

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 8, 2015.

Met at five minutes past eleven o'clock A.M.

The President, members, guests and staff then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. McGee for the purpose of an introduction. Mr. McGee then introduced, in the rear of the Chamber, Dr. Lee Ann De Reus. Dr. Lee Ann De Reus is an Associate Professor of Human Development & Family Studies and Women Studies at Pennsylvania State University-Altoona and the co-founder of Panzi Foundation USA. The Senate welcomed her with applause and she withdrew from the Chamber.

Communication.

The following communications were severally received and placed on file to wit:
Communication from the Honorable Eileen M. Donoghue, under the provisions of General Laws Chapter 268A (received in the Office of the Clerk of the Senate on Wednesday, October 7, 2015);
Communication from the Honorable Eileen M. Donoghue, under the provisions of General Laws Chapter 268A (received in the Office of the Clerk of the Senate on Wednesday, October 7, 2015);
Communication from the Honorable Stanley C. Rosenberg, President of the Senate, announcing the appointment (pursuant to Section 4 of Chapter 2 of the General Laws) of Mr. Victor Nunez Ortiz to the Iraq and Afghanistan Fallen Heroes Memorial Fund Oversight Committee;
Communication from the Honorable Stanley C. Rosenberg, President of the Senate, announcing the appointment (pursuant to Section 162 of Chapter 46 of the Acts of 2015) of Senator Marc R. Pacheco to the Cranberry Industry Revitalization Task Force; and
Communication from the Honorable Stanley C. Rosenberg, President of the Senate, announcing the appointment (pursuant to Section 208 of Chapter 139 of the Acts of 2012 and Chapter 450 of the Acts of 2014) of Senator Harriette L. Chandler to the Commission on Unaccompanied Homeless Youth; and
Communication from the Department of Elementary and Secondary Education (pursuant to item 7061-9404 of Chapter 38 of the Acts of 2013) submitting its Report to the Legislature: MCAS Support Programs Fiscal Year 2014 Addendum (received October 5, 2015).

Reports.

The following reports were severally received and placed on file, to wit:
Report of the Cape Ann Transportation Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its financial statements and supplementary information for the year ended June 30, 2015 (received October 5, 2015);
Report of the Southeastern Regional Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its annual financial statements for the year ended June 30, 2015 (received October 5, 2015);

Report of the Berkshire Regional Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its financial statements and supplementary information for the year ended June 30, 2015 (received October 7, 2015);
Report of MassBiologics (pursuant to Section 43(f) of Chapter 75 of the General Laws) submitting its annual report of the activities of MassBiologics for fiscal year 2015 (received October 5, 2015); and
Report of the Executive Office of Health and Human Services (pursuant to item 4000-0300 of Chapter 46 of the Acts of 2015) submitting its plan outlining the implementation of an Integrated Eligibility System for the Commonwealth (received October 5, 2015).

Petition.

Mr. Pacheco presented a petition (accompanied by bill) (subject to Joint Rule 12) of Marc R. Pacheco, Michael J. Rodrigues and Keiko M. Orrall for legislation to authorize the town of Lakeville to convey certain property to the city of Taunton,-- **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Report of a Committee.

By Mrs. L'Italien, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill regulating secondary metals dealing (Senate, No. 202); and
By Mr. Brownsberger, for the committee on the Judiciary, on petition (accompanied by bill Senate, No. 835), a Bill relative to the Gardner District Court (Senate, No. 2028);
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Brownsberger, for the committee on the Judiciary, on petition, a Bill relative to naming the Plymouth Trial Court in honor of Senate President Therese Murray (Senate, No. 794);
By the same Senator, for the same committee, on petition, a Bill designating Courtroom G within the Salem District Court as the Honorable David T. Doyle Courtroom (Senate, No. 866); and
By the same Senator, for the same committee, on Senate No. 940 and House No. 1519, a Bill enhancing courthouse security (Senate, No. 940);
Severally read and, under Senate Rule 26, referred to the committee on Rules.

PAPERS FROM THE HOUSE

A Bill designating a portion of Route 3 as the Middlesex 3 highway (House, No. 3007, amended,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Bills

Exempting the positions of patrolman, sergeant and lieutenant in the police department of the town of Maynard from the civil service law (House, No. 3331, amended,-- on petition) [Local approval received];
Establishing a department of municipal finance for the town of Milford (House, No. 3634,-- on petition) [Local approval received];
Directing the division of capital asset management and maintenance to lease a certain parcel of land in the town of Southborough (House, No. 3762,-- on petition) [Local approval received];
Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-
Resolutions (filed by Ms. Chandler and Mr. Moore) "commending Worcester Women's History Project, Inc. on their twentieth anniversary";
Resolutions (filed by Mr. deMacedo) "congratulating Arthur and Diana Budge on the occasion of their sixtieth wedding anniversary";
Resolutions (filed by Mr. Lewis) "commending Melrose Alliance Against Violence, Inc., on their twentieth annual walk and candlelight vigil"; and
Resolutions (filed by Mr. Ross and Ms. Spilka) "honoring the memory of Chief Electrician's Mate Eldon W. Tozer on the dedication of Chief Electrician's Mate Eldon W. Tozer Square in the city known as the town of Natick."

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Shirley Brathwaite, an employee of the Department of Children and Families (see House No. 3705), 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 4 to 0. The bill was signed by the President and sent to the House for enactment.**

Engrossed Bills.

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 President and laid before the Governor for his approbation, to wit:

Relative to the granting of licenses for the sale of alcoholic beverages to be drunk on the premises in the town of Rockport (see Senate, No. 46, amended)

Authorizing the town of Topsfield to grant additional licenses for the sale of wines and malt beverages not to be drunk on the premises (see Senate, No. 1947, amended); and

Authorizing the town of Milford to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 3716).

Reports of Committees.

By Mr. Montigny, for the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Thomas Emswiler for legislation relative to studying the impacts of changing the Massachusetts time zone. **The rules were suspended, on motion of Mr. Rodrigues, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Economic Development and Emerging Technologies.**

By Mr. Montigny, for the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Anne M. Gobi and Susannah M. Whipps Lee for legislation to establish a sick leave bank for Wallace Seward, an employee of the Massachusetts Department of Correction.

The rules were suspended, on motion of Mr. Rodrigues, 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 committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Patricia D. Jehlen and Christine P. Barber for legislation to establish a sick leave bank for Lisa Magno, an employee of the Department of Revenue.

The rules were suspended, on motion of Mr. Rodrigues, 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. Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3799) of Robert Cavanaugh and Carlos Gonzalez relative to head gear for student who participate in soccer contests;

Under suspension of Joint Rule 12, to the committee on Education.

Petition (accompanied by bill, House, No. 3800) of Claire D. Cronin and Louis L. Kafka relative to the Canoe River aquifer advisory committee;

Under suspension of Joint Rules 12, to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 3801) of Sarah K. Peake for legislation to designate a certain bridge in the town of Harwich as the U.S. Navy Lt. Jr. Ralph Wallace Burns memorial bridge;

Under suspension of Joint Rule 12, to the committee on Transportation.

Matters Taken Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows: The House Bill authorizing the town of Montague to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3369, amended),-- **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill relative to the charter of the town of Abington creating a department of public works (Senate, No. 1996),-- **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The House Bill authorizing the city of Salem to grant 1 additional license for the sale of alcoholic beverages to be drunk on the premises (House, No. 3710) (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.**

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Relative to the sale of all alcoholic beverages in certain establishments in the town of Stoneham (House, No. 3375, amended); Authorizing the town of Canton to grant additional licenses for the sale of alcoholic beverages not to be drunk on the premises (House, No. 3768); and Authorizing the town of Canton to grant additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 3769).

At fourteen minutes past eleven o'clock A.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 a quarter past eleven o'clock P.M., a quorum was declared present.

PAPER FROM THE HOUSE

Engrossed Bill.

There being no objection, during consideration of the Orders of the Day, an engrossed Bill establishing a sick leave bank for Shirley Brathwaite, an employee of the Department of Children and Families (see House, No. 3705) (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 Senate Bill making appropriations for the fiscal year 2015 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2025),-- **was read a second time.**

After remarks and pending the question on ordering the bill to a third reading, Mr. Tarr moved that the bill be amended by inserting at the end thereof the following section:-

"SECTION __. Notwithstanding any general or special law to the contrary any historic property, pursuant to the provision of Section 44 of Chapter 85 of the Acts of 1994 shall not be subject to the provisions of Chapter 59 of the General Laws."

After debate, the amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting at the end the following section:

"SECTION __. The first sentence of subsection (a) of section 54 of Chapter 286 of the Acts of 2014 is hereby amended by striking out the figure '11' and inserting in place thereof the following figure:- 16."

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

Mr. Rodrigues moved that the bill be amended in section 2 by adding the following:-

"7100-0200 \$250,000".

The amendment was *rejected*.

Mrs. L'Italien, Mr. Montigny and Ms. O'Connor Ives moved that the bill be amended moves that the bill be amended, in Section 2, by inserting the following new item:-

"XXXX-XXXX For a Gateway Cities grant program for costs associated with the Revolutionary Fibers and Textiles Manufacturing Innovation Institute program.....\$500,000".

The amendment was *rejected*.

Ms. Chang-Diaz and Ms. Lovely moved that the bill be amended in section 2 by adding the following new line item:-

"7061-9010 \$35,267,845".

The amendment was *rejected*.

Ms. Chang-Diaz, Mr. McGee, Ms. Forry and Messrs. Joyce, Lewis, Downing and deMacedo moved that the bill be amended in section 2 by inserting after item 0321-1520 the following:-

"Section 2 of chapter 46 of the Acts of 2015 is hereby amended, in item 0940-0101, by striking out the figure "\$2,168,911" each time it appears, and inserting in place thereof, in each instance, the following figure:- \$2,5,18,911".

The amendment was *rejected*.

Messrs. Welch, Humason and Rodrigues, Ms. Chandler, Messrs. deMacedo, Keenan, Lesser and McGee, Ms. Gobi, Messrs. Moore, Ross and Petruccelli, Ms. O'Connor Ives, Messrs. Rush and Montigny, Ms. Flanagan, Ms. Lovely, Messrs. Lewis and Eldridge, Ms. Forry, Ms. Donoghue, Ms. Chang-Diaz and Mr. Joyce moved to amend the bill by inserting at the end thereof the following section:-

"SECTION XX. Item 4000-0700 of said section 2 in said chapter 46 is hereby amended by inserting after the words 'neonatal

intensive care unit cases' the following words:- provided further, MassHealth may expend a supplemental payment up to 50 percent of the amount appropriated in this item under section 2 of chapter 165 of the acts of 2014 for inpatient and outpatient behavioral and mental health services provided by any acute care hospital that that has greater than 63 per cent of its gross patient service revenue from governmental payers and free care as determined by the executive office of health and human services, provided, however, that such add on amounts shall be prioritized for services provided to children and adolescents; and provided further, that the department shall seek to obtain federal financial participation for this supplemental payment;”
After remarks, the amendment was **adopted**.

Mr. Rush moved that the bill be amended by inserting at the end thereof the following section:-
“SECTION XX. Subsection (c) of section 3 of chapter 19 of the Acts of 2015 is hereby amended by striking out after the word ‘appropriation’ the following words:-‘federal grant or trust’.”; and
In section 4, by inserting after the words “June 30, 2015”, the following words:- “In the case of employees whose compensation is funded from a federal grant or trust as each is defined in section 1 of chapter 20 of the General Laws, the state board of retirement shall receive an eligible employee’s application for retirement on or after October 1, 2015 but not later than November 1, 2015 in order for the employee to be eligible to receive the retirement benefit provided in this act. The retirement date requested in such an eligible employee’s application shall be DATE X”.
The amendment was *rejected*.

Mr. Petrucci, Mrs. L'Italien and Messrs. Lesser and Humason moved that the bill be amended in item 1595-1067 of said section 2 of said chapter 46 by striking out the figure “\$186,906,667” and inserting in place thereof the following figure:-
“195,134,532”
The amendment was *rejected*.

Mrs. L'Italien, Ms. Chandler, Mr. Lewis, Ms. Gobi and Mr. Joyce moved that the bill be amended by adding the following section:-
“SECTION 48A. Item 9110-1630 of said section 2 of chapter 46 is hereby amended by adding the following words:- provided further, that the executive office of elder affairs shall report, not later than December 1, 2016, to the house and senate committees on ways and means on: (i) enrollment data and any other information relevant to caseload forecasting for items 9110-1630 and 9110-1500 at current levels; (ii) projected utilization of services provided by items 9110-1630 and 9110-1500 with eligibility expanded to include the individuals whose income does not exceed 275 per cent of the federal poverty level and with eligibility expanded to include the individuals whose income does not exceed 300 per cent of the federal poverty level; (iii) the projected fiscal impact of expanding eligibility to include the individuals whose income does not exceed 275 per cent of the federal poverty level and the individuals whose income does not exceed 300 per cent of the federal poverty level; (iv) program design considerations regarding the application of cost-sharing revenues to best support individuals in an expansion population of up to 300 per cent of the federal poverty level; (v) an implementation plan for eligibility expanded to include the individuals whose income does not exceed 275 per cent of the federal poverty level and with eligibility expanded to include the individuals whose income does not exceed 300 per cent of the federal poverty level; provided further that the executive office of health and human services shall file a state plan amendment for section 1915(i) of the federal Social Security Act to maximize the opportunity for federal financial participation for any future expansion of eligibility for individuals whose incomes exceed current limits.
After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at four minutes past twelve o'clock noon, on motion of Ms. Spilka, as follows, to wit (*yeas 35 — nays 0*) **[Yeas and Nays No. 174]**:

YEAS.

Barrett, Michael J.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
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.	Pacheco, Marc R.
Downing, Benjamin B.	Petruccelli, Anthony
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Gobi, Anne M.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. – 35.
Keenan, John F.	

NAYS – 0.

ABSENT OR NOT VOTING.

Donoghue, Eileen M.	L'Italien, Barbara A. – 3.
Flanagan, Jennifer L.	

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

Mr. Rush and Ms. Forry moved that the bill be amended by inserting at the end thereof the following section:-
"SECTION XX: Item 8324-0000 of section 2 of said chapter 165 of the acts of 2014, as amended by section 50 of chapter 359 of the acts of 2014, is hereby further amended by striking out the words 'provided further, that the amount allocated for critical incident stress intervention programs and fire department training academies in said item 8324-0000 of said section 2 of said chapter 182 shall be allocated to each program in fiscal year 2015' and inserting in place thereof the following words:- 'provided further, that the amount allocated for critical incident stress intervention programs and fire department training academies in said item 8324-0000 of said section 2 of said chapter 182 shall be allocated to each program in fiscal year 2015; provided further, that amounts allocated to said fire department training academies shall not revert and shall be made available until June 30, 2016'."
The amendment was *rejected*.

Mr. Donnelly and Ms. Flanagan moved that the bill be amended by inserting the following section:-
"Section XX. Item 4510-0790 of section 2 of chapter 46 of the acts of 2015 is hereby amended by striking out the figure '\$831,959' and inserting in place thereof the figure:- '\$931,959'."
The amendment was *rejected*.

Mr. Lewis moved that the bill be amended by inserting after section 44 the following 2 sections:--

“SECTION 44A. Item 4590-0250 of section 2 of said chapter 46 is hereby amended by inserting after the word ‘Coalitions;’ the following words:- ‘provided further, that not less than \$200,000 shall be expended to pilot a school based health center program at Malden High School that operates at flexible hours, according to the center’s understanding of when services will be most utilized by students, but which otherwise meets administrative rules of the department of public health and regulations governing school based health centers;’.

SECTION 44B. Said item 4950-0250 of said chapter 46 is hereby amended by striking out the figure ‘12,230,974’, and inserting in place thereof the following figure:- ‘12,430,974’.”

The amendment was *rejected*.

Mr. Wolf moved that the bill be amended by inserting the following section:

“SECTION XX: Section 224 of Chapter 127 of the Acts of 1999, as so appearing, is hereby amended by striking the words ‘and two cottages in Nickerson State Park;’ in the first sentence and inserting in place thereof the following words:- ‘and three cottages in Nickerson State Park;’.”

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

Mr. Wolf moved that the bill be amended by inserting the following section:

“SECTION XX: Subsection (c) of section 75 of chapter 144 of the acts of 2014 is hereby amended by striking out the date, ‘June 30, 2015,’ and inserting in place thereof the following date:- ‘February 1, 2016’.”

The amendment was **adopted**.

Mr. Wolf and Ms. Forry moved that the bill be amended in section 2, line item 7008-0900 by adding the following language at the end thereof the following:- “provided further, that not less than \$125,000 shall be expended as grants to the Union of Minority Neighborhoods”.

The amendment was *rejected*.

Mr. Wolf moved that the bill be amended by inserting the following section:

“SECTION XX: (a) Notwithstanding any general or special law to the contrary, including section 14 of chapter 34 of the General Laws, but subject to subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws, the county commissioners of the county of Dukes County may lease space in a building acquired by the county pursuant to section 112 of chapter 287 of the Acts of 2014, to the Martha’s Vineyard Center for Living, Inc., a non-profit corporation, or its designee or affiliate, for an initial term not to exceed 30 years, for the purpose of the Martha’s Vineyard Center for Living, Inc. conducting health and social services for the benefit of residents of the county or visitors thereto, including but not limited to a Supportive Day Program, so called, for seniors, a medical taxi program for seniors, food and meals programs for seniors, and outreach and referral programs for seniors. The lease may provide that the Martha’s Vineyard Center for Living, Inc. may, on terms acceptable to the county commissioners, design, construct or build-out repairs and improvements to the building. The lease shall provide that any benefits to Dukes County and the costs of improvements and repairs made to the building by the Martha’s Vineyard Center for Living, Inc. shall be taken into account as part of the consideration for such lease. The lease shall include provisions to ensure community accessibility, in a manner consistent with the corporate and charitable purposes of the Martha’s Vineyard Center for Living, Inc.

(b) Any general or special law or rule or regulation relating to the advertising, bidding or award of contracts, to the procurement of services or to the design or construction of improvements shall not apply to the construction or build-out of improvements by the Martha’s Vineyard Center for Living, Inc., provided, however, that any construction or improvements by the Martha’s Vineyard Center for Living, Inc. to the common areas of the building or areas exclusive of the tenant’s space, as designated in the lease, shall be subject to the wage requirements of sections 26 to 27H, inclusive, of chapter 149 of the General Laws.

(c) If the premises leased during the term of the lease authorized in section 1 are ever used for any purpose other than the purposes listed in section 1 or as listed in the terms of the lease that is ultimately negotiated by the county commissioners of Dukes County, then the authorization to lease space in the building to the Martha’s Vineyard Center for Living, Inc. granted by this act shall immediately become null and void.

(d) This act shall take effect upon its passage.”

The amendment was *rejected*.

Ms. Gobi and Ms. Flanagan moved that the bill be amended in section 2, in line-item 1595-6368, by adding the following:- “; provided further, that not less than \$370,000 shall be provided to the Montachusett regional transit authority for a contract with Community Transit Services, Inc., or any successor agency engaged by the Montachusett regional transit authority, to provide the existing services and ensure those services shall not be reduced in fiscal year 2015 and to study the feasibility of establishing a self-sufficient, county-wide employment transportation system”.

The amendment was *rejected*.

Mr. McGee moved that the bill be amended section 30 of chapter 79 of the acts of 2014, as amended by section 54 of chapter 10 of the acts of 2015, is hereby amended by striking out the words “November 30, 2015” and inserting in place thereof the words:- “September 30, 2016”.

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

Mr. Tarr and Ms. Creem moved that the bill be amended by inserting after section 57 the following section:-

“SECTION 57A. Notwithstanding any general or special law to the contrary, the secretary of health and human services shall provide a report on the compliance with section 245 of chapter 224 of the acts of 2012 that the executive office of health and human services seek from the secretary of the United States Department of Health and Human Services an exemption or waiver from the Medicare requirement set forth in 42 U.S.C. §1395x(i) that an admission to a skilled nursing facility be preceded by a 3-day hospital stay. The report shall include, but not be limited to: (i) a timeline of the date the initial request for the exemption or waiver was provided to the United States Department of Health and Human Services and any subsequent follow up requests; (ii) next steps the secretary plans to take to secure the exemption or waiver; (iii) any limitations or restrictions that the secretary has encountered in the attempt to secure the exemption or waiver; and (iv) any recommended legislative actions that may assist to facilitate an exemption or waiver. The secretary shall provide the report to the clerks of the senate and house of representatives, the chairs of the joint committee on healthcare financing and the house and senate chairs of the committees on ways and means not later than March 1, 2016.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes past twelve o'clock noon, on motion of Mr. Tarr, as follows, to wit (*yeas 35 — nays 0*) **[Yeas and Nays No. 175]:**

YEAS.

Barrett, Michael J.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
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.	Pacheco, Marc R.
Downing, Benjamin B.	Petrucelli, Anthony
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Gobi, Anne M.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. – 35.

Keenan, John F.

NAYS – 0.

ABSENT OR NOT VOTING.

Donoghue, Eileen M.

L'Italien, Barbara A. – 3.

Flanagan, Jennifer L.

The yeas and nays having been completed at twenty-one minutes past twelve o'clock noon, the amendment was **adopted**.

Mr. Tarr, Ms. Lovely and Mr. Joyce moved that the bill be amended by inserting at the end thereof following section:-
“SECTION __. The Department of Public Health shall make a request for approval from the United States Department of Agriculture for the expenditure of benefits on diapers for children and infants under the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-six minutes past twelve o'clock noon, on motion of Mr. Tarr, as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 176**]:

YEAS.

Barrett, Michael J.

Lesser, Eric P.

Brownsberger, William N.

Lewis, Jason M.

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.

Pacheco, Marc R.

Downing, Benjamin B.

Petruccelli, Anthony

Eldridge, James B.

Rodrigues, Michael J.

Fattman, Ryan C.

Ross, Richard J.

Forry, Linda Dorcena

Rush, Michael F.

Gobi, Anne M.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. – 35.
Keenan, John F.	

NAYS – 0.

ABSENT OR NOT VOTING.

Donoghue, Eileen M.	L'Italien, Barbara A. – 3.
Flanagan, Jennifer L.	

The yeas and nays having been completed at twenty-nine minutes past twelve o'clock noon, the amendment was **adopted**.

Ms. Lovely, Mr. McGee and Ms. Forry moved that the bill be amended by inserting the following section:-
 “SECTION __. The second paragraph of chapter 313 of the acts of 2010 is hereby amended by adding the following sentence:-
 ‘The co-chairs of the commission may each appoint up to 3 additional commission members to fulfill the purpose of the
 commission.’”

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

Mr. Moore, Ms. Donoghue, Messrs. Downing and Joyce moved that the bill be amended in section 2, by inserting after 1599-2015 the following item:

“1599-4299..... \$10,901,699”.

The amendment was *rejected*.

Recess.

At twenty-nine minutes before 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 twenty-one minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The Senate Bill making appropriations for the fiscal year 2015 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2025),-- the main question being on ordering the bill to a third reading.

Mr. Hedlund moved that the bill be amended by inserting in section 2A, under the Department of Revenue, the following new line item:-

“1233-2350 \$20,000,000”;

By inserting the following section:-

“SECTION __. Item 1233-2350 of said chapter 46 is hereby amended by striking out the figure, ‘\$979,797,001’ and inserting in place thereof the following figure:- \$999,797,001.”; and

By striking out section 53 and inserting in place thereof the following section:-

“SECTION 53. Section 194 of said chapter 46 is hereby further amended by striking out section 194 and inserting in place thereof the following section:-

Section 194. (a) Notwithstanding any general or special law to the contrary, prior to transferring the consolidated net surplus in the budgetary funds to the Commonwealth Stabilization Fund under section 5C of chapter 29 of the General Laws, the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2015 as follows: (i) transfer ½ of the surplus, not to exceed \$10,000,000, to the Massachusetts Community Preservation Trust Fund established in section 9 of

chapter 44B of the General Laws; and (ii) transfer ½ of the surplus, not to exceed \$10,000,000, to the Massachusetts Life Sciences Investment Fund established in section 6 of chapter 23I of the General Laws.

(b) After making the transfers required under clauses (i) and (ii) of subsection (a), the comptroller shall transfer, to the extent available, \$100,000,000, or any remaining funds, to the Commonwealth Stabilization Fund established in section 2H of said chapter 29 of the General Laws.”

The amendment was *rejected*.

Messrs. deMacedo and Humason moved that the bill be amended by adding at the end thereof the following section:-

"SECTION X. Section 39 1/2 of chapter 119 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 3 and 4, inclusive, the words 'or manned fire station' and inserting in place thereof the following:- , manned fire station or with an emergency responder at an agreed upon location following a 911 call.

SECTION X. Section 39 1/2 of said chapter 119, as so appearing, is hereby amended by striking, in line 6, in the first instance in which it appears, the word 'an' and inserting in place thereof the following:- and.

SECTION X. Section 39 1/2 of said chapter 119, as so appearing, is hereby amended by striking out, in lines 16 and 17, inclusive, the words 'hospital, police department or manned fire station' and inserting in place thereof the following:- designated facility.

SECTION X. Section 39 1/2 of said chapter 119, as so appearing, is hereby amended by inserting, in line 17, after the word 'police' the following:- , emergency responder."

After remarks, the amendment was *rejected*.

Mr. Petrucci, Ms. Forry and Mr. Brownsberger moved that the bill be amended by inserting after section 25 the following 2 sections:-

“SECTION 25A. The fifth paragraph of section 17 of chapter 138 of the General Laws is hereby amended by striking out the first sentence, as amended by section 72 of chapter 287 of the acts of 2014, and inserting in place thereof the following sentence:- The licensing board for the city of Boston may grant 660 licenses for the sale of all alcoholic beverages under section 12.

SECTION 25B. Said fifth paragraph of said section 17 of said chapter 138 is hereby further amended by striking out the figure '660', as appearing in section 25A, and inserting in place thereof the following figure:- 665.”;

By inserting after section 36 the following section:-

“SECTION 36A. Section 73 of chapter 287 of the acts of 2014 is hereby repealed.”; and

By adding the following section:-

“SECTION 79. Section 25B shall take effect on September 1, 2016.”

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

Mr. Moore, Ms. Chandler and Ms. Flanagan moved that the bill be amended by inserting after section ____, the following section:-

“SECTION _____. Item 4800-0038 of said section 2 of chapter 46 is hereby amended by inserting after the words 'TEMPO program', the following words:- ; provided further, that an additional associate justice shall be assigned to the Worcester County Juvenile Court.”

The amendment was *rejected*.

Mr. Moore, Ms. Chandler, Ms. Lovely, Ms. Donoghue and Mr. Montigny moved that the bill be amended by inserting after section ____, the following section:-

“SECTION _____. Item 4512-0200 of said section 2 of chapter 46 is hereby amended by inserting after the words 'Plymouth district courts', the following words:- ; provided further, that not less than \$2,000,000 shall be expended for substance abuse services in Gateway Cities.”

The amendment was *rejected*.

Ms. O'Connor Ives and Mr. Joyce moved that the bill be amended in section 2 in item 4000-0700, by inserting in line 21, the following new item:-

“SECTION 19. Chapter 118E of the General Laws is hereby amended by inserting after section 77 the following section:- Section 78: Any non-profit home health agency in the Commonwealth providing Title XIX services in accordance with 114.3 CMR 50.00 and with Medicaid services not including continuous skilled nursing comprising at least 7 percent of their total visits shall qualify for a Community-Based Safety Net Adjustment. Said adjustment shall amount to no less than 22 percent for skilled nursing, physical therapy, occupational therapy and speech therapy and 18 percent for home health aide services; provided further those adjustments and the base rate would remain at the same level past 60 days of service.

The adjustment shall not apply to non- profit agencies who currently receive an episodic payment rate for their Medicaid population.”

The amendment was *rejected*.

Ms. Flanagan, Ms. Forry, Ms. Donoghue and Mr. Joyce moved that the bill be amended by inserting after section 34 the following section:-

“SECTION 34A. Said section 2 of said chapter 165 is hereby further amended by striking out item 7010-0060 and inserting in place thereof the following item:-

7010-0060. For the purpose of implementing evidence-based substance use prevention programming in schools.....\$3,800,000.”

The amendment was *rejected*.

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

“SECTION ____ Section 22 of Chapter 155 as appearing in the 2014 Official Edition by inserting in line 9 after the word ‘each’ the following-accounting records, and any other books and records provided the shareholder's demand is made in good faith and for a proper purpose.”

The amendment was *rejected*.

Messrs. deMacedo, Timilty, Rodrigues, Ross, Humason, Keenan, Joyce, McGee and Rush moved that the bill be amended by adding at the end thereof, the following section:-

“SECTION X. Chapter 36 of the General Laws, as so appearing, is hereby amended by striking out, in lines 8 and 10, ‘June 30, 2018’, and inserting in place thereof the following ‘June 30, 2020’.”

The amendment was **adopted**.

Mr. Moore moved that the bill be amended by inserting after section ____, the following section:-

“SECTION _____. Said section 2 of chapter 46 is hereby amended by striking out item 8900-0011 and inserting in place thereof the following item:-

8900-0011 For the prison industries and farm services program, which may expend for the operation of the program an amount not to exceed \$6,000,000 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees; provided further that the commissioner of correction may allocate not more than 60% of year-end net profit to the cost of the care and custody of those inmates assigned to the program; provided, that for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system..... \$6,000,000.”

The amendment was *rejected*.

Mr. Moore moved that the bill be amended by inserting after section _____, the following section:-

“SECTION _____. Said section 2 of chapter 46 is hereby amended by striking out item 8900-0021 and inserting in place thereof the following item:-

“8900-0021 For costs related to the production and distribution of products produced by the prison industries and farm programs and for the costs of services provided by inmates; provided further that the commissioner of correction may allocate not more than 60% of year-end net profit to the cost of the care and custody of those inmates assigned to the program.....\$11,050,000.”

The amendment was *rejected*.

Mr. Moore moved that the bill be amended by inserting, after section _____, the following section:-

“SECTION _____. Said section 2 of chapter 46 is hereby amended by striking out item 8900-0050 and inserting in place thereof the following item:-

8900-0050 For the department of correction; provided, that the department may expend not more \$10,600,000 in revenues collected from existing assessments and the state criminal alien assistance program; and provided further, that for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.....\$10,600,000.”

The amendment was *rejected*.

Messrs. Tarr and Ross moved that the bill be amended by inserting after section 18 the following:-

“SECTION _____. The general laws as appearing in the 2014 official edition are hereby amended by inserting after chapter 93K the following new chapter:-

CHAPTER 93L

BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT

Section 1. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:-

‘Assertion of patent infringement’, means (i) sending or delivering a demand letter to a target; (ii) threatening a target with litigation asserting, alleging or claiming that the target has engaged in patent infringement; (iii) sending or delivering a demand letter to the customers of a target; or (iv) otherwise making claims or allegations, other than those made in litigation against a target, that a target has engaged in patent infringement or that a target should obtain a license to a patent in order to avoid litigation.

‘Demand letter’, means a letter, e-mail, or other communication asserting, alleging or claiming that the target has engaged in patent infringement or that a target should obtain a license to a patent in order to avoid litigation, or any similar assertion.

‘Person’ shall include, where applicable, natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entity.

'Target', means a person residing in, conducting substantial business in, or having its principal place of business in Massachusetts and with respect to whom an assertion of patent infringement is made.

Section 2. A person shall not make, in bad faith, an assertion of patent infringement. In determining whether a person has made an assertion of patent infringement in bad faith, a court may consider the following:

(a) The demand letter does not contain the following information:

- (1) the patent number;
- (2) the name and address of the patent owner or owners and assignee or assignees, if any; and
- (3) factual allegations concerning the specific areas in which the target's products, services, and technology infringe the patent or are covered by the claims in the patent.

(b) Prior to sending the demand letter, the person fails to conduct an analysis comparing the claims in the patent to the target's products, services, and technology, or such an analysis was done but does not identify specific areas in which the products, services, and technology are covered by the claims in the patent.

(c) The demand letter lacks the information described in subsection (a), the target requests the information, and the person fails to provide the information within a reasonable period of time.

(d) The demand letter demands payment of a license fee or response within an unreasonably short period of time.

(e) The person offers to license the patent for an amount that is not based on a reasonable estimate of the value of the license.

(f) The claim or assertion of patent infringement is meritless, and the person knew, or should have known, that the claim or assertion is meritless.

(g) The claim or assertion of patent infringement is deceptive.

(h) The person or its subsidiaries or affiliates have previously filed or threatened to file one or more lawsuits based on the same or similar claim of patent infringement and:

- (1) those threats or lawsuits lacked the information described in subsection (a); or
- (2) the person attempted to enforce the claim of patent infringement in litigation and a court found the claim to be meritless.

(i) Any other factor the court finds relevant.

(j) A court may consider the following factors as evidence that a person has not made an assertion of patent infringement in bad faith:

(1) The demand letter contains the information described in subsection (1) of this section.

(2) Where the demand letter lacks the information described in subsection (1) and the target requests the information, the person provides the information within a reasonable period of time.

(3) The person engages in a good faith effort to establish that the target has infringed the patent and to negotiate an appropriate remedy.

(4) The person makes a substantial investment in the use of the patent or in the production or sale of a product or item covered by the patent.

(5) The person is:

(a) the inventor or joint inventor of the patent or, in the case of a patent filed by and awarded to an assignee of the original inventor or joint inventor, is the original assignee; or

(b) an institution of higher education or a technology transfer organization owned or affiliated with an institution of higher education.

Section 3. A target of conduct involving assertions of patent infringement, or a person aggrieved by a violation of this chapter may bring an action in Superior Court. A court may award the following remedies to a plaintiff who prevails in an action brought pursuant to this chapter:

(i) equitable relief;

(ii) damages;

(iii) costs and fees, including reasonable attorney's fees; and

(iv) exemplary damages in an amount of \$50,000.00."

The amendment was *rejected*.

Messrs. deMacedo, Wolf and Joyce moved that the bill be amended by adding the following section:-

"SECTION X. Item 4510-0110 of section 2 of chapter 46 of the acts of 2015 is hereby amended by inserting after the words 'South Boston Leadership Initiative' the following:- provided further, that not less than \$175,000 shall be expended to develop and administer a pilot program to prevent and treat addiction to opioid and related substances; provided further, that said pilot shall be administered by a federally-approved community health center agency that administers licensed community health center sites in no less than three counties and has been treating opioid-addicted patients for a minimum of five years; provided further, the program shall include prevention and treatment for patients and professional support for primary care providers and shall include the use of tools to assess risk factors, the development of patient registries, the provision of pain management alternatives and the development of best practices protocols to assist primary care providers; provided further, the pilot program shall report to the department of public health and the house and senate committees on ways and means six and twelve months after the initiation of the program;"

After remarks, the amendment was *rejected*.

Ms. Forry moved that the bill be amended by adding the following section:

"SECTION XXXX. Notwithstanding any general or special law to the contrary, a retired police officer of a town or city who is

appointed as a special police officer of that town or city pursuant to the passage of any special legislation authorizing such appointments shall be subject to chapter 151A of the General Laws.”

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

Mr. Welch moved that the bill be amended by adding the following section:-

“SECTION X. Section 2 of chapter 46 of the acts of 2015 is hereby amended by adding the following item:-
7080-0001 Springfield Technical Community College Technology

Park.....\$250,000.”

The amendment was *rejected*.

Mr. Timilty and Ms. Forry moved that the bill be amended in section 2, by inserting the following new item:

“8000-1001: For the Boston regional intelligence center (BRIC) to upgrade, expand, and integrate technology and protocols related to anti-terrorism, anti-crime, anti-gang, and emergency response; provided that intelligence developed shall be shared with the BRIC communities and other State municipal and federal agencies as necessary; provided further, that BRIC shall provide technology required to access the intelligence with its municipal partners, the State police, the MBTA, the Mass Port Authority, and appropriate federal agencies to assure maximum interagency collaboration for public safety and homeland security.....\$3,000,000”.

After remarks, the amendment was *rejected*.

Mr. Timilty moved that the bill be amended by inserting at the end thereof the following section:-

“SECTION XX. Section 96B of chapter 41 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking, in line 30, the words: - ‘department of criminal justice training’ and replacing them with, ‘municipal police training committee’; and by inserting in line 32 after the words ‘a person appointed to a position on a full-time basis’ the following words:- “or as a reserve or intermittent police officer’.”

The amendment was **adopted**.

Mr. Timilty moved that the bill be amended in section 2, by inserting the following new item:-

“8100-XXXX: For the purchase of conducted electrical weapons (CEW) for the Department of the State Police.....\$2,100,000”.

After remarks, the amendment was *rejected*.

Mrs. L'Italien, Mr. Keenan, Ms. Lovely and Messrs. Lewis, Ross and Joyce moved that the bill be amended by adding the following section:-

“SECTION XX. Section 1. Section 29 of Chapter 15C of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after subsection (h):-

(i) It is the intention of the general court that the achieving a better life experience program shall qualify as a ‘qualified ABLE program’ as defined in Section 529A of the federal Internal Revenue Code, as amended. Any provision of this chapter determined by the authority to be in conflict with any requirement of the federal Internal Revenue Code, as amended, as applicable to a qualified ABLE program shall be superseded by the requirements of such applicable provision to the extent necessary to assure that the program meets requirements for tax-advantaged status under said Section 529A or any successor provision thereto, as reflected in regulations promulgated by the authority or in any agreements with the authority applicable to the achieving a better life experience program.

(j) Any requirement of this section determined to be more restrictive than or duplicative of the requirements of said Section 529A of the federal Internal Revenue Code, as amended, including without limitation the definition of an individual with a disability, the definition of qualified disability expenses and the requirements for a disability verification, may be modified by the authority by regulation or in any agreements with the authority applicable to the achieving a better life experience program.

Section 2. The requirements of subsection (b) of section 33 of chapter 226 of the acts of 2014 are deemed satisfied by Section 103 of the federal Achieving a Better Life Experience Act of 2014, and sections 2 and 21 of chapter 226 of the acts of 2014 are hereby declared effective.”

The amendment was *rejected*.

Mr. Keenan and Ms. Forry moved that the bill be amended in section 5, by inserting after the word "department" in line 164 the following:- “, provided however, that outdoor advertisements, including billboard advertisements, shall be subject to local zoning and approval”.

The amendment was *rejected*.

Ms. Creem moved that the bill be amended by adding at the end thereof the following section:-

“SECTION __. There shall be an educational task force to review the effect of school day start times for middle school and secondary school students. The task force shall consist of 9 members: the house and senate chairs of the joint committee on education, or their designees, who shall serve as co-chairs of the task force; the secretary of education, or a designee; the commissioner of elementary and secondary education, or a designee; the executive director of the Massachusetts Association of School Committees, or a designee, the executive director of the Massachusetts Association of School Superintendents, or a designee; the executive director of the Massachusetts Association of Secondary School Principals, or a designee; the executive

director of StartSchoolLater.net, or a designee; and a superintendent from a district which has implemented later school day starting times.

The task force shall: (i) conduct a comprehensive study, including a review of the scientific findings relative to sleep needs of adolescents, relative to the effect which middle school and secondary school start times have on the health and academic performance of students; (ii) determine the number of districts in the Commonwealth which have implemented later school day starting times for middle school and secondary schools and examine the academic performance of students, including performance on statewide tests; and (iii) identify resources and opportunities to assist districts, including consideration of regionalization of start time policies, in implementing later school day start times for middle school and secondary schools. The task force shall file a report containing its findings and recommendations, including legislation necessary to carry out its recommendations, with the clerks of the house and senate by December 31, 2016.”

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

Messrs. Joyce and Lewis moved that the bill be amended by adding the following section:-

“SECTION __: Section 2 of chapter 46 of the acts of 2015 is hereby amended, in line-item 2200-0100, by adding the following: ‘; provided further, that the department shall conduct a study to determine the extent and impact of air, water, soil and noise pollution in Milton resulting from airplane overflight traffic; provided further, that the examination shall include, but not be limited to, said pollution as it effects Milton schools and playgrounds; and provided further, that the department shall issue a report not later than July 1, 2016 detailing the extent and impact of said pollution and recommendations for mitigation’.”

The amendment was **adopted**.

Mr. Keenan moved that the bill be amended in section 2A, by inserting after item 1599-0999, the following item:-

“1599-1002 For a reserve to reimburse municipalities for extraordinary expenses incurred as a result of severe storms affecting the Commonwealth.....\$25,000,000”.

The amendment was *rejected*.

Ms. Creem moved that the bill be amended by adding at the end thereof the following section:-

“SECTION __. Section 22 of Chapter 40 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding, at the end of the third paragraph thereof, the following language:-

The licensing authority that issues taxicab licenses or hackney carriage licenses shall also issue an official identifying document separate from a license or hackney license, to be placed in the rear interior of the vehicle with the drivers identifying picture, name and hackney or licensing number. This document shall be formatted so as to travel with the operator from cab to cab. Each cab shall also have affixed in the interior rear of the vehicle the name or the trade name of the company, company phone number and either the medallion number or vehicle number. Both designated documents shall be visibly affixed either on the partition behind the head of the driver or on the head rest of the driver so as to be made visible to passengers inside the vehicle.

The licensing authority may designate the manner in which they provide such documentation to an authorized driver and the manner in which such document is affixed inside the vehicle.”

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting after section __, the following section:

“SECTION __. Section 1. Chapter 224 of the Acts of 2012 is hereby amended in section 15 by adding the following section: Section 5A. The commission shall develop and promulgate regulations to facilitate the expeditious and effective compliance with the provisions of this act, which shall include but not be limited to: (i) prototype forms for the request by consumers and provision by providers of pricing information in easily understood language; (ii) protocols for the training of personnel in the proper and effective response to requests for pricing information by consumers by health care providers; (iii) one or more tools for analyzing the effectiveness of a provider's response to a request for pricing information by a consumer.

Section 2. Chapter 224 of the Acts of 2012 is hereby amended in section 36 by adding the following section:-

Section 27A. Each carrier, as defined herein, shall submit annually to the division of insurance a report regarding its compliance with the provision of this act relative to the transparency, availability, and accessibility of information pertaining to pricing and available procedures and its efforts to achieve such compliance. If, based on said report, the division determines that the carrier is making inadequate progress toward such compliance, then it shall conduct an audit of the carrier's efforts to achieve compliance. Subsequent to that audit, the carrier shall develop and submit a remediation plan that shall be submitted to the division of its approval.

Section 3. The Board of Registration in Medicine and the Board of Registration in Dentistry shall promulgate additional requirements for the issuance or renewal of professional licenses which include standards to ensure, as a condition of licensure or re-licensure, compliance with the transparency provisions of Chapter 224 of the Acts of 2012, and reasonable sanctions and/or remedies, including remediation plans, for the failure to so comply.

Section 4. Notwithstanding any general or special law to the contrary, the Group Insurance Commission shall require, in any future contracts, one or more provisions requiring timely and effective compliance with the transparency provisions of Chapter 224 of the Acts of 2012.

Section 5. Chapter 224 of the Acts of 2012 is hereby amended in section 36 by adding at the end thereof:-

A carrier or third party administrator shall notify consumers of their right to request and obtain pricing and cost estimate information in clear language and in an open and conspicuous manner, including but not limited to: (i) signage and other physical displays; (ii) notice prominently placed on website and other electronic communication; and (iii) notification on forms and

documents, provided that all such notifications shall provide all relevant mechanisms such as telephone numbers, websites, and e-mail addresses for making such requests.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at thirteen minutes past two o’clock, on motion of Mr. Tarr, as follows, to wit (*yeas 7 — nays 28*) [**Yeas and Nays No. 177**]:

YEAS.

deMacedo, Viriato M.	Moore, Michael O.
Fattman, Ryan C.	Ross, Richard J.
Hedlund, Robert L.	Tarr, Bruce E. — 7.
Humason, Donald F., Jr.	

NAYS.

Barrett, Michael J.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Downing, Benjamin B.	Petruccelli, Anthony
Eldridge, James B.	Rodrigues, Michael J.
Forry, Linda Dorcena	Rush, Michael F.
Gobi, Anne M.	Spilka, Karen E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Welch, James T.
Keenan, John F.	Wolf, Daniel A. — 28.

ABSENT OR NOT VOTING.

Donoghue, Eileen M.

L'Italien, Barbara A. – 3.

Flanagan, Jennifer L.

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

Mr. Rush, Ms. Flanagan and Ms. O'Connor Ives moved that the bill be amended by inserting at the end thereof the following section:-

“SECTION XX. (a) Section 2 of chapter 46 of the acts of 2015 is hereby amended by inserting, in item 1410-0012, the following language:- ‘; provided further, that the department shall appropriate to each program or its successor under item 1410-0012 of section 2 of chapter 165 of the acts of 2014 the same appropriation in fiscal year 2016’.

(b) Section 2 of chapter 46 of the acts of 2015 is hereby amended by inserting, in item 1410-0250, the following language:- ‘; provided further, that the department shall appropriate to each program or its successor under item 1410-0250 of section 2 of chapter 165 of the acts of 2014 the same appropriation in fiscal year 2016’.”

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

Mr. Donnelly moved that the bill be amended by striking out section 33 in its entirety and inserting in place thereof the following:-

“SECTION 33. Said item 1599-4400 of said section 2, of said chapter 165 is hereby further amended by adding the following words:- ; provided further, that upon receipt of funds, for fiscal year 2016, the state universities shall provide fee credits directly to students; provided further that the fee credits shall be issued not later than December 31, 2015; and provided further that not later than November 13, 2015, the State University Council of Presidents shall report to the house and senate committees on ways and means on the implementation plan for reimbursement or tuition credits to students, delineated by state university.”

The amendment was *rejected*.

Mr. Eldridge moved that the bill be amended by inserting after section XX, the following section:-

“SECTION XX. Subsection (a) of section 5 of chapter 21J of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking subsection (a) and inserting in place thereof the following subsection:-

(a) For each tank eligible for reimbursement pursuant to this chapter, reimbursement for all costs, expenses, claims, and other obligations eligible for reimbursement pursuant to this chapter shall not exceed, in the aggregate \$2,500,000 as follows: \$1,500,000 for reimbursement under section (4)(a)(1) and \$1,000,000 for expenses under Section 4(a)(2) less the applicable deductible specified in subsection (b) of this section.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-four minutes past two o'clock, on motion of Mr. Eldridge, as follows, to wit (*yeas 33 — nays 0*) **[Yeas and Nays No. 178]:**

YEAS.

Barrett, Michael J.

Lewis, Jason M.

Brownsberger, William N.

Lovely, Joan B.

Chandler, Harriette L.

McGee, Thomas M.

Chang-Diaz, Sonia

Montigny, Mark C.

Creem, Cynthia Stone

Moore, Michael O.

DiDomenico, Sal N.

O'Connor Ives, Kathleen

Donnelly, Kenneth J.

Pacheco, Marc R.

Downing, Benjamin B.

Petrucelli, Anthony

Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Gobi, Anne M.	Spilka, Karen E.
Humason, Donald F., Jr.	Tarr, Bruce E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Welch, James T.
Keenan, John F.	Wolf, Daniel A. – 33.
Lesser, Eric P.	

NAYS – 0.

ANSWERED “PRESENT”.

deMacedo, Viriato M. (<i>present</i>)	Hedlund, Robert L. (<i>present</i>) – 2.
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ABSENT OR NOT VOTING.

Donoghue, Eileen M.	L'Italien, Barbara A. – 3.
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Flanagan, Jennifer L.

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

Mr. Montigny moved that the bill be amended in section 48 by inserting the following proviso:- “provided further, that not less than \$125,000 shall be expended for AHA! Arts, History & Architecture, and Zeiterion Theatre, Inc. in consultation with the New Bedford Symphony Orchestra and New Bedford Whaling Museum to plan, promote and host a performance of the Boston Pops Orchestra in New Bedford, or other significant cultural event, to advance economic development and tourism in the downtown/seaport cultural district; provided further, that such funds may supplement private funding necessary to host such an event”.

The amendment was *rejected*.

Ms. Jehlen, Ms. Lovely, Mr. Donnelly and Ms. O'Connor Ives moved that the bill be amended by inserting after section 27 the following 7 sections:-

“SECTION 27A. Section 1 of chapter 211F of the General Laws, as so appearing, is hereby amended by adding the following 2 definitions:-

“‘Pretrial services plan’, a written proposal submitted to the executive director of the office of community corrections for approval and funding as a pretrial services program.

‘Pretrial services program’, any program that is operated by a state, local or private service agency, that the office of community corrections has deemed appropriate for an individual awaiting trial.

SECTION 27B. Section 2 of said chapter 211F, as so appearing, is hereby amended by inserting after the word ‘of’, in line 3, the following words:- pretrial services programs and.

SECTION 27C. Said section 2 of said chapter 211F, as so appearing, is hereby further amended by inserting after the word 'developing', in line 5, the following words:- pretrial services programs and.

SECTION 27D. Said section 2 of said chapter 211F, as so appearing, is hereby further amended by inserting after the word 'corrections', in line 9, the following words:- 'and pretrial services'.

SECTION 27E. Said chapter 211F is hereby amended by inserting after section 3 the following section:-

Section 3A. (a) Participation in a pretrial services program may be ordered by the court, in lieu of bail, or as a condition of release consistent with sections 57, 58 and 58A of chapter 276. The court may dictate the duration and conditions of the pretrial services program.

(b) The probation department may utilize pretrial services programs for pretrial supervision consistent with sections 87 and 87A of said chapter 276.

(c) An individual held in jail may be released to probation to enter a pretrial services program upon the agreement of the sheriff who has the custody of the individual and the commissioner of probation.

SECTION 27F. Section 4 of said chapter 211F, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word 'plans', in line 3, the following:- 'and pretrial services plans'.

SECTION 27G. Section 5 of said chapter 211F, as so appearing, is hereby amended by inserting after the word 'commitments', in line 10, the following words:- , reducing pretrial detention, and increasing the court appearance rate.'; and

By inserting after section 74 the following section:-

"SECTION 74A. Only individuals held in jail beginning on or after the effective date of section 3A of chapter 211F of the General Laws shall be eligible for a pretrial services program under subsection (c) of said section 3A of said chapter 211F."

The amendment was **adopted**.

Mr. Tarr moved that the bill be amended by striking in line 644 the word "June 1" and inserting in place of the following:- "May 2".

The amendment was *rejected*.

Messrs. Tarr and deMacedo moved that the bill be amended by striking in section 52 in line 598 the number "\$120,000,000" and inserting in place thereof the following number:-"\$80,000,000"; and by striking in section 58 in line 632 the number "\$100,000,000" and inserting in place thereof the following number:-"\$140,000,000".

After remarks, the amendment was *rejected*.

Mr. Lesser and Ms. Donoghue moved that the bill be amended by striking out section 9 and inserting in place thereof the following section:-

"SECTION 9. Chapter 7C of the General Laws is hereby amended by adding the following section:-

Section 73. (a) There shall be a Massachusetts per cent for art program, or MPAP, to be administered by the public art commission established in subsection (b). The MPAP shall provide for the creation and preservation of public art. Under this program and in connection with construction or substantial renovation of any commonwealth-owned, managed and occupied building, not less than 0.5 per cent of the budgeted capital cost of the project, not to exceed \$250,000, shall be expended for the creation or preservation of public art in or on the site including, but not limited to, expenses related to selection processes and design and development. The MPAP shall apply only when the budgeted capital cost of a construction or renovation project exceeds \$4,000,000.

(b) There shall be a public art commission which shall administer the MPAP by: (i) working with the division of capital asset management and maintenance, project managers and contractors to identify opportunities and locations for art; (ii) reviewing each project to ensure relevance of and support for the public art, including engaging the relevant local site users and community stakeholders for their input; (iii) making curatorial decisions on a project-by-project basis; (iv) establishing partnerships and relationships as relevant to the program and projects with members of the commonwealth's artist community, including artists, cultural institutions, arts organizations and educational institutions; (v) consulting with local art and cultural commissions; (vi) promoting and encouraging public art; (vii) promoting public access to and education with respect to art installations in public facilities; (viii) ensuring an inventory of and maintenance plan for the public art collection; and (ix) coordinating with the executive department to ensure compliance with and participation in the MPAP. The commission may coordinate with educational, arts and cultural organizations, municipalities and other organizations to provide alternative sources of funding for public art and programming for arts and cultural education and research alternative funding mechanisms including, but not limited to, public-private partnerships that may increase the total pool of funds for public art and suggest the development of programming for education and promotion regarding public art. All state agencies within the executive department shall cooperate with and provide assistance to the commission as necessary.

(c) The commission shall consist of: the commissioner of capital asset management and maintenance or a designee who shall serve as chair; the executive director of the Massachusetts cultural council or a designee; 2 persons to be appointed by the president of the Massachusetts College of Art and Design, each of whom shall have a background in public art or architecture; and 5 persons to be appointed by the governor, 1 of whom shall have municipal government experience who shall be selected from a list of 3 individuals nominated by the Massachusetts Municipal Association, Inc.; 1 of whom shall be a project designer with experience in the creation and installation of public art; 1 of whom shall be an artist or representative from a nonprofit or community organization associated with the arts who shall be selected from a list of 3 individuals nominated by the executive director of the Massachusetts cultural council; and 1 of whom shall be a faculty or staff member specializing in art or architecture at 1 of the commonwealth's public institutions of higher education. At least 1 member of the commission shall be an artist and at

least 1 member shall be an architect. The governor shall seek to appoint persons who are from geographically diverse regions of the commonwealth. The MPAP coordinator appointed pursuant to subsection (d) shall be a nonvoting member of the commission and shall serve as its secretary. Commission members shall serve without compensation or reimbursement for expenses.

Commission members shall serve for terms of 5 years. Commissioner members may be reappointed but shall not serve for more than 2 consecutive terms. The commission shall meet at least quarterly and otherwise at the discretion of the chair.

(d) The commissioner of capital asset management and maintenance, in coordination with the commission, shall appoint an MPAP coordinator who shall report to the commissioner and shall have the requisite qualifications related to public art programs and project management to administer the MPAP. The coordinator's appointment shall be subject to approval by the commission. In coordination with the commission and any other agencies as the commissioner may deem appropriate, the coordinator shall, without limitation: (i) recommend the guidelines and parameters for the MPAP; (ii) coordinate the MPAP, including soliciting artists, setting up proposal review, overseeing artists' work and developing and managing community engagement and educational activities; (iii) research other successful funding mechanisms that increase the total pool of funds for public art; and (iv) oversee the creation of a central entity to host a variety of shared resources relating to the implementation, installation, maintenance and preservation of public art. All guidelines, policies and regulations for the MPAP shall be approved by the commission.

(e) In selecting art installations for construction or renovation projects, the commission shall give preference to artists residing in the commonwealth.

(f) The commonwealth shall have sole ownership of all artwork acquired through the MPAP, subject to exceptions approved by the commission. The artist shall retain copyright of the artwork unless otherwise noted in the contract for the work.

(g) Annually, not later than September 1, the commission shall provide a report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on tourism, arts and cultural development and the clerks of the senate and house of representatives describing the actions of the MPAP and the commission and any other information the commission considers pertinent."

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

Mr. Rush and Ms. Chang-Diaz moved that the bill be amended by inserting after section 69 the following section:-

"SECTION 69A. (a) Notwithstanding sections 32 to 36, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of public health, may lease for a term, including extensions, not to exceed 15 years, a parcel of land on the campus of the Lemuel Shattuck hospital in the Jamaica Plain section of the city of Boston to the Shattuck Child Care Center, Inc., a not for profit corporation, to operate a child day care center. The exact boundaries of the property to be leased shall be determined by the commissioner of capital asset management and maintenance, in consultation with the commissioner of public health, based upon a survey or other plan acceptable to the commissioners. The lease shall be in accordance with the terms and conditions specified in this section.

(b) The lease may authorize the Shattuck Child Care Center, Inc. to locate modular units on the leased premises and to undertake such site work and other work as may be reasonably required to prepare the leased premises for the modular units. The commissioner of capital asset management and maintenance may license or otherwise permit the Shattuck Child Care Center, Inc. access over, on and under other portions of the Lemuel Shattuck hospital campus for the purpose of connecting the leased premises to public utilities. The lease shall require the Shattuck Child Care Center, Inc. to carry comprehensive general liability insurance, with the commonwealth named as a co-insured, to protect the commonwealth against all personal injury or property damage on the facilities during the term of the lease and may contain such other terms and provisions as the commissioner of capital asset management and maintenance, in consultation with the commissioner of public health, considers appropriate.

(c) Notwithstanding sections 39A to 39S, inclusive, and section 39M of chapter 30 of the General Laws, sections 44A to 44M, inclusive, of chapter 149 of the General Laws, and any other general or special law to the contrary, the Shattuck Child Care Center, Inc. may procure the project authorized by this act, and any necessary design and construction services for the project, without undertaking a competitive bid process; provided, however, that the Shattuck Child Care Center, Inc. shall pay prevailing wages in accordance with sections 26 and 27 of chapter 149 of the General Laws in connection with any such construction.

(d) The Shattuck Child Center, Inc. shall annually compensate the commonwealth in the sum of \$1.00 for the term of the lease authorized in this section. The Shattuck Child Care Center, Inc. shall pay all costs and expenses of the transaction authorized in this act as determined by the commissioner of capital asset management and maintenance including, but not limited to, the costs of any surveys, all costs, liabilities and expenses of any nature and kind related to the development, maintenance, use and operation of the leased premises and the operation costs for the portion of the parcels set aside for use by the commonwealth.

(e) Notwithstanding subsection (a) of this section, the commissioner of capital asset management and maintenance shall comply with paragraphs 5 and 6 of section 36 of chapter 7C of the General Laws.

(f) No lease agreement entered into pursuant to this section by or on behalf of the commonwealth shall be valid unless the lease provides that the property shall be used solely to operate a child day care center or activities directly related to the operation of a child day care center. If, for any reason, the property ceases to be used for the purposes described in this section, the commonwealth may terminate the lease. If the lease is terminated, the care, custody and control of the property shall be with the commonwealth and the division of capital asset management and maintenance."

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

Messrs. Montigny, deMacedo, Rodrigues, Timilty, Tarr, Humason and McGee, Ms. Forry, Mr. Ross, Ms. Lovely and Mr. Fattman moved that the bill be amended by inserting after section 74 the following section:

“SECTION 74A. Notwithstanding any general or special law to the contrary, there shall be a special commission to study pancreatic cancer. The commission shall consist of: the secretary of health and human services or a designee; the commissioner of public health or a designee; the commissioner of insurance or a designee; the house and senate chairs of the joint committee on public health; the house minority leader or a designee; the senate minority leader or designee; 2 members to be appointed by the senate president, 1 of whom shall be a person with pancreatic cancer or a survivor and 1 of whom shall be a medical specialist in pancreatic cancer; 2 members to be appointed by the speaker of the house of representatives, 1 of whom shall be a person with pancreatic cancer or a survivor and 1 of whom shall be a medical specialist in pancreatic cancer; and 4 members to be appointed by the governor, 1 of whom shall be a person with pancreatic cancer or a survivor, 1 of whom shall be a medical specialist in pancreatic cancer, and 2 of whom shall be members of the public with demonstrated expertise in issues relating to the work of the commission. The special commission shall make an investigation and study to:

(1) establish a mechanism in order to ascertain the prevalence of pancreatic cancer in the commonwealth and the unmet needs of persons with pancreatic cancer and those of their families and collect time-of-diagnosis statistics and likely risks for pancreatic cancer;

(2) study pancreatic cancer prevention, screening, education and support programs for in the commonwealth;

(3) provide recommendations for additional legislation, support programs and resources necessary to meet the unmet needs of persons with pancreatic cancer and their families and how to effectuate an early diagnosis and treatment for Pancreatic Cancer patients.

Vacancies in the membership of the commission shall be filled in the same manner provided for the original appointments.

The commission shall organize within 120 days following the appointment of a majority of its members and shall select a chairperson and vice-chairperson from among the members. The chairperson shall appoint a secretary who need not be a member of the commission.

The members shall serve without compensation for their duties on the commission but shall be reimbursed for necessary expenses incurred in the performance of their duties as provided by section 2A of chapter 4 of the General Laws.

The commission shall be entitled to call to its assistance and avail itself of the services of the employees of any state, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at sixteen minutes past three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 179**]:

YEAS.

Barrett, Michael J.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
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.	Pacheco, Marc R.
Downing, Benjamin B.	Petrucelli, Anthony
Eldridge, James B.	Rodrigues, Michael J.

Fattman, Ryan C.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Gobi, Anne M.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. – 35.
Keenan, John F.	

NAYS – 0.

ABSENT OR NOT VOTING.

Donoghue, Eileen M.	L'Italien, Barbara A. – 3.
Flanagan, Jennifer L.	

The yeas and nays having been completed at twenty-two minutes past three o'clock P.M., the amendment was **adopted**. Mr. Donnelly, Ms. Forry, Messrs. McGee, Lewis and Keenan, Mrs. L'Italien, Mr. Joyce, Ms. Lovely and Messrs. deMacedo, Hedlund and Timilty moved that the bill be amended by inserting after section 45 the following section:-
 “SECTION 45A. Item 7003-0900 of said section 2 of said chapter 46 is hereby amended by adding the following words:- ; provided that the department shall expend funds for the operation of the joint labor-management committee for municipal police and fire.”

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

Mr. Brownsberger and Ms. Creem moved that the bill be amended in section 2A, by striking out item 8000-1020 and inserting in place thereof the following item:-

“8000-1020 For grants to municipalities for police body camera pilot programs to be administered by the executive office of public safety and security to improve public safety, enhance community-police relations, foster better accountability for the actions of police personnel, deter inappropriate conduct by police officers and by members of the public, capture digital audio-video evidence for criminal, civil and traffic-related court cases, be used as a training tool for officer safety and best practices and protect privacy; provided that, the secretary of public safety and security shall distribute grants on a competitive basis; provided further, that applicants shall submit a deployment plan that includes the applicant's plan for: (a) the use of cameras; (b) how the applicant will address privacy protections; (c) a policy for retention of and access to video footage; (d) enforcement; and (e) reporting and program evaluation.....\$250,000”.

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

Mr. Pacheco moved that the bill be amended by inserting the following sections:-

“SECTION 1. Section 9 of chapter 419 of the acts of 2008 is hereby amended by striking out subsection (a), as amended by section 81 of chapter 189 of the acts of 2010, and inserting in place thereof the following subsection:-
 Section 9. (a) There shall be an education and training collaborative to develop, in conjunction with the Taunton Development Corporation, the regional education, training and skills alliance center. The education collaborative shall be managed by a board of directors which shall consist of the following 13 members: the presidents of Bridgewater State University, the Massachusetts Maritime Academy, Massasoit Community College, Cape Cod Community College, Bristol Community College, Wheaton College, the Massachusetts Federation of Teachers, the Massachusetts Teachers Association, the Massachusetts AFL-CIO, the Taunton Area Chamber of Commerce, Inc. or their designees; the chancellor of the University of Massachusetts at Dartmouth;

the commissioner of developmental services or a designee; the executive director of the Southeastern Regional Planning and Economic Development District or a designee. The board may, by majority vote, increase its membership to include the presidents of other institutions of higher education, the superintendents of comprehensive high schools and regional vocational-technical schools housing their main campuses in southeastern Massachusetts or their designees; and the board may, by majority vote, increase its membership to include private sector industry partners, provided however that the number of private sector industry board members shall not represent more than forty-nine percent of the board. The board, by majority vote, may form an advisory committee. Members of the board may vote according to the terms of the education collaborative agreement but the land and property management of the center shall be the responsibility of the Taunton Development Corporation.

SECTION 2. Said section 9 of said chapter 419 is hereby further amended by striking out subsection (i) and inserting in place the following new subsection (i) :-

(i) The education collaborative shall be considered a public entity and may sue and be sued to the same extent as a city, town or regional school district. The education collaborative, acting through its board of directors, may enter into contracts for the purchase of supplies, materials and services, including but not limited to services of a non-profit to assist with the powers and duties of the board as prescribed in the written agreement under subsection (b), and for the purchase or leasing of land, buildings and equipment as considered necessary by the board of directors. For the purposes of this act, members of the non-profit, whether created or contracted with as prescribed in the written agreement under subsection (b) shall not be considered state employees.” After remarks, the amendment was **adopted**.

Ms. Creem moved that the bill be amended by adding at the end thereof the following sections:-

“SECTION __: Section 2A of chapter 4 of the general laws, as so appearing in the 2012 official edition, is hereby amended by striking out section 2A in its entirety and inserting in place thereof the following new language:-

Unless otherwise provided, the provisions of this section shall apply to each special commission established to make an investigation and study of any matter.

If it is provided that members of the senate and house of representatives shall be members of such commission, such members shall be designated by the president of the senate and the speaker of the house of representatives, respectively.

Such commission (1) shall be provided with quarters in the state house or elsewhere; (2) may expend for expenses and for expert, legal, clerical and other assistance such sums as may be appropriated therefor; (3) may travel within the commonwealth; (4) may hold hearings; (5) shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of either branch; and (6) may report from time to time but shall file its final report not later than the last Wednesday in January in the following year, if it is established, continued, or revived and continued, in an odd-numbered year, or not later than the last Wednesday in December in the same year, if it is established, continued, or revived and continued in an even-numbered year.

Appointments to a special commission shall be reported to the boards and commissions office of the commonwealth within 30 days of appointment as well as the appointed member’s appointing authority, and shall reference the date at which such term of appointment ends. The boards and commissions office shall, within 30 days thereafter, make this information publicly available online. Changes in commission appointments shall be reported within 30 days to the boards and commissions office.

Private or executive meetings of each special commission shall be open to the public unless a majority of the members of such commission shall vote otherwise. A notice of each such meeting shall be filed with the clerk of either branch, and the notice or a copy thereof, along with the agenda, shall be publicly posted in the office of such clerk at least twenty-four hours prior to such meeting, excluding Saturdays, Sundays, and legal holidays.

If such commission is continued, or revived and continued, it shall continue to exercise and perform all the rights, powers and duties previously conferred or imposed on it.

A special commission established to make an investigation and study of any matter shall automatically be dissolved sixty days after submission of its final report to the recipients designated in its enabling statute. Such commissions may seek extensions of reporting deadlines through their appropriate enabling authority if additional time is needed to complete and submit their final report.

SECTION __: Chapter 4 the general laws, as so appearing in the 2012 official edition, is hereby amended by inserting the following section:-

Section 2B: Meeting agendas for open meetings of all commissions shall be filed with the clerk of either branch not less than 48 hours prior to the meeting or concurrently with the meeting notice. The commission shall be responsible for making the agenda publicly available online; provided, however, that the commission may designate the clerk of either branch as the party responsible for making such information publicly available online. Meeting minutes from commission meetings must be approved at the next subsequent meeting of the commission at which a quorum is present. The boards and commissions office shall be required to establish and maintain a website that allows the public at no cost to search for and obtain copies of the minutes of open meetings held by each commission. Minutes shall be posted on this website within 30 days after the commission has approved such minutes.

SECTION __: Chapter 4 of the general laws, as so appearing in the 2012 official edition, is hereby amended by inserting the following section:-

Section 2C: If the appointing authority for a seat on a commission, created either by statute or executive order, makes a written finding that the authority is unable, within 90 days after the creation of the commission or the development of the vacant seat, to locate any person in the Commonwealth who meets the requirements for such seat and who is also willing and suitable to serve, the appointing authority may be permitted to appoint a person for the seat who meets only some of the requirements enumerated

in the enabling statute or executive order.

SECTION __: Chapter 4 of the general laws, as so appearing in the 2012 official edition, is hereby amended by inserting the following section:-

Section 2D: The boards and commissions office shall, on an annual basis, compile a list of active commissions that includes each commission's members and each member's appointing authority, commissions which have been dissolved, and commissions which need additional appointments."

The amendment was **adopted**.

Mr. Tarr and Ms. Donoghue moved that the bill be amended by striking out section 9 and inserting in place thereof the following section:-

"SECTION 9. Chapter 7C of the General Laws is hereby amended by adding the following section:-

Section 73. (a) There shall be a Massachusetts percent for art program, or MPAP, to be administered by the executive office for administration and finance. The MPAP shall provide for the creation and preservation of public art in the commonwealth. Under this program, in connection with construction or substantial renovation of any commonwealth-owned, managed and occupied building, up to 0.5 per cent of the budgeted capital cost of the project, not to exceed \$100,000 per building, and not to exceed \$1,000,000 in the aggregate in any fiscal year of the commonwealth, may be expended for the creation or preservation of public art in or on the site of such building, provided that borrowing for such expenditure shall be duly authorized as a part of the applicable construction or renovation project.

(b) There shall be a public art advisory commission that shall advise the commissioner of capital asset management and maintenance with respect to the MPAP by: (i) establishing partnerships with artists, cultural institutions, arts organizations and educational institutions; (ii) consulting with local art and cultural commissions; (iii) encouraging public art and cultural activities; and (iv) promoting public access to and education with respect to art installations in public facilities. The commission may also research public-private partnerships and may coordinate with educational, arts and cultural organizations, municipalities and other organizations to provide alternate sources of funding for public art and programming for arts and cultural education.

(c) The advisory commission shall consist of the following 9 members: the commissioner of capital asset management and maintenance or a designee, who shall serve as chair; the secretary of education or a designee; and 7 persons to be appointed by the governor, 1 of whom shall be recommended by the mayor of the city of Boston; 1 of whom shall be a representative from a municipality designated as a gateway municipality under section 3A of chapter 23A, who shall be selected from individuals recommended by the chief executive officer of any such municipality; 1 of whom shall be a project designer with experience in the creation and installation of public art; 1 of whom shall be an artist or representative from a nonprofit or community organization associated with the arts; 1 of whom shall be a student at the Massachusetts College of Art and Design; and 2 persons whom the governor otherwise deems appropriate. Commission members shall serve without compensation or reimbursement for expenses. The commission shall meet at such times and places as directed by the chair."

The amendment was *rejected*.

Mr. Keenan, Ms. O'Connor Ives, Ms. Forry and Ms. Flanagan moved that the bill be amended by inserting the following section:-

"SECTION __. Notwithstanding any general or special law to the contrary, the department of public health shall, not later than May 1, 2017, develop or provide for the development of a publicly available application-programming interface to enable the development of third party end-user software and applications that improve ease of access and utilization of the prescription monitoring program established under section 24A of chapter 94C of the General Laws; provided further, that the department may collaborate with the Massachusetts Technology Collaborative, the Massachusetts Life Sciences Corridor, the Massachusetts Institute of Technology Media Lab, regional chambers of commerce, or other innovation and technology hubs in the Commonwealth for design competitions or other initiatives that encourage such software and application designs from sources within the Commonwealth."

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

Messrs. Donnelly and Ross, Mrs. L'Italien, Ms. O'Connor Ives, Mr. Keenan, Ms. Donoghue, Ms. Flanagan and Ms. Gobi moved that the bill be amended by adding the following section:-

"SECTION XX. Chapter 176D of the General Laws is hereby amended by inserting after section 3B the following section:-

Section 3C. (a) As used in this section, the following words shall have the following meanings, unless the context clearly requires otherwise:-

'Ambulance service provider', a person or entity licensed by the department of public health pursuant to section 6 of chapter 111C to establish or maintain an ambulance service.

'Emergency ambulance services', emergency services that an ambulance service provider may render under its ambulance service license when a condition or situation in which an individual has a need for immediate medical attention or if the individual, bystander or emergency medical services provider perceives the potential for the need for immediate medical attention.

'Insurance policy' and 'insurance contract', any policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within the commonwealth that provides coverage for expenses incurred by an insured for transportation services rendered by an ambulance service provider.

'Insured', an individual entitled to ambulance services benefits pursuant to an insurance policy or insurance contract.

'Insurer', a person as defined in section 1 of chapter 176D; any health maintenance organization as defined in section 1 of chapter 176G; a non-profit hospital service corporation organized under chapter 176A; any organization as defined in section 1 of chapter

176I that participates in a preferred provider arrangement also as defined in said section 1 of said chapter 176I; any carrier offering a small group health insurance plan under chapter 176J; any company as defined in section 1 chapter 175; any employee benefit trust; any self-insurance plan, and any company certified under section 34A of chapter 90 and authorized to issue a policy of motor vehicle liability insurance under section 113A of chapter 175 that provides insurance for the expense of medical coverage.

(b) In any instance in which an ambulance service provider provides an emergency ambulance service to an insured, but is not an ambulance service provider under contract to the insurer maintaining or providing the insured's insurance policy or insurance contract, the insurer maintaining or providing such insurance policy or insurance contract shall pay the ambulance service provider directly and promptly for the emergency ambulance service rendered to the insured. Such payment shall be made to the ambulance service provider notwithstanding that the insured's insurance policy or insurance contract contains a prohibition against the insured assigning benefits thereunder so long as the insured executes an assignment of benefits to the ambulance service provider and such payment shall be made to the ambulance service provider in the event an insured is either incapable or unable as a practical matter to execute an assignment of benefits under an insurance policy or insurance contract pursuant to which an assignment of benefits is not prohibited, or in connection with an insurance policy or insurance contract that contains a prohibition against any such assignment of benefits. An ambulance service provider shall not be considered to have been paid for an emergency ambulance service rendered to an insured if the insurer makes payment for the emergency ambulance service to the insured. An ambulance service provider shall have a right of action against an insurer that fails to make a payment to it pursuant to this subsection.

(c) With the exception of non-profit corporations licensed to operate critical care ambulance services that perform both ground and air transports, payment to an ambulance service provider under subsection (b) shall be at a rate equal to the rate established by the municipality from where the patient was transported.

(d) An ambulance service provider receiving payment for an ambulance service in accordance with subsections (b) and (c) shall be deemed to have been paid in full for the ambulance service provided to the insured, and shall have no further right or recourse to further bill the insured for said ambulance service with the exception of coinsurance, co-payments or deductibles for which the insured is responsible under the insured's insurance policy or insurance contract.

(e) No term or provision of this section 3C shall be construed as limiting or adversely affecting an insured's right to receive benefits under any insurance policy or insurance contract providing insurance coverage for ambulance services. No term or provision of this section 3C shall create an entitlement on behalf of an insured to coverage for ambulance services if the insured's insurance policy or insurance contract provides no coverage for ambulance services."

Pending the question on adoption of the amendment, Ms. Chandler, Ms. Creem and Messrs. Joyce, DiDomenico, Petrucci, Rodrigues and Lewis moved that the pending amendment (Donnelly et al) be amended by striking out the text and inserting in place thereof the following text:-

By inserting after section 25 the following section:-

"SECTION 25A. Chapter 176D of the General Laws is hereby amended by inserting after section 3B the following section:-

Section 3C. (a) As used in this section, the following words shall have the following meanings, unless the context clearly requires otherwise:-

'Ambulance service provider', a person or entity licensed by the department of public health pursuant to section 6 of chapter 111C to establish or maintain an ambulance service.

'Emergency ambulance services', emergency services that an ambulance service provider may render under its ambulance service license for a condition or situation in which an individual has a need for immediate medical attention or if the individual, a bystander or an emergency medical services provider perceives the potential for the need for immediate medical attention.

'Insurance policy' and 'insurance contract', any policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within the commonwealth that provides coverage for expenses incurred by an insured for transportation services rendered by an ambulance service provider.

'Insured', an individual entitled to ambulance services benefits pursuant to an insurance policy or insurance contract.

'Insurer', a person as defined in section 1 of chapter 176D; a health maintenance organization as defined in section 1 of chapter 176G; a non-profit hospital service corporation organized pursuant to chapter 176A; an organization as defined in section 1 of chapter 176I that participates in a preferred provider arrangement as defined in said section 1 of said chapter 176I; a carrier offering a small group health insurance plan pursuant to chapter 176J; a company as defined in section 1 chapter 175; an employee benefit trust; a self-insurance plan; or a company certified pursuant to section 34A of chapter 90 and which may issue a policy of motor vehicle liability insurance pursuant to section 113A of said chapter 175 that provides insurance for the expense of medical coverage.

(b) Notwithstanding any general or special law to the contrary, if an ambulance service provider provides an emergency ambulance service to an insured but is not an ambulance service provider under contract to the insurer maintaining or providing the insured's insurance policy or insurance contract, the insurer maintaining or providing the insurance policy or insurance contract shall pay the ambulance service provider directly and promptly for the emergency ambulance service rendered to the insured. The payment shall be made to the ambulance service provider notwithstanding that the insured's insurance policy or insurance contract contains a prohibition against the insured assigning benefits under the insurance policy or insurance contract so long as the insured executes an assignment of benefits to the ambulance service provider and the payment shall be made to the ambulance service provider if an insured is either incapable or unable as a practical matter to execute an assignment of benefits under an insurance policy or insurance contract which does not prohibit an assignment of benefits or in connection with an insurance policy or insurance contract that contains a prohibition against an assignment of benefits. An ambulance service

provider shall not be considered to have been paid for an emergency ambulance service rendered to an insured if the insurer makes payment for the emergency ambulance service to the insured. An ambulance service provider shall have a right of action against an insurer that fails to make a payment to it under this subsection.

(c) With the exception of non-profit corporations licensed to operate critical care ambulance services that perform both ground and air transports, payment to an ambulance service provider under subsection (b) shall be at a rate equal to the rate established by the municipality from which the patient was transported. Provided, however, that the rate set by the municipality shall be within the range set by regulation by the secretary of health and human services. No payment to an ambulance service provider shall be less than the current published rate for the ambulance service rendered to the insured as established by the Centers for Medicare and Medicaid Services under Title XVIII of the Social Security Act. A municipality shall set the rate within the range set by the secretary using parameters recommended by the ambulance service advisory council and adopted by the secretary. The parameters shall reflect geographical and population density differences that disproportionately affect access in a municipality when compared to similarly positioned municipalities. The secretary shall review the range every 3 years.

(d) An ambulance service provider receiving payment for emergency ambulance services pursuant to subsections (b) and (c) shall be considered to have been paid in full for the emergency ambulance services provided to the insured and shall have no further right or recourse to bill the insured for emergency ambulance services, with the exceptions of coinsurance, co-payments or deductibles for which the insured is responsible pursuant to the insured's insurance policy or insurance contract.

(e) Nothing in this section shall be construed to limit or adversely affect an insured's right to receive benefits under an insurance policy or insurance contract providing insurance coverage for emergency ambulance services. Nothing in this section shall create an entitlement on behalf of an insured to coverage for emergency ambulance services if the insured's insurance policy or insurance contract provides no coverage for emergency ambulance services.

(f) There shall be an ambulance service advisory council to advise the secretary on price range parameters set forth in subsection (c). The council shall be appointed by the secretary and consist of the following members or a designee: (i) the secretary of public safety and security; (ii) the commissioner of the group insurance commission; (iii) a representative of the Fire Chiefs Association of Massachusetts; (iv) the president of the Massachusetts Municipal Association; (v) the president of the Massachusetts Association of Health Plans, Inc.; (vi) the president of the Professional Fire Fighters of Massachusetts; (vii) a representative of the Massachusetts Ambulance Association, Incorporated; and (viii) the president of a commercial insurer. The council shall make recommendations for pricing schedules that consider (A) cost differences associated with differences in geography that impact services; (B) differences in distances traveled for services; and (C) the actual cost of providing services.”; and

By inserting after section 73 the following section:-

“SECTION 73A. The secretary of health and human services shall implement regulations to establish the ambulance service payment price range set forth in subsection (c) of section 3C of chapter 176D of the General Laws.”

After debate, the question on adoption of the amendment (Chandler, et al) was determined by a call of the yeas and nays, at sixteen minutes before five o'clock P.M., on motion of Mr. Donnelly, as follows, to wit (*yeas 23 — nays 12*) [**Yeas and Nays No. 180**]:

YEAS.

Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
deMacedo, Viriato M.	Moore, Michael O.
DiDomenico, Sal N.	Pacheco, Marc R.
Downing, Benjamin B.	Petrucelli, Anthony
Fattman, Ryan C.	Rodrigues, Michael J.
Forry, Linda Dorcena	Rush, Michael F.
Gobi, Anne M.	Spilka, Karen E.

Jehlen, Patricia D.

Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. – 23.

Lesser, Eric P.

NAYS.

Barrett, Michael J.

Keenan, John F.

Brownsberger, William N.

Montigny, Mark C.

Donnelly, Kenneth J.

O'Connor Ives, Kathleen

Eldridge, James B.

Ross, Richard J.

Hedlund, Robert L.

Tarr, Bruce E.

Humason, Donald F., Jr.

Timilty, James E. – 12.

ABSENT OR NOT VOTING.

Donoghue, Eileen M.

L'Italien, Barbara A. – 3.

Flanagan, Jennifer L.

The yeas and nays having been completed at twelve minutes before five o'clock P.M., the further amendment was **adopted**. The pending amendment (Donnelly et al), as amended (Chandler, et al) was then **adopted**.

Messrs. Joyce and Lewis moved that the bill be amended by inserting after section 59 the following section:-

“SECTION 59A. The Massachusetts Port Authority shall expend not less than \$2,500,000 within 18 months for homes and school buildings in the town of Milton in the Boston Logan Airport Sound Insulation program; provided, however, that if homes and school buildings in the town of Milton are not currently eligible under federal law for the Boston Logan Airport Sound Insulation program, the Authority shall formally request and immediately and vigorously pursue a waiver from the Federal Aviation Administration to allow for sound insulation for homes and school buildings in the town of Milton. Funds shall first be expended for the homes and school buildings most impacted by overflight traffic, accounting for both frequency and elevation.”
The amendment was **adopted**.

Mr. Moore moved that the bill be amended by striking out section 33 and inserting in place thereof the following section:-

“SECTION 33. Said item 1599-4440 of said section 2 of said chapter 165 is hereby further amended by adding the following words:- ; provided further, that for the fiscal year 2016 costs of salary adjustments and other economic benefits authorized by collective bargaining agreements with the state universities that have been ratified by the general court, the state universities shall credit student accounts, upon receipt of funds, in an amount to be determined by individual state university campuses, in consultation with the department of higher education, for mandatory general fee increases resulting from contractual salary increases in collective bargaining agreements for that fiscal year; provided further, that fee credits to students shall reflect the amount of student fee increases associated with fiscal year 2016 collective bargaining agreements funded through this item; and provided further, that not later than November 13, 2015, the department shall report to the house and senate committees on ways and means on the plan for implementation of fee credits to students enrolled at the state universities.”; and
By inserting after section 75 the following section:-

“SECTION 75A. Fee credits provided to students pursuant to item 1599-4440 of section 2 of chapter 165 of the acts of 2014 shall be reflected in student bills upon the effective date of this act and the receipt of funds pursuant to this act.”

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

Recess.

At seven minutes before five o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at nineteen minutes before six o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The Senate Bill making appropriations for the fiscal year 2015 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2025),-- the main question being on ordering the bill to a third reading.

Messrs. Wolf, McGee and Joyce, Ms. O'Connor Ives, Mr. Lewis, Mrs. L'Italien and Messrs. Keenan and Montigny moved that the bill be amended by inserting the following section:

“SECTION XX: Subsection (c) of section 24 of Chapter 151A of the General Laws, as so appearing, is hereby amended by inserting after the word ‘thirty’ in line 41, the following words:- ‘or who is attending an apprentice training program registered by the Division of Apprentice Standards.’”

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

Messrs. Tarr and deMacedo, Ms. Forry, Ms. Donoghue, Messrs. Ross and Joyce and Ms. Lovely moved that the bill be amended by inserting at the end thereof the following section:-

“SECTION _ section 2A of said chapter 46 is hereby amended by inserting after item 7004-2033 the following item:-
7004-1000 For the federal Low Income Home Energy Assistance Program to assist low-income elders, working families and other households with the purchase of heating oil, propane, natural gas, electricity and other primary or secondary heating sources; provided, that expenditure of these funds shall be made in accordance with the state plan submitted by the department of housing and community development for operation of the program, in accordance with federal law..... \$10,000,000.”

After remarks, the amendment was *rejected*.

Messrs. Tarr, deMacedo and Fattman, Ms. O'Connor Ives and Mr. Ross moved that the bill be amended by inserting at the end thereof the following section:-

“SECTION XX Notwithstanding any law rule or regulation to the contrary, the Department of Elementary and Secondary Education shall evaluate the feasibility of adopting the standardized test known as the Partnership for Assessment of Readiness for College and Careers, or PARCC, as a replacement for the currently administered Massachusetts Comprehensive Assessment System (MCAS) test and/or an updated MCAS test or variation thereof. In conducting such evaluation, the department shall consider first and foremost what is in the best interests of Massachusetts students, and shall also analyze and consider the logistical, financial, pedagogical and administrative impacts on school districts, educators, and the Commonwealth of replacing the MCAS test or an updated or modernized version thereof with the PARCC test. Said evaluation shall also include cost estimates and existing and potential funding sources for the implementation of the PARCC test and the realignment and redesign of curriculum associated with the PARCC test, including but not limited to the purchase and deployment of technology. The department shall provide to the general court with the following: (1) an assessment of the costs to realign the educational curriculum of the commonwealth, developed pursuant to the act, to the standards adopted by the board of elementary and secondary education, herein known as the board, in 2010, including but not limited to the costs to the department, the costs to the board, and the costs to each individual school district in the commonwealth. Such costs shall include, but not be limited to: the cost of developing and implementing any new assessment, such as the Partnership for Assessment for College and Career; professional development; teacher and administration evaluations; and any equipment, hardware, software, or technology upgrades needed for compliance with said new assessment; (2) any additional costs associated with data mapping of students in the commonwealth, as well as the administrative costs required to collect, maintain and protect the confidentiality of such data collection; (3) the procedure required to repeal the 2010 decision of the board to adopt the standards; provided further that the commissioner shall provide a report on the impacts of the adoption of the standards on the commonwealth's current standards with particular regard to the high ranking of Massachusetts students on the National Assessment of Education Progress and international standardized tests, such as the Programme for International Student Assessment. In conducting such an assessment, the department shall conduct not fewer than four public hearings to receive testimony from members of the public, including parents, teachers, and administrators.

The department shall not take action to adopt or implement any alternative to the MCAS test for school districts in the Commonwealth unless and until a report detailing the results of said evaluation is filed with the clerks of the House and Senate, the Joint Committee on Education, and the House and Senate Committee on Ways and Means.”

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

Messrs. Tarr and Fattman and Ms. Donoghue moved that the bill be amended by inserting after section 16 the following section:-
"SECTION _ Subsection (a) of section 3B of chapter 62 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting at the end thereof the following new paragraph:-

(17) An amount equal to the amount expended in such taxable year for the purchase of an interest in, or contributed in such taxable year to an account in, the funds from a Coverdell education savings account as established under 26 U.S.C. §530. The total amount deducted in such taxable year shall not exceed \$2,000."

Pending the question on adoption of the amendment, Mr. Fattman moved that the pending amendment (Tarr et al) be amended by striking the amendment in its entirety and inserting thereof the following section:-

“SECTION _ Notwithstanding any general or special law to the contrary, the department of elementary and secondary education

in conjunction with the department of children and families and the executive office of administration and finance shall conduct a study on the feasibility of creating education savings accounts for any student who has an active duty military parent serving in the armed forces or parent was killed while serving active duty; or student who was a ward of the state and has been adopted is currently in foster care. Said study along with any recommendations shall be submitted to the clerks of the house and senate, the joint committee on education and the house and senate committees on ways and means by December 31, 2015.”

The further amendment (Fattman) was adopted.

The pending amendment (Tarr et al), as amended (Fattman) was then adopted.

Mr. Joyce and Ms. Forry moved that the bill be amended by inserting after section 57 the following section:-

“SECTION 57A. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transit Authority shall collaborate with the town of Milton and provide for the demolition of the properties located at 10 Central avenue, 131 Eliot street and the property between 10 Central avenue and 131 Eliot street, adjacent to the Massachusetts Bay Transit Authority Central Avenue Station.”

The amendment was **adopted**.

Ms. Spilka moved that the bill be amended in section 2, in item 0521-0000, by striking out the figure “\$75,773” and inserting in place thereof the following figure:- “\$165,074”;

In section 2A, in item 0330-0612, by striking out, in line 46, the figure “2016” and inserting in place thereof the following figure:- “2017”;

In section 2.C.I., in item 2100-0012, by striking out the figure “\$127,589” and inserting in place thereof the following figure:- “\$147,589”;

In said section 2.C.I., by inserting after item 7504-0102 the following item under the following caption:-

“EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Department of State Police

8000-0106.....\$237,246”;

By inserting after section 39, the following section:-

“SECTION 39A. Item 1102-3309 of said section 2 of said chapter 46 is hereby amended by striking out the figure “\$2,380,120” and inserting in place thereof the following figure:- \$2,555,120.”;

By inserting after section 41, the following section:-

“SECTION 41A. Item 4000-0321 of said section 2 of said chapter 46 is hereby amended by inserting after the words “state accounting system” the following words:- “; provided further, that after providing payments due in accordance with the terms of the contingency contracts, the office may use available funds to support special MassHealth projects that will receive enhanced federal revenue opportunities, including MassHealth eligibility operations and systems enhancements that support reforms and improvements to the MassHealth programs; provided further, that any enhanced federal financial participation received for these special projects, including the Implementation Advanced Planning Document or other eligibility operations and systems enhancement that support reforms and improvements to the MassHealth program shall be deposited into this account.”;

In section 55, by striking out, in line 613, the words “and 4000-1420” and inserting in place thereof the following words:- “, 4000-1420 and 4000-1425”;

In section 61, by striking out, in lines 662 and 663, the words “22N of chapter 7” and inserting in place thereof the following words:- “8A of chapter 118E”.

The amendment was **adopted**.

The bill (Senate, No. 2025, 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 twelve minutes past six o'clock P.M., on motion of Ms. Spilka, as follows, to wit (*yeas 31 — nays 1*) [**Yeas and Nays No. 181**]:

YEAS.

Barrett, Michael J.	Lesser, Eric P.
Brownsberger, William N.	Lovely, Joan B.
Chandler, Harriette L.	McGee, Thomas M.
Chang-Diaz, Sonia	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.

deMacedo, Viriato M.	O'Connor Ives, Kathleen
DiDomenico, Sal N.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Gobi, Anne M.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. – 31.
Keenan, John F.	

NAYS.

Donnelly, Kenneth J. – 1.

ABSENT OR NOT VOTING.

Donoghue, Eileen M.	Lewis, Jason M.
Flanagan, Jennifer L.	L'Italien, Barbara A.
Forry, Linda Dorcena	Petruccelli, Anthony – 6.

The yeas and nays having been completed at eighteen minutes past six o'clock P.M., the bill was passed to be engrossed. [For text of Senate Bill printed as amended, see Senate, No. 2030]. Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Tarr,--

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

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of Kathryn "Kate" Mauke of Springfield.

PAPERS FROM THE HOUSE
Engrossed Bills Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to commitments of persons found incompetent to stand trial or not guilty by reason of mental illness (see House, No. 3672) [being the text contained in Section 108 of the General Appropriation Bill (see House, No. 3650)] [for message, see Attachment I of House, No. 3675],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-

“By striking out all after the enacting clause and inserting in place thereof the following:-

“Subsection (e) of section 16 of chapter 123 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- If the superintendent communicates an intention to remove or modify such restriction in writing to the court and the district attorney who has or had jurisdiction of the criminal case and, within 14 days of receipt of notice from the superintendent, neither the court nor the district attorney makes written objection thereto, such restrictions shall be removed by the superintendent.”

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, and the Governor’s amendment, was considered forthwith; and it was rejected.

Ms. Spilka moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following:-

“Subsection (e) of section 16 of chapter 123 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following 2 sentences:- If the superintendent seeks removal or modification of such restriction, the superintendent shall notify the district attorney which has or had jurisdiction of the relevant criminal case. If, after the superintendent communicates the superintendent’s intention to remove or modify such restriction in writing to the court and the district attorney who has or had jurisdiction of the relevant criminal case, neither the court nor the district attorney makes written objection to such removal or modification within 14 days of receipt of the notice, such restrictions shall be removed by the superintendent.”

The amendment was adopted.

Sent to the House for concurrence and re-enactment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to the transfer of certain funds to be credited to the Housing Preservation and Stabilization Trust Fund for fiscal year 2016 (see House, No. 3673) [being the text contained in Section 144 of the General Appropriations Bill (see House, No. 3650)] [for message, see Attachment J of House, No. 3675],— 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 adding the following seven sections:

“SECTION 1. Item 7010-0005 of section 2 of chapter 165 of the acts of 2014, as amended by section 49 of chapter 359 of the acts of 2014, is hereby further amended by inserting after the word ‘Laws’ the following words:— ; provided further, that any unexpended funds for the foundation budget review commission shall not revert to the General Fund and shall be made available through December 31, 2015;.

SECTION 2. Item 0930-0100 of section 2 of chapter 46 of the acts of 2015 is hereby amended by striking out the words ‘; prior appropriation continued’ and inserting in place thereof the following words:— ; provided further, that as of June 30, 2015, any unexpended balance in item 0411-1005 shall not revert to the General Fund and shall be made available for expenditure in fiscal year 2016; and provided further, that the comptroller shall transfer the unexpended balance to this item.

SECTION 3. Item 4510-0600 of said section 2 of said chapter 46 is hereby amended by striking out the words ‘September 30, 2015’ and inserting in place thereof the following words:— June 30, 2016.

SECTION 4. Item 7004-0099 of said section 2 of said chapter 46 is hereby amended by striking out the words ‘Inter-City Real Estate Corporation for the cities’ and inserting in place thereof the following words:— Inter-City, Inc. for the communities.

SECTION 5. Item 7007-1202 of said section 2 of said chapter 46 is hereby amended by striking out the word ‘private’ and inserting in place thereof the following word:— non-state.

SECTION 6. Item 8900-0001 of said section 2 of said chapter 46 is hereby amended by striking out the words ‘programs in fiscal year 2015’ and inserting in place thereof the following words:— programs in fiscal year 2016.

SECTION 8. Section 2D of said chapter 46 is hereby amended by striking out item 7002-9701 and inserting in place thereof the following 5 items:—

7002-9701 For the purposes of a federally funded grant entitled, Federal Bureau of Labor Statistics..... \$2,124,386.”.

Department of Early Education and Care.

3000-0707 For the purposes of a federally funded grant entitled, Head Start Collaboration \$175,000;“.

3000-2010 For the purposes of a federally funded grant entitled, Race-to-the-Top Early Learning Challenge \$9,786,651;”.
3000-4001 For the purposes of a federally funded grant entitled, Preschool Development Grant: Expansion Grant .. \$15,000,000;”.
3000-9003 For the purposes of a federally funded grant entitled, Child Abuse Prevention \$541,000.”.

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 (as corrected BTR).

Sent to the House for re-enactment.

Adjournment in Memory of Kathryn “Kate” Mauke of Springfield

The Senator from Hampden and Hampshire, Mr. Lesser, moved that when the Senate adjourns today, it adjourn in memory of Kathryn “Kate” Mauke of Springfield.

Kathryn “Kate” Mauke may have been small in stature, but she had the gift of being larger than life. She quickly earned the nickname Spitfire for embodying the notion of being fearless. Her go-getter mentality enabled her to succeed any and every goal that she had set for herself.

The precedent for not only pursuing, but accomplishing goals, were set when Kathryn climbed atop a 4 tier pyramid for her Oxbow Water Ski Show Team. She had passion for politics translated in consistently placing in the top 4 of AIC’s Model Congress. Kathryn became the first freshman at Sabis International Charter School to be awarded with an honorable mention; ultimately earning the 1st place top delegate status earlier this year, resulting in being awarded a full scholarship to AIC. Being an academic stand out with a 3.8 GPA seemed to come naturally to Kathryn, but her success was not limited to the classroom.

She mentored fellow Model Congress students, was the co-founder of the Gay Straight Alliance Club at Sabis, ran Sabis Varsity Cross Country, Track and Field, and was a Springfield Shark swimmer. Leadership was an innate characteristic for Kathryn, and tremendous amounts of success followed her in every avenue of her life because of it including Employee of the Month at McDonalds. With her compassion and spitfire personality - Kathryn captivated everyone that had the honor of knowing her.

October is Domestic Violence Awareness Month, and we honor the life of Kate Mauke whose life ended far too soon.

Accordingly, as a mark of respect to the memory of Kathryn “Kate” Mauke, at twenty-nine minutes past six o’clock P.M., on motion of Mr. Lesser, the Senate adjourned to meet again on Monday next at eleven o’clock A.M.