

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



TUESDAY, DECEMBER 26, 2017.

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JOURNAL OF THE SENATE.

Tuesday, December 26, 2017.

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

The Chair (Mr. Boncore), 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. Boncore handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, seated in the rear of the Chamber, the Mandel family from Milton.

Mandel family.

Communication.

Communication from the office of the Comptroller (pursuant to Section 2 of Chapter 133 of the Acts of 2016 and Chapter 47 of the Acts of 2017) submitting a report on "Settlements and Judgments" for payable BFY2017 and first quarter BFY2018, as of September 30, 2017 (received December 21, 2017),-- **was placed on file.**

Comptroller,-- settlements and judgments. SD2436

Report.

Report of the Massachusetts Clean Energy Center (pursuant to Section 5 of Chapter 23J of the General Laws) submitting its 2017 industry report and audited financial statements for fiscal year ended June 30, 2017 (received December 20, 2017),-- **was placed on file.**

MassCEC,-- FY17 annual report SD2435

Petition.

Ms. Lovely presented a petition (accompanied by bill) (subject to Joint Rule 12) of Joan B. Lovely for legislation relative to PEG access and cable related funds;

PEG access,-- cable funds. SD2437

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

Report of a Committee.

By Mr. McGee, for the committee on Transportation, on petition, a Bill to provide identification to homeless youth and families (Senate, No. 1906);

Homeless families,-- identification.

By the same Senator, for the same committee, on petition, a Bill relative to child passenger safety (Senate, No. 1960); and

Child,-- passenger safety.

By the same Senator, for the same committee, on the message from His Excellency the Governor, a Bill promoting construction zone safety (printed in Senate, No. 2217);

Construction zone safety.

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

Committee Discharged.

Ms. Gobi, for the committee on Election Laws, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 379) of James B. Eldridge, Carmine L. Gentile, Jennifer E. Benson, Jennifer L. Flanagan and other members of the General Court for legislation for a United States constitutional amendment and amendments convention,-- and recommending that the same be referred to the committee on Veterans and Federal Affairs;

Constitutional amendment,-- convention.

Under Senate Rule 36, the report was considered forthwith and accepted. Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4086) of Daniel Cullinane (with the approval of the mayor and city council) relative to boards and commissions in the city of Boston; and

Boston,-- boards and commissions.

Petition (accompanied by bill, House, No. 4087) of Bradford Hill and Bruce E. Tarr (by vote of the town) relative to the town manager in the town of Ipswich;

Ipswich,-- town manager.

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4089) of Ruth B. Balsler and others (with the approval of the mayor and city council) that the city of Newton be authorized to lease the John W. Weeks School for up to 99 years and grant a lease extension to the current lessee notwithstanding certain procurement laws;

Newton,-- John W. Weeks school.

To the committee on State Administration and Regulatory Oversight.

A bill further regulating the Massachusetts Port Authority Community Advisory committee (House, No. 4088,-- on House, No. 3803),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Massport,-- community advisory committee.

Resolutions.

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

Resolutions (filed by Mr. Pacheco) “congratulating Leona Thompson on her one hundredth birthday”.

Leona Thompson.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Jason Wendover, an employee of the Department of Correction (see Senate, No. 2082, 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 4 to 0.

Jason Wendover,-- sick leave.

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

An engrossed Bill establishing a sick leave bank for James McGonagle, an employee of the State Lottery Commission (see House, No. 4060, amended),

James McGonagle,-- sick leave.

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.

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

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for William Cuttle, an employee of the Department of Children and Families (House, No. 4021),-- ought to pass.

William Cuttle,-- 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.

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 amending the charter of the town of Lynnfield (House, No. 3977),-- **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 to read as follows: “An Act amending the charter of the town of Lynnfield relative to the date of holding the regular election”.**

Lynnfield charter.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4095) of Ann-Margaret Ferrante for legislation to further regulate residential contracting agreements;

Residential contracting agreements.

Under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4094) of Stephen Kulik, Paul W. Mark and Adam G. Hinds that the treasurer of the Mohawk Trail Regional School District be authorized to invest the Carl H. Nilman Scholarship Trust Fund;

Mohawk Trail Regional,-- Nilman scholarship

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

Petition (accompanied by resolve, House, No. 4098) of Nick Collins and Michael D. Brady relative to reviving and continuing the special commission established (under Chapter 298 of the Acts of 2016) to make an investigation and study of the cutting, welding and hot work processes regulated by the State Fire Code;

Cutting, welding and hot work processes,-- study.

Under suspension of Joint Rule 12, to the committee on Public Safety and Homeland Security.

Petition (accompanied by bill, House, No. 4097) of Theodore C. Speliotis, Joan B. Lovely and others relative to creditable service benefits for certain veterans;

Veterans,-- creditable service.

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

Petition (accompanied by bill, House, No. 4096) of Ruth B. Balsler and others for legislation to increase power plant safety preparedness by the Department of

Power plant safety.

Public Health to a fifty mile radius;

Under suspension of Joint Rule 12, to the committee on Telecommunication, Utilities and Energy.

Engrossed Bill.

An engrossed Bill validating the actions taken at a certain town meeting held in the town of North Reading (see House Bill, printed in House, No. 4024) (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, two-thirds of the members present having voted in the affirmative, and signed by the Acting President (Mr. Boncore) and laid before the Governor for his approbation.**

Bill laid before Governor.

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 Wilsa Ryder.

Moment of silence.

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., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

Recess.

There being no objection, at twenty-eight minutes past eleven o'clock A.M., the Chair (Mr. Boncore) declared a recess subject to the call of the Chair; and, at two minutes past twelve o'clock noon, the Senate reassembled, Mr. Boncore in the Chair.

Recess.

PAPERS FROM THE HOUSE

Engrossed Bills.

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

Establishing a sick leave bank for Jason Wendover, an employee of the Department of Correction (see Senate, No. 2082, amended);

Bills laid before the Governor.

An Act authorizing the city of Salem to grant 1 additional license for the sale of wines and malt beverages not to be drunk on the premises (see Senate, No. 2141);

Relative to quarterly taxes in the city of Lynn (see Senate, No. 2222);

Exempting all uniformed positions in the fire department of the town of Plainville from the civil service law (see House, No. 3864);

Authorizing the town of Swampscott to grant 8 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3931);

Establishing a sick leave bank for James McGonagle, an employee of the State Lottery Commission (see House, No. 4060, amended); and

Further regulating the administration of the oath of office of members of the city council and school committee in the city of Malden (see House, No. 4076,

amended).

Adjourn In Memory of Wilsa Ryder.

The Senator from the Cape and Islands, Mr. Cyr, presented a request that when the Senate adjourns today, it adjourn in memory of Wilsa Ryder of Provincetown.

Wilsa Ryder passed away at Massachusetts General Hospital in Boston on October 28, 2017, due to a bout of acute pneumonia caused by alcoholism. She was 70 years old.

Ms. Ryder devoted her life to practicing medicine, attending Smith College and then medical school at Suny Brooklyn where she met her future husband. After her residency at Boston City Hospital, she worked in several neighborhood health centers before moving to Provincetown. There, she would spend many years working as a pediatrician, providing medical care to the children of the outer cape and helping to establish the Provincetown Medical Group. She will always be remembered fondly for her dedication and commitment in providing care to the community's children and families.

Ms. Ryder was a devoted wife, mother, and grandmother, and she is survived by her husband, Brian O'Malley, MD, her son Robin and grandchildren Zoe and Ebben, her daughter grace and her partner Todd Prada, and her brother William Ryder, his wife Linda, and their sons Patrick and Jake. Ms. Ryder will be remembered by her family for her excellent cooking, her love of travel, and her involvement in the Provincetown arts scene, as well as her passion for practicing medicine. Since her death, her family has also courageously spoken about Ms. Ryder's alcoholism to remind people of the toll of loved ones lost to addiction.

Ms. Ryder was a beautiful, smart, funny, articulate, and successful professional woman, wife, and mother. May we all celebrate and reflect on Ms. Ryder's life and legacy as we mourn with those who knew and loved her.

Accordingly, as a mark of respect in memory of Wilsa Ryder, at five minutes past twelve o'clock noon, on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.
