

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, SEPTEMBER 26, 2019.

JOURNAL OF THE SENATE

Thursday, September 26, 2019.

Met at twenty-five minutes past one o'clock P.M.

The President, members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of Allegiance.

Distinguished Guests.

There being no objection, the President introduced, in the rear of the Chamber, the Youth Advocay Council. The council consists of one junior and one senior from each of the public high schools in her district. The members work togethr in committees to research policy issues they care about and develop their own legislation. The group was applauded for their accomplishments and withdrew from the Chamber.

Youth Advisory
Council.

There being no objection, the President handed the gavel to Mr. Pacheco for the purpose of an introduction. Mr. Pacheco then introduced, in the rear of the Chamber, Enes Kanter. Mr. Kanter is a Switzerland-born Turkish professional basketball player for the Boston Celtics. Other than his professional basketball career, Enes is a dedicated democracy and human rights activist focusing on freedom of speech, due process, religious rights violations both in his home country and around the globe. Enes briefly addressed the Chamber, signed the guest book and withdrew from the Chamber. He was accompanied by members of the Turkish Cultural Center.

Enes Kanter.

Communications.

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

Communication from the Honorable Karen E. Spilka, the President of the Senate, announcing the appointment of Julian Cyr to the special Restaurant Promotion Commission (received September 24, 2019);

President's
appointment,--
restaurant promotion.

Communication from the Honorable Diana DiZoglio, in compliance with Massachusetts General Laws Chapter 268A (received September 24, 2019); and

Senator DiZoglio,--
Chapter 268A.

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 154 of the Acts of 2018) submitting the Fiscal Year 2019 transfer schedule for the following account: 1595-5819 Commonwealth Care Trust Fund (received September 23, 2019).

Comptroller,--
transfer schedule.
SD2568

Report

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

Report of the Executive Office of Public Safety and Security (pursuant to Chapter 223 of the Acts of the Acts of 2008) submitting its 2018 annual report for the State 911 Department (received September 24, 2019); and

EOPSS,-- 911 report.
SD2569

Report of the Massachusetts Gaming Commission (pursuant to Section 60 of Chapter 23K of the General Laws) submitting its recommended distribution of funds between the thoroughbred and standardbred accounts (received September 26, 2019).

MA Gaming
Commission,-- Race
Horse Dev. Fund.
SD2574

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 2355) of Ryan C. Fattman and Michael J. Soter (by vote of the town) for legislation to regulate certain insurance benefits for elected officials of the town of Blackstone [Local approval received];

Blackstone,--
insurance benefits.

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

Sent to the House for concurrence.

By Mr. deMacedo, a petition (accompanied by bill) (subject to Joint Rule 12) of Viriato M. deMacedo and Julian Cyr for legislation relative the membership of the Pilgrim Nuclear Decommissioning Advisory Panel; and

Pilgrim Nuclear
Advisory Panel.
SD2570

By Ms. DiZoglio, a petition (accompanied by bill) (subject to Joint Rule 12) of Diana DiZoglio for legislation to establish adequate funding for residents of Massachusetts nursing homes;

Nursing homes,--
funding.
SD2571

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

Reports of Committees.

By Mr. Rodrigues for the committee on Ways and Means, that the Senate Bill relative to educational opportunity for students (Senate, No. 2348),-- ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2350).

Educational
opportunities.

Reported on Tuesday, September 24, pursuant to an order previously adopted, and bill was placed in the Orders of the Day for Thursday, October 3, the question being on ordering the bill to a third reading, with the amendment pending.

By Ms. Comerford, for the committee on Public Health, on petition, a Bill relative to the restoration of MassHealth adult dental benefits (Senate, No. 1212);

MassHealth,-- dental
benefits.

By the same Senator, for the same committee, on petition, a Bill to improve access to family physicians (Senate, No. 1282); and

Physicians,-- grant
program.

By the same Senator, for the same committee, on petition, a Bill relative to diabetes prevention (Senate, No. 1289);

Diabetes,--
prevention.

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

By Ms. Friedman, for the committee on Health Care Financing, that the Senate Bills Directing the administration to amend the Frail Elder Home and Community-Based Waiver to permit eligible older adults to choose to reside in Certified Assisted Living Residences (Senate, No. 361) [Estimated cost: greater than \$100,000]; and

Frail Elder Home and
Community-Based
Waiver.

Relative to strengthening the local and regional public health system (Senate, No. 1294) [Estimated cost: greater than \$100,000];

Public health
system,-- regional.

Severally ought to pass;

Severally 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 Senate No. 433 and House, No. 825, a Bill establishing the commission for a climate-ready commonwealth (Senate No. 433);

Climate change,--
commission.

By the same Senator, for the same committee, on Senate No. 510 and House, Nos.

Dogs,-- kennel
regulations.

812 and 3603, a Bill protecting dogs at boarding kennels and daycare facilities (Senate, No. 2358);

By Ms. Friedman, for the committee on Health Care Financing, on petition, a Bill relative to protect MassHealth applicants facing undue hardship (Senate No. 663) [Estimated cost: greater than \$100,000];

By the same Senator, for the same committee, on petition, a Bill improving access to dental care in the Commonwealth (Senate, No. 667) [Estimated cost: greater than \$100,000];

By the same Senator, for the same committee, on petition, a Bill supporting equal access to community care for elders and the disabled (Senate, No. 668) [Estimated cost: greater than \$100,000];

By the same Senator, for the same committee, on petition, a Bill making technical changes to the Betsy Lehman Center for Patient Safety and Medical Error Reduction enabling statute (Senate, No. 669) [Estimated cost: greater than \$100,000];

By the same Senator, for the same committee, on petition, a Bill relative to newborn enrollment in MassHealth (Senate, No. 679) [Estimated cost: greater than \$100,000];

By the same Senator, for the same committee, on petition, a Bill regarding Medicare savings programs eligibility (Senate, No. 699) [Estimated cost: greater than \$100,000];

By the same Senator, for the same committee, on petition, a Bill to update Medicaid resource limits for seniors (Senate, No. 705) [Estimated cost: greater than \$100,000];

By the same Senator, for the same committee, on petition, a Bill relative to transfer of assets by MassHealth members (Senate, No. 709) [Estimated cost: greater than \$100,000]; and

By Ms. Comerford, for the committee on Public Health, on petition (accompanied by bill, Senate, No. 1279), a Bill regulating flavored tobacco products (Senate No. 2357);

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

By Mr. Boncore, for the committee on Transportation, on petition, a Bill designating a certain bridge in the city of Taunton the PFC Aaron Cordoba-Martinez Bridge (Senate, No. 2132);

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

By Mr. Feeney, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 2262), a Bill authorizing the town of North Andover to grant an additional liquor license (Senate, No. 2353) [Local approval received on Senate, No. 2262];

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2286), a Bill authorizing the city of Lynn to issue an additional license for the sale of wines and malt beverages not to be drunk on the premises (Senate, No. 2354) [Local approval received on Senate, No. 2286]; and

By Ms. Rausch, for the committee on Municipalities and Regional Government, on Senate, No. 2326 and House, No. 4037, a Bill relative to the Spring Grove Cemetery in the town of Andover (Senate, No. 2326) [Local approval received];

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

MassHealth,--
hardship waivers.

Dental care,--
improving access.

Elders and disabled,--
community care.

Betsy Lehman
Center,-- technical
changes.

MassHealth,--
newborn enrollment.

Medicare savings,--
eligibility.

Medicaid,-- resource
limits.

MassHealth,--
transfer of assets.

Flavored tobacco,--
regulation.

Taunton,-- Aaron
Cordoba-Martinez
Bridge.

North Andover,--
liquor license.

Lynn,-- liquor
license.

Andover,-- Spring
Grove Cemetery.

A Bill amending the charter of the town of Andover (House, No. 3985,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Andover,-- charter.

Report of the committee on Elder Affairs asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3762) of Richard M. Haggerty and Peter Capano relative to the prescription monitoring program,-- and recommending that the same be referred to the committee on Public Health,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Prescription
monitoring program.

Message from the Governor — Disapprovals General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2020 for the maintenance of the departments, boards commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements. (see House, No. 4000), which on Tuesday, July 23 2019, had been laid before the Governor for his approbation,— came from the House, in part, several items having been passed by the House notwithstanding the reduction or disapproval of the Governor.

General
Appropriation Bill,--
vetoes.

The message (House, No. 4014) was read; and the Senate proceeded to reconsider the item, which had been disapproved in accordance with the provisions of the Constitution.

Item 2810-0100 (State Parks and Recreation) was considered as follows:

State Parks and
Recreation.

2810-0100 For the operation of the division of state parks and recreation; provided, that funds appropriated in this item shall be used to: (i) operate all of the division's parks, parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, flood control activities of the division, reservations, campgrounds, beaches and pools; (ii) oversee skating rinks; and (iii) protect and manage the division's lands and natural resources, including the forest and parks conservation services and the bureau of forestry development; provided further, that all properties that were open in fiscal year 2019 shall be open in fiscal year 2020; provided further, that the crossing guards located at department of conservation and recreation intersections shall continue to perform the duties where state police previously performed such duties; provided further, that the division may issue grants to public and nonpublic entities from this item; provided further, that up to \$3,000,000 may be used to support the costs of snow and ice removal; provided further, that the rinks under the control of the department shall remain open and staffed for the full rink season; provided further, that ice time shall be allocated to the following user groups in the following order of priority: (a) general public skating; (b) volunteer-managed non-profit youth groups or youth leagues comprised of volunteer-managed nonprofit youth groups; (c) public high school hockey; (d) private high school hockey; (e) youth groups other than non-profit groups or non-profit groups with paid director other non-volunteer non-profit groups; (f) adult organizations; and (g) other groups; provided further, that the department of conservation and recreation shall submit a report to the house and senate committees on ways and means not later than February 3, 2020, on the utilization of funds towards addressing understaffed parks, extending camping seasons, hiring additional park support operations crew members and hiring additional engineers to plan and build capital improvement projects; provided further, that additional funds shall be expended to address the needs of state parks in all regions of the

commonwealth; provided further, that not later than February 3, 2020 the department shall report to the house and senate committees on ways and means : (1) the status of hiring for additional staffing; (2) the staffing levels for the previous 10 fiscal years; and (3) the average staffing level at each park; provided further, that not less than \$250,000 shall be expended for the continued development and implementation of an asset management modernization program within the department with the goal of adequate stewardship and budgeting; provided further, that funds shall be expended for additional staffing, consulting and training; and provided further, that not later than January 31, 2020, the department shall report to the house and senate committees on ways and means on the progress of the program, including, but not be limited to: (A) the status of hiring for the additional staffing required; (B) the contracts with outside consulting; (C) the progress of planned and delivered training; (D) the status of the integration and utilization of geographic information system data into the program; (E) the status of integrating a functional preventative maintenance capability; (F) an overview of the defined program metrics and weekly report used to manage performance; and (G) a detailed timeline and an estimate of resources necessary for the full implementation and adoption of the plan throughout the department by the end of the second quarter of fiscal year 2021.....\$47,250,000.

The Governor struck the following wording:- “; provided further, that not later than February 3, 2020 the department shall report to the house and senate committees on ways and means : (1) the status of hiring for additional staffing; (2) the staffing levels for the previous 10 fiscal years; and (3) the average staffing level at each park”.

After remarks, the question on passing Item 2810-0100, contained in section 2, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-eight minutes past one o'clock P.M., as follows, to wit (yeas 38 - nays 1) [**Yeas and Nays No. 95**]:

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **38.**

NAYS.

deMacedo, Viriato M. – **1.**

The yeas and nays having been completed at twenty-eight minutes before two o'clock P.M., Item 2810-0100, contained in section 2, stands in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Reports of Committees.

Mr. Brownsberger in the Chair, by Ms. Lovely, for the committee of Rules of the two branches acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Rebecca L. Rausch, Paul J. Donato, Maria Duaine Robinson, Denise Provost and other members of the General Court for legislation to promote community immunity.

Community
Immunity Act.
SD2548

Mr. Brownsberger in the Chair, the rules were suspended on motion of Ms. Rausch, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Health.

By Ms. Lovely, for the committee of Rules of the two branches acting concurrently, that Joint Rule 12 be suspended on the Senate petition Michael J. Rodrigues and Alan Silvia for legislation to establishing a sick leave bank for Yves Louis, an employee of the Department of Youth Services.

Yves Louis,-- sick
leave.
SD2547

The rules were suspended on motion of Ms. Rausch, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

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. 4090) of Louis L. Kafka, Paul McMurtry and others for legislation to authorize the county commissioners of Norfolk County to borrow money for the repair, renovation and construction, equipping and furnishing of buildings at the Norfolk County Agricultural High School in the town of Walpole;

Norfolk County
Agricultural High
School.

Under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4091) of Bradley H. Jones, Jr., and Bruce E. Tarr for legislation to establish a sick leave bank for Dawn Ball, an employee of the Department of Transportation;

Dawn Ball,-- sick
leave.

Under suspension of Joint Rule 12, to the committee on Public Service.

A Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of state land in the town of Needham now under the care and control of the Department of Conservation and Recreation (House, No. 4077,-- on House, No. 3690),-- was read.

Needham,-- land.

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

The House Bill revising the charter for the city of Melrose (House, No. 3822, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment in section 1 by striking out, in line 300, the figure "5-1" and inserting in place thereof the following figure:- "5-2"; In said section 1, by striking out, in lines 725 and 726, the words "of the certificate of the city clerk that a sufficient number of voters have signed the supplemental initiative petition" and inserting in place thereof the following words:- "that the city council calls for such an election"; In said section 1, by inserting after the word "certificate", in line 728, the following words:- "of the city clerk

Melrose,-- charter.

that a sufficient number of voters have signed the supplemental initiative petition”; and in said section 1, by inserting after the word “charter”, in line 848, the following words:- “shall refer to”, *with a further amendment* in section 1, in lines 725 and 726, by striking out the words “that the city council calls for such an election” (inserted by amendment by the Senate) and inserting in place thereof the words: “of the certificate of the city clerk that a sufficient number of voters have signed the supplemental initiative petitions” (stricken out by amendment by the Senate).

The rules were suspended, on motion of Mr. Lewis, and the further House amendment was adopted, in concurrence.

Engrossed Bill.

An engrossed Bill authorizing the town of Milford to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 3940, 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 Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.**

Bill laid before the Governor.

Engrossed Bills Returned with Recommendation of Amendment.

A Message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to hospital access to discounted prescription drug prices (see House, No. 4017), [being the text contained in Section 47 of the General Appropriations Bill (see House, No. 4000)] (for message, see Attachment C of House, No. 4014),— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-

Hospitals,--
discounted
prescription drug
prices

In section 1, by striking out, in line 7, the figure “270” and inserting in place thereof the figure “180”.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Rodrigues and the Governor’s amendment was considered forthwith.

On motion of the same Senator, after remarks, the Governor’s amendment was adopted, in concurrence.

Sent to the House for re-enactment.

A Message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill establishing certain reporting requirements for the Board of the Commonwealth Insurance Connector (see House, No. 4018), [being the text contained in Section 59 of the General Appropriations Bill (see House, No. 4000)] (for message, see Attachment D of House, No. 4014),— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-

Board of the
Commonwealth
Insurance Connector

In section 1, in line 6, by striking out the figure “60” and inserting in place thereof the figure “30”.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Tarr and the Governor’s amendment was considered forthwith.

On motion of the same Senator, after remarks, the Governor’s amendment was adopted, in concurrence. (as corrected BTR)

Sent to the House for re-enactment.

A Message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to the environmental health of the Blue Hills Reservation (see House, No. 4021), [being the text contained in Section 97 of the General Appropriations Bill (see House, No. 4000)] (for message, see Attachment G of House, No. 4014),— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-

Blue Hills
Reservation.

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. The University of Massachusetts shall select an independent scientific organization to conduct a study and survey of the environmental health of the Blue Hills Reservation, which shall include: (i) the forest, including plant, animal and insect life, and any contributing factors responsible for any decline in forest health; (ii) the effect of ecological and climate change; (iii) the effectiveness of controlled public hunting in culling the deer population; (iv) the effectiveness of the Blue Hills Reservation deer management program in culling the deer population since 2015; and (v) recommendations to ensure improvements in the environmental health of the reservation. The study shall include the physical tagging of deer for purposes of population surveying; provided, however, that methods may include but shall not be limited to (i) fixed-wing aircraft or unmanned aerial vehicles using aerial photography and downward-looking thermal imaging; and (ii) distance sampling using driving transects and spotlights.

The University of Massachusetts shall select an organization to conduct the study and survey within 6 months after the effective date of this act, and the independent scientific organization shall report its findings and data in the form of a report and survey, which shall include proposed recommendations and the costs associated with those recommendations, to the department of conservation and recreation and the department of fisheries and wildlife within 4 years following the start of the study.

SECTION 2. This act shall take effect as of July 1, 2019.”

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Tarr and the Governor’s amendment was considered forthwith.

On motion of the same Senator, after remarks, the Governor’s amendment was adopted, in concurrence.

Sent to the House for re-enactment.

Message from the Governor — Disapprovals General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2020 for the maintenance of the departments, boards commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements. (see House, No. 4000), which on Tuesday, July 23 2019, had been laid before the Governor for his approbation,— came from the House, in part, several items having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4014) was read; and the Senate proceeded to reconsider several items, which had been disapproved in accordance with the provisions of the Constitution.

Item 8900-0001 (Department of Correction Facility Operations) was considered as

Department of
Correction Facility

follows:

Operations.

8900-0001 For the operation of the department of correction; provided, that not later than January 3, 2020, the commissioner of correction and the secretary of public safety and security shall report to the house and senate committees on ways and means and the joint committee on public safety and homeland security on the point score compiled by the department's objective classification system for all prisoners confined in each prison operated by the department; provided further, that to maximize bed capacity and re-entry capability, the department shall submit quarterly reports, utilizing standardized reporting definitions developed mutually with the Massachusetts Sheriffs Association on caseload, admissions, classification, releases and recidivism of all pre-trial, sentenced and federal inmates; provided further, that the department shall submit the reports on a quarterly basis not more than 30 days following the last day of the quarter; provided further, that not later than October 1, 2019, the department shall also report, in collaboration with the Massachusetts Sheriffs Association, on fiscal year 2018 and fiscal year 2019 total costs per inmate by facility and security level; provided further, that the department shall submit biannual reports to the joint committee on the judiciary, the joint committee on public safety and homeland security and the house and senate committees on ways and means on the use of solitary confinement, also known as segregation, in state prisons; provided further, that one of the reports shall cover the period from July 1, 2019 to December 31, 2019, inclusive, and one of the reports shall cover the period from January 1, 2020 to June 30, 2020, inclusive; provided further, that the reports shall include, but not be limited to, the: (i) number of prisoners subjected to solitary confinement; (ii) length of time spent in solitary confinement; (iii) number of prisoners with mental illness subjected to solitary confinement delineated by diagnosis; (iv) number of prisoners 21 years of age or younger subjected to solitary confinement; (v) number of prisoners subjected to multiple stays in solitary confinement in a given reporting period; (vi) number of prisoners released directly into the community from solitary confinement or released into the community not more than 30 days after having been in solitary confinement; and (vii) rate of recidivism for individuals that were subject to solitary confinement; provided further, that the department shall validate each educational program offered to inmates against an evidence-based model chosen by the secretary of public safety and security not less than once every 3 years; provided further, that not later than January 1, 2020, the department shall submit a report on visitation procedures at each department facility that shall include, but not be limited to: (a) the average monthly visitors per facility over the 12-month period preceding March 23, 2018; (b) the average monthly visitors per inmate at each facility over the 12-month period preceding March 23, 2018; (c) the average monthly visitors per facility for the 12-month period following March 23, 2018; (d) the average monthly visitors per inmate at each facility for the 12-month period following March 23, 2018; (e) the total number of visitors each month at each facility for the 12-month period following March 23, 2018; (f) the total number of visitors per inmate each month at each facility for the 12-month period following March 23, 2018; and (g) an analysis of whether the visitor approval process established under 103 CMR 483.10 has had a demonstrable effect on the supply of contraband in each facility; provided further, that not less than \$20,000 shall be expended for the Vincentian Reentry Organizing Project operated by the Society of St. Vincent de Paul in the city of Attleboro that serves individuals in Bristol county; provided further, that not less than \$100,000 shall be expended for the Dismas House of Massachusetts, Inc. in Worcester; provided further, that not less than \$75,000 shall be expended

for the Disability Law Center, Inc. to monitor the efficacy of service delivery reforms at Bridgewater state hospital, including units at the Old Colony correctional center and the treatment center; provided further, that the Disability Law Center, Inc. may investigate the physical environment of said facilities, including infrastructure issues, and may use methods including, but not limited to, testing and sampling the physical and environmental conditions, regardless of whether they are utilized by patients or inmates; provided further, that not less than once every 6 months, the Disability Law Center, Inc. shall report on the impact of these reforms on those served at Bridgewater state hospital to the joint committee on mental health, substance use and recovery, the joint committee on the judiciary, the house and senate committees on ways and means, the senate president and the speaker of the house; provided further, that not less than \$25,000 shall be expended to Lawrence Dream Network, Inc. in the city of Lawrence for re-entry services for individuals returning to the community from state prisons and county correctional facilities; provided further, that the department shall expend not less than \$2,200,000 for municipalities hosting department of corrections facilities; provided however, no municipality hosting a department of corrections facility shall receive more than \$800,000; and provided further, that no municipality hosting a department of corrections facility shall receive less than the amount allocated in item 8900-0001 of section 2 of chapter 68 of the acts of 2011; \$679,493,942.

The Governor struck the following wording:- “provided further, that the Disability Law Center, Inc. may investigate the physical environment of said facilities, including infrastructure issues, and may use methods including, but not limited to, testing and sampling the physical and environmental conditions, regardless of whether they are utilized by patients or inmates”.

After remarks, the question on passing Item 8900-0001, contained in section 2, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nine minutes past two o’clock P.M., as follows, to wit (yeas 33 – nays 6) **[Yeas and Nays No. 96]**:

YEAS.

Barrett, Michael J.	Gobi, Anne M.
Boncore, Joseph A.	Hinds, Adam G.
Brady, Michael D.	Jehlen, Patricia D.
Brownsberger, William N.	Keenan, John F.
Chandler, Harriette L.	Kennedy, Edward J.
Chang-Diaz, Sonia	Lesser, Eric P.
Collins, Nick	Lewis, Jason M.
Comerford, Joanne M.	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moore, Michael O.
Cyr, Julian	Pacheco, Marc R.
DiDomenico, Sal N.	Rausch, Rebecca L.
DiZoglio, Diana	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Feeney, Paul R.	Timilty, Walter F.
Finegold, Barry R.	Welch, James T. – 33.
Friedman, Cindy F.	

NAYS.

deMacedo, Viriato M.	O'Connor, Patrick M.
----------------------	----------------------

Fattman, Ryan C.
Humason, Donald F., Jr.

Tarr, Bruce E.
Tran, Dean A. – 6.

The yeas and nays having been completed at thirteen minutes past two o'clock P.M., Item 8900-0001, contained in section 2, stands in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 1595-6368 (Massachusetts Transportation Trust Fund) was considered as follows:

Massachusetts
Transportation Trust
Fund..

1595-6368 For an operating transfer to the Massachusetts Transportation Trust Fund established under section 4 of chapter 6C of the General Laws; provided, that not less than \$25,000 shall be expended for the emergency repairs and structural renovations of the Fairman Road bridge and culvert in Orange; provided further, that not less than \$100,000 shall be expended to address traffic issues and public safety concerns for traffic intersections around the North Beverly train station; provided further, that not less than \$40,000 shall be expended for the town of Wakefield for electronic or hybrid parking attendant vehicles; provided further, that not less than \$200,000 shall be expended for a bus route to connect Marlborough to Worcester; provided further, that not less than \$100,000 shall be expended for parking and traffic improvements in Braintree; provided further, that not less than \$100,000 shall be expended for signalization at the intersection of Bacon Street and Route 135 in Wellesley; provided further, that not less than \$100,000 shall be expended for improving sidewalks, connecting streets, increasing pedestrian lighting, and town center associated costs in Weston; provided further, that not less than \$100,000 shall be expended for elderly and commuter services linking to the MBTA in Maynard and Acton; provided further, that not less than \$25,000 shall be expended for transportation improvements in the town of Winthrop; provided further, that not less than \$20,000 shall be expended for culvert repair and replacement in Bolton; provided further, that not less than \$100,000 shall be expended for the installation of a pedestrian walk signal at the Gallivan Boulevard and Adams Street intersection in the Dorchester neighborhood of Boston; provided further, that not less than \$25,000 shall be expended for a transit feasibility study for first mile/last mile shuttle bus services in Woburn and Lexington; provided further, that not less than \$25,000 shall be expended for a Hanscom Air Force Base access feasibility study in Lexington; provided further, that not less than \$25,000 shall be expended for the city of Everett for the installation of more signage on major thoroughfares; provided further, that not less than \$20,000 shall be expended for infra-space improvements to the Kensington underpass in East Somerville; provided further, that not less than \$25,000 shall be expended for the design work of a pedestrian bridge to cross over the rail tracks at the Anderson regional transit center in Woburn; provided, that not less than \$270,000 shall be expended for the pilot season of the Berkshire Flyer, a weekend passenger rail service connecting New York city and the Berkshires between Memorial Day and Columbus Day in calendar year 2020, deemed economically viable and beneficial by the study conducted pursuant to section 137 of chapter 47 of the acts of 2017; provided further, that not more than \$30,000 from this item shall be made available to the Berkshire regional transit authority to hire a project manager during the pilot season; provided further, that not later than December 31, 2019, the Massachusetts Department of Transportation shall develop and execute a memorandum of understanding with the Berkshire regional transit authority; provided further, that the Berkshire regional transit authority shall serve as the local sponsor of the

Berkshire Flyer as defined in the report filed section 101 of chapter 154 of the acts of 2018; provided further, that the memorandum of understanding shall define: (i) the responsibilities of the local sponsor and the Massachusetts Department of Transportation during the pilot season; (ii) how funding will be distributed to and from the Massachusetts Department of Transportation, Amtrak and the Berkshire regional transit authority; and (iii) all fiscal liabilities assumed during the pilot season including, but not limited to, responsibilities and fiscal requirements prescribed by section 209 of the federal Passenger Rail Investment and Improvement Act of 2008; provided further, that the memorandum of understanding shall clearly delineate the functions of and funding for the pilot for all parties and the conditions under which service decisions shall be made; provided further, that \$90,000 shall be expended for the Franklin Regional Council of Governments for developing and launching a rideshare demonstration program for social service recipients; provided further, that not less than \$34,000 shall be expended for a public transportation accessibility and improvements feasibility study in the city of Winthrop; provided further, that not less than \$60,000 shall be expended to the town of Needham for streetscape improvements in the Needham Heights area including, but not limited to, pedestrian lighting; provided further, that not less than \$250,000 shall be expended to the Montachusett Regional Transit Authority for further improvements to the Depot square portion of the Ayer rail trail commuter parking project; provided further, that funds may be expended from this amount for a feasibility study to create a commuter rail stop in the town of North Andover at the location behind Osgood Landing, north of the Lawrence Municipal Airport; provided further, that the Massachusetts Department of Transportation may relocate trains that idle at the Bradford Layover to available parcels of land located within the Hilldale Industrial Park in the city of Haverhill, which may be designated as an overnight layover facility; provided further, that not less than \$150,000 shall be expended for renovations and improvements to state highway route 1A in the town of Wenham; provided further, that not later than November 1, 2019 the Massachusetts Department of Transportation shall report to the house and senate committees on ways and means, the clerks of the house of representatives and senate, and the joint committee on transportation, on the feasibility of using state-owned property as a staging area to provide micro-mobility device or any other suitable mode of conveyance for last mile point to point transportation to and from commuter rail stops, rapid transit stops, or rapid transit transfer stations; and provided further, that the report shall include, but not be limited to, a listing of all state-owned property within 1 mile of mass transit stops and the feasibility of adding the property information as a layer to the Massachusetts interactive property map, developed by MassGIS \$345,813,615.

Commonwealth Transportation Fund.....100%

The Governor struck the following wording:- “; provided further, that not later than November 1, 2019 the Massachusetts Department of Transportation shall report to the house and senate committees on ways and means, the clerks of the house of representatives and senate, and the joint committee on transportation, on the feasibility of using state-owned property as a staging area to provide micro-mobility device or any other suitable mode of conveyance for last mile point to point transportation to and from commuter rail stops, rapid transit stops, or rapid transit transfer stations; and provided further, that the report shall include, but not be limited to, a listing of all state-owned property within 1 mile of mass transit stops and the feasibility of adding the property information as a layer to the Massachusetts interactive property map, developed by MassGIS”.

After remarks, the question on passing Item 1595-6368, contained in section 2E, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at sixteen minutes past two o'clock P.M., as follows, to wit (yeas 33 – nays 6) [**Yeas and Nays No. 97**]:

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crichton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.

Gobi, Anne M.
Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Welch, James T. – **33**.

NAYS.

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

O'Connor, Patrick M.
Tarr, Bruce E.
Tran, Dean A. – **6**.

The yeas and nays having been completed at a minutes before twelve o'clock P.M., Item 1595-6368, contained in section 2E, stands in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

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.

Matter Taken Out of the Orders of the Day.

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

The Senate Bill establishing a sick leave bank for Amanda Franczek, an employee of the Department of Children and Families (Senate, No. 2322),-- was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Tran moved that the bill be amended by inserting after the word "Franczek", in line 4, the following words:- "to care for her child".

Amanda Franczek,--
sick leave.

The amendment was adopted.

The bill (Senate, No. 2322, amended) was then passed to be engrossed.

Sent to the House for concurrence.

UNCORRECTED PROOF.

On motion of Mr. Finegold at twenty-five minutes before three o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.