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The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.

WEDNESDAY, DECEMBER 11, 2019.

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JOURNAL OF THE SENATE

Wednesday, December 11, 2019.

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

Pledge of allegiance.

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

Reports.

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

MassCEC,-- financial report. SD2680

Report of the Massachusetts Clean Energy Center (pursuant to Section 5 of Chapter 23J the General Laws) submitting its final independently audited financial report for the fiscal year 2019 (received December 10, 2019); and

CCRTA,-- financial statements. SD2681

Report of the Cape Cod Regional Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its audited financial statements for the fiscal year ending June 30, 2019 (received December 10, 2019).

Petitions.

Petitions were severally presented and referred, as follows:

Active military,-- exempt income tax. SD2675

By Mr. O'Connor, a petition (accompanied by bill) (subject to Joint Rule 12) of Patrick M. O'Connor for legalization to exempt active duty military personnel from state income tax while based out of state; and

Culvert pipes. SD2676

By the same Senator, a petition (accompanied by bill) (subject to Joint Rule 12) of Patrick M. O'ConnorPatrick M. O'Connor for legislation relative to competition for specification of alternative types of culvert pipes;

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

PAPERS FROM THE HOUSE.

Salem,-- speed limit.

A petition (accompanied by bill, House, No. 4245) of Paul F. Tucker and Joan B. Lovely (with the approval of the mayor and the city council) that the city of Salem be authorized to employ automated enforcement of speed limit violations in designated school zones within said city,-- **was referred, in concurrence, to the committee on Transportation.**

Haverhill,-- police officers.

A Bill authorizing Scott Wood to take the civil service examination for the position of police officer in the City of Haverhill notwithstanding the maximum age requirement (House, No. 3994,-- on petition) [Local approval received],**-- was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Recess.

Recess.

There being no objection, at six minutes past eleven o'clock A.M., the Chair (Mr. Timilty) declared a recess subject to the call of the Chair; and at sixteen minutes before eight o'clock P.M., the Senate reassembled, Mr. Rodrigues in the Chair.

Suspension of Senate Rule 38A.

Senate Rule 38A.

Mr. Tarr moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Recess.

Recess.

There being no objection, at a quarter before eight o'clock P.M., the Chair (Mr. Rodrigues) declared a recess subject to the call of the Chair; and at twenty-one minutes before twelve o'clock midnight, the Senate reassembled, Ms. Friedman in the Chair.

PAPER FROM THE HOUSE

Committee of Conference Report.

Supplemental appropriations.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4132) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2418), reported, in part, the accompanying bill (House, No. 4246), -- came from the House, and was read

The rules were suspended, on motion of Mr. Rodrigues, and the report was considered forthwith and accepted, in concurrence.

Matter Taken Out of the Orders of the Day.

The President in the Chair, there being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

Plymouth and Barnstable,-- special election.

The Senate Order relative to setting the date for a special election to fill the vacancy in the Plymouth and Barnstable senatorial district (Senate, No. 2434);

On motion of Mr. Rodrigues, the Order was recommitted to the committee on Rules.

Communication.

The Clerk read the following communications:

The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

Senator Donald F. Humason, Jr.,-- resignation.

December 11, 2019

The Honorable Karen Spilka, Senate President
State House, Room 332
Boston, Massachusetts 02133

Dear Madame President:

Please accept this letter as notice of my irrevocable resignation as the State Senator for the Second Hampden & Hampshire District effective 5pm on January 6, 2020.

As you know I have been elected to serve as the Mayor of Westfield.

I am grateful for the opportunity to have served in the Massachusetts State Senate and to represent the residents of the Second Hampden & Hampshire District.

My time in the Senate has been deeply fulfilling and I hope to have assisted in creating a better Commonwealth for all of its citizens.

Please do not hesitate to contact me if I can be of any assistance to you or to the Senate in the future. Thank you.

Very Sincerely,

Donald F. Humason, Jr
State Senator
Second Hampden and Hampshire District

On motion of Mr. Tarr, the above communication was ordered printed in the Journal of the Senate.

Ordered printed.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, that by the authority of Article IV of Section II of Chapter I of the Constitution, the Senate declares that, by reason of the resignation of Donald F. Humason, Jr. as Senator from the Second Hampden and Hampshire district, the office of senator from the Second Hampden and Hampshire district is vacant. By the authority of Article XXIV of the Amendments to the Constitution, the Senate directs the president of the Senate to issue a precept setting forth March 31, 2020, as the day for holding an election to fill the vacancy in the Second Hampden and Hampshire district, comprising of the cities of Chicopee, ward 7, precincts A and B, ward 8, precinct A, ward 9, precinct A, Holyoke and Westfield and the towns of Agawam, Granville, Montgomery, Russell, Southwick and Tolland, in the county of Hampden; and the towns of Easthampton and Southampton in the county of Hampshire (Senate, No. 2436).

Precepts,-- Second Hampden and Hampshire.

The rules were suspended, on motion of Ms. Friedman, and the order was considered forthwith and adopted.

Report of a Committee.

Ms. Lovely, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The recommitted Senate Order relative to setting the date for a special election to fill the vacancy in the Plymouth and Barnstable senatorial district (Senate, No. 2434) (the committee on Rules having recommended that the bill be amended by striking out in line 5 the following:- “March 3, 2020” and inserting in place thereof the following:- “March 31, 2020”).

Plymouth and Barnstable,-- special election.

There being no objection, the rules were suspended, on motion of Ms. Friedman, and the order considered forthwith and amended, as recommended by the committee on Rules.

The order (Senate, No. 2434, amended) was then adopted.

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 House Bill establishing a sick leave bank for Robert Crossen Jr., an employee of the trial court of the commonwealth (House, No. 3975) (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.**

Robert Crossen Jr.,-- sick leave.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4248) of William M. Straus, Michael J. Rodrigues and Marc R. Pacheco for legislation to authorize the Old Rochester Regional School District to enter into renewable energy agreements;

Old Rochester Regional School District,-- renewable energy.

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

Petition (accompanied by bill, House, No. 4251) of Josh S. Cutler and Michael D. Brady for legislation to establish a sick leave bank for Karyn Buckley, an employee of the Trial Court; and

Karyn Buckley,-- sick leave.

Petition (accompanied by bill, House, No. 4249) of Shawn Dooley relative to the identification of persons involved in automobile and motorcycle accidents by news media organizations;

News media,-- accident identification.

Severally, under suspension of Joint Rule 12, to the committee on the Judiciary

Petition (accompanied by bill, House, No. 4247) of John Barrett, III relative to the maintenance of partition fences;

Fences,-- maintenance.

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

Petition (accompanied by bill, House, No. 4250) of Donald R. Berthiaume, Jr., for legislation to establish a sick leave bank for Amy Glidden, an employee of the Department of Children and Families;

Amy Glidden,-- sick leave.

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

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4246), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 4 to 0.

Supplemental appropriations bill.

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

Suspension of Senate Rule 38A½.

Ms. Friedman moved that Senate Rule 38A½ be suspended to allow the Senate to meet beyond the hour of 12:00 A.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Senate Rule 38A½.

Engrossed Bill.

An engrossed Bill making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4246) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President.**

Bill enacted.

Order Adopted.

On motion of Mr. Tarr--

Ordered, That when the Senate adjourns today, it adjourn to meet again Monday next eleven o'clock A.M. Time of meeting.

On motion of Mr. Rodrigues, at three minutes past twelve o'clock midnight, the Senate adjourned to meet again Monday next at eleven o'clock, A.M.