

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JULY 20, 2017.

[71]

JOURNAL OF THE SENATE.

Thursday, July 20, 2017.

Met at a quarter minutes past eleven o'clock A.M.

The Senator from Norfolk, Bristol and Middlesex, Mr. Ross, then led the President, members, guests and staff in the recitation of the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the President handed the gavel to Ms. Creem for the purpose of an introduction. Ms. Creem then introduced, in the rear of the Chamber, Alison Safran from Newton. Alison is the founding director of Surviving in Numbers, a website and poster campaign initially designed for the internet and for college campus assaults to support victims of rape and domestic violence in their healing process. This week her posters portraying the experiences of victims of sexual violence are covering columns on the 4th floor outside the House Gallery. The Senate applauded her accomplishments and she withdrew from the Chamber. She was accompanied by her father, Alan Safran and volunteer, Antonio Gutierrez.

Alison Safran.

Communication.

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

Communication from the Secretary of State of the State of Arizona transmitting Arizona House Concurrent Resolution 2022, a concurrent resolution providing for the selection and instruction of commissioners and for a planning convention regarding an Article V convention for proposing an amendment to the Constitution of the United States [having been passed by the House of Representatives of the State of Arizona on February 21, 2017, and by the Senate of the State of Arizona on March 27, 2017] (received June 23, 2017); and

Arizona State
Legislature.
SD2274

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

DPH,-- plans of
correction.
SD2272

- Barnstable County Correctional Facility
- Franklin County Jail and House of Correction
- Massachusetts Treatment Center
- Essex County Alternative Center
- MCI Shirley
- Plymouth County Correctional Facility
- South Middlesex Correctional Center (received July 20, 2017).

Report.

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.
SD2271

- Boston Pre-Release Center

MASAC of Plymouth
Western MA Women's Correctional Center
Norfolk County House of Correction and Alternative Center
Western MA Recovery and Wellness Center (received July 20, 2017 2017), --
was placed on file.

Petition.

Mr. Timilty presented a petition (accompanied by bill) (subject to Joint Rule 12) of Walter F. Timilty for legislation relative to an easement plan for the Milton Inline Inspection Project;

Milton Inline
Inspection Project.
SD2270

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

Reports of a Committee.

By Mr. Moore, for the committee on Public Safety and Homeland Security, on petition, a Bill establishing a board of hoisting machinery regulations (Senate, No. 1345); and

Board of hoisting
machinery
regulations.

By the same Senator, for the same committee, on petition, a Bill requiring health care employers to develop and implement programs to prevent workplace violence (Senate, No. 1374);

Workplace violence,-
- prevention.

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

Committee Discharged.

Mr. Lewis, for the committee on Public Health, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1196) of Maura Flynn and Patrick M. O'Connor for legislation to reduce the risk of skin cancer and excessive UV exposure in children,-- and recommending that the same be referred to the committee on Education; and

Skin cancer,--
children.

Of the petition (accompanied by bill, Senate, No. 1177) of Cynthia S. Creem, Thomas M. McGee, Angelo J. Puppolo, Jr., Jack Lewis and other members of the General Court for legislation to establish the office of adult guardianship and decisional support services,-- and recommending that the same be referred to the committee on the Judiciary;

Adult guardianship
office.

Severally, under Senate Rule 36, the reports were considered forthwith and accepted.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3831) of William C. Galvin and Walter F. Timilty (by vote of the town) that the town of Canton be authorized to regulate the use of Reservoir Pond in said town;

Canton,-- Reservoir
Pond.

To the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 3832) of Marjorie C. Decker and Mike Connolly (with the approval of the mayor and city council) that the city of Cambridge be authorized to use certain land used for park, playground or recreation uses for school purposes and for installation of sub surface geothermal

Cambridge,-- land
use.

wells and to relocate a certain pool facility; and

Petition (accompanied by bill, House, No. 3833) of Smitty Pignatelli and Adam G. Hinds (by vote of the town) that the town of Lenox be authorized to convey a conservation restriction on certain parcels of land;

Lenox,-- land conveyance.

Severally, to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3834) of Stephen Kulik and Adam G. Hinds (by vote of the town) that the town of Williamsburg be authorized to continue the employment of James Ferron as a call firefighter in said town;

Williamsburg,-- James Ferron.

To the committee on Public Service.

Resolutions.

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

Resolutions (filed by Mr. Ross) “congratulating Samuel Edward Cahaly of the town of Wayland on his elevation to the rank of Eagle Scout”;

Samuel Edward Cahaly.

Resolutions (filed by Mr. Ross) “congratulating William Harrison Obar of the town of Way;and on his elevation to the rank of Eagle Scout”;

William Harrison Obar.

Resolutions (filed by Mr. Ross) “congratulating Dylan Scott Rader of the town of Wayland on his elevation to the rank of Eagle Scout”; and

Dylan Scott Rader.

Resolutions (filed by Mr. Ross) “congratulating Steven Matthew Russo of the town of Wayland on his elevation to the rank of Eagle Scout.”

Steven Matthew Russo.

Reports of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Justin Michael Rizzo, an employee of the Massachusetts Department of Labor Standards (House, No. 3720),-- ought to pass, with an amendment by striking out, in line 2, the words “department of labor standards” and inserting in place thereof the following words:- “executive office of labor and workforce development”; and

Justin Michael Rizzo,-- sick leave.

by striking out, in lines 3, 5 and 9, the word “department” and inserting in place thereof, in each instance, the following word:- “office”;

by striking out the preamble and inserting in place thereof the following preamble:-

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the executive office of labor and workforce development, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and

By striking out the title of the bill and inserting in place thereof the following title:- “An Act establishing a sick leave bank for Justin Michael Rizzo, an employee of the executive office of labor and workforce development.”

There being no objection, the rules were suspended, on motion of Mr. Cyr, 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 passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill relative to language opportunity for our kids (House, No. 3740) (also based on

Language opportunity.

Senate, No. 2070),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2125.

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 relative to language opportunity for our kids (House, No. 3740) (also based on Senate, No. 2070) (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 thereof the text of Senate document numbered 2125) shall be placed in the Orders of the Day for a second reading on Thursday, July 27, 2017.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, July 24, 2017. All such amendments shall be second-reading amendments to Senate, No. 2125, 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 the same Senator, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, July 27, for a second reading with the amendment pending.

Report of a Committee.

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

The Senate Bill relative to senior citizen property taxes (Senate, No. 1503) (also based on Senate, Nos. 1514, 1543, 1583, 1607 and 1644) (the committee on Rules having recommended that the bill be amended by substituting a new draft entitled "An Act improving real property tax abatements, application deadlines, and deferrals", Senate, No. 2124).

Property taxes,--
senior citizens.

Order Adopted.

Ms. Brady offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to senior citizen property taxes (Senate, No. 1503) (also based on Senate Nos. 1514, 1543, 1583, 1607 and 1644) (the committee on Rules having recommended that the bill be amended by substituting a new draft, Senate, No. 2124) shall be placed in the Orders of the Day for a second reading on Thursday, July 27, 2017.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, July 24, 2017. All such amendments shall be second-reading amendments to Senate, No. 2124, 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 Ms. Lovely, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, July 27, for a second reading with the amendment pending.

PAPER FROM THE HOUSE

Emergency Preamble Adopted

An engrossed to ensure safe access to marijuana (see House, No. 3818), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 6 to 0.

Marijuana,-- access.

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

Orders of the Day.

The Orders of the Day were considered as follows:

The Senate Bill relative to the promotion of mental health education in Massachusetts high schools (Senate, No. 256),-- was read a second time, and after remarks, was amended, as previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2112).

Mental health education,-- promotion.

The bill (Senate, No. 2112) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

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

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill to ensure safe access to marijuana (see House, No. 3818) (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.

Marijuana.

Recess.

After remarks, at eighteen minutes before one o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at two minutes past two o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

PAPERS FROM THE HOUSE

Engrossed Bills.

An engrossed Bill to ensure safe access to marijuana (see House, No. 3818) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was again considered.

Marijuana,--
access.

The question on passing it to be enacted was determined by a call of the yeas and nays, at three minutes past two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 32 - nays 6) [**Yeas and Nays No. 60**]:

YEAS.

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Lesser, Eric P. |
| Boncore, Joseph A. | Lewis, Jason M. |
| Brady, Michael D. | L'Italien, Barbara A. |
| Brownsberger, William N. | Lovely, Joan B. |
| Chandler, Harriette L. | McGee, Thomas M. |
| Chang-Diaz, Sonia | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| Cyr, Julian | O'Connor Ives, Kathleen |
| DiDomenico, Sal N. | Pacheco, Marc R. |
| Donoghue, Eileen M. | Rodrigues, Michael J. |
| Eldridge, James B. | Rosenberg, Stanley C. |
| Flanagan, Jennifer L. | Ross, Richard J. |
| Forry, Linda Dorcena | Rush, Michael F. |
| Gobi, Anne M. | Spilka, Karen E. |
| Hinds, Adam G. | Timilty, Walter F. |
| Jehlen, Patricia D. | Welch, James T. - 32. |

NAYS.

- | | |
|-------------------------|----------------------|
| deMacedo, Viriato M. | Keenan, John F. |
| Fattman, Ryan C. | O'Connor, Patrick M. |
| Humason, Donald F., Jr. | Tarr, Bruce E. - 6. |

The yeas and nays having been completed at nine minutes past 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.

An engrossed Bill establishing the Massachusetts pregnant workers fairness act (see House, No. 3680, 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. After remarks, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-two minutes past two o'clock P.M., on motion of Ms. Lovely, as follows, to wit (yeas 38 - nays 0) [**Yeas and Nays No. 61**]:

Pregnant workers.

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Keenan, John F. |
| Boncore, Joseph A. | Lesser, Eric P. |
| Brady, Michael D. | Lewis, Jason M. |
| Brownsberger, William N. | L'Italien, Barbara A. |
| Chandler, Harriette L. | Lovely, Joan B. |

Chang-Diaz, Sonia
Creem, Cynthia Stone
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Donoghue, Eileen M.
Eldridge, James B.
Fattman, Ryan C.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.

McGee, Thomas M.
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.
Welch, James T. – 38.

NAYS – 0.

The yeas and nays having been completed at twenty-four minutes past 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 the Day were further considered, as follows:

The Senate Bill relative to healthy youth (Senate, No. 2071),-- was a second time.

Healthy youth.

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2113), and pending the main question on ordering the bill to a third reading, Mr. Tarr and Ms. Lovely moved that the proposed new draft be amended by inserting after section 2 the following section:-

2

“SECTION 2A. The department of elementary and secondary education, in consultation with the advisory council for comprehensive health education and human service programs established in section 1G of chapter 15 of the General Laws, shall establish age-appropriate guidelines for child exploitation awareness education for students in grades 2 to 12, inclusive, that may include, but shall not be limited to: (i) defining child exploitation; (ii) recognizing types of child exploitation; (iii) recognizing boundary-violating behaviors in adults or other children that may indicate that the adult or child poses a sexual risk to children and youth and ways to report that behavior; (iv) effectively communicating concerns about body boundaries or privacy violations to trusted adults; (v) identifying available school and community resources to prevent and respond to sexual abuse; and (vi) creating awareness of warning signs of child exploitation, child abduction and the sexual abuse of a child.”

The amendment was adopted.

Mr. Tarr moved that the proposed new draft be amended by inserting in line 55 after the word “section” the following:- “(f) Any entity contracted by a city, town, regional school district, vocational school district, or charter school to provide sexual health education and child exploitation education as shall have to be certified by the department and undergo yearly certification and training using digital means, and or in a classroom setting.”

3

After remarks, the amendment was adopted.

Mr. Tarr moved that the proposed new draft be amended by inserting after line 25 the following:- “Any city, town or school district maintaining or implementing any curriculum, unit of study, school-sanctioned program or activity which involves sex education shall offer it only on an elective basis. Given 30 school days notice, prior review of said materials, and only after an affirmative vote of the school district as well as the questioning of teachers and administrators involved, will be extended to parents, guardians and/or their legal representatives. Written parent or guardian permission will be required for student participation. No public school teacher or employee who feels that such curriculum or activity violates his or her religious beliefs shall be required to participate in any way.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven minutes before three o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 9 – nays 29) **[Yeas and Nays No. 62]:**

YEAS.

- | | |
|-------------------------|--------------------------------|
| deMacedo, Viriato M. | O’Connor, Patrick M. |
| Fattman, Ryan C. | Rush, Michael F. |
| Humason, Donald F., Jr. | Tarr, Bruce E. |
| Lovely, Joan B. | Timilty, Walter F. – 9. |
| Moore, Michael O. | |

NAYS.

- | | |
|--------------------------|------------------------------|
| Barrett, Michael J. | Jehlen, Patricia D. |
| Boncore, Joseph A. | Keenan, John F. |
| Brady, Michael D. | Lesser, Eric P. |
| Brownsberger, William N. | Lewis, Jason M. |
| Chandler, Harriette L. | L’Italien, Barbara A. |
| Chang-Diaz, Sonia | McGee, Thomas M. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Cyr, Julian | O’Connor Ives, Kathleen |
| DiDomenico, Sal N. | Pacheco, Marc R. |
| Donoghue, Eileen M. | Rodrigues, Michael J. |
| Eldridge, James B. | Rosenberg, Stanley C. |
| Flanagan, Jennifer L. | Ross, Richard J. |
| Forry, Linda Dorcena | Spilka, Karen E. |
| Gobi, Anne M. | Welch, James T. – 29. |
| Hinds, Adam G. | |

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

Mr. Tarr moved that the proposed new draft be amended by inserting in line 16 after the word "year" the words:- “provided that parents or guardians will have not less than 30 days notification prior to the start of such instruction”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at three minutes before three o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 63]:**

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Keenan, John F. |
| Boncore, Joseph A. | Lesser, Eric P. |
| Brady, Michael D. | Lewis, Jason M. |
| Brownsberger, William N. | L’Italien, Barbara A. |
| Chandler, Harriette L. | Lovely, Joan B. |

Chang-Diaz, Sonia
Creem, Cynthia Stone
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Donoghue, Eileen M.
Eldridge, James B.
Fattman, Ryan C.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.

McGee, Thomas M.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
O'Connor Ives, Kathleen
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Welch, James T. – 37.

NAYS – 0.

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

Mr. Tarr moves to amend the proposed new text in subsection (b) of proposed section 32B of chapter 71 of the General Laws, by adding the following sentence:- "Sexual health education shall also include teaching considerations relevant to becoming a parent." 6

After remarks, the amendment was adopted.

Ms. Creem moved that the proposed new draft be amended in line 49, by striking the word "may" and inserting in place thereof the following word:- "shall". 7

After remarks, the amendment was adopted.

Ms. O'Connor Ives moved that the proposed new draft be amended by adding the following: 8

“Chapter 71 of the General Laws is hereby amended by adding at the end of Section 32A the following section:-

(e) The department of elementary and secondary education in coordination with the department of public health shall provide guidance and resources for each city, town, regional school district, vocational school district or charter school for the purpose of substance abuse and addiction prevention which shall align with the health curriculum framework and address the following topics: tobacco, alcohol, opiate and prescription drug diversion and abuse and other substance use and abuse prevention, conflict resolution, healthy coping behavior, student and community mental health resources and peer leadership. The curriculum shall take into account the best practices and policies in other states. The adolescent substance abuse and addiction prevention curriculum shall be incorporated into the health curriculum in grades 4 to 12 for all students in the public schools for the 2018-2019 school year.

SECTION 2. The Bureau of Substance Abuse Services in the Department of Public Health shall provide training and professional development resources necessary with the implementation of section (e).”

After remarks, the amendment was *rejected*.

Mr. Cyr moved that the proposed new draft be amended by striking out, in line 42, the words "the importance of effectively using contraceptives and barrier methods to prevent unintended pregnancy and sexually transmitted diseases, including HIV/AIDS" and inserting in place thereof the following words:- "the prevention of sexually transmitted diseases, including HIV/AIDS, and unintended pregnancy, including the effective use of contraceptives and barrier methods". 9

After remarks, the amendment was adopted.

Mr. Cyr moved that the proposed new draft be amended by inserting after the word “sexuality”, in line 46, the following words:- “, including affirmative and voluntary consent to engage in physical or sexual activity, and skills to recognize and prevent dating violence”.

10

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at a quarter past three o’clock P.M., on motion of Ms. Forry, as follows, to wit (yeas 38 – nays 0) **[Yeas and Nays No. 64]:**

YEAS.

- | | |
|--------------------------|------------------------------|
| Barrett, Michael J. | Keenan, John F. |
| Boncore, Joseph A. | Lesser, Eric P. |
| Brady, Michael D. | Lewis, Jason M. |
| Brownsberger, William N. | L’Italien, Barbara A. |
| Chandler, Harriette L. | Lovely, Joan B. |
| Chang-Diaz, Sonia | McGee, Thomas M. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Cyr, Julian | Moore, Michael O. |
| deMacedo, Viriato M. | O’Connor, Patrick M. |
| DiDomenico, Sal N. | O’Connor Ives, Kathleen |
| Donoghue, Eileen M. | Pacheco, Marc R. |
| Eldridge, James B. | Rodrigues, Michael J. |
| Fattman, Ryan C. | Rosenberg, Stanley C. |
| Flanagan, Jennifer L. | Ross, Richard J. |
| Forry, Linda Dorcena | Rush, Michael F. |
| Gobi, Anne M. | Spilka, Karen E. |
| Hinds, Adam G. | Tarr, Bruce E. |
| Humason, Donald F., Jr. | Timilty, Walter F. |
| Jehlen, Patricia D. | Welch, James T. – 38. |

NAYS – 0.

The yeas and nays having been completed at seventeen minutes past three o’clock P.M., the amendment was adopted.

Mr. Cyr and Ms. O’Connor Ives moved that the proposed new draft be amended by adding the following 2 subsections:-

12

“(e) The department may determine minimum education and training qualifications for sexual health education instructors.

(f) Pursuant to section 1E of chapter 69, the board of elementary and secondary education shall direct the commissioner to update the health curriculum framework, including provisions relative to sexual health education, consistent with this section, upon the effective date of this act and periodically thereafter.”; and in section 2, by inserting after the word “act”, in line 59, the following words:- “in advance of the 2018-2019 school year”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-three minutes past three o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 65]:**

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Keenan, John F. |
| Boncore, Joseph A. | Lesser, Eric P. |
| Brady, Michael D. | Lewis, Jason M. |
| Brownsberger, William N. | L’Italien, Barbara A. |

UNCORRECTED PROOF.

Chandler, Harriette L.
Chang-Diaz, Sonia
Creem, Cynthia Stone
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Donoghue, Eileen M.
Eldridge, James B.
Fattman, Ryan C.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.

Lovely, Joan B.
McGee, Thomas M.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
O'Connor Ives, Kathleen
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Welch, James T. – 37.

NAYS – 0.

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

Recess.

There being no objection, at a twenty-two minutes before four o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess subject to the call of the Chair; and, at eighteen minutes past four o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

Orders of the Day.

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

The Senate Bill relative to healthy youth (Senate, No. 2071),-- was further considered, the main question being on ordering the bill to a third reading.

Healthy youth.

Mr. Tarr moved that the proposed new draft be amended by inserting in line 54 after the word "section" the following:- "provided further that if by a 2/3 majority vote of the school committee, a city, town, regional school district, vocational school district or charter school shall be allowed to develop and offer its own comprehensive sexual health education curriculum provided that said comprehensive sexual health education curriculum shall be approved by the department of elementary and secondary education".

1

After remarks, the amendment was *rejected*.

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

The bill (Senate, No. 2113, amended) was then ordered to a third reading and read a third time.

After debate, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-six minutes past four o'clock P.M., on motion of Mr. DiDomenico, as follows, to wit (yeas 31 — nays 6) [**Yeas and Nays No. 66**]:

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.

Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.

UNCORRECTED PROOF.

Chandler, Harriette L.
Chang-Diaz, Sonia
Creem, Cynthia Stone
Cyr, Julian
DiDomenico, Sal N.
Donoghue, Eileen M.
Eldridge, James B.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Gobi, Anne M.
Hinds, Adam G.
Jehlen, Patricia D.

Lovely, Joan B.
McGee, Thomas M.
Montigny, Mark C.
Moore, Michael O.
Pacheco, Marc R.
Rodrigues, Michael J.
Rosenberg, Stanley C.
Ross, Richard J.
Spilka, Karen E.
Timilty, Walter F.
Welch, James T. – 31.

NAYS.

deMacedo, Viriato M.
Fattman, Ryan C.
Humason, Donald F., Jr.

O'Connor, Patrick M.
Rush, Michael F.
Tarr, Bruce E. – 6.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – 1.

The yeas and nays having been completed at twenty-nine minutes past four o'clock P.M., the bill was passed to be engrossed. [For text of Senate Bill, printed as amended, see Senate, No. 2128].

Sent to the House for concurrence.

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.

Time of meeting.

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 former Senator Alan D. Sisistky.

Moment of silence.

Adjournment in Memory of Alan D. Sisistky.

The Senator from Hampden and Hampshire, Mr. Lesser, moves that when the Senate adjourns today, it adjourns in memory of former Senator Alan Sisistky of Springfield, who died at the age of 75.

Born and raised in Springfield, Massachusetts, Alan attended the Springfield Public Schools. He went on to receive a bachelor's degree from Cornell University, a master's degree in political science from Harvard University and a doctor of laws from Yale University.

Alan was elected as a Massachusetts State Representative from 1968 to 1972 in the 7th Hampden District and as a Massachusetts State Senator from 1972 to 1982, where he served the people of the former Hampden and Berkshire District. After serving in the state government, Alan worked as a practicing attorney in Springfield.

Over his numerous decades serving in the Legislature, Alan worked on a

number of important policy initiatives. Most notably, he worked on court reform legislation in 1978 that moved the Massachusetts Trial Court system from county to state agency oversight, an important change that largely remains in place to this day. Alan was regarded as an expert in auto insurance, who helped establish the auto insurance rating bureau among other related policy successes. He also championed the Commonwealth's Open Meeting Law and the establishment of Massachusetts' first rape shield law, barring the introduction of a victim's sexual history at trial. A champion for Western Mass through and through, Alan sponsored the legislation that established a Housing Court for Western Massachusetts.

Alan fought many battles and achieved victories that often involved challenging the status quo, and at times in the face of strong institutional opposition.

Alan was known as a fighter, a fierce advocate, and a defender of "the little guy" according to those who knew him. He dedicated himself fully to helping both constituents and his district.

Alan Sisitsky was a proud husband, father, brother and uncle. He is survived by his wife Carol Sisitsky, his son Thomas Hodges, his brother Mark Sisitsky, and his two nephews Todd and Peter Sisitsky.

We thank Alan for his tireless service to the Commonwealth and to Western Massachusetts. He will be dearly missed

Accordingly, as a mark of respect to the memory of Alan D. Sisitsky, at twenty-seven minutes before five o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.