

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**WEDNESDAY, OCTOBER 30, 2019.**

JOURNAL OF THE SENATE

Wednesday, October 30, 2019.

Met at three minutes past one o'clock P.M. (Mr. Cyr in the Chair)

Communications.

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

Communication from the Office of the Comptroller (pursuant to Section 6B of Chapter 29 of the General Laws) submitting its quarterly report on the status of federal funds applied for, received and expended in the first quarter of fiscal year 2020 (received October 29, 2019); and

Comptroller,-- federal grants report. SD2611

Communication from the Office of the Comptroller (pursuant to Section 12(a)(1) of Chapter 7A of the General Laws) submitting an update on the Statutory Basis Financial Report (SBFR) for the fiscal year ended June 30, 2019 (received October 29, 2019).

Comptroller,-- SBFR update. SD2613

Reports.

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

Report of the Special Commission to Study Pancreatic Cancer (pursuant to Section 78 of Chapter 119 of the Acts of 2015, as amended by Section 65 of Chapter 154 of the Acts of 2018) submitting its report entitled "Pancreatic Cancer in Massachusetts: Report and Recommendations from the Special Legislative Commission to Study Pancreatic Cancer" (received October 29, 2019); and

Special Commission on Pancreatic Cancer,-- report. SD2610

Report of the Department of Public Health (pursuant to Section 158 of Chapter 46 of the Acts of 2015) submitting its status update on the extended-release injectable naltrexone pilot program (copies having been forwarded as required to the Senate Committee on Ways and Means and the Joint Committees on Health Care Financing, Mental Health and Substance Use and Recovery and Public Health) (received October 30, 2019).

DPH,-- naltrexone pilot program status update. SD2612

Petition.

Ms. Comerford, presented a petition (accompanied by bill) (subject to Joint Rule 12) of Joanne M. Comerford for legislation to quantify the SPED Gap by comparing actual special education costs to current special education assistance;

Special education,-- assistance gap. SD2609

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

Reports of Committees.

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 495 and House, No. 765, a Resolve providing for an investigation and study by a special commission relative to mattress recycling (Senate, No. 2388) [Senator Eldridge dissenting];

Mattress recycling,-- special commission.

Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 459 and House, No. 732, a Bill relative to protect the natural resources of

Natural resources,-- protection

the commonwealth (Senate, No. 459) [Senator Fattman dissenting];

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

By Ms. Rausch, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the terms for members of the city of Somerville's Zoning Board of Appeals (Senate, No. 2369) [Local approval received]; and

Somerville,-- zoning board.

By the same Senator, for the same committee, on petition, a Bill providing for the exchange of certain park land in the town of Rockland (Senate, No. 2374) [Local approval received];

Rockland,-- park land

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

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4155) of Daniel J. Ryan, RoseLee Vincent and Sal N. DiDomenico (with the approval of the city council) relative to the disposition of property taken for non-payment of property taxes in the city of Chelsea,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Chelsea,-- property tax.

Bills

Authorizing the Massachusetts Water Resources Authority to supply water to the town of Ashland (House, No. 3852) [Local approval received];

Ashland,-- MWRA.

Establishing a charter for the town of Plainville (House, No. 4036,-- on petition) [Local approval received];

Plainville,-- charter.

Funding the town of Hanover's other post employment benefits liability trust fund (House, No. 4061,-- on petition) [Local approval received];

Hanover,-- post employment.

Authorizing the town of Swansea to grant additional alcoholic beverage licenses (House, No. 4085, amended,-- on House, No. 3864) [Local approval received on House, No. 3864]; and

Swansea,-- liquor license.

Authorizing the Norfolk County Treasurer to borrow funds for repairs to the Norfolk County Agricultural School (House, No. 4090,-- on petition) [Local approval received];

Norfolk County Agricultural School.

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

There being no objection, at four minutes past one o'clock P.M., the Chair (Mr. Cyr) declared a recess subject to the call of the Chair; and, at fourteen minutes before two o'clock P.M., the Senate reassembled, Ms. Creem in the Chair

Recsss.

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

Pledge of Allegiance.

*Report of a Committee.*

By Mr. Lovely, for the committees on Rules, that the Senate petition of Michael O. Moore and Hannah Kane (by vote of the town) for legislation relative to affordable housing in the town of Shrewsbury,-- has complied with the provisions of Joint Rule 7B, and has received local approval from the town.

Shrewsbury,-- affordable housing.

**The rules were suspended, on motion of Mr. Humason, and the report was considered forthwith. The petition (accompanied by bill, Senate, No. 2389) was referred to the committee on Housing.**

**Sent to the House for concurrence.**

*Matters Taken Out of the Notice Section.*

The following matters were taken out of the Notice Section and considered as follows:

The House Bill exempting Ryan M. Charette from the maximum age requirement for appointment as a firefighter in the town of Dracut (House, No. 3703),-- **was read a third time and passed to be engrossed, in concurrence.**

Dracut,--  
Ryan Charette.

The House Bill exempting the labor service positions of the department of public works in the city of Medford from the civil service laws (House, No. 4082),-- **was read a third time and passed to be engrossed, in concurrence.**

Medford,--  
labor service.

The House Bill establishing a sick leave bank for Karen Phillips, an employee of the department of mental health (House, No. 4046 ,amended) (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.**

Karen Phillips,--  
sick leave.

PAPERS FROM THE HOUSE

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

Petition (accompanied by bill, House, No. 4161) of Joan Meschino and others for legislation to allow certain 17 year-old pre-registered voters to vote in primary elections;

Primary elections,--  
pre-registered voters.

**Under suspension of Joint Rule 12, to the committee on Election Laws.**

Petition (accompanied by bill, House, No. 4159) of Dylan A. Fernandes and Julian Cyr (by vote of the town) relative to the water supply in the town of Nantucket;

Nantucket,--  
water supply.

**Under suspension of Joint Rules 12 and 9, to the committee on Environment, Natural Resources and Agriculture.**

Petition (accompanied by bill, House, No. 4160) of Stephan Hay and others for the issuance of an annual proclamation by the Governor to designate the fourth of February as Rosa Parks day;

Rosa Parks day.

**Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.**

A Bill establishing a sick leave bank for Melinda Trudell, an employee of the Executive Office of Health and Human Services (House, No. 4130,-- on petition),-- was read.

Melinda Trudell,--  
sick leave.

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

A Bill establishing a sick leave bank for Susan St. Laurent, an employee of the Trial Court of the Commonwealth (House, No. 4156,-- on petition),-- was read.

Susan St. Laurent,--  
sick leave.

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

*Resolutions.*

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

Resolutions (filed by Mr. O'Connor) "congratulating Adam Corkhum on his elevation to the rank of Eagle Scout."

Adam Corkhum.

*Orders of the Day.*

The Orders of the Day were considered as follows:

Bills

Accepting certain property in Gloucester for park and conservation purposes under Article 97 of the Massachusetts Constitution (Senate, No. 2330);

Second reading bills.

Relative to the health insurance and other benefits in the town of East Brookfield (House, No. 2167);

Relative to the capital expenditures committee of the town of Lexington (House, No. 4035); and

Authorizing the town of Gill to continue the employment of Gene M. Beaubien (House, No. 4055);

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

The House Bill to support improving financial stability in higher education (House, No. 4099, amended),-- was read a second time.

Stability in higher education.

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 2387, and pending the main question on ordering the bill to a third reading, Messrs. Moore, Tarr and Montigny moved that the proposed new text be amended by inserting after section \_\_\_\_ the following section:-

1.

“SECTION \_\_\_\_ . There shall be a special commission on tuition and fee-free and debt-free public higher education to consist of: the commissioner of higher education, or a designee, who shall serve as chair; the president of the University of Massachusetts system or a designee; a representative selected by the council of presidents of the state university system; a representative selected by the Massachusetts Association of Community Colleges; the senate and house chairs of the Joint Committee on Higher Education or their designees; and 5 persons to be appointed by the commissioner of the department of higher education, 1 of whom shall be selected from a list of 3 nominees submitted by the Massachusetts Teachers Association, 1 of whom shall be selected from a list of 3 nominees submitted by the Massachusetts Budget and Policy Center, 1 of whom shall be selected from a list of 3 nominees submitted by the Public Higher Education Network of Massachusetts; 1 of whom shall be from the American Student Assistance and 1 of whom shall be a student representative currently enrolled in a public higher education institution in the commonwealth. The commission shall examine and make recommendations on the creation of tuition and fee-free and debt-free college programs in the Commonwealth including, but not limited to: (i) student eligibility including possible requirements for state residency, maximum family income, academic thresholds/GPA, and enrollment status (full-time or part-time); (ii) which public institutions would be eligible, enrollment shifts that may occur, and the potential effect on academic program quality; (iii) the cost to fund the various models explored, including the ordering of state and federal aid required to be applied as ‘first dollar’ or ‘last dollar’ and the cost of covering indirect costs such as books, housing, transportation or other significant matriculation costs; (iv) the potential impact of debt-free college on student debt and degree completion; and (iv) review of currently offered debt-free proposals in other states. The first meeting of the commission shall take place within 45 days after the effective date of this section. The commission shall file a report detailing its recommendations with the clerks of the senate and house of representatives on or before May 31, 2020.”

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting in line 25 after the word “public” the following:- “shall also submit the financial report to the clerks of the house and senate, and the joint committee on higher education”.

2.

The amendment was *rejected*.

Mr. Welch moved that the proposed new text be amended in section 1, in line 13, by inserting after the word “trustees”, the following: “finance committees or related bodies, who do not have a financial background or MBA, CPA or like degree,”; 3.

In section 2 by inserting, in line 83, after the word “body”, the following: “[body]’s finance committee or related body, who do not have a financial background or MBA, CPA or like degree,”; and

In section 3 by inserting, in line 92, after the word “member” the following: “of the finance committee or related body, who do not have a financial background or MBA, CPA or like degree,”.

After remarks, the amendment was *rejected*.

Mr. Welch moved that the proposed new text be amended in section 2 by inserting in line 87 after the word “statement,” the following, “only if the board and accrediting agency jointly identify a risk of imminent closure,”. 4.

The amendment was *rejected*.

Ms. DiZoglio and Mr. Finegold moved that the proposed new text be amended in line 52, by inserting after the word “education” the following words:- “provided that, in conducting any financial screenings, the department shall evaluate an institution using financial standards that are similar to those used by an accrediting agency”. 5.

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting after section \_ the following section:- 6.

“SECTION\_ . Section 8F of chapter 12 of the mass general laws as appearing in 2018 official edition is hereby amended by inserting in line 4 after the word ‘year’ the following:- “provided that such time for submission shall not be later than 5 months of preceding fiscal year.”

The amendment was *rejected*.

Mr. Rodrigues moved that the proposed new text be amended in section 2, in proposed paragraph (3) of section 31B of chapter 69, by striking out the first sentence and inserting in place thereof the following sentence:- “Upon either: (i) a determination by the board that an institution may be at risk of imminent closure; or (ii) acceptance by the board of a determination made by an accrediting agency that an institution may be at risk of imminent closure, the board shall provide the institution with a summary of the basis for its determination.” 7.

The amendment was adopted.

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

The bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by call of the yeas and the nays, at eleven minutes past two o’clock P.M., on motion of Ms. Gobi, as follows to wit (yeas 37 to nays 0) **[Yeas and Nays 121]**

**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.

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.

**UNCORRECTED PROOF.**

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.

O'Connor, Patrick M.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A.  
Welch, James T. – 37.

**NAYS – 0.**

**ANSWERED “PRESENT”.**

deMacedo, Viriato M. (*present*) – 1.

**ABSENT OR NOT VOTING.**

Pacheco, Marc R. – 1.

**The yeas and nays having been completed at a quarter past two 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. 2392].**

**Sent to the House for concurrence in the amendment.**

*Order Adopted.*

On motion of Ms. Friedman,--

*Ordered*, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

On motion of the Ms. Chandler, at sixteen minutes past two o'clock P.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.