

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, APRIL 4, 2019.

JOURNAL OF THE SENATE

Thursday, April 4, 2019.

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

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

Pledge of Allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr. Eldridge) handed the gavel to Mr. Tran for the purpose of an introduction. Mr. Tran then introduced, in the rear of the Chamber, the Nashoba Regional High School Football Team. The team was recognized for winning the 2018 Division 4 State Championship title and finished their season with a 12-1 record. After three playoff wins over Marlborough, Tantasqua and Gloucester, the team went on to win the championship by defeating Dighton-Rehoboth by a score of 31-0 at Gillette Stadium on November 30. The Senate applauded their accomplishments and they withdrew from the Chamber. The team was accompanied by their coaches. They were also guests of Senator Eldridge.

Nashoba Regional High School Football Team.

Communications.

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

Communication from the Honorable Karen E. Spilka, President of the Senate, announcing the appointment of Senator Eric P. Lesser (under Section 16G, Chapter 6A of the General Laws) to the Economic Development Planning Council;

Economic Development Planning Council.

Communication from the Division of Local Mandates within the Office of the State Auditor (pursuant to Chapter 273 of the Acts of 2018) to the Secretary of the Commonwealth certifying the early voting expenses related to the 2018 general election (received January 10, 2019);

Auditor,-- early voting expenses. SD2375

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 154 of the Acts of 2018) submitting a revised Fiscal Year 2018 transfer schedule for the following account: 1595-6370 Regional Transit Authorities (received March 29, 2019); and

Comptroller,-- revised transfer schedule. SD2377

Communication from the Office of the Comptroller (pursuant to Section 35T of Chapter 10 of the General Laws) submitting its April 2019 certification of MBTA dedicated sales tax revenues Fiscal Year Ending June 30, 2019 (received April 1, 2019).

Comptroller,-- MBTA sales tax revenue. SD2378

Report.

Report of the Massachusetts State Lottery Commission (pursuant to Section 38 of Chapter 10 of the General Laws) submitting its 2018 Charitable Gaming annual report (received April 1, 2019),-- was placed on file.

MA Lottery,-- charitable gaming report. SD2376

Petition.

Mr. Tran presented a petition (accompanied by bill) (subject to Joint Rule 12) of Dean A. Tran for legislation to establish a sick leave bank for Ryan Russell, an employee of the Department of Correction;

Ryan Russell,-- sick leave.
SD2374

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

Reports of a Committee.

By Mr. Boncore, for the committee on Transportation, on Senate, Nos. 2042 and 2097, a Bill to reduce traffic fatalities (Senate, No. 2042); and

Traffic accidents,-- reduction.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2055), a Bill relative to gender identity on Massachusetts identification (Senate, No. 2192);

Identification,-- gender identity.

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

Committees Discharged.

Mr. Feeney, for the committee on Consumer Protection and Professional Licensure, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 156) of Patricia D. Jehlen, Angelo J. Puppolo, Jr., William N. Brownsberger, Bradford Hill and other members of the General Court for legislation to protect the rights of assisted living residents,-- and recommending that the same be referred to the committee on Elder Affairs;

Assisted living residents,-- rights.

Ms. Friedman, for the committee on Health Care Financing, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 676) of Viriato M. deMacedo, Angelo J. Puppolo, Jr., John J. Lawn, Jr., Mathew J. Muratore and other members of the General Court for legislation relative to MassHealth provider reimbursement; and

Provider reimbursement.

Of the petition (accompanied by bill, Senate, No. 731) of Dean A. Tran, Brian M. Ashe and David Paul Linsky for legislation to promote mental health education in Massachusetts high schools;

High schools,-- mental health ed.

And recommending that the same severally be referred to the committee on Education;

Of the petition (accompanied by bill, Senate, No. 732) of James T. Welch, James B. Eldridge, Jason M. Lewis, Rebecca L. Rausch and other members of the General Court for legislation to protect public health and reduce health care costs,-- and recommending that the same be referred to the committee on Environment, Natural Resources and Agriculture;

Health care cost,-- assessment.

Of the petition (accompanied by bill, Senate, No. 665) of Nick Collins, Patricia D. Jehlen, Michael J. Rodrigues and Jason M. Lewis for legislation to provide for consumer access to and the right to practice complementary and alternative health care services; and

Alternative health care,-- access.

Of the petition (accompanied by bill, Senate, No. 716) of Marc R. Pacheco for legislation to remove the restrictions on the licenses of certified registered nurse anesthetists as recommended by the Institute of Medicine and the Federal Trade Commission;

Nurse anesthetists,-- restrictions.

And recommending that the same severally be referred to the committee on Public Health;

Ms. Gobi, for the committee on Higher Education, reported, asking to be discharged

Campuses,-- public

from further consideration of the petition (accompanied by bill, Senate, No. 763) of Michael O. Moore, Diana DiZoglio, Paul F. Tucker, Patrick M. O'Connor and other members of the General Court for legislation relative to public safety on private college and university campuses,-- and recommending that the same be referred to the committee on Public Safety and Homeland Security;

safety.

Ms. Jehlen, for the committee on Labor and Workforce Development, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1119) of Dean A. Tran and Rebecca L. Rausch for legislation relative to employment protections for medical marijuana patients,-- and recommending that the same be referred to the committee on Cannabis Policy;

Medical marijuana,-- patients.

Of the petition (accompanied by bill, Senate, No. 1077) of Cindy F. Friedman, Michael O. Moore, Bradford Hill, Anne M. Gobi and other members of the General Court for legislation relative to fair pay for comparable work,-- and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities;

Human service workers,-- compensation.

Of the petition (accompanied by bill, Senate, No. 1089) of Eric P. Lesser, Jason M. Lewis, Brian M. Ashe, Bud L. Williams and other members of the General Court for legislation relative to community college tuition; and

MA Workforce Opportunity Scholarship.

Of the petition (accompanied by bill, Senate, No. 1120) of Dean A. Tran, David Paul Linsky and Donald F. Humason, Jr. for legislation relative to the repayment of student loans for mental and behavioral healthcare workers;

Student loans,-- repayment.

And recommending that the same severally be referred to the committee on Higher Education;

Of the petition (accompanied by bill, Senate, No. 1087) of Edward J. Kennedy, Jason M. Lewis, Patrick M. O'Connor, Michael O. Moore and other members of the General Court for legislation to raise employment and combating opioids through vocational education and rehabilitation (RECOVER),-- and recommending that the same be referred to the committee on Mental Health, Substance Use and Recovery; and

Employment,-- vocational education.

Of the petition (accompanied by bill, Senate, No. 1046) of Michael D. Brady for legislation relative to employees of private railroads,-- and recommending that the same be referred to the committee on Transportation;

Private railroads,-- employees.

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, to wit:

Petition (accompanied by bill, House, No. 3639) of James M. Kelcourse and Diana DiZoglio (with the approval of the mayor and city council) that the city of Amesbury be authorized to issue four additional licenses for the sale of alcoholic beverages to be drunk on the premises;

Amesbury,-- liquor license.

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3640) of Dylan A. Fernandes (by vote of the town) that the town of Nantucket be authorized to designate the Nantucket Housing Authority as the agency authorized to create, administer and enforce housing needs covenants in said town;

Nantucket Housing Authority.

To the committee on Housing.

Petition (accompanied by bill, House, No. 3641) of Christine P. Barber and others (with the approval of the mayor and board of aldermen) that the city of Somerville be

Somerville,-- institutional facilities.

UNCORRECTED PROOF.

authorized to impose municipal reviews on institutional master plans of certain institutional facilities;

Petition (accompanied by bill, House, No. 3642) of Carolyn C. Dykema (by vote of the town) relative to the membership of the conservation commission of the town of Holliston;

Holliston,--
conservation
commission.

Petition (accompanied by bill, House, No. 3643) of Denise C. Garlick, Shawn Dooley and Paul R. Feeney (by vote of the town) that the town of Medfield be authorized to enter into a long-term lease for an arts and cultural center;

Medfield,-- arts and
cultural center.

Petition (accompanied by bill, House, No. 3644) of Kenneth I. Gordon and Michael J. Barrett (by vote of the town) that the town of Bedford be authorized to release a portion of a certain conservation restriction in said town; and

Bedford,--
conservation
restriction.

Petition (accompanied by bill, House, No. 3645) of Denise Provost and others (with the approval of the mayor and board of aldermen) that the city of Somerville be authorized to impose fees on certain development projects to fund the Green Line Extension;

Somerville,-- Green
Line Extension.

Severally to the committee on Municipalities and Regional Government.

Reports

Of the committee on Elder Affairs, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 629) of William M. Straus relative to pharmaceutical pricing; and

Pharmaceutical
pricing.

Of the petition (accompanied by bill, House, No. 3551) of José F. Tosado and others for legislation to promote transparency and cost control of pharmaceutical drug prices;

Pharmaceutical drug
prices,--
transparency.

And recommending that the same severally be referred to the committee on Health Care Financing.

Of the committee on Health Care Financing, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1143) of Josh S. Cutler and Mathew J. Muratore relative to funding the Behavioral Health Workforce Development Trust Fund,-- and recommending that the same be referred to the committee on Mental Health, Substance Use and Recovery;

Behavioral Health
Workforce
Development Trust
Fund.

Of the petition (accompanied by bill, House, No. 1151) of William C. Galvin for legislation to encourage quality reviews and reduce costs in health care,-- and recommending that the same be referred to the committee on the Judiciary; and

Health care,- cost
reduction.

Of the petition (accompanied by bill, House, No. 1182) of Liz Miranda, Lindsay N. Sabadosa and others relative to Medicaid coverage for physical, emotional, and educational support services provided by trained professionals,-- and recommending that the same be referred to the committee on Public Health;

Medicaid coverage.

Of the committee on Labor and Workforce Development, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1613) of Shawn Dooley and others relative to allowing legislative employees to unionize,-- and recommending that the same be referred to the committee on State Administration and Regulatory Oversight; and

Legislative
employees,-- union.

Of the petition (accompanied by bill, House, No. 1674) of James J. O'Day relative to public employee workers' compensation benefits for injuries from acts of violence of patients or prisoners;

Public employees,--
workers
compensation.

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

UNCORRECTED PROOF.

The House Bill relative to abusive practices to change sexual orientation and gender identity in minors (House, No. 140, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2191, *with a further amendment* by inserting the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prevent forthwith abusive practices to change sexual orientation and gender identity in minors, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The rules were suspended, on motion of Mr. Eldridge, and the Senate concurred in the further House amendment.

Resolutions.

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

Resolutions (filed by Messrs. Brownsberger and Barrett) “commemorating the twenty-fifty anniversary of the Genocide against the Tutsi in Rwanda”;

Rwanda Genocide.

Resolutions (filed by Ms. Chang-Diaz) “congratulating Ann Clarke on the occasion of her retirement as Executive Director-Treasurer of the Massachusetts Teachers Association”;

Ann Clarke.

Resolutions (filed by Mr. Cyr) “congratulating Tristan R. Israel on the occasion of his retirement as a member of the Board of Selectmen of the Town of Tisbury and the Island of Martha’s Vineyard”;

Tristan R. Israel.

Resolutions (filed by Mr. Pacheco) “congratulating Thomas Devine on his elevation to the rank of Eagle Scout”;

Thomas Devine.

Resolutions (filed by Mr. Tarr) “commemorating the one hundredth anniversary of the Capt. Lester S. Wass Post No. 3 – The American Legion – Department of Massachusetts, Inc.”; and

Capt. Lester S. Wass
Post No. 3.

Resolutions (filed by Mr. Tarr) “commemorating the one hundredth anniversary of the A. P. Gardner Post 194 – The American Legion – Department of Massachusetts.”

A. P. Gardner Post
194.

Matter Taken Out of the Orders of the Day.

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

The House Bill establishing a sick leave bank for Pattie Woods, an employee of the Massachusetts Commission Against Discrimination (House, No. 3508) (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.**

Pattie Woods,-- sick
leave.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3683) of Todd M. Smola for legislation to establish a sick leave bank for Autumn Fugere, an employee of the Department of Developmental Services,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Autumn Fugere,--
sick leave.

Moment of Silence.

At the request of the Chair (Mr. DiDomenico), the members, guests and staff stood in a moment of silence and reflection to the memory of Howard Marshal Haywood.

Moment of Silence.

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted.

An engrossed Bill relative to abusive practices to change sexual orientation and gender identity in minors (see House, No. 140, amended), 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 3 to 0.

Conversion therapy.

The bill was signed by the Acting President (Mr. DiDomenico) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and sent to the House for enactment.

An engrossed Bill to lift the cap on kids (see House, No. 3594, amended), 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 4 to 0.

Cap on kids.

The bill was signed by the Acting President (Mr. DiDomenico) and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (both 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 Acting President (Mr. DiDomenico) and laid before the Governor for his approbation, to wit:

Relative to abusive practices to change sexual orientation and gender identity in minors (see House, No. 140, amended); and

Bills laid before the Governor.

To lift the cap on kids (see House, No. 3594, amended).

Order Adopted.

On motion of Ms. Rausch --

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.

Adjournment in Memory of Howard Marshal Haywood

The Senator from Middlesex and Norfolk, Ms. Creem, presented a request that when the Senate adjourns today, it do so in memory of Howard Marshal Haywood of Newton.

Howard Haywood was a lifelong resident of Newton. Born to the late Julia (Dorsey) Haywood and Alfred E. Haywood, his family has lived there for 7 generations.

Howard graduated from Newton High School in 1958 and then worked as a laborer in the construction industry. Howard was a 50 year member of the Bricklayers and Allied Craftsmen Union Local #3 Boston. In addition, Howard completed courses at Wentworth Institute in Plan Reading and Estimating, as well as Biblical Studies courses at the Church Training Center of Boston. When he joined the bricklayers union in 1964, Howard was

one of the few black members. He began working as a junior inspector for the Massachusetts Bay Transportation Authority's Design and Construction Department in 1977, and then as Assistant General Manager of Design and Construction for 10 years. During his 24 year career at the MBTA, Howard worked on many transit projects, most notably Alewife Station, Transit Way Tunnels, and the South Station bus terminal.

In 1972, Howard was licensed to preach the Gospel at his home church, Myrtle Baptist Church of West Newton, where he was the beloved pastor for 24 years, and was ordained in January 1980. Howard viewed his pastoring as an "avocation," which he gladly balanced with his professional responsibilities at Trinity Engineering and Maintenance Inc. He retired from his professional career in 2014.

Howard spent his life fighting for the causes of racial and economic equality and especially for affordable housing. As Pastor Emeritus of Myrtle Baptist Church, he developed and helped execute the plan for Myrtle Village, a 7-unit housing development on Church-owned property, with all units available to low and very low-income people. Howard was an active member of many public boards, commissions and non-profit organizations throughout Newton, including the Newton Human Rights Commission, Planning and Development Committee, Council on Aging, Newton Housing Authority, the Newton Charter Review Commission, the Metropolitan Area Planning Council, the Board of the Newton YMCA, Newton Boys and Girls Club, HARMONY, Newton Community Service Center, Newton Community Development Foundation, and the Federal Transit Administration's Construction Roundtable. In 2005, he was awarded the City of Newton's Human Rights Award.

Predeceased by his daughter Georgiana, sister Elizabeth and brothers Alfred and Arthur, Howard is survived by his wife and childhood sweetheart Karen "Katy", his daughter Kristen and companion Kevin Armstrong, son Howard, Jr., and 3 grandchildren and 1 great-grandchild, as well as his brothers, Walter and Gerald, and his nieces, nephews and cousins. He will be deeply missed by his family and friends and by the larger Newton community.

Accordingly, as a mark of respect in memory of Howard Marshal Haywood, at eighteen minutes past twelve o'clock noon, on motion of Mr. Fattman, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.