

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MARCH 29, 2018.

[31]

JOURNAL OF THE SENATE.

Thursday, March 29, 2018.

Met at eleven minutes past eleven o'clock A.M. (Mr. Pacheco in the Chair).

The Chair (Mr. Pacheco), members, guests and staff recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. deMacedo for the purpose of an introduction. Mr. deMacedo then introduced, seated in the rear of the Chamber, the Plymouth South Boys Hockey Team. The team was recognized for winning the Division 2 State Championship for the first time. The Senate applauded their accomplishments, they were presented with Senate Resolutions and they withdrew from the Chamber. Among the group was student Lilly Alvarez who addressed the Senate with the National Anthem. They were accompanied by Coaches Mike McCosh, Jason Hall, Stephen Whyte, Dave Whyte, Tommy Latham and Keith Malaguti.

Plymouth South Boys
Hockey Team.

Communications.

The following communications were severally received and placed on file, to wit:

Communication from the Norfolk County Sheriff's Office submitting a copy of the plan of action reports for the Norfolk Sheriff's Office Correctional Center and Dedham Alternative Center(received March 26, 2018);

Norfolk Sheriff,--
plan of action report.
SD2594

Communication from the Department of Public Health relative to plans of correction for the following correctional facilities:

DPH,-- plans of
correction.
SD2595

Boston Pre-Release Center

Franklin County Jail and House of Correction

Western Ma Women's Correctional Center

Old Colony Correctional Center

MASAC in Plymouth (received March 26, 2018);

Communication from the Department of Public Health (pursuant to Section 2RRRR of Chapter 29 of the General Laws) submitting its report entitled "2017 Municipal Naloxone Bulk Purchase Trust Fund Annual Report" (received March 27, 2018); and

DPH,-- naloxone
trust fund report.
SD2599

Communication from the Department of Public Health (Pursuant to Section 2KKKK of Chapter 29 of the General Laws) submitting its 2018 report entitled "Medical Marijuana Trust Fund Annual Report" (received March 26, 2018).

DPH,-- MMJ trust
fund annual report.
SD2600

Report.

The following reports were severally received and placed on file, to wit:

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspections of the following correctional facilities:

DPH,-- facility
inspections.
SD2596

Souza-Baranowski Correctional Center
Essex County Women in Transition (received March 26, 2018); and
Report of the Executive Office of Public Safety and Security (pursuant
Section 131Q Chapter 140 of the General Laws) submitting its 2016 and 2017
Massachusetts State Police Crime Gun Report (received March 29, 2018).

EOPSS, -- State
Police crime gun
report. SD2603

Petition.

Petitions were severally presented and referred as follows:

By Ms. Chandler, a petition (accompanied by bill) (subject to Joint Rule 12)
of Harriette L. Chandler and James J. O'Day for legislation to authorize the
commissioner of capital asset management and maintenance to modify and relocate
an easement in the town of West Boylston;

West Boylston,--
easement.
SD2597

By Mr. Fattman, a petition (accompanied by bill) (subject to Joint Rule 12) of
Ryan C. Fattman for legislation relative to the retirement of state university and
community college police officers;

State college police,--
retirement.
SD2601

By Mr. Pacheco, a petition (accompanied by bill) (subject to Joint Rule 12) of
Marc R. Pacheco and Keiko M. Orrall for legislation to release certain land in
Berkley from the operation of an agricultural preservation restriction; and

Berkley,-- land.
SD2598

By Mr. Tarr (by request), a petition (accompanied by bill) (subject to Joint
Rule 12) of Richard Tomczyk for legislation relative to the photocopying, scanning
or retaining of identification by private establishments;

Identification cards,--
protect.
SD2602

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

Reports of a Committee.

By Ms. Lovely, for the committee on Children, Families and Persons with
Disabilities, on petition, a Bill establishing a special commission on two-generation
approaches to childhood education (Senate, No. 38); and

Childhood
education,-- special
commission.

By the same Senator, for the same committee, on petition, a Bill providing for
an investigation and study by a special interagency task force relative to gender-
responsive programming for juvenile justice system-involved girls (Senate, No.
49);

Gender responsive
programming,-- girls.

**Severally read and, under Joint Rule 29, referred to the committees on
Rules of the two branches, acting concurrently.**

By Ms. Lovely, for the committee on Children, Families and Persons with
Disabilities, on petition, a Bill ensuring continuous healthcare coverage for youth
who have aged-out of the Department of Children and Families (Senate, No. 33);

Healthcare coverage,--
- youth.

By the same Senator, for the same committee, on petition, a Bill to assist
families caring for elders (Senate, No. 43);

Elders,-- family
members.

By the same Senator, for the same committee, on petition, a Bill to protect
children's mental health services (Senate, No. 44);

Children's mental
health services.

By the same Senator, for the same committee, on petition, a Bill relative to
familial dysautonomia (Senate, No. 53);

Familial
dysautonomia.

By the same Senator, for the same committee, on petition, a Bill providing
equal access to evaluations for children with disabilities (Senate, No. 58);

Disabled children,--
evaluations.

By the same Senator, for the same committee, on Senate, No. 2239 and
House, No. 4074, a Bill establishing a newborn health and safe sleep pilot program
(Senate, No. 2239);

Newborns,-- safe
sleep program.

By Ms. L'Italien, for the committee on Elder Affairs, on Senate, No. 342 and

Long term care

House, No. 337, a Bill increasing the personal needs allowance for residents of long term care facilities (Senate, No. 342);

By the same Senator, for the same committee, on Senate, No. 344 and House, No. 2886, a Bill directing the administration to amend the Frail Elder Home and Community-Based Waiver to permit eligible older adults to choose to reside in Certified Assisted Living Residences (Senate, No. 344);

By the same Senator, for the same committee, on petition, a Bill relative to small house nursing homes (Senate, No. 348);

By the same Senator, for the same committee, on petition, a Bill regarding home care cost sharing (Senate, No. 351);

By Ms. Friedman, for the committee on Mental Health, Substance Use and Recovery, on petition, a Bill relative to the safe care of residents with active substance use disorder accessing skilled nursing facility care (Senate, No. 340);

By the same Senator, for the same committee, on petition, a Bill relative to creating intensive stabilization and treatment units within the department of mental health (Senate, No. 1111); and

By the same Senator, for the same committee, on petition, a Bill relative to creating a pilot program to transfer high acuity behavioral health and dual diagnosis patients away from overcrowded emergency departments (Senate, No. 1112);

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

By Ms. Lovely, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill to promote employment (Senate, No. 35);

By the same Senator, for the same committee, on petition, a Bill establishing the healthy incentives program (Senate, No. 36);

By the same Senator, for the same committee, on petition, a Bill promoting financial stability and asset development (Senate, No. 37);

By the same Senator, for the same committee, on petition, a Bill creating an electronic backpack for foster children (Senate, No. 40);

By the same Senator, for the same committee, on petition, a Bill relative to the re-homing of children (Senate, No. 41);

By the same Senator, for the same committee, on petition, a Bill relative to creating a loan repayment program for human service workers (Senate, No. 42);

By the same Senator, for the same committee, on petition, a Bill creating a Bill of Rights for people experiencing homelessness (Senate, No. 46) (Representatives Crocker of Barnstable and O'Connell of Taunton dissenting);

By the same Senator, for the same committee, on petition, a Bill relative to fair pay for comparable work (Senate, No. 47);

By the same Senator, for the same committee, on petition, a Bill relative to eligibility for disability services (Senate, No. 51);

By the same Senator, for the same committee, on petition, a Bill relative to foster kids (Senate, No. 65);

By the same Senator, for the same committee, on petition, a Bill to keep siblings together (Senate, No. 75);

By the same Senator, for the same committee, on petition, a Bill establishing the miracle league of Massachusetts (Senate, No. 78);

By Mr. Cyr, for the committee on Community Development and Small Businesses, on petition, a Bill to promote livable communities (Senate, No. 93);

facilities.

Frail Elder Home and
Community-Based
Waiver.

Small house nursing
homes,-- regulations.

Home care,-- cost
sharing.

Substance use
disorder,-- care.

Department of
Mental Health,--
treatment units.

Behavioral health,--
pilot program.

Employment,--
promote.

Healthy incentives
program.

Financial stability.

Foster children,--
electronic backpack.

Re-homing,--
children.

Human Service
workers,-- loan
repayment.

Homelessness,-- bill
of rights.

Fair pay,-- work.

Disability services,--
eligibility.

Foster children,--
school enrollment.

Foster care,--
siblings.

Miracle league,--
establish.

Livable communities,-
- promote.

By Ms. L'Italien, for the committee on Elder Affairs, on Senate, No. 346 and House, No. 2892, a Bill relative to LGBT awareness training for aging services providers (Senate, No. 346);

By the same Senator, for the same committee, on petition, a Bill establishing a statewide adopt-a-senior program (Senate, No. 362); and

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 450 and House, No. 419, a Bill relative to ivory and rhino horn trafficking (Senate, No. 2382);

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

By Ms. Lovely, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill protecting disabled persons from financial exploitation (Senate, No. 76);

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

Committees Discharged.

Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of certain current Senate documents relative to issues before the joint committee on the Judiciary (Senate, No. 2313),-- and recommending that the same be referred to the committee on Rules;

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

PAPERS FROM THE HOUSE

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

Petition (accompanied by bill, House, No. 4340) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) that the town of Montague be authorized to grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises in said town;

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4341) of David T. Vieira, Dylan Fernandes and Viriato M. deMacedo (by vote of the town) that the town of Falmouth be authorized to transfer a certain parcel of land in said town to the Falmouth Rod & Gun Club, Inc.;

To the committee on Municipalities and Regional Government.

Bills

Relative to continuing education of insurance producers (House, No. 507,-- on petition);

Designating a certain bridge in the towns of Hanson and Hanover as the Hon. Charles W. Mann Bridge (House, No. 3849, amended,-- on petition); and

To authorize the county commissioners of Bristol County to borrow money for the repair, renovation and construction, equipping and furnishing of buildings at Bristol County Agricultural High School in the town of Dighton (House, No. 4227,-- on petition);

Were severally read and, under Senate Rule 26, referred to the committee on Rules.

Elderly,-- gender identity discrimination.

Adopt a senior,-- volunteer program.

Trafficking,-- ivory and rhino horns.

Disabled persons,-- financial exploitation.

Judiciary committee,-- study.

Montague,-- liquor license.

Falmouth,-- land.

Insurance producers,-- continuing education.

Hanson -- Hanover,-- Charles W. Mann Bridge.

Dighton,-- Bristol County Agricultural High School.

Bills

Relative to the appointment of retired police officers in the city of Cambridge as special police officers within the city for paid detail assignments (House, No. 4143, amended,-- on petition) [Local approval received]; and

Cambridge,-- special police officers.

Providing for the appointment of a treasurer-collector in the town of Stockbridge (House, No. 4162,-- on petition) [Local approval received];

Stockbridge,-- treasurer-collector.

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Report of the committee on Environment, Natural Resources and Agriculture asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4300) of Ruth B. Balser, Cynthia Stone Creem and Rachmiel Liberman relative to the revocation of kosher certification,-- and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Kosher certification.

Notice was received from the House of Representatives announcing the following appointment by the Minority Leader:

Ms. Teresita Ramos (under Section 65 of Chapter 138 of the Acts of 2017) to the special commission relative to investigating and studying the collection and dissemination of school district and statewide data relative to school-age English learners; and

English learners.

Frank Cousins, Jr. (under Chapter 1 of the Resolves of 2016) on the special commission relative to establishing an appropriate tribute to commemorate Nelson Mandela's June 1990 visit to the city of Boston.

Nelson Mandela.

Resolutions.

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

Resolutions (filed by Mr. Feeney) "congratulating Barry D. Greener on the occasion of his retirement";

Barry D. Greener.

Resolutions (filed by Mr. Ross and Ms. Spilka) "congratulating Joshua Lauterbach of the town of Franklin on his elevation to the rank of Eagle Scout"; and

Joshua Lauterbach.

Resolutions (filed by Mr. Ross and Mr. Rush) "congratulating Timothy Melvin of the town of Needham on his elevation to the rank of Eagle Scout."

Timothy Melvin

Communication.

The Clerk read the following communications:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

March 28, 2018

Committee assignments.

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

Dear Mr. Clerk:

The following appointments have been ratified by the Democratic Caucus:

Brendan P. Crighton

Municipalities and Regional Government, *chair*

Housing, *vice chair*

Economic Development and Emerging Technologies, member

Mental Health, Substance Use and Recovery, member

Transportation, member

Sincerely,

HARRIETTE L. CHANDLER

President of the Senate.

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

Ordered printed.

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

March 28, 2018

Senate President Harriette L. Chandler,
State House, Suite 332
Boston, MA 02133

Senator Michael F.
Rush,-- absence from
chamber.

Dear President Chandler:

I am wiring to inform you that I will be on military duty with the U.S. Navy out of the country for the period of March 31, 2018 to April 16, 2018. Therefore, I will not be present for the formal sessions that are, or may be, scheduled during that time. My Chief of Staff, John Regan, will assume my duties for the aforementioned time frame, apart from casting a formal vote on legislative matters.

Sincerely,

MIKE RUSH

State Senate

Norfolk & Suffolk District

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

Ordered printed.

Reports of Committees.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Cynthia S. Creem and Ruth B. Balser for legislation relative to kosher food signage.

Kosher food,--
signage.
SD2498

The rules were suspended, on motion of Mr. O'Connor, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Consumer Protection and Professional Licensure.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Cynthia Stone Creem for legislation to promote student nutrition.

Student nutrition.
SD2583

The rules were suspended, on motion of Mr. O'Connor, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Richard J. Ross and David Paul Linsky for legislation further regulating the value of the assets held by the Bacon Free Library in the South Natick section of the Town of Natick.

Natick,-- Bacon Free
Library.
SD2591

The rules were suspended, on motion of Mr. O'Connor, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of James B. Eldridge for legislation to ensure a free and open internet in the Commonwealth.

Internet access.
SD2571

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

Severally sent to the House for concurrence.

Reconsideration.

Mr. Moore moved that the Senate reconsider the vote by which, at a previous session, it had adopted the Senate Order establishing a Special Senate Committee on Cyber Security Readiness. (Senate, No. 2060); and, there being no objection, the motion prevailed.

Cyber security
special committee.

After remarks, and pending the recurring question on adoption of the order, the same Senator moved that the order be amended by striking out "March 30, 2018" and inserting in place thereof the following:- "April 30, 2018".

The amendment was adopted.

The order (Senate, No. 2060, amended) was then again adopted.

Reports of a Committee.

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 Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 2303) of Michael J. Rodrigues and Paul A. Schmid, III (by vote of the town) for legislation to authorize the town of Westport to grant 1 additional liquor license for the sale of wine and malt beverages not to be drunk on the premises.

Westport,-- liquor
license.

The rules were suspended, on motion of Mr. Rodrigues, and, on further motion of the same Senator, the petition was recommitted to the Joint Committee on Consumer Protection and Professional Licensure.

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 Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 2303) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation to authorize the town of Wareham to grant an additional license for

Wareham,-- liquor
license.

the sale of wines and malt beverages not to be drunk on the premises.

The rules were suspended, on motion of Mr. Rodrigues, and, on further motion of the same Senator, the petition was recommitted to the Joint Committee on Consumer Protection and Professional Licensure.

PAPERS FROM THE HOUSE

A Bill establishing a sick leave bank for Elliot Brown, an employee of the Department of Public Health (House, No. 4267,-- on petition),-- was read.

Elliot Brown,-- sick leave.

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

A petition (accompanied by bill, House, No. 4354) of Jeffrey N. Roy, Richard J. Ross and Karen E. Spilka for legislation to establish a sick leave bank for Sara Parmenter, an employee of the Department of Correction,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Sara Parmenter,-- sick leave.

Matters Taken Out of the Notice Section of the Calendar.

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

The House Bill establishing a special fund in the town of Westborough (House, No. 4028, amended),-- **was read a third time and passed to be engrossed, in concurrence.**

Westborough,-- special fund.

The House Bill establishing the appointed office of town clerk in the town of Ayer (House, No. 4077),-- **was read a third time and passed to be engrossed, in concurrence.**

Ayer,-- town clerk.

The House Bill establishing the appointed office of tree warden in the town of Ayer (House, No. 4078),-- **was read a third time and passed to be engrossed, in concurrence.**

Ayer,-- tree warden.

The House Bill establishing the appointed position of treasurer-collector in the town of Ayer (House, No. 4079),-- **was read a third time and passed to be engrossed, in concurrence.**

Ayer,-- treasurer-collector.

Orders of the Day.

The Orders of the Day were considered as follows:

The House Bill establishing the position of town manager in the town of Ayer (House, No. 4080, amended),-- **was read a second time and ordered to a third reading.**

Second reading bill.

The House Bill financing the production and preservation of housing for low and moderate income residents (House, No. 4134),-- was read a second time.

Housing bond bill.

The President in the Chair, after remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, that the pending Bonding, Capital Expenditures and State Assets pending new text (Senate, No. 2317) be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document

3

numbered 2368, and pending the main question on ordering the bill to a third reading, Mr. O'Connor moved that the proposed new text be amended by inserting at the end the following section:-

“SECTION XX. Notwithstanding any special or general law there shall be a special commission to (1) determine the level of need for additional adult disabled housing in the Commonwealth, (2) create a portfolio accounting for all occupied and available housing for individuals with disabilities, and (3) determine best practices and costs to increase the stock of adult disabled housing to meet the level of need.

The special commission shall consist of: the secretary of housing and economic development, or their designee; the undersecretary of the department of housing and community development, or their designee; the commissioner of the department of developmental services, or their designee; a representative of the Massachusetts Housing Partnership; a representative of the Citizens' Housing & Planning Association; a representative of the Arc of Massachusetts; two parents or guardians of adult disabled children; two representatives from local housing authorities, to be appointed by the commissioner of the department of housing and economic development; a representative of the Massachusetts Developmental Disabilities Council; two members of the House of Representatives, one of whom to be appointed by the Speaker of the House of Representatives, and the other to be appointed by the minority leader; two members of the Senate, one of whom to be appointed by the President of the Senate, and the other to be appointed by the minority leader; provided, however, that the first meeting of the commission shall take place no later than December 1, 2018.

The special commission shall submit its recommendations, together with drafts of any legislation, to the clerks of the House of Representatives and the Senate, the chairs of the joint committee on mental health and substance abuse not later than July 1, 2019.”

After remarks, the amendment was adopted.

Mr. deMacedo moved that the proposed new text be amended by striking out section 33 and inserting in place thereof the following section:-

“SECTION 33. Chapter 287 of the acts of 2014 is hereby amended by striking out section 125 and inserting in place thereof the following section:-

Section 125. Sections 46, 48, 61, and 63 shall take effect on January 1, 2024.”

After remarks, the amendment was adopted.

Mr. Tarr moved that the proposed new text be amended in section 2 in line item 7004-0058 by inserting in line 310 after the word "development" the following:- “provided that not less than \$1,000,000 shall be provided to the city of Gloucester for low income housing development”.

The amendment was *rejected*.

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

“SECTION: Notwithstanding any general or special law to the contrary the department may award funds for projects involving energy efficiency, sustainability, climate adaptation and resiliency.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at ten minutes past twelve o'clock noon. on motion of Mr. Tarr, as follows, to wit (yeas 34 – nays 0) [Yeas and Nays No. 344]:

YEAS.

Boncore, Joseph A.

Lewis, Jason M.

Chandler, Harriette L.
Creem, Cynthia Stone
Crichton, Brendan P.
deMacedo, Viriato M.
DiDomenico, Sal N.
Donoghue, Eileen M.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.

L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
O'Connor Ives, Kathleen
Pacheco, Marc R.
Rodrigues, Michael J.
Rosenberg, Stanley C.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 34.

NAYS – 0.

ABSENT OR NOT VOTING.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.

Chang-Diaz, Sonia
Cyr, Julian – 5.

The yeas and nays having been completed at twenty-one minutes past twelve o'clock noon, the amendment was adopted.

Moment of Silence.

There being no objection, during consideration of the Orders of the Day, at the request of the Chair (Mr. Eldridge), the members, guests and staff stood in a moment of silence and reflection to the memory of Brian Donaghue Simpson.

Moment of silence.

Orders of the Day.

The Orders of the Day were considered as follows:

The House Bill financing the production and preservation of housing for low and moderate income residents (House, No. 4134),-- was considered, the main question being on ordering the bill to a third reading.

Housing bond bill.

Mr. Tarr, Ms. Chandler and Messrs. deMacedo, Fattman, Humason, O'Connor, Ross and Tran moved that the proposed new text be amended in section 2, in item 7004-0052, by adding the following words:- “; provided, that up to \$50,000,000 shall be provided to rehabilitate 1 to 4 unit housing in gateway cities, and other similarly-situated municipalities as determined by the department of housing and community development, that have been cited for building or sanitary code violations or that are subject to cancellation of commercial property insurance due to substandard property conditions”; and

4

In said section 2, by striking out item 7004-0054 and inserting in its place the following item:-

“7004-0054. For the purpose of state financial assistance in the form of grants for projects undertaken pursuant to clause (j) of section 26 of chapter 121B of the General Laws; provided, that contracts entered into by the department of housing and community development for those projects may include, but shall not be limited to, projects providing for renovation, remodeling, reconstruction,

redevelopment and hazardous material abatement, including asbestos and lead paint, and for compliance with state codes and laws and for adaptations necessary for compliance with the Americans with Disabilities Act of 1990, the provision of day care facilities, learning centers and teen service centers and the adaptation of units for families and persons with disabilities; provided further, that priority shall be given to projects undertaken to comply with state codes and laws or for other purposes related to the health and safety of residents; provided further, that funds may be expended from this item to make such modifications to congregate housing units as may be necessary to increase the occupancy rate of those units; provided further, that the department shall continue to fund a program to provide predictable funds to be used flexibly by housing authorities for capital improvements to extend the useful life of state-assisted public housing; and provided further, that not less than 25 per cent of the funds from this item shall be used to fund projects which preserve or produce housing for families and individuals with incomes of not more than 30 per cent of the area median income, as defined by the United States Department of Housing and Urban Development..... \$600,000,000”.

The amendment was adopted.

Ms. Spilka moved that the proposed new text be amended in section 30, by striking out, in line 445, the words "in each case to the extent permitted" and inserting in place thereof the following words:- "; in each case unless and to the extent prohibited".

10

The amendment was adopted.

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

The Bonding, Capital Expenditures and State Assets amendment was then adopted, as amended.

The bill (House, No. 4143), 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 four minutes before one o'clock P.M. on motion of Mr. Keenan, as follows, to wit (yeas 34 – nays 0) **[Yeas and Nays No. 345]:**

YEAS.

Boncore, Joseph A.
Chandler, Harriette L.
Creem, Cynthia Stone
Crighton, Brendan P.
deMacedo, Viriato M.
DiDomenico, Sal N.
Donoghue, Eileen M.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.

Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
O'Connor Ives, Kathleen
Pacheco, Marc R.
Rodrigues, Michael J.
Rosenberg, Stanley C.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 34.

NAYS – 0.

ABSENT OR NOT VOTING.

Barrett, Michael J.

Chang-Diaz, Sonia

Brady, Michael D.

Cyr, Julian – 5.

Brownsberger, William N.

The yeas and nays having been completed at one o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment [For text of Senate amendment, printed as amended, see Senate, No. 2386].

Sent to the House for concurrence in the amendment.

There being no objection, during consideration of the Orders of the Day, the following matters were considered:

National Anthem.

Mr. deMacedo introduced Lilly Alvarez who sang out National Anthem.

National Anthem.

Remarks of Senator Michael F. Rush

Madam President and through you the members, today March 29th is National Vietnam War Veterans Day, honoring the men and women who served and sacrificed during the longest conflict in United States history. Along with the more than 1,300 Massachusetts citizens who died in Vietnam.

National Vietnam
War Veterans Day.

It is a solemn but important reminder to the families of the American heroes who lost their lives in Southeast Asia—and to the veterans that served alongside them and those veterans that followed in their hallowed footsteps—that people have not and will never forget their sacrifice.

We in Massachusetts are committed to providing our wounded warriors and the families of our fallen and missing with full support. As Chairman of the Joint Committee on Veterans and Federal Affairs, and as a veteran, I am uplifted by all of your commitment to our future generation of veterans because of the example of those we remember today.

Our fallen heroes and our gold star families require the continued attention of a grateful nation. So today, as we pause together, we are mindful of the Vietnam Veterans who have made today and tomorrow possible. The soldiers, sailors, airmen, and marines of this conflict gave their lives for a better future for all Americans. And to those veterans who continue to contribute to our commonwealth and our nation.

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

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of those who died during the Vietnam War.

Moment of silence.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Order relative to granting the committee on Public Health until May 9, 2018, within which time to make its final report on current Senate documents numbered 142, 1165, 1166, 1169, and 1238 (Senate, No. 2370),-- was

Public Health,--
extension order.

considered, the main question being on adoption.

Pending the question on the motion, previously moved by Mr. Tarr, to lay the order on the table, and pending the main question on adoption of the order, on motion of Mr. Tarr, further consideration was postponed until the next session.

Reports of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill relative to authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land in the city of Revere (House, No. 3995),-- ought to pass.

Revere,-- land conveyance.

There being no objection, the rules were suspended, on motion of Mr. Timilty, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Revere".

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a student loan bill of rights (Senate, No. 129),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2380).

Student loan,-- bill of rights.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill establishing a student loan bill of rights (Senate, No. 129) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2380) shall be placed in the Orders of the Day for a second reading on Wednesday, April 4, 2018.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by Tuesday, April 3, 2018 at 5:00P.M. All such amendments shall be second-reading amendments to Senate, No. 2380, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Rules.

Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Feeney, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Wednesday, April 4, 2018, for a second reading with the amendment pending.

PAPER FROM THE HOUSE

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith as follows:

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee

Labor and Workforce

on Labor and Workforce Development be granted until Wednesday, May 9, 2018 within which time to make its final report on current Senate document numbered 88 and House documents numbered 1970 and 4058.

Development,--
extension order.

The rules were suspended, on motion of Mr. Tarr, and after remarks, the order (House, No. 4349) was considered forthwith; and, was adopted, in concurrence.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill regulating and insuring short-term rentals (House, No. 4327),-- ought to pass, with an amendment substituting a new text with the same title (Senate, No. 2381).

Short-term rentals.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That, notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill regulating and insuring short-term rentals (House, No. 4314) (the committee on Ways and Means having recommended that the bill be amended by striking out all after the enacting clause and inserting in place the text of Senate document numbered 2381) shall be placed in the Orders of the Day for a second reading on Wednesday, April 4, 2018.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by Monday, April 2, 2018 at 3:00 P.M. All such amendments shall be second-reading amendments to Senate, No. 2381, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Rules.

Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Timilty, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Wednesday, April 4, 2018, for a second reading with the amendment pending.

Order Adopted.

On motion of Mr. Timilty,--

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.

Time of meeting.

Adjourn In Memory of Brian Donaghue Simpson.

The Senator from Middlesex and Worcester, Mr. Eldridge moved that when the Senate adjourns today, it adjourn in memory of Brian Donaghue Simpson.

Brian Donaghue Simpson, 32, passed away unexpectedly on March 12, 2018 after a long battle with addiction. Born in Worcester, he is the son of Kimball

Simpson and Kate Donaghue of Westborough. He was educated in Westborough schools and was a 2003 graduate of Westborough High School. He attended UMass Amherst and Lone Star College in Texas.

Brian was a talented and passionate battle rapper who worked with, and inspired people, across the country. Brian was a thoughtful, caring, and compassionate young man. He was environmentally conscious and made a point of minimizing the use of plastic bags both as a consumer and a cashier. He had hiked extensively in the White Mountains with his father and helped his mother on many political campaigns.

In addition to his parents he is survived by his sister, Josselyn Simpson of Manhattan, his grandmother, Margaret Donaghue of Quincy and many aunts, uncles and cousins. He loved his family and in recent months especially enjoyed spending time with his grandmother and young cousins, Ava and Zach.

Accordingly, as a mark of respect in memory of Brian Donaghue Simpson, at twenty-three minutes before two o'clock P.M., on motion of Mr. Timilty, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.