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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, June 20, 2013.

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

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Keenan for the purpose of an introduction. Mr. Keenan then introduced, in the Gallery, Frankie and Tracy Chen from Melbourne, Australia and Anna Lee from New York. The Senate welcomed them with applause and they withdrew from the Chamber. They were accompanied by Representative Takey Chan.

Petitions.

Petitions were severally presented and referred, as follows:

By Mr. Downing, a petition (accompanied by bill, Senate, No. 1803) of Benjamin B. Downing, Tricia Farley-Bouvier and Paul W. Mark (with the approval of the mayor and city council) for legislation to revise the charter for the city of Pittsfield [Local approval received]; and

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1799) of Bruce E. Tarr and Leonard Mirra (by vote of the town) for legislation relative to the board of selectmen of the town of Groveland [Local approval received];

**Severally, under Senate Rule 20, to the committee on Municipalities and Regional Government.
Severally sent to the House for concurrence.**

By Mr. Richard T. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore for legislation to prohibit a municipality or regional school district from using public funds or other public resources for the recruitment of students from outside the municipality or regional school district; and

By Mr. Rodrigues, a petition (subject to Joint Rule 12) of Michael J. Rodrigues and Paul A. Schmid, III for legislation to authorize the State Retirement Board to grant creditable service to Marion Ishimoto-Yuille;

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

PAPER FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3519) Paul McMurtry and Michael F. Rush (by vote of the town) that the town of Dedham be authorized to grant three additional licenses for the sale of all alcoholic beverages to be drunk on the premises;

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3512) of Chris Walsh and others (by vote of the town) relative to the disposal of the property known as the Nobscot Chapel in the town of Framingham;

Petition (accompanied by bill, House, No. 3518) of Paul McMurtry and Michael F. Rush (by vote of the town) that the town of

Dedham be authorized to appoint two alternate members of the conservation commission of said town; and
Petition (accompanied by bill, House, No. 3521) of Brian R. Mannal (by vote of the town) that the town of Barnstable be authorized to lease a certain parcel of land in said town;
Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3517) of Paul McMurtry and Michael F. Rush (by vote of the town) that the town of Dedham be authorized to exempt the position of deputy police chief in said town from the civil service law;
To the committee on Public Service.

Bills

Implementing the Affordable Care Act and providing further access to affordable health care (printed in House, No. 3452, amended,-- being a message from His Excellency the Governor);
Establishing a sick leave bank for Linda Barlow, an employee of the Department of Mental Health (House, No. 3468,-- on petition); and
Making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3522,-- on House, No. 3451, in part);
Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Bills

Authorizing the appointment of William M. Cowl, Jr., as a firefighter in the city of Haverhill notwithstanding the maximum age requirement (House, No. 3227,-- on petition) [Local approval received]; and
Exempting the positions of police chief and fire chief in the city of Peabody from the civil service law (House, No. 3449,-- on petition) [Local approval received];
Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Report of the committee on Public Service asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2460) of Martin J. Walsh and others for legislation relative to evaluating injury and illness data and establishing safety and health measures to protect employees of the Commonwealth,-- **and recommending that the same be referred to the committee on Labor and Workforce Development,-- was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

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 two 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 severally considered forthwith and **adopted**, as follows:-

Resolutions (filed by Ms. Chandler) "congratulating Patricia Moriarty Strong on the occasion of her retirement from the Department of Children and Families";

Resolutions (filed by Ms. Clark) "congratulating Margaret N. and Edward F. Chisholm on their fiftieth wedding anniversary";
and

Resolutions (filed by Mr. Hedlund) "congratulating Patrick Francis Doyle on his elevation to the rank of Eagle Scout."

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

June 18, 2013

The Honorable William F. Welch
Clerk of the Massachusetts State Senate
State House – Room 335
Boston, MA 02133

Dear Mr. Clerk:

I regret that I was unable to be present for roll call vote on H. 3331 "An act supplementing certain existing capital spending authorization". Had I been present I would have voted "yes". I request that my vote be recorded and a copy of this letter be entered in the journal of the Senate.

Very truly yours,
GALE D. CANDARAS
1st Hampden and Hampshire

On motion of Mr. Rosenberg, the above communication was ordered printed in the Journal of the Senate.

PAPER FROM THE HOUSE
Engrossed Bill

An engrossed Bill establishing a sick leave bank for Kristen Giunta, an employee of the Department of Correction (see House, No. 3441) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.

Report of a Committee.

By Mr. Rosenberg, for the committee on Rules of the two branches, acting concurrently, that the Senate Resolve to establish a commission to study the feasibility of hosting the Summer Olympics (Senate, No. 1623),-- **ought to pass.**
On motion of Ms. Donoghue, the resolve was 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. 3524) of Garrett J. Bradley and Robert L. Hedlund for legislation to establish a sick leave bank for Patricia A. Raftery, an employee of the Massachusetts Department of Transportation; and
Petition (accompanied by bill, House, No. 3525) of Alice Hanlon Peisch and others relative to the term of appointment of non-civil service police officers;

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

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 forthwith:

The House Bill authorizing the town of West Boylston to assess compensatory sewer privilege fees (House, No. 1870) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Report of a Committee.

Mr. Brewer, for the committee on Ways and Means, reported, on House, No. 3522, in part, a "Bill making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects" (Senate, No. 1810) [Estimated cost: \$98,703,455.00].

The bill was read.

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time, ordered to a third reading, read a third time and, after remarks, passed to be engrossed.
Sent to the House for concurrence.

PAPER FROM THE HOUSE
Engrossed Bill—State Loan.

An engrossed Bill supplementing certain existing capital spending authorizations (see House Bill, printed in House, No. 3331, amended) (which originated in the House), 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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII 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 thirteen minutes before two o'clock P.M., as follows to wit (*yeas 37 - nays 0*) [**Yeas and Nays No. 82**]:

YEAS

Barrett, Michael J.	Knapik, Michael R.
Brewer, Stephen M.	Lovely, Joan B.
Brownsberger, William N.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Clark, Katherine M.	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.
Jehlen, Patricia D.	Timilty, James
Joyce, Brian A.	Welch, James T.
Keenan, John F.	Wolf, Daniel A. – 37.
Kennedy, Thomas P.	

NAYS – 0

ABSENT OR NOT VOTING

Candaras, Gale D.	Chang-Diaz, Sonia – 2.
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The yeas and nays having been completed at ten minutes before two 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 Day were considered as follows:

Bills

Authorizing the town of Templeton to grant an additional license for the sale of all alcoholic beverages to be drunk off the premises (Senate, No. 1795);

Authorizing the town of Greenfield to grant an additional license for the sale of all alcohol beverages to be drunk on the premises (Senate, No. 1796); and

Authorizing the town of Greenfield to grant an additional license for the sale of wine and malt beverages to be drunk on the premises (Senate, No. 1797)

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

The Senate Bill encouraging low-income savings and economic opportunity (Senate, No. 19),-- **was read a second time.**

Pending the question on adoption of the pending Ways and Means new draft (Senate, No. 1805), and pending the main question on ordering the bill to a third reading, Messrs. Rodrigues, Rush and Michael O. Moore moved to amend the proposed new draft by inserting after section __, the following section:-

“SECTION __. Subsection (b) of section 21 of chapter 62C of the General Laws, as amended by sections 43 to 46, inclusive, of chapter 224 of the acts of 2012, is hereby further amended by adding the following clause:-

(27) the disclosure of tax return information for individuals or households to an agency of the commonwealth, if the agency certifies that the information is relevant to determine eligibility of those individuals or households for benefits awarded by the agency.”

After remarks, the amendment was adopted.

Ms. O'Connor Ives and Ms. Forry moved to amend the proposed new draft in section 30 by inserting at the end thereof the following: “The Department of Transitional Assistance shall consider utilizing the photograph databases of the Registry of Motor Vehicles and the Massachusetts Bay Transit Authority as a cost saving measure.”.

After remarks, the amendment was adopted.

Messrs. Tarr, Ross, Knapik and Michael O. Moore moved to amend the proposed new draft by striking section 25 and inserting in place thereof the following:-

“SECTION 25. Notwithstanding any general or special law to the contrary, the department of transitional assistance shall develop, implement and maintain a system utilizing electronic and other technology to reduce the use of paper records and documentation, and to eliminate the sole reliance on such paper records for its operations.

Such system shall facilitate efficiency and accuracy in the submission and receipt of applications and related documents and the timely verification of the information so contained and to the maximum feasible extent prevent the loss of the information and ensure its availability on a continuous basis for the functions performed by the department.

Such system shall, to the maximum extent feasible, minimize the time and resources necessary to manage information, reduce the need for the resubmission of documents, and verify the receipt of documents or information submitted. The system shall also facilitate the timely and efficient exchange of information.

The system shall be fully operational not later than 24 months following the passage of this act, provided that it may be developed and implemented in stages and that the department shall electronically submit quarterly reports to the clerks of the house and the senate on its progress; provided, however, that said reports shall identify any obstacles preventing progress, including but not limited to recourse constraints, and that the first such report shall be filed not later than September 1, 2013.”

After remarks, the amendment was adopted.

Messrs. Tarr, Rush, Ross, Knapik and Michael O. Moore moved to amend the proposed new draft by inserting after Section 3 the following section:-

SECTION 3_. Subsection (D) of section 2 of chapter 18 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following subsection:-

() providing a list of products and services of which or establishments at which purchases made with assistance from funds received under this chapter are prohibited. Said list shall be provided to an eligible individual prior to said individual receiving benefits under this chapter, receipt of which shall be evidenced by a signature.

The amendment was *rejected*.

Messrs. Tarr, Ross and Knapik moved to amend the proposed new draft by striking in line 170 the word, “or” and inserting in place thereof the following:- “and”.

After remarks, the amendment was adopted.

Mr. Downing, Ms. Forry and Messrs. Michael O. Moore, McGee and DiDomenico moved to amend the proposed new draft in section 18, by inserting, in line 369, after the word “programs” the following words:- “, adult college transition services”.

After remarks, the amendment was adopted.

Mr. Donnelly moved to amend the proposed new draft in section 8, beginning on line 182, by striking the words “Section 37. Subject to appropriation, the department shall implement a fraud risk assessment system that shall define risk and prioritize client groups based upon their risk assessment. Through the system, the department shall identify areas where increased scrutiny is warranted for high-risk client groups and shall identify ways to streamline procedures for low-risk client groups. The department shall use the most cost effective software to develop its fraud risk assessment system.”.

The amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik, Ross and Michael O. Moore moved to amend the proposed new draft by inserting after section 3 the following section:-

“SECTION 3A. Paragraph (D) of section 2 of said chapter 18, as appearing in the 2010 Official Edition, is hereby amended by adding the following clause:-

(g) the recording and tracking of blank electronic benefit cards that ensures the integrity of said cards and delineates a clear chain of custody and best practices in the shipment and custody of said cards.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twelve minutes before three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 38 – nays 0*) [**Yeas and Nays No. 83**]:

YEAS

Barrett, Michael J.	Kennedy, Thomas P.
Brewer, Stephen M.	Knapik, Michael R.
Brownsberger, William N.	Lovely, Joan B.
Chandler, Harriette L.	McGee, Thomas M.
Chang-Diaz, Sonia	Montigny, Mark C.
Clark, Katherine M.	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.

Jehlen, Patricia D.

Timilty, James

Joyce, Brian A.

Welch, James T.

Keenan, John F.

Wolf, Daniel A. – 38.

NAYS – 0

ABSENT OR NOT VOTING

Candaras, Gale D. – 1.

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

Mr. Barrett moved to amend the proposed new draft in section 4, by inserting after the words “ways and means”, in line 104, the following words:- “and the house and senate chairs of the joint committee on children, families and persons with disabilities”.

After remarks, the amendment was adopted.

Mr. Barrett and Ms. Creem moved to amend the proposed new draft in section 8, by inserting after the word “inclusive”, in line 147, the following words:- “; provided further, that the program shall not be mandatory for an applicant who is participating in a substance abuse treatment program while in a substance abuse shelter or other inpatient program”.

The amendment was adopted.

Mr. Michael O. Moore moved to amend the proposed new draft in section 30, by adding the following sentence:- “The department of transitional assistance shall work with the registry of motor vehicles to access and cross-share facial recognition data and resources for the purpose of identifying potential fraud no later than December 31, 2014. The department shall report to the bureau of special investigations, district attorney or appropriate law enforcement entities, for such action as they may deem proper, any case where there is reason to believe that fraud has been committed.”

After remarks, the amendment was adopted.

Messrs. Rush, Keenan, Welch and Timilty moved to amend the proposed new draft in section 5, by striking out, in lines 121 and 122, the words “more than \$500 for a first offense, not less than \$500 nor more than \$2,500 for a second offense and not less than \$2,500” and inserting in place thereof the following words:- “less than \$100 nor more than \$500 for a first offense, not less than \$1000 nor more than \$2,500 for a second offense and not less than \$5,000.

Upon a fourth offense within the same calendar year, the department may initiate a review of the establishment’s authorization to accept electronic bank transfer cards, and may, consistent with the severity of the offenses recorded and to the extent permitted by state and federal law, temporarily or permanently revoke the establishment’s authorization.”

After remarks, the amendment was adopted.

Messrs. Tarr, Hedlund, Knapik, Ross and Michael O. Moore moved to amend the proposed new draft by inserting after section _ the following section:-

“SECTION _ . (a) the department of transitional assistance develop a system to exclude cash access and alternatively provide benefits in the form of vendor payments, special service payments, protective payments or vouchers to not less than 10 per cent of grantees; provided, however, that said vendor payments, special service payments, protective payments or vouchers shall be issued to grantees the department determines to be most likely to be using assistance benefits against the best interest of the child or most at risk of improper or illegal use of assistance benefits. When determining grantees that shall be excluded from cash access, the department may consider any evidence it believes relevant to identifying misuse or high-risk grantees, including but not limited to the following: (i) failure to pay shelter costs, including, but not limited to, rent, heat, fuel and utilities; (ii) prior intentional program violations; (iii) evidence that the grantee is living above the means said grantee represented in his or her representations to the department; (iv) 2 or more card replacement requests; (v) fraud determinations in other state or federal benefit programs; (vi) even dollar transactions; (vii) out of state card activity; (viii) manual card entry; (ix) full supplemental nutritional assistance program balance withdrawals; or (x) multiple transactions within one hour.

(b) The department shall promulgate all rules and regulations necessary to carry out this section.”

Mr. Rosenberg in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes before four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 8 – nays 29*) [**Yeas and Nays No. 84**]:

YEAS

Hedlund, Robert L.	Ross, Richard J.
Knapik, Michael R.	Rush, Michael F.
Lovely, Joan B.	Tarr, Bruce E.
Moore, Michael O.	Timilty, James – 8 .

NAYS

Barrett, Michael J.	Jehlen, Patricia D.
Brewer, Stephen M.	Joyce, Brian A.
Brownsberger, William N.	Keenan, John F.
Chandler, Harriette L.	Kennedy, Thomas P.
Chang-Diaz, Sonia	McGee, Thomas M.
Clark, Katherine M.	Montigny, Mark C.
Creem, Cynthia Stone	O'Connor Ives, Kathleen
DiDomenico, Sal N.	Pacheco, Marc R.
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.
Forry, Linda Dorcena – 29 .	

PAIRED.

YEAS.

NAYS.

Moore, Richard T. (*present*)

Candaras, Gale D. – **2.**

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

Messrs. Ross and Knapik move to amend the proposed new draft by inserting the following new section:-

“SECTION XX. Notwithstanding any general or special law to the contrary, all secretariats, commissioners, departments and agencies required to submit reports under this act shall file their reports by the dates required in this act via electronic means to the chairs of any committees named as recipients as well as with the clerks of the senate and house of representatives; provided, however, that the house and senate clerks shall develop procedures and requirements for secretariats, commissioners, departments and agencies for the preparation of the reports to facilitate their collection and storage and the reports shall be made available to the public on the general court's website, omitting any personal information about individuals receiving benefits through the department of transitional assistance.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes before four o'clock P.M., on motion of Mr. Ross, as follows, to wit (*yeas 38 – nays 0*) [**Yeas and Nays No. 85**]:

YEAS

Barrett, Michael J.

Kennedy, Thomas P.

Brewer, Stephen M.

Knapik, Michael R.

Brownsberger, William N.

Lovely, Joan B.

Chandler, Harriette L.

McGee, Thomas M.

Chang-Diaz, Sonia

Montigny, Mark C.

Clark, Katherine M.

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.

Jehlen, Patricia D.

Timilty, James

Joyce, Brian A.

Welch, James T.

Keenan, John F.

Wolf, Daniel A. – 38.

NAYS – 0

ABSENT OR NOT VOTING

Candaras, Gale D. – 1.

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

Mr. Rush moved to amend the proposed new draft by inserting after section 4 the following 2 sections:-

“SECTION XX. Subsection (b) of section 5I of said chapter 18, as appearing in section 2 of chapter 161 of the acts of 2012, is hereby amended by inserting after the word ‘jewelry;’ the following words:- televisions, stereos, video games or consoles at a rent-to-own store;

SECTION XX. Section 5J of said chapter 18, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) The department shall maintain policies and practices as necessary to prevent cash assistance provided under this chapter from being used in any electronic benefit transfer transaction at: liquor stores; casinos, gambling casinos or gaming establishments licensed under chapter 23K; retail establishments which provide adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, as defined in Section 408(a) of the Social Security Act, as amended; adult bookstores or adult paraphernalia stores, as defined in section 9A of chapter 40A; firearms dealers licensed under section 122 of chapter 140 and ammunitions dealers licensed under section 122B of chapter 140; tattoo parlors; manicure shops or aesthetic shops registered under chapter 112; jewelry stores; or on cruise ships. Such establishments shall not accept electronic benefits transfer cards. A store owner who knowingly allows a prohibited electronic benefit transfer transaction in violation of this section or subsection (b) of section 5I shall be punished by a fine of not more than \$500 for a first offense, by a fine of not less than \$500 nor more than \$2,500 for a second offense and by a fine of not less than \$2,500 for a third or subsequent offense.”

After remarks, the amendment was adopted.

Mr. Barrett, Ms. Jehlen and Ms. Forry moved to amend the proposed new draft in section 9, by striking out, in line 239, the words “limited emergency needs, as determined by the department” and inserting in place thereof the following words:- “a department approved purpose”; and in section 9 by striking out, in lines 240 and 241, the words “an emergency or”.

The amendment was adopted.

Messrs. Ross and Knapik move to amend the proposed new draft in section 6, by striking out, in line 128, the words:- “, if possible,”.

The amendment was rejected.

Messrs. Hedlund and Ross moved that the proposed new draft be amended by striking in section 9, the words “30 calendar days” in lines 190 and 191, and inserting in place thereof the following:- “7 calendar days, unless a waiver is granted by the Department of Transitional Assistance Assistant Commissioner of Program Integrity’s office”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at three minutes past four o'clock P.M., on motion of Mr. Hedlund, as follows, to wit (*yeas 7 – nays 31*) [**Yeas and Nays No. 86**]:

YEAS

Hedlund, Robert L.

Rush, Michael F.

Knapik, Michael R.

Tarr, Bruce E.

Lovely, Joan B.

Timilty, James

Ross, Richard J. – 7.

NAYS

Barrett, Michael J.

Joyce, Brian A.

Brewer, Stephen M.

Keenan, John F.

Brownsberger, William N.

Kennedy, Thomas P.

Chandler, Harriette L.

McGee, Thomas M.

Chang-Diaz, Sonia

Montigny, Mark C.

Clark, Katherine M.

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.

Jehlen, Patricia D. – 31.

ABSENT OR NOT VOTING

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

Mr. Wolf moved to amend the proposed new draft in section 8, by inserting after the word "(A)", in line 157, the following words: "or 106 CMR 320.620 (A)".

The amendment was adopted.

Messrs. Tarr, Hedlund, Knapik Ross, Rush, Timilty and Michael O. Moore moved to amend the proposed new draft in section 5 by adding the following section:-

"SECTION 5P. The department shall place any grantee that uses direct cash assistance issued by the Commonwealth for purchases in states other than Massachusetts, New Hampshire, Connecticut, Rhode Island, New York, and Vermont in the high risk client group under section 37. Said purchase shall cause the department to issue a special case review of said grantee to ensure that said grantee is fully compliant with the income, asset, identity and residency requirements for said benefits and all other rules and regulations of the department."

The amendment was adopted.

Messrs. Tarr and Ross moved to amend the proposed new draft by striking section 12 and inserting in place thereof the following section:-

"SECTION 12. Subsection (b) of said section 110 of said chapter 5, as amended by section 308 of chapter 159 of the acts of 2000, is hereby further amended by striking out the words "provided, however, that the fair market value of any licensed motor vehicle does not exceed an amount determined by the commissioner in consultation with the secretary of the executive office of transportation and construction and the equity value of any licensed motor vehicle does not exceed \$5,000; provided, further, that any value in excess of said five thousand dollars shall be attributed toward said family's countable resources" and inserting in place thereof the following words:- provided, however, that an assistance unit shall be allowed 1 non-luxury vehicle the value of which does not exceed \$15,000; provided, however, that any value in excess of \$15,000 shall be attributed toward said family's countable resources; and provided further, however, that the commissioner, deputy commissioner or an assistant commissioner may grant a full or partial written waiver for a vehicle valued in excess of \$15,000 that the commissioner, deputy commissioner or assistant commissioner determines is necessary for a particular employment or family circumstance."

After remarks, the amendment was adopted.

Ms. Spilka, Mr. Donnelly, Ms. Creem, Ms. Clark, Messrs. Keenan and Eldridge, Ms. Jehlen, Mr. Rodrigues, Ms. Chang-Diaz, Mr. Rosenberg, Ms. Forry and Mr. McGee moved to amend the proposed new draft by striking Section 10 in its entirety.

After remarks, the amendment was adopted.

Ms. Spilka, Mr. Wolf, Ms. Jehlen and Mr. McGee moved to amend the proposed new draft by inserting at the end thereof the following new section:-

"SECTION XX. There shall be a standing commission to investigate and study how poverty in the commonwealth can be reduced by 10 per cent in the next 5 years and 20 per cent in the next 10 years by engaging the public, private, and non-profit sectors drawn from all regions of the commonwealth and representing rural, urban and suburban populations. The investigation and study shall include, but not be limited to: (1) appropriate measures of poverty; (2) the root causes of poverty; (3) analysis of income inequality in Massachusetts, in particular examining the number of people and families in the commonwealth living below 200 per cent of the federal poverty level and the socio-economic challenges they face, while also calculating the number of people and families living at multiples above the federal poverty level; (4) violence in urban areas, particularly gun violence, and its effect on youth, commercial activity, and job opportunities in the community; (5) the number and types of existing jobs and the economically competitive strengths of the commonwealth; (6) obstacles to job opportunities for the poor; (7) recent examples and categories of successful paths out of poverty for youth, families, and neighborhoods; and (8) successful approaches and innovative system change efforts to reducing poverty and violence from within the commonwealth and throughout North America. The commission shall also produce data, estimates, and conduct analysis on the potential long-term municipal and state government savings that would result from effective poverty reduction efforts throughout the commonwealth as the number of people in need of government safety net spending is reduced. The commission shall establish and methodology for calculating annually relevant and appropriate metrics of poverty in the commonwealth.

The commission shall consist of the following 26 members: the secretary of administration and finance, or a designee; the secretary of housing and economic development, or a designee; the secretary of health and human services, or a designee; the secretary of transportation, or a designee; the secretary of labor and workforce development, or a designee; the secretary of education, or a designee; the secretary of public safety and security, or a designee; 2 appointees to be chosen by the speaker of the house of representatives; 2 appointees to be chosen by the president of the senate; 1 appointee to be chosen by the minority leader of the house of representatives; 1 appointee to be chosen by the minority leader of the senate; 1 appointee to be chosen by the Massachusetts Mayors Association; 1 appointee to be chosen by the Massachusetts Non-Profit Network; 1 appointee to be chosen by the MassInc.; 1 appointee to be chosen by a Massachusetts based philanthropic foundation; 1 appointee to be chosen by FSG or similar social impact consultant; 1 appointee to be chosen by the Institute for a Competitive Inner-City; 1 appointee to

be chosen by the Massachusetts AFL-CIO; 1 appointee to be chosen by the Massachusetts Budget and Policy Center; 1 appointee to be chosen by a chamber of commerce in the commonwealth; 1 appointee to be chosen by the Massachusetts Council of Churches; 1 appointee to be chosen by the Massachusetts Association for Community Action; 1 appointee to be chosen by Massachusetts Law Reform Institute on behalf of organizations providing legal services to low-income people; and 1 appointee to be chosen by the National Association of Social Workers, Massachusetts Chapter.

The commission shall report its findings to the general court, along with any legislation necessary to carry its recommendations into effect, by filing the same with the clerks of the house of representatives and the senate on or before November 30, 2013."

The amendment was rejected.

Messrs. Ross and Knapik moved to amend the proposed new draft in section 8, by striking out, in line 174, the words "and (iv)" and inserting in place thereof the following words:- "(iv) withdrawals from automated teller machines in businesses where at least 50 per cent of the retail goods are prohibited under subsection (b) of section 5I; and (v)".

After remarks, the amendment was *rejected*.

Mr. Keenan moved to amend the proposed new draft in section 9, by inserting after the word "contacted", in line 198, the following word:- "recently".

After remarks, the amendment was adopted.

There being no objection, during consideration of the Orders of the Day, the following matter was considered, to wit:

PAPER FROM THE HOUSE

A Bill making certain appropriations for fiscal year 2014 before final action on the general appropriations bill (printed in House, No. 3523,-- being a message from his Excellency the Governor),-- **was read.**

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

Orders of the Day.

The Orders of Day were further considered as follows:

The Senate Bill encouraging low-income savings and economic opportunity (Senate, No. 19),-- **was again considered, the main question being on ordering it to a third reading, with the Ways and Means new draft (Senate, No. 1805) pending.**

Messrs. Tarr, Hedlund, Knapik, Ross and Timilty moved to amend the proposed new draft in Section 8, by adding the following section:-

"Section 38. The department of transitional assistance shall develop a system to exclude cash access and alternatively provide benefits in the form of vendor payments, special service payments, protective payments or vouchers to grantees arrested upon probable cause for a violation of chapter 94C and subsequently testing positive for a controlled substance in a test conducted pursuant to regulations promulgated by the department; or grantees pleading guilty or nolo contendere or admitting to a finding of sufficient facts or that are found or adjudged guilty by a court of competent jurisdiction, whether or not the grantee was placed on probation without sentence or under a suspended sentence or the case was placed on file, for a violation involving a controlled substance under chapter 94C. If a grantee arrested upon probable cause refuses to submit to a test for controlled substance said grantee shall be excluded from cash access. If a grantee is arrested upon probable cause and subsequently tests positive for a controlled substance, the grantee shall have the cost of administering the controlled substance test deducted from said grantees benefit payment. If a grantee is arrested upon probable cause and subsequently tests negative for a controlled substance, the cost of administering the substance abuse test shall be paid by the department. Any grantee excluded from cash access pursuant to this section shall be placed in the high-risk client group under Section 37 and shall be referred to a substance abuse and mental health specialist."

After remarks, the amendment was *rejected*.

Mr. Keenan and Ms. Chang-Diaz move to amend the proposed new draft in section 8, by inserting after the words "based upon their risk assessment" in lines 183 and 184 the following:- "provided that no client group, applicant or recipient shall be assessed as high- or low-risk based solely or primarily on their race, gender, ethnicity, religion, nationality, or disability status".

The amendment was adopted.

Mr. Ross moved to amend the proposed new draft in section 5, in line 113, by inserting after the word "card" the following words:- "provided, however, that a record of all authorized users is maintained by the department and attested to under the penalties of perjury. All non-EBT card holders using cards on behalf of another must be identified, given prior authorization and have their use of these cards tracked. A facility provider, guardian, or caregiver shall be deemed an authorized user for individuals receiving benefits from Emergency Aid to Elders, Disabled and Children (EAEDC). The department shall include on

the front of each newly issued and re-issued electronic benefit transfer card a photograph of each authorized user". After remarks, the amendment was *rejected*.

Messrs. Ross and Knapik moved to amend the proposed new draft in section 10, by striking out the figure "16" each time it appears, and inserting in place thereof the following figure:- 17.
The amendment was *rejected*.

Messrs. Tarr, Ross, Knapik and Timilty moved to amend the proposed new draft by inserting after section 2 the following section:-

"SECTION 16. Section 16 of chapter 6A of the General Laws, as most recently amended by section 5 of chapter 224 of the acts of 2012, is hereby further amended by adding the following paragraphs:-

The executive office of health and human services shall establish and maintain a computerized income, asset, and identity eligibility verification system, hereafter referred to as an integrated eligibility system, in compliance with chapter 66A; provided that information held pursuant to the establishment of this system is used in a manner that meets all applicable federal and state privacy and security requirements, to aggregate data necessary to verify income, assets, and identity when determining an applicant's eligibility for assistance, prior to the distribution of benefits and during eligibility reviews, in order to eliminate the duplication of assistance and deter fraud within each public benefits program administered by the office.

The verification system shall include a statewide document imaging system to track applicant and recipient eligibility documents, including the costs of ensuring said documents are properly categorized and accessible in a secure centralized location.

The office may enter into contracts with third-party vendors for the purposes of developing and maintaining the integrated eligibility system; provided that any such vendor shall be required by contract to establish annualized savings realized from the implementation of the integrated verification system and savings shall exceed the total yearly cost to the state for implementing the integrated verification system.

The office shall require all departments, offices, and divisions under the authority of the office, that are administering public benefits programs, prior to awarding, continuing, or reissuing public assistance, to use the integrated eligibility system to match the social security number of each applicant for or recipient of public assistance against, at minimum, information provided by the following public records data sources:

- (1) a nationwide public records data source of physical asset ownership such as real property, automobiles, watercraft, aircraft and luxury vehicles;
- (2) the department of revenue;
- (3) undisclosed depository account information and account balances of disclosed accounts at national and local financial institutions;
- (4) a nationwide public records data source of incarcerated individuals;
- (5) outstanding default or arrest warrant information maintained by the criminal history systems board, the criminal justice information system, and the warrant management system;
- (6) a nationwide best-address and driver's license data source to verify individuals are residents of the commonwealth;
- (7) the registry of motor vehicles;
- (8) the department of elementary and secondary education;
- (9) a comprehensive public records database that identifies potential identity fraud or identity theft that can closely associate name, social security number, date of birth, phone and address information; and
- (10) a database which is substantially similar to or a successor of a database mentioned in this section.

The office shall require all departments, offices, and divisions, under the authority of the office, that are administering public benefits programs, prior to awarding, continuing, or reissuing public assistance, to use the integrated eligibility system to match the social security number of each applicant and recipient of public assistance against information provided by the following data sources, to the extent such data sources are available:

- (1) unearned income information maintained by the Internal Revenue Service;
- (2) employer quarterly reports of income and unemployment insurance payment information maintained by the department of labor and workforce development;
- (3) earned income information maintained by the Social Security Administration;
- (4) immigration status information maintained by the United States Citizenship and Immigration Services;
- (5) death register information maintained by the Social Security Administration;
- (6) prisoner information maintained by the Social Security Administration;
- (7) public housing and Section 8 Housing Assistance payment information maintained by the Department of Housing and Urban Development and the Massachusetts public housing authorities;
- (8) national fleeing felon information maintained by the Federal Bureau of Investigation;
- (9) wage reporting and similar information maintained by states contiguous to this State;
- (10) beneficiary records and earnings information maintained by the Social Security Administration in its Beneficiary and Earnings Data Exchange (BENDEX) database;
- (11) earnings and pension information maintained by the Social Security Administration in its Beneficiary Earnings Exchange Record System (BEERS) database;
- (12) employment information maintained by the department of labor and workforce development and the department of unemployment assistance;

- (13) employment information maintained by the United States Department of Health and Human Services in its National Directory of New Hires database;
- (14) supplemental Security Income information maintained by the Social Security Administration in its SSI State Data Exchange (SDX) database;
- (15) workers compensation information maintained by the department of industrial accidents;
- (16) veterans' benefits information maintained by the United States Department of Health and Human Services, in coordination with the Massachusetts department of health and human services and department of veterans' affairs, in the federal Public Assistance Reporting Information System (PARIS) database;
- (17) child care services information maintained by the department of children and families;
- (18) utility payments information maintained by the department of housing and community development under the low income home energy assistance program;
- (19) emergency utility payment information maintained by local cities and towns or councils on aging;
- (20) a database of all persons who currently hold a license, permit, or certificate from a State agency the cost of which exceeds \$1,000; and
- (21) a database which is substantially similar to or a successor of a database mentioned in this section.

The office shall work with the departments, offices, or divisions, under the authority of the office, that assist in the administration of public benefit programs to develop uniform rules and regulations regarding intake procedures and procedures for handling discrepancies that may result between an applicant or recipient's social security number and one or more of the databases or information tools outlined in this section; provided that an applicant or recipient shall be notified of any discrepancy that arises between their social security number and information retrieved by the integrated eligibility system and the applicant or recipient shall be provided an opportunity to explain any discrepancy

Nothing in this section shall preclude the office or any department, office, or division, under the authority of the office, that assists in the administration of public assistance, from conducting additional eligibility verification processes not detailed in this section."

The amendment was *rejected*.

Messrs. Ross and Knapik move to amend the proposed new draft by inserting the following new section:-

"SECTION XX. Notwithstanding any general or special law to the contrary, the department of transitional assistance shall update its BEACON system to automatically notify a caseworker about periodic documentation update requirements for individuals receiving benefits from SNAP, TAFDC, or EAEDC; provided further, that these notifications shall include, but not be limited to, immunizations, work requirements, school verification records, and absent parent declarations."

The amendment was *rejected*.

Suspension of Senate Rule 38A

The President in the Chair, Mr. Brewer moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Orders of the Day.

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

The Senate Bill encouraging low-income savings and economic opportunity (Senate, No. 19),-- was again considered, the main question being on ordering it to a third reading, with the Ways and Means new draft (Senate, No. 1805) pending.

Mr. Eldridge, Ms. Jehlen, Ms. Forry, Ms. Creem and Mr. Michael O. Moore moved to amend the proposed new draft in section 9, by inserting after the word "deposit", in line 231, the following words:- " , or for costs related to education or training".

After remarks, the amendment was adopted.

Messrs. Timilty and Rush moved to amend the proposed new draft by adding at the end thereof the following new section:-

"SECTION X. Notwithstanding any general or special law to the contrary, the department of transitional assistance shall develop protocols for coordinating information with federal, state, and local law enforcement agencies and the administrative office of the trial court regarding recipients of publicly-funded benefits who are the subject of felony warrants. The protocols shall be designed to use the department's records to facilitate proper notice to the individual and the department shall, upon request, provide all relevant information to law enforcement or the court to facilitate the timely resolution of the warrant."

After remarks, the amendment was adopted.

Ms. Donoghue and Ms. Chang-Diaz moved to amend the proposed new draft by inserting after section 17 the following section:-

"SECTION 17A. Said subsection (j) of said section 110 of said chapter 5 of the acts of 1995, as amended by section 218 of chapter 149 of the acts of 2004, is hereby amended by inserting after the second paragraph the following paragraph:-

An individual receiving cash assistance under transitional aid to families with dependent children, who is not exempt from the work requirements as determined through regulations promulgated by the department, may meet the work requirements by participating in an education or training activity for up to the required hours per week as determined by the department. The education or training activity shall not exceed 12 months; provided however, that the department of transitional assistance may extend the duration of the education or training activity eligible towards the work requirement, if the department determines, using performance standards established by the department, that the individual is making substantial progress towards completion of a certificate or degree program. The department shall promulgate regulations in accordance with this section.”

After remarks, the amendment was adopted.

Messrs. Knapik and Timilty moved to amend the proposed new draft by inserting at the end thereof the following new section:-
“SECTION X. Notwithstanding any general or special law to the contrary, a registration agency as defined in section 1 of chapter 50 of the General Laws shall be prohibited from engaging in any activities related to voter registration by mail.

This section shall not apply to the office of the secretary of the commonwealth of Massachusetts.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at five minutes before six o'clock P.M., on motion of Mr. Knapik, as follows, to wit (*yeas 5 – nays 33*) **[Yeas and Nays No. 87]**:

YEAS

Hedlund, Robert L.

Tarr, Bruce E.

Knapik, Michael R.

Timilty, James

Ross, Richard J. – **5**.

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.

Clark, Katherine M.

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.

Rush, Michael F.

Flanagan, Jennifer L.

Spilka, Karen E.

Forry, Linda Dorcena

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A.

Joyce, Brian A. – 33.

ABSENT OR NOT VOTING

Candaras, Gale D. – 1.

The yeas and nays having been completed at one minute before six o'clock P.M., the amendment was *rejected*.

There being no objection, during consideration of the Orders of the Day, the following matter was considered, to wit:

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill making certain appropriations for fiscal year 2014 before final action on the General Appropriations Bill (see House Bill, printed in House No. 3523) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.

Orders of the Day.

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

The Senate Bill encouraging low-income savings and economic opportunity (Senate, No. 19),-- was again considered, the main question being on ordering it to a third reading, with the Ways and Means new draft (Senate, No. 1805) pending.

Mr. Wolf moved to amend the proposed new draft in section 6, lines 128 and 129, by striking "and, if possible shall not be accepted as the sole verification of categorical and financial eligibility during eligibility evaluations and reviews" and by inserting the following: "The department shall attempt to further verify financial or categorical information during eligibility evaluations and reviews. If such attempts are unsuccessful because a third party has failed to cooperate, the department shall determine eligibility based on the best available information."

The amendment was *rejected*.

Messrs. Ross, Tarr, Hedlund and Knapik moved to amend the proposed new draft by inserting the following sections:-

"SECTION XX. Clause (i) of Section 1 of Chapter 161 of the Acts of 2012 is hereby amended by inserting after the figure '\$5' the following words:- for an initial replacement and not less than \$20 for a second or subsequent replacement.

SECTION XX. Clause (j) of Section 1 of Chapter 161 of the Acts of 2012 is hereby amended by striking out the figure '3' and inserting in place thereof the following figure:- '2'."

After remarks, the amendment was *rejected*.

Mr. Wolf moved to amend the proposed new draft in section 7, line 136 by inserting after the words "under the penalties of perjury" the following: "when the department has determined that the work participation documentation presented by the applicant or recipient appears questionable and the information cannot be otherwise confirmed by the caseworker through direct communication with the third party".

The amendment was *rejected*.

Mr. Eldridge, Ms. Chang-Diaz and Ms. Jehlen moved that the proposed new draft be amended by striking out section 5 and section 30.

The amendment was *rejected*.

Messrs. Tarr, Knapik, Ross, Timilty and Michael O. Moore moved to amend the proposed new draft by inserting after section 4 the following section:-

“SECTION 4A. Section 5L of said chapter 18, as most recently amended by section 3 of chapter 161 of the acts of 2012, is here by further amended by adding the following subsection:-

(f) an individual who traffics food stamp benefits, as described in subsection (b), and on 2 prior occasions has been convicted of trafficking food stamp benefits under subsection (b) or conspiracy to traffic food stamp benefits, shall be punished by imprisonment in a state prison for not more than 10 years or by a fine of not more than \$25,000, or both fine and imprisonment.”

After remarks, the amendment was adopted.

Mr. Knapik moved to amend the proposed new draft by inserting at the end thereof the following new section:-

“SECTION X. Notwithstanding any general or special law to the contrary, a registration agency as defined in section 1 of chapter 50 of the General Laws that engages in any activities related to voter registration by mail shall file a report including, but not limited to, the cost of the mailing, the number of individuals served, and the intended purpose of the mailing. Any expenses incurred by said agency, associated with voter registration by mail, shall be funded by the secretary of the commonwealth of Massachusetts. The report shall be filed, prior to distribution, with the clerks of the house of representatives and the senate who shall forward the report to the house and senate committees on ways and means.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes past six o'clock P.M., on motion of Mr. Knapik, as follows, to wit (*yeas 6 – nays 32*) [**Yeas and Nays No. 88**]:

YEAS

Hedlund, Robert L.

Ross, Richard J.

Knapik, Michael R.

Tarr, Bruce E.

Lovely, Joan B.

Timilty, James – **6.**

NAYS

Barrett, Michael J.

Joyce, Brian A.

Brewer, Stephen M.

Keenan, John F.

Brownsberger, William N.

Kennedy, Thomas P.

Chandler, Harriette L.

McGee, Thomas M.

Chang-Diaz, Sonia

Montigny, Mark C.

Clark, Katherine M.

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.

Rush, Michael F.

Flanagan, Jennifer L.

Spilka, Karen E.

Forry, Linda Dorcena

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – 32.

ABSENT OR NOT VOTING

Candaras, Gale D. – 1.

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

Messrs. Tarr, Ross, Knapik and Timilty moved to amend the proposed new draft by inserting after section 35 the following section:-

“SECTION 35A. Notwithstanding any general or special law to the contrary, the department of transitional assistance shall not approve an application for new benefits for any person required to register under sections 178C to 178P of chapter 6 and who has failed to register until the individual registers as required by said chapter 6; provided, however, that prior to the denial of benefits the department shall provide the applicant with notice of the applicant’s failure to register under said chapter 6 and a reasonable opportunity to be heard.”

After remarks, the amendment was adopted.

Ms. Jehlen moved to amend the proposed new draft in section 5, by inserting, after the word “cardholder” in line 109, the following:- “if the cardholder is suspected of trafficking in electronic benefits cards or of other misuse of public benefits”. The amendment was rejected.

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

“SECTION ____: Chapter 121B of the General Laws is hereby amended by inserting after section 32F the following section:- Section __: A temporary absence from the commonwealth which exceeds 30 calendar days shall create a rebuttable presumption that Massachusetts residency has been abandoned by a recipient of state or municipally funded or subsidized housing and that the recipient is no longer eligible for such assistance under this chapter. The department shall promulgate regulations in accordance with this section.”

After remarks, the amendment was adopted.

Mr. Wolf, Ms. Creem and Mr. McGee moved to amend the proposed new draft in section 18, by inserting in line 371 after “programs or resources” the following: “, included but not limited to an industry sector-based training and employment service program by identifying opportunities with employment in emerging professions, industries with specialized skill requirements and high vacancy professions, with entry level positions and defined career ladder opportunities. The training model may include, but not be limited to, specific industry requirement or credentialed skills training, job search skills and work experience opportunities”.

The amendment was *rejected*.

Ms. Jehlen, Ms. Clark and Mr. Montigny moved to amend the proposed new draft in section 5, by inserting, after the word “card” in line 113, the following sentence:- “The department shall promulgate regulations to ensure that caregivers to recipients that are elderly or disabled are authorized to use the electronic benefits transfer card on behalf of the recipient.”.

The amendment was *rejected*.

Ms. Jehlen moved to amend the proposed new draft in section 9, by inserting after the word "self-sufficient", in line 222, the following word:-"Non-exempt"; and by inserting after the word "benefits", in line 224, the following word:-"Non-exempt". The amendment was *rejected*.

Messrs. Ross and Knapik moved to amend the proposed new draft in section 7, by striking out, in line 135, the words "a third party" and inserting in place thereof the following words:- "an employer or supervisor". After remarks, the amendment was *rejected*.

Messrs. Keenan and DiDomenico move that the proposed new draft be amended, in section 9, by inserting after the words "shall be determined by the department." in line 201, and after the words "to the extent feasible." in line 209, in each instance, the following: "The requirements of this subsection shall be deemed satisfied upon submission to the department of proof of job search activities issued by a one-stop career center that is established under sections 160 through 168A, inclusive, of chapter 149 of the General Laws."

Pending the question on adoption of the amendment (Keenan-DiDomenico), Ms. Forry, Ms. Chang-Diaz, Mr. Keenan and Mr. DiDomenico moved to amend the pending amendment by striking out the text and inserting in place thereof the following: that the proposed new text be amended in section 8, in the second paragraph of section 31 of chapter 118 of the General Laws, by adding the following sentence:- "An applicant who is otherwise eligible for assistance shall not be denied temporary benefits while awaiting job diversion placements."; in said section 9, in subsection (b) of section 13 of chapter 118 of the General Laws, by inserting after the first sentence, the following sentence:- "An applicant who is otherwise eligible for assistance shall not be denied temporary benefits while awaiting job diversion placements."; in said section 9, in section 13 of chapter 118 of the General Laws by inserting, after the fourth sentence, the following sentence:- "The requirements of this subsection shall be deemed satisfied upon submission to the department of proof of job search activities issued by a one-stop career center that is established under sections 160 through 168A, inclusive, of chapter 149 of the General Laws."; and by inserting, in line 341, after the word "employment", the first time it appears, the following words:- ": provided, that an applicant who is otherwise eligible for assistance shall not be denied assistance while awaiting placement in full-time employment".

After remarks, the further amendment (Forry, et al) was adopted.

The pending amendment (Keenan-DiDomenico), as amended (Forry, et al) was then adopted.

Messrs. Tarr, Ross and Knapik and Michael O. Moore moved to amend the proposed new draft by adding the following section: "SECTION xx. Chapter 12A of the General Laws is hereby amended by adding the following section after Section 2:

Section 2A. (a) There shall be within the office of the Inspector General a division of program integrity, the purpose of which shall be to monitor, investigate and provide continuing oversight over the quality, efficiency and integrity of programs of public assistance administered by the executive office of health and human services including but not limited to MASSHealth, Transitional Aid to Families with Dependent Children, the Supplemental Nutrition Assistance Program, and Emergency Assistance to Elders, Disabled and Children. The division shall act to identify, prevent and correct fraud, waste and abuse in such programs.

The inspector general shall appoint a director of the division and not more than 4 other persons as necessary to perform its function; provided, however, that the division may retain additional specialists on a limited basis as needed and approved by the inspector general. All employees of the division shall devote their full time and attention to their duties; provided further, that such employees shall possess expertise and skills necessary to the work of the division.

(b) The director shall conduct continuous examinations of programs of public assistance and shall issue periodic reports of the results of those examinations to the secretary for administration and finance, the attorney general, the auditor, and the clerks of the house and senate, who shall post such reports electronically for public inspection.

(c) In performing the operations of the division, the director may cause examinations or investigations to be done by the division independently, or in coordination with the auditor, the bureau of special investigations, and the executive office of health and human services.

(d) Any acts of fraud identified by the division shall be reported to the attorney general for further action.

(e) Any remedial action shall be certified in writing to the agency operating the program, which shall report any and all corrective actions taken by the division.

(f) The provisions of this section shall expire on January 1, 2018 unless otherwise terminated, extended, or modified."

The amendment was *rejected*.

Mr. Finegold, Ms. Forry, Messrs. Rodrigues, Welch, Knapik, Petrucci and Michael O. Moore, Ms. Donoghue, Ms. Clark and Messrs. Ross and DiDomenico moved to amend the proposed new draft by inserting after section 27 the following section:- "SECTION 27A. Subject to appropriation, the department shall require recipients to participate in a free financial education program to assist in the development of economic independence goals under section 15 of chapter 118 of the General Laws; provided, however, that the department shall provide recipients with a list of already existing free or low-cost financial education programs to administer the financial education program. In developing such a list of financial education programs, the department shall collaborate with the office of the state treasurer, the Massachusetts Credit Union League, the Massachusetts Bankers Association, the Midas Collaborative, the Moving from Debt to Assets program and the Massachusetts Financial Education Collaborative. Any financial education program included on the recommended program list shall include, but not be limited to, providing guidance on: (1) tracking daily spending habits; (2) preparing a monthly budget; (3) identifying ways to decrease spending; (4) identifying ways to increase income; (5) listing and prioritizing financial goals; and (6) recognizing how

to create a plan to achieve financial goals. The program shall equip recipients with the knowledge and skills needed to become self-sufficient and to enable recipients to make critical decisions regarding personal finances.”
After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-five minutes before seven o’clock P.M., on motion of Ms. Forry, as follows, to wit (*yeas 38 – nays 0*) [**Yeas and Nays No. 89**]:

YEAS

Barrett, Michael J.	Kennedy, Thomas P.
Brewer, Stephen M.	Knapik, Michael R.
Brownsberger, William N.	Lovely, Joan B.
Chandler, Harriette L.	McGee, Thomas M.
Chang-Diaz, Sonia	Montigny, Mark C.
Clark, Katherine M.	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.
Jehlen, Patricia D.	Timilty, James
Joyce, Brian A.	Welch, James T.
Keenan, John F.	Wolf, Daniel A. – 38.

NAYS – 0

ABSENT OR NOT VOTING

Candaras, Gale D. – 1.

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

Ms. Chang-Díaz and Ms. Clark moved to amend the proposed new draft in section 2, in line 13, by inserting the following line item:-

“3000-4060 \$225,000,000”.

After remarks, the amendment was *rejected*.

Ms. Jehlen moved to amend the proposed new draft in section 17, by striking the number “66” and inserting in place thereof the following:- “60”.

The amendment was *rejected*.

Ms. Lovely moved to amend the proposed new draft in section 9, in Section 13(a) in line 196 by adding after the word "department" the following:- "an official form approved by the department that shall be completed and signed by the applicant in writing"; and in said section 9, in Section 13(b) in line 206, by adding after the word "department" the following:- "an official form approved by the department that shall be completed and signed by the applicant in writing".

After remarks, the amendment was *rejected*.

Messrs. Donnelly and Barrett moved that the proposed new draft be amended by inserting after section 5 the following section:-
“SECTION 5A. Section 10 of said chapter 18, as appearing in the 2010 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law to the contrary, 60 days before promulgating or amending any regulation that would alter eligibility for, or the level of benefits provided through the department, other than that which would benefit recipients, the department shall file with the house and senate committees on ways and means, the house and senate chairs of the joint committee on children, families and persons with disabilities and the clerks of the house of representatives and senate a report describing the changes and setting forth justification for any changes.”; and by striking out sections 31 to 35, inclusive, and inserting in place thereof the following section:-

“SECTION 31. The department of transitional assistance shall promulgate regulations to implement this act.”

The amendment was adopted.

Messrs. Ross and Knapik moved to amend the proposed new draft by striking out section 25 and inserting in place thereof the following section:-

“SECTION 25. The commissioner of department of transitional assistance shall increase efficiency through:

- (1) Reducing the use of paper through maximizing the available uses of information technology, including alternative information technologies to substitute for paper and increasing the use of electronic methods for the maintenance, submission, or disclosure of information, to improve data quality, agency efficiency and responsiveness to the public;
- (2) Eliminating costly and wasteful government publications through the expanded use of electronic methods for distribution of documentation throughout state government, where feasible and appropriate;
- (3) Eliminating duplicative permitting and paperwork requirements through implementing inter-agency file sharing technologies in order that electronically stored data can be viewed and routed, where appropriate, by multiple agencies.

Section 2. The commissioner shall investigate any current statutory impediments for the reduction of the use of paper by state government and any impediments both statutory and technological, for more efficient electronic data storage and dissemination. The commissioner shall submit his findings, along with any legislative recommendations to address those findings, to the house and senate clerks, and the joint committee on education no later than October 31, 2013.”

The amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik, Ross, Rush, Timilty and Michael O. Moore move to amend the proposed new draft by inserting after section _ the following section:-

“SECTION _. Subsection D of section 2 of chapter 18 of the General Laws, as so appearing, is hereby further amended by adding the following clause:—

() the termination of benefits to any recipient who has failed to notify the department of a change of address, and who the department has attempted to contact by certified mail, but whose mail communication has been returned to the department as undeliverable; provided, however, that the department, after receiving notice that the mail communication has been returned as undeliverable or returned with a Massachusetts forwarding address, shall use all available means to determine the address of the recipient and, in the event that it cannot be determined, subject the recipient’s case for further review as to continued eligibility.”

The amendment was adopted.

Messrs. Hedlund, Tarr, Ross, Knapik and Michael O. Moore moved that proposed new draft be amended by inserting after section 37, the following new section:-

“SECTION 4A. Said section 5J of said chapter 18, as so appearing, is hereby further amended by striking out subsections (b) and (c) and inserting in place thereof the following sections:-

(b) A store owner who knowingly violates this section and who also possesses a license to sell alcoholic beverages under section 12 of chapter 138 shall be referred to the appropriate licensing authority for possible disciplinary action pursuant to section 64 of said chapter 138. A store owner possessing a license under said section 12 of said chapter 138 who knowingly violates this section a second or subsequent time shall have its license suspended for not less than 30 days and shall be referred to the appropriate licensing authority for possible further disciplinary action under said section 64 of said chapter 138.

(c) A store owner who knowingly violates this section and who also possesses a license to sell lottery tickets under sections 26 and 27 of chapter 10 shall be referred to the director of the state lottery commission for possible disciplinary action. A store owner possessing a license under said section 26 or 27 of said chapter 10 who knowingly violates this section a second or subsequent time shall have its license suspended for not less than 30 days and shall be referred to the director of the state lottery commission for possible further disciplinary action.”

After remarks, the amendment was adopted.

Ms. Donoghue, Messrs. DiDomenico and Finegold and Ms. Clark moved to amend the bill proposed new draft by inserting after section 19 the following section:-

“SECTION 19A. Said section 121 of said chapter 5 is hereby further amended by adding the following clause:-

(3) For purposes of this section, participation in an alternative education program or a general education development preparation and training program shall meet the school attendance requirement.”

The amendment was adopted.

Mr. Barrett, Ms. Jehlen, Ms. Clark and Ms. Forry moved to amend the proposed new draft in section 18, in line 371, by inserting after the word “resources” the following words:- “In the development of the full employment program the Commonwealth Corporation shall consult with workforce training providers and employers representing emerging and high-demand job sectors.”

After remarks, the amendment was adopted.

Messrs. Ross, Tarr, Hedlund and Knapik moved to amend the proposed new draft by inserting the following new section:-

“SECTION XX. Subsection (f) of section 110 of chapter 5 of the acts of 1995 is hereby amended by adding after the first sentence the following language:- ; provided, however, that said extension is supported by a written decision by the commissioner, deputy commissioner or assistant commissioner and included in the reporting requirements of clause (k) of paragraph (B) of section 2 of chapter 18.”

The amendment was adopted.

Messrs. Tarr, Hedlund, Knapik and Ross moved to amend the proposed new draft by adding the following section:-

“SECTION __. The commissioner of the department of transitional assistance shall, within six months of the effective date of this act, report on the specific progress the department is making to address each problem associated with the use of electronic benefit transfer cards identified in the May 28, 2013 state auditor’s report and the inspector general’s January 2013 report, including but not limited to the proper verification of social security numbers; the proper verification of assets and incomes; the prevalence of replacement card requests; the controlled storage of EBT cards; and any other steps being taken to eliminate fraud and abuse. Said report shall be made available on the website of the department and submitted to the house and senate committees on ways and means, the house and senate chairs of the joint committee on children, families and persons with disabilities, and the clerks of the house and the senate.”

The amendment was *rejected*.

Ms. Chang-Díaz, Mr. Eldridge and Ms. Jehlen moved to amend the proposed new draft in section 5, subsection 5O, by inserting at the end thereof the following words:- “(c) The provisions of this section shall take effect upon a determination by the State Auditor, to be filed with the chairs of the House and Senate Committees on Ways and Means and of the Joint Committee on Children, Families, and Persons with Disabilities, and published on the State Auditor’s website, that such provisions will save more taxpayer dollars than they will expend, and that there is no more cost-efficient method to achieve the same or greater fraud-prevention outcomes.”; and by striking out section 30 and inserting in place thereof the following words:-

“SECTION 30. All electronic benefit cards shall include a photograph of the cardholder under section 5O of chapter 18 of the General Laws within one year of the determination by the State Auditor under same the section.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes before eight o’clock P.M., on motion of Ms. Chang-Díaz, as follows, to wit (*yeas 10 – nays 28*) [**Yeas and Nays No. 90**]:

YEAS

Chang-Díaz, Sonia

Eldridge, James B.

Clark, Katherine M.

Forry, Linda Dorcena

Creem, Cynthia Stone

Jehlen, Patricia D.

Donnelly, Kenneth J.

Montigny, Mark C.

Downing, Benjamin B.

Wolf, Daniel A. – **10.**

NAYS

Barrett, Michael J.

Moore, Michael O.

Brewer, Stephen M.

Moore, Richard T.

Brownsberger, William N.

Murray, Therese

Chandler, Harriette L.

O'Connor Ives, Kathleen

Donoghue, Eileen M.

Pacheco, Marc R.

Finegold, Barry R.

Petrucelli, Anthony

Flanagan, Jennifer L.

Rodrigues, Michael J.

Hedlund, Robert L.

Rosenberg, Stanley C.

Joyce, Brian A.

Ross, Richard J.

Keenan, John F.

Rush, Michael F.

Kennedy, Thomas P.

Spilka, Karen E.

Knapik, Michael R.

Tarr, Bruce E.

Lovely, Joan B.

Timilty, James

McGee, Thomas M.

Welch, James T. – **28.**

PAIRED.

YEAS.

NAYS.

DiDomenico, Sal N. (*present*)

Candaras, Gale D. – **2.**

The yeas and nays having been completed at a quarter before eight o'clock P.M., the amendment was *rejected*.

Ms. Spilka, Ms. Jehlen and Mr. McGee moved to amend the proposed new draft by inserting in section 14, in line 303, after the words “42 U.S.C.A. § 423 (d)” the following words:- “, or in the commissioner's discretion, a recipient who has been determined by the commonwealth’s disability evaluation service to have a disability that substantially reduces his or her ability to support her or his children taking into account the individual’s age, education and work experience”.

The amendment was adopted.

Messrs. Tarr, Ross, Knapik and Michael O. Moore moved to amend the proposed new draft in section 18, by inserting at the end of the second paragraph the following:- “The Commonwealth Corporation shall monitor the participation of applicants in the educational or training programs to which they are referred and the applicant shall provide documentation to the department of such participation. No cash assistance shall be provided absent such documentation.”

The amendment was adopted.

Ms. Spilka moved to amend the proposed new draft in section 9, at line 196 after the word assistance, by inserting the following: “unless the applicant has good cause for not participating as determined by the department which may include disability. The department shall inform all applicants required to conduct an initial job search of available local job placement service providers”; and at line 205 by striking out the words “who are not exempt from the work requirements” and inserting in place thereof the following: “who are meeting their work requirement through job search”.

The amendment was adopted.

Ms. Creem, Ms. Jehlen and Ms. Clark moved to amend the proposed new draft in section 5, by striking out the first paragraph of proposed section 5O of chapter 18 of the General Laws and inserting in place thereof the following 3 paragraphs:-

“(a) The department shall include on the front of newly issued and re-issued electronic benefit transfer cards a photograph of the cardholder; provided that the cardholder is over the age of 18 years. The department shall promulgate regulations to ensure that all members of the household are able to use the electronic benefit transfer card as required by 7 U.S.C.A. §2016 (h) (9) and to ensure that authorized users are able to use the electronic benefit transfer card.

The department shall promulgate regulations to allow for exemptions from the photo identification requirement for vulnerable populations which may include, but shall not be limited to, the elderly, blind, disabled and victims of domestic violence, as determined by the department.

In developing regulations for authorized users, the department shall consult with businesses or vendor association whose members accept electronic benefit transfer cards as a form of payment, including, but not limited to, the Massachusetts Food Association, the New England Convenience Store Associations and the Retailers Association of Massachusetts.”

The amendment was adopted.

Ms. Jehlen and Ms. Clark moved to amend the proposed new draft in section 5, by inserting, after the word “card” in line 113, the following paragraph:-

“The department shall exempt the following applicants, recipients and authorized users from the electronic benefits transfer card photograph requirement unless a determination has been made that said individual is suspected of trafficking in benefits or falsifying information:

- (1) applicants and recipients of Supplemental Security Income who apply through the Social Security Administration
- (2) applicants and recipients who apply through the Virtual Gateway or through the simplified elder application and for whom the department has granted a waiver of the face-to-face interview due to a hardship as determined by the department
- (3) residents of group homes for the blind or disabled
- (4) individuals in residential substance abuse treatment programs whose benefits are paid through authorized representatives
- (5) individuals and agencies designated as authorized representatives for persons who are elderly, blind or disabled
- (6) victims of domestic violence living in shelter.

The department shall further determine if other applicants, recipients and authorized individuals should also be exempt from the photo identification requirement and shall assess whether such requirement imposes access barriers to federal nutrition benefits.”;

and
By striking section 30 and inserting in the place thereof the following:-

“SECTION 30. All electronic benefits cards required to include a photograph under section 5O of chapter 18 of the General Laws shall include such photo by August 1, 2014.”.

The amendment was *rejected*.

Ms. Jehlen and Mr. McGee moved to amend the proposed new draft in section 17, by inserting after the word “older;”, in line 326, the following:- “provided, however, that a recipient who is age 60 or over, who is the primary caregiver for a child, and who was retired prior to applying for benefits, shall be exempt from the work requirements;”.

The amendment was adopted.

Messrs. Hedlund, Tarr, Ross, Timilty and Michael O. Moore, Ms. Flanagan and Ms. Forry moved that the proposed new draft be amended by inserting after section 37, the following new section:-

“SECTION __. Notwithstanding any general or special law to the contrary, no person or persons shall be eligible for public housing under any terms and conditions other than those authorized under 42 U.S.C section 1436a.”

After remarks, the amendment was adopted.

Mr. Brewer moved to amend the proposed new draft in section 3 by striking out, in line 78, the words "5 of chapter 18" and inserting in place thereof the following words:- "16 of chapter 118";

In section 9, in subsection (b) of section 13 of chapter 118 of the General Laws, by striking out the sentence, " An applicant who is otherwise eligible for assistance shall not be denied temporary benefits while awaiting job diversion placements." inserted by amendment 78, and inserting in place thereof the following sentence:- "The requirements of this subsection shall be deemed satisfied upon submission to the department of proof of job search activities issued by a one-stop career center that is established under sections 160 through 168A, inclusive, of chapter 149 of the General Laws.";

In section 18 by inserting after the word "resources", in line 370, the following words:- " , including programs and resources that meet participants' language and cultural needs,"; and

In section 30 by striking out, in line 423, the following words:- "All electronic" and inserting in place thereof the following word:- "Electronic".

The amendment was adopted.

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

The bill (Senate, No. 1805, amended) was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at four minutes past eight o'clock P.M., on motion of Ms. Flanagan, as follows, to wit (*yeas 37 – nays 1*) [**Yeas and Nays No. 91**]:

YEAS

Barrett, Michael J.	Lovely, Joan B.
Brewer, Stephen M.	McGee, Thomas M.
Brownsberger, William N.	Montigny, Mark C.
Chandler, Harriette L.	Moore, Michael O.
Clark, Katherine M.	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.
Finegold, Barry R.	Rosenberg, Stanley C.
Flanagan, Jennifer L.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Hedlund, Robert L.	Spilka, Karen E.
Jehlen, Patricia D.	Tarr, Bruce E.

Joyce, Brian A.

Timilty, James

Keenan, John F.

Welch, James T.

Kennedy, Thomas P.

Wolf, Daniel A. – 37.

Knapik, Michael R.

NAYS

Chang-Diaz, Sonia – 1.

PAIRED.

YEAS.

NAYS.

Eldridge, James B. (*present*)

Candaras, Gale D. – 2.

ABSENT OR NOT VOTING

Candaras, Gale D. – 1.

The yeas and nays having been completed at eight minutes past eight o'clock P.M., the bill was passed to be engrossed [For text, see Senate, No. 1806, printed as amended]

Order adopted.

On motion of Mr. Tarr,--

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.

Moment of Silence.

At the request of the Chair (Mr. Rosenberg), members, guests and staff stood in a moment of silence and reflection to the memory of Michael Whelan.

Adjourn In Memory of Michael Whelan

Mr. Rosenberg in the Chair, the Senator from Plymouth and Barnstable, Ms. Murray moved that when the Senate adjourns today it adjourn in memory of Michael Whelan.

Michael Thomas Whelan, age 64, passed away peacefully surrounded by his family on June 5, 2013. Michael was born in Ireland, and as a young boy immigrated to Boston settling with his family in Jamaica Plain.

He proudly served his **adopted** homeland in the United States Navy during the Vietnam War, where he served as a medic, treating fellow servicemen at the Da Nang Naval Hospital.

Michael was a Eucharistic Minister at St. Kateri Tekawitha Parish in Plymouth. He worked as a Nurse Epidemiologist for the Massachusetts Department of Public Health for many years. Michael graduated from Don Bosco High School, Malden School of Nursing and got his Masters at Leslie College. He was a Life Member of the Plymouth VFW Post 1822, he liked canoeing, reading and spending time with his family.

Michael was the beloved husband of Rita Whelan of Plymouth; Devoted father of Tara Coughlan of New York, Kerry Whelan of South Boston, and Michael Whelan Jr. of Somerville; Loving son of Patricia Whelan of Navan, Ireland and the late Michael Whelan. He is also survived by his loving sister Mary Shone of West Roxbury and a brother Sean of Navan, Ireland. He was predeceased by his brothers Seamus and Patrick Whelan. In addition he leaves many nieces, nephews and in-laws as well as grandnieces and nephews.

Accordingly, as a mark of respect in memory of Michael Whelan, at twelve minutes past eight o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.