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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, February 27, 2014.

Met according to adjournment at one o'clock P.M. (Mr. Richard T. Moore in the Chair).

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Joyce for the purpose of an introduction. Mr. Joyce then introduced, in the rear of the Chamber, the Massachusetts State Gymnastics Team. Among the group were Julia Goodine from West Bridgewater, Avery Liou from Milton, Ciara Scambly from Ashland, Caroline Estella from Hopkinton, Jessica Anderson from Dalton, Haley Pickard from Pittsfield and Gianna Grillone from Brockton. The team was recognized for having placed 11th in the Level 7 National Team Challenge in Tacoma, Washington. The Senate applauded their accomplishments and they withdrew from the Chamber.

There being no objection, the President handed the gavel to Ms. Creem for the purpose of an introduction. Ms. Creem then introduced, in the rear of the Chamber, four 6th graders from Temple Israel's "Legislature in Action" Social Action Group. The main concern of this group is unaccompanied homeless youth. They were visiting the State House today to participate in Advocacy/Lobby day. The Senate welcomed them with applause and they withdrew from the Chamber.

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Pacheco, a petition (subject to Joint Rule 12) of Marc R. Pacheco, Patricia A. Haddad and Shaunna O'Connell for legislation to establish a sick leave bank for Cary Crossman, an employee of the Department of Transportation; and

By Mr. Rodrigues, a petition (subject to Joint Rule 12) of Michael J. Rodrigues for legislation to reduce the cost of solar power through increased competition;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Joyce, for the committee on Bonding, Capital Expenditures and State Assets, that the House Bill financing improvements to the Commonwealth's transportation system (House, No. 3882),--**ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of the Senate document numbered 2018;**
Under Senate Rule 27, referred to the committee on Ways and Means, with the amendment pending.

By Mr. Barrett, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill to increase the personal care allowance for long term care residents (Senate, No. 57); and

By Ms. Jehlen, for the committee on Elder Affairs, on Senate Nos. 297 and 301, a Bill relative to reserving beds in nursing homes during certain leaves of absence (Senate, No. 2017);

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Barrett, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill to bring child support home (Senate, No. 48);

By Mr. Wolf, for the committee on the Labor and Workforce Development, on petition, a Bill relative to wage enforcement statutes of limitations (Senate, No. 857);

By the same Senator, for the same committee, on Senate No. 889 and House No. 1762, a Bill relative to posting employment opportunities (Senate, No. 889);

By the same Senator, for the same committee, on Senate No. 891 and House No. 1727, a Bill to limit indemnity and insurance responsibility for general contractors and subcontractors (Senate, No. 891);

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 petition, a Bill to require recordkeeping at public construction worksites in order to protect first responders (Senate, No. 854);

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

PAPERS FROM THE HOUSE

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

Petition (accompanied by bill, House, No. 3913) of Russell E. Holmes (with the approval of the mayor and city council) that the city of Boston be authorized to increase the number of licenses for the sale of alcoholic beverages in said city;

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3914) of Aaron Michlewitz (with the approval of the mayor and city council) relative to the preparation of certain bilingual ballots in the city of Boston;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3915) of John D. Keenan and Joan B. Lovely (with the approval of the mayor and city council) relative to amending the charter of the city of Salem concerning the office of mayor in said city;

To the committee on Municipalities and Regional Government.

Bills

Establishing a sick leave bank for Tracy Longvall-Rivera, an employee of the Department of Youth Services (House, No. 3904,-- on petition); and

Relative to bullying in schools (House, No. 3909,-- on Senate, Nos. 206, 248 and 265 and House, No. 454);

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

There being no objection at one minute past one o'clock P.M., the Chair (Mr. Richard T. Moore) declared a recess subject to the call of the Chair; and, at twenty-five minutes before three o'clock P.M., the Senate reassembled, the President in the Chair.

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

Resolutions.

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

Resolutions (filed by Mr. Pacheco) "congratulating Michelle Picard, a member of the Silver Medal United States Women's Hockey Team."

Reports of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Margaret C. Henderson (House, No. 45),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Ms. Lovely, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act establishing a sick leave bank for Margaret C. Henderson, an employee of the Executive Office of Health and Human Services".

By Mr. Brewer, for the committee on Ways and Means, that the House Bill relative to the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 3880),-- **ought to pass**

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

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3916) of Christine E. Canavan for legislation to establish a sick leave bank for Leanne O'Donoghue, an employee of the Department of Children and Families;

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

Petition (accompanied by bill, House, No. 3917) of Theodore C. Speliotis, Bruce E. Tarr and others for legislation to authorize the lease of property at Essex North Shore Agricultural and Technical School;

Under suspension of Joint Rule 12 to the committee on State Administration and Regulatory Oversight.

Engrossed Bill.

An engrossed Bill relative to newborn pulse oximetry screenings for congenital heart defects (see Senate, No. 1919, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the city of Fall River to use certain park land for combined sewer overflow control (see Senate, No. 1851) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, 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, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-two minutes before three o'clock P.M., as follows, to wit (*yeas 36 - nays 0*) [**Yeas and Nays No. 253**]:

YEAS.

| | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Joyce, Brian A. |
| Brewer, Stephen M. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Thomas P. |
| Candaras, Gale D. | Lovely, Joan B. |
| 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.

Spilka, Karen E.

Forry, Linda Dorcena

Tarr, Bruce E.

Hedlund, Robert L.

Timilty, James E.

Humason, Donald F., Jr.

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – **36.**

NAYS – 0.

ABSENT OR NOT VOTING.

McGee, Thomas M.

Rush, Michael F. – **2.**

The yeas and nays having been completed at seventeen minutes before three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the town of Stoneham to create a special fund for railroad right of way proceeds (House, No. 3743);

Establishing a board of water and sewer commissioners in the city of Newburyport (House, No. 3823); and

Eliminating the board of public works of the town of Acushnet (House, No. 3834);

Were severally read a second time and ordered to a third reading.

The Senate Bill improving drinking water and wastewater infrastructure (Senate, No. 1947),-- **was read a second time.**

The pending amendment, previously recommended by the committee on Bonding, Capital Expenditures and State Assets, that the bill be amended by substituting a new draft with the same title (Senate, No. 2013) was considered; and, it was rejected.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means substituting a new draft with the same title (Senate, No. 2016),-- was considered.

After remarks, Mr. Michael O. Moore and Ms. Chandler moved to amend the proposed new draft in section 15, by adding the following sentence:- “An equivalent amount of funding shall be appropriated to reimburse non-MWRA communities and districts for their costs incurred to rehabilitate collection systems and reduce inflow and infiltration tributary to their respective wastewater treatment facilities.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seventeen minutes past three o'clock P.M., on motion of Mr. Michael O. Moore, as follows, to wit (*yeas 19 — nays 17*) [**Yeas and Nays No. 254**]:

YEAS.

Barrett, Michael J.

Moore, Michael O.

Candaras, Gale D.

Moore, Richard T.

Chandler, Harriette L.

O'Connor Ives, Kathleen

Donoghue, Eileen M.

Pacheco, Marc R.

Downing, Benjamin B.

Rodrigues, Michael J.

Finegold, Barry R.

Ross, Richard J.

Hedlund, Robert L.

Tarr, Bruce E.

Humason, Donald F., Jr.

Timilty, James E.

Kennedy, Thomas P.

Welch, James T. – **19.**

Montigny, Mark C.

NAYS.

Brewer, Stephen M.

Jehlen, Patricia D.

Brownsberger, William N.

Joyce, Brian A.

Chang-Diaz, Sonia

Keenan, John F.

Creem, Cynthia Stone

Lovely, Joan B.

DiDomenico, Sal N.

Petrucelli, Anthony

Donnelly, Kenneth J.

Rosenberg, Stanley C.

Eldridge, James B.

Spilka, Karen E.

Flanagan, Jennifer L.

Wolf, Daniel A. – **17.**

Forry, Linda Dorcena

ABSENT OR NOT VOTING.

McGee, Thomas M.

Rush, Michael F. – **2.**

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

Messrs. Kennedy and Finegold moved that the proposed new draft be amended by inserting in Section 15 the following new section:-

“(x) The department shall establish a irrigation contractor registration system, consisting of a stakeholder board with the authority to (i) issue and deliver certificates of registration to approved applicants who meet board approved industry related education, training, and professional requirements; (ii) establish continuing education standards and requirements for renewal of irrigation contractor certificates (iii) issue, and maintain a roster of, irrigation contracting business permits to approved business applicants who meet reasonable insurance criteria and employs at least one registered irrigation contractor; (iv) require the payment of a

reasonable fee for certificates of registration and business permits; (v) suspend or revoke registration and business permits. The stakeholder board shall be established within one year of effective date of this act. Requirements for registration and business permits shall begin no later than 1 year from the establishment of the stakeholder board.”
The amendment was *rejected*.

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

“Section X. Notwithstanding any special or general law to the contrary, there is established a Water Infrastructure Advisory Council, which shall serve as a forum for focusing on the Commonwealth’s water infrastructure systems. The council shall:

(1) consider the recommendations of the Water Infrastructure Finance Commission and evaluate opportunities for implementation of the same;

(2) make recommendations relative to the implementation of newly passed laws impacting water infrastructure;

(3) make recommendations to promote uniformity of water infrastructure policies;

(4) encourage the coordination of the state’s efforts to oversee investment in the Commonwealth’s water infrastructure;

(5) consider and make recommendations concerning any other water infrastructure matter deemed relevant by the council.

The Water Infrastructure Advisory Council shall consist of the following voting members: the Commissioner of the Department of Environmental Protection or his designee, the Secretary of Executive Office of Administration and Finance or his designee, the Executive Director of the Clean Water Trust or his designee, the house and senate chairs of the Joint Committee on Environment, Natural Resources and Agriculture, a representative from each of the following nine types of organizations: a regional water authority, a water infrastructure industry organization, a municipal organization, a commercial real estate development organization, an environmental organization, a business organization, a tax policy organization, a construction industry organization and an engineering organization. Each of the members shall be an expert or shall have experience in the field of law or public policy, water, wastewater or storm water planning, design and construction of water, wastewater or storm water projects, utility management, management consulting or organizational finance. The council shall elect a chairman, at the initial meeting of the committee, from its members who shall serve for a period co-terminus with the Governor. The chairman, or his/her designee, shall be responsible to organize each meeting, notify the members, formulate the agenda, provide a copy of the minutes following the meeting and such other duties as may be required.

The council shall only make recommendations or take actions by a majority vote of all members present and voting. The council may make recommendations as the council deems appropriate to the Governor, the General Court or any related state agencies.

The council shall convene a meeting no less than two times per year.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-four minutes past three o’clock P.M., on motion of Mr. Ross, as follows, to wit (*yeas 7 — nays 29*) [**Yeas and Nays No. 255**]:

YEAS.

Hedlund, Robert L.

Ross, Richard J.

Humason, Donald F., Jr.

Tarr, Bruce E.

Moore, Michael O.

Timilty, James E. — 7.

Pacheco, Marc R.

NAYS.

Barrett, Michael J.

Jehlen, Patricia D.

Brewer, Stephen M.

Joyce, Brian A.

Brownsberger, William N.

Keenan, John F.

Candaras, Gale D.

Kennedy, Thomas P.

Chandler, Harriette L.

Lovely, Joan B.

| | |
|-----------------------|------------------------------|
| Chang-Diaz, Sonia | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Richard T. |
| DiDomenico, Sal N. | O'Connor Ives, Kathleen |
| Donnelly, Kenneth J. | Petrucelli, Anthony |
| Donoghue, Eileen M. | Rodrigues, Michael J. |
| Downing, Benjamin B. | Rosenberg, Stanley C. |
| Eldridge, James B. | Spilka, Karen E. |
| Finegold, Barry R. | Welch, James T. |
| Flanagan, Jennifer L. | Wolf, Daniel A. – 29. |
| Forry, Linda Dorcena | |

ABSENT OR NOT VOTING.

| | |
|------------------|------------------------------|
| McGee, Thomas M. | Rush, Michael F. – 2. |
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The yeas and nays having been completed at twenty-six minutes past three o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by striking in line 171 the following words: - "equal to" and inserting in place thereof the following words:- "up to".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes before four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 6 — nays 30*) [**Yeas and Nays No. 256**]:

YEAS.

| | |
|-------------------------|-----------------------------|
| Finegold, Barry R. | Ross, Richard J. |
| Hedlund, Robert L. | Tarr, Bruce E. |
| Humason, Donald F., Jr. | Wolf, Daniel A. – 6. |

NAYS.

| | |
|--------------------------|--------------------|
| Barrett, Michael J. | Joyce, Brian A. |
| Brewer, Stephen M. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Thomas P. |

| | |
|------------------------|------------------------------|
| Candaras, Gale D. | Lovely, Joan B. |
| 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. |
| Flanagan, Jennifer L. | Spilka, Karen E. |
| Forry, Linda Dorcena | Timilty, James E. |
| Jehlen, Patricia D. | Welch, James T. – 30. |

ABSENT OR NOT VOTING.

| | |
|------------------|------------------------------|
| McGee, Thomas M. | Rush, Michael F. – 2. |
|------------------|------------------------------|

The yeas and nays having been completed at twenty minutes before four o'clock P.M., the amendment was *rejected*.

Ms. Jehlen moved that the proposed new draft be amended by inserting the following section:-

“SECTION XX. Notwithstanding any general or special law or regulation to the contrary, a special commission, hereafter referred to as the Mystic River Watershed Water Quality Commission, is hereby established for the purpose of making an investigation and study relative to improving the conditions necessary to, and determining the feasibility of, bringing the water quality in the Mystic River watershed to a level that supports fishing, boating, swimming and wildlife.

Definitions:

The following words as used in this chapter shall, unless a different meaning is plainly required by the context or specifically prescribed, have the following meanings:

(1) ‘The Mystic River watershed’, includes, but is not limited to: the Mystic River, the Upper and Lower Mystic Lakes, the Aberjona River, Horn Pond, Horn Pond Brook, Mill Brook, Alewife brook and its tributaries, Winter Brook, the Malden River, Chelsea Creek, Island End River and Belle Isle Marsh.

(2) ‘Contact recreational potential’, shall mean swimming, kayaking, canoeing, rowing, boating, fishing, bird and wildlife viewing.

While the water quality of the Mystic River watershed has improved, and is often good, the existence of contaminated sediments and waterborne pollutants make the development of the contact recreational potential of the Mystic River watershed problematic, therefore:

The Mystic River Watershed Water Quality Commission shall study the water quality of the Mystic River watershed including, but not limited to:

(a) the collection of existing data concerning sediment volume and quality;

(b) identification of additional data, technologies, and engineering or environmental solutions necessary, with an estimate of the approximate cost, to determine where removal of toxic sediments from the Mystic River watershed would be appropriate;

- (c) the collection of existing data concerning bacteria, viruses, toxins, turbidity, dissolved oxygen, and all other water quality and environmental parameters that may affect human exposure to water within the Mystic River watershed;
- (d) the collection of existing data concerning water flow, flooding, and wet-weather discharges, including but not limited to the impacts of sanitary sewer overflows (SSO) and combined sewage overflows (CSO), and an evaluation of their impact on water quality, and an evaluation of human exposure to such waterborne sewage and toxics, and identification of additional data, various technologies, engineering or environmental solutions necessary, with an estimate of the approximate cost to reduce such discharges into the waters of the Mystic River watershed during flooding events;
- (e) the collection of existing data on water flow and flooding and the collection of existing data concerning the impacts of flooding and flood waters on the water quality of the Mystic River watershed, including, but not limited to the impacts of upstream flood mitigation on downstream communities, and operation of the Amelia Earhart dam;
- (f) identification of sites for the development of public access including swimming and boating areas within the Mystic River watershed, taking into account current uses, public transportation, and any environmental factors, including current port uses;
- (g) collection of existing data concerning the impacts of water quality on fish and other aquatic and marine life, including, but not limited to fish, shell fish, crustaceans, birds, mammals and aquatic plants; this shall include data on the reproductive success of anadromous and catadromous species as well as those species whose entire lifespan occurs within the waters of the Mystic River watershed;
- (h) identification of additional data, technologies, and engineering or environmental solutions necessary, with an estimate of the approximate cost, to improve water quality that may impact fish, birds, mammals and other aquatic and marine organisms found in and around the Mystic River watershed;
- (i) identification of lands and waters within the watershed that may be preserved or restored for the purpose of preserving and increasing biodiversity and viewing fish, wildlife and birds.

The Mystic River Watershed Water Quality Commission shall be co-chaired by the house and senate chairs of the joint committee on environment, natural resources and agriculture, and consist of:

- 1 member of the house of representatives appointed by the speaker of the house;
- 1 member of the senate appointed by the senate president;
- 1 member appointed by the senate minority leader;
- 1 member appointed by the house minority leader;
- 1 representative of the Environmental Protection Agency selected by the Governor from 3 nominations recommended by the Environmental Protection Agency
- 1 representative from the department of conservation and recreation;
- 1 representative from the department of environmental protection;
- 1 representative from the Massachusetts Water Resources Authority appointed by the secretary of environmental affairs from 3 recommendations made by the Massachusetts Water Resources Authority;
- 1 environmental water quality expert from a college or university appointed by the Secretary of the Executive Office of Energy and Environmental Affairs;
- 1 representative of the division of fisheries and wildlife;
- 1 representative from the environmental justice communities in the Mystic River watershed, appointed by the Secretary of the Executive Office of Energy and Environmental Affairs;
- and 1 representative from the Mystic River Watershed Association appointed by the Secretary of Energy and Environmental Affairs from 3 recommendations from the Mystic River Watershed Association.

All members shall serve without compensation for service on the commission. Said commission may consult individuals and entities outside of its membership for research, advice, support and other functions necessary and appropriate to accomplish the commission's objectives. Said commission shall submit a report, including legislative recommendations, if any, to the joint committee on environment, natural resources and agriculture and the house and senate committees on ways and means by February 1, 2012."

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting in line 64 after the word "Authority" the following words:- "or to a local governmental unit or regional local governmental unit that has joined the Authority or any other regional system for wastewater, drinking water or for both wastewater and drinking water on or after January 1, 2004".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at a quarter before four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 6 — nays 30*) [**Yeas and Nays No. 257**]:

YEAS.

Hedlund, Robert L.

Ross, Richard J.

Humason, Donald F., Jr.

Tarr, Bruce E.

Moore, Michael O.

Timilty, James E. – 6.

NAYS.

Barrett, Michael J.

Jehlen, Patricia D.

Brewer, Stephen M.

Joyce, Brian A.

Brownsberger, William N.

Keenan, John F.

Candaras, Gale D.

Kennedy, Thomas P.

Chandler, Harriette L.

Lovely, Joan B.

Chang-Diaz, Sonia

Montigny, Mark C.

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.

Spilka, Karen E.

Flanagan, Jennifer L.

Welch, James T.

Forry, Linda Dorcena

Wolf, Daniel A. – 30.

ABSENT OR NOT VOTING.

McGee, Thomas M.

Rush, Michael F. – 2.

The yeas and nays having been completed at twelve minutes before four o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by striking in line 202 the words "nutrient enrichment" and inserting in place thereof the following words:- "contamination".

The amendment was *rejected*.

Mr. Michael O. Moore moved that the proposed new draft be amended by inserting after section ____, the following new section:- "SECTION _____. (a) Not later than October 1 of every year, the department of environmental protection, in consultation with the Clean Water Trust, shall hold a public hearing relative to the condition and needs of the Commonwealth's water infrastructure systems.

(b) Public notice of any hearing shall be provided at least 60 days in advance.

(c) The department shall identify as witnesses for the public hearing a representative sample of interested organizations, government agencies, municipalities and regional water authorities, including, but not limited to: (i) at least three municipalities; (ii) at least two regional water authorities; (iii) the executive director of the Clean Water Trust or his designee; (iv) a representative of a business organization or commercial or real estate development organization; (v) a representative of an environmental organization with expertise in water quality and infrastructure; (vi) a representative of an organization representing water work professionals and (iv) the secretary of the executive office of administration and finance or his designee.

(d) The department shall compile an annual report addressing the condition of the Commonwealth's water infrastructure systems. In addition, the report shall address the Commonwealth's progress in addressing the areas of need and concern as identified in the report issued by the Massachusetts Water Infrastructure Finance Commission. The report shall be submitted to the chairs of the house and senate committees on ways and means and the chairs of the joint committee on the environment and natural resources and shall be published and available to the public not later than December 31 of each year. The report shall include any legislative language necessary to implement the report's recommendations."

The amendment was *rejected*.

Messrs. Tarr and Wolf moved that the proposed new draft be amended in section 21, in proposed subsection (e) of section 6 of chapter 29C of the General Laws, by striking out clause (vi) and inserting in place thereof the following clause:-

"(vi) the project is intended to provide public water supply to consumers whose groundwater or public or private wells are impacted by contamination;"

The amendment was **adopted**.

Mr. Joyce moved that the proposed new draft be amended by inserting the following section:-

"SECTION __. The department of environmental protection, in consultation with the Massachusetts Clean Water Trust established in chapter 29C, may develop and administer a matching grant program for the purpose of assisting local and regional governmental units with projects eligible for assistance under section 6 of Chapter 29C."

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by striking lines 391 to 421 inclusive and inserting in place thereof the following words:-

"Section 16G. The department may approve a new or modified discharge of wastewater from a POTW to an ocean sanctuary only when clauses 1 through 10, inclusive are met:

(1) The new or modified discharge shall be consistent with the intent and purpose of the act. Any discharge shall meet the water quality standards of the receiving water body and the standards of the act to protect the appearance, ecology and marine resources of the waters of the sanctuary.

(2) The new or modified discharge shall meet the United States Environmental Protection Agency's approved TMDL, if any, on the receiving water body.

(3) The applicant shall have adopted and implemented a plan approved by the department requiring the pretreatment of all commercial and industrial wastes discharged to the POTW.

(4) The applicant shall have adopted and implemented a program for water conservation according to the guidelines established by the water resources commission.

(5) The applicant shall have adopted and implemented a plan, approved by the department, to control and minimize inflow and infiltration.

(6) The applicant shall have adopted and implemented a plan, approved by the department, to control any combined sewer overflows.

(7) The new or modified discharge shall not significantly affect the quality or quantity of existing or proposed water supplies by reducing ground or surface water replenishment.

(8) The new or modified discharge is consistent with the policies and plans of the Massachusetts coastal zone management program.

(9) The new or modified discharge and treatment plan are consistent with all applicable federal, state and local laws, ordinances, by-laws, rules and regulations protecting the environment, including but not limited to, the requirements of chapters 21, 91, 130 and 131.

(10) The proposed discharge and outfall structure will not adversely impact marine fisheries or interfere with fishing grounds or the normal operation of fishing vessels.

Provided, however, in addition to meeting the requirements in clauses 1 through 10, inclusive, of this section, that new discharges in the Cape and Islands Ocean Sanctuary, the Cape Cod Ocean Sanctuary and the Cape Cod Bay Ocean Sanctuary shall receive advanced treatment, disinfection and such other treatment to remove nutrients, pathogens or other pollutants to avoid degradation of the ecology, appearance and marine resources of the designated sanctuary and to meet water quality standards and any applicable TMDLs. Chlorinated disinfection shall not occur unless it is followed by dechlorination prior to discharge."

The amendment was **adopted**.

Mr. Brownsberger moved to amend the proposed new draft in section 8, in line 64, by inserting after the word "Authority" the following words:- "and has submitted to the department a community or regional smart growth plan consistent with the goals of the Commonwealth's Sustainable Development Principles and the Global Warming Solutions Act. The relevant regional

planning agency or regional planning agencies shall have an opportunity to comment on said smart growth plan after submission to the department”.

The amendment was *rejected*.

Mr. Michael O. Moore moved that the proposed new draft be amended by inserting after section ____, the following new section:-
“SECTION _____. Chapter 33 of the Acts of 1998 is hereby amended by striking Section 14 in its entirety and replacing it with the following:

Section 14. All contracts made by the board of sewer commissioners shall be made in the name of the district and shall be signed by the board of sewer commissioners. The board of sewer commissioners shall have the authority to acquire, merge, consolidate, partner, combine, organize, reorganize, associate or otherwise join together or act in concert with any municipality, district, governmental unit or any other form of governmental body, company, or other entity under any form of agreement, contract, compact, consent or accord, including, without limitation, an intermunicipal agreement under section 4A of chapter 40 of the General Laws, for any and all purposes which would further the interest of the inhabitants of the district, as those interests may be determined by the board of sewer commissioners.”

After remarks, the amendment was **adopted**

Mr. Joyce moved that the proposed new draft be amended by inserting the following section:-

“SECTION _____. The comptroller shall transfer \$250,000 from the General Fund to the Department of Conservation and Recreation to assist with water and other operational and capital costs at the Blue Hills Ski Area.”

The amendment was *rejected*.

Mr. Rodrigues moved that the proposed new draft be amended in section 2A, in item 2200-0135, by striking out the figure “\$1,500,000” and inserting in place thereof the following figure:- “\$3,000,000”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at three minutes before four o’clock P.M., on motion of Mr. Humason, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 258**]:

YEAS.

| | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Joyce, Brian A. |
| Brewer, Stephen M. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Thomas P. |
| Candaras, Gale D. | Lovely, Joan B. |
| 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.

Spilka, Karen E.

Forry, Linda Dorcena

Tarr, Bruce E.

Hedlund, Robert L.

Timilty, James E.

Humason, Donald F., Jr.

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – **36.**

NAYS – 0.

ABSENT OR NOT VOTING.

McGee, Thomas M.

Rush, Michael F. – **2.**

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

Mr. Rodrigues moved that the proposed new draft be amended by inserting, after section 6, the following section:-
“SECTION __. Said section 31 of said chapter 21, as so appearing, is hereby further amended by striking, in line 5, the word ‘fifteen’ and inserting in place thereof the following word:- thirty.”

The amendment was **adopted.**

Ms. Jehlen moved that the proposed new draft be amended in section 6, in line 45, by inserting after the word “entity” the following words:- “including regional planning agencies”.

The amendment was **adopted.**

Mr. Tarr moved that the proposed new draft be amended by inserting after section 10 the following 2 sections:-

“SECTION __. Chapter 21G is hereby amended by after section 20 the following 2 new sections:-

Section 21. (a) There shall be a water leak classification standard in the commonwealth for all public water systems.

(b) All reported water leaks shall be graded using the following system:

(1) Grade 1. A leak that is hazardous or potentially hazardous to persons or property, or has led or could lead to significant water loss. A grade 1 leak requires repair and continuous action until the conditions are no longer hazardous. A public water system shall schedule repairs immediately and shall keep the grade 1 leak under continuous surveillance until the hazard or source of the leak is eliminated. A public water system shall immediately notify the fire department and chief law enforcement officer in each city or town where a hazardous or potentially hazardous grade 1 leak is identified.

(2) Grade 2. A leak that is non-hazardous to persons or property, or has led or could lead to intermediate water loss, at the time of detection but justifies scheduled repair because of a potential future hazard or water loss. A public water system shall repair grade 2 leaks within 12 months from the date the grade 2 leak was detected. The frequency of reevaluation shall be determined by the location and magnitude of the leak, but shall be reevaluated by the public water system at least once every 6 months until eliminated.

(3) Grade 3. A leak that is non-hazardous, or has led or could lead to minor water loss, at the time of detection and can be reasonably expected to remain non-hazardous. Grade 3 leaks shall be reevaluated during the next scheduled survey or within 15 months of the last evaluation date, whichever occurs first, until the grade 3 leak is eliminated or the main is replaced.

(c) Each public water system shall report annually to the department, as part of the annual statement of withdrawal, the following information: (i) the location of each grade 1, grade 2 and grade 3 leak that has been classified by the public water system; (ii) the date each grade 1, grade 2 and grade 3 leak was classified; and (iii) the date of repair performed on each grade 1, grade 2 and grade 3 leak.

(d) A public water system shall not downgrade a grade 1 or grade 2 leak unless the leak is repaired.

(e) The department shall make water leak information required by subsection (c) available, upon request, to any municipal or state public safety official or any member of the General Court.

(f) The department shall promulgate regulations necessary to implement the uniform leak classification standards, as specified in this section, and shall continue to oversee and monitor public water systems’ responses and reporting.

(g) Public water systems may establish procedures that exceed the minimum uniform procedures established by the department. The department shall file a report of the findings, not later than January 1, 2014, with the clerks of the house of representatives and the senate, who shall forward a copy of the report to the joint committee on environment, natural resources and agriculture.” The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting after section 2A the following new sections:-

“SECTION __. Section 8B of chapter 21 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following definition:-

‘Transfer to address stressed basins’, an interbasin transfer of water to a basin that is determined by the commission, after consultation with the department of environmental protection, to experience ecological stress from degraded stream flows from a basin that is determined by the commission not to be significantly and adversely affected by the transfer.

SECTION __. Section 8C of said chapter 21, as so appearing, is hereby amended by adding the following 3 paragraphs:-

Transfers to address stressed basins shall be exempt from the approval requirements in section 8D; provided, that the municipality requesting the transfer has received a determination of public benefit from the department of environmental protection. In requesting a public benefit determination, a municipality requesting a transfer shall demonstrate to that department which sources in the receiving basin that it will discontinue upon receipt of the transfer. If such a request is not denied within 20 business days of the date the department receives the request, it shall be deemed approved.

Operators of sources in donor basins proposing to provide water to stressed basins may request a determination in advance from the commission as to the volume of withdrawals available without affecting stream flow in the donor basin. A determination by the commission of volume available from the donor basin will be effective for 3 years from date of issuance. Proposed transfers to stressed basins below the volume established by the commission shall be deemed not to have an impact on that basin.

The commission may promulgate regulations specifying the procedures to be followed in obtaining the exemption set forth in this section.”

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended striking the following words in lines 126-128 “and to structurally reduce infiltration and inflow into the tributary to the treatment facilities owned by the authority and located on Deer Island and Nut Island” and inserting in place thereof the following:- “or to structurally reduce infiltration and inflow into the tributary to the treatment facilities owned by the authority.”

The amendment was **adopted**.

Mr. Tarr moved that the proposed new draft be amended by striking in section 49, lines 489-490, the following words:- “the practice of full cost pricing, including which direct and indirect costs shall be included in full cost pricing.”.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended in section 3 by striking, in lines 16 and 17, the words “nutrient, nitrogen and phosphorous”, and inserting in place thereof the following word:- “contamination”.

The amendment was *rejected*.

Mr. Eldridge and Ms. Jehlen moved that the proposed new draft be amended in section 21, by inserting after the word “forgiveness”, in line 222, the following words:- “ and additional financial incentives”;

In said section 21, by inserting after the word “assistance” the second time it appears, in said line 222, the following words:- “and financial incentives”;

In said section 21, in proposed subsection (e) of section 6 of chapter 29C of the General Laws, by striking out clause (iii) and inserting in place thereof the following clause:- “(iii) the project is a green infrastructure project, as defined in section 26A of chapter 21, with consideration being given to projects that effectively combine green infrastructure with wastewater infrastructure and drinking water infrastructure projects;”.

The amendment was **adopted**.

Messrs. Keenan and Hedlund moved to amend the proposed new draft in section 8, by inserting after the figure “1984”, in line 62, the following words:- “ or the entry fee established by any other regional system”;

In said section 8, by inserting after the word “Authority”, in line 64, the following words:- “or regional system”;

In said section 8, by inserting after the word “Authority”, in line 65, the following words:- “or regional system”; and

In said section 8, by adding the following paragraph:- “For the purpose of this section, the term ‘regional system’ shall include any system established by mutual agreement of two or more municipalities to provide drinking water or wastewater services, or both, through shared facilities, sources or distribution networks.”

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

Messrs. Joyce, Pacheco and Finegold moved that the proposed new draft be amended by inserting the following section:-

“SECTION __. Section 11(i) of chapter 25A of the General Laws, as so appearing, is hereby amended by striking out subsection (j) and inserting in place thereof the following subsection:-

(j) Payments under a contract for energy management services may be based in whole or in part on any cost savings attributable to a reduction in energy and water consumption, or any improved system accuracy, due to the contractor’s performance or

revenues gained as a result of the contractor's services which are aimed at energy and water cost savings, to metering or related equipment, or to energy or water conservation-related improvements or equipment."

The amendment was **adopted**.

Mr. Ross moved that the proposed new draft be amended by inserting after section 51 the following section:-

"SECTION 51A. The Massachusetts Water Resources Authority, in consultation with the department of environmental protection, shall file a report regarding the matching grant program established under section 31A of chapter 21 of the General Laws with the state treasurer, the department of environmental protection, the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on the environment, natural resources and agriculture, not later than 2 years after the effective date of this act. The report shall include, but shall not be limited to: (1) the number of towns that have applied for a matching grant under said section 31A; (2) the total grant funding awarded by the department under said section 31A; and (3) the change in rates paid by members of the Massachusetts Water Resources Authority, if any."

The amendment was **adopted**.

Mr. Rodrigues moved that the proposed new draft be amended by inserting after section 24, the following section:-

"SECTION___. Said Chapter 40 is hereby amended by inserting after section 39M the following section:-

SECTION 39N. (a) Notwithstanding the provisions of chapter 59 or any other general or special law to the contrary, any city or town which accepts the provisions of this section, upon the approval by the legislative body and their acceptance by the voters of a city or town on a ballot question at the next regular municipal or state election, may impose a water infrastructure surcharge on real property at a rate up to, but not exceeding 3 per cent of the real estate tax levy against real property, as determined annually by the board of assessors. The amount of the surcharge shall not be included in a calculation of total taxes assessed for purposes of section 21C of said chapter 59.

(b) All exemptions and abatements of real property authorized by said chapter 59 or any other law for which a taxpayer qualifies as eligible shall not be affected by this section. A taxpayer receiving an exemption of real property under a clause of section 5 of chapter 59 specifically listed in section 59 of said chapter 59 shall be exempt from any surcharge on real property established under this section. The surcharge to be paid by a taxpayer receiving any other exemption or an abatement of real property authorized by said chapter 59 or any other law shall be reduced in proportion to the amount of such exemption or abatement.

(c) Any amount of the surcharge not paid by the due date shall bear interest at the rate per annum provided in section 57 of said chapter 59.

(d) A person claiming an exemption from any surcharge under subsection (b) may apply to the board of assessors, in writing, on a form approved by the commissioner of revenue, on or before December fifteenth of the year to which the tax relates, or 3 months after the date the bill or notice was sent, whichever is later. Any person aggrieved by the decision of the assessors, or by their failure to act, upon such application may appeal as provided in sections 64 to 65B, inclusive, of chapter 59. Applications for exemption under this chapter shall be open for inspection only as provided in section 60 of chapter 59.

(e) Notwithstanding the provisions of section 53 of chapter 44 or any other general or special law to the contrary, a city or town that accepts this section shall establish a separate account to be known as the Municipal Water Infrastructure Investment Fund, into which shall be deposited all monies from the surcharge collected under this section. The municipal treasurer shall be the custodian of such fund. The treasurer may invest the funds in such separate account in the manner authorized by sections 55 and 55A of chapter 44. Any interest earned thereon shall be credited to and become part of such separate account. The authority to approve expenditures from the fund shall be limited to the local legislative body and the municipal treasurer shall pay such expenses in accordance with chapter 41 of the general laws. The expenditures of revenues from the fund shall be exclusively used for maintenance, improvements and investments to municipal drinking, waste and storm water infrastructure assets.

(f) This section shall only take effect in a city or town upon the approval by the legislative body and their acceptance by the voters of a city or town on a ballot question at the next regular municipal or state election; provided, however, that the provisions of this section shall take effect on July first of the fiscal year after such acceptance, or later fiscal year as the city of town may designate.

(g) Upon acceptance of this section and upon the assessors' warrant to the tax collector, the accepted surcharged shall be imposed.

(h) After receipt of the warrant, the tax collector shall collect the surcharge in the amount and according to the computation specified in the warrant and shall pay the amounts so collected, quarterly or semi-annually, according to the schedule for collection of property taxes for the tax on real property, to the city's or town's treasurer. The tax collector shall cause appropriate books and accounts to be kept with respect to such surcharge, which shall be subject to public examination upon reasonable request from time to time.

(i) The remedies provided by chapter 60 for the collection of taxes upon real estate shall apply to the surcharge on real property pursuant to this section.

(j) A city or town that has accepted this section may revoke its acceptance, or amend the amount of the surcharge, in the same manner as they were accepted by such city or town. Any monies remaining in the fund upon revocation shall be expended in a manner consistent with this section. A city or town that has accepted this section may revoke its acceptance or amend the amount of the surcharge in the same manner as it was accepted by such city or town under this section; provided, however, that it may not amend the applicable surcharge rate more often than once in any 12 month period."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven past four o'clock P.M., on motion of Mr. Humason, as follows, to wit (*yeas 31 — nays 5*) [**Yeas and Nays No. 259**]:

YEAS.

| | |
|--------------------------|------------------------------|
| Barrett, Michael J. | Joyce, Brian A. |
| Brewer, Stephen M. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Thomas P. |
| Candaras, Gale D. | Lovely, Joan B. |
| 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. | Spilka, Karen E. |
| Flanagan, Jennifer L. | Welch, James T. |
| Forry, Linda Dorcena | Wolf, Daniel A. – 31. |
| Jehlen, Patricia D. | |

NAYS.

| | |
|-------------------------|-------------------------------|
| Hedlund, Robert L. | Tarr, Bruce E. |
| Humason, Donald F., Jr. | Timilty, James E. – 5. |
| Ross, Richard J. | |

ABSENT OR NOT VOTING.

The yeas and nays having been completed at ten minutes past four o'clock P.M., the amendment was **adopted**.

Mr. Tarr moved that the proposed new draft be amended by striking in section 10, lines 85-87, the following words:- “include a requirement that system interruption devices be inspected at least every 3 years by an irrigation contractor certified and in good standing with a nationally recognized association; and (iii)”; and in said section 10, line 85, by inserting after the word “practice;” the following word: “and”.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended in section 3, in line 28, by inserting after the word “channels;” the following words:-“the development of renewable energy uses, including, but not limited to, the installation of solar panels;” and in said section 3, in line 34, by striking the word “shall” and inserting in place thereof the following word:- “may”.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended in section 3, in line 28, by inserting after the word “channels;” the following words:- “assisting a public entity with the removal, curtailment or mitigation of infiltration and inflow issues;”.

The amendment was **adopted**.

Ms. Candaras and Messrs. Welch, Downing, and Humason moved that the proposed new draft be amended in section 8, by inserting after the word “system”, in line, 58, the following words:- “or enter into a contract with any entity”;

In said section 8, by striking out, in line 62, the words “. The department” and inserting in place thereof the following words:- “or an entity. The department”;

In said section 8, by striking out, in line 64, the word “. Should” and inserting in place thereof the following words:- “or entity. Should”; and

In said section 8, by striking out, in line 65, the word “after” and inserting in place thereof the following words:- “or entity after”.

The amendment was **adopted**.

Mr. Rosenberg moved that the proposed new draft be amended by inserting the following new section:-

“SECTION X. Said section 31 of said chapter 21, as so appearing, is hereby further amended by inserting after the first sentence the following:- The division may accept and shall give preference to planning and technical grants applied for jointly by two or more public entities.”

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

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

“SECTION __. Section 1 of chapter 29C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking the definition of ‘eligible borrower’, in lines 35-40, inclusive, and inserting in place thereof the following definition:- ‘Eligible borrower’, with respect to a water pollution abatement project, a local governmental unit authorized to own, operate, finance or otherwise implement such water pollution abatement projects, or an industrial user or group of industrial users engaged in fish and agricultural processing, or a district organized for such purpose, including a community development corporation, for the costs associated with conducting sewerage pre-treatment and, with respect to a drinking water project, a local governmental unit or any other person, public or private, authorized to own, operate, finance or otherwise implement such drinking water project.”

The amendment was *rejected*.

Mr. Wolf moved to amend the proposed new draft by inserting in line 10, after “2015,” the following: “provided further, the department shall develop a watershed permitting approach to address nitrogen management measures and the department shall report to the Joint Committee on Environment, Natural Resources & Agriculture by July 31, 2015 on any statutory changes it deems necessary to fully implement said watershed permitting approach”.

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

Ms. O'Connor Ives moved that the proposed new draft be amended by adding the following item:

“SECTION XX. Section 43 of chapter 21 of the general laws is hereby amended by inserting the following paragraph (11):

(i) Definitions

‘Hydraulic fracturing’ shall mean a stimulation technique for the extraction of natural gas involving the pumping of hydraulic fracturing fluid, possibly with a proppant, into a shale formation to create fractures to increase formation permeability and productivity.

‘Class II injection wells’ shall mean wells used to inject fluids:

(a) which are brought to the surface in connection with oil or natural gas production and that may be commingled with wastewater from gas plants as an integral part of production operations, unless those waters are classified as hazardous waste at the time of injection;

(b) for enhanced recovery of oil or natural gas; and

(c) for storage of hydrocarbons that are liquid at standard temperature and pressure.

'Toxic chemicals' shall mean

(1) chemicals that the federal Environmental Protection Agency deems reportable pursuant to the Toxic Release Inventory program established under the federal Emergency Planning and Community Right-to-Know Act of 1986 and the federal Pollution Prevention Act of 1990, all as may be from time to time amended;

(2) chemicals known to cause or that can reasonably be anticipated to cause in humans (i) cancer or teratogenic effects, or (ii) serious or irreversible reproductive dysfunctions, neurological disorders, heritable genetic mutations, or other chronic health effects;

(3) chemicals known to cause or that can reasonably be anticipated to cause significant adverse acute human health effects at concentration levels that are reasonably likely to exist within or beyond drilling site boundaries as a result of repeated or frequently recurring fluid injections or releases.

(4) chemicals known to cause or can be reasonably anticipated to cause a significant adverse effect on the environment; and

(5) any other persistent, bioaccumulative, carcinogenic, or toxic chemicals, including but not limited to methanol, ethylene glycol, diesel, naphthalene, xylene, hydrogen chloride (hydrochloric acid), toluene, ethylbenzene, diethanolamine, formaldehyde, sulfuric acid, thiourea, benzyl chloride, cumene, nitrilotriacetic acid, dimethyl formamide, phenol, benzene, di (2-ethylhexyl) phthalate, acrylamide, hydrogen fluoride (hydrofluoric acid), phthalic anhydride, acetaldehyde, acetophenone, copper, ethylene oxide, lead, propylene oxide, and p-xylene.

(ii) No person shall construct, install, operate, or maintain a Class II injection well in connection with hydraulic fracturing.

(iii) No person shall use toxic chemicals in connection with the extraction of natural gas."

The amendment was *rejected*.

Mr. Eldridge moved that the proposed new draft be amended by adding the following section:-

"Section XX. Notwithstanding any general or special law to the contrary, the department of environmental protection, in consultation with the Massachusetts Clean Water Trust, shall evaluate the loan and financial application process for towns with not more than 10,000 inhabitants to determine if greater efficiencies and cost reductions can be achieved in the application process without compromising the accountability for the financial assistance offered. The department shall submit its findings, together with any legislative recommendations, to the clerks of the senate and house of representatives and to the joint committee on Environment, Natural Resources and Agriculture not later than June 15, 2015."

The amendment was **adopted**.

Ms. Chandler and Mr. Michael O. Moore moved to amend the proposed new draft in section 49, by inserting after the word "Laws," in line 487, the following words:- "and with input from a stakeholder group including representatives of municipal and district drinking water, wastewater and stormwater systems, financial managers of such systems and environmental organizations,".

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

Mr. Tarr moved that the proposed new draft be amended by inserting in line 306 after the word "fee" the follow words:-

"Provided, however, that any person subject to a fee established by this Section who installs, or has installed within the twelve months prior to passage of this Act, any low flow fixtures or water efficient appliances may receive up to a 25 per cent reduction in said fee, as determined by the applicable city, town, water district, wastewater district, stormwater utility or statutory authority created to operate a water distribution or wastewater collection system or stormwater system".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-six past four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 260**]:

YEAS.

Barrett, Michael J.

Joyce, Brian A.

Brewer, Stephen M.

Keenan, John F.

Brownsberger, William N.

Kennedy, Thomas P.

Candaras, Gale D.

Lovely, Joan B.

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. | Spilka, Karen E. |
| Forry, Linda Dorcena | Tarr, Bruce E. |
| Hedlund, Robert L. | Timilty, James E. |
| Humason, Donald F., Jr. | Welch, James T. |
| Jehlen, Patricia D. | Wolf, Daniel A. – 36. |

NAYS – 0.

ABSENT OR NOT VOTING.

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| McGee, Thomas M. | Rush, Michael F. – 2. |
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The yeas and nays having been completed at twenty-eight minutes past four o'clock P.M., the amendment was **adopted.**

Mr. Tarr moved that the proposed new draft be amended by inserting in line 284 after the word "may" the following words:- " , subject to a vote by the city council and approval of the mayor, in a town by a vote of the town meeting, or by a vote of the governing body of any water district, or wastewater district as defined in section 1A of Chapter 40, for any municipality or districts that accepts this section,".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-nine before five o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 31 — nays 5*) [**Yeas and Nays No. 261**]:

YEAS.

| | |
|---------------------|--------------------|
| Barrett, Michael J. | Kennedy, Thomas P. |
| Brewer, Stephen M. | Lovely, Joan B. |

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|-------------------------|------------------------------|
| Candaras, Gale D. | Montigny, Mark C. |
| Chandler, Harriette L. | Moore, Michael O. |
| Chang-Diaz, Sonia | Moore, Richard T. |
| Creem, Cynthia Stone | O'Connor Ives, Kathleen |
| DiDomenico, Sal N. | 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. | Spilka, Karen E. |
| Forry, Linda Dorcena | Tarr, Bruce E. |
| Hedlund, Robert L. | Welch, James T. |
| Humason, Donald F., Jr. | Wolf, Daniel A. – 31. |
| Joyce, Brian A. | |

NAYS.

| | |
|--------------------------|-------------------------------|
| Brownsberger, William N. | Keenan, John F. |
| Donnelly, Kenneth J. | Timilty, James E. – 5. |
| Jehlen, Patricia D. | |

ABSENT OR NOT VOTING.

| | |
|------------------|------------------------------|
| McGee, Thomas M. | Rush, Michael F. – 2. |
|------------------|------------------------------|

The yeas and nays having been completed at twenty-six minutes before five o'clock P.M., the amendment was **adopted**.

Mr. Brewer moved that the proposed new draft be amended by inserting after the word "channels;"; in line 28, the following words:- "energy and water efficiency, renewable energy"; and by striking out, in line 49, the words " , as defined in section 26A, ". After remarks, the amendment was **adopted**.

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

The bill (Senate, No. 2016, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-three minutes before five o'clock P.M., on motion of Mr. Brewer, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 262**]:

YEAS.

| | |
|--------------------------|------------------------------|
| Barrett, Michael J. | Keenan, John F. |
| Brewer, Stephen M. | Kennedy, Thomas P. |
| Brownsberger, William N. | Lovely, Joan B. |
| Candaras, Gale D. | Montigny, Mark C. |
| Chandler, Harriette L. | Moore, Michael O. |
| Chang-Diaz, Sonia | Moore, Richard T. |
| Creem, Cynthia Stone | Murray, Therese |
| 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. | Spilka, Karen E. |
| Forry, Linda Dorcena | Tarr, Bruce E. |
| Hedlund, Robert L. | Timilty, James E. |
| Humason, Donald F., Jr. | Welch, James T. |
| Jehlen, Patricia D. | Wolf, Daniel A. — 37. |
| Joyce, Brian A. | |

NAYS — 0.

ABSENT OR NOT VOTING.

McGee, Thomas M.

Rush, Michael F. – 2.

The yeas and nays having been completed at twenty minutes before five o'clock P.M., the bill was passed to be engrossed. [For text of Senate bill, see Senate, No. 2021, printed as amended.] Sent to the House for concurrence.

Order Adopted.

On motion of Ms. Spilka--

Ordered, that when the Senate adjourns today, it adjourn to meet again on Monday 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 Michael McDaniel, Jr.

The Senator from Middlesex and Norfolk, Ms. Spilka and the Senator from Norfolk, Bristol and Middlesex, Mr. Ross moved that when the Senate adjourns today it adjourn in memory of Michael McDaniel, Jr. of Natick.

Mr. McDaniel died tragically on February 4, 2014 at age 48 in an accident during his work for the Town of Natick Public Works Department.

A lifelong resident of Natick, Michael was a devoted husband, a loving father, and a cherished son. Michael McDaniel, Jr. will also be missed by his extended family and friends, and remembered as a hardworking and well respected member of his community.

Accordingly, as a mark of respect in memory of Michael McDaniel, Jr., at nineteen minutes before five o'clock P.M., on motion of Ms. Spilka, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.