

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.

Monday, July 18, 2016.

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

The Senator from Bristol and Norfolk, Mr. Timilty, led the Chair (Mr. Brownsberger), members, guests and staff in the recitation of the pledge of allegiance to the flag.

Communications.

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

Communication from the Department of Public Health submitting plans of corrections for the following facilities; Pondville Correctional Center, Franklin County Jail and House of Correction and Suffolk County House of Correction (received July 15, 2016); and

Communication from the Norfolk County Sheriff's Office submitting its plan of correction for inspection of the Norfolk Sheriff's Office, Dedham Alternative Center conducted on June 16, 2016 (received July 15, 2016).

Report.

Report of the Department of Public Health (under the provisions of Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspections of the following institutions - Boston Pre-Release Center, Massachusetts Alcohol and Substance Abuse Center, Western MA Correctional Center and Western MA Correctional Alcohol Center (received July 15, 2016),-- **was placed on file.**

Resolutions.

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

Resolutions (filed by Mr. Ross) "congratulating Tristan O'Reilly Ng of the town of Wayland on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Ross) "congratulating Alexander Bepalova Porter of the town of Wayland on his elevation to the rank of Eagle Scout"; and

Resolutions (filed by Mr. Ross) "congratulating Eric Shaw Porter of the town of Wayland on his elevation to the rank of Eagle Scout."

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 relative to the sale of wine in private clubs (Senate, No. 2244).

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

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 House Bill relative to school improvement plans (House, No. 391, amended).

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

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill authorizing the commissioner of capital asset management and maintenance to convey a certain parcel of land in the town of Concord (Senate, No. 2272),-- **ought to pass.**
There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and ordered to a third reading.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to the Next Generation Network Initiative (Senate, No. 2275),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act establishing a broadband infrastructure study commission".

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land containing the Salem Superior Courthouse and County Commissioners Building to the Salem Redevelopment Authority (printed as House, No. 2837),-- ought to pass, with an amendment in section 1, by adding the following sentence:- "For the purposes of this act, "convey" shall mean a sale or lease of the parcel."; and In section 2, by striking out, in lines 11 and 12, the word "sale" and inserting in place thereof, in each instance, the following word:- conveyance".

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

The bill (printed as House, No. 2837, amended) was then ordered to a third reading, read third time and passed to be engrossed.

Sent to the House for concurrence.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of James B. Eldridge for legislation to establish a sick leave bank for Teresa Lowe, an employee of the Massachusetts Department of Correction.

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 Public Service.

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 Marc R. Pacheco and Keiko M. Orrall for legislation to provide for the release of a certain agricultural preservation restriction on a parcel of land in the Town of Berkley.

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 State Administration and Regulatory Oversight.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael J. Rodrigues and Carole A. Fiola for legislation to designate a certain bridge in the City of Fall River as the Tom Tetrault Bridge.

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 Transportation.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4523) of Peter V. Kocot relative to fire sprinkler installation incentives,-- was referred in concurrence, under suspension of Joint Rule 12, to the committee Revenue.

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 House Bill increasing access to immunizations (House, No. 3895).

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

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill relative to a department of transitional assistance fraud detection report (see House, No. 4496, 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 3 to 0.**
The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.

An engrossed Bill relative to a feasibility report on the inclusion of spouses as paid caregivers (see House, No. 4499, 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 3 to 0.**
The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.

An engrossed Bill relative to municipality reimbursement (see House, No. 4503 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 3 to 0.**
The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.

Engrossed Bills.

An engrossed Bill relative to the health insurance of certain elected individuals in the town of Tyngham (see House, No. 3649) (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 Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.

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

Relative to a department of transitional assistance fraud detection report (see House, No. 4496, amended); and
Relative to a feasibility report on the inclusion of spouses as paid caregivers (see House, No. 4499, amended).
Relative to municipality reimbursement (see House, No. 4503, amended).

Recess.

There being no objection, at twenty-one minutes before twelve o'clock noon, the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and, at five minutes before four o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill relative to low-income taxpayer clinics (see House, No. 4485), 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 3 to 0.**
The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.

An engrossed Bill relative to the Office of the Child Advocate (see House, No. 4486), 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 3 to 0.**
The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.

An engrossed Bill relative to the Massachusetts Child Psychiatry Access Program (see House, No. 4487), 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 3 to 0.
The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.**

An engrossed Bill relative to administering controlled substances (see House, No. 4489), 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 3 to 0.
The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.**

An engrossed Bill relative to protective custody (see House, No. 4490, 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 3 to 0.
The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.**

An engrossed Bill relative to long-term antibiotic therapy for the treatment of Lyme disease (see House, No. 4491) 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 3 to 0.
The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.**

Engrossed Bills.

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

Relative to low-income taxpayer clinics (see House, No. 4485);
Relative to the Office of the Child Advocate (see House, No. 4486);
Relative to the Massachusetts Child Psychiatry Access Program (see House, No. 4487);
Relative to administering controlled substances (see House, No. 4489);
Relative to protective custody (see House, No. 4490, amended); and
Relative to long-term antibiotic therapy for the treatment of Lyme disease (see House, No. 4491).

The House Bill relative to the judicial enforcement of noncompetition agreements (House, No. 4434),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2418), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representative Dempsey of Haverhill, Scibak of South Hadley and Barrows of Mansfield have been appointed the committee on the part of the House.

**On motion of Mr. Humason, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Wolf, Brownsberger and Fattman were appointed on the part of the Senate.
The bill was returned to the House endorsed accordingly.**

The House Bill modernizing municipal finance and government (House, No. 4419),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2430), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representative Mariano of Quincy, Donato of Medford and Vieira of Falmouth have been appointed the committee on the part of the House.

**On motion of Mr. Humason, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators L'Italien, Rodrigues and OConnor were appointed on the part of the Senate.
The bill was returned to the House endorsed accordingly.**

The House Bill relative to job creation, workforce development and infrastructure investment (House, No. 4483),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2435), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Wagner of Chicopee, Dempsey of Haverhill and Kelcourse of Amesbury have been appointed the committee on the part of the House.

**On motion of Mr. Humason, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Donoghue, Spilka and deMacedo were appointed on the part of the Senate.
The bill was returned to the House endorsed accordingly.**

Order Adopted.

On motion of Mr. Humason,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow 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-five minutes past four o'clock P.M., the Senate adjourned to meet again on tomorrow at eleven o'clock A.M.