

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, October 20, 2016.

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

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

Communication.

Communication from the Department of Public Health relative to receipt of plans of correction for MCI Framingham and Western MA Correctional Alcohol Center (received October 17, 2016).-- **was placed on file.**

Reports.

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

Report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of the Massachusetts Treatment Center, Bridgewater; NCCI Gardner and the Souza-Baranowski Correctional Center, Shirley (received October 17, 2016);

Report of the Southeastern Regional Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its annual financial statements and single audit report for the year ended June 30, 2016 (received October 17, 2016); Report of the Massachusetts Port Authority (pursuant to Line Item 6720-1340 of Chapter 219 of the Acts of 2016) submitting its annual report (received October 17, 2016); and

Report of the Dukes County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received October 19, 2016).

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 2500) of Mark C. Montigny, Paul A. Schmid, III, Robert M. Koczera and Antonio F.D. Cabral (with approval of the mayor and city council) for legislation to establish an arts, culture and tourism promotion fund in the city of New Bedford [Local approval received];

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

By Mr. Fattman, a petition (accompanied by bill) (subject to Joint Rule 12) of Ryan C. Fattman and Kevin J. Kuros for legislation to establish a sick leave bank for Gary Kellenberger, an employee of the Department of Mental Health;

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

PAPERS FROM THE HOUSE

A Bill establishing a sick leave bank for Rhodaja Shubrick, an employee of the Department of Transitional Assistance (House, No. 4642,-- on petition), -- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill designating a certain intersection under the control of the Massachusetts Department of Transportation in the town of Bridgewater (House, No. 4607,-- on petition),- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Donna Paul, an employee of the Department of Correction (see Senate, No. 2484, 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 2 to 0. The bill was signed by the Acting President (Mr. Wolf) and sent to the House for enactment.**

Resolutions.

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

Resolutions (filed by Ms. L'Italien) "commending Michael Blatus, Senior on his lifetime of dedicated service to the town of Dracut and the United States of America"; and

Resolutions (filed by Mr. Ross and Ms. Spilka) "honoring the memory of the Hall brothers on the dedication of the Hall Brothers Square in the town of Natick."

PAPER FROM THE HOUSE.

A Bill exempting the position of police chief in the town of Orange from the civil service law (House, No. 4025,-- on petition) [Local approval received],-- was read.

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

Reports of Committees.

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

The Senate Bill designating a certain bridge in the town of Norwood as the Thomas J. Kewriga Memorial Bridge (Senate, No. 1871).

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

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

The Senate Bill regulating central service technicians (Senate, No. 2070).

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

Pending the question on ordering the bill to a third reading, Ms. Gobi presented an amendment striking out the definition of "health care practitioner" and "Health care facility" and inserting in place thereof the following 2 definitions:-

"'Health care practitioner', a person licensed or registered under section 2, 9, 16, 45, 51, 51½, 74 or 74A of chapter 112 including an intern, resident, fellow or hospital medical officer who conducts or assists with the performance of surgery.

'Health care facility', a hospital or rural hospital as defined in section 52 or surgical services that are provided in a free standing ambulatory surgery center, whether inpatient or outpatient, conducted for charity or for profit and whether or not subject to section 25C; provided, however, that 'health care facility' shall not include the dental or private office of a health care practitioner."; in said section 1, by striking out, in line 11, the word "surgical" and inserting in place thereof the following words:- "health care"; in said section 1, by striking out, in line 20, the figure "2015" and inserting in place thereof the following figure:- "2016"; and by striking out section 2 and inserting in place thereof the following section:-

"SECTION 2. The commissioner of the department of public health shall provide the guidance necessary to carry out this act. The guidance shall be provided not later than 90 days after the effective date of this act."

The amendment was adopted.

The bill (Senate, No. 2070, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to vocational education transportation for nonresident students (Senate, No. 2331),-- ought to pass, with an amendment substituting a new draft entitled "Resolve establishing a special commission on vocational education transportation" (Senate, No. 2501).

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

The resolve (Senate, No. 2501) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill authorizing the division of capital asset management and maintenance to grant an easement to the town of Grafton over a certain parcel of land (Senate, No. 2427),-- ought to pass, with an amendment in section 1, by adding the following sentence:- "The land over which the easement may be granted was acquired by the commonwealth by deeds recorded in the Worcester district registry of deeds in book 1728, page 21, book 1730, page 243 and book 1742, page 398".

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

The bill (Senate, No. 2427, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Aaron Paul, an employee of the Department of Corrections (Senate, No. 2494),-- ought to pass, with an amendment inserting after the word "Paul", in line 4, the first time it appears, the following words:- "to care for his son".

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

The bill (Senate, No. 2494, amended) was then ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading as follows: "An Act establishing a sick leave bank for Aaron Paul, an employee of the Department of Correction".

Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Robert Clark, an employee of the Department of Mental Health (House, No. 4641),-- ought to pass.

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

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The House Bill authorizing the town of Foxborough to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4550) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to a municipal employee in the town of Lee, the town of Lenox or the town of Stockbridge acting in relation to an intermunicipal agreement (House, No. 4598) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE

Engrossed Bills.

An engrossed Bill validating the actions taken at a special town election held in the town of Westport (see House Bill, printed in House, No. 4589, changed) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage was passed to be enacted, two-thirds of the members present having voted in the affirmative, and signed by the Acting President (Mr. Wolf) and laid before the Governor for his approbation.

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

Establishing a sick leave bank for Donna Paul, an employee of the Department of Correction (see Senate, No. 2484, amended);
Establishing a landfill solar special revenue fund in the town of Dennis (see House, No. 4412); and
Authorizing the town of Foxborough to grant 4 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4609).

Order Adopted.

On motion of Mr. Ross,--

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

On motion of the same Senator, at twenty-seven minutes before twelve o'clock noon, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.