

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JULY 27, 2017.

[74]

JOURNAL OF THE SENATE.

Thursday, July 27, 2017.

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

The Senator from Essex and Middlesex, Mr. Tarr, 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, during consideration of the Orders of the Day, the Chair (Mr. Rodrigues) handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, Mike Sample, the President-Elect of the American Society of Safety Engineers Greater Boston Chapter and Technical Consultant at Liberty Mutual Insurance and Thomas Rich, the Corporate Safety Director at Walsh Brothers. They were visiting the State House to receive a Joint Resolution honoring the Greater Boston Chapter for its efforts to increase awareness of the importance of safe workplaces for all. The Senate applauded their accomplishments and they withdrew from the Chamber.

Mike Sample and Thomas Rich.

There being no objection, the President handed the gavel to Mr. Cyr for the purpose of an introduction. Mr. Cyr then introduced, in the rear of the Chamber, Dominick Moreno, a State Senator from Colorado and Barbara Boiler, a State Senator from Kansas. The Senators were fellow students at the Harvard Kennedy School studying a state and local government executive education program. The Senate welcomed them with applause and they withdrew from the Chamber.

Senators Dominick Moreno and Barbara Boiler.

Reports of a Committee.

By Ms. Gobi, for the committee on the Environment, Natural Resources and Agriculture, on petition, a Bill relative to the positioning of compressor stations (Senate, No. 469);

Compressor stations,- - locations.

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

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill relative to the A-B-C Stormwater Flooding Board (Senate, No. 2127);

Stormwater Flooding Board.

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

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3843) of Frank A. Moran and others (with the approval of the mayor and city council) relative to the death of patrolman Eugene Scanlon, Sr., of the city of Lawrence police department,-- was referred, in concurrence, to the committee on Public Service.

Lawrence,-- Eugene Scanlon, Sr..

A Bill relative to the annual town election in the town of Rockport (printed in House, No. 3656,-- being a message from His Excellency the Governor),-- was

Rockport,-- annual election.

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

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

Senator Jennifer L. Flanagan-- absence from Chamber.

July 27, 2017

Mr. William Welch, *Clerk*
Massachusetts State Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk,

I was unable to vote on three matters in the formal session of the Senate on July 26, 2017, due to a personal family matter.

Had I been present for roll call #68 rejecting the Governor's amendment, I would have voted in the affirmative.

I respectfully request that a copy of this correspondence be printed in journal during the next session. Thank you in advance for your assistance in this matter.

Respectfully,
JENNIFER L. FLANAGAN
State Senator
Worcester & Middlesex District.

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

Ordered printed.

PAPERS FROM THE HOUSE

Engrossed Bills.

An engrossed Bill relative to simulcasting and racing (see House, No. 208, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.**

Bill laid before the Governor.

An engrossed Bill further regulating employer contributions to health care (see House, No. 3822, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and signed by the President and again laid before the Governor for his approbation.**

Health care.

A petition (accompanied by bill, House, No. 3850) of Thomas J. Calter and others for legislation to authorize the commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Middleborough,--

Middleborough,-- land.

was referred in concurrence, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

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 authorizing the town of Boylston to convey a portion of a certain parcel of land (House, No. 1120) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Boylston,--
land conveyance.

Pending the question on passing the bill to be engrossed, Ms. Chandler moved that the bill be amended by adding the following section:-

“SECTION 2. As consideration for the conveyance authorized in section 1, the town of Boylston shall transfer a 27-acre parcel of land shown on town assessors’ map 56 as parcel 14 to the conservation commission and the conservation shall be dedicate the parcel pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth for passive recreation and conservation purposes.”

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The House Bill authorizing the city of Cambridge to use certain land used for park, playground or recreation for other municipal purposes (House, No. 1100),-- was read a third time.

Cambridge,-- land
use.

Pending the question on passing the bill to be engrossed, Mr. DiDomenico moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2133; and by striking out the title and inserting in place thereof the following title:- “An Act authorizing the city of Cambridge to use certain land acquired for park, playground or recreation purposes for other municipal purposes.”.

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Authorizing the town of Plymouth to exchange a parcel of land held for conservation purposes for a parcel of land in the town of Plymouth (Senate, No. 2085);

Second reading bills.

Authorizing the town of Rehoboth to transfer a conservation easement on a certain parcel of land (House, No. 1102);

Authorizing the town of Leyden to continue employment of police chief Daniel J. Galvis (House, No. 3449, amended);

Authorizing the town of Lincoln to transfer certain landfill property in exchange for conservation land (House, No. 3692); and

Authorizing the town of Westborough to grant an additional liquor license for the sale of wine and malt beverages not to be drunk on the premises (House, No.

3758);

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

The House Bill directing the police department of the city of Boston to waive the maximum age requirement for police officers for James Anthony Verderico, Jr. (House, No. 3727),-- **was read a second time and ordered to a third reading. The rules were suspended, on motion of Ms. Forry and the bill was read a third time and passed to be engrossed, in concurrence.**

Boston,-- maximum age requirement.

The House Bill authorizing the appointment of Sean Fountain to the position of permanent intermittent police officer of the police department of the city of Methuen (House, No. 3799),-- **was read a second time and ordered to a third reading. The rules were suspended, on motion of Ms. O'Connor Ives and the bill was 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 appointment of Sean Fountain to the position of permanent intermittent police officer of the police department of the city known as the town of Methuen".**

Methuen,-- police appointment.

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

PAPER FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for David Banks, an employee of the Trial Court of the Commonwealth (see Senate, No. 2111), 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.

David Banks,-- sick leave.

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

Communications.

The Clerk read the following communication from the Secretary of the Commonwealth, to wit:

*The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts*

July 26, 2017

Secretary of the Commonwealth,-- return of votes.

To the Honorable Senate:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the twenty-fifth day of July, 2017, for Senator in the General Court, Fourth Middlesex District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Acting Governor and Council,

and are now transmitted for examination by the Senate, as required by the Constitution.

Very truly yours,
WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

FOR STATE SENATOR IN GENERAL COURT
FOURTH MIDDLESEX SENATORIAL DISTRICT
(to fill vacancy)

Cindy F. Friedman of Arlington (Democratic) has	7,874	votes
Ian T. Jackson of Arlington (Green Rainbow) has	832	“
All others.....	167	“
Blanks.....	66	“
Total Votes Cast	8,939	“

Order Adopted.

On motion of Mr. Pacheco,--

Ordered, That the returns of votes for Senator to fill a vacancy in the Fourth Middlesex district be referred to a special committee to consist of four members of the Senate.

Senators DiDomenico, Chandler, Donoghue and deMacedo were appointed the committee.

Subsequently, Ms. Creem, for the committee, reported, that from an examination of the returns, it appears the Honorable Cindy F. Friedman had been duly elected to the Fourth Middlesex district.

The report was read and accepted and the committee was discharged.

Remarks of Senator Cindy F. Friedman.

Senator Friedman briefly addressed the Senate as follows:

Thank you President Rosenberg and thank you to my new colleagues for your very warm welcome.

As I told my supporters on the night of the election – it takes a village to raise a child but it takes a district to raise a senator – or at least people who live throughout the district who are caring, courageous, smart, committed, and positive and know how to have a good time. And that pretty much describes my campaign team who I credit for getting me to this place.

What we were able to accomplish in 10 weeks was nothing short of amazing and I need to spend a bit of time acknowledging that.

First, I need to say a special thanks to the Donnelly Family – Judy, Ryan, Keith, and Brenna. Without their encouragement and support, I simply would not be standing here today.

I want to thank my exceptional co-chairs, Brenna Donnelly and Jay Kaufman, who were always gracious and available and willing to help at the drop of a hat. Which they did often.

My wonderful campaign leads, Deborah Brown and Clarissa Rowe, who provided unwavering support and understanding and an even hand over productive chaos.

To Carl Nilsson, Chelsea Ouellete, and Karly Wagner, who developed and

Senator Cindy F.
Friedman,-- remarks.

implemented a field plan that was perfect from conception to implementation.

To Jay Cincotti and Michael Goldman, who provided perspective and kept me laughing.

To our wonderful campaign manager, Jess Lieberman, who we threw into the deep end of a whirling, churning pool and asked her to learn how to swim... and she did.

We had a top notch literature team led by Kathryn Gandek-Tighe, who produced 10 pieces of first-class literature in 10 weeks and got every piece out on time.

To Eric Helmuth, Noah Slafer, and Kristina Gaffny, who did a brilliant job with our technology, website, and social media, and taught us old dogs a thing or two along the way.

To Dave and Steph Swanson, who can turn a policy questionnaire around on a dime if any of you ever need help.

To Brian Rehrig, who truly is a data guru and helped us target exactly who we needed to get our vote out.

To Lisa Pedulla and her fundraising prowess and ability to get a very reluctant candidate to make cold calls, which is becoming legendary – especially the last part.

And to the amazing volunteers who didn't stop calling or door-knocking regardless of 95 degree days, torrential downpour, kids' field days, graduations, sports banquets, or long-planned family vacations. Over 250 people volunteered over 8 weeks.

And I want to acknowledge my wonderful family – my kids Matt, Sheila, Tim, Rory, and Abe, grandchildren Declan and Oliver, my sisters and brother-in-law Jane, Lee, and David, and my wonderful brother Steve. And I know we both wish our Dad was here. He loved this stuff!

And last and finally, to my husband John. Without him, I could not do this. His encouragement and belief in me was unwavering. I am very lucky to be married to a man for the last 36 years who really does believe that a women's role is whatever she wants it to be. He talks the talk and walks the walk on women's equality and I trust and depend on his keen sense of right and wrong and his moral compass without question. I know I will continue to need it, I'm sure. Thank you, John.

So... Here I am – standing in a place I never thought in a million years I would be standing.

And I am excited, humbled, and heartbroken to be here.

Excited to continue work that means so much to me. Excited to represent the great people of the 4th Middlesex district. Excited to work so that Massachusetts continues to be an innovative state and a great place to live for everyone.

I am humbled by the faith so many have put in me to be their representative in the senate.

And I am heartbroken because this path was opened for me at the expense of losing one of my dearest friends.

A tireless champion of the voiceless. Ken Donnelly's kindness, caring, courage, and integrity went to the core of his very being. Nobody believed more in the fundamental goodness of people. Nobody knew how to fight harder or think smarter when a worthy cause presented itself or someone was in need.

And he did it without ever making the fight personal or losing sight of the humanity of the opponent on the other side of the argument. He was one-of-a-kind and working with him for the past 9 years was not only my favorite job but doing

so has made me a far better person. I deeply miss him, especially standing here today in this place and among all of you.

I can't fill his shoes or take his place. But as a state senator, I promise to work as hard and to represent the core beliefs that reflected Ken and his life and that we shared.

That we are responsible to and for each other. That our security and well-being depends as much on those around us being safe and secure as any wealth or power we may accumulate.

That everyone should have a solid roof over their heads, and equal economic opportunities that will allow them to adequately provide for themselves and their families.

That everyone should have access to great and affordable healthcare and an education that will allow them to succeed and that they can afford.

That we are responsible for leaving a clean world to our children and grandchildren.

That everyone deserves to be safe in their communities and to be respected for who they are, no matter who they are.

These are the values that will guide me. I will not be perfect and I will make mistakes along the way. But this is a job well worth doing and I know with the support and engagement of my family, friends, constituents, and colleagues, I am ready for the challenge.

Thank you so much.

On motion of Ms. Chandler, the above remarks were ordered printed in the Journal of the Senate.

Seat Assignment.

The President announced the assignment of Senator Cindy F. Friedman to seat number 7 on the President's Left.

Seat assignment.

Senator Friedman was escorted to his seat by Senators Lovely and Brownsberger.

Recess.

At five minutes past twelve o'clock noon, at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at twenty-eight minutes past one o'clock P.M., the Senate reassembled, Mr. Rodrigues in the Chair.

Recess.

At twenty-nine minutes past one o'clock P.M., Mr. Tarr doubted the presence of a quorum. The Chair (Mr. Rodrigues), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently, at twenty minutes before two o'clock P.M., a quorum was declared present.

Orders of the Day.

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

The Senate Bill relative to senior citizen property taxes (Senate, No. 1503),-- was read a second time.

Property taxes,--
seniors.

After remarks and pending the question on adoption of the amendment previously recommended by the committee on Rules, substituting a new draft entitled "An Act improving real property tax abatements, application deadlines,

3

and deferrals” (Senate, No. 2124), and pending the main question on ordering the bill to a third reading, Mr. O'Connor moved that the proposed new draft be amended by inserting at the end the following sections:-

“SECTION 19. Section 5K of chapter 59 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following:- In exchange for such volunteer services, the city or town shall reduce the real property tax obligations of such person over the age of 60 on their tax bills, and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled. No person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for up to 175 hours of volunteer services provided in a given tax year; provided, that a city or town may limit the number of hours of volunteer services for which a person may receive a reduction on their tax bills to fewer than 175.

SECTION 20. Said section 5K of said chapter 59, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption in this clause by allowing an approved representative, for persons physically unable, to provide such services to the city or town.”

After debate, the amendment was *rejected*.

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

4

“SECTION __. Said section 5 of said chapter 59 of the General Laws, as so appearing, is hereby amended by inserting the following new paragraph:-

Fifty-ninth. Notwithstanding other provisions of this chapter or any general or special law to the contrary, upon acceptance of this paragraph by a city or a town, the board of assessors shall annually reduce the property tax on the real property of a person who has reached his sixty-fifth birthday before the fiscal year for which the tax is due, and have lived in the city or town for 25 years or longer, to the amount of tax due on the property in the fiscal year prior to the person reaching age 65, if the person occupies the real estate as his domicile or occupies the same jointly with his spouse.”

The amendment was *rejected*.

Mr. O'Connor moved that the proposed new draft be amended by inserting at the end the following sections:-

5

“SECTION 19. Section 5 of chapter 59 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting at the end the following new Clause:-

Fifty-ninth. In any city or town which accepts the provisions of this section, the board of selectmen of a town or in a municipality having a town council form of government, the town council or the mayor with the approval of the city council in a city may establish a program to allow veterans, as defined in the forty-third clause of section 7 of chapter 4 of the general laws, to volunteer to provide services to such city or town. In exchange for such volunteer services, the city or town shall reduce the real property tax obligations of such veteran on their tax bills, and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled. No person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for up to 175 hours of volunteer services provided in a given tax year; provided, that a city or town may limit the number of hours of volunteer services for which a

person may receive a reduction on their tax bills to fewer than 175. A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption in this clause by allowing an approved representative, for persons physically unable, to provide such services to the city or town.”

After debate, the amendment was adopted.

Messrs. O'Connor and Timilty, Ms. Lovely and Ms. L'Italien moved that the proposed new draft be amended by inserting after section 17 the following section:-

6

“SECTION 17A. There shall be a special commission, pursuant to section 2A of chapter 4 of the General Laws, to determine the feasibility of establishing local option property tax deduction programs for: (i) persons with an intellectual or developmental disability, as defined by section 1 of chapter 123B of the General Laws; (ii) individuals eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled; or (iii) individuals providing and paying for full-time care within their private residence for an individual with intellectual and developmental disabilities who is over the age of 22.

The commission shall review and evaluate the experiences and policy efforts of other states and consider ways to enhance existing state laws as it relates to establishing and providing property tax reductions to individuals with disabilities.

Topics of discussion for the commission shall include, but not be limited to: (i) the effects that changes to tax laws would have on eligible taxpayers at all income levels; (ii) the number of individuals with disabilities residing in the commonwealth who may benefit from potential changes to property tax laws considered by the commission; (iii) comparative costs of respite care through a state-subsidized organization and the costs of independent respite care for a relative within a private residence, (iv) any cost savings to the commonwealth and host municipalities as a result of individuals assuming the costs of full-time care for persons with intellectual and developmental disabilities who are over the age of 22; (v) any additional expenses of remodeling a residential property to include adequate accommodations to meet the needs of a relative with intellectual and developmental disabilities, including, but not limited to, handicap accessible ramps and medical machinery; (vi) consideration of ways to provide tax relief in connection with modifications to residential property that ensures adequate accommodations and improves accessibility to allow individuals with disabilities to live independently; (vii) consideration of any eligibility requirements relating to residency, domicile, ownership and disability for any local option property tax reduction that may be recommended to be established pursuant to this section; and (viii) consideration of the use of a formula to determine the appropriate amount an eligible taxpayer may receive in property tax reductions.

The special commission shall consist of: the house and senate chairs of the joint committee on revenue or their designees, who shall serve as co-chairs of the commission; the house and senate chairs of the joint committee on children, families and persons with disabilities or their designees; the house and senate chairs of the joint committee on elder affairs or their designees; the commissioner of the department of developmental services or a designee; the commissioner of the department of revenue or a designee; the commissioner of the Massachusetts rehabilitation commission; the minority leader of the house of representatives or a designee; the minority leader of the senate or a designee; a representative of the ARC of Massachusetts; a representative from the Advocates for Autism of Massachusetts; a representative from the Massachusetts Down Syndrome Congress, Inc.; a representative from the Massachusetts Statewide Independent

Living Council; a representative from the Massachusetts Association of Councils on Aging; and a representative from the Disability Law Center, Inc.

The first meeting of the commission shall take place not later than March 1, 2018. The commission shall submit its recommendations, together with drafts of any legislation, to the clerks of the senate and the house of representatives, the chairs of the joint committee on revenue, the chairs of the joint committee on rules and the chairs of the joint committee on children, families and persons with disabilities not later than December 1, 2018.”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at seventeen minutes past two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 38 – nays 0) **[Yeas and Nays No. 69]**:

YEAS.

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	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
Cyr, Julian	Montigny, Mark C.
deMacedo, Viriato M.	Moore, Michael O.
DiDomenico, Sal N.	O'Connor, Patrick M.
Donoghue, Eileen M.	O'Connor Ives, Kathleen
Eldridge, James B.	Pacheco, Marc R.
Fattman, Ryan C.	Rodrigues, Michael J.
Flanagan, Jennifer L.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Friedman, Cindy F.	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Hinds, Adam G.	Timilty, Walter F.
Humason, Donald F., Jr.	Welch, James T. – 38.

NAYS – 0.

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

Mr. O'Connor, Ms. Forry and Mr. Timilty moved that the proposed new draft be amended by inserting at the end the following section:-

“SECTION 19. Section 5 of chapter 59 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting at the end the following new Clause:-

Fifty-ninth. In any city or town which accepts the provisions of this section, the board of selectmen of a town or in a municipality having a town council form of government, the town council or the mayor with the approval of the city council in a city may establish a property tax exemption or abatement program for persons who have a legal relationship as a grandparent raising a grandchild and are over the age of 55. In exchange for raising a grandchild, the city or town shall reduce the real property tax obligation of such person on his tax bills and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled. Provided such reduction of the real property tax bill shall not exceed \$2,000 per child in a given tax year. It shall be the responsibility

of the city or town to maintain a record for each taxpayer the total amount by which the real property tax has been reduced and to provide a copy of such record to the assessor in order that the actual tax bill reflect the reduced rate. A copy of such record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. Such cities and towns shall have the power to create local rules and procedures for implementing this section in any way consistent with the intent of this section.

A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption in this clause by allowing the maximum reduction of the real property tax bill to be based on a verified established legal relationship to the child(ren) in a given tax year.”

After remarks, the amendment was *rejected*.

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

9

“SECTION __. Section 57C of said chapter 59, as so appearing, is hereby amended by inserting after the twelfth paragraph the following paragraph:-

(a) Notwithstanding any general or special law to the contrary, a city or town may design and designate a place on its municipal real estate tax bills whereby taxpayers of the city or town may voluntarily check off, donate and pledge an amount not less than \$1, or such other designated amount which shall increase the amount otherwise due, and the amount to be deposited in the general treasury of the city or town and used for same purposes as other funds deposited therein; and to establish a city or town economic aid fund for the purpose of maintaining municipal services in periods of instability. (b) Amounts donated to the economic aid fund shall be deposited into a special account in the general treasury of the city or town and shall be in the custody of the treasurer. The treasurer shall invest the funds at the direction of the officer, board, commission, committee or other agency of the city or town who, or which, is otherwise authorized and required to invest trust funds of the city or town and subject to the same limitations applicable to trust fund investments, except as otherwise specified herein. The fund, together with the interest earned thereon, shall be used for the purpose specified in this section without further appropriation. (c) In a city or town having an economic aid fund, there shall be a taxation aid committee to consist of the chairman of the board of assessors, the city or town treasurer and 3 residents of the city or town to be appointed by the mayor or board of selectmen, as the case may be. The board shall adopt rules and regulations to carry out this section and to identify the recipients of the aid.”

After remarks, the amendment was *rejected*.

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

10

“SECTION __. Section 44 of chapter 85 of the acts of 1994 is hereby amended by inserting at the end thereof the following sentence:- Notwithstanding any general or special law to the contrary, any historic property designated as such by this section shall not be subject to the provisions of chapter 59 of the General Laws.”

After debate, the amendment was *rejected*.

Messrs. Brady and Timilty moved that the proposed new draft be amended by inserting after section 17 the following section:-

11

“SECTION 17A. There shall be a commission to study the viability of achieving property tax relief for residents and businesses of the commonwealth pursuant to section 2A of chapter 4 of the General Laws. The commission shall

review and evaluate all property tax laws and the impact of those laws on local governments, residents and businesses. The commission shall examine the experiences and policy efforts of other states relating to property tax relief and review existing state laws relative to the assessment and abatement of local property taxes.

The commission shall file a report, together with any drafts of proposed legislation to reduce property taxes and provide tax relief for residents and businesses of the commonwealth, with the clerks of the senate and house of representatives not later than February 15, 2018.

The commission shall consist of the senate and house chairs of the joint committee on revenue or their designees, who shall serve as co-chairs of the commission; the secretary of administration and finance or a designee; the senate and house chairs of the joint committee on municipalities and regional government or their designees; the minority leader of the house of representatives or a designee; the minority leader of the senate or a designee; a representative of the Massachusetts Municipal Association, Inc.; a representative of the Massachusetts Budget and Policy Center, Inc.; a representative of the Massachusetts Association of Assessing Officers, Inc.; and a representative of the Massachusetts Taxpayers Foundation, Inc.”

After remarks, the amendment was adopted.

Mr. Brady moved that the proposed new draft be amended in line 124 after the words “in that city or town” by inserting the words “and the commissioner of revenue has certified that said revalued property is assessed by the board of assessors at full and fair cash valuation”; and in line 168 after the words “in that city or town” by inserting the words “and the commissioner of revenue has certified that said revalued property is assessed by the board of assessors at full and fair cash valuation”.

12

After remarks, the amendment was adopted.

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

13

“SECTION 5K of chapter 59 of the General laws, as appearing in the 2014 Official Edition is hereby amended by striking out the figure \$1,500 in the first paragraph and inserting in place thereof the following figure:— \$2,000”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes before three o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 15 – nays 23) [**Yeas and Nays No. 70**]:

YEAS.

Cyr, Julian
deMacedo, Viriato M.
Eldridge, James B.
Fattman, Ryan C.
Gobi, Anne M.
Humason, Donald F., Jr.
L'Italien, Barbara A.
McGee, Thomas M.

Moore, Michael O.
O'Connor, Patrick M.
O'Connor Ives, Kathleen
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F. – **15.**

NAYS.

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

Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.

Chandler, Harriette L.
Chang-Diaz, Sonia
Creem, Cynthia Stone
DiDomenico, Sal N.
Donoghue, Eileen M.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Friedman, Cindy F.

Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Pacheco, Marc R.
Rodrigues, Michael J.
Spilka, Karen E.
Welch, James T. – 23.

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

Mr. Tarr moved that the proposed new draft be amended by inserting after section __ the following section:- 14

“SECTION __. subsection (k) of Section 6 of Chapter 62 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting at the end thereof the following new text:-

(10) The commissioner shall annually, not later than November 1, file a report with the house and senate committees on ways and means, the joint committee on elder affairs and the joint committee on revenue identifying, by community, the total amount of tax credits claimed and the total number of tax filers who received the tax credits for the preceding fiscal year.”

After remarks, the amendment was adopted.

Ms. L'Italien moved that the proposed new draft be amended by inserting the following sections:- 20

“SECTION X. Said clause Eighteenth A of said section 5 of said chapter 59, as so appearing, is hereby further amended by striking, in lines 486-487, the words ‘ten years’ and inserting in place thereof the following words:- ‘seven years’.

SECTION XX. Said clause Forty-first A of said section 5 of said chapter 59, as so appearing, is hereby further amended by striking, in line 1109, the words ‘ten years’ and inserting in place thereof the following words:- ‘seven years’.”

After remarks, the amendment was adopted.

Ms. L'Italien and Mr. Timilty moved that the proposed new draft be amended by inserting after section 1 the following section:- 21

“SECTION 1A. Said section 5 of said chapter 59, as so appearing, is hereby amended by inserting after clause Eighteenth the following clause:-

Eighteenth ½, In a city or town that accepts this clause, any portion of the estates of persons who by reason of age, infirmity or poverty or financial hardship resulting from a change to active military status, not including initial enlistment, are in the judgment of the assessors unable to contribute fully toward the public charges.”.

After remarks, the amendment was adopted.

Mr. Ross moved that the proposed new draft be amended by inserting at the end thereof the following section:- 22

“SECTION __. Section 38 of chapter 262 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting at the end thereof the following:- ‘No fee for recording a declaration of homestead shall be issued to a disabled veteran, as defined in section 1 of chapter 31.’.”

After remarks, the amendment was *rejected*.

Messrs. Keenan and Timilty moved that the proposed new draft be amended by striking out section 3 and inserting in place thereof the following section:- 23

“SECTION 3. Clause Forty-first A of said section 5 of said chapter 59, as so

appearing, is hereby amended by inserting, in line 1124, after the word “household” the following:- or \$80,000, whichever is greater.”

After remarks, the amendment was adopted.

Messrs. Hinds and Timilty moved that the proposed new draft be amended by inserting the following section:-

26

“SECTION XX. Section 5N of chapter 59 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 16, the figure ‘\$1000’ and inserting in place thereof the following figure:- ‘\$1500’. Said section 5N of chapter 59 of the General Laws, as so appearing, is hereby further amended by striking out, in line 43, the figure ‘\$1000’ and inserting in place thereof the following figure: ‘\$1500’.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at two minutes past three o’clock P.M., on motion of Mr. Hinds, as follows, to wit (yeas 39 – nays 0) [Yeas and Nays No. 71]:

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. |
| Friedman, Cindy F. | Spilka, Karen E. |
| Gobi, Anne M. | Tarr, Bruce E. |
| Hinds, Adam G. | Timilty, Walter F. |
| Humason, Donald F., Jr. | Welch, James T. – 39. |
| Jehlen, Patricia D. | |

NAYS – 0.

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

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

27

“SECTION _ . The department of veterans’ services, in conjunction with the department of revenue, shall study the feasibility and analyze the merits of implementing a sliding scale property tax abatement for veterans and spouses, currently implemented under clause 22 of section 5 of chapter 59, based upon a percentage of disability as defined by the United State Department of Veterans Affairs. The study shall include, but not be limited to, the methodology of granting such exemption in other states, the utilization of a sliding scale based on the percentage of disability of the veteran for the awarding of such exemption to veterans and spouses, the impact on disabled veterans and any anticipated

monetary cost to the commonwealth or to municipalities that the exemption may cause. The department of veterans' services, in conjunction with the department of revenue, shall submit its findings and legislative recommendations to the clerks of the house and senate, the house and senate committees on ways and means and the joint committee on veterans and federal affairs not later than March 15, 2018."

After remarks, the amendment was adopted.

Ms. Gobi moved that the proposed new draft be amended by inserting after section 6 the following section:-

1

"SECTION 7. Chapter 59 of the General Laws is hereby amended by adding the following new section:-

Section 95. (a) Notwithstanding any general or special law to the contrary, any city, town or district which accepts the provisions of this section in the manner provided in section 4 of chapter 4 may establish a program for volunteer, call or auxiliary firefighters or volunteer, call or auxiliary emergency medical technicians of such city, town or district to reduce the real property tax obligations of such volunteers in exchange for their volunteer services. Any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled; provided, however, that no reduction of a real property tax bill shall be granted which exceeds \$2,500 in a tax year.

(b) The city or town shall maintain a record for each program participant including, but not limited to, the total amount by which a tax obligation thereof has been reduced and the criteria used to determine such tax reduction. The town shall provide a copy of such record to the assessor so that the participant's tax bill reflects the reduced rate. The town shall also provide a copy of such record to the program participant receiving the reduced tax rate prior to the issuance of the actual tax bill. Such cities, towns and districts shall have the power to adopt rules and procedures to implement this section in any way consistent with the intent of this section.

(c) In no instance shall the amount by which a person's property tax liability is reduced in exchange for the provision of services as a volunteer, call or auxiliary firefighter or volunteer, call or auxiliary emergency medical technician be considered income, wages, or employment for purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes of workers' compensation as provided in chapter 152 or any other general law to the contrary.

A person participating in the program authorized by section (a) shall be a public employee for the purposes of chapter 258 of the General Laws.

(d) A city, town or district that has accepted this section may in the same manner revoke its acceptance."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at ten minutes past three o'clock P.M., on motion of Ms. Gobi, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 72]:**

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Creem, Cynthia Stone

Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
McGee, Thomas M.
Montigny, Mark C.

UNCORRECTED PROOF.

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

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. – **39.**

NAYS – 0.

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

Mr. Montigny moved that the proposed new draft be amended in section 14, line 163, by inserting after the figure “30” the following: - “of the year”.

28

After remarks, the amendment was adopted.

The Rules amendment, as amended, was then adopted.

The bill (Senate, No. 2124, 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 nineteen minutes past three o'clock P.M., on motion of Mr. Brady, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 73**]:

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
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
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.
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. – **39.**

NAYS – 0.

The yeas and nays having been completed at twenty-seven minutes past

three o'clock P.M., the bill was passed to be engrossed. [For text of Senate Bill, printed as amended, see Senate, No. 2135].

Sent to the House for concurrence.

The President in the Chair, the Clerk read the following communication from Senate Minority Leader Bruce E. Tarr:

Senate Minority Leader Bruce E. Tarr,--- statement.

A special senate taskforce to review and report on efforts to strengthen the local retail sector in the commonwealth. The review shall include, but not be limited to: (i) challenges faced by local retailers in a changing economic environment increasingly dominated by large online sellers; (ii) closures of local retail establishments, affecting local economies and property tax bases; (iii) initiatives taken by local retailers to increase or maintain their market share; and (iv) actions by state and local governments to encourage purchasing from local retailers, consistent with other important policy objectives including adequate revenues. The committee shall consist of 13 members, 7 of whom shall be members of the senate, 5 appointed by the president and 2 by the minority leader, 5 members who represent large and small retailers from geographically diverse regions of the commonwealth, 3 of whom shall be appointed by the president and 2 by the minority leader, 1 member whom shall represent the retailers association of Massachusetts. The committee may consult with experts in business and economics to facilitate the committee's work and shall hold at least 1 public hearing. The committee shall file a report of its findings with the clerk of the senate not later than June 1, 2018.

Under the provisions of Senate Rule 6, the remarks were 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 Randolph Town Councilor Paul K. Fernandes.

Moment of silence.

Orders of the Day.

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

The House Bill relative to language opportunity for our kids (House, No. 3740),-- was read a second time.

After remarks and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2125) and pending the main question on ordering the bill to a third reading, Mr. Keenan moved that the proposed new text be amended in section 9, in proposed section 8 of chapter 71A of the General Laws, by striking out the first paragraph and inserting in place thereof the following paragraph:-

1

“Upon receipt of success templates and guidelines from the department as described in this section, districts shall adopt procedures to identify English learners who do not meet benchmarks in attaining English proficiency established by the department and shall establish a process for the district to: (i) identify areas in which an identified English learner needs improvement and set individualized goals for the identified English learner to attain English proficiency; (ii) assess and track an English learner's progress on the areas of improvement; (iii) review resources and services available to an identified English learner that may assist the

identified English learner in the identified areas of improvement; and (iv) incorporate input from a identified English learner’s parents or legal guardian.”;

In said section 9, in the third paragraph of said proposed section 8 of said chapter 71A, by striking out the last sentence;

In said section 9, by inserting after said third paragraph of said proposed section 8 of said chapter 71A the following paragraph:-

“The department shall solicit public comment before issuing the benchmarks, guidelines and English learning success template. The department shall review the benchmarks, guidelines and English learning success template every 5 years and may update them as appropriate. The review shall include a period of public comment.”; and

By inserting after section 11 the following section:-

“SECTION 11A. The department of elementary and secondary education shall establish and publish on its website the benchmarks, guidelines and English learning success template described in section 8 of chapter 71A of the General Laws not later than September 1, 2018. Districts shall adopt the procedures described in said section 8 of said chapter 71A not later than 6 months after the establishment by the department of the benchmarks, guidelines and English learning success template described in said section 8 of said chapter 71A.”

After remarks, the amendment was adopted.

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following:-

“SECTION_. Notwithstanding any general or special law to the contrary the department of elementary and secondary education shall report on the teaching of civics in secondary or intermediate public school districts. The report shall include but not be limited to number of school districts requiring the completion of a civics section before graduation.

Said report shall be submitted to the clerks of the house and senate and the joint committee on education by December 31, 2017.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at five minutes before four o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 74**]:

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
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
Friedman, Cindy F.
Gobi, Anne M.

Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
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.
Rosenberg, Stanley C.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.

3

UNCORRECTED PROOF.

Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.

Timilty, Walter F.
Welch, James T. – 39.

NAYS – 0.

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

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following:-

“SECTION_. Notwithstanding any general or special law to the contrary the department of elementary and secondary education shall report on the teaching of united states history in secondary or intermediate school. The report shall include but not be limited to number of schools requiring the completion of a united states history section before graduation.

Said report shall be submitted to the clerks of the house and senate and the joint committee on education by December 31, 2017.”

The amendment was adopted.

Mr. Keenan moved that the proposed new text be amended in section 9 in line 128 and 129 by striking out the words “and may request a new language acquisition program for a student enrolled in an English learner program”; and by striking out the words in line 138 “If a school district or charter school receives a request” and inserting in place thereof the following words:- “The parent or legal guardian of a student may request a new language acquisition program for a student enrolled in an English learner program, and if a school district or charter school receives requests”.

After remarks, the amendment was adopted.

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

After remarks, the bill, as amended, was then ordered to a third reading and read a third time.

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at five minutes past four o'clock P.M., on motion of Mr. DiDomenico, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 75**]:

YEAS.

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

Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
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.
Rosenberg, Stanley C.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.

UNCORRECTED PROOF.

Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.

Tarr, Bruce E.
Timilty, Walter F.
Welch, James T. – 39.

NAYS – 0.

The yeas and nays having been completed at seven minutes past four 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. 2134].

Sent to the House for concurrence in the amendment.

The engrossed Bill authorizing the town of Wareham to lease certain land (see Senate, No. 1152), which on Wednesday, July 26, 2017 the was passed to be enacted by a vote of 37-0,-- was considered, the question being on reconsideration.

Wareham land lease.

Pending the question on the reconsideration, there being no objection, on motion of Mr. Pacheco, the motion to reconsider was withdrawn.

The engrossed bill was then signed by the President and laid before the Governor for his approbation.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The Senate Bill authorizing the town of Plymouth to exchange a parcel of land held for conservation purposes for a parcel of land in the town of Plymouth (Senate, No. 2085),-- **was read a third time and passed to be engrossed.**

Plymouth,-- land exchange.

Sent to the House for concurrence.

The House Bill authorizing the town of Lincoln to exchange certain landfill property for conservation land (House, No. 3692) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Lincoln,-- land exchange.

PAPERS FROM THE HOUSE

Engrossed Bill.

An engrossed Bill establishing the first week in August as ice bucket challenge week (see House, No. 1697, 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. The question on passing it to be enacted was determined by a call of the yeas and nays, at sixteen minutes past four o'clock P.M., on motion of Ms. Lovely, as follows, to wit (yeas 38 - nays 0) **[Yeas and Nays No. 76]:**

Ice bucket challenge week.

YEAS.

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

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

UNCORRECTED PROOF.

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
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.

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. – 38.

NAYS – 0.

The yeas and nays having been completed at nineteen minutes past four 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.

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 memory of former Commissioner of Education Mitchell D. Chester.

Moment of silence.

Engrossed Bills.

The following engrossed bills (the first of which originated in the House), 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:

Establishing a sick leave bank for David Banks, an employee of the Trial Court of the Commonwealth (see Senate, No. 2111);

Directing the police department of the city of Boston to waive the maximum age requirement for police officers for James Anthony Verderico, Jr. (see House, No. 3727); and

Authorizing the appointment of Sean Fountain to the position of permanent intermittent police officer of the police department of the city known as the town of Methuen (see House, No. 3799).

Bills laid before the Governor.

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.

Adjourn In Memory of Paul K. Fernandes

The Senator from Norfolk, Bristol and Plymouth, Mr. Timilty, moved that when the Senate adjourns today it do so in memory of Randolph Town Councilor Paul K. Fernandes.

Randolph Town Councilor Paul K. Fernandes passed away last week. He was truly dedicated to the people of Randolph. Councilor Fernandes committed himself to various roles in town government for more than two decades with one goal in mind: To enhance the quality of life in the town of Randolph and in doing so make a difference in the lives of his neighbors.

In 1994, Councilor Fernandes embarked upon his service to the Town as a member of Finance Committee, later serving as the committee's chairman for four years. In 2004, Councilor Fernandes was elected as a town selectman and served in that capacity for several years, including one year as Chairman of the Board of Selectmen. As a Selectman and later as a Town Councilor, Fernandes helped navigate the town's transition through a change to its charter, which replaced the town meeting form of government with a town council and town manager. Councilor Fernandes was a member of the Town Council from its inception in 2010 until his tragic passing, serving as Town Council President in 2015.

In addition to his formal roles in town government, Councilor Fernandes gave back to his community through his involvement with the Randolph Community Partnership adult education program and the STARS extended day program. He, along with his wife Mary, was an active participant in the Randolph Chamber of Commerce. Moreover, he served on the Board of Directors of Beth Israel Deaconess in Milton.

Councilor Fernandes is survived by his devoted wife Mary, his beloved children, and grandchildren. He will be sorely missed by his family, his neighbors and friends, and the entire Randolph community.

Councilor Fernandes will be remembered for his selfless service, his positive demeanor, and his outstanding character.

Adjourn In Memory of Mitchell D. Chester

The Senator from Middlesex, Mr. Lewis, and the Senator from Suffolk, Ms. Chang-Diaz, moved that when the Senate adjourns today it do so in memory of Mitchell D. Chester.

Commissioner Chester was the grandson of immigrants and the son of a school superintendent, Herbert Chester, and Zelda Chester, who went back to school and became an educator after raising her children. Mitchell started his career as an elementary school teacher in Connecticut, then became an assistant principal at a middle school, and eventually a district curriculum coordinator. From there, he rose the ranks through the Connecticut State Department of Education and served in leadership roles for the Philadelphia Public Schools and the Ohio Department of Education. He was appointed Massachusetts' elementary and secondary education commissioner in 2008.

Commissioner Chester held a doctorate in administration, planning and social policy from Harvard University, as well as advanced degrees from the University of Connecticut and the University of Hartford.

To people who did not know him well, Massachusetts Elementary and Secondary Education Commissioner Mitchell D. Chester could be a formal and reserved education official, one with a tremendous intellect and the ability to quickly synthesize and analyze mammoth amounts of information.

People who had a chance to see him interact with children, however, saw another side of him, one that was glad to join in a game on field day, read a favorite Dr. Seuss book, or learn from children what was happening in their classroom and school. He listened wherever he went, to students, educators, parents, researchers, policymakers, community members, and colleagues, and when he didn't understand a point, he'd ask them to try again, saying, "Say that again in a different way." By listening, Mitchell could find ways to make practical their suggestions and address their needs.

He took what he learned from people and from his own studies and used it to continuously improve the Commonwealth's public elementary and secondary schools until they were the best in the country. When he passed away from an illness at 65 last month, Dr. Chester was the longest serving of the country's current chief state school officers and a sought-after voice on school and district turnaround, assessment, and other education topics.

In a message following Commissioner Chester's death, Education Secretary James Peyser said Commissioner Chester "was often called upon to make difficult and at times controversial decisions. In all cases, he did so with humility, compassion and thoughtfulness. But in making those tough decisions, he also acted with courage and decisiveness. He was not afraid to do what he thought was right, and in the vast majority of cases, history will show that he was right."

The commissioner also built a strong and devoted team who worked with districts on everything from college and career pathways to graduation rates. Graduation rates continued to rise every year during Commissioner Chester's tenure, and the number of dropouts per year fell by more than 4,000.

Mitchell was a polarizing figure to many. But those who worked with him up close or over time knew him as a thoughtful, earnest, and deeply caring education leader. He had a largely thankless job: when anybody was angry about paperwork requirements on public schools, or state intervention in schools deemed underperforming, it was his name they would invoke with ire. But he wouldn't get thank-you notes when Massachusetts consistently topped multiple charts in public education, or when English language learners got more qualified teachers because of better training requirements. I didn't agree with Mitchell 100% of the time. But his was a critical role in calling the question for largely invisible kids – kids stuck in the achievement and opportunity gap. Mitchell took that responsibility to heart; he never lost focus on it, and he pursued it with deep intellect, tenacity and reflection. I was glad he was there. And Massachusetts is the better for his service to us.

Commissioner Chester leaves his wife Angela Sangeorge and son Nicholas of Winchester; four other adult children, Mikhail Chester and wife Rebecca of Scottsdale, Arizona, Jamie Rose and wife Trinity of Surprise, Arizona, Tiffany Rose of Falmouth and Sarah Chester of Somerville; two granddaughters, Darien and Brooklyn, and grandson Ethan Mitchell Chester born just last week. Commissioner Chester is also survived by his brother Phillip and wife Emily Chester of West Hartford, Connecticut and his sister Jan Chester of Sarasota, Florida.

Accordingly, as a mark of respect in memory of Paul K. Fernandes and

UNCORRECTED PROOF.

Mitchell D. Chester, at twenty-eight minutes past four o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.
