

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, OCTOBER 16, 2017.

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Monday, October 16, 2017.

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

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

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the Senate Gallery, Reverend Robert Hagopian and his wife Anne. Reverend Hagopian was recognized for his years of service as Minister for the First Congregational Church of Rowley and as Chaplain for the Rowley and Newbury Police and Fire Departments. The Senate welcomed them with applause, congratulated Reverend Hagopian on his retirement and they withdrew from the Gallery.

Reverend Robert and Anne Hagopian.

Report.

Report of MassBiologics (pursuant to Section 43(f) of Chapter 75 of the General Laws) submitting its annual report of MassBiologics for fiscal year 2017 (received October 13, 2017),-- **was placed on file.**

MassBiologics -- 2017 annual report. SD2354

Petition.

Mr. Cyr presented a petition (accompanied by bill) (subject to Joint Rule 12) of Julian Cyr for legislation relative to an arts license plate;

License plate,-- arts. SD2355

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

Report of a Committee.

By Mr. Lewis, for the committee on Public Health, on petition, a Bill negating archaic statutes targeting young women (Senate, No. 784);

Public health laws.

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

PAPER FROM THE HOUSE.

A Bill relative to the sewer construction and private way maintenance and improvement fund in the town of Barnstable (House, No. 3953,-- on House, No. 3673) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Barnstable,-- improvement fund.

Resolutions.

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

UNCORRECTED PROOF.

Resolutions (filed by Ms. Gobi) “congratulating Andrew Carlson of the town of Spencer on his elevation to the rank of Eagle Scout”;

Andrew Carlson.

Resolutions (filed by Mr. Humason) “commending the Boys and Girls Club of Greater Westfield, Inc. on its recognition of Lights on Afterschool Day”;

Boys and Girls Club of Greater Westfield, Inc.

Resolutions (filed by Ms. Spilka) “commending WACA-TV on its recognition of October 20, 2017 as Community Media Day”; and

WACA-TV.

Resolutions (filed by Mr. Timilty) “congratulating the First Parish Unitarian Universalist Church in the town of Canton on its three hundredth anniversary.”

First Parish Unitarian Universalist Church.

Order Adopted.

Mr. Welch offered the following order, to wit:

Ordered, That notwithstanding any rule to the contrary, there shall be a special senate committee on health care cost containment and reform, consisting of the senate chair of the joint committee on health care financing, who shall chair the special committee, the senate majority leader, the chair of the senate committee on ways and means, the senate chair of the joint committee on public health, the senate vice-chair of the joint committee on mental health, substance abuse and recovery, and a member of the senate appointed by the minority leader. The special committee shall receive a report, including draft legislation, by the senate working group on health care cost containment. The clerk shall publicly post the report on the legislative website. The special committee shall conduct a public hearing on the report and the accompanying draft legislation on Monday, October 23rd, and shall report legislation to the committee on Ways and Means (Senate, No. 2180).

Special Senate committee on health care cost containment and reform.

Under the rules, referred to the committee on Rules.

Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.

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

PAPERS FROM THE HOUSE

Emergency Preambles Adopted

An engrossed Bill relative to community benefit districts (see House, No. 3823), 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.

Community benefit districts.

The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Lornece Tull, an employee of the Department of Correction (see House, No. 3877, 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.

Lornece Tull,-- sick leave.

The bill was signed by the Acting President (Mr. Brownsberger) and sent

to the House for enactment.

Report of Committees.

By Mr. Montigny, for the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael J. Rodrigues for legislation relative to post-retirement earnings of public retirees.

Public retirees,--
earnings.
SD2121

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.

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

Petition (accompanied by bill, House, No. 3956) of Denise Rochon relative to recovery of costs for certain medical assistance;

Medical assistance,--
recovery costs.

Under suspension of Joint Rule 12, to the committee on Health Care Finance.

Petition (accompanied by bill, House, No. 3957) of Stephen Kulik relative to the employment of Fire Chief Chester Yazwinski by the Deerfield Area Fire Protection District;

Deerfield,-- Chester
Yazwinski/

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

Engrossed Bills.

An engrossed Bill establishing a sick leave bank for Lornece Tull, an employee of the Department of Correction (see House, No. 3877, amended) (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. Brownsberger) and laid before the Governor for his approbation.**

Bill laid before the
Governor.

An engrossed Bill relative to community benefit districts (see House, No. 3823) (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 re-enacted and signed by the Acting President (Mr. Brownsberger) and again laid before the Governor for his approbation.**

Bill again laid before
Governor.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M. in a full formal session with a calendar.

Time of meeting.

Moment of Silence.

At the request of the Chair (Mr. Brownsberger), the members, guests and staff stood in a moment of silence and reflection to the memory of Stephen J. Phillips of Longmeadow.

Moment of silence.

Adjourn In Memory of Attorney Stephen J. Phillips.

The Senator from Hampden and Hampshire, Mr. Lesser, moved that when the Senate adjourns today, it does so in memory of Attorney Stephen J. Phillips of Longmeadow, a well-known criminal defense lawyer, who died on Wednesday, September 20, 2017 after a prolonged and courageous battle with cancer.

Stephen, known fondly as “BoBo”, was born in Springfield and was a graduate of Cathedral High School, class of 1976. He graduated from Westfield State College and earned his law degree from Western New England School of Law. Stephen was a passionate and determined attorney with Dunn & Phillips, PC.

Stephen received the Access to Justice Pro Bono Publico Award from the Massachusetts Bar Association in 2014 for his free legal assistance to hospice patients, during a dinner in Boston that also honored Boston Mayor Martin Walsh.

In 2015, he was honored with the prestigious Saint Thomas More Distinguished Lawyer award in recognition of his public service.

Stephen left a strong impact on his community and a lasting impression on everyone he met. He was an effective and diligent volunteer with the Baystate Visiting Nurse Association & Hospice.

Stephen was recognized for the free legal assistance he provided to 130 hospice patients through Baystate Visiting Nurse Association & Hospice over the course of 13 years. A letter supporting his nomination praised him for "always being there for patients -- no matter what."

His assistance to hospice patients was described as involving "everything from drafting wills to counseling on end-of-life matters. But sometimes his greatest work [came] when he just [spent] time with them to watch a Red Sox/Yankee game."

Stephen is survived by his loving wife of 34 years and best friend Zita, his children Stephen J. Phillips Jr. of Springfield, Paul Phillips of Longmeadow and his fiancé Tara, Brian Phillips and Briana of Longmeadow, Michael Phillips and Liz of Washington, D.C., and his youngest Katie McGowen of Longmeadow and her husband Scott. He also leaves behind his four legged best friend, Fairfield, who never left his side. He also leaves his six siblings and their spouses, Neil and Kathy Phillips, Gerald Phillips, Kevin Phillips, Mary Phillips, Liz and Jim Fortsch, and Joe and Karen Phillips.

Stephen will be remembered for his many contributions to the community including working as a youth sports volunteer, which included weekly mowings of the field hockey field for his daughter's team. His love of hockey, vacations on Cape Cod, and family gatherings at his home brought him great joy over the years. He was a wonderful husband, an incredible father, and a loyal friend.

Accordingly, as a mark of respect in memory Stephen J. Phillips, at twenty-eight minutes past eleven o'clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.