

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, NOVEMBER 17, 2016.

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JOURNAL OF THE SENATE.

Thursday, November 17, 2016.

Met at eleven minutes past eleven o'clock A.M. (Ms. Lovely 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 (Ms. Lovely), 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 Department of Public Health (under the provisions of Section 2 of Chapter 111 of the General Laws) submitting its annual report containing mortality data and statistics for the calendar year 2013 (received November 14, 2016); and

NCCI,-- plan of correction.
SD2744

Communication from the State Comptroller (under the provisions of Section 35T of Chapter 10 of the General Laws) submitting November, 2016 MBTA certification of dedicated sales tax revenues for the fiscal year ending June 30, 2017; and

Office of the Comptroller,-- November MBTA certification.
SD2746

Communications from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the following appointments:

Senator Patrick M. O'Connor (pursuant to Section 193 of Chapter 133 of the Acts of 2016) to the Special Commission on Behavioral Health and Upstream Prevention; and

Behavioral Health Promotion and Upstream Prevention,

Ms. Sheree Zizik of Gloucester (pursuant to Section 5 of Chapter 177 of the Acts of 2016) to the Special Commission to investigate, analyze and study the factors, causes and impact of pay disparity based on color, religious creed, national origin, gender identity, sexual orientation, genetic information as defined in section 1 of chapter 151B, ancestry, disability and military status.

Commission on pay disparity.

Report.

Report of the Department of Public Health (pursuant to Section 2 of Chapter 111 of the General Laws) submitting its annual report summarizing mortality data and statistics for the 2014 calendar year (received November 17, 2016),-- **was placed on file.**

DPH,-- MA deaths 2014 report.
SD2743

Petitions.

Petitions were severally presented and referred as follows:

By Ms. Donoghue, a petition (accompanied by bill, Senate, No. 2507) of Eileen M. Donoghue (with approval of the mayor and city council) for legislation to exempt the position of deputy superintendent of police in the city of Lowell from the civil service law [Local approval received];

Lowell,-- civil service exemption.

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

Sent to the House for concurrence.

By Mr. Pacheco, a petition (accompanied by bill) (subject to Joint Rule 12) of Marc R. Pacheco and Patricia A. Haddad for legislation to establish a sick leave bank for Lynn Frith, an employee of the Department of Mental Health;

Lynn Frith,-- sick
leave.
SD2747

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

Report of a Committee.

By Ms. L'Italien, for the committee on Municipalities and Regional Government, on petition, a Bill establishing an arts, culture and tourism promotion fund in the city of New Bedford (Senate, No. 2500) [Local approval received];

New Bedford,--
tourism fund.

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

PAPER FROM THE HOUSE.

A Bill relative to transportation infrastructure value capture (House, No. 4723,-- on House, No. 3877), -- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Transportation,--
infrastructure value
capture.

Resolutions.

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

Resolutions (filed by Mr. Brownsberger) "commending Anthony R. Basile on the occasion of his receiving the Legion of Honor Medal"; and

Anthony R. Basile.

Resolutions (filed by Ms. Creem, Messrs. Boncore, Brady and Brownsberger, Ms. Chandler, Messrs. deMacedo, DiDomenico and Donnelly, Ms. Donoghue, Messrs. Downing, Eldridge and Fattman, Ms. Flanagan, Ms. Forry, Ms. Gobi, Mr. Humason, Ms. Jehlen, Messrs. Joyce, Keenan, Lesser and Lewis, Ms. L'Italien, Ms. Lovely, Messrs. McGee, Montigny, Moore and O'Connor, Ms. O'Connor Ives, Messrs. Pacheco, Rodrigues, Ross and Rush, Ms. Spilka and Messrs. Tarr, Timilty, Welch and Wolf) "commemorating the celebration of Chanukah 2016."

Chanukah 2016.

Reports of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill relative to caregiver advice and records enablement (House, No. 3911, amended),-- ought to pass, with an amendment in section 1, in the definition of "Residence", by striking out the words ", assisted living facility, group home,".

CARE act.

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

The bill, as amended, was then ordered to a third reading, read a third time and, after remarks, was passed to be engrossed, in concurrence, with the amendment, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the disclosure of medical information to certain designated caregivers".

Sent to the House for concurrence in the amendment.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Rhodaja Shubrick, an employee of the Department of Transitional Assistance (House, No. 4642),-- ought to pass.

Rhodaja Shubrick,--
sick leave.

There being no objection, the rules were suspended, on motion of Ms. Forry, 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 House Bill exempting the position of police chief in the town of Orange from the civil service law (House, No. 4025),-- **was read a third time and passed to be engrossed, in concurrence.**

Orange,-- civil
service.

The House Bill relative to municipal elections in the city of Somerville (House, No. 4175) (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.**

Somerville,--
elections.

Reports of Committees.

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

The Senate Bill relative to the Ellen Story Commission on Postpartum Depression (Senate, No. 2458).

Postpartum
Commission.

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.

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

The House Bill protecting the rights of custodial and other non-teaching employees of school districts (House, No. 2319).

Non-teaching
employees,-- rights.

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

Pending the question on ordering the bill to a third reading, Mr. Wolf offered an amendment striking out all after the enacting clause and inserting in place thereof the following text:-

“Section 59B of chapter 71 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word ‘chapter’, in line 36, the following words:- ; provided, however, that the hiring, promotion and termination of employees in custodial, maintenance and other non-teaching positions shall be conducted in accordance with any governing collective bargaining agreement”.

The amendment was adopted.

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

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

The House Bill concerning nondiscrimination in access to organ transplantation (House, No. 4332, amended).

Organ
transplantation.

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.

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 Jennifer L. Flanagan for legislation to establish a sick leave bank for Kristine Schneider, an employee of the Department of Transitional Assistance.

Kristine Schneider,--
sick leave.
SD2740

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.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

The Senate Bill eliminating sub-precinct 9A in the town of Andover (Senate, No. 2368),-- came from the House, passed to be engrossed, in concurrence, *with an amendment* striking out section 2 and inserting in place thereof the following section:

Andover,-- sub-
precinct 9A.

“SECTION 2. Section 2 of chapter 177 of the acts of 2011 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Notwithstanding any general or special law to the contrary, census block 250092543011034, referred to and known as town of Andover sub-precinct 9A, shall merge with and be incorporated into town of Andover precinct 1.”.

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

A Bill relative to the residential exemption (House, No. 4717-- on House, No. 4710),-- was read.

Residential
exemption.

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.

Resolve Passed.

An engrossed Resolve establishing a task force on integrity in state and local government (see House, No. 4627, changed) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed and signed by the Acting President (Ms. Lovely) and laid before the Governor for his approbation.**

Resolve laid before
the Governor.

Engrossed Bill.

An engrossed Bill amending the charter of the town of Wareham relative to the time of town meeting (see Senate, No. 2483) (which originated in the Senate), **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 (Ms. Lovely) and laid before the Governor for his approbation.**

Bill laid before the
Governor.

A petition (accompanied by bill, House, No. 4732) of Steven S. Howitt and James E. Timilty for legislation to establish a sick leave bank for Henry Clodius, an employee of the Massachusetts Department of Correction,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Henry Clodius,- sick
leave.

UNCORRECTED PROOF.

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.

On motion of the same Senator, at twenty-eight minutes before twelve o'clock noon, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.