
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



MONDAY, APRIL 22, 2019.

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Monday, April 22, 2019.

Met according to adjournment at ten o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Statement of Representative Rogers of Norwood.

A statement of Mr. Rogers of Norwood was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of the sitting of March 13, 2019, due to personal business. If I had been present for Roll Call No. 31, on the question on passing to be engrossed the Bill relative to abusive practices to change sexual orientation and gender identity in minors (House, No. 140), I would have voted in the affirmative. On Roll Call No. 32, on a motion to recommit the subject-matter pertaining to the Bill to lift the cap on kids (House, No. 104), I would have voted in the affirmative; and I also would have voted in the affirmative on Roll Call No. 33, on passing said bill to be engrossed. My missing of roll calls 31, 32 and 33 was due entirely to the reason stated.

Statement of
Mr. Rogers
of Norwood.

Resolutions.

Resolutions (filed with the Clerk by Mr. Dooley of Norfolk) congratulating Richard H. Bulloch on receiving the Eagle Award from the Boy Scouts of America, were referred under Rule 85, to the committee on Rules.

Richard
Bulloch.

Mr. Galvin of Canton, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Capano of Lynn, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Donahue of Worcester, a petition (subject to Joint Rule 12) of Daniel M. Donahue for legislation to designate the black swallowtail as the official butterfly of the Commonwealth.

Black
swallowtail
butterfly.

By Mrs. Kane of Shrewsbury, a petition (subject to Joint Rule 12) of Hannah Kane and others relative to unlicensed marijuana operators.

Marijuana,—
licensing.

By Ms. Whipples of Athol, a petition (subject to Joint Rule 12) of Susannah M. Whipples for legislation to establish a sick leave bank for Danielle Groux, an

Danielle
Groux,—
sick leave.

employee of the Department of Children and Families.
Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

A petition (accompanied by bill, Senate, No. 2202) of Diana DiZoglio (with the approval of the mayor and city council) for legislation to dissolve the Newburyport Redevelopment Authority and transfer its lands to the city of Newburyport for permanent dedication for park and conservation purposes, with public parking not excluded, under Article 97 of the Massachusetts Constitution, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Newburyport,—
land.

Petitions severally were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2207) of Bruce E. Tarr for legislation relative to family visitation with a vulnerable adult. To the committee on Elder Affairs.

Family
visitations.

Petition (accompanied by bill, Senate, No. 2206) of Bruce E. Tarr for legislation relative to childhood lead poisoning prevention. To the committee on Public Health.

Lead
poisoning.

Petition (accompanied by bill, Senate, No. 2208) of Marc R. Pacheco and Angelo L. D’Emilia for legislation to establish a sick leave bank for Daniel Ajoue, an employee of the Department of Correction; and

Daniel
Ajoue,—
sick leave.

Petition (accompanied by bill, Senate, No. 2209) of Walter F. Timilty for legislation to establish a sick leave bank for James Lovett, an employee of the Department of Conservation and Recreation;

James
Lovett,—
sick leave.

Severally to the committee on Public Service.

Petition (accompanied by proposal, Senate, No. 2210) of Bruce E. Tarr for a legislative amendment to the Constitution to require a supermajority vote for the utilization of rainy day funds. To the committee on Revenue.

Rainy day
fund,—
utilization.

Reports of a Committee.

By Mr. O’Day of West Boylston, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the city of Leominster to pay a certain unpaid bill (House, No. 1795) [Local Approval Received].

Leominster,—
unpaid bill.

By the same member, for the same committee, on a joint petition, a Bill modifying the Sherwood Forest Road maintenance district in the town of Becket (House, No. 1819) [Local Approval Received].

Becket,—
Sherwood
Forest Road.

By the same member, for the same committee, on a joint petition, a Bill relative to certain municipal employees of the towns of Richmond and West Stockbridge (House, No. 3631).

Richmond
and West
Stockbridge,—
employees.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Recess.

At four minutes after ten o’clock A.M., on motion of Mr. D’Emilia of Bridgewater (Mr. Donato of Medford in the Chair), the House recessed until eleven o’clock A.M.; and at two minutes after eleven o’clock the House was called to order with the Speaker in the Chair.

Recess.

Quorum.

Mr. Wong of Saugus thereupon asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 146 members were recorded as being in attendance.

[See Yea and Nay No. 39 Supplement.]

Therefore a quorum was present.

Subsequently a statement of Mr. Gordon of Bedford was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House.

Subsequently a statement of Mrs. Harrington of Groton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House.

Subsequently a statement of Mr. Santiago of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House.

Subsequently a statement of Mr. Williams of Springfield was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House.

Quorum.

Quorum,—
yea and nay
No. 39.

Statement of
Mr. Gordon
of Bedford.

Statement of
Mrs. Harrington
of Groton.

Statement of
Mr. Santiago
of Boston.

Statement of
Mr. Williams
of Springfield.

Order.

On motion of Mr. Galvin of Canton,—

Ordered, That notwithstanding any rule to the contrary, a court officer shall be assigned to cast roll call votes, except quorum roll calls, for the Chair, Vice-Chair and Assistant Vice-Chair of the committee on Ways and Means whenever said members are conducting deliberations on amendment categories of the General Appropriation Bill, during consideration of said General Appropriation Bill.

Representatives
Michlewitz,
Garlick and
Malia,—
voting.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2020 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 3800) [Total appropriation: \$42,691,320,242.00], was read a second time.

After debate on the question on ordering the bill to a third reading, (Mr. Cusack of Braintree having taken the Chair) Mr. Donato of Medford moved to amend it by adding the following two sections (as subsequently changed by the committee on

General
Appropriation
Bill.

Bills in the Third Reading):

“SECTION 59. Section 31 of Chapter 9 of the General Laws as appearing in the 2016 Official Edition, is hereby amended by striking out, in lines 9 and 12, in each instance, the figure ‘2020’ and inserting in place thereof the following figure:— 2025.

SECTION 60. Section 41 of Chapter 36 of the General Laws as appearing in the 2016 Official Edition, is hereby amended by striking out, in lines 9 and 12, in each instance, the figure:— ‘2020’ and inserting in place thereof the following figure:— 2025.”.

The amendment was adopted.

Mr. Donato of Medford being in the Chair,—

The bill (House, No. 3800, amended) then was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Michlewitz of Boston, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Mrs. Haddad of Somerset being in the Chair,—

At three minutes before six o’clock P.M. (Monday, April 22), the Chair (Mrs. Haddad) declared a recess until a quarter before seven o’clock; and at eighteen minutes before nine o’clock the House was called to order with Mr. Donato of Medford in the Chair.

Recess.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Michlewitz of Boston and other members of the House moved to amend it in section 2 by inserting after item 1599-7104 the following item:

Consolidated amendments (education and local aid).

“1599-7114 For a reserve for the costs associated with the UMass Center at Springfield.....\$250,000”;

In item 3000-1000, in line 29, by inserting after the word “basis” the following: “; provided further, that not less than \$50,000 shall be expended for the East Boston Social Centers, Inc in order to relocate children in current early education programs who have been displaced due to public housing redevelopment; provided further, that not less than \$250,000 shall be expended for improvements to the Ellis Memorial Early Education Center in Boston; provided further, that not less than \$100,000 shall be expended for the young parents program at More Than Words, Inc.”; and in said item by striking out the figures: “6,172,055” and inserting in place thereof the figures: “6,572,055”;

In item 3000-1020, in line 7, by inserting after the word “achieve” the words “and maintain”; and in said item by striking out the figures: “36,597,159” and inserting in place thereof the figures: “36,797,159”;

In item 3000-7000 by striking out the figures: “14,938,152” and inserting in place thereof the figures: “15,438,152”;

In item 7000-9401 by striking out the figures: “10,384,961” and inserting in place thereof the figures: “11,484,961”;

In item 7000-9501, in line 15, by inserting after the word “program” the following: “; provided further, that not less than \$34,000 shall be expended for the city of Pittsfield for ADA Accessibility upgrades at the Berkshire Athenaeum; provided further that not less than \$10,000 shall be provided for a handicap ramp at the West Newbury Library in the town of West Newbury; provided further, that not less than \$25,000 shall be expended for technology improvements at the Pembroke Public Library; provided further, that not less than \$25,000 shall be expended for a feasibility study and renovations to the town of Mendon Taft Library; provided further, that not less than \$24,000 shall be expended for the purchasing and installation of new computers and operating systems, software and technology for the

Beaman Memorial Public Library; provided further that not less than \$25,000 be expended to the Friends of the South End Library; provided further, that not less than \$25,000 shall be allocated for the Kingston Town Library”; and in said item by striking out the figures: “9,456,327” and inserting in place thereof the figures: “10,024,327”;

In item 7009-6600 by striking out the figures: “1,750,000” and inserting in place thereof the figures: “2,000,000”;

In item 7010-0005 by adding the words “; and provided further, that the department of elementary and secondary education may fund direct support to teachers and administrators who are providing services to assist in state education initiatives”;

By striking out item 7010-1192 and inserting in place thereof the following two items:

“7010-1192 For grants to cities, towns, school districts and nonprofit entities for educational improvement projects; provided, that not less than \$30,000 shall be expended for a certified nursing assistance program and fire academy in the Quaboag Regional School District; provided further, that \$50,000 shall be expended for wraparound services for social workers in the Malden Public Schools; provided further, that not less than \$15,000 shall be expended to On the Move, Inc. to support literacy programs for under privileged children in Billerica and Lowell; provided further, that not less than \$15,000 shall be expended for the Westfield Public School District for improvements to the playground at Highland Elementary School; provided further, that not less than \$25,000 shall be expended for an English language learner program for young children in the town of Rockland ; provided further, that not less than \$50,000 shall be expended for the Hispanic American Library in Springfield; provided further, that not less than \$20,000 shall be expended for a pilot project to connect organic gardening, outdoor exercise, healthy food, food preparation and elementary school aged children in the greater Northampton area, operated by Grow Food Northampton; provided further, that not less than \$60,000 shall be expended for the replacement of the Green Meadow School leveled library by Maynard Public Schools; provided further, that not less than \$75,000 shall be expended for the North Reading Public Schools’ 1:1 Initiative school technology grant; provided further, that not less than \$50,000 shall be expended for the replacement of the turf field at Oliver Ames High School in the town of Easton; provided further, that not less than \$50,000 shall be expended for Methuen High School for mental health services; provided further, that not less than \$200,000 shall be expended for the city of Methuen for resurfacing the outdoor track at Methuen High School; provided further, that not less than \$25,000 shall be expended for safety upgrades for Sandwich public schools; provided further, that not less than \$25,000 shall be expended for safety upgrades for Upper Cape Regional school district; provided further, that not less than \$25,000 shall be expended for handicap accessibility, building and equipment upgrades at the Agawam Junior and Senior High Schools in the town of

Agawam; provided further, that not less than \$25,000 shall be expended for classroom safety and security upgrades at the Woodland, Powder Mill and High School in the Town of Southwick; provided further, that not less than \$25,000 shall be expended for the Mendon-Upton Regional School District for the purpose of funding the Blackstone Valley Superintendents Consortium’s collaborative STEM Initiative; provided further, that notwithstanding any general or special law to the contrary, no funds shall be transferred from this item to any other item of appropriation; and provided further, that funds shall be expended fully and on a schedule consistent with the provisions of section 9B of chapter 29 of the General Laws.....\$765,000

7010-1193 For grants to support civics education programs; provided, that not less than \$500,000 shall be expended for the implementation of a program to support civics education learning opportunities in coordination with the John Fitzgerald Kennedy Library Foundation, Incorporated, that focuses on underserved communities across the commonwealth; and provided further, that not less than \$500,000 shall be expended for the Edward M. Kennedy Institute to expand civics education programs, including investments in curriculum and technology.....\$1,000,000”;

In item 7027-0019 by adding the following: “; provided further, that not less than \$100,000 shall be expended for the Massachusetts Marine Trades Association to increase workforce development training opportunities and technical education in secondary and post-secondary schools for careers in the marine trades; and provided further, that not less than \$150,000 shall be expended for Project Learn in Lowell”; and in said item by striking out the figures: “4,502,047” and inserting in place thereof the figures: “4,752,047”;

By inserting after item 7028-0031 the following item:

“7035-0001 For a program to be run by the department of elementary and secondary education for planning grants and implementation grants for regional and local partnerships to expand existing and develop new Career and Technical Education programs.....\$500,000”;

In item 7035-0002, in line 20, by inserting after the word “analyzed” the following: “; provided further, that not less than \$150,000 shall be expended for Operation A.B.L.E. of Greater Boston to provide basic workforce and skills training, employment services and job re-entry support to older workers”; and in said item by striking out the figures: “38,100,000” and inserting in place thereof the figures: “38,250,000”;

In item 7061-0016, in line 10, by inserting after the word “teacher” the words “; provided further, that any principal or classroom teacher applying for said funding shall receive approval from the superintendent prior to submitting their application”;

By inserting after item 7061-0029 the following item:

“7061-0033 For a reserve to assist towns negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on the military reservation known as Hanscom Air Force Base located within the town’s limits, referred to in this item as the ‘Hanscom Towns’; provided,

that any grants provided under this item shall be expended by a school committee without further appropriation; provided further, that funds may be expended on membership dues for the Interstate Compact on Educational Opportunity for Military Children; provided further, that Hanscom Towns may apply for funding in excess of this initial appropriation if funds under this item are increased and a Hanscom Town demonstrates that it would otherwise qualify for an amount greater than the initial funding of this item when compared with all other accepted applications using the same formula applied for in item 7061-0033 in section 2 of chapter 139 of the acts of 2012; and provided further, that not less than \$125,000 shall be made available to the town of Lincoln to mitigate the costs of educating the children of retired military families.....\$525,000”;

By striking out item 7061-9406 and inserting in place thereof the following item:

“7061-9406 For a statewide college and career readiness program implemented by JFYNetworks, a nonprofit corporation, to (a) maintain the JFYNet college and career readiness program to administer diagnostic and college placement tests in high schools; and (b) provide individualized online instructional curricula to strengthen the skills measured by the tests; provided, that JFYNetworks, shall allocate not less than 50 per cent of the amount appropriated herein for the purposes of providing academic support to prepare students to demonstrate high school competency on the Massachusetts Comprehensive Assessment System 2.0 examination....\$700,000”;

In item 7061-9607 by striking out the figures: “2,600,000” and inserting in place thereof the figures: “3,100,000”;

In item 7061-9611, in line 38, by inserting after the word “law” the following: “; provided further, that not less than \$15,000 shall be expended for the homework center of the Framingham public library; provided further, that not less than \$50,000 shall be expended for Piers Park Sailing Center, Inc. in the East Boston section of the city of Boston to provide free programming for financially-disadvantaged children in the commonwealth; provided further, that not less than \$25,000 shall be expended for the Boys and Girls Clubs of Greater Billerica; provided further, that not less than \$60,000 shall be expended for an arts integration program for Enchanted Circle, Inc. of Holyoke to operate in the local public schools; provided further, that not less than \$30,000 shall be expended to Homework House, Inc. of Holyoke; provided further, that not less than \$30,000 shall be granted for the Cape Verdean Association of Brockton for employment positions for at-risk youth within their YEP! we can summer program; provided further, that not less than \$100,000 shall be expended for Community Investors, Inc.’s the Powerplay Initiative of Wellesley in support of the expansion of an inclusive after-school and out-of-school-time recreational program at urban and suburban Massachusetts schools; provided further, that not less than \$50,000 shall be expended for The Mazie Partnership of Wayland in support of the mentoring of at-risk students in the commonwealth; provided further, that not less than \$75,000 shall be expended for the recreation Worcester program; provided further, that not less than \$20,000 shall be expended for Viet Aid for youth development and after school programs in Fields Corner neighborhood in the

Dorchester section of the city of Boston; provided further, that not less than \$50,000 shall be expended for the Littleton youth baseball and softball association; provided further, that not less than \$25,000 shall be expended for the annual youth summit in the town of Barnstable; provided further, than not less than \$20,000 shall be expended for the All Dorchester Sports League, Inc.; provided further, that not less than \$25,000 shall be expended for the steps to success program in the town of Brookline; provided further, that not less than \$5,000 shall be expended for the Home for Little Wanderers, Inc. to implement a program to support at risk students located in the city of Newburyport; and provided further, that not less than \$10,000 shall be expended for programs provided by Auburn Youth and Family Services, Inc.”; and in said item by striking out the figures: “3,576,923” and inserting in place thereof the figures: “4,666,923”;

In item 7061-9814 by adding the words “and provided further, that appropriated funds may be expended for programs or activities during the summer months”;

In item 7066-0000, in line 19, by inserting after the word “program” the following: “; provided further, that not less than \$50,000 shall be expended for a study of the feasibility of a cannabis industry degree related program at a community college to be published by March 3, 2020”;

and in said item by striking out the figures: “3,137,154” and inserting in place thereof the figures: “3,187,154”;

By inserting after item 7066-0009 the following item:

“7066-0015 For the community college workforce training incentive grant program established in section 15F of chapter 15A of the General Laws.....\$1,000,000”;

In item 7070-0065, in line 9, by inserting after the word “; assistance” the following: “; provided further, that not less than \$200,000 shall be expended for providing financial assistance for Massachusetts residents enrolled at public institutions of higher education to participate in the Washington Center for Internships and Academic Seminars”;

and in said item by striking out the figures: “105,000,000” and inserting in place thereof the figures: “105,200,000”;

In item 7077-0023, in line 11, by inserting after the word “programs” the words “; provided further, that the school may work in consultation with the Bristol county agricultural high school on veterinary programs”;

By inserting after item 7100-4000 the following item:

“7518-0120 For state university and community college collaboration and efficiency efforts through the Partnership to Advance Collaboration and Efficiencies initiative..... \$200,000”;

In item 7100-0200, in line 9, by inserting after the word “maintenance” the following: “; provided further, that the University of Massachusetts shall expend funds for the University of Massachusetts at Amherst Cranberry Station; provided further, that funding for each center and institute at the University of Massachusetts at Boston shall be provided at an amount not less than in fiscal year 2019; provided further, that if the university deems it necessary to reduce funding to any of said institutions, the university shall issue a report detailing: (a) the reasons for said reductions; (b) all steps taken to avoid such reductions including, but not limited to, the identification of other sources of existing funds, raising of new revenues and the pursuit of savings initiatives and efficiencies; and (c) a mitigation plan to ameliorate the effects on students and university staff of such reductions, for which input from students and university staff shall be solicited; provided further, that the report shall be provided to the joint committee on higher education and the house and senate committees on ways and means not later than 120 days prior to any such funding

reduction or institutional closure; provided further the University of Massachusetts at Boston shall, not later than January 3, 2020, submit a report to the joint committee on higher education and the house and senate committees on ways and means detailing the progress made implementing the April 2019 taskforce on centers and institutes' recommendations”;

In item 7112-0100 by adding the words “; provided, that funds may be expended for the Chris Walsh Center for Educators and Families of MetroWest to study, disseminate information on, and promote best practices about the continuum of educational supports available to students with disabilities, students who are gifted, and students with unmet needs; and provided further, that the center shall collaborate with local school districts, the board of higher education, and the department of elementary and secondary education to offer support, workshops, and other programming for families, educators, student support professionals, administrators and advocates in the MetroWest area, and to engage in scholarly research, educator preparation, and professional development where appropriate”;

In item 7503-0100 by adding the following: “; provided, that not less than \$100,000 shall be expended for the operation of the Veterans Educational Services Center at Bristol Community College”; and in said item by striking out the figures: “22,021,914” and inserting in place thereof the figures: “22,121,914”; and

In item 7509-0100 by adding the following: “; provided, that not less than \$150,000 shall be expended for the Mount Wachusett Community College advanced manufacturing and technology training program”; and in said item by striking out the figures: “15,395,072” and inserting in place thereof the figures: “15,545,072”;

By inserting after section 9 the following section:

“SECTION 9A. Section 2XXX of chapter 29 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in lines 21 and 22, the words ‘, but not more than \$2,800,000 in the aggregate in any fiscal year,’.”;

By inserting after section 35 the following section:

“SECTION 35A. Item 7061-9814 of section 2 of chapter 154 of the acts of 2018 is hereby amended by adding the following words:— ; provided further, that appropriated funds may be expended for programs or activities during the summer months.”.

After remarks on the question on adoption the consolidated amendments (local aid and education), the sense of the House was taken by yeas and nays, as required under the provisions of House Rule 33F, and on the roll call 158 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 40 in Supplement.]

Therefore the consolidated amendments (education and local aid) were adopted.

Recess.

At eight minutes before nine o'clock P.M. (Monday, April 22, 2019), on motion of Mr. Mariano of Quincy (Mr. Donato of Medford being in the Chair), the House recessed until the following day at ten o'clock A.M.; and at that time, the House was called to order with Mr. Donato of Medford in the Chair.

Consolidated amendments adopted,— yea and nay No. 40.

Recess.