

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.

February 18, 2016.

Met at eight minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair).

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

Communications.

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

Communication from the Honorable Stanley C. Rosenberg, President of the Senate, announcing his appointment (pursuant to Section 3 of Chapter 142 of the Acts of 2015) of Senator Eileen M. Donoghue to the Workforce Development Board; Communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing his appointment (pursuant to Section 233 of Chapter 165 of the Acts of 2014) of Senator Richard J. Ross to the 495/Metro West Suburban Edge Community Commission; and

Communications from the Department of Public Health submitting plans of corrections for Essex County Correctional Alternative Center, Lawrence; MCI Concord; Old Colony Correctional Center Kitchen Core Services, Bridgewater; Bridgewater State Hospital; Souza-Baranowski Correctional Center, Shirley; MCI Norfolk; Hampshire County Jail and HOC and Berkshire County Jail and House of Corrections, Pittsfield (received February 16, 2016).

Reports.

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

Report of the Department of Elementary and Secondary Education (pursuant to Section 89(kk) of Chapter 71 of the General Laws) submitting its Charter School Enrollment Data Annual Report (received February 16, 2016);

Report of the Department of Early Education and Care (pursuant to Chapter 15D of the General Laws) submitting its Annual Legislative Report on the Department of Early Education and Care (received February 16, 2016)

Reports of the Department of Public Health (under the provisions of Sections 5, 20 and 21 of Chapter 111 of the General Laws) submitting facility inspection reports for the Boston Pre-Release Center, Roslindale; Dedham Alternative Center; MCI Framingham; Norfolk County House of Correction, Dedham and the Old Colony Correctional Center, Bridgewater (received February 16, 2016)

Report of the Massachusetts Department of Transportation (pursuant to Section 11 of Chapter 161A of the General Laws) submitting its report on the Authority's efforts to maximize non-transportation revenue (received February 16, 2015); and

Report of the Department of Elementary and Secondary Education (pursuant to Chapter 182 of the Acts of 2008, line item 7010-0012) submitting its METCO Program report (received February 16, 2016).

Petitions.

Petitions were severally presented and referred as follows:

By Mr. deMacedo, a petition (accompanied by bill) (subject to Joint Rule 12) of Viriato M. deMacedo for legislation to clarify a public service worker's retirement earnings limitation;
By Mr. Lesser, a petition (accompanied by bill) (subject to Joint Rule 12) of Eric P. Lesser and Brian M. Ashe for legislation relative to retirement benefits for Mary Donna Nodurf; and
By Mr. Montigny, a petition (accompanied by bill) (subject to Joint Rule 12) of Mark C. Montigny, Antonio F. D. Cabral, Robert M. Koczera, William M. Straus and other members of the General Court for legislation to protect locked out employees;
Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Lewis, for the committee on Public Health, on petition, a Bill requiring automated external defibrillators in schools (Senate, No. 1191);
Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on petition, a Bill to establish a special commission to consider an appropriate tribute to Nelson Mandela in the City of Boston (Senate, No. 1678);
Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on petition (accompanied by bill, Senate, No. 1693), a Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Shrewsbury (Senate, No. 2133) [Local approval received];
Read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.

By Ms. L'Italien, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill concerning adjustments to certain petroleum products (Senate, No. 170);
By the same Senator, for the same committee, on petition, a Bill relative to unsolicited loans (Senate, No. 175);
By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill relative to the moose population in the Commonwealth (Senate, No. 423); and
By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on petition, a Bill to accelerate innovation and entrepreneurship by partnering world-class innovators with state agencies (Senate, No. 1720);
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Ms. L'Italien, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill to protect the privacy of lottery winners (Senate, No. 172);
By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill relative to hunting with Unmanned Aerial Systems (Senate, No. 447);
By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on petition, a Bill creating lysosomal storage disorder awareness month (Senate, No. 1640);
By the same Senator, for the same committee, on petition, a Bill to designate Narcolepsy Awareness Day (Senate, No. 1652);
By the same Senator, for the same committee, on petition, a Bill to establish February 20 as Frederick Douglass Day (Senate, No. 1655);
By the same Senator, for the same committee, on petition, a Bill proclaiming May as Aviation Awareness Month (Senate, No. 1659);
By the same Senator, for the same committee, on petition, a Bill relative to sleep deprivation avoidance and promotion of good sleeping practices (Senate, No. 1665);
By the same Senator, for the same committee, on petition, a Bill recognizing Massachusetts State Parks Day (Senate, No. 1712);
By the same Senator, for the same committee, on petition, a Bill relative to the observance of a Gold Star Wives Day and a Gold Star Mothers and Families Day (Senate, No. 1717);
By the same Senator, for the same committee, on petition, a Bill observing United States Navy Day (Senate, No. 1718);
By the same Senator, for the same committee, on petition, a Bill designating Conflict Resolution Awareness Week (Senate, No. 1746); and
By the same Senator, for the same committee, on petition, a Bill relative to trigeminal neuralgia awareness month (Senate, No. 2011);
Severally read and, under Senate Rule 26, referred to the committee on Rules.

PAPERS FROM THE HOUSE

Message from His Excellency the Governor recommending legislation relative to financing improvements to municipal roads and bridges (House, No. 4010),-- **was referred, in concurrence, to the committee on Transportation.**

Petition (accompanied by bill, House, No. 4012) of Colleen M. Garry (by vote of the town) relative to the appointment of special police officers in the town of Dracut,-- **was referred, in concurrence, to the committee on Public Service.**

A Bill authorizing the town of Shrewsbury to grant an additional liquor license (House, No. 3880, amended,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Report of the committee on Economic Development and Emerging Technologies asking to be discharged from further consideration of the message of His Excellency the Governor recommending legislation relative to promoting sustainable economic development in Massachusetts (accompanied by bill, House, No. 3978),-- and recommending that the same be referred to the committee on Revenue,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Resolutions.

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

Resolutions (filed by Ms. Gobi, Ms. Forry, Mr. Brownsberger, Ms. Chandler, Ms. Creem, Messrs. deMacedo and DiDomenico, Ms. Donoghue, Mr. Downing, Ms. Flanagan, Mr. Humason, Ms. Jehlen, Mr. Keenan, Ms. L'Italien, Ms. Lovely, Messrs. McGee, Moore, Ross and Rush, Ms. Spilka and Messrs. Tarr, Timilty and Welch) "commending the American Heart Association on its observance of February 2016 as American Heart Month in the Commonwealth"; and Resolutions (filed by Ms. Spilka) "congratulating Benjamin Robert Carney of the town of Medway on his elevation to the rank of Eagle Scout."

PAPERS FROM THE HOUSE

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

Petition (accompanied by bill, House, No. 4015) of Garrett J. Bradley, Viriato M. deMacedo and Hannah Kane relative to naming a certain building at the Massachusetts College of Art and Design as the William J. Hannon Design and Media Center; **Under suspension of Joint Rule 12, to the committee on Higher Education.**

Petition (accompanied by bill, House, No. 4016) of Hannah Kane relative to condominium elections; **Under suspension of Joint Rule 12, to the committee on Housing**

Petition (accompanied by bill, House, No. 4017) of Christine P. Barber, Paul J. Donato and Patricia D. Jehlen for legislation to establish a sick leave bank for Denise Martinez, an employee of the Massachusetts Commission for the Deaf and Hard of Hearing; **Under suspension of Joint Rule 12, to the committee on Public Service.**

Reports of Committees.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Patricia D. Jehlen for legislation to provide limited health services for residents of assisted living residences. **The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Elder Affairs. Sent to the House for concurrence.**

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to HIV-Associated lipodystrophy treatment (Senate, No. 618),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2137).

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to HIV-Associated lipodystrophy treatment (Senate, No. 618) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2137) shall be placed in the Orders of the Day for a second reading on Thursday, February 25, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, February 22, 2016. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2137), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Rules.

Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, February 25, 2016, for a second reading with the amendment pending.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill to protect access to confidential healthcare (Senate, No. 2081),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2138).

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to protect access to confidential healthcare (Senate, No. 2081) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2138) shall be placed in the Orders of the Day for a second reading on Thursday, February 25, 2016. All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, February 22, 2016. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2138), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Rules.

Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, February 25, 2016, for a second reading with the amendment pending.

Order Adopted.

On motion of Mr. Tarr,--

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

On motion of the same Senator, at a quarter past eleven o'clock A.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.