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**The Commonwealth of Massachusetts**

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**JOURNAL OF THE HOUSE.**



**WEDNESDAY, OCTOBER 23, 2019.**

[110]\*

# JOURNAL OF THE HOUSE.

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Wednesday, October 23, 2019.

Met according to adjournment at eleven 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.

## *Silent Prayers.*

Mr. Petrolati of Ludlow being in the Chair,—

At the request of Messrs. Biele of Boston and Honan of Boston, the members, guests and employees stood in a moment of silent tribute to the memory of William “Bill” McGonagle of South Boston.

William “Bill”  
McGonagle.

Born into public housing, Mr. McGonagle worked for the Boston Housing Authority for over 40 years, leading the Authority for a decade as Administrator before his retirement. During that time, he worked to desegregate public housing developments in the city of Boston. In addition to his life as a public servant, Mr. McGonagle also served his country with the United States Navy Reserves.

Beloved husband of Ellen M. (Regan) McGonagle, devoted father of Matthew and his wife Laura, Mark and his wife Kathlin, Alyson R. Perschke and her husband Eric, loving son of Daniel and Jeannette McGonagle and brother of Anne Connolly, Daniel McGonagle, Edward, Mary Jane Berger and Elenanor Bosse, he is survived by seven grandchildren and many nieces and nephews.

At the request of Mr. Crocker of Barnstable, the members, guests and employees stood in a moment of silent tribute to the memory of James H. “Jimmy” Crocker, Jr., a 14th generation Cape Codder who was very proud of his heritage. Jimmy attended Barnstable High School in 1974. He attended Suffolk University, where he received a Bachelor’s Degree in Economics. He was the founder of Wianno Real Estate and operated it for 35 years.

James  
“Jimmy”  
Crocker.

Among many other public sector organizations, Jimmy was a longtime member of the Centerville, Osterville, Marstons Mills Fire Department Prudential Committee, President of the Cape and Islands Board of Realtors; and at the time of his death, he was President of the Barnstable Town Council, where he had served for nearly 20 years. He was also a member of so many local philanthropic and service organizations it would be difficult to list them all.

Jimmy leaves behind his wife, Gail, and two daughters: Christina and Carly.

At the request of Mr. O’Day of West Boylston and all of the members of the Worcester delegation, the members, guests and employees stood for a moment of silent tribute to the memory of Brian O’Connell of the Worcester School Committee.

Brian  
O’Connell.

Brian was born and raised in Worcester, growing up on the grounds of

Worcester Academy where his parents worked on the staff. He pursued a distinguished legal career before dedicating himself entirely to the field of education. For the last twenty years, he worked as a public school administrator in several local communities.

First elected to the Worcester School Committee in 1983, Brian was its longest serving member. Brian possessed a truly brilliant mind and dedicated his life and energies to education. For those of us who were honored to serve with him, Brian was always prepared and polite, always thorough and thoughtful.

Brian was not just a colleague, but a friend and his talents will be missed.

#### *Guests of the House.*

During the session, the Chair (Mr. Donato of Medford), declared a brief recess; and introduced Bradley Gignac of Blackstone, who was accompanied by his grandmother Celeste and his grandfather Dennis. They were the guests of Mr. Soter of Bellingham.

Bradley  
Gignac.

During the session, Mrs. Campbell of Methuen took the Chair, declared a brief recess; and introduced Home Base Executive Director, Brigadier General Jack Hammond; Chief Operating Officer Michael Allard; Tom Werner, Chairman of the Boston Red Sox and the Red Sox Foundation; and clinicians from Massachusetts General Hospital. Mrs. Campbell then presented to the guests previously adopted resolutions of the House commending them on their work. Brigadier General Hammond and Mr. Werner then addressed the House briefly. They were the guests of the Mrs. Campbell of Methuen.

Home Base.

During the session, Ms. Tyler of Boston briefly took the Chair, declared a brief recess; and introduced Mrs. Alma Wright, who has taught in the Boston Public Schools for 55 years.

Alma  
Wright.

#### *Papers from the Senate.*

Mr. Donato of Medford being in the Chair,—

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

Petition (accompanied by bill, Senate, No. 2382) of Barry R. Finegold and Mark C. Montigny for legislation relative to preventing suicide. To the committee on the Judiciary.

Suicide,—  
prevention.

Petition (accompanied by bill, Senate, No. 2383) of Michael D. Brady for legislation to exempt certain local housing authority executive directors from anti-spiking provisions. To the committee on Public Service.

Housing  
authorities,—  
salaries.

Petition (accompanied by bill, Senate, No. 2384) of Barry R. Finegold for legislation relative to the transfer and sale of a certain parcel of land in the town of Tewksbury. To the committee on State Administration and Regulatory Oversight.

Tewksbury,—  
land.

#### *Reports of Committees.*

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the Bill relative to the training of higher education counselors in PTSD (House, No. 3897), ought to pass [Cost: Greater than \$100,000.00]. Read; and referred,

Higher  
education,—  
PTSD training.

under Rule 33, to the committee on Ways and Means.

By Mr. Chan of Quincy, for the committee on Consumer Protection and Professional Licensure, on House, No. 200, a Bill relative to the licensure of swimming pool builders and service contractors (House, No. 4139). Read; and referred, under Rule 33 to the committee on Ways and Means.

Swimming  
pools,—  
licensure.

By Mr. Chan of Quincy, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill amending certain liquor licenses in the town of Winchester (House, No. 3991) [Local Approval Received].

Winchester,—  
liquor  
licenses.

By the same member, for the same committee, on House, No. 295, a Bill authorizing the town of Dedham to grant one additional license for the sale of beer and wine to be drunk on the premises (House, No. 4140) [Local Approval Received].

Dedham,—  
liquor  
license.

By the same member, for the same committee, on House, No. 3993, Bill authorizing the town of Milford to grant 1 additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 4141) [Local Approval Received].

Milford,—  
liquor  
license.

By the same member, for the same committee, on House, No. 4078, a Bill authorizing the granting of one additional license for the sale of all alcoholic beverages, not to be drunk on the premises, in the city of Methuen (House, No. 4142) [Local Approval Received].

Methuen,—  
liquor  
license.

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

#### *Engrossed Bills.*

##### Engrossed bills

Authorizing the city of New Bedford to enter into a long-term lease for the operation of a performing arts center (see Senate, No. 2279, amended);

Bills  
enacted.

Authorizing the city of Lynn to issue an additional license for the sale of wines and malt beverages not to be drunk on the premises (see Senate, No. 2354, amended);

(Which severally originated in the Senate); and

Providing for 5 members on the cemetery commission of the town of Westford (see House, No. 3694) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

#### *Recess.*

At five minutes after eleven o'clock A.M., on motion of Ms. Gifford of Wareham (Mr. Donato of Medford being in the Chair), the House recessed until half past one o'clock P.M.; and at sixteen minutes before two o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

#### *Engrossed Bill – Land Taking.*

The engrossed Bill authorizing the disposition of certain conservation land in the town of Groton (see Senate, No. 2303) (which originated in the Senate), having

Groton,—  
land.

been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 156 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 116 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted  
(land taking),—  
yea and nay  
No. 116.

*Motion to Discharge a Certain Matter in the Orders of the Day.*

The Senate Bill relative to educational opportunity for students (Senate, No. 2365, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day, and read a third time forthwith, under suspension of Rule 47, on motion of Ms. Peisch of Wellesley.

Public  
schools,—  
funding.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence (Mr. Petrolati of Ludlow being in the Chair), Representatives Muradian of Grafton and Meschino of Hull moved to amend it in section 5, in line 219, by inserting after the following: “\$30” the following: “and will increase by at least \$5 over the previous year”; and the amendment was rejected.

Mr. Cutler of Duxbury then moved to amend the bill, as amended, in section 21, in line 577, by inserting after the word “school” the words “and regional school”, in line 590, by inserting after the word “rural” the words “or regional”; and in line 596, by inserting after the word “rural” the words “and regional”. The amendments were rejected.

Ms. Sullivan of Abington then moved to amend the bill, as amended, in section 5, in line 219, by striking out the figures: “30” and inserting in place thereof the figures: “50”. After debate, the amendment was rejected.

Mr. Kearney of Scituate and other members of the House then moved to amend the bill, as amended, by adding the following section:

“SECTION 28. Chapter 69 of the General Laws, as so appearing, is hereby amended by inserting the following new section:

Section 37. Full-Day Kindergarten Grant Program

Notwithstanding any general or special law to the contrary, the department, in coordination with other state agencies, shall develop a comprehensive system, subject to appropriation, for the delivery of reimbursement grants to support the establishment of free full-day kindergarten programs in schools that do not offer full-day kindergarten for free, and to support schools at a financial risk of losing an existing free full-day kindergarten program. Said system shall be designed with the intent to expand sustain-ably free full-day kindergarten programs to the entire Commonwealth. The department shall promulgate guidelines or regulations for eligibility and timelines to award grants to applicant schools, provided that the grants provide assistance for three consecutive years to reimburse 50% of costs in the first year, 25% of costs in the second year, and 25% of costs in the third year. The department shall finalize said system and promulgate the necessary guidelines or regulations no later than December 1, 2020.”

Pending the question on adoption of the amendment, the same member asked

Quorum.

for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), 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 148 members were recorded as being in attendance.

Quorum,—  
yea and nay  
No. 117.

**[See Yea and Nay No. 117 in Supplement.]**

Therefore a quorum was present.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Kearney; and on the roll call 7 members voted in the affirmative and 147 in the negative.

Amendment  
rejected,—  
yea and nay  
No. 118.

**[See Yea and Nay No. 118 in Supplement.]**

Therefore the amendment was rejected.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Straus of Mattapoisett asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair) 149 members were recorded as being in attendance.

Quorum,—  
yea and nay  
No. 119.

**[See Yea and Nay No. 119 in Supplement.]**

Therefore a quorum was present.

Subsequently a statement of Mrs. Campbell of Methuen 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.

Statement of  
Mrs. Campbell  
of Methuen.

Subsequently a statement of Ms. Ferrenate of Gloucester 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.

Statement of  
Ms. Ferrante  
of Gloucester.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence (Mr. Petrolati of Ludlow having been in the Chair), Representatives Blais of Sunderland, Hill of Ipswich and other members of the House moved to amend it by striking out section 21 and inserting in place thereof the following section:

“SECTION 21. (a) There shall be a special commission to study and make recommendations concerning the long-term fiscal health of rural school districts that are facing or may face declining student enrollment.

The commission shall consist of: the house and senate chairs of the joint committee on education, who shall serve as co-chairs; 1 member who shall be appointed by the minority leader of the senate; 1 member who shall be appointed by the minority leader of the house of representatives; the deputy commissioner of the division of local services within the department of revenue, or a designee; the secretary of the executive office of education, or a designee; the commissioner of elementary and secondary education, or a designee, 1 member who shall be appointed by and from the Rural Policy Advisory Commission; and 7 members appointed by the governor, 1 of whom shall be a representative of the Massachusetts Association of Regional Schools, Inc., 1 of whom shall be a representative of the

Massachusetts Association of School Committees, Inc., 1 of whom shall be a representative of the Massachusetts Teachers Association, 1 of whom shall be a representative of the American Federation of Teachers, Massachusetts; 1 of whom shall be a representative of the Massachusetts Association of School Business Officials, Inc., 1 of whom shall be a representative of the Massachusetts Association of School Superintendents, Inc. and 1 of whom shall be a researcher from a public university with expertise in the area of rural school policy. A majority of the commission's members shall be residents of areas served by rural school districts. Members shall not receive compensation for their services but may receive reimbursement for reasonable expenses incurred in carrying out their responsibilities as members of the commission. The commissioner of elementary and secondary education shall furnish reasonable staff and other support for the work of the commission.

(b) In making its recommendations, the commission shall consider: (i) long-term economic, demographic and student enrollment trends and projections in communities that are rural or experiencing population decline; (ii) long-term fiscal trends in school districts experiencing declining student enrollment; (iii) an analysis of the fiscal health of regional school districts and the impact of regionalization on each contributing municipality, especially in low-income and middle-income areas, including funding impacts on each contributing municipality; (iv) the impact of the rural school aid grant program established in item 7061-9813 of chapter 154 of the acts 2018 and any need to expand the program to address student enrollment decline; and (v) best policies and practices in other states.

The commission shall make recommendations for: (i) improving and expanding the rural school aid grant program and feasibility of including a low and declining student enrollment factor within the existing rural school aid formula; (ii) establishing and including a low and declining student enrollment factor within the foundation budget; (iii) expanding the use of technology to deliver instruction; (iv) enabling operating efficiencies; (v) exploring the use of shared services; (vi) optimizing schools and school districts; (vii) encouraging improvement of fiscal health and educational outcomes (viii) and other matters related to educational opportunities in rural areas subject to the discretion of the commission. The commission shall include with its recommendations any cost estimates and feasibility associated with the commission's recommendations.

The commission shall also consider and incorporate into its recommendations the findings of: (i) the department of elementary and secondary education's 2018 report titled 'Fiscal Conditions in Rural School Districts' that was filed pursuant to section 127 of chapter 47 of the acts of 2017; and (ii) the report of the special commission on improving efficiencies relative to student transportation that was filed pursuant to section 77 of chapter 154 of the acts of 2018.

(c) The commission shall hold not less than 5 public meetings and may hold additional hearings and other forums that it considers necessary. The commission shall file its report and recommendations with the clerks of the senate and the house of representatives, the joint committee on education and the rural policy advisory commission not later than December 1, 2020."

The amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Frost of Auburn then moved to amend it in section 27, in line 659, by inserting after the following: "\$30," the following: "and (c) the greater number of what was contributed in FY2020 as the State's (i) contribution percentage or (ii) the sum of base aid and minimum aid, for the total cost required to

educate a student”. After remarks the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill, as amended, by adding the following section:

“SECTION 28. Notwithstanding any general or special law to the contrary, there shall be an educational mandate task force to review existing state mandates placed on public schools and districts in the Commonwealth. The task force shall consist of 11 members: the house and senate chairs of the joint committee on education, or their designees, who shall serve as the co-chairs of the task force; a member of the general court appointed by the senate minority leader; a member of the general court appointed by the house minority leader; the commissioner of elementary and secondary education, or a designee; and 6 persons to be appointed by the secretary of education, 1 of whom shall be selected from a list of 3 persons nominated by the Massachusetts Association of School Superintendents, 1 of whom shall be selected from a list of 3 persons nominated by the Massachusetts Association of School Committees, 1 of whom shall be selected from a list of 3 persons nominated by the Massachusetts Association of School Business Officials, 1 of whom shall be selected from a list of 3 persons nominated by the Massachusetts Secondary School Administrators’ Association, 1 of whom shall be selected from a list of 3 persons nominated by the Massachusetts Elementary School Principals’ Association, and 1 of whom shall be selected from a list of 3 persons nominated by the Massachusetts Administrators of Special Education.

The task force shall: (i) identify and review the state laws, regulations, and administrative directives that prescribe requirements for school districts, including those that require school districts to prepare and submit reports and data to the department of elementary and secondary education (ii) develop recommendations to streamline, consolidate, or eliminate such mandates or reporting requirements that are not fully funded and (iii) determine the total estimated cost of said unfunded mandates on municipalities to consider those figures in the annual fiscal year budget.

The first meeting of the task force shall take place within 60 days of the effective date of this act. The task force shall file a report containing its findings and recommendations, including legislative recommendations, if any, with the clerks of the house and senate not later than 12 months following the first meeting of the task force. Prior to issuing its recommendations, the task force shall conduct at least one public hearing to receive testimony from members of the public.”.

The amendment was adopted.

Mr. Mahoney of Worcester then moved to amend the bill, as amended, in section 15, in line 489, by striking out the figures: “750,000,000” and inserting in place thereof the figures: “800,000,000”; and the amendment was adopted.

Ms. Domb of Amherst and other members of the House then moved to amend the bill, as amended, in section 4, in line 107, by inserting after the following: “section II.” the following paragraph:

“(g) The department shall ensure that annual reports and accountability plans submitted by charter public schools pursuant to 603 CMR 1.00 contain data consistent with the requirements set forth in this section.”.

The amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, the Chair (Mr. Petrolati of Ludlow) placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o’clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by

Suspension  
of Rule 1A.

Rule 1A



yeas and nays, as required under the provisions of said rule; and on the roll call 132 members voted in the affirmative and 23 in the negative.

**[See Yea and Nay No. 120 in Supplement.]**

Therefore Rule 1A was suspended.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence (the Speaker being in the Chair), Mr. Michlewitz of Boston moved to amend it in section 1, in line 6, by inserting after the word "Laws" the words " , for the purpose of addressing persistent disparities in achievement among student subgroups, improving educational opportunities for all students, sharing best practices for improving classroom learning and supporting efficiencies within and across school districts";

In section 4, in line 81, by inserting after the word "organizations" the following: " ; provided, however, that a district may elect not to implement the evidence-based programs described in clauses (A) to (G), inclusive, if said programs would not effectively address persistent disparities in achievement among student subgroups; provided further, that the district plan shall specify the reasons for electing not to implement said programs";

In section 5, in lines 294 to 299, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following three paragraphs:

"'Total state target local contribution', the per cent of the total state foundation budget which is to be funded through required local contributions, provided that the percent shall be specified annually in the general appropriations act but shall not exceed 59 per cent.

'Uniform income percentage', a factor calculated annually by the commissioner so that the total statewide municipal income multiplied by the uniform income percentage is equal to half of the total state target local contribution.

'Uniform property percentage', factors calculated annually by the commissioner so that the total state equalized property valuation multiplied by the uniform property percentage is equal to half of the total state target local contribution."

In section 22, in line 613, by striking out the following: "said subsection (d) of said section 1S" and inserting in place thereof the following: "subsection (b) of section 1T"; and in line 614, by striking out the following: "1S" and inserting in place thereof the following: "1T";

By striking out section 27 and inserting in place thereof the following two sections:

"SECTION 27. Notwithstanding any general or special law to the contrary, in fiscal year 2023 and any year thereafter, and upon completion of the funding schedule set forth in section 24 of this act, while certifying the consolidated net surplus in the budgetary funds to the Commonwealth Stabilization Fund pursuant to section 5C of chapter 29 of the General Laws, the comptroller shall consult with the commissioner of elementary and secondary education to determine if the appropriation for line item 7061-9010 meets the full obligation under subsection (gg) of section 89 of chapter 71 of the General Laws. If the obligation is not met, the comptroller shall, prior to transferring funds under said section 5C of said chapter 29, transfer an amount from available funds necessary to fulfill that obligation as calculated by the commissioner of elementary and secondary education.

SECTION 27A. (a) For the purposes of this section, the 'implementation period' shall be each fiscal year, from fiscal year 2021 to fiscal year 2027, inclusive.

suspended,—  
yea and nay  
No. 120.

(b) Notwithstanding any general or special law to the contrary, for the implementation period, the department shall calculate a transitional hold harmless aid amount using the base and incremental rates and minimum aid increment set forth in section 3 of chapter 41 of the acts of 2019. If the aid provided under chapter 70 of the General Laws, as implemented by section 26, is less than the transitional hold harmless aid amount, the department shall add a transitional hold harmless increment to the district's chapter 70 aid to ensure that no district receives less than the transitional hold harmless aid amount during the implementation period. In no instance in the implementation period shall the transitional hold harmless increment be less than the sum of: (a) the district's prior fiscal year aid; and (b) the district's foundation enrollment multiplied by \$30. Chapter 70 aid in each fiscal year shall be the greater of: (i) foundation aid; (ii) the sum of base aid and minimum aid; or (iii) the sum of base aid plus the transitional hold harmless aid increment. No calculations made pursuant to this section shall be used for any purpose or aid calculation other than the determination of floor aid during the implementation period. If the implementation schedule set forth in section 26 is extended beyond fiscal year 2027, the implementation period shall be extended so the 2 implementation schedules are of identical length. In fiscal year 2028, the department shall add the fiscal year 2027 transitional floor aid amount to the district's base aid, and shall not calculate further transitional aid amounts under this section for fiscal year 2028 or any subsequent fiscal year."

The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Ms. Peisch of Wellesley; and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill passed to  
be engrossed,—  
yea and nay  
No. 121.

**[See Yea and Nay No. 121 in Supplement.]**

Therefore the bill (Senate, No. 2365, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment (being the text contained in House document numbered 4145).

*Order.*

On motion of Mr. Mariano of Quincy,—

*Ordered,* That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next  
sitting.

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Mr. Jones of North Reading then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twenty-one minutes after nine o'clock P.M., the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.