

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, DECEMBER 22, 2016.

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JOURNAL OF THE SENATE.

Thursday, December 22, 2016.

Met at eleven minutes past eleven o'clock A.M. (Mr. Boncore in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Senator from Essex and Middlesex, Mr. Tarr, then led the President, members, guests and staff in the recitation the pledge of allegiance to the flag.

Pledge of allegiance.

Communications.

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

Communication from the Honorable Stanley C. Rosenberg, President of the Senate announcing the appointment (pursuant to Section 68 of Chapter 3 of the Acts of 2006) of Jonjy Anath to the Asian American Commission;

Asian American Commission.

Communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the appointment (pursuant to Section 78 of Chapter 119 of the Acts of 2015) of Mr. Doug Shotford of Gloucester to the Special Commission to make an investigation and study of pancreatic cancer; and

Special Commission on pancreatic cancer.

Communication from the Department of Correction relative to a plan of correction submitted pursuant to inspection of Bridgewater State Hospital (received December 19, 2016).

Department of Correction,-- plan of correction. SD2772

Reports.

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

Report of the Massachusetts Technology Development Corporation Mass Ventures (under the provisions of Section 6 of Chapter 40G of the General Laws) submitting financial statements for the fiscal years ended June 30, 2016 and 2015 (received December 12, 2016);

MTDC,-- annual report. SD2770

Report of the Department of Public Utilities (pursuant to Section 61 of Chapter 259 of the Acts of 2014) submitting its final report (received December 12, 2016);

Department of Public Utility,-- final report. SD2771

Report of the Treasurer and Receiver General (pursuant to Section 35QQ of Chapter 10 of the General Laws) submitting its annual report on the Economic Empowerment Trust Fund (formerly the Financial Literacy Trust Fund) (received December 19, 2016);

Treasurer,-- EETF FY16 annual report. SD2773

Report of the State Retiree Benefits Trust Fund (pursuant to Section 4(a) of Chapter 29D of the General Laws) submitting its proposed amendments to the declaration of trust (received December 21, 2016);

State Retiree Benefits Trust,--proposed amendments.SD2774

Report from Department of Public Health (pursuant to Section 67A and 67C of Chapter 111 of the General Laws, as amended by Chapter 253 of the Acts of 2012) submitting its report entitled "Preterm Hospital Discharge and Quality Improvement" (received December 21, 2016);

DPH,--preterm hospital discharge report. SD2775

Report of the Department of Public Health (pursuant to line item 4513-1020 of Section 2 of Chapter 133 of the Acts of 2016) submitting its report entitled

DPH,-- early intervention respite

UNCORRECTED PROOF.

“Early Intervention Respite Services FY16 Expenditures and Referrals Approved by Month” (received December 21, 2016);

Report of the Department of Public Health (pursuant to line item 4512-0204 of Chapter 133 of the Acts of 2016) submitting its report entitled “First Responder Naloxone Grants and Overdose Education and Naloxone Distribution” (received December 21, 2016);

Report of the Executive Office for Administration and Finance (under the provisions of Sections 60B(f) of Chapter 29 of the General Laws, as amended by Chapter 118 of the Acts of 2013) submitting its report on the Debt Affordability Committee Recommendation (received December 19, 2016); and

Report of the Norfolk County Registry of Deeds (under the provisions of Sections 4 of Chapter 4 of the Acts of 2003 and MGL Chapter 29 Section 2KKK) submitting its report on the County Registers Technological Fund (received December 20, 2016).

services FY16 report.
SD2776

DPH,-- first responder naloxone report. SD2777

Debt Affordability Committee Recommendation. SD2778

Norfolk County Registers Technological Fund. SD2779

Reports of Committees.

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill designating a certain boat launch area in the town of Pelham as the William E. Pula fishing area (Senate, No. 2516);

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

Pelham,-- William E. Pula fishing area.

By Ms. L’Italien, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill authorizing the city of Amesbury to issue three additional liquor licenses (Senate, No. 2508) [Local approval received];

By Ms. L’Italien, for the committee on Municipalities and Regional Government, on petition, a Bill creating a municipal services facility mitigation fund for the town of Andover (Senate, No. 2511) [Local approval received]; and

By Mr. Timilty, for the committee on Public Service, on petition, a Bill exempting the position of deputy superintendent of police in the city of Lowell from the civil service law (Senate, No. 2507) [Local approval received];

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

Amesbury,-- liquor licenses..

Andover,-- mitigation fund.

Lowell,-- civil service exemption.

Resolutions.

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

Resolutions (filed by Ms. Creem, Messrs. DiDomenico and Donnelly, Ms. Donoghue, Mr. Lewis, Ms. Chandler, Mr. Eldridge, Ms. Jehlen, Ms. L’Italien, Mr. Barrett and Ms. Forry) “memorializing Congress to consider the Bridge Act and protect young undocumented immigrants who reside in the United States.”

The Bridge Act.

Reports of Committees.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael D. Brady and Michelle M. DuBois for legislation to establish a sick leave bank for Shalonda Hall, an employee of the Department of Public Health.

The rules were suspended, on motion of Mr. Tarr, 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.

Shalonda Hall,-- sick leave. SD2767

Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to risk management and own risk and solvency assessment (Senate, No. 2276),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2517).

Risk management,-
assessment.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2517) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Kristine Schneider, an employee of the Department of Transitional Assistance (Senate, No. 2510),-- ought to pass, with an amendment inserting before the enacting clause the following emergency preamble:--

Kristine Schneider,--
sick leave.

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of transitional assistance, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

There being no objection, the rules were suspended, on motion of Mr. Keenan, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2510, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill relative to snow removal penalties in the city of Boston (House, No. 3326, amended),-- ought to pass.

Boston,-- snow
removal penalties.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading as follows: “An Act increasing certain snow removal penalties in the city of Boston”.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Cecile Ferrie an employee of the Department of Correction (House, No. 4249, amended),-- ought to pass.

Cecile Ferrie,--
sick leave.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading as follows: “An Act establishing a sick leave bank for Cecile Ferrie, an employee of the Department of Correction”.

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By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Henry Clodius, an employee of the Department of Correction (House, No. 4732),-- ought to pass.

Henry Clodius,-- sick leave.

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

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Irene Carr, an employee of the Division of Professional Licensure (House, No. 4556),-- ought to pass.

Irene Carr,-- sick leave.

There being no objection, the rules were suspended, on motion of Mr. Keenan, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Matters Taken Out of the Orders of the Day.

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

The Senate Bill establishing an arts, culture and tourism promotion fund in the city of New Bedford (Senate, No. 2500),-- was read a second time.

New Bedford,-- tourism fund.

Pending the question on ordering the bill to a third reading, Mr. Montigny presented an amendment striking out, in line 18, the words “in the city’s tourism and marketing department”.

The amendment was adopted.

The bill (Senate, No. 2500, amended), was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to the provision of group health insurance benefits in the town of Athol (Senate, No. 1967),-- **was read a third time and passed to be engrossed.**

Athol,--group insurance.

Sent to the House for concurrence.

The House Bill further regulating the interest rate on sewer assessments in the town of Stoughton (House, No. 3561) (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.**

Stoughton,-- sewer assessment.

The House Bill authorizing the town of Deerfield to continue the employment of police officers Gary Sibilica and David Gendron (House, No. 4263, amended),-- was read a third time.

Deerfield,-- police officers employment.

Pending the question on passing the bill to be engrossed, Mr. Rosenberg presented an amendment in section 1, by inserting after the word “duties”, in line 4, the following words:- “, whichever occurs first”.

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

UNCORRECTED PROOF.

The House Bill amending the charter of the town of Nantucket relative to newspaper publication of town meeting warrants (House, No. 4318),-- **was read a third time and passed to be engrossed, in concurrence.**

Nantucket,-- town meeting warrants.

The House Bill authorizing the town of Sharon to abate certain real property taxes (House, No. 4339),-- **was read a third time and passed to be engrossed, in concurrence.**

Sharon,-- property tax.

The House Bill establishing an appointed highway superintendent in the town of Plympton (House, No. 4531),-- **was read a third time and passed to be engrossed, in concurrence.**

Plympton,-- Highway Superintendent.

The House Bill exempting officers in the town of Grafton Police Department from the civil service law (House, No. 4603) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Grafton,-- civil service.

Pending the question on passing the bill to be engrossed, Mr. Moore presented an amendment striking out, in lines 2 and 3, the words "previously subject to chapter 31 of the General Laws".

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The House Bill authorizing the town of Tisbury to convert certain licenses for the sale of wines and malt beverages to be drunk on the premises to licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4594) (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.**

Tisbury,-- liquor license.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4771) of Tricia Farley-Bouvier for legislation to establish a sick leave bank for Leah Reed, an employee of the Department of Developmental Services;

Tricia Farley-Bouvier,-- sick leave.

Petition (accompanied by bill, House, No. 4772) of Daniel J. Ryan and others for legislation to establish a sick leave bank for Deborah McNamara, an employee of the Department of Conservation and Recreation; and

Deborah McNamara,-- sick leave.

Petition (accompanied by bill, House, No. 4773) of Aaron Vega for legislation to establish a sick leave bank for Ronald Friel, an employee of the Department of Disability Services;

Ronald Friel,-- sick leave.

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

Petition (accompanied by bill, House, No. 4774) of James J. O'Day and Harriette L. Chandler relative to authorizing the transfer of certain parcels of land in the city of Worcester to promote economic development;

Worcester,-- land transfer.

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

The Senate Bill authorizing assessment of sewer betterments and privilege fees in the town of Salisbury (Senate, No. 2481),-- came from the House passed to

Salisbury,-- sewer betterment.

UNCORRECTED PROOF.

be engrossed, in concurrence, *with an amendment* in section 3, in line 15, after the following: “SECTION. 3”, by striking out the word “The” (as inserted by the Senate Committee on Bills in the Third Reading) and inserting in place thereof the following:-“Notwithstanding sections 15 and 17 of chapter 83 of the General Laws or any other general or special law to the contrary, the”.

There being no objection, the rules were suspended, on motion of Mr. Keenan, and the House amendment was considered forthwith and adopted, in concurrence (as corrected BTR).

A Bill relative to the recall of elected officials in the town of Norwell (House, No. 4646,-- on petition) [Local approval received],-- was read.

Norwell,-- elected officials.

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.

A Bill authorizing the city of Salem to grant an additional license for the sale of alcoholic beverages to be drunk on the premises (House, No. 4718,-- on House, No. 4696) [Local approval received on House, No. 4696],-- was read.

Salem,-- liquor license.

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.

A Bill ratifying certain by-laws in the town of Easton (House, No. 4738,-- on petition) [Local approval received],-- was read.

Easton,-- bylaws.

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.

A Bill providing for post-employment benefits for school bus drivers in the city of Pittsfield (House, No. 4763,-- on petition) [Local approval received],-- was read.

Pittsfield,--school bus drivers.

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.

Engrossed Bill.

An engrossed Bill facilitating urban redevelopment in the city of Quincy (see House, No. 4739) (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. Boncore) and laid before the Governor for his approbation.**

Bill laid before the Governor.

Recess

There being no objection, at seven minutes before twelve o'clock noon, the Chair (Mr. Boncore) declared a recess subject to the call of the Chair; and, at nine minutes past four o'clock P.M., the Senate reassembled, Mr. Boncore in the Chair.

Recess.

PAPERS FROM THE HOUSE.

The Senate Resolve examining Commonwealth procurement policies relative to Congo conflict minerals (Senate, No. 2463),-- came from the House passed to be engrossed, in concurrence, *with amendments* striking, in line 23, “February 1, 2017” and inserting in place thereof the following:- “July 1, 2017”; and by inserting before the title the following emergency preamble:-

Congo conflict minerals.

“*Whereas*, The deferred operation of this resolve would tend to defeat its

purpose, which is to establish forthwith an examination of commonwealth procurement policies relative to Congo conflict minerals, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the House amendments were considered forthwith and adopted, in concurrence.

Emergency Preamble.

An engrossed Bill establishing a sick leave bank for Cecile Ferrie, an employee of the Department of Correction (see House, No. 4249, 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 2 to 0.**

Cecile Ferrie,-- sick leave.

The bill was signed by the Acting President (Mr. Boncore) and sent to the House to be enacted.

Engrossed Bills.

The following engrossed bills (the first which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were passed to be enacted and was signed by the Acting President (Mr. Boncore) and laid before the Governor for his approbation, to wit:

Authorizing assessment of sewer betterments and privilege fees in the town of Salisbury (see Senate, No. 2481, amended);

Bills laid before the Governor.

Increasing certain snow removal penalties in the city of Boston (see House, No. 3326, amended); and

Authorizing the town of Sharon to abate certain real property taxes (see House, No. 4339).

Order Adopted.

On motion of Mr. Tarr,--

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

Time of meeting.

Moment of Silence.

At the request of the Chair (Mr. Boncore), the members, guests and staff stood in a moment of silence and reflection to the memory of John J. Tankevich, Jr.

Moment of silence.

Adjourn In Memory of John J. Tankevich, Jr.

The Senator from Middlesex and Suffolk, Mr. DiDomenico, moved that when the Senate adjourns today it do so in memory of John J. Tankevich, Jr.

John J. Tankevich, Jr. passed away on December 7, 2016 at his home in Saugus. He was born, raised and educated in South Peabody. He attended Peabody schools and was a 1956 alumnus of Peabody High School. He entered the Air Force in September of 1956 and served until September of 1960. He fulfilled his

military obligation with the Air Force Reserves in September of 1962, retiring with the rank of Master Sergeant. After receiving his degree from Northeastern University, in advanced computer science, he married Patricia A. Sweeney of Revere and the couple settled in Everett for five and half years before moving to Saugus in 1976.

He entered the work force via the Commonwealth of Massachusetts within the Division of Finance at the State House in Boston. He held that position from 1966 through his retirement in 2004. John was a long-time member of the Elks Lodge #2071 of Billerica. He also volunteered for many years helping with veterans in our communities. He was devoted to his family and could be seen coaching his children's sporting events, and later in life playing with his grandchildren in his backyard. John saw the good side in everyone, and always stepped up to help or give an encouraging word.

He is the beloved husband of 46 years to Patricia (Sweeney) Tankevich. He is the devoted father of Tracie Tankevich & her companion, Richard Heald of Newfield, Maine, Tricia DiDomenico & her husband, State Senator Sal DiDomenico of Everett, and Jaclyn McPherson & her husband, Dustin of Derry, New Hampshire. He is the cherished grandfather of Matthew & Sal DiDomenico & Jonathan & Jaxson McPherson. He is the dear brother of Richard Tankevich of Kalispell, Montana & the late Ronald & Florence Tankevich. He is uncle to David Roseman & his wife, Julie of White Plains, New York, Katherine McVay of Brooklyn, New York, Cara Sweeney of South Boston, Samantha McVay of Philadelphia, Pennsylvania, Jocelyn & Jared Roseman of White Plains, New York & many other nieces, nephews, grandnieces and grandnephews.

John was a great husband, father, brother and uncle and he will be missed by everyone who knew him.

Accordingly, as a mark of respect in memory of John J. Tankevich, Jr., at eleven minutes past four o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.