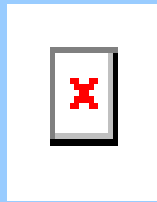


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# UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



## JOURNAL OF THE SENATE..

*Thursday, July 24, 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. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, Aidan Brooks from Mansfield. Aidan is a recent 5th grade graduate from Jordan Jackson Elementary and was being recognized for his work collecting school supplies for children of families in need before the school year begins in September. Aidan volunteered with the Department of Children and Families to organize over 50 backpacks, including pencils, pens, erasers, crayons, markers and notebooks. He was accompanied by his father Brad, his mother Kristen, and his sister Abby. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, the Chair (Mr. Richard Moore) handed the gavel to Mr. DiDomenico for the purpose of an introduction. Mr. DiDomenico then introduced, in the rear of the Chamber, a group of constituents from Chelsea. They were visiting the State House in recognition of their city having received the "All-America City" Award. Among the group were members of the Chelsea Collaborative, Healthy Chelsea, Chamber of Commerce, School Departments, Police, City Councilors, Clergy and the City Manager. The Senate welcomed them with applause and they withdrew from the Chamber. They were accompanied by Representatives Ryan and Vincent.

*Communication.*

Communication from Martin J. Benison, Comptroller (pursuant to item 1599-2040 of Section 2B Chapter 38 of the Acts of 2013) submitting a report on prior year deficiencies through chargebacks FY2014 funds (received July 23, 2014),-- **was placed on file.**

*Petition.*

Mr. Brewer presented a petition (accompanied by bill, Senate, No. 2300) of Stephen M. Brewer, Denise Andrews and Anne M. Gobi (by vote of the town) for legislation to dissolve the Athol contributory retirement system [Local approval received];

**Under Senate Rule 20, referred to the committee on Public Service.**

**Sent to the House for concurrence.**

*Reports of a Committee.*

By Mr. Donnelly, for the committee on State Administration and Regulatory Oversight, on petition (accompanied by bill House, No. 4245), a Bill to authorize the Commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Cambridge (Senate, No. 2309);

Read and, under Senate 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.

**PAPERS FROM THE HOUSE.**

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4339) of Timothy R. Madden and Daniel A. Wolf (by vote of the town) that the town of Chilmark be authorized to prohibit the use of certain chemicals in said town;

**To the committee on Environment, Natural Resources and Agriculture.**

Petition (accompanied by bill, House, No. 4340) of Timothy R. Madden and Daniel A. Wolf (by vote of the town) that the town of Edgartown be authorized to change the position of town manager from elected position to an appointed position;

**To the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4341) of Diana DiZoglio (by vote of the town) that the town of North Andover be authorized to appoint William Gregory Gordon as a police officer in said town notwithstanding the maximum age requirement; and

Petition (accompanied by bill, House, No. 4342) of Diana DiZoglio (by vote of the town) that the town of North Andover be authorized to appoint Albert P. Manzi III, as a police officer in said town notwithstanding the maximum age requirement;

**Severally, to the committee on Public Service.**

*Bills*

Relative to taking or transmitting images of crime victims by first responders (House, No. 4040,-  
- on petition);

Relative to credit union branching (House, No. 4139,-- on House, No. 962);  
Relative to real lives (House, No. 4237,-- on House, No. 151);  
Establishing a sick leave bank for Athanasios Gougoulas, an employee of the Department of Developmental Services (House, No. 4267,-- on petition); and  
Recognizing the profession of interior designers to bid on state contracts (House, No. 4303,-- on Senate, Nos. 1464 and 1557 and House, No. 2832);

**Were severally read and, under Senate Rule 27, referred to the committee on Senate 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 nine 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 Mr. Hedlund) "congratulating Benjamin Maude on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Hedlund) "congratulating George Finnerty on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Michael O. Moore) "congratulating the 65th Infantry Regiment of the Commonwealth of Puerto Rico on receiving the Congressional Gold Medal"; and

Resolutions (filed by Messrs. Tarr, Ms. Forry, Messrs. Brownsberger, Humason, Montigny, Rush and Petruccelli) "commemorating the one hundredth anniversary of the Boston Fish Pier."

#### **PAPERS FROM THE HOUSE**

##### *Engrossed Bills.*

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

Designating volleyball as the official recreational and team sport of the Commonwealth (see Senate, No. 1627);

Relative to the Massachusetts Broadband Institute (see Senate, No. 2184);

Increasing the fine for the illegal taking of eels and elvers (see House, No. 3782, amended);

Authorizing the reinstatement of Richard L. Cross as a reserve police officer in the town of Southwick (see House, No. 3852);

Establishing the Nantucket Mosquito Control Project (see House, No. 4035, amended); and

Relative to the compensation of the Soldiers' Memorial Commission of the city of Holyoke (see House, No. 4247).

A petition (accompanied by bill, House, No. 4350) of Louis L. Kafka and others for legislation to require the Registry of Motor Vehicles to share information on suspended or revoked licenses

with municipal police departments,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Transportation.**

*Reports of Committees.*

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Kenneth J. Donnelly, William N. Brownsberger, Nick Collins and Jay Livingstone for legislation to create a special commission studying cutting, welding and hot work processes regulated by the State Fire Code.

**Senate Rule 36 was suspended, on motion of Mr. Donnelly, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Safety and Homeland Security. Sent to the House for concurrence.**

Mr. Rosenberg, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill increasing the membership of the board of trustees and increasing quorum for the transaction of the corporate business of Amherst College (Senate, No. 2267).

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

**Sent to the House for concurrence.**

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to the licensure of insurance adjusters in the Commonwealth (Senate, No. 435),-- **ought to pass, with an amendment by striking out, in line 14, the words "as provided herein".**

**There being no objection, the rules were suspended, on motion of Mr. Downing, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.**

**The bill (Senate, No. 435, amended) was then ordered to a third reading and read a third time.**

**Subsequently, after remarks, the bill was passed to be engrossed.**

**Sent to the House for concurrence.**

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to creating a statutory housing restriction and providing remedies related to statutory housing (Senate, No. 595),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2305).**

**There being no objection, the rules were suspended, on motion of Mr. Eldridge, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.**

**The bill (Senate, No. 2305) was then ordered to a third reading, read a third time and, after remarks, was passed to be engrossed.**

**Sent to the House for concurrence.**

By Mr. Brewer, for the committee on Ways and Means, that the House Bill to regulate real estate appraisal management companies (House, No. 3849, amended),-- **ought to pass, ought to pass,**

with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2307.

There being no objection, the rules were suspended, on motion of Mr. Brownsberger, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill, as amended was then ordered to a third reading, read a third time and, after remarks, was passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill to require recycling in public buildings (Senate, No. 398),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2308).**

There being no objection, the rules were suspended, on motion of Mr. Rush, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2308) was then ordered to a third reading, read a third time and, after remarks, was passed to be engrossed.

Sent to the House for concurrence.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:—

Of the committee on Public Service, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 2147) of Bruce E. Tarr and Ann-Margaret Ferrante (by vote of the town) for legislation to exempt the position of police chief of the town of Rockport from the civil service law.

**On motion of Mr. Tarr, the rules were suspended; and, on motion of Mr. Lewis, the petition was recommitted to the Joint Committee on Public Service.**

The following report was laid before the Senate, the time within which the said committee was required to report having expired:—

Of the committee on Public Service, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 2178) of Bruce E. Tarr and Leonard Mirra (by vote of the town) for legislation to allow certain senior support staff members of Protection Fire Co. No. 1 of Byfield to continue to serve beyond the age of 65.

On motion of Mr. Tarr, the rules were suspended; and, on motion of Mr. Lewis, the petition was recommitted to the Joint Committee on Public Service.

### **PAPERS FROM THE HOUSE.**

The Senate Bill clearing titles to foreclosed properties (Senate, No. 1987, amended),-- **came from the House passed to be engrossed, in concurrence, with amendments in section 1, in line 12, in section 2, in line 16; and in section 4, in line 48 by striking out the figure "3" and inserting in place thereof, in each instance, the following: "ten (10)";, by striking out the paragraph contained in lines 21 to 34, inclusive, and inserting in place thereof the following paragraph:**

“The prior paragraph shall not apply when: (i) a legal action to challenge the validity of the foreclosure sale is commenced by any party entitled to notice of sale under section 14 in a court

of competent jurisdiction and a true and correct copy of the complaint or other pleading asserting such challenge in the legal action is duly recorded in the registry of deeds for the county or district where the subject real property lies or is duly filed in the land court registry district prior to the deadline; or (ii) a challenge to the validity of the foreclosure sale is asserted as a defense or counterclaim in a legal action in a court of competent jurisdiction by any party entitled to notice of sale under section 14 who continues to occupy the mortgaged premises as such party's principal place of residence and, within 60 days thereof or prior to the deadline, whichever is later, a true and correct copy of any pleading asserting such challenge in the legal action is duly recorded in the registry of deeds for the county or district where the subject real property lies or is duly filed in the land court registry district, regardless of whether such challenge is asserted prior to the deadline. However, following the entry of a final judgment in such a legal challenge and the final resolution of any appeal of that judgment, the affidavit shall immediately become conclusive evidence of the validity of the sale, if the final judgment concludes that the power of sale was duly exercised. If the final judgment concludes that the power of sale was not duly exercised, the foreclosure sale and affidavit shall be void. If the final judgment does not determine the validity of the foreclosure sale and the deadline for the affidavit to become conclusive has not expired, any party entitled to notice of sale under section 14 may file or assert another legal challenge to the validity of the foreclosure sale under clauses (i) and (ii) above.”; in section 4, in line 49, by striking out the figure: "1" and inserting in place thereof the following: "three (3)."

The rules were suspended, on motion of Mr. Michael O. Moore, and the House amendments were considered forthwith.

The same Senator presented a motion that the Senate concur in the House amendment by striking out the paragraph contained in lines 21 to 34, inclusive, and inserting in place thereof the following paragraph:

“The prior paragraph shall not apply when: (i) a legal action to challenge the validity of the foreclosure sale is commenced by any party entitled to notice of sale under section 14 in a court of competent jurisdiction and a true and correct copy of the complaint or other pleading asserting such challenge in the legal action is duly recorded in the registry of deeds for the county or district where the subject real property lies or is duly filed in the land court registry district prior to the deadline; or (ii) a challenge to the validity of the foreclosure sale is asserted as a defense or counterclaim in a legal action in a court of competent jurisdiction by any party entitled to notice of sale under section 14 who continues to occupy the mortgaged premises as such party's principal place of residence and, within 60 days thereof or prior to the deadline, whichever is later, a true and correct copy of any pleading asserting such challenge in the legal action is duly recorded in the registry of deeds for the county or district where the subject real property lies or is duly filed in the land court registry district, regardless of whether such challenge is asserted prior to the deadline. However, following the entry of a final judgment in such a legal challenge and the final resolution of any appeal of that judgment, the affidavit shall immediately become conclusive evidence of the validity of the sale, if the final judgment concludes that the power of sale was duly exercised. If the final judgment concludes that the power of sale was not duly exercised, the foreclosure sale and affidavit shall be void. If the final judgment does not determine the validity of the foreclosure sale and the deadline for the affidavit to become conclusive has not expired, any party entitled to notice of sale under section 14 may file or assert another legal challenge to the validity of the foreclosure sale under clauses (i) and (ii) above.”; and NON-concur in the House amendments in section 1, in line 12, in section 2, in line 16; and



in section 4, in line 48 by striking out the figure "3" and inserting in place thereof, in each instance, the following: "ten (10) and in section 4, in line 49, by striking out the figure: "1" and inserting in place thereof the following: "three (3)".

The motion was accepted; and the amendment was *rejected*.

**Sent to the House for its action.**

The Senate Bill to promote public safety and protect access to reproductive health care facilities (Senate, No. 2283, amended),-- **came from the House passed to be engrossed, in concurrence, with an amendment in section 2, in line 87, by striking out the figures "\$10,000" and inserting in place thereof the figures "\$5,000"; in line 87 and also in line 88 by striking out the figures "\$15,000" and inserting in place thereof, in each instance, the figures "\$7,500"; and, in line 88, by striking out the figures "\$25,000" and inserting in place thereof the figures "\$12,500".**

**The rules were suspended, on motion of Ms. Chandler, and the House amendment was considered forthwith and adopted, in concurrence (as corrected BTR).**

*Matter Taken Out of the Notice Section.*

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows:

The House Bill authorizing the town of Plymouth to exchange a parcel of land held for water purposes for a parcel of land in the town of Plymouth (House, No. 3960),-- **was read a third time and passed to be engrossed, in concurrence.**

*Orders of the Day.*

The Orders of the Day were considered as follows:

*Bills*

Increasing in the exemption for residential real property in the city of Somerville from 30 per cent to 35 per cent (House, No. 4188);

Authorizing the town of Dighton to recall elected officials (House, No. 4199); and

Authorizing the city of Chicopee to change the use of the Chicopee Falls Branch Public Library (House, No. 4221).

The House Bill relative to local housing authorities (House, No. 4316),-- **was read a second time.**

Mr. Richard T. Moore in the Chair, after debate, and pending the question on adoption of the proposed Ways and Means new text (Senate, No. 2292), and pending the main question on ordering the bill to a third reading, Mr. Tarr moved that the proposed new text be amended in section 13 by inserting after the second sentence the following sentence:- "The capital resource teams and the department shall also work collaboratively with local veterans service officers and veterans service organizations to facilitate the use of surplus land and housing units for the development of affordable housing units for disabled veterans."

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

Mr. McGee moved to amend the proposed new text in section 5, by striking out, in line 60, the word "may" and inserting in place thereof the following word:- "shall"; and in said section 5, by

inserting after the word “tenants”, in line 60, the following words:- “and local tenant organizations”.

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

Mr. Lewis moved to amend the proposed new text by adding the following section:-

“SECTION 15. A housing authority shall make available information about smoking cessation services to tenants. Such information may include smoking prevention and cessation materials prepared by the department of public health.”.

The amendment was **adopted**.

Mr. Keenan moved to amend the proposed new text in section 5, by striking out, in line 52, the word “and” the second time it appears and further amended in section 5, by adding after the words “section 4 of chapter 151B” in line 54, the following:- “; and (xi) best practices relating to the general inspection, maintenance and repair of existing units, and capital improvements in public housing”.

The amendment was **adopted**.

Mr. Keenan moved to amend the proposed new text in section 7, by striking out the fifth and sixth paragraphs in lines 117 to 132, and inserting in place thereof the following:-

“Section 26C. (a) The department shall establish a program to provide capital, maintenance and repair planning and technical assistance to housing authorities. The program shall include 3 capital assistance teams, which shall aid housing authority members and executive directors in developing and managing the housing authority’s capital, maintenance and repair program, including: (i) developing a capital, maintenance and repair plan as required in the housing authority’s annual plan under section 26B; (ii) preparing applications for special capital project funds; (iii) implementing capital improvement, maintenance and repair projects; (iv) managing updates to the department’s capital planning, maintenance and repair systems; (v) facilitating coordination between housing authorities to ensure efficient use of capital and maintenance funds; and (vi) other functions related to capital planning, renovation, maintenance, repair and redevelopment as the department deems necessary; provided, however, that the capital assistance team shall provide services to the housing authority without requiring payment for such services by the housing authority. The capital assistance teams shall be located in diverse regions to be designated by the department.

(b) All housing authorities may participate in the program, except those housing authorities with 500 or fewer state-aided units shall participate in the program. The department may grant a waiver of this requirement to a housing authority that demonstrates that such assistance is not necessary based upon the housing authority’s performance under the performance based monitoring and assessment standards of section 26B.”

The amendment was **adopted**.

Mr. Keenan moved to amend the proposed new text in section 7, by striking out paragraph (e) in lines 144 to 151, and inserting in place thereof the following:-

“(e) Each capital assistance team shall have an advisory board, which shall consist of 11 members. The host housing authority shall appoint 1 of its own board members to the advisory board; the department shall appoint 1 member, who shall have at least five years of experience as the manager of no less than 200 units of privately owned housing; the department shall promulgate regulations establishing election procedures for the selection of the remaining 9



members. The department shall limit eligibility for election to members of participating housing authorities in the region. The advisory board shall meet on a quarterly basis with the capital assistance team director, host housing authority director and the director of the department or a designee of the director of the department, and shall discuss issues of program performance and coordination.”

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

Mr. Keenan moved to amend the proposed new text in section 8, by adding after the words “capital improvement” in line 162, the following words:- “, maintenance and repair”.

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

Mr. Keenan moved to amend the proposed new text in section 12, by adding after the word “department” in line 483, the following words:- “, one of whom shall have at least five years of experience as the manager of no less than 200 units of privately owned housing.”.

The amendment was **adopted**.

Mr. Keenan moved to amend the proposed new text in section 5, by striking out, in line 61, the words “Once appointed” and inserting in place thereof the following words:- “Upon appointment and reappointment or election and reelection”; and in said section 5, by striking out, in line 61, the first time it appears, and in lines 63 and 64, the word “the” and inserting in place thereof, in each instance, the following word:- “a”.

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

Messrs. Timilty, Rodrigues and Keenan moved to amend the proposed new text in section 9, in line 182, by striking the figure "3" and inserting in place thereof the following figure:- "5".

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

Ms. Flanagan moved to amend the proposed new text in section 10, by inserting after the word “housing.”, in line 234, the following words: “Collaborative housing authority”, a housing authority established pursuant to section 3 and 11(n) of chapter 121B that, by way of contractual agreement, provides management services for two or more public housing agencies.”;

In said section 10 by inserting after the word “regional”, in line 269, the following words: “or collaborative”;

In said section 10 by inserting after the word “regional”, in line 277, the following words: “or collaborative”;

In said section 10 by striking out, in line 313, the words “or regional housing authority”; and

In said section 10 by striking out, in lines 315 and 316, the word “regional”.

The amendment was *rejected*.

Mr. Eldridge moved to amend the proposed new text by striking section 4 and inserting: “Said section 5 of said chapter 121B, as so appearing, is hereby further amended by adding the following:-

The department shall promulgate regulations establishing election procedures for tenants to elect a tenant as a member of the housing authority in the town; provided further that one member of the housing authority board shall be a tenant. The department may provide regulations creating an exemption of this section if federal law requires the town to maintain a tenant member as 1 of

the 5 members.”

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

Mr. Ross moved to amend the proposed new text in section 6, by inserting after the word “payments”, in line 72, the following words:- “; provided, however, that the department shall review all contracts and all terms for payments or monetary remuneration worth more than \$100,000 per annum”.

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

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

“SECTION XX. Any person who violates the provisions of section thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F or thirty-two I while in or on, or within 300 feet of the real property comprising a housing authority shall be punished by a term of imprisonment in the state prison for not less than two and one-half nor more than fifteen years or by imprisonment in a jail or house of correction for not less than two nor more than two and one-half years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of two years. A fine of not less than one thousand nor more than ten thousand dollars may be imposed but not in lieu of the mandatory minimum two year term of imprisonment as established herein. In accordance with the provisions of section eight A of chapter two hundred and seventy-nine such sentence shall begin from and after the expiration of the sentence for violation of section thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F or thirty-two I.

Lack of knowledge shall not be a defense to any person who violates the provisions of this section.

Any person serving a mandatory minimum sentence for violating this section shall be eligible for parole after serving one-half of the maximum term of the sentence if the sentence is to a house of correction, except that such person shall not be eligible for parole upon a finding of any 1 of the following aggravating circumstances:

- (i) the defendant used violence or threats of violence or possessed a firearm, rifle, shotgun, machine gun or a weapon described in paragraph (b) of section 10 of chapter 269, or induced another participant to do so, during the commission of the offense;
- (ii) the defendant engaged in a course of conduct whereby he directed the activities of another who committed any felony in violation of chapter 94C.
- (iii) the offense was committed during the commission or attempted commission of the a violation of section 32F or section 32K of chapter 94C.

A condition of such parole may be enhanced supervision; provided, however, that such enhanced supervision may, at the discretion of the parole board, include, but shall not be limited to, the wearing of a global positioning satellite tracking device or any comparable device, which shall be administered by the board at all times for the length of the parole.”

The amendment was *rejected*.

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

“SECTION XX. Section 172 of chapter 6 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended in line 68 by striking the word “may” and inserting in place thereof the word:- “shall”.”

After remarks, the amendment was *rejected*.

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

"Section XX. All government and non-governmental programs that provide funding for M.G.L. Chapter 40B housing shall utilize a lottery process in selecting buyers and/or renters for such housing units, in which all eligible applicants shall participate. From such lottery, appropriate households will be chosen for occupation in such housing. The lottery shall give preference to households in which one or more members is the parent or spouse of a veteran at the time of the application, is a resident of the city or town, and meets the financial requirements of Chapter 40B."

**After remarks, Mr. Eldridge rose to a point of order, which, being stated, was that the amendment was beyond the scope of the bill.**

**The President ruled that the point of order was WELL taken.**

**Mr. Tarr doubted the ruling of the Chair.**

After debate, the question on "Should the ruling of the Chair stand?" was determined by a call of the yeas and nays at five minutes past three o'clock P.M, on motion of Mr. Tarr, as follows, to wit (34 yeas – 4 nays) [Yeas and Nays No. 420]:

YEAS.

Barrett, Michael J.      Kennedy, Thomas P.

Brewer, Stephen M.      Lewis, Jason M.

Brownsberger, William      Lovely, Joan B.  
N.

Chandler, Harriette L.      McGee, Thomas M.

Chang-Diaz, Sonia      Montigny, Mark C.

Creem, Cynthia Stone      Moore, Michael O.

DiDomenico, Sal N.      Moore, Richard T.

Donnelly, Kenneth J.      O'Connor Ives,  
Kathleen

Donoghue, Eileen M.      Pacheco, Marc R.

Downing, Benjamin B.      Petruccelli, Anthony

Eldridge, James B.      Rodrigues, Michael J.

Finegold, Barry R.      Rosenberg, Stanley C.

Flanagan, Jennifer L.      Rush, Michael F.

Forry, Linda Dorcena      Spilka, Karen E.

Jehlen, Patricia D.      Timilty, James E.

Joyce, Brian A.      Welch, James T.

Keenan, John F.      Wolf, Daniel A. – 34.

NAYS.

Hedlund, Robert L.      Ross, Richard J.

Humason, Donald F., Jr. Tarr, Bruce E. – 4.

**The yeas and nays having been completed at nine minutes past three o'clock P.M., the ruling of the Chair stands, and the amendment was laid aside.**

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

*Report of a Committee.*

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill regulating notaries public to protect consumers and the validity and effectiveness of recorded instruments (Senate, No. 2252),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2306).**

**There being no objection, the rules were suspended, on motion of Ms. Creem, and the bill**

**was read a second time.**

Ms. Creem moved that the Ways and Means amendment be amended in section 7 in section 17 of chapter 222 of the General Laws by striking out subsection (e) and inserting in place the following subsection:-

“(e) A notary public who is not an attorney licensed to practice law in the commonwealth shall not conduct a real estate closing and shall not act as a real estate closing agent. Provided however, that a notary public who is employed by an attorney so licensed may notarize a document in conjunction with a real estate closing conducted by the attorney and a notary public who is employed by a lender may notarize a document in conjunction with the closing of such lender's real estate loans.”

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

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

**The bill (Senate, No. 2306, 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-six minutes past three o'clock P.M., on motion of Ms. Creem, as follows, to wit (*yeas 38 – nays 0*) [**Yeas and Nays No. 421**]:

#### **YEAS.**

Barrett, Michael J.      Kennedy, Thomas P.

Brewer, Stephen M.      Lewis, Jason M.

Brownsberger, William N.      Lovely, Joan B.

Chandler, Harriette L.      McGee, Thomas M.

Chang-Diaz, Sonia      Montigny, Mark C.

Creem, Cynthia Stone      Moore, Michael O.

DiDomenico, Sal N.      Moore, Richard T.

Donnelly, Kenneth J.      O'Connor Ives,  
Kathleen

Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Petrucelli, Anthony
Eldridge, James 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.
Humason, Donald F., Jr.	Tarr, Bruce E.
Jehlen, Patricia D.	Timilty, James E.
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-nine minutes past three o'clock P.M., the bill was passed to be engrossed.  
Sent to the House for concurrence.**

*Recess.*

There being no objection, twenty-six minutes before four o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the Chair (Mr. Richard T. Moore) declared a recess;



and, at one minute past four o'clock P.M., the Senate reassembled, Mr. Richard T. Moore in the Chair.

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The House Bill relative to local housing authorities (House, No. 4316),-- **was considered, the main question being on ordering the bill to a third reading.**

Messrs. Ross, Joyce, Tarr, Humason and Hedlund moved that the proposed new text be amended by inserting at the end thereof the following new section:-

“SECTION XX. Housing authorities operating pursuant to chapter 121B shall consult the Terrorist Screening Database maintained by the Terrorist Screening Center of the Federal Bureau of Investigation to evaluate applications for housing owned by such housing authority, in order to further the protection and well-being of tenants of such housing authorities.”

The amendment was **adopted**.

Mr. Ross moved that the proposed new text be amended in section 14, in line 506, by inserting after the word “law” the following words:- “; provided further, that local housing authorities shall give priority in placement first to eligible and qualified applicants who reside in the same city or town as the local housing authority and second to eligible and qualified applicants who resided in the same city or town as the local housing authority for a period of 25 years or more, but who do not reside in said city or town at the time they submit their application”

Pending the question on adoption of the amendment Mr. Hedlund moved to amend the pending amendment (Ross) by adding the following new section:-

“SECTION \_\_. Section 32 of chapter 121B of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law or regulation to the contrary, an applicant for assisted housing under this chapter who is not eligible for federal assisted housing under 42 U.S.C. section 1436a or 8 U.S.C. section 1641 shall not displace or be given priority over any applicant who is so eligible.”

After debate, the further amendment (Hedlund) was **adopted**.

The pending amendment (Ross), as amended (Hedlund), was then **adopted**.

Messrs. Barrett and Montigny moved to amend the proposed new text in section 7, by inserting after the word “authority.”, in line 116, the following sentence:- “Where the department finds clear and convincing evidence of a demonstrable threat to tenant safety attributable to the conduct of the executive director, or of financial misconduct or criminal activity by the executive director, the department shall have the power to terminate the employment of the executive director.”

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

Mr. Tarr moved to amend the proposed new text by adding the following section:-

“SECTION 14A. The department of housing and community development shall develop initiatives based on best practices to allow non-regional housing authorities to work collaboratively to develop a program that shall facilitate the capturing of economies of scale through increased collaboration relative to, but not limited to, bulk purchasing, capital planning

and capital projects.”.

The amendment was **adopted**.

Mr. Brewer moved to amend the proposed new text by striking out section 1 and inserting in place thereof the following 2 sections:-

“SECTION 1. Section 1 of chapter 121B of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the definition of ‘Substandard area’ the following definition:-

‘Tenant member’, a member of the board of the housing authority who is directly assisted by that housing authority pursuant to this chapter.

SECTION 1A. The first paragraph of section 5 of chapter 121B of the General Laws, as so appearing, is hereby amended by adding the following sentence:- Every member of a housing or redevelopment authority shall be a fiduciary of the housing or redevelopment authority.”;

In section 12, by inserting after the word “have”, in line 278, the following word:- “not”;

In said section 12, by inserting after the word “of”, in line 279, the following word:- “not”; and

In said section 12, by striking out, in lines 339 and 341, the word “rents” and inserting in place thereof, in each instance, the following word:- “rents,”.

The amendment was **adopted**.

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

**The bill, as 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 eleven minutes before five o’clock P.M., on motion of Mr. Eldridge, as follows, to wit (yeas 38 – nays 0) [Yeas and Nays No. 422]:

#### YEAS.

Barrett, Michael J.      Kennedy, Thomas P.

Brewer, Stephen M.      Lewis, Jason M.

Brownsberger, William      Lovely, Joan B.  
N.

Chandler, Harriette L.      McGee, Thomas M.

Chang-Diaz, Sonia      Montigny, Mark C.

Creem, Cynthia Stone      Moore, Michael O.

DiDomenico, Sal N.      Moore, Richard T.

Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Petrucelli, Anthony
Eldridge, James 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.
Humason, Donald F., Jr.	Tarr, Bruce E.
Jehlen, Patricia D.	Timilty, James E.
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 eight minutes before five o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments [For text of Senate amendment, see Senate, No. 2310].  
Sent to the House for concurrence in the amendments.**

*Order Adopted.*

On motion of Mr. DiDomenico,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session with a calendar.

*Moment of Silence.*

At the request of the Chair (Mr. Richard T. Moore), the members, guests and staff stood in a moment of silence and reflection to the memory of Louis Simonelli III.

*Adjourn In Memory of Louis Simonelli III*

The Senator from Middlesex and Suffolk, Mr. DiDomenico, moved that when the Senate adjourns today, it do so in memory of Louis Simonelli III.

Lou Simonelli was co-owner and Vice President of 4M Fruit Distributors in Chelsea and served on the Board of Directors for the New England Produce Center. He was a proud member of the Lynnfield Men's Softball League's "Red Team". He was instrumental in developing the Lynnfield Girls Youth Softball Program, where he coached for several years.

He is survived by his wife, Joanne (Spinney) Simonelli and loving daughters, Alexandra and Andrea. He was a devoted son of Dorothy (Gaylardi) Simonelli and the late Louis Simonelli, Jr. He was the brother of Robert Simonelli and his wife Mary of Melrose as well as brother Ronald Simonelli and his wife, Donna and his sister Karen Martinelli and her husband Scott, all of Lynnfield. Lou was the son-in-law of Robert and Margaret Spinney and the brother-in-law of Robert Spinney and his wife, Kathleen of Chelsea and Cheryl Lombardi and her husband, Robert of Peabody. He is also survived by many cherished nieces and nephews.

Accordingly, as a mark of respect in memory of Louis Simonelli III, at seven minutes before five o'clock P.M., on motion of Mr. DiDomenico, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.