

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, February 13, 2014.

Met at sixteen minutes past one o'clock P.M.

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

Distinguished Guest.

There being no objection, the President handed the gavel to Mr. Ross for the purpose of an introduction. Mr. Ross then introduced, in the rear of the Chamber, the Mayor of Attleboro, Kevin J. Dumas. The Senate welcomed him with applause and he withdrew from the Chamber. He was also a guest of Mr. Timilty.

Reports of Committees.

By Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill Senate, No. 97), a Bill to expand the sale of products by farmer breweries (Senate, No. 2009);

By Ms. Candaras, for the committee on Economic Development and Emerging Technologies, on Senate No. 172 and House No. 318, a Bill relative to rail-trail construction (Senate, No. 172);

By Mr. Wolf, for the committee on Labor and Workforce Development, on petition, a Bill relative to health and safety on public construction projects (Senate, No. 868);

By the same Senator, for the same committee, on petition, a Bill relative to the reinstatement of a workers compensation insurance policy (Senate, No. 885); and

By the same Senator, for the same committee, on petition, a Bill relative to terms of employment (Senate, No. 892);

Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Wolf, for the committee on Labor and Workforce Development, on Senate No. 858 and House No. 1708, a Bill to establish uniform wage compliance and recordkeeping (Senate, No. 858); and

By the same Senator, for the same committee, on petition, a Bill relative to the pooling of tips (Senate, No. 887);

Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Committee Discharged.

Ms. Candaras, for the committee on Economic Development and Emerging Technologies, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 177) of Brian A. Joyce, Benjamin B. Downing, Daniel A. Wolf, Frank I. Smizik and other members of the General Court for legislation to fuel job creation through energy efficiency,--

and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy;

Under Senate Rule 36, the report was considered forthwith and accepted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3902) of Josh S. Cutler and Thomas J. Calter (by vote of the town) that the town of Duxbury be authorized to convey a certain parcel of conservation land in said town for housing purposes,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

A Bill relative to the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 3880,- being a message from His Excellency the Governor),-- **was read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.**

Bills

Establishing a sick leave bank for Rebecca Paylor, an employee of the Department of Children and Families (House, No. 3878,-- on petition); and

Making appropriations for the fiscal year 2014 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3903,-- on House, No. 3867, in part);

Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means

Notice was received that the House Minority Leader announced that Mr. Frost of Auburn had been relieved of duty (at his own request) from the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1981; and inserting before the enacting clause an emergency preamble) of the House Bill relative to election laws (House, No. 3788); and that Mr. Dooley of Norfolk had been appointed to said committee to fill the vacancy.

The membership of the committee on the part of the House is as follows: Representatives Murphy of Weymouth, Moran of Boston and Dooley of Norfolk.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Carol L. Clark, an employee of the Department of Developmental Services (see House, No. 3830, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 7 to 0.**

The bill was signed by the President and sent to the House for enactment.

Engrossed Bills.

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

Authorizing the conveyance or lease of a parcel of land in the city of Northampton for park, recreation or open space purposes (see House, No. 2844, amended);

Reducing the sewer betterment interest rate on repayments in the town of Easton (see House, No. 3583); and

Authorizing the town of Needham to place a question on the ballot authorizing the town to grant certain licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3829).

A petition (accompanied by bill, House, No. 3904) of Kimberly N. Ferguson for legislation to establish a sick leave bank for Tracy Longvall-Rivera, an employee of the Department of Youth Services,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Report of Committees.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Benjamin B. Downing and Stephen Kulik for legislation relative to the Massachusetts Broadband Institute.

The rules were suspended, on motion of Mr. Downing, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Telecommunications, Utilities and Energy.

Sent to the House for concurrence.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows: The House Bill authorizing the town of Ashland to establish an enterprise fund (House, No. 3627),-- **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:

The House Bill authorizing the town of Stoneham to grant five additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 3786),-- **was read a second time and ordered to a third reading.**

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill making appropriations for the fiscal year 2014 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3903),-- **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2010 [Estimated cost: Direct Appropriation: \$196,385,386]**

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time.

After remarks, pending the question on adoption of the Ways and Means amendment and pending the main question on ordering the bill to a third reading, Mr. Keenan moved that the proposed new text be amended in section 2, in item 8910-8700, by striking out the figures "\$5,000,000" and inserting in place thereof the figures "\$8,500,000".

The amendment was *rejected*.

Ms. Flanagan moved that the proposed new text be amended in section 2A by inserting the following item:-

"xxxx-xxxx: For the demolition of a certain municipally owned abandoned commercial property in the City of Gardner
..... \$500,000".

The amendment was *rejected*.

Ms. Flanagan moved that the proposed new text be amended by adding at the end thereof the following section:-

"Section XX: Section 2 of chapter 38 of the acts of 2013 is hereby further amended in item 2810-0100 by adding at the end thereof the following: - 'provided further, for Fiscal Year 2013, no less than \$50,000 for the creation and design program of a Thayer Memorial Park in the Town of Lancaster'."

The amendment was *rejected*.

Ms. Flanagan moved that the proposed new text be amended by adding at the end thereof the following section:-

"Section XX: Section 2 of chapter 38 of the acts of 2013 is hereby further amended in line item 7004-9005 by adding at the end thereof the following: 'provided further that no less than \$50,000 be provided for the Clinton Housing Authority for the purpose of repairs and improvements for heating systems'."

The amendment was *rejected*.

Ms. Flanagan moved that the proposed new text be amended by adding at the end thereof the following section:-

"Section XX: Section 2 of chapter 38 of the acts of 2013 is hereby further amended in item 2810-0100 by adding at the end thereof the following: - 'provided further, for Fiscal Year 2013, no less than \$20,000 for the restoration of Lancaster Mills Pond'."

The amendment was *rejected*.

Ms. Chandler moved that the proposed new text be amended by inserting after section 29 the following section:-

"SECTION 29A. The special commission established in section 164 of chapter 38 of the acts of 2013 is hereby revived and continued. The commission shall file a report detailing its work and findings, including any legislative recommendations, with the clerks of the house of representatives and the senate not later than December 31, 2014."

The amendment was **adopted**.

Ms. Chandler moved that the proposed new text be amended by inserting the following sections:-

"SECTION _____. Section 2H of chapter 111 is hereby amended to add in line 7 immediately after the words 'who shall serve as chairperson;' the following:- 'the house and senate chairs of the joint committee on public health, the house and senate chairs of the joint committee on health care financing,'; and by adding the following words after line 24:- The board shall evaluate the program authorized under section 2G and shall issue a report. The report shall include an analysis of all relevant data to determine the effectiveness and return on investment of the program including, but not limited to, an analysis of: (i) the extent to which the program impacted the prevalence of preventable health conditions; (ii) the extent to which the program reduced health care costs or the growth in health care cost trends; (iii) whether health care costs were reduced, and who benefited from the reduction; (iv) the extent to which workplace-based wellness or health management programs were expanded, and whether those programs improved employee health, productivity and recidivism; (v) if employee health and productivity was improved or employee recidivism was reduced, the estimated statewide financial benefit to employers; (vi) recommendations for whether the program should be discontinued, amended or expanded, as well as a timetable for implementation of the recommendations; and (vii) recommendations for whether the funding mechanism for the Prevention and Wellness Trust Fund should be extended beyond 2016, or whether an alternative funding mechanism should be established.

The department shall contract with an outside organization with expertise in the analysis of health care financing to assist the board in conducting its evaluation. The outside organization shall, to the extent possible, obtain and use actual health plan data from the all-payer claims database as administered by the center for health information and analysis; provided, however, that

such data shall be confidential and shall not be a public record under clause twenty-sixth of section 7 of chapter 4 of the General Laws.

The board shall report the results of its evaluation and its recommendation, if any, together with drafts of legislation necessary to carry out such recommendation to the house and senate committees on ways and means, the joint committee on public health and shall post the board's report on the department's website not later than January 31, 2017.

SECTION ____ : Section 276 of Chapter 224 of the Acts of 2012 is hereby repealed."

The amendment was *rejected*.

Mr. Michael O. Moore moved that the bill be amended by inserting, after section __ , the following new section:-

"SECTION ____ . Item 3000-3050 of section 2 of chapter 38 of the acts of 2013 is hereby amended by inserting at the end thereof the following:- "provided, that \$6,100,000 be expended for a transportation rate adjustment to fund adult monitors on vehicles transporting children in the department of children and families caseload and others included in the transportation safety regulation promulgated by the board of the department of early education and care.", and by striking out the figure "\$76,991,445" and inserting in place thereof the following figure:- "\$83,091,445".

The amendment was *rejected*.

Messrs. Donnelly, Rosenberg and Eldridge, Ms. Chang-Diaz, Ms. Spilka, Ms. Creem, Ms. Jehlen, Mr. Barrett and Ms. Lovely moved that the proposed new text be amended by adding the following new section:-

"SECTION XX. Item 7004-0101 in section 2 of chapter 38 of the acts of 2013 is hereby amended by adding after the words 'who are in' in clause (d) the following words: - 'or within 24 hours of being in'."

After remarks, the amendment was *rejected*.

Messrs. Donnelly, Rosenberg and Eldridge, Ms. Spilka, Ms. Chang-Diaz, Ms. Creem, Ms. Jehlen, Mr. Barrett and Ms. Lovely moved that the proposed new text be amended in section 2, by inserting after item 7004-0103 the following item:-

"7004-9316.....\$1,200,000".

The amendment was *rejected*.

Messrs. Keenan, Joyce, and Brownsberger moved that the proposed new text be amended by inserting the following new section:

"SECTION ____ . Section 304 of Chapter 224 of the Acts of 2012 is hereby amended by striking out 'October 1, 2015' and inserting in place thereof the following: - 'August 1, 2014'."

The amendment was **adopted**.

Mr. Hedlund moved that the proposed new text be amended by adding at the end thereof the following new section:-

"SECTION XX. Item 1233-2350 of section 2 of chapter 38 of the acts of 2013 is hereby amended by striking out the figure '\$920,230,293' and inserting in place thereof the following figure:- \$940,230,293."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nine minutes past two o'clock P.M., on motion of Mr. Hedlund, as follows, to wit (*yeas 6 — nays 31*) [**Yeas and Nays No. 250**]:

YEAS.

Hedlund, Robert L.	Ross, Richard J.
Humason, Donald, Jr.	Tarr, Bruce E.
Moore, Richard T.	Timilty, James E. — 6 .

NAYS.

Barrett, Michael J.	Keenan, John F.
Brewer, Stephen M.	Kennedy, Thomas 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.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Petrucelli, Anthony
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Finegold, Barry R.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 31.
Joyce, Brian A.	

ABSENT OR NOT VOTING.

Candaras, Gale D. – 1.

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

Mr. Hedlund moved that the proposed new text be amended by adding at the end thereof the following new section:-
 “SECTION XX. Notwithstanding section 31D of chapter 44 of the General Laws or section 23 of chapter 59 of the General Laws or any other general or special law to the contrary, a city or town may amortize over fiscal years 2015 and 2016, in equal installments, or more rapidly, an amount of its fiscal year 2014 snow and ice deficit. The local appropriating authority, as defined in section 21C of said chapter 59, shall adopt a deficit amortization schedule before the setting of the fiscal year 2015 municipal tax rate, consistent with the first sentence of this section. The commissioner of revenue may issue guidelines or instructions for reporting the amortization of deficits authorized by this section.”
 After remarks, the amendment was *rejected*.

Mr. Tarr moved that he proposed new text be amended by inserting after section _ the following section :-
 “SECTION _ . Subsection (e) of section 4A of chapter 7 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 119 and 120, the words:- ‘and (9) collaborate with other state agencies, authorities and other entities to carry out these purposes.’ and inserting in place thereof the following:-
 (9) track all reports, whether completed or not, required by law to be performed by all secretariats, commissions, departments, agencies, quasi-state agencies or entities of the commonwealth; (10) make all legislative directives conspicuously available and accessible online in searchable format on the office of commonwealth performance, accountability and transparency website; and (11) collaborate with other state agencies, authorities and other entities to carry out these purposes.”; and by inserting after section _ the following section:-
 “SECTION _ . Notwithstanding any general or special law to the contrary, all commissions, secretariats, departments, agencies, quasi-state agencies or entities of the commonwealth required by law to file a report with the clerks of the house of representatives and the senate, or with the chairs of any legislative committee, shall file said report via electronic means and shall

provide an electronic copy of the report to the office of commonwealth performance, accountability and transparency. Said office of commonwealth performance, accountability and transparency shall monitor the progress of all required reports and prominently make all reports available to the public via its website. A secretariat, department, agency, quasi-state agency or any other entity of the commonwealth shall provide a copy in hard copy format of any report upon request.”
The amendment was *rejected*.

Mr. DiDomenico, Ms. Forry, Ms. Chang-Diaz, Messrs. Rush and Wolf, Ms. Lovely and Messrs. Petruccelli, Donnelly, Montigny and Finegold moved that the proposed new text be amended in section 2 by inserting the following item:
“7002-0012\$1,000,000”.
The amendment was **adopted**.

Messrs. Kennedy, Rush and Timilty moved that the proposed new text be amended by inserting after section __, the following section:-

“SECTION X. The first paragraph of section 2 of chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after the second sentence the following 3 sentences:- The board shall require that applicants for full licensure, who are engaged in direct patient care, demonstrate that their practice utilizes digitized patient-specific clinical information. Practicing physicians, whose patient records are not digitized, shall be required to demonstrate to the board familiarity with the use of digitized records in comprehensive patient care. The board shall determine the appropriate means to facilitate the implementation of this section.

Section 2. Sections 108 and 299 of chapter 224 of the acts of 2012 are hereby repealed.

Section 3. The provisions of this section shall have an effective date of Jan 1 2015.”

The amendment was *rejected*.

Ms. Spilka, Messrs. Donnelly, Barrett and Eldridge, Ms. Creem and Mr. DiDomenico moved that the proposed new text be amended by adding at the end thereof, the following section:-

“SECTION XX: Item 7004-0101 in section 2 of chapter 38 of the acts of 2013 is hereby amended by inserting at the end thereof the following:- ‘provided further, that the termination standards applicable to families in any form of emergency shelter funded by this item or item 7004-0103 shall be no more strict than those applied to families in congregate shelter as of January 1, 2014’.”
The amendment was **adopted**.

Mr. Tarr moved that the proposed new text be amended by inserting after section _ the following section:-

“SECTION _ . Notwithstanding any general or special law to the contrary, the Department of Children and Families shall not license any foster parents and shall not approve any new foster care placements involving individuals or family members convicted of a felony absent specific written findings on the necessity of such placement and a finding that it poses no threat to the safety of any child which is the subject of such placement, for a period of six months following the passage of this act; provided further, however, that the Office of the Child Advocate shall examine within 90 days of the passage of this act such existing placements of children in the homes of individuals or family members convicted of a felony for the purpose of ensuring the safety of each child so placed, and determining whether or not such placement is appropriate.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-one minutes before three o’clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas* 32 — *nays* 5) [**Yeas and Nays No. 251**]:

YEAS.

Barrett, Michael J.	Kennedy, Thomas P.
Brewer, Stephen M.	Lovely, Joan B.
Brownsberger, William N.	McGee, Thomas M.
Chang-Diaz, Sonia	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
DiDomenico, Sal N.	Moore, Richard T.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen

Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Petrucelli, Anthony
Finegold, Barry R.	Rodrigues, Michael J.
Flanagan, Jennifer L.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Hedlund, Robert L.	Tarr, Bruce E.
Humason, Donald, Jr.	Timilty, James E.
Joyce, Brian A.	Welch, James T.
Keenan, John F.	Wolf, Daniel A. – 32.

NAYS.

Chandler, Harriette L.	Rosenberg, Stanley C.
Eldridge, James B.	Spilka, Karen E. – 5.
Jehlen, Patricia D.	

ABSENT OR NOT VOTING.

Candaras, Gale D. – **1.**

The yeas and nays having been completed at sixteen minutes before three o'clock P.M., the amendment was **adopted.**

Mr. Tarr moved that the proposed new text be amended by inserting after section __, the following new section:-
 “SECTION __. Notwithstanding section 14 of chapter 151A of the General Laws, for calendar year 2014, the experience rate of an employer qualifying therefor under subsection (b) of section 14 of chapter 151A of the General Laws shall be the rate which appears in column ‘E’ of clause (1) of subsection (i) of said section 14 of said chapter 151A.”
 The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended in section 2A by inserting the following item:-
 “1599- XXXX For a reserve to be administered by the Massachusetts Office of Business Development in cooperation with the Massachusetts Business Development Corporation, an amount not less than \$2,500,000 shall be made available for the Massachusetts Small Business Capital Access Program pursuant to section 57 of chapter 23A of the General Laws \$2,500,000”.
 After remarks, the amendment was *rejected*.

Mr. Ross moved that the proposed new text be amended by inserting the following new section:-
 “SECTION XX. Notwithstanding any general or special law to the contrary, the Executive Office of Health and Human Services shall conduct a review of the financial impact of the failure of the Connector website following the implementation of the federal Patient Protection and Affordable Care Act. The review shall include a cost analysis of state funds expended for temporary coverage, including those funds that would have been reimbursed by the federal government had the Connector website been properly functioning. Further, the Executive Office of Health and Human Services shall investigate all means of recouping such

funds, including any legal and cost effective means of collecting funds under the Commonwealth's contract with CGI Group Inc. The Executive Office of Health and Human Services shall provide a report of their findings to the Clerks of the House of Representatives and Senate, and the Joint Committee on Health Care Financing no later than June 31, 2014.” After remarks, the amendment was *rejected*.

Ms. Candaras and Mr. Welch moved that the proposed new text be amended in section 2, by inserting after item 0340-0998 the following item:-

“Hampden District Attorney

0340-0500 \$132,391”.

The amendment was **adopted**.

Messrs. Tarr, Wolf, McGee and Montigny moved that the proposed new text be amended by inserting, in section 2A, by inserting the following new item:-

“1599-XXXX. For a reserve to be administered by the executive office for administration and finance; provided that not less than \$150,000 shall be expended by the division of marine fisheries for the conduct of investigations of invertebrate species and fisheries in coastal waters including a ventless lobster trap survey employing the services of contracted fishing vessels; provided further, that funds from this item shall be expended by the division of marine fisheries, the department of public health bureau of environmental health, or the department of public health state laboratory to address new concerns associated with bacterial contamination of marine waters and shellfish \$500,000”.

The amendment was **adopted**.

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

“SECTION XX: Notwithstanding any law or regulation to the contrary, the MBTA Commuter Rail shall make no reduction in service or stops on the Framingham/Worcester Line during peak hours from the schedule effective April 29, 2013.”

The amendment was *rejected*.

Ms. Chang-Diaz, Ms. Forry, Messrs. Brownsberger, Eldridge and Finegold, Ms. Jehlen, Mr. DiDomenico and Ms. Lovely moved that the proposed new text be amended in section 2, by inserting at the end thereof the following new language:-

“EXECUTIVE OFFICE OF EDUCATION
Department of Elementary and Secondary Education.

7061-9010 \$28,000,000”.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting, after Section__, the following new Section:-

“SECTION___. Item 2300-0100 of section 2 of chapter 38 of the acts of 2013 is hereby amended by striking the phrase, ‘not later than 180 days after the effective date of this item’ and inserting in place thereof the following: ‘not later than May 1, 2014’.”

The amendment was **adopted**.

Mr. Finegold moved that the proposed new text be amended by adding the following new section:-

“SECTION X. Item 4512-0225 of section 2 of chapter 38 of the acts of 2013 is hereby amended by striking out the figure ‘1,500,000’ and inserting in place thereof the following figure:- ‘\$2,000,000’.”

The amendment was *rejected*.

Ms. Lovely move that the proposed new text be amended by adding thereof the following section:-

“SECTION XX. Section 2 of Chapter 38 of the acts of 2013 is hereby further amended in item 2810-0100 by adding at the end thereof the following:- provided further, that \$400,000 shall be expended for the costs of hydraulic dredging, construction of containment and flocculation basins, and other technologies for sediment removal, disposal, and aquatic invasive species control in Crystal Lake and Elginwood Pond in the City of Peabody.”

The amendment was *rejected*.

Mr. Brownsberger moved that the proposed new text be amended by adding the following new section.

“SECTION xx. The third sentence of paragraph 2 of Section 65 of Chapter 143 of the General Laws, as most recently amended by section 6 of chapter 3 of the acts of 2013, is hereby further amended by striking the figure \$100 in the third sentence and inserting in place thereof the figure \$15.”

The amendment was *rejected*.

Messrs. Brownsberger, Downing and Rush moved that the proposed new text be amended by adding the following new section.

“SECTION XX. The third sentence of paragraph 2 of Section 65 of Chapter 143 of the General Laws, as most recently amended by section 6 of chapter 3 of the acts of 2013, is hereby further amended by adding after the word ‘certificate,’ the following new clause: the Commissioner or his designee shall have discretion to waive all or a portion of the \$100 per day fine and shall have the authority to promulgate rules and regulations to effectuate the criteria pursuant to which the fine may be waived.”

The amendment was *rejected*.

Messrs. Eldridge, Donnelly, DiDomenico, Wolf, Downing and Joyce, Ms. Jehlen, Ms. Forry and Ms. Creem moved that the proposed new text be amended by adding the following section:-

“SECTION XX. Item 7004-9316 in section 2 of chapter 38 of the acts of 2013 is hereby amended by striking out ‘provided further, that not less than 90 per cent of the funds shall be provided to households with an income not greater than 30 per cent of area median income, subject to the department’s discretion based on data reflecting program demand and usage; provided further, that in distributing 90 per cent of the funds, the department shall prioritize those families most likely to otherwise require shelter services under item 7004-0101’ and inserting in place thereof: – ‘provided further, that not less than 50 per cent of the funds shall be provided to households with an income not greater than 30 per cent of area median income, subject to the department’s discretion based on data reflecting program demand and usage; provided further, that in distributing 50 per cent of the funds, the department shall prioritize those families most likely to otherwise require shelter services under item 7004-0101;.’”

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

Mr. Tarr moved that the proposed new text be amended in section 2 by striking out line item 4800-0015; in said section 2, in item 4800-1100, by striking out the figure “1,130,000” and inserting in place thereof the following figures:- “2,780,000”; and by inserting, in said section 2, in line item 4800-1100, the following:- “For the department of children and families, provided that all funds shall be expended solely for the purpose of hiring additional licensed certified social workers and licensed independent clinical social workers; and provided further, however, that the department shall provide to the clerks of the House and Senate and to the House and Senate committees on ways and means a report identifying the total number, compensation level and function of those employed by the department who are not directly responsible for addressing individual cases. Said report shall be submitted not later than 90 days after the passage of this act.”

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting after Section __, the following new section:-

“SECTION __. Notwithstanding any general or special law to the contrary, the Inspector General of the Commonwealth shall examine the contract between the Commonwealth, through the Executive Office of Health and Human Services, and the Child Welfare League of America for the investigation of the Department of Children and Families, for the purpose of determining whether it is sufficient to effectively address issues involving the safety and welfare of children being served by the department, the efficient and effective use of the personnel and resources of the department, the accountability of the department, and other related issues. Said examination shall include, but not be limited to, the cost of the contract, the number of personnel and resources it provides, its scope and provisions for timely reporting.

The results of said examination shall be provided to the clerks of the House and Senate not later than 30 days following the passage of this act.”

The amendment was *rejected*.

Mr. Montigny moved that the proposed new text be amended by adding, at the end thereof, the following sections:-

“SECTION __. Section 12 of chapter 120 of the General Laws, as most recently amended by section 22 of said chapter 267 of the Acts of 2010, is hereby further amended by inserting after the words ‘section 13B3/4 of said chapter 265’ the following words:- ; or trafficking of persons for sexual servitude in violation of subsection (a) of section 50 of said chapter 265; or trafficking of persons for sexual servitude upon a person under 18 years of age in violation of subsection (b) of said section 50 of said chapter 265.

SECTION __. The first paragraph of section 90A of chapter 127 of the General Laws, as most recently amended by section 39 of said chapter 267 of the Acts of 2010, is hereby further amended by striking out the words ‘or section twenty-six,’ and inserting in place thereof the following words:- , section 26 or section 50.

SECTION __. Chapter 276 of the General Laws, as appearing in the 2012 official edition, is hereby further amended by inserting after section 87A the following section:-

Section 87B. (a) Subject to appropriation, a court may, prior to the disposition of a defendant, divert said defendant charged with a first offense of section 8 or subsection (a) or (b) of section 53A of chapter 272 to a first offender prostitution solicitation program. The court shall continue the matter while the defendant fulfills the requirements of the program and retain jurisdiction pending the defendant’s successful completion of the program.

(b) The court shall determine if the defendant is eligible to participate in the first offender prostitution prevention program established under this section. The defendant shall not be eligible if the court determines that;

- (1) the defendant was convicted or admitted sufficient facts to a previous violation of section 8 or 53A of chapter 272 or a similar offense under the laws of another state;
- (2) the defendant was previously admitted to a first offender prostitution prevention program under this section;
- (3) the defendant has been charged with a violation of section 8 or 53A of chapter 272 or a similar offense under the laws of another state and is awaiting adjudication of such offense;
- (4) the defendant has been charged with, convicted or admitted sufficient facts to a violation of section 50 or 51 of chapter 265; or
- (5) the defendant is a registered sex offender under chapter 6 or under the laws of another jurisdiction.

(c) A first offender prostitution solicitation program shall, at a minimum:

(1) provide each participant with information, counseling and services relating to:

- (i) the negative impact of commercial sex and sex trafficking on victims;
- (ii) the negative impact of commercial sex and sex trafficking on communities;
- (iii) the health risk involved in prostitution, including the risk of sexually transmitted diseases, and issues relating to mental health, substance abuse and sexual addiction;
- (iv) the legal consequence to the defendant; and
- (v) classroom instruction related to the prevention of prostitution and organized crime and the sex industry;

(2) employ persons or solicit volunteers that may include, but not be limited to:

- (i) health care professionals;
- (ii) psychologists;
- (iii) licensed social worker or counselors;
- (iv) former prostitutes;
- (v) members of a neighborhood association or community that is adversely affected by the commercial sex trade or trafficking of persons; or
- (vi) employees of a nongovernmental organization specializing in advocacy or laws related to sex trafficking or human trafficking or in providing services to victims of those offenses;

(3) establish and publish local procedures to promote maximum participation of eligible defendants in programs established in the county or municipality in which the defendants reside;

(4) allow any participant to withdraw from the program at any time before a trial on the merits has been initiated; and

(5) certify to the court that the defendant has successfully completed the requirements of the program, has failed to complete the program or has withdrawn from the program.

(d) Upon successful completion of the program the court shall dismiss the charge against the defendant. Upon dismissal the court may order the record of the defendant sealed.

(e) The court shall assess a fee of \$750 for participation in the first offender prostitution solicitation program. The court shall not waive the fee but may reduce the fee based on a determination by probation that the defendant cannot pay the entire fee. The fee shall be distributed as follows;

(1) one-third of the fee shall be transferred to the non-profit organization certified by the commissioner of probation to conduct the program;

(2) one-third shall be transferred to the Human Trafficking Trust Fund established in section 66A of chapter 10; and

(3) one-third shall be transferred to the police department responsible for the arrest of the defendant.

(f) The commissioner of probation shall, in consultation with the chair of the Anti-Human Trafficking Task Force, review each organization that operates a first offender prostitution solicitation program in the commonwealth, and shall certify that the program is operating under the requirements of subsection (c). The commissioner shall notify the administrative office of the trial court of all programs receiving such certification. Only programs certified by the commissioner shall qualify to operate a program under this section. The commissioner, at the commissioner's discretion, may decertify a program for good cause at any time and the commissioner shall notify the administrative office of the trial court of such decertification.

SECTION __. Subject to appropriation, the executive office of health and human services shall hereby establish a pilot program creating a human trafficking safe house specifically to meet the unique needs of adult human trafficking victims, and the department of youth services in consultation with the department of children and families shall hereby establish a pilot program creating a human trafficking safe house specifically to meet the unique needs of child human trafficking victims. Under the pilot program, the executive office of health and human services and the department of youth services shall develop and issue requests for proposals for the establishment of such safe houses at sites located in the Commonwealth. The safe houses shall each provide specialized support services to adult or child human trafficking victims that will take into account the age, gender, linguistic capabilities, and special needs of the victims and the victim's dependent children, if any. The safe houses shall also provide 24 hour security on the premises, multilingual trauma trained case management staff, access to healthcare and mental health services, and access to employment and educational services.

SECTION __. (A) The executive office of public safety and the executive office of health and human services shall, in cooperation with other appropriate authorities, coordinate the collection and sharing of human trafficking data among government agencies; provided, however, that such data shall respect the privacy of victims of human trafficking; coordinate strategies and make recommendations for law enforcement to share information for the purposes of detecting individuals and groups engaged in human trafficking. The executive office of public safety and the executive office of health and human services shall also periodically publish statistical data on human trafficking. The executive office of public safety and the executive office of health and human services shall also establish a human trafficking definition for data collection purposes and establish

screening tools and guidelines to assist in identifying victims.

(B) The executive office of public safety and the executive office of health of human services shall elicit the cooperation and assistance of other government agencies, non-governmental organizations, and other non-government organizations as appropriate to assist in the data collection required under paragraph (A) of this section.

(C) district attorney's in each county of the commonwealth shall designate a human trafficking case coordinator who shall be responsible to make best efforts to collect information and submit to the executive office of public safety and executive office of health and human services in quarterly intervals relevant information to tracking progress on human trafficking, including but not limited to:

- (1) numbers of investigations, arrests, prosecutions, and successful convictions of human traffickers and those committing human trafficking-related crimes;
- (2) the estimated number and characteristics of persons engaged in violations of human trafficking offenses, as well as persons who purchase or receive commercial sex acts or sexually explicit performances, or labor or services, performed by victims of human trafficking;
- (3) statistics on the number and characteristics of victims of human trafficking, including nationality, age, method of recruitment, and city, state and country of origin;
- (4) human trafficking routes and patterns if any transportation took place; and
- (5) social and economic factors that contribute to and foster the demand for all forms of exploitation of persons that leads to human trafficking.
- (6) the executive office of public safety and executive office of human services in conjunction with the executive office of health and human services shall establish and maintain a web portal to disseminate information regarding human trafficking violations and a clearinghouse of information for victims of human trafficking.
- (7) the executive office of public safety in conjunction with the executive office of human services subject to appropriation shall establish and maintain a hotline to report crimes of human trafficking and to provide confidential information to services available to victims of human trafficking.

Section ___. (A) The executive office of public safety shall provide mandatory training for law enforcement agencies, prosecutors, public defenders, judges, juvenile detention center staff and others involved in the juvenile justice system and criminal justice system, and other relevant officials in addressing human trafficking. Training shall include screening and data collection protocols

(B) Such training shall focus on:

- (1) human trafficking offenses;
- (2) methods used in identifying U.S. citizen and foreign national victims of human trafficking, including preliminary interview techniques and appropriate questioning methods;
- (3) methods for prosecuting human traffickers;
- (4) methods of increasing effective collaboration with non-governmental organizations and other relevant social service organizations in the course of investigating and prosecuting a human trafficking case;
- (5) methods for protecting the rights of victims of human trafficking, taking into account the need to consider human rights and special needs of women and minors victims;
- (6) the necessity of treating victims of human trafficking as crime victims rather than criminals; and
- (7) methods for promoting the safety of victims of human trafficking.

(C) The State shall seek the input and participation of appropriate non-governmental organizations and other relevant organizations in the preparation and presentation of training called for in this section.

(D) the executive office of education shall develop and implement mandatory educational training for all educators grades k-12 which would help assist in identifying human trafficking victims and the appropriate actions to be undertaken when such victims are identified. To further develop a parent guide and teacher training material on internet safety and methods of preventing the exploitation of minors over the internet.

(E) the department of public health shall develop and implement mandatory training for all health care professionals deemed mandatory reporters to assist in identifying human trafficking victims and the appropriate actions to be undertaken when such victims are identified.

SECTION ___. (A) The executive office of health and human services in cooperation with executive office of public safety and with appropriate other governmental agencies and non-governmental organizations shall prepare public awareness programs designed to educate potential victims of human trafficking and their families on the risks of victimization. Such public awareness programs shall include, but shall not be limited to:

- (1) information about the risks of becoming a victim of human trafficking, including information about common recruitment techniques, use of debt bondage and other coercive tactics, risk of maltreatment, rape, exposure to HIV/AIDS and other sexually transmitted diseases, and psychological harm related to victimization in human trafficking cases;
- (2) information about the risks of engaging in commercial sex and possible punishment; and
- (3) information about victims' rights under Massachusetts and U.S. law;

- (4) methods for reporting suspected recruitment activities, including information on relevant hotlines; and
- (5) information on the types of services available to victims of human trafficking and how to access such services, including information on relevant hotlines, such as the National Human Trafficking Resource Center hotline.

(B) The executive office of health and human services in cooperation with other appropriate government agencies and appropriate non-governmental organizations or other elements of civil society shall prepare and disseminate general public awareness materials to educate the public on the extent of human trafficking of both U.S. citizens and foreign nationals within the United States and to discourage the demand that fosters the exploitation of persons and that leads to human trafficking.

(C) General public awareness materials may include information on the impact of human trafficking on individual victims, whether U.S. citizens or foreign nationals; aggregate information on human trafficking worldwide and domestically; and warnings of the criminal consequences of engaging in human trafficking. Such materials may include pamphlets, brochures, posters, advertisements in mass media, and any other appropriate media.

(D) Programs and materials described in this section shall preserve the privacy of the victim and the victim's family.

(E) All public awareness programs shall be evaluated periodically to ensure their effectiveness."

After remarks, the amendment was *rejected*.

Ms. Forry, Messrs. Eldridge and DiDomenico, Ms. O'Connor Ives, Messrs. Montigny and Downing, Ms. Creem, Messrs. Rush and Wolf, Ms. Chang-Diaz, Ms. Jehlen and Messrs. Keenan, Tarr and Finegold moved that the proposed new text be amended in section 26 by striking out the section and inserting in place thereof the following: -

"SECTION 26. Section 56A of Chapter 118 of the acts of 2013 is hereby amended by striking the section in its entirety and inserting in place thereof the following:

Section 56A. (a) Notwithstanding any general or special law to the contrary, the department of housing and community development may provide not more than \$20,000,000, as provided for in item 7004-1000, to participating agencies that administer the federal Low Income Home Energy Assistance Program described in item 7004-2033 of section 2D of chapter 38 of the acts of 2013 for the purposes of operating the program in fiscal year 2014."

The amendment was *rejected*.

Messrs. Welch, Keenan and Ross moved that the proposed new text be amended by inserting after SECTION 32, the following new section:-

"SECTION XX. Notwithstanding any general or special law to the contrary, the Board of the Commonwealth Health Insurance Connector shall provide a monthly report on the current status of the Health Insurance Exchange and Integrated Eligibility System (HIX/IES) including, progress toward articulated milestones, current level of functionality, and statistics regarding applications processed through the HIX/IES. The Board of the Commonwealth Health Insurance Connector shall provide said report to the Joint Committee on Health Care Financing. The first report shall be submitted within two weeks of the effective date of this act, and every 30 days thereafter, until such a time as the HIX/IES is fully functional and complete."

The amendment was **adopted**.

Mr. Keenan moved that the proposed new text be amended by striking in lines 149 - 150 the words "funds, including grants, bequests, gifts or contributions, from any person" and inserting in place thereof the following:- "grants from any entity"; and by striking in lines 157 - 158 the words "funds, including grants, bequests, gifts or contributions, from any person" and inserting in place thereof the following: -"grants from any entity".

The amendment was *rejected*.

Mr. Ross and Ms. Lovely moved that the proposed new text be amended by inserting the following new section:-

"SECTION XX: Notwithstanding any general or special law to the contrary, the \$5,347,441 appropriated for the Office of the Governor in line item (0411-1000) by section 2 of chapter 38 of the acts of 2013 shall not be expended until such time as the entire appropriation of \$300M for the Chapter 90 Program in line item (6122-1223) authorized by Chapter 22 of the Acts of 2013 has been released by the Governor."

After remarks, the amendment was *rejected*.

Messrs. Joyce, Montigny and Eldridge, Ms. Forry and Messrs. DiDomenico and Wolf moved that the proposed new text be amended by inserting the following new section:

"SECTION XX: Chapter 256 of the Acts of 2008 by is hereby amended by adding at the end thereof the following section:-

SECTION 18. A person or entity may bring an action in Superior Court for a violation of this chapter G.L. c. 175, §47B; G.L. c. 176A, §8A; G.L. c. 176B, §4A; G.L. c. 176G, §4M.; G.L. c. 32A § 22; or applicable regulations including, but not limited to, 211 CMR 154. If the court finds for the petitioner, the recovery for such actions shall include, but shall not be limited to, treble damages, court costs, and attorneys' fees. In addition, the court shall award such other equitable relief as it deems to be necessary and proper.

Any persons entitled to bring such action may, if the violation of parity has caused similar denial of care to numerous other persons similarly situated and if the court finds in a preliminary hearing that he adequately and fairly represents such other persons, bring the action on behalf of himself and such other similarly injured and situated persons; the court shall require that notice of such action be given to unnamed petitioners in the most effective, practicable manner. Such action shall not be

dismissed, settled or compromised without the approval of the court, and notice of any proposed dismissal, settlement or compromise shall be given to all members of the class of petitioners in such a manner as the court directs.”

The amendment was *rejected*.

Ms. Flanagan moved that the proposed new text be amended in section 2A by inserting the following item:-

“xxxx-xxxx: For the City of Leominster to provide meals for homeless families living in Leominster’s hotels contracted with the Department of Housing and Community Development.....\$125,000”.

The amendment was *rejected*.

Mr. Rodrigues moved that the proposed new text be amended by adding the following section:-

“SECTION __. Chapter 239 of the Acts of 2012, as most recently amended by section 22 of Chapter 3 of the Acts of 2013, is hereby amended by striking out section 52 and inserting in place thereof the following section:-

SECTION 52. The bureau of pipefitters, refrigeration technicians and sprinkler fitters shall adopt regulations and issue procedures related to the process piping pipefitter license under section 82 of chapter 146 of the General Laws not later than July 1, 2014. A person who was not required to be licensed under section 84 of said chapter 146 who submits satisfactory proof to the bureau of pipefitters, refrigeration technicians and sprinkler fitters that the person has been actively engaged in any area of process piping as defined by Section 81 of chapter 146 of the General Laws for a period of 4 years prior to the effective date of this act, and who has applied for a license within 180 days after the effective date of the regulations adopted under this section shall, upon payment of the applicable fee, be issued a process piping pipefitter license. A person with less than 4 years of documented relevant work experience shall demonstrate sufficient knowledge of the regulations in order to be issued a process piping pipefitter license. Any proof required to be submitted under this section shall be accompanied by a statement under the penalties of perjury.”

The amendment was **adopted**.

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

“Notwithstanding any general or special law to the contrary the department of energy and environmental affairs shall develop a competitive bidding process without regard to size and volume of producers with regards to any changes or new regulations to RPS Class 1 Regulation (SREC II).”

The amendment was *rejected*.

Mr. Wolf moved that the proposed new text be amended in section 2, in item 8910-8200, by striking out the figure “\$2,500,000” and inserting in place thereof the figure “\$3,383,896”.

The amendment was *rejected*.

Ms. Flanagan moved that the proposed new text be amended in section 2A by inserting the following item:-

“xxxx-xxxx: For the Leominster Public Schools to provide school adjustment counselors for homeless students \$240,000”.

The amendment was *rejected*.

Mr. Wolf moved that the proposed new text be amended by inserting in section 2 after item 8910-8300 the following:

“Dukes Sheriff’s Office.

8910-8400.....\$256,000”.

The amendment was *rejected*.

Ms. Candaras moved that the proposed new text be amended by adding the following new section:-

“SECTION X. (a) The division of capital asset management and maintenance in consultation with the chief justice of the trial court, the court administrator, the secretary of transportation, the secretary for administration and finance, and the senators and representatives from the city of Springfield shall issue a report on the Hampden County Court Complex located in the city of Springfield. The report shall be filed with the executive office for administration and finance, the house and senate committees on ways and means, and the house and senate committees on bonding, capital expenditures and state assets not later than June 30, 2014.

(b). The report shall investigate and make recommendations on:

- (a) the impact of the reconstruction of the interstate 91 viaduct on public safety and public access to the court facilities;
- (b) the damage the facilities sustained as a result of the 2011 tornado and the possibility of damage from proposed demolition and construction in the area;
- (c) the temporary relocation of the courts and personnel during any construction or relocation;
- (d) the fair market value of the Hampden County Court Complex in light of recent development;
- (e) the feasibility of constructing a state of the art courthouse, that includes wireless technology, data storage and real time courtroom audio and visual technology located in the city of Springfield;
- (f) the feasibility of constructing a new courthouse
- (g) the accessibility of any proposed relocation sites to low-income residents of Hampden County and the city of Springfield;

- (h) the fiscal impacts of any relocation or construction plan on Hampden County and the commonwealth;
- (i) the potential for construction and other full-time permanent jobs, which might benefit the citizens and communities of Hampden County;
- (j) the feasibility of designing a courthouse with the most advanced and stringent environmental standards in the commonwealth;
- (k) the integration of the courthouse to the community at large, as well as local colleges, universities and law schools;
- (l) an analysis of the economic impact of any proposed reconstruction or relocation on businesses located on State Street in Springfield;
- (m) any inadequacies of the current design for the Hampden County Court Complex;
- (n) the design and construction costs of courthouses built in the last 10 years in the commonwealth; and
- (o) any other matters the division deems appropriate to make recommendations, including legislation necessary to execute plans contained in the report."

The amendment was **adopted**.

Mr. Tarr moved that the proposed new text be amended by inserting after section __, the following section:-

"SECTION __. Notwithstanding any general or special law to the contrary, there shall be a special commission to create and report on a survey of the Department of Children and Families. The commission shall consist of the secretary of health and human services, or a designee; the commissioner of the department of elementary and secondary education, or a designee; the child advocate, or a designee; the chairs of the joint committee on children, families and persons with disabilities, or designees; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be appointed by the minority leader; 2 persons appointed by the Massachusetts Union for Human Service Workers and Educators, and 2 members of independent children's advocacy groups.

This Commission shall be responsible for preparing and distributing a survey to clients of the department of children and families and to employees of the department, including social workers and supervisors. The department shall work with the commission to ensure that the survey is distributed appropriately and standards for client privacy are upheld. It shall be possible for the survey to be returned anonymously to the special commission. The survey should be designed to assess the problems that clients face with the department. The survey should also be designed to assess the problems that department employees experience during the course of their employment with the department and shall allow an opportunity for survey participants to offer solutions to improve the department. This commission shall study, review and report on the outcome of the surveys and assess the needs and resources of the department of children and families. The survey should be distributed no later than June 1, 2014. The commission shall issue a report on the outcome, along with any recommendations, to the clerks of the house and senate, no later than October 1, 2014."

The amendment was *rejected*.

Mr. Richard T. Moore moved that the proposed new text be amended by inserting, at the end thereof, the following new section:-

"SECTION X. Section 53I of chapter 44 of the General Laws is hereby amended, in line 2, by adding after the words "three hundred and fiftieth" the following:- 'and four hundredth'; and by striking the last sentence and inserting in place thereof the following:-

'Any surplus remaining in said special fund after such celebration is concluded, shall be transferred by such treasurer into the treasury of such city or town, unless said surplus, or some portion thereof, is otherwise extended and maintained in the special fund for future celebrations as authorized by the mayor or city manager, as the case may be, the board of selectmen or the majority of any special committee established to plan said celebration.'."

The amendment was **adopted**.

Messrs. Brownsberger and Barrett moved that the proposed new text be amended by inserting after section 27 the following section:-

"SECTION 27A. (a) Notwithstanding any general or special law to the contrary, the secretary of energy & environmental affairs shall convene an advisory committee on flood risks created by climate change. The advisory committee shall be chaired by the secretary, or a designee, and be comprised of representatives with expertise in the following areas: coastal zone and river flooding, hydrological and hydraulic modeling, natural hazard preparedness and mitigation, sea level and storm surge projections, risk measurement and reduction, emergency management planning and scenario planning.

(b) The advisory committee shall complete a report, not later than July 1, 2015 which shall include: (i) a set of combined sea-level rise and storm-surge scenarios; (ii) estimates of risk levels of each scenario occurring by 2030, 2050 and 2100; (iii) estimates of flood water levels in coastal areas under each scenario which shall reflect appropriate local information such as local uplift and subsidence, and coastal erosion rates; (iv) estimates based on hydrological and hydraulic modeling of flood water levels in each scenario in historically coastal areas now currently protected by dams, including the Charles River Basin and the Mystic River Basin; (v) maps of areas subject to inundation in each scenario; and (vi) recommendations for additional study to assess the vulnerability of state agency and public utility assets based on the scenarios developed.

(c) The committee shall conduct a public hearing before procuring any contract for consulting services and a second hearing before finalizing its report. The report shall be filed with the clerks of the house of representatives and senate, who will forward the report to the chairs of the joint committee on environment and natural resources."

The amendment was **adopted**.

Mr. Rush moved that the proposed new text be amended by inserting after section 14 the following section:-

“SECTION 14A. Item 1410-0010 of section 2 of chapter 38 of the acts of 2013 is hereby amended by striking out the words ‘the Stand up and Play Foundation, Boston chapter, for rehabilitative adaptive equipment for veterans’ and inserting in place thereof the following words:- SMGA Boston for veteran rehabilitative equipment.”

The amendment was **adopted**.

Mr. Rush moved that the proposed new text be amended by inserting after section 27 the following section:-

“SECTION 27A. Notwithstanding any general or special law to the contrary, the division of capital asset management and maintenance, in consultation with the department of public health and the executive office of health and human services, shall submit a report to the clerks of the house and senate to determine a safe and feasible site on the campus of the Lemuel Shattuck Hospital in the city of Boston for the siting of a modular child care center, outdoor play area and parking. The department of public health shall allow the Shattuck Child Care Center, Inc. to remain in its present location under the terms of the existing agreement between the Lemuel Shattuck Hospital and the Shattuck Child Care Center, Inc. for 180 days after the submission of the report.”

The amendment was **adopted**.

Mr. Ross and Ms. Spilka moved that the proposed new text be amended by inserting the following new section:-

“SECTION XX: Section 38A of chapter 41 of the general laws is hereby amended by striking the first sentence and inserting in place thereof the following:

A city or town may by ordinance, by-law or vote, notwithstanding any other provision of law, general or special, provide that the collector of taxes shall be authorized to collect, under the title of city or town collector, any accounts due the city or town, and may in like manner define his powers and duties in relation to the collection of such accounts, but no such ordinance, by-law or vote, heretofore or hereafter passed, shall limit such collector in the exercise of the remedies hereinafter conferred.”

After remarks, the amendment was *rejected*.

Mr. Kennedy moved that the proposed new text be amended in section 2, by inserting after item 0340-0998 the following item:-

“SECRETARY OF THE COMMONWEALTH

0521-0000 \$310,901”; and by inserting after section 14 the following section:-

“SECTION 14A. Item 0521-0000 of chapter 38 of the acts of 2013 is hereby amended by adding the following words:- ; provided further, that \$310,901 shall be expended for the costs of the following special elections: (i) fifth Middlesex senate district; (ii) fourth Hampden house district; (iii) thirteenth Suffolk house district; (iv) second Suffolk house district; (v) sixteenth Suffolk house district; (vi) fifth Suffolk house district; and (vii) ninth Norfolk house district; and provided further, that the funds shall be in addition to any amounts previously appropriated and made available for expenditure through June 30, 2015”.

The amendment was **adopted**.

Mr. Rush moved that the proposed new text be amended by inserting after section 3 the following 3 sections:-

"SECTION 3A. The third paragraph of section 65 of chapter 143 of the General Laws, as appearing in section 6 of chapter 3 of the acts of 2013, is hereby amended by inserting after the seventh sentence the following sentence:- Total fines shall not exceed \$10,000, provided however that fines assessed to owners or operators of a residential building of fewer than 25 housing units shall not exceed \$300.

SECTION 3B. The second paragraph of said section 65 of said chapter 143, as so appearing, is hereby amended by adding the following sentence:- An owner or operator of an elevator shall not be assessed a fine for having violated this section if the elevator was not determined to be unsafe at the time of inspection, notwithstanding that the results of an inspection were rendered beyond such 30-day period; provided that if the elevator was determined to be unsafe at the time of inspection, the fine assessed shall be reduced by the cost to repair that elevator.

SECTION 3C. Said section 65 of said chapter 143, as so appearing, is hereby amended by adding following 2 paragraphs:- The commissioner or the commissioner’s designee shall send notification about elevator certificate expiration dates at least 90 days prior to expiration, to municipalities, not-for-profit organizations, public schools, and religious organizations who are the owners or person in control of a building in which an elevator is operated. "; and by adding the following section:-

"SECTION 33. Section 3A and 3B shall take effect as of July 1, 2013. "

The amendment was **adopted**.

Ms. Chang-Díaz moved that the proposed new text be amended by inserting after section 3 the following section:-

"SECTION 3A. Subsection (i) of section 89 of chapter 71 of the General Laws is hereby amended by adding the following clause:-

(4) For the purposes of paragraphs (1) to (3), inclusive, any change made to the calculation of net school spending related to retired teacher health insurance made after July 1, 2013, shall not be included in the district's net school spending for the purpose of calculating charter school tuition payments."

The amendment was **adopted**.

Mr. Brewer moved that the proposed new text be amended in section 2, by inserting after item 1599-2013, the following item:-
“1599-3384.....\$2,500,000”;

In section 10, by striking out, in line 148, the words “court administrator may, subject to the approval of the chief justice of the trial court” and inserting in place thereof the following words:- “chief justice of the trial court may, subject to the approval of the court administrator”;

In said section 10, by striking out, in line 151, the words “court administrator” and inserting in place thereof the following words:- “chief justice of the trial court”;

In section 20, by inserting after the figure “\$2,570,700”, in line 216, the following words:- “, the first time it appears,”;

By inserting after section 20 the following section:-

“SECTION 20A. Item 8910-0108 of said section 2 of said chapter 38 is hereby amended by adding the following words:- ; provided, that not less than \$40,000 shall be expended for the Franklin County Opioid Education and Awareness Task Force.”;

In section 21, by inserting after the figure “250,000”, in line 219, the following words:- “, the first time it appears,”; and

By inserting after section 29, the following section:-

“SECTION 29A. Notwithstanding any general or special law to the contrary, the secretary of health and human services, with the written approval of the secretary of administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0950, 4000-0990, 4000-1400, 4000-1405 and 4000-1420 of section 2 of chapter 38 of the acts of 2013 for the purpose of reducing any deficiency in these items, but any such transfer shall be made not later than August 30, 2014; provided, that the secretary of health and human services shall provide written notification to the house and senate committees on ways and means within 15 days of any transfers made under this section.”

The amendment was adopted.

The Ways and Means amendment was then adopted, as amended.

The bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill, as amended, to be engrossed was determined by a call of the yeas and nays, at six minutes past four o'clock P.M., on motion of Ms. Flanagan, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 252**]:

YEAS.

Barrett, Michael J.	Kennedy, Thomas P.
Brewer, Stephen M.	Lovely, Joan B.
Brownsberger, William N.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.
Creem, Cynthia Stone	Moore, Richard T.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Petrucelli, Anthony
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Finegold, Barry R.	Ross, Richard J.

Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Humason, Donald, Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. – 37.
Keenan, John F.	

NAYS – 0.

ABSENT OR NOT VOTING.

Candaras, Gale D. – 1.

The yeas and nays having been completed at nine minutes past four o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment. [For text of Senate amendment, see Senate, No. 2011, printed as amended.] Sent to the House for concurrence in the amendment.

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.

Adjourn In Memory of Joseph C. Knapik

Senators Humason, Tarr, Hedlund and Ross moved that when the Senate adjourns today, it do so in memory of Joseph C. Knapik.

Joseph "Gunner" Curran Knapik, 79, passed peacefully at the Soldiers' Home in Holyoke on Wednesday, February 5, 2014.

A lifelong resident of Westfield, Joseph was born on January 9, 1935. He was the son of the late Helen Rose (Curran) and Joseph John Knapik. Joseph and his younger brother, John, grew up in the Lozierville section of Westfield in the same house as his father and grandparents. His early life was strongly influenced by his Slovak and Irish heritage.

Joseph was wed to Alice Jane (Roberts), of Southwick on June 25, 1960. He was a 1952 graduate of Westfield High School and a member of the 1949 Peanut Bowl Championship Team coached by the legendary Bill Moge.

He enlisted in the United States Marine Corps at the age of seventeen and served his country during the Korean War as an Aviation Ordnanceman aboard the USS Coral Sea (CV43) of the United States Sixth Fleet. Honorably discharged in 1956, Joseph joined the United States Marine Corps Reserve (Rifle Company C, 1/25) in Springfield, Massachusetts and later at Westover Air Force Reserve Base, retiring in 1990 as a Marine Gunner, Chief Warrant Officer 4th Class.

Joseph graduated from American International College in 1962 and was hired as a teacher in the Westfield Public Schools in 1964. He earned a Master's Degree in Education and a Certificate of Advanced Graduate Studies from Westfield State College. He retired from the WPS in 1998 having spent most of his career as a middle school Guidance Counselor. He was also a Hampden County Deputy Sheriff and served as a Westfield Board of Public Works Commissioner.

Joseph is fondly recalled for playing a significant role in many memorable civic events and for providing invaluable mentorship to many people and his Marines. He was involved in veteran's affairs, celebrations of his Slovak and Irish heritage, the support of youth education and the preservation of the Second Amendment. He was an active member of American Legion Post 124, the Marine Corps League Westfield River Valley Detachment 141, the St. Stephen's Society and Slovak Citizens Club, St. Peter's Parish Council, the Sons of Erin, the Knights of Columbus, the Westfield Sportsman's Club, a National Rifle Association Life Member, and a member of Gun Owner's Action League.

Joseph is survived by Alice; his four sons: Joseph and wife Rose of Holyoke; Michael and wife Kathleen of Westfield; Daniel and wife Tricia of Westfield; and Neil and wife Debra of Natick; his brother John and wife Joanne, also of Westfield. Among his proudest achievements was that of "Papa" to his seven beautiful grandchildren: Katherine, James, Joseph, Thomas, Anna, John, and Allison. Joseph was also beloved as "Uncle Joe" to many nieces, nephews and young cousins, including Mary, Johanna, Olivia and Julia, James, Priscilla, Glenda, Bruce, Douglas, Jane, Marian, Debra, Robert, Anthony, Amy, Emily and Luke. His love, memory and generosity will live on in each.

Accordingly, as a mark of respect in memory of Joseph C. Knapik, at thirteen minutes past four o'clock P.M., on motion of Mr. Humason, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.