General Laws shall apply to contracts entered into or renewed on or after the effective date of this act.”  
The amendment was **adopted**.

Messrs. Welch and Lewis moved that the proposed new text be amended by adding the following section:-  
“SECTION XX. Section 13 of chapter 176J of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding the following subsection:  
(d) Notwithstanding this chapter or any other general or special law to the contrary, carriers may annually offer group purchasing cooperative members rewards or other incentives for participation in wellness programs sponsored by the cooperative. The amount of such rewards shall be determined by the carrier in coordination with the provider of the wellness program, based upon the promotion and participation of the cooperative and its members in sponsored wellness programs that include, among other things, health care education and the use of available transparency tools. Any reward established pursuant to this subsection shall be submitted to the commissioner for informational purposes prior to the payment of any such reward. The requirements to qualify for such reward shall be applied equally and consistently to all cooperative members, treating all similarly situated cooperative members that have qualified for the reward in the same manner.  
The Commissioner shall study the ability of cooperatives to use other incentives for wellness programs within the restrictions of state and federal rating rules and may also consider the use of an innovation waiver to pursue such flexibility.”  
The amendment was *rejected*.

Mr. Eldridge moved that the proposed new text be amended by inserting after section 78A the following section:-  
“SECTION 78B. Said section 19C of said chapter 138, as so appearing, is hereby further amended by inserting after subsection (n) the following subsection:-  
(o) Notwithstanding a provision of this chapter to the contrary, a farmer-brewery may fill an empty growler, including a growler provided by a consumer for retail sale, for off-premises consumption. For the purposes of this subsection, the term ‘growler’ shall

mean a sealed or capped glass container, including a bottle, jug or other container, that can hold up to 100 ounces of a malt beverage and was purchased to hold a malt beverage.”

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

Ms. Lovely, Mr. Wolf and Ms. Jehlen moved that the proposed new text be amended by inserting after section 90 the following 3 sections:-

“SECTION 90A. Section 4 of chapter 151B of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word ‘or’.

SECTION 90B. Said section 4 of chapter 151B is hereby further amended by inserting, in line 6, after the word ‘individual’, in line 6, the following words:- or pregnancy, childbirth or a related condition including, but not limited to, the need to express breast milk.

SECTION 90C. Said section 4 of said chapter 151B, as so appearing, is hereby further amended by inserting after subsection 1D the following subsection:-

1E. (a) For an employer to deny reasonable accommodations for any condition of a job applicant or employee related to pregnancy, childbirth or a related condition if the employee or applicant so requests unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer’s program, enterprise or business.

(b) It shall also be an unlawful discriminatory practice to:

(1) take adverse action against an employee who requests or uses an accommodation in terms, conditions or privileges of employment including, but not limited to, failing to reinstate the employee to the employee’s original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other applicable service credits when the employee’s need for reasonable accommodations ceases;

(2) deny employment opportunities to a job applicant or employee if the denial is based on the need of the employer to make reasonable accommodation to an applicant or employee person with a known condition related to pregnancy, childbirth or a related condition;

(3) require a job applicant or employee affected by pregnancy, childbirth or a related condition to accept an accommodation that the applicant or employee chooses not to accept;

(4) require an employee to take leave if another reasonable accommodation can be provided to the employee with a known condition related to pregnancy, childbirth or a related condition without undue hardship to the employer;

(5) make pre-employment inquiry of any condition of a job applicant related to pregnancy, childbirth or a related condition.

(c) For the purposes of this subsection, the following words shall have the following meanings unless the context clearly requires otherwise:

‘Reasonable accommodations’, shall include, but not be limited to, more frequent or longer breaks, time off to recover from childbirth at least to the extent provided in section 105D of chapter 149, acquisition or modification of equipment or seating, temporary transfer to a less strenuous or hazardous position, job restructuring, light duty, break time and private non-bathroom space for expressing breast milk, assistance with manual labor or a modified work schedule; and provided further, that no employer shall be required to discharge an employee, transfer an employee with more seniority or promote an employee who is not qualified to perform the job.

‘Related condition’, shall include, but not be limited to, lactation or the need to express breast milk.

‘Undue hardship’, an action requiring significant difficulty or expense; provided, however, that the employer shall have the burden of proving undue hardship; provided further, that in making a determination of undue hardship, factors that may be considered shall include:

(i) the nature and cost of the accommodation;

(ii) the overall financial resources of the employer, the overall size of the business of the employer with respect to the number of employees and the number, type and location of its facilities; and

(iii) the effect on expenses and resources or the impact otherwise of any such accommodation upon the operation of the employer.

(d) The employer shall engage in a timely, good faith and interactive process with the employee to determine reasonable accommodations.

(e) Written notice of an employee’s rights under this subsection, including the right to reasonable accommodations for conditions related to pregnancy, childbirth or a related condition shall be conspicuously posted at an employer’s place of business in an area accessible to employees. Notice shall also be provided to:

(i) new employees at the commencement of employment; and

(ii) within 10 days after an employer’s receipt of notification that an employee is pregnant or an employee requests a reasonable accommodation related to pregnancy, childbirth or a related condition.

(f) The commission shall conduct ongoing public education efforts as necessary to inform employers, employees, employment agencies and job applicants about their rights and responsibilities under this subsection.

(g) Nothing in this subsection shall be construed to preempt, limit, diminish or otherwise affect any other laws relating to sex discrimination or pregnancy or in any way to diminish the coverage for pregnancy, childbirth or a related condition under section 105D of chapter 149 or any other special or general law.”;

By inserting after section 112 the following section:-

“SECTION 112A. Employees shall receive notice of their rights under subsection 1E of section 4A of chapter 151B of the General Laws not later than August 1, 2017 in a manner determined by the Massachusetts Commission Against Discrimination.”;

and

By inserting after section 119 the following section:-

“SECTION 119A. Section 90A through 90C, inclusive, shall take effect August 1, 2017.”

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

Ms. Chandler moved that the proposed new text be amended by inserting after section 57 the following 5 sections:-

“SECTION 57A. Subsection (a) of section 6I of said chapter 62 of the General Laws, as so appearing, is hereby amended by inserting after the definition of ‘Median income’ the following definition:-

‘Qualified donation’, real or personal property given to a sponsor for the use of purchasing, constructing or rehabilitating a qualified Massachusetts project.

SECTION 57B. Said subsection (a) of said section 6I of said chapter 62, as so appearing, is hereby amended by inserting after the definition of ‘Regulatory agreement’ the following definition:-

‘Sponsor’, a nonprofit organization which: (1) has been issued a ruling from the United States Internal Revenue Service that the organization is exempt from income taxation pursuant to section 501(c)(3) of the Internal Revenue Code; (2) has material control over the operations of a qualified Massachusetts project; and (3) either (a) is a certified Community Development Corporation, as defined in chapter 40H; (ii) is a certified Community Housing Development Organization pursuant to 24 CFR section 92.2; or (iii) is determined by the department to have a history of successful development of affordable housing projects in the commonwealth.

SECTION 57C. Subsection (b) of said section 6I of said chapter 62, as so appearing, is hereby amended by adding the following paragraph:-

(4) The department may allocate Massachusetts low-income housing tax credits pursuant to this section for a qualified donation by a taxpayer. The total Massachusetts low-income housing tax credit available to a taxpayer for a qualified donation shall be equal to 50 per cent of the donation’s value, as determined by the department; provided, that the department shall be authorized to increase the amount of available credit for a qualified donation to not more than 65 per cent of the donation’s value if it deems that increase necessary to the project’s viability.

For the purposes of counting an authorization of a Massachusetts low-income housing tax credit towards the total sum that the department may authorize annually pursuant to part (i) of paragraph (1) of subsection (b) of this section, the department and the commissioner shall count any amount of Massachusetts low-income housing tax credit authorized to a taxpayer for a qualified donation as one fifth of the amount authorized for the qualified donation.

SECTION 57D. Paragraph (1) of subsection (c) of said section 6I of said chapter 62, as so appearing, is hereby amended by inserting after the word ‘project’, in line 81, the following:- , whether by qualified donation or otherwise.

SECTION 57E. Said subsection (c) of said section 6I of said chapter 62, as so appearing, is hereby amended by striking out paragraph (3) and inserting in place thereof the following:-

(3) The Massachusetts low-income housing tax credit authorized to a taxpayer with respect to a qualified Massachusetts project other than a qualified donation shall be taken against the taxes imposed pursuant to this chapter, claimed equally for 5 years and subtracted from the amount of state tax otherwise due for each taxable period, and shall not be refundable.

The Massachusetts low-income housing tax credit authorized to a taxpayer with respect to a qualified Massachusetts project attributable to a qualified donation shall be taken against the taxes imposed pursuant to this chapter, claimed in a single year and subtracted from the amount of state tax otherwise due for the taxable year, and shall not be refundable.

Any amount of the low-income housing tax credit, whether by qualified donation or otherwise, that exceeds the tax due for a taxable year may be carried forward to any of the 5 subsequent taxable years.”;

By inserting after section 58 the following 6 sections:-

“SECTION 58A. Paragraph (4) of subsection (c) of said section 6M of said chapter 62 of the General Laws, as so appearing, is hereby amended by striking out, in lines 155 and 156, the words ‘it has utilized at least 95 per cent of the 3-year total of any prior allocation’ and inserting in place thereof the following words:- the department has determined that it has made satisfactory progress toward utilizing any prior allocation.

SECTION 58B. Subsection (a) of section 31H of chapter 63 of the General Laws, as so appearing, is hereby amended by inserting, after the definition of ‘Median income’, the following definition:-

‘Qualified Donation’, real or personal property given to a sponsor to purchase, construct, or rehabilitate a qualified Massachusetts project.

SECTION 58C. Said subsection (a) of section 31H of said chapter 63, as so appearing, is hereby further amended by inserting after the definition of ‘Regulatory agreement’ the following definition:-

‘Sponsor’, a nonprofit organization which: (i) has been issued a ruling from the United States Internal Revenue Service that the organization is exempt from income taxation pursuant to section 501(c)(3) of the Internal Revenue Code; (ii) has material control over the operations of a qualified Massachusetts project; and (iii) either (A) is a certified Community Development Corporation, as defined in chapter 40H; (B) is a certified Community Housing Development Organization pursuant to 24 CFR section 92.2; or (C) is determined by the department to have a history of successful development of affordable housing projects in the commonwealth.

SECTION 58D. Subsection (b) of said section 31H of said chapter 63, as so appearing, is hereby amended by inserting the following:-

(4) The department may allocate Massachusetts low-income housing tax credits pursuant to this section for a qualified donation by a taxpayer. The total Massachusetts low-income housing tax credit available to a taxpayer for a qualified donation shall be

equal to 50 per cent of the donation's value, as determined by the department; provided, that the department shall be authorized to increase the amount of available credit for a qualified donation to not more than 65 per cent of the donation's value if it deems that increase necessary to the project's viability.

For the purposes of counting an authorization of Massachusetts low-income housing tax credit towards the total sum that the department may authorize annually pursuant to part (i) of paragraph (1) of subsection (b) of this section, the department and the commissioner shall count any amount of Massachusetts low-income housing tax credit authorized to a taxpayer for a qualified donation as 1/5 of the amount authorized for the qualified donation.

SECTION 58E. Paragraph (1) of subsection (c) of said section 31H of said chapter 63, as so appearing, is hereby amended by inserting after the word 'project', in line 83, the following words:- , whether by qualified donation or otherwise.

SECTION 58F. Subsection (c) of said section 31H of said chapter 63, as so appearing, is hereby amended by striking out paragraph (3) and inserting in place thereof the following words:-

(3) The Massachusetts low-income housing tax credit authorized to a taxpayer with respect to a qualified Massachusetts project other than a qualified donation shall be taken against the taxes imposed pursuant to this chapter, claimed equally for 5 years and subtracted from the amount of state tax otherwise due for each taxable period, and shall not be refundable.

The Massachusetts low-income housing tax credit authorized to a taxpayer with respect to a qualified Massachusetts project attributable to a qualified donation shall be taken against the taxes imposed pursuant to this chapter, claimed in a single year and subtracted from the amount of state tax otherwise due for the taxable year, and shall not be refundable.

Any amount of the low-income housing tax credit, whether by qualified donation or otherwise, that exceeds the tax due for a taxable year may be carried forward to any of the 5 subsequent taxable years.”;

By inserting after section 66 the following section:-

“SECTION 66A. Paragraph (4) of subsection (c) of said section 38EE of said chapter 63 of the General Laws, as so appearing, is hereby amended by striking out, in lines 141 to 142, inclusive, the words 'it has utilized at least 95 per cent of the 3-year total of any prior allocation' and inserting in place thereof the following words:- the department has determined that it has made satisfactory progress toward utilizing any prior allocation”;

By inserting after section 116 the following 3 sections:-

“SECTION 116A. Sections 57A to 57E, inclusive, and 58B to 58F, inclusive shall take effect for tax years beginning on or after January 1, 2017.

SECTION 116B. Sections 57A to 57E, inclusive, and 58B to 58F, inclusive, are hereby repealed.

SECTION 116C. Section 116B shall take effect on December 31, 2021.”

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

Ms. Lovely moved that the proposed new text be amended by inserting after section 80 the following 2 sections:-

“SECTION 80A. Section 21 of said chapter 138, as appearing in the 2014 Official Edition, is hereby amended by striking out, in lines 20 and 21, the words 'six per cent of alcohol by weight' and inserting in place thereof the following words:- 8 1/2 per cent alcohol by volume.

SECTION 80B. Said section 21 of said chapter 138, as so appearing, is hereby further amended by striking out, in line 25, the word 'six' and inserting in place thereof the following figure:- 8 ½.”;

By inserting after section 118 the following section:-

“SECTION 118A. Sections 80A and 80B shall be effective for tax years beginning on or after January 1, 2017.”

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

Ms. Flanagan moved that the proposed new text be amended by inserting after section \_\_\_\_, the following section:

“SECTION \_\_\_\_: The General Laws are hereby amended by inserting after chapter 151E the following chapter:-

#### Chapter 151G THE HEALTHY WORKPLACE

Section 1. (a) The General Court finds that:

- (1) The social and economic well-being of the Commonwealth is dependent upon healthy and productive employees;
- (2) At least a third of all employees will directly experience health-endangering workplace bullying, abuse, and harassment during their working lives, and this form of mistreatment is approximately four times more prevalent than sexual harassment alone;
- (3) Workplace bullying, mobbing, and harassment can inflict serious harm upon targeted employees, including feelings of shame and humiliation, severe anxiety, depression, suicidal tendencies, impaired immune systems, hypertension, increased risk of cardiovascular disease, and symptoms consistent with post-traumatic stress disorder;
- (4) Abusive work environments can have serious consequences for employers, including reduced employee productivity and morale, higher turnover and absenteeism rates, and increases in medical and workers' compensation claims;
- (5) If mistreated employees who have been subjected to abusive treatment at work cannot establish that the behavior was motivated by race, color, sex, sexual orientation, national origin, or age, they are unlikely to be protected by the law against such mistreatment;
- (6) Legal protection from abusive work environments should not be limited to behavior grounded in protected class status as that provided for under employment discrimination statutes; and,
- (7) Existing workers' compensation plans and common-law tort actions are inadequate to discourage this behavior or to provide

adequate relief to employees who have been harmed by abusive work environments.

(b) It is the purpose of this chapter:

(1) To provide legal relief for employees who have been harmed, psychologically, physically, or economically, by deliberate exposure to abusive work environments;

(2) To provide legal incentive for employers to prevent and respond to abusive mistreatment of employees at work.

Section 2. For the purposes of this chapter, the following words and phrases shall have the following meanings:-

‘Abusive conduct’, acts, omissions, or both, that a reasonable person would find abusive, based on the severity, nature, and frequency of the conduct, including, but is not limited to: repeated verbal abuse such as the use of derogatory remarks, insults, and epithets; verbal, non-verbal, or physical conduct of a threatening, intimidating, or humiliating nature; or the sabotage or undermining of an employee’s work performance. It shall be considered an aggravating factor if the conduct exploited an employee’s known psychological or physical illness or disability. A single act normally shall not constitute abusive conduct, but an especially severe and egregious act may meet this standard;

‘Abusive work environment’, an employment condition when an employer or one or more its employees, acting with intent to cause pain or distress to an employee, subjects that employee to abusive conduct that causes physical harm, psychological harm, or both;

‘Adverse employment action’, an outcome which negatively impacts an employee, including but not limited to: a termination, demotion, unfavorable reassignment, failure to promote, disciplinary action, or reduction in compensation.

‘Constructive discharge’, an adverse employment action where:

(1) the employee reasonably believed he or she was subjected to an abusive work environment;

(2) the employee resigned because of that conduct; and,

(3) the employer was aware of the abusive conduct prior to the resignation and failed to stop it.

‘Psychological harm’, the impairment of a person’s mental health, as established by competent evidence.

‘Physical harm’, the impairment of a person’s physical health or bodily integrity, as established by competent evidence.

Section 3. (a) No employee shall be subjected to an abusive work environment.

(b) No employer or employee shall retaliate in any manner against an employee who has opposed any unlawful employment practice under this chapter, or who has made a charge, testified, assisted, or participated in any manner in an investigation or proceeding under this chapter, including, but not limited to, internal complaints and proceedings, arbitration and mediation proceedings, and legal actions.

Section 4. (a) An employer shall be vicariously liable for a violation of section 3 of this chapter committed by its employee.

(b) Where the alleged violation of said section 3 does not include an adverse employment action, it shall be an affirmative defense for an employer only that:

(1) the employer exercised reasonable care to prevent and correct promptly any actionable behavior; and,

(2) the complainant employee unreasonably failed to take advantage of appropriate preventive or corrective opportunities provided by the employer.

Section 5. (a) An employee may be individually liable for a violation of section 3 of this chapter.

(b) It shall be an affirmative defense for an employee only that the employee committed a violation of said section 3 at the direction of the employer, under actual or implied threat of an adverse employment action.

Section 6. It shall be an affirmative defense that:

(a) The complaint is based on an adverse employment action reasonably made for poor performance, misconduct, or economic necessity; or,

(b) The complaint is based on a reasonable performance evaluation; or,

(c) The complaint is based on an employer’s reasonable investigation about potentially illegal or unethical activity.

Section 7. (a) Where a party is liable for a violation of section 3 of this chapter, the court may enjoin the defendant from engaging in the unlawful employment practice and may order any other relief that is deemed appropriate, including, but not limited to: reinstatement, removal of the offending party from the complainant’s work environment, back pay, front pay, medical expenses, compensation for pain and suffering, compensation for emotional distress, punitive damages, and attorney’s fees.

(b) Where an employer is liable for a violation of said section 3 that did not include an adverse employment action, emotional distress damages and punitive damages may be awarded only when the actionable conduct was extreme and outrageous. This limitation does not apply to individually named employee defendants.

Section 8. (a) This chapter shall be enforced solely by a private right of action.

(b) An action under this chapter must be commenced no later than one year after the last act that constitutes the alleged violation of section 3 of this chapter.

Section 9. (a) Nothing in this chapter shall supersede rights and obligations provided under collective bargaining laws and regulations.

(b) The remedies provided in this chapter shall be in addition to any remedies provided under any other law, and nothing in this chapter shall relieve any person from any liability, duty, penalty or punishment provided by any other law, except that if an employee receives workers’ compensation for medical costs for the same injury or illness pursuant to both this chapter and the workers’ compensation law, or compensation under both this chapter and that law in cash payments for the same period of time not working as a result of the compensable injury or illness or the unlawful employment practice, the payments of workers’ compensation shall be reimbursed from compensation paid under this chapter.”

The amendment was *rejected*.

Messrs. Tarr and O'Connor Ives moved that the proposed new text be amended by inserting in line 1473 after the word "establishment" the following:-"provided that accommodation is not a primary place of residence and not rented out more than 3 weeks of the year".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at thirteen minutes past ten o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 10 – nays 29*) **[Yeas and Nays No. 422]:**

**YEAS.**

deMacedo, Viriato M.	OConnor, Patrick M.
Fattman, Ryan C.	Ross, Richard J.
Humason, Donald F., Jr.	Rush, Michael F.
Moore, Michael O.	Tarr, Bruce E.
O'Connor Ives, Kathleen	Timilty, James E. – <b>10.</b>

**NAYS.**

Barrett, Michael J.	Jehlen, Patricia D.
Boncore, Joseph A.	Joyce, Brian A.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Creem, Cynthia Stone	Lovely, Joan B.
DiDomenico, Sal N.	McGee, Thomas M.
Donnelly, Kenneth J.	Montigny, Mark C.
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Spilka, Karen E.
Flanagan, Jennifer L.	Welch, James T.

Gobi, Anne M.

The yeas and nays having been completed at a quarter past ten o'clock P.M., the amendment was *rejected*.

Mr. Pacheco moved that the proposed new text be amended by inserting the following section:-

“SECTION \_\_. To provide for the continued availability of a certain bond-funded spending authorization which otherwise would expire, the balance of item 7002-0015 and any allocations thereof shall be extended through January 1, 2018 for the purposes of, and subject to, the conditions stated for this item in the original authorization and any amendments to such authorization.”

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

Mr. Rodrigues moved that the proposed new text be amended by adding the following section:-

“SECTION \_\_. Section 6 of chapter 136 of the General Laws, as so appearing, by striking out paragraph (31) and inserting in place thereof the following paragraph:-

(31) The transport or delivery of goods in commerce, or for consideration, by motor truck or trailer or other means, and the performance of all activities incidental thereto, including the operation of all facilities and warehousing, except for warehousing or incidental and operational activities in facilities primarily operating as food or grocery facilities, necessary to prepare, stage, and effect such transport or delivery; or the loading or unloading of same and the performance of labor, business and work directly or indirectly related thereto.”

The amendment was **adopted**.

Ms. L'Italien and Mr. O'Connor moved that the proposed new text be amended by inserting the following section:-

“SECTION X. Notwithstanding any general or special law to the contrary, there shall be a special commission to examine the state of the telecommunications and broadband infrastructure in the commonwealth, including fiber-to-the-premises, cable, wireless, and landline technologies with the goal of recommending a comprehensive approach to manage, maintain, improve and expand the telecommunications network and ensure consumers, both residences and businesses, as well as competitive local exchange carriers have access to a reliable and competitive broadband network.

The commission shall review: (i) the status of competition and pricing for broadband communications services and networks; (ii) current and future consumer expectations; (iii) national and international approaches to ensuring core public interest principles and robust communication capabilities are maintained; (iv) reliability, resiliency and interoperability of networks in the commonwealth; (v) technology types and speeds available across the state; (vi) access and underservice issues; and (vii) comparative analysis of census data across the Commonwealth.

The commission shall consist of the following members or their designees: the commissioner of the department of telecommunications and cable, who shall serve as chair; (1) representative of the Massachusetts Communications Association; (1) representative of the Massachusetts Broadband Institute; (1) representative of the Massachusetts Municipal Association; (1) representative Massachusetts Technology Leadership Council; (1) representative designated by the President of the AFL-CIO from a telecommunications union in the commonwealth; and (3) member who shall be appointed by the governor, (1) of whom shall be a senior executive from a telecommunications company; (1) of whom shall be a professor with expertise in telecommunications research and policy; (1) one of whom shall be a senior executive from a competitive local exchange carrier. The commission shall file a report of its recommendations and proposed legislation or regulatory changes, if any, with the clerk of the house and senate and with the chairs of the joint committee on telecommunications, utilities and energy not later than March 1, 2017.”

Pending the question on adoption of the amendment, Mr. Tarr and Ms. L'Italien move to amend the amendment (L'Italien-O'Connor) by striking the text and inserting in place thereof the following section:-

“SECTION XX. Notwithstanding any general or special law to the contrary, there shall be a special commission to examine the state of the telecommunications and broadband infrastructure in the commonwealth, including fiber-to-the-premises, cable, wireless, and landline technologies with the goal of recommending a comprehensive approach to manage, maintain, improve and expand the telecommunications network and ensure consumers, both residences and businesses, as well as competitive local exchange carriers have access to a reliable and competitive broadband network.

The commission shall review: (i) the status of competition and pricing for broadband communications services and networks; (ii) current and future consumer expectations; (iii) national and international approaches to ensuring core public interest principles and robust communication capabilities are maintained; (iv) reliability, resiliency and interoperability of networks in the commonwealth; (v) technology types and speeds available across the state; (vi) access and underservice issues; and (vii) comparative analysis of census data across the Commonwealth.

The commission shall consist of the following members or their designees: the commissioner of the department of telecommunications and cable, who shall serve as chair; (1) representative of the Massachusetts Communications Association; (1) representative of the Massachusetts Broadband Institute; (1) representative of the Massachusetts Municipal Association; (1) representative Massachusetts Technology Leadership Council; (1) representative designated by the President of the AFL-CIO from a telecommunications union in the commonwealth; and (3) member who shall be appointed by the governor, (1) of whom

shall be a senior executive from a telecommunications company; (1) of whom shall be a professor with expertise in telecommunications research and policy; (1) one of whom shall be a senior executive from a competitive local exchange carrier. The commission shall file a report of its recommendations and proposed legislation or regulatory changes, if any, with the clerk of the house and senate and with the chairs of the joint committee on telecommunications, utilities and energy not later than March 1, 2017.”

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

The pending amendment, as amended, was then adopted.

Ms. L'Italien, Messrs. Welch and Lewis moved that the proposed new text be amended by inserting after section 69 the following 2 sections:-

“SECTION 69A. Chapter 112 of the General Laws is hereby amended by inserting after section 144A the following section:-  
Section 144B. (a) The board shall issue a provisional license as a speech-language pathologist to each applicant who meets the requirements set forth in this section. The provisional license shall permit the licensee to practice for the period of supervised professional practice in the area for which a license is being sought and is required by the national certifying body for speech-language pathology and established under section 144. A provisional license shall not be valid for longer than the period of supervised professional practice.

(b) To be eligible for a provisional license by the board as a speech-language pathologist, an applicant shall: (i) be of good moral character; (ii) possess at a minimum: (A) a bachelor's degree or its equivalent and (B) a master's degree or its equivalent in the area of speech-language pathology granted by an educational institution which incorporates academic course work and the minimum hours of supervised training required by the national certifying body for speech-language pathology; and (iii) pass an examination approved by the board.

(c) The applicant for the provisional license as a speech-language pathologist shall apply to the board in writing on an application form prescribed and furnished by the board. At the time of filing the application, an applicant for a provisional license shall pay a fee to the board as determined by the secretary of administration and finance under section 3B of chapter 7.

SECTION 69B. Section 146 of said chapter 112 is hereby amended by inserting after the figure '144', in line 3 and 11, in each instance, the following words:- or section 144B.”;

By inserting after section 111A the following section:-

“SECTION 111A. Notwithstanding any general or special law to the contrary, insurance companies shall accept the provisional license of a speech-language pathologist pursuant to section 144B of chapter 112 of the General Laws as a full license for the purpose of credentialing clinicians.”; and

By adding the following section:-

“SECTION 121. Sections 69A, 69B and 111A shall take effect on January 1, 2018.”.

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

Ms. L'Italien and Messrs. Brownsberger, Lewis and Eldridge moved that the proposed new text be amended by inserting after section 112 the following section:-

“SECTION 112A. Notwithstanding any general or special law to the contrary, there shall be a special commission to examine contractual relationships established under section 25E of chapter 138 of the General Laws and recommend a legislative solution to address existing and future contracts under the current state of the marketplace, including the addition of more than 100 craft breweries in the commonwealth since enactment of said section 25E of said chapter 138.

The study shall include, but not be limited to, an examination of: (i) the current relationship between licensed manufacturers and distributors in the commonwealth; (ii) the enforceability of contracts between licensed manufacturers and distributors in the commonwealth; (iii) the change in the ratio of licensed manufacturers to licensed distributors since enactment of said section 25E of said chapter 138; (iv) current and future consumer interests; and (v) the approach of other states to governing the relationships between manufacturers and distributors.

The commission shall consist of the following members or their designees: the senate and house chairs of the joint committee on consumer protection and professional licensure, who shall serve as co-chairs; 1 member to be appointed by the governor; the president of the Massachusetts Brewers Guild, Inc.; the executive director of the Beer Distributors of Massachusetts; 3 members to be appointed by the executive director of the Beer Distributors of Massachusetts; and 3 members to be appointed by the president of the Massachusetts Brewers Guild, Inc., 1 of whom shall be a beer manufacturer who produces not more than 60,000 barrels per year, 1 of whom shall be a beer manufacturer who produces not more than 500,000 barrels per year and 1 of whom shall be a beer manufacturer who produces not more than 6,000,000 barrels per year.

The commission shall file a report of its recommendations and proposed legislation or regulatory changes with the clerks of the senate and house of representatives and with the chairs of the joint committee on consumer protection and professional licensure not later than December 31, 2016.”

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

Mr. Welch and Ms. Jehlen moved that the proposed new text be amended by adding at the end thereof the following section:-

“SECTION 4A. Chapter 19A of the General Laws is hereby amended by inserting after section 4C the following section:-

Section 4D. (a) As used in this section, the following terms shall have the following meanings:

'Home care worker', a person employed by a home care agency to provide home health, homemaker, personal care, companion and chore services.

'Home care agency', an entity that provides designated and approved home care program services under contract with an agency

designated as an aging services access point pursuant to section 4B.

(b) The department shall, subject to appropriation, establish and maintain a home care worker registry of individuals who are currently employed by a home care agency to provide assistance to consumers and consumer surrogates in finding a home care worker. The registry shall be sufficiently and promptly accessible to meet the needs of the public. A home care agency shall only hire or employ, on a paid, unpaid, temporary or permanent basis, a home care worker who is listed in the registry as having demonstrated competency as defined by the department and who is not currently serving a suspension under subsection (c).

(c) If a home care worker is alleged to have abused, mistreated or neglected a patient or misappropriated patient property, the department shall make a finding as to the accuracy of the allegation after providing notice to the home care worker of the allegation and after providing the home care worker with a reasonable opportunity to rebut the allegation at a hearing. If the department finds that a home care worker has abused, mistreated or neglected a patient or misappropriated patient property, the department shall notify the home care worker. The finding shall be documented in the registry and the home care worker's employer shall be notified of the finding. The department shall not make a finding that an individual has neglected a patient if the individual demonstrates that the neglect was caused by factors beyond the control of the individual. Upon making a specific documented finding of abuse, mistreatment or neglect of a patient or misappropriation of patient property the department may suspend the right of the individual to work as a home care worker. The department shall include the terms of a suspension in the registry and no home care agency shall hire a suspended individual until the suspension has been served to its completion.

(d) The registry shall include: (i) an individual's full name and any information the department deems necessary to identify the individual; (ii) any specific documented findings made under this section of abuse, mistreatment or neglect of a patient or misappropriation of patient property by an individual listed on the registry; and (iii) any statement by the individual disputing these findings. In response to a request for information from the registry the department shall provide the specific documented findings, if any and the statement disputing the findings, if any, or a clear and accurate summary of the statement.

(e) A home care agency shall contact the registry prior to hiring an employee to ascertain whether a finding of abuse, mistreatment, or neglect of a patient or misappropriation of patient property has been entered in the registry against the prospective employee. A home care agency shall not hire an individual that is serving a suspension imposed by the department under subsection (c)."; and

By inserting after section 120 the following section:-

"SECTION 121. Section 4D of chapter 19A of the General Laws, inserted by section 4A, shall take effect on September 1, 2017."

The amendment was **adopted**.

Mr. OConnor moved that the proposed new text be amended in line item 7002-8018 of section 2A by inserting at the end the following:- "provided further, that \$250,000 shall be expended to the town of Marshfield to finance construction, renovations, and new developments to the Brant Rock esplanade for increased tourist accessibility and flood management".

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

Messrs. Lesser and Wolf moved that the proposed new text be amended in section 2A, by inserting at the beginning thereof the following item:-

"0640-0300 For the Massachusetts Cultural Council, established in section 52 of chapter 10 of the General Laws, for purposes of supporting cultural tourism and community development throughout the Commonwealth, to retain professionals and fund demonstration projects in Boston, Worcester and Springfield, and develop creative placemaking toolkits for general use by Massachusetts municipalities.....\$5,000,000".

The amendment was *rejected*.

Ms. Chang-Diaz, Ms. Forry and Messrs. Eldridge and Lewis moved that the proposed new text be amended by inserting after section 85 the following section:-

"SECTION 85A. The definition of 'Responsible' in section 44A of chapter 149 of the General Laws, as so appearing, is hereby amended by inserting after the word 'chapter', in line 17, the following words:- ; provided, however, that in deliberating upon the responsibility of a bidder, a contracting public agency shall consider a bidders compliance with commitments made in previous bids, if any, regarding workforce inclusion goals and the employment of minority business enterprises and women business enterprises."; and

By inserting after section 86 the following section:-

"SECTION 86A. Paragraph (1) of subsection (e) of section 44D½ of said section 149, as so appearing, is hereby amended by adding the following clause:-

(viii) Joint Ventures, documentation demonstrating that the firm has formed an association of not less than 2 businesses in which 1 of the businesses is a minority business enterprise or a women business enterprise."

The amendment was **adopted**.

Mr. Montigny moved that the proposed new text be amended in item 7002-8018 of section 2A by inserting the following:- "and provided further that not less than \$300,000 shall be expended for the study and design of a full service consolidated campus for Bristol Community College located in downtown New Bedford to fulfill economic development and workforce training demands in the Southcoast economy".

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

Mr. OConnor moved that the proposed new text be amended in section 2A, by inserting at the end the following new line item:-  
“7002-8021 For the town of Marshfield to finance the construction of sidewalks in shovel-ready development areas..... \$100,000”.  
The amendment was *rejected*.

Ms. Forry moved that the proposed new text be amended by adding the following sections:  
“SECTION XXXX. Paragraph (1) of subsection (b) of section 6I of chapter 62 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 57, the figure ‘20,000,000’ and inserting thereof the following figure:- 22,000,000.

SECTION XXXX. Said subsection (b) of said section 6I of said chapter 62, as so appearing, is hereby further amended by adding the following paragraph:-

(4) For use in preserving projects for which the affordability restriction of a mortgage financed pursuant to section 13A of chapter 708 of the acts of 1966, as amended by section 10 of chapter 855 of the acts of 1970, is terminating, whether through expiration or prepayment, the department shall annually reserve the total sum of: (i) \$2,000,000 of the cumulative amount that may be authorized by the department annually in paragraph (1) of this subsection; (ii) unused credits that were reserved pursuant to this paragraph, if any, for the preceding calendar years; and (iii) any Massachusetts low-income housing tax credits authorized pursuant to this paragraph and returned to the department by a qualified Massachusetts project.

SECTION XXXX. Paragraph (1) of subsection (b) of section 31H of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out, in line 58, the figure ‘20,000,000’ and inserting thereof the following figure:- 22,000,000.

SECTION XXXX. Subsection (b) of section 31H of chapter 63, as so appearing, is hereby amended by adding the following paragraph:-

(4) For use in preserving projects for which the affordability restriction of a mortgage financed pursuant to section 13A of chapter 708 of the acts of 1966, as amended by section 10 of chapter 855 of the acts of 1970, is terminating, whether through expiration or prepayment, the department shall annually reserve the total sum of: (i) \$2,000,000 of the cumulative amount that may be authorized by the department annually in paragraph (1) of this subsection; (ii) unused credits that were reserved pursuant to this paragraph, if any, for the preceding calendar years; and (iii) any Massachusetts low-income housing tax credits authorized pursuant to this paragraph and returned to the department by a qualified Massachusetts project.

SECTION XXXX. Sections XXXX-XXXX shall take effect for the tax year beginning January 1, 2017.

SECTION XXXX. Sections XXXX-XXXX shall expire on December 31, 2019.”

The amendment was *rejected*.

Mr. Montigny moved that the proposed new text be amended in item 7002-8018 of section 2A by inserting the following:- “; provided further that not less than \$200,000 of said funds shall be used to facilitate commercial, industrial or mixed-use development of waterfront sites in the city of New Bedford; provided further that such waterfront site shall be a phase iv site restricted by an enforceable activity and use limitation submitted after June 1, 2012 in accordance with the Massachusetts Contingency Plan at 310 CMR 40.00”;

By adding at the end thereof the following new sections:-

“SECTION \_\_. The seaport economic council, in consultation with the Massachusetts Development Finance Agency, shall report not later than September 1, 2016, to the senate and the house committees on ways and means, the senate and house committees on rules, and the joint committee on economic development and emerging technologies the current status of the state pier facility in the city of New Bedford, including current and future capital needs, recommendations for future governance and use, and recommendations to expand water and non-water dependent uses, with particular emphasis on increasing public access to the waterfront without significant interference to maritime operations or water-dependent activities.

SECTION \_\_. Notwithstanding any general or special law to the contrary, the department of conservation and recreation may lease the state pier facility in the city of New Bedford to the Massachusetts Development Finance Agency established pursuant to chapter 23G of the General Laws for a term not to exceed twenty-five years. The Massachusetts Development Finance Agency is further authorized to sublease the facility, or portions thereof, for the purposes of economic development within the port of New Bedford. Preference shall be given to any sublease proposal that emphasizes mixed-use development for water and non-water dependent uses, including but not limited to, commercial fishing improvements, marine transportation improvements, cargo operations, and capital improvements related to tourism, retail, restaurants, recreation and public waterfront access.

SECTION \_\_. Section 2A of chapter 286 of the Acts of 2014 is hereby amended by striking out item 6720-1350.

SECTION \_\_. Said chapter 286 is hereby further amended by inserting, after section 2G, the following new section:-  
Section 2H.

#### EXECUTIVE OFFICE FOR HOUSING AND ECONOMIC DEVELOPMENT

Office of the Secretary

7002-1350 For improvements to coastal facilities in designated and non-designated port areas, including those defined in chapter 21F of the General Laws, section 63 of chapter 91 of the General Laws, 301 C.M.R 25 and 312 C.M.R 2.00; provided, that such improvements shall be administered by the seaport advisory council through the continuation of a grant program; provided further, that such improvements may include, but shall not be limited to, construction, reconstruction, rehabilitation, expanding, replacing and improving public facilities, piers, wharves, boardwalks, berths, fenders, bulkheads and other harbor and waterfront facilities; provided further that preference shall be given to improvements that demonstrate a benefit to commercial fishing; provided further, that \$20,000,000 shall be expended on capital improvements to the state pier facility in the city of Fall River,

including, but not limited to, the construction of the south basin of the state pier facility, the rehabilitation and replacement of all marine structures for Battleship Cove in the port of Fall River; commercial fishing improvements, commercial marine transportation improvements and other capital improvements related to economic development within the port of Fall River; and provided further, that \$7,500,000 shall be expended for the redevelopment of city pier in the city of Fall River, including, but not limited to, permitting, capping of site, stabilization of existing seawalls and construction of a public marina and associated amenities; provided further, that not less than \$25,000,000 shall be expended on capital improvements to the state pier facility in the city of New Bedford, which improvements shall be made to further economic development within the port of New Bedford; projects may include, but shall not be limited to, a multi-use facility for water-dependent cargo, commercial fishing improvements, commercial marine transportation improvements, marine educational facilities, a fresh produce and fish market and capital improvements related to tourism, public recreation and other economic development within the port of New Bedford; provided further, that not less than \$3,200,000 be expended for central waterfront bulkhead repairs for the port of Newburyport; provided further, that \$9,000,000 shall be expended for the design, permitting and construction, including pertinent dredging, for the reintroduction of an ocean pier at the Revere Beach Reservation.....\$149,700,000.”; and

By adding the following section:-

“SECTION \_\_. Section 37 of said chapter 286 is hereby amended by striking out the words, ‘and 6720-1335’ and inserting in place thereof the following words:- 6720-1335 and 7002-1350.”

The amendment was **adopted**.

Messrs. Downing, Rush, Boncore, deMacedo, Moore and Welch, Ms. O'Connor Ives, Ms. Forry, Ms. Flanagan and Messrs. Timilty, Humason and Fattman moved that the proposed new text be amended by inserting at the end thereof the following section:-

“SECTION XX. There shall be a special commission to conduct a comprehensive study relative to the regulation of online gaming, fantasy sports gaming and daily fantasy sports. The commission shall review all aspects of online gaming, fantasy sports gaming and daily fantasy sports including, but not limited to, economic development, consumer protection, taxation, legal and regulatory structures, implications for existing gaming, burdens and benefits to the commonwealth and any other factors the commission deems relevant. The special commission shall not include in its study a comprehensive review of the state lottery or its ability to provide lottery products online or over the internet.

The commission shall consist of: 1 person who shall be appointed by the governor who shall have industry expertise in fantasy sports gaming; 1 person who shall be appointed by the Massachusetts gaming commission; 1 person who shall be appointed by the attorney general who shall have expertise in fantasy sports gaming consumer protection; 2 persons who shall be appointed by the president of the senate, 1 of whom shall be the senate chair of the joint committee on economic development and emerging technologies; 1 person who shall be appointed by the minority leader of the senate; 2 persons who shall be appointed by the speaker of the house of representatives, 1 of whom shall be the house chair of the joint committee on economic development and emerging technologies; and 1 person who shall be appointed by the minority leader of the house of representatives. The commission shall be co-chaired by the house and senate chairs of the joint committee on economic development and emerging technologies, and shall convene its first meeting not later than October 1, 2016.

The commission shall submit its final report and its recommendations for legislation by filing the same with the clerks of the senate and the house of representatives not later than March 1, 2017.”

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

Ms. Forry moved that the proposed new text be amended by striking out section 99 and inserting in place thereof the following section:-

“SECTION 99. The second sentence of subsection (e) of said section 7 of said chapter 293 is hereby amended by striking out the figure ‘8’, inserted by section 88 of chapter 287 of the acts of 2014, and inserting in place thereof the following figure:- 10.”

The amendment was **adopted**.

Ms. Gobi moved that the proposed new text be amended by inserting the text of Senate document numbered 2443, relative to promoting agriculture in the Commonwealth.

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

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

“SECTION \_\_. Section 1. Section 148B of chapter 149 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the paragraph designation ‘(a)’ in line 1, the following numeral:- (1)

Section 2. Said section 148B of said chapter 149, as so appearing, is hereby further amended by inserting after the word ‘performed.’, in line 11, the following words:- (a)(2) An individual who has pre-registered as a payroll-taxpaying entity with the Department of Revenue and has attested that said registration is being provided ‘voluntarily and free from coercion by any person or entity’ shall be considered to have satisfied test (2) in (a)(1) above if the contract for work:

(1) Provides compensation that equals or exceeds \$30 per hour, or \$1,200 per week, or \$5,160 per month, or

(2) Involves either: a) the provision of services requiring professional certification or licensure and the individual possesses such certification or licensure; or b) conducting business in a franchise relationship subject to the rules and regulations of the Federal Trade Commission, and the relationship complies with those rules and regulations, or

(3) Provides for work that by occupational definition consistently requires any of the following: (a) exercise of discretion and independent judgment with respect to matters of significance; (b) advanced knowledge in a field of science or learning; or (c)

invention, imagination, intellect, creativity, originality, or talent in a recognized field or artistic or creative endeavor, or  
(4) Grants the individual either ownership of or copyright to the work product.”

The amendment was *rejected*.

Mr. Tarr and Ms. Lovely moved that the proposed new text be amended by inserting after section 9 the following section:-

“SECTION 9A. Section 63 of said chapter 23A, as so appearing, is hereby amended by inserting after the word ‘parking’, in line 7, the following words:- ‘, dredging of waterways and the recapture and disposition of any useful sediment’.”; and

By inserting after section 112 the following section:-

“SECTION 112A. Notwithstanding any general or special law to the contrary, no grant shall be issued to a quasi-public independent entity for dredging of waterways and the recapture and disposition of any useful sediment pursuant to subsection (a) of section 63 of chapter 23A; provided, however, that for the purposes of this section, a regional planning land use commission with the authority to prepare and oversee the implementation of a regional land use policy plan shall not be considered a quasi-public independent entity.”

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

Mr. Tarr moved that the proposed new text be amended by inserting after section 2 the following:-

“SECTION . Section 20 of Chapter 6C of the General Laws, as so appearing the 2014 Official Edition, is hereby amended by striking, in line 22, the words ‘\$5,000’ and inserting in place thereof the words ‘\$100,000’.”;

By inserting after section 2 the following:-

“SECTION . Said Section 20 of Chapter 6C of the General Laws, as so appearing the 2014 Official Edition is hereby amended by inserting at the end thereof the following:-

The department has the right, but not the obligation, to sell the fee interest in a parcel owned by the department to a tenant of that parcel who occupies the entire parcel under a lease term in excess of 50 years if such tenant offers to purchase the parcel at or above the then fair market value of the parcel as determined using customary appraisal practices in Massachusetts. Such sale shall be subject to (1) the department reserving any and all easements and rights needed for its transportation purposes, (2) recognition by tenant that the department’s may be, transportation needs remain paramount, (3) such terms and conditions the Secretary of Transportation and General Counsel determine are necessary or desirable, (4) tenant complying with the respective department’s negative impacts requirements for indemnification, covenants not to sue and releases and (5) approval of the Department Board, if so required. The tenant would be obligated to take such premises “as is, where is” with all existing site conditions including existing environmental conditions.”;

By inserting after section 116 the following:-

“SECTION . Section 5 of chapter 161A, as appearing in the 2014 official edition is hereby amended by adding at the end of the following new paragraph:-

(s) The Authority has the right, but not the obligation, to sell the fee interest in a parcel owned by the authority to a tenant of that parcel who occupies the entire parcel under a lease term in excess of 50 years if such tenant offers to purchase the parcel at or above the then fair market value of the parcel as determined using customary appraisal practices in Massachusetts. Such sale would be subject to (1) the authority, as the case may be, reserving any and all easements and rights needed for its transportation purposes, (2) recognition by tenant that the authority’s, transportation needs remain paramount, (3) such terms and conditions the MBTA General Manager and/or General Counsel determine are necessary or desirable, (4) tenant complying with the authority’s negative impacts requirements for indemnification, covenants not to sue and releases and (5) approval of the relevant Board, if so required. The tenant would be obligated to take such premises “as is, where is” with all existing site conditions including existing environmental conditions.”; and

By inserting after section 116 the following:-

“SECTION . Said section 5 of chapter 161A, as appearing in the 2014 official edition is hereby amended by inserting in subsection (b), in line 15 after the words ‘No real estate’ the following:- ‘with the value of more than \$100,000.’”

The amendment was *rejected*.

Ms. L’Italien and Messrs. Eldridge and OConnor moved that the proposed new text be amended by inserting the following sections:-

“SECTION 1. Chapter 140 of the General Laws is hereby amended by inserting after section 182A the following section:-

Section 182B. Notwithstanding any general or special law to the contrary, an operator of a place of entertainment, or operator’s agent, shall not employ a paperless ticketing system unless the consumer is offered an option in a clear and conspicuous manner at the time of initial sale to purchase the same tickets in some other form without additional fees.

SECTION 2. Section 185A of chapter 140 of the General Laws, as so appearing in 2014 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

Ticket reseller shall mean any person, entity, corporation or association engaged in the business of reselling, offering for resale, or negotiating the resale of tickets of admission or other evidence of right of entry to any sporting event, theatrical exhibition, public show, or public amusement or exhibition, including the officers, agents and employees of such person, entity, corporation or association. A person, entity, corporation, or association shall be deemed to be ‘engaged in the business of resale’ if such person, entity, corporation, or association has sold more than 100 sets of tickets by means of telephone, mail, delivery service, facsimile, internet, email or other electronic means in the preceding twelve months. A resale shall not include the initial sale of any event ticket by the original ticket seller or an online marketplace’.

SECTION 3. Section 185A of chapter 140 of the General Laws, as so appearing, is hereby amended by deleting the second

paragraph of this section.

SECTION 4. Chapter 140 of the General Laws, is hereby amended by striking out section 185D, as so appearing, and inserting in place thereof the following section:-

Section 185D. Consumer protection standards relative to the reselling of tickets:

(a) Any person engaged in the business of the resale of a ticket, and any online marketplace shall:

(1) maintain at all times a toll-free telephone number and an e-mail address or other means of contact approved by regulation for complaints and inquiries regarding its activities in the resale of event tickets;

(2) implement and reasonably publicize a standard refund policy that meets the minimum standards stated in subsection (b); and

(3) take reasonable measures to safeguard against the resale of counterfeit tickets purchased from the reseller.

(b) The standard refund policy by such person or online marketplace:

(1) shall provide a consumer who purchases an event ticket a full refund if: (i) the event is cancelled before the scheduled occurrence of the event, and is not re-scheduled; (ii) the event ticket does not provide access to the event or venue of the event, provided the date and time of the event are correct on the event ticket; (iii) the event ticket has been cancelled by the ticket issuer for non-payment by the original purchaser, or for any reason other than an act or omission of the consumer; (iv) the event ticket materially and to the detriment of the consumer fails to conform to the description provided by the seller or person engaged in the business of resale; or (v) the event ticket was not delivered to the consumer prior to the occurrence of the event, unless such failure of delivery was due to any act or omission of the consumer;

(2) shall include in a full refund the full price paid by the consumer for the event ticket, together with any fees charged in connection with that purchase, including but not limited to convenience fees, processing fees, at-home printing charges, but excluding shipping or delivery fees, and

(3) may condition entitlement to a refund upon timely return of the ticket purchased, and may include reasonable safeguards against abuse of the policy.

(c) Provision of a replacement ticket that is of equal value and in a comparable location, at no additional charge to the consumer, shall be considered providing a full refund for the purposes of subsection (b).

(d) Nothing in this section shall be construed to prohibit any person, entity or association, or an agent of any such person, entity or association subject to this section from implementing consumer protection policies that exceed the minimum standard set forth in this section, and that are otherwise compliant with this act.

(e) A ticket reseller or online marketplace shall be prohibited from:

(1) using any automated system, software or other technology designed or produced for the purpose of purchasing tickets from a ticket issuer for the purpose of resale on the secondary market; and

(2) re-selling tickets for more than 1000% of the price paid for such tickets.

(f) The department of public safety shall keep a record of all licensed ticket resellers operating in the commonwealth and shall make the list accessible to the public. This record shall include, but not be limited to: (1) the licensee's name, mailing address, telephone number and email address; (2) the length of time the licensee has been licensed in commonwealth; and (3) the number of complaints and the type of complaint that has been filed against the licensee.

SECTION 5. Section 185E of chapter 140 of the General Laws, as so appearing, is hereby amended by deleting the last sentence of this section."

The amendment was **adopted**.

Ms. Chang-Diaz moved that the proposed new text be amended by inserting after section 112 the following section:-

"SECTION 112A. The executive office of housing and economic development, in consultation with the economic assistance coordinating council, the senate and house chairs of the joint committee on economic development and emerging technologies, and the senate and house chairs of the joint committee on community development and small businesses, shall review the definition of 'gateway municipality' under section 3A of chapter 23A of the General Laws to determine whether amending the definition will stimulate additional economic development in urban centers. The review shall include an examination of the impact of: (i) changing the minimum population threshold; (ii) creating a mechanism to include portions or neighborhoods within a municipality; (iii) amending the rate of educational attainment; or (iv) other changes to the definition that the office deems reasonable and beneficial to promote the growth potential and competitive advantage of the commonwealth. Not later than March 1, 2017, the executive office shall file its report, together with any recommended legislation, with the clerks of the senate and house of representatives, the senate and house chairs of the joint committee on economic development and emerging technology and the senate and house chairs of the joint committee on community development and small businesses."

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

Messrs. Montigny and Tarr, Ms. Lovely and Messrs. Rodrigues, McGee, OConnor and deMacedo moved that the proposed new text be amended in section 2A, by inserting after item 7002-8014 the following item:-

"7002-8016 For the funding of the Designated Port Area Fund established in section 16G of chapter 6A of the General Laws toward costs incurred or arising out of the design, construction, repair, renovation, rehabilitation or other capital improvements within designated port areas located outside Boston harbor.....\$25,000,000"; and

By inserting before section 3 the following section:-

"SECTION 3A. Section 16G of chapter 6A of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding the following subsection:-

(n) There shall be a Designated Port Area Fund within the executive office of housing and economic development. The fund shall

be administered and managed by a fund director, who shall be appointed by the secretary. The agency may adopt guidelines that are necessary to implement the program. The fund may coordinate with other agencies, community development organizations and instrumentalities of the commonwealth to effectuate this section.

Money in or received for the fund may be deposited with and invested by an institution designated by the executive office and paid as the fund director shall direct. A return on an investment received by the fund shall be deposited and held for the use and benefit of the fund. The executive office may make payments from a deposit account for use under this section.

The executive office shall use the fund to make grants, loans or a combination thereof for the design, construction, repair, renovation, rehabilitation, or other capital improvements of existing commercial and marine industrial infrastructure and public maritime transportation infrastructure in designated port areas. In making a loan, the executive office shall consider: (i) the impacts on future economic growth, commercial and industrial development and wastewater and wastewater pretreatment within the designated port area and on the commercial fishing industry; and (ii) the attendant economic benefits to the commonwealth.

The executive office shall submit an annual report to the clerks of the senate and the house of representatives, who shall forward the report to the chairs of the senate and house committees on ways and means, the chairs of the senate and house committees on rules and the senate and house chairs of the joint committee on economic development and emerging technologies on or before December 31. The report shall include a current assessment of the progress of each project funded through the program.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at sixteen minutes before eleven o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 39 – nays 0) [Yeas and Nays No. 423]:

#### YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
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.	OConnor, Patrick M.
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
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. – 39.

Joyce, Brian A.

#### NAYS – 0.

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

Ms. Spilka moved that the proposed new text be amended in section 2A, in item 7002-8018, by striking out, in line 43, the figure "\$400,000" and inserting in place thereof the following figure:- "\$500,000";

In said section 2A, in said item 7002-8018, by inserting after the word "Lowell", in line 53, the following words:- "; provided further, that \$400,000 shall be expended for handicapped accessibility improvements and crosswalks to Centre street at Rambler road, Westchester road and Whitcomb avenue in the Jamaica Plain section of the city of Boston; provided further, that \$100,000 shall be expended for repairs to park pathways and entrances to Franklin Park in the city of Boston";

In said section 2A, in said item 7002-8018, by striking out the figure "\$5,000,000" and inserting in place thereof the following figure:- "\$17,650,000";

In section 2C, in item 7009-2005, by striking out the figure "\$45,000,000" and inserting in place thereof the following figure:- "\$45,550,000";

In section 7, by inserting after the figure "3,000,000", in line 543, the following words:- "square feet";

In section 67, by striking out, in lines 1480 to 1482, inclusive, the words "student dormitories or faculty housing and that are available to the general public shall be considered ancillary to the educational purpose of such educational institutions" and inserting in place thereof the following words:- "ancillary to the institution's educational purposes";

In section 110, by striking out, in line 2080, the figure "\$581,500,000" and inserting in place thereof the following figure:- "\$619,600,000";

In section 111, by striking out, in line, 2093, the figure "\$7,500,000" and inserting in place thereof the following figure:- "\$32,500,000";

In section 112, by striking out, in line 2105, the figure "154,900,00" and inserting in place thereof the following figure:- "\$155,450,000"; and

By inserting after section 116 the following section:-

"SECTION 116A. Sections 1 to 12, inclusive, of chapter 64G of the General Laws, as appearing in section 67, shall be effective for contracts entered into on or after July 1, 2016."

The amendment was **adopted**.

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

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at three minutes past eleven o'clock P.M., on motion of Ms. Donoghue, as follows, to wit (*yeas 39 – nays 1*) [**Yeas and Nays No. 424**]:

#### YEAS.

Barrett, Michael J.

Keenan, John F.

Boncore, Joseph A.

Lesser, Eric P.

Brady, Michael D.

Lewis, Jason M.

Brownsberger, William N.

L'Italien, Barbara A.

Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
deMacedo, Viriato M.	Moore, Michael O.
DiDomenico, Sal N.	OConnor, Patrick M.
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.	Rush, Michael F.
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. – 39.

**NAYS.**

O'Connor Ives, Kathleen – 1.

**The yeas and nays having been completed at six minutes past eleven o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment [For text of Senate amendment, printed as amended, see Senate, No. 2435]. Sent to the House for concurrence in the amendment.**

*Order Adopted.*

On motion of Mr. Keenan,--

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

On motion of Mr. Tarr, at seven minutes past eleven o'clock, P.M., the Senate adjourned to meet again tomorrow at one o'clock P.M.