

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JANUARY 16, 2020.

JOURNAL OF THE SENATE

Thursday, January 16, 2020.

Met at twenty-four minutes past eleven o'clock A.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 2019 Division 6 Super Bowl champions, the Ashland Clockers Football Team. They were accompanied by Head Coach Andrew MacKay and Assistant Coaches Matt Messer and Pete Zacchilli. They were welcomed with applause, presented with Senate Citations and they withdrew from the Chamber.

Ashland Clockers Football Team.

There being no objection, the Chair (Ms. Creem), handed the gavel to Mr. Cyr for the purposes of an introduction. Mr. Cyr then introduced in the rear of the Chamber, Ohio State Representative and Speaker Pro Tempore Jim Butler. The Senate welcomed him with applause, he signed the guest book and withdrew from the Chamber.

Ohio State Representative Jim Butler.

There being no objection, the Chair (Ms. Creem), handed the gavel to Mr. Timilty for the purposes of an introduction. Mr. Timilty then introduced the Milton High School Boys and Girls Cross Country Division 3 Champions. They were accompanied by Head Coaches Jennifer Meunier and Kate Tenfurse and Assistant Coaches Claire Ritten and Toren Caesar. The Senate welcomed them with applause and they withdrew from the Chamber.

Milton High School Cross Country Team.

There being no objection, the Chair (Ms. Creem), handed the gavel to Mr. Lewis for the purposes of an introduction. Mr. Lewis then introduced in the rear of the Chamber, former State Representative and current Mayor of the city of Melrose Paul Brodeur. The Senate welcomed him with applause and withdrew from the Chamber.

Melrose Mayor Paul Brodeur.

There being no objection, the Chair (Ms. Creem), handed the gavel to Mr. Welch for the purposes of an introduction. Mr. Welch then introduced in the rear of the Chamber, Mayor Richard Kos of Chicopee. The Senate welcomed him with applause and he withdrew from the Chamber. He was also the guest of Mr. Lesser.

Chicopee Mayor Richard Kos.

Communications.

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

Communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the appointment of Senator Patrick M. O'Connor to the Senate Committee on Ethics (Ranking member) (received January 15, 2020);

Committee appointment.

Communication from MassDevelopment (pursuant to Section 71 of Chapter 141 of the Acts of 2003) submitting its September 2019 Emerging Technology Fund Quarterly Report (received January 10, 2020);

MassDev,-- ETF quarterly report. SD2744

Communication from the Executive Office of Public Safety and Security (pursuant to Section 61 of Chapter 55 of the Acts of 2017) submitting a copy of its report on the civil citation system in the Commonwealth of Massachusetts (statutorily required to be filed with the General Court not later than July 1, 2018) (received January 3, 2020);

EOPSS,-- civil citation system report. SD2746

Communication from the Department of Public Health (pursuant to line item 4512-

DPH,-- naloxone

UNCORRECTED PROOF.

0204 of Chapter 41 of the Acts of 2019) submitting its report entitled "First Responder Naloxone Grants and Overdose Education and Naloxone Distribution" (received January 13, 2020); and

report.
SD2751

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 41 of the Acts of 2019) submitting a revised fiscal year 2020 transfer schedule for the following account: 1595-1068 Medical Assistance Trust Fund (received January 13, 2020).

Comptroller,--
revised transfer
schedule.
SD2752

Reports.

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

Report of the Middlesex District Attorney's Office (pursuant to Section 99R of Chapter 272 of the General Laws) submitting its annual report of wiretap interceptions for the 2019 calendar year (received January 10, 2020);

Middlesex DA,--
wiretap.
SD2747

Report of the Office of the Attorney General (pursuant to Section 99R of Chapter 272 of the General Laws) submitting its annual report of wiretap interceptions for the 2019 calendar year (received January 10, 2020); and

AGO,-- wiretap.
SD2748

Report of the University of Massachusetts Board of Trustees (pursuant to Section 3 of Chapter 75 of the General Laws) submitting its rules and regulations adopted and/or amended by the Trustees of the University of Massachusetts in 2019 (copies having been forwarded as required to the Governor, the Secretary of Administration and Finance, and the House and Senate Chairs of the committees on Ways and Means) (received January 10, 2020).

UMass BOT,-- rules
and regulations.
SD2750

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Lesser, a petition (accompanied by bill, Senate, No. 2468) of Eric P. Lesser and Brian M. Ashe (by vote of the town) for legislation to revoke the town of Longmeadow's acceptance of a certain general law establishing a board of election commissioners [Local approval received];

Longmeadow,--
elections board.

Under Senate Rule 20, to the committee on Municipalities and Regional Government.

Sent to the House for concurrence.

By Mr. Brady, a petition (accompanied by bill) (subject to Joint Rule 12) of Michael D. Brady for legislation to establish a sick leave bank for Richard G. Perry, an employee of the Department of Conservation and Recreation; and

Richard G. Perry,--
sick leave.
SD2753

By Mr. Cyr, a petition (accompanied by bill) (subject to Joint Rule 12) of Julian Cyr for legislation relative to the Massachusetts National Guard Family Education Program;

NGFEP,-- waiver.
SD2745

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

Reports of Committees.

By Mr. Feeney, for the committee on Consumer Protection and Professional Licensure, on Senate, No. 112 and House, No. 193, a Bill relative to safe application and removal of body art (Senate, No. 112);

Regulation,-- body
art and piercing.

By the same Senator, for the same committee, on petition, a Bill prohibiting inhumane feline declawing (Senate, No. 169);

Feline declawing,--
inhumane.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 110), a Bill relative to vehicle recalls (Senate, No. 2466);

Vehicle recalls,--
inspection.

By the same Senator, for the same committee, on petition (accompanied by bill,

Farmers markets,--

Senate, No. 152), a Bill expanding the sale of products by farmer distilleries and wineries (Senate, No. 2467);

wine sales.

By Mr. Lewis, for the committee on Education, on Senate, Nos. 270 and 342, a Bill relative to strengthening background checks (Senate, No. 342);

Background checks,--
strengthen.

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill responding to the threat of invasive species (Senate, No. 491);

Invasive species,--
threat response.

By the same Senator, for the same committee, on Senate, No. 496 and House, No. 772, a Bill relative to ivory and rhinoceros horn trafficking (Senate, No. 496); and

Ivory trafficking.

By the same Senator, for the same committee, on Senate, No. 534 and House, Nos. 758 and 764, a Bill protecting research animals (Senate, No. 2463);

Research animals,--
protect.

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

By Mr. Lewis, for the committee on Education, a Bill relative to the powers and duties of regional school districts (Senate, No. 290);

Regional school
district,-- duties.

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

Committees Discharged.

Mr. Lewis, for the committee on Education, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 250) of Joanne M. Comerford, Jack Patrick Lewis, Julian Cyr, Mindy Domb and other members of the General Court for legislation to add a suicide prevention hotline number on student identification cards,-- and recommending that the same be referred to the committee on Mental Health, Substance Use and Recovery; and

Student ID cards,--
suicide prevention

Ms. Gobi, for the committee on Higher Education, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2431) of Paul R. Feeney, Bruce E. Tarr and Harold P. Naughton, Jr. for legislation to ensure the safety of students, faculty and staff on the campuses of state colleges, community colleges and state universities,-- and recommending that the same be referred to the committee on Public Safety and Homeland Security.

Campuses,-- safety.

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

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill renaming of the board of selectmen in the town of West Boylston (House, No. 4214) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

West Boylston,--
board of selectmen.

Report of the committee on Education asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 516) of Jack Patrick Lewis and others relative to student identification cards,-- and recommending that the same be referred to the committee on Mental Health, Substance Use and Recovery,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Students,--
identification cards.

Communication.

The Clerk read the following communication

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

Senator Michael F.
Rush,-- military duty.

January 16, 2020

Michael D. Hurley, Clerk
Office of the Senate Clerk
Boston, MA 02133

Dear Mr. Clerk,

I am writing to inform you that I will not be in attendance for the Senate’s formal session scheduled for January 16, 2020 due to required training with the Navy from January 10 to January 19, 2020.

Sincerely,

MIKE RUSH

*State Senator
Norfolk & Suffolk District*

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

Ordered printed.

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill authorizing the mutual release of all claims to certain lands in the town of Newbury (see Senate, No. 2270, 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 12 to 0.

Newbury,-- land claims.

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

Resolutions.

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

Resolutions (filed by Ms. Lovely) “congratulating Simone French of the city of Beverly on receiving the Gold Award of the Girl Scouts of the United States of America”;

Simone French.

Resolutions (filed by Ms. Lovely) “congratulating Katherine Johnston of the town of Topsfield on receiving the Gold Award of the Girl Scouts of the United States of America”; and

Katherine Johnston.

Resolutions (filed by Ms. Lovely) “congratulating Olivia Scott of the town of Topsfield on receiving the Gold Award of the Girl Scouts of the United States of America.”

Olivia Scott.

PAPERS FROM THE HOUSE.

The following initiative petitions, having been transmitted by the Secretary of the Commonwealth to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution, and having been received in the Office of the Clerk of the House on Friday, January 3, 2020, were referred, in concurrence, as follows

Initiative petition of Kathleen A. DelSordo and others for the passage of “An Act establishing adequate funding for residents of Massachusetts nursing homes” (House, No. 4304);

Nursing homes,-- funding.

To the committee on Elder Affairs.

Initiative petition of Gregory D. Dennis and others for the passage of “An Act to implement ranked-choice voting in elections” (House, No. 4301);

Elections,-- ranked-choice.

To the committee on Election Laws.

Matter Taken Out of the Notice Section.

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

The Senate Bill exempting all positions in the Police Department of the town of Rockport from the civil service law (Senate, No. 2360),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading as follows: “An Act exempting all positions in the police department of the town of Rockport from the civil service law”.**

Rockport,-- civil service law.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Ms. Creem in the Chair, petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4313) of David Biele relative to collective bargaining rights of certain administrative employees;

Collective bargaining rights.

Under suspension of Joint Rule 12, to the committee on Labor and Workforce Development.

Petition (accompanied by bill, House, No. 4314) of Danielle W. Gregoire for legislation to establish a sick leave bank for Michael A. Daigle, an employee of the Department of Correction; and

Michael A. Daigle,-- sick leave.

Petition (accompanied by bill, House, No. 4315) of Peter Capano and Brendan P. Crighton for legislation to establish a sick leave bank for Susan Edwards, an employee of the Department of Developmental Service;

Susan Edwards,-- sick leave.

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

A Bill designating a certain pavilion shelter on the esplanade in the city of Boston as the Priebatsch Pavilion (House, No. 4124),-- was read.

Boston,-- Priebatsch Pavilion.

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

A Bill designating a park at the crest of Winthrop Beach as the Richard Honan Park (House, No. 4216, amended),-- was read.

Winthrop,-- Richard Honan Park.

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

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Establishing a department of municipal finance in the town of Dennis (House, No. 3635); and

Second reading bills.

Relative to sewer regulations in the town of Auburn (House, No. 4047);

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

The Senate Bill relative to healthy youth (Senate, No. 2399),-- was read a second time.

Healthy youth.

After remarks, pending the question on adoption of the Ways and Means new draft, and the main question on ordering the bill to a third reading, Mr. Tarr moved that the proposed new draft be amended by striking in line 33 the word "leading" and inserting in place there of the following:-"generally accepted".

4.

The amendment was *rejected*.

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

7.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at a half past twelve o'clock noon, on motion of Mr. Tarr, as follows, to wit (yeas 35 – nays 0) [**Yeas and Nays No. 154**]:

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Gobi, Anne M. |
| Boncore, Joseph A. | Hinds, Adam G. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Edward J. |
| Chandler, Harriette L. | Lesser, Eric P. |
| Chang-Diaz, Sonia | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |
| Comerford, Joanne M. | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| Crichton, Brendan P. | O'Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Tarr, Bruce E. |
| Fattman, Ryan C. | Timilty, Walter F. |
| Feeney, Paul R. | Tran, Dean A. |
| Finegold, Barry R. | Welch, James T. – 35. |
| Friedman, Cindy F. | |

NAYS – 0.

ABSENT OR NOT VOTING.

- | | |
|---------------------|-----------------------|
| Jehlen, Patricia D. | Rush, Michael F. – 2. |
|---------------------|-----------------------|

The yeas and nays having been completed at twenty-seven minutes before one o'clock P.M., the amendment was adopted.

Mr. Tarr moved that the proposed new draft be amended by inserting in line 54 after the word "messages" the following:- "Sexual health education shall also include teaching considerations relevant to becoming a parent."

8.

The amendment was *rejected*.

Ms. Creem moved that the proposed new draft be amended by striking, in line 53, the following word:- "may" and inserting in place thereof the following new word:- "shall".

9

After remarks, the amendment was adopted.

Mr. Tran moved that the proposed new draft be amended by inserting after line 65 the following:- "(g) Any city, town or school district maintaining or implementing any curriculum, unit of study, school-sanctioned program or activity which involves sex education in compliance with this act shall offer it only after public hearings are held and an affirmative vote from the school district."

11.

After debate, the amendment was *rejected*.

Ms. Creem moved that the proposed new draft be amended by inserting, in line 53,

15.

after the word "students" the following words:- "; and (viii) age-appropriate information about section 131R of chapter 140, including the connection of domestic violence and mental health issues with gun violence and suicide, who may apply for an extreme risk protection order, how to apply, and where to find additional information."

The amendment was *rejected*.

Mr. Cyr and Ms. Rausch moved that the proposed new draft be amended by inserting after section 2 the following section:-

3.

“SECTION 2A. Notwithstanding any general or special law to the contrary, each city, town, regional school district, vocational school district and charter school shall file a biennial report with the department of elementary and secondary education regarding sexual health education in the city, town, district or charter school by a date and in a format to be determined by the board of elementary and secondary education; provided, however, that the first biennial report shall be filed not later than November 1, 2021 and subsequent reports shall be filed not later than November 1 in each odd-numbered year until 2031.

The report shall include, but not be limited to, the following data broken down by grade level: (i) a description and title, if any, of sexual health education curricula offered; (ii) the aggregate number of students enrolled in sexual health education; and (iii) the aggregate number of students who withdrew from sexual health education pursuant to section 32A of chapter 71 of the General Laws. The commissioner of elementary and secondary education shall make the aggregated data collected pursuant to this section available on the department’s website and transmit the data collected pursuant to this section to the department of public health within 30 days of the biennial deadline for data submission."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-two minutes past one o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 35 – nays 0) **[Yeas and Nays No. 155]:**

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Gobi, Anne M. |
| Boncore, Joseph A. | Hinds, Adam G. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Edward J. |
| Chandler, Harriette L. | Lesser, Eric P. |
| Chang-Diaz, Sonia | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |
| Comerford, Joanne M. | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| Crighton, Brendan P. | O'Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Tarr, Bruce E. |
| Fattman, Ryan C. | Timilty, Walter F. |
| Feeney, Paul R. | Tran, Dean A. |
| Finegold, Barry R. | Welch, James T. – 35. |
| Friedman, Cindy F. | |

NAYS – 0.

ABSENT OR NOT VOTING.

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|---------------------|-----------------------|
| Jehlen, Patricia D. | Rush, Michael F. – 2. |
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The yeas and nays having been completed at twenty-five minutes past one o’clock P.M., the amendment was adopted.

5.

Messrs. Tarr and Montigny, Ms. DiZoglio and Messrs. O'Connor and Tran moved that the proposed new draft be amended by inserting after section 2 the following section:-

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

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes before two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 35 – nays 0) **[Yeas and Nays No. 156]:**

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Gobi, Anne M. |
| Boncore, Joseph A. | Hinds, Adam G. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Edward J. |
| Chandler, Harriette L. | Lesser, Eric P. |
| Chang-Diaz, Sonia | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |
| Comerford, Joanne M. | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| Crighton, Brendan P. | O'Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Tarr, Bruce E. |
| Fattman, Ryan C. | Timilty, Walter F. |
| Feeney, Paul R. | Tran, Dean A. |
| Finegold, Barry R. | Welch, James T. – 35. |
| Friedman, Cindy F. | |

NAYS – 0.

ABSENT OR NOT VOTING.

- | | |
|---------------------|-----------------------|
| Jehlen, Patricia D. | Rush, Michael F. – 2. |
|---------------------|-----------------------|

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

Mr. Tarr moved that the proposed new draft be amended in section 1 by inserting after the word “an”, in line 24, the following word:- “enriching”.

After remarks, the amendment was adopted.

Mr. Rodrigues moved that the proposed new draft be amended in section 1, in proposed subsection (b) of section 32B of chapter 71, by striking out the first sentence and inserting in place thereof the following sentence:- “A city, town, regional school district, vocational school district or charter school that offers a sexual health education curriculum shall provide medically accurate, age-appropriate and comprehensive sexual health education.”.

The amendment was adopted.

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

The bill (Senate, No. 2459, 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 twelve minutes before two o'clock P.M., on motion of Mr. DiDomenico, as follows, to wit: (yeas 33 – nays 2) **[Yeas and Nays No. 157]:**

YEAS.

Barrett, Michael J.	Gobi, Anne M.
Boncore, Joseph A.	Hinds, Adam G.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Kennedy, Edward J.
Chandler, Harriette L.	Lesser, Eric P.
Chang-Diaz, Sonia	Lewis, Jason M.
Collins, Nick	Lovely, Joan B.
Comerford, Joanne M.	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
Crichton, Brendan P.	O'Connor, Patrick M.
Cyr, Julian	Pacheco, Marc R.
DiDomenico, Sal N.	Rausch, Rebecca L.
DiZoglio, Diana	Rodrigues, Michael J.
Eldridge, James B.	Tarr, Bruce E.
Feeney, Paul R.	Timilty, Walter F.
Finegold, Barry R.	Welch, James T. – 33.
Friedman, Cindy F.	

NAYS.

Fattman, Ryan C.	Tran, Dean A. – 2.
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ABSENT OR NOT VOTING.

Jehlen, Patricia D.	Rush, Michael F. – 2.
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The yeas and nays having been completed at nine minutes before two o'clock P.M., the bill was passed to be engrossed {For bill, printed as amended, see Senate, No. 2475}.

Sent to the House for concurrence.

The House Bill regarding breakfast after the bell (House, No. 4218),-- was read a second time.

Breakfast after the bell.

After remarks, pending the question on adoption of the Ways and Means new text, and the main question on ordering the bill to a third reading, Messrs. Welch, Lesser and Montigny moved that the proposed new text be amended by inserting after section 3, the following section:-

2.

“SECTION 4. (a) The department shall, within one year of the effective date of this act, establish and implement, the Weekend Food Backpack Program (the Pilot) in at least one elementary, secondary or vocational school at which not less than 60 per cent of the students are eligible for free or reduced price meals under the federal income eligibility guidelines. The Pilot shall provide prepackaged meals, including but not limited to two breakfasts, two lunches, and two bottles of milk, to students each Friday afternoon at the end of the instructional day.

(b) The department shall establish an application process for the Pilot Program. Public elementary, secondary or vocational schools that meet the criteria under this section may apply to participate in the Pilot.

(c) The department shall review applications and select at least one public elementary,

secondary or vocational school to be the location for the Pilot Program.

(d) The department shall provide the Legislature with a yearly report on the Pilot Program, on or before July 1 of each year of the program beginning in 2022. The report shall include but not be limited to the number of participants, the age of participants, the duration of participants enrollment, the percentage of participants enrolled in federal anti-poverty programs, including but not limited to MassHealth, Women, Infants, & Children Nutrition Program, or the Supplemental Nutrition Assistance Program, the number and composition of meals distributed through the program, how the program were able to leverage additional support, and the advisability of expanding the program to other schools or school districts.

(e) The department shall annually collect information about participation rates of students who are offered meals as part of this Pilot Program, under this section and make the information publicly available on its website not later than July 1. The department may promulgate regulations to implement this section and may consult with nonprofit organizations with experience regarding food backpack programs, hunger and food security issues and best practices for improving student access to food on non-instructional days”.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting after section 1 the following section:-

3.

"SECTION 1A. Notwithstanding any general or special law to the contrary, the department of elementary and secondary education shall submit an accounting of the cost of providing school breakfast after the beginning of the instructional day, including a breakdown of state and federal funds and additional funding sources made available to provide school breakfast after the beginning of the instructional day, to the clerks of the senate and house of representatives and the joint committee on education not later than December 31, 2020.”.

After remarks, 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.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at one minute past two o’clock P.M., on motion of Mr. DiDomenico, as follows, to wit (yeas 35 – nays 0) **[Yeas and Nays No. 158]:**

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Gobi, Anne M. |
| Boncore, Joseph A. | Hinds, Adam G. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Edward J. |
| Chandler, Harriette L. | Lesser, Eric P. |
| Chang-Diaz, Sonia | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |
| Comerford, Joanne M. | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| Crighton, Brendan P. | O'Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Tarr, Bruce E. |
| Fattman, Ryan C. | Timilty, Walter F. |
| Feeney, Paul R. | Tran, Dean A. |

UNCORRECTED PROOF.

Finegold, Barry R.
Friedman, Cindy F.

Welch, James T. – 35.

NAYS – 0.

ABSENT OR NOT VOTING.

Jehlen, Patricia D.

Rush, Michael F. – 2.

The yeas and nays having been completed at three minutes 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. 2473].

Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Barrett,--

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

Time of meeting.

On motion of Mr. Boncore at five minutes past two o'clock P.M., the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.