

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, DECEMBER 4, 2017.

[118]

JOURNAL OF THE SENATE.

Monday, December 4, 2017.

Met at eighteen minutes past one o'clock P.M. (Mr. Pacheco in the Chair).

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

Pledge of allegiance.

Recess.

There being no objection, at nineteen minutes one o'clock P.M., the Chair (Mr. Pacheco) declared a recess subject to the call of the Chair; and, at twenty-nine minutes before eight o'clock P.M., the Senate reassembled, Mr. Pacheco in the Chair.

Recess.

Suspension of Senate Rule 38A.

Ms. Chandler 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.

Senate Rule 38A.

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
Office of the President

December 4, 2017

Senator Stanley C. Rosenberg,-- leave of absence.

William F. Welch
Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk,

I am taking a leave of absence, effective immediately, as President of the Senate, until the investigation that I expect the Senate to authorize today reaches its conclusion. I will of course continue as a member of the Senate

Thank you for your attention to this mater.

Very truly yours,
STANLEY C. ROSENBERG

On motion of Ms. Chandler, the above communication was ordered printed in the Journal of the Senate.

Ordered printed.

Order Adopted.

Ms. Chandler and Mr. Tarr offered the following order, to wit:

Ordered, That, the communication from the Senate President requesting a leave of absence from the duties of the Office of the Senate President be accepted by the membership.

Acceptance of communication.

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 (Senate, No. 2229) was considered forthwith and adopted.

The Chair (Mr. Pacheco) declared that the Office of the Senate President is now vacant.

Office of the President,-- vacant.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That, pursuant to the provisions of Senate Rule 4A, the Senate shall proceed forthwith to the election of an Acting President.

Election of a President.

Mr. Montigny placed in nomination for Acting President, Ms. Chandler of Worcester, and the nomination of Senator Chandler for Acting President was seconded by Ms. Creem.

Mr. Ross placed in nomination for Acting President, Mr. Tarr of Essex and Middlesex, and the nomination of Senator Tarr for Acting President was seconded by Mr. Humason.

The roll was called at twenty-one minutes before eight o'clock P.M. [see Roll Call No. 314], and the following named members voted for Harriette L. Chandler of Worcester:

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Keenan, John F. |
| Boncore, Joseph A. | Lesser, Eric P. |
| Brady, Michael D. | Lewis, Jason M |
| Brownsberger, William N. | L'Italien, Barbara A. |
| Chandler, Harriette L. | Lovely, Joan B. |
| Creem, Cynthia Stone | McGee, Thomas M. |
| Cyr, Julian | Montigny, Mark C. |
| DiDomenico, Sal N. | Moore, Michael O. |
| Donoghue, Eileen M. | O'Connor Ives, Kathleen |
| Eldridge, James B. | Pacheco, Marc R. |
| Feeney, Paul R. | Rodrigues, Michael J. |
| Forry, Linda Dorcena | Rush, Michael F. |
| Friedman, Cindy F. | Spilka, Karen E. |
| Gobi, Anne M. | Timilty, Walter F. |
| Hinds, Adam G. | Welch, James T. ---31 |
| Jehlen, Patricia D. | |

The following named members voted for Bruce E. Tarr of Essex and Middlesex:

- | | |
|----------------------|---------------------|
| deMacedo, Viriato M. | O'Connor Patrick M. |
| Fattman, Ryan C. | Ross, Richard J. |

Humason, Donald F., Jr.

Tarr, Bruce E. --- 6

The following named members were "Absent or Not Voting":

Chang-Díaz, Sonia.

Rosenberg, Stanley C.

The Chair announced the results of the votes as follows:

Whole number of votes40

Necessary for a choice.....21

Harriette L. Chandler of Worcester had31

Bruce E. Tarr of Essex and Middlesex had 6

The roll call having been completed at sixteen minutes before eight o'clock P.M., Ms. Chandler was declared elected as Acting President of the Senate.

Mr. Tarr moved that it be the sense of the Senate that the vote for Harriette L. Chandler for Acting President should be made unanimous and that this expression of opinion be made a part of the records of the Senate.

Sense of the Senate.

There being no objection, this motion was entertained; and it was unanimously adopted.

Ms. Chandler was escorted to the Chair by Senators Creem of Middlesex and Norfolk and Montigny of Bristol and Plymouth.

Remarks of Acting President Harriette L. Chandler

The Acting President then addressed the Senate as follows:

Thank you so much to my colleagues, both Republicans and Democrats for giving me this privilege to lead our Body. The past 4 days, as I've said before, have been so turbulent, so tragic, so surprising, and so sad. I wish I could look at this wonderful election that you have given me in joy rather than the way I feel and I think I speak for all of us. I wish this were a time for celebration, but it truly isn't a time for celebration for me. The circumstances that have led to this election are unprecedented and unfortunate. But choices had to be made, and you my colleagues have risen to the occasion and you have gone forward, you have chosen to move on, and to move forward. The hour is late and I do not wish to take this time and use to it to just add more thinking, we've done a lot of talking today, these last almost 8 hours. And we as a caucus and as a body will work swiftly toward a return to regular order. I promise you that. I promise to give you the very best of my ability. And I thank you for this incredible honor. I thank you for making this a bi-partisan effort, that means a great deal to me, and I thank you.

Remarks of Senate President Harriette L. Chandler.

On motion of Mr. Pacheco, all the above remarks were ordered printed in the Journal of the Senate.

Ordered printed.

Order Adopted.

Messrs. Tarr and Rodrigues offered the following order, to wit:

Ordered, That, Senator Stanley C. Rosenberg and his staff shall be recused from all decisions relating to investigations of Senator Rosenberg's conduct or that of his spouse.

Recusal of Senator Stanley C. Rosenberg and his staff.

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 (Senate, No. 2227) was considered forthwith.

UNCORRECTED PROOF.

The question on adoption of the order was determined by a call of the yeas and nays, at a six minutes before eight o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 37 – nays 0) [**Yeas and Nays No. 315**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
Cyr, Julian	Montigny, Mark C.
deMacedo, Viriato M.	Moore, Michael O.
DiDomenico, Sal N.	O'Connor, Patrick M.
Donoghue, Eileen M.	O'Connor Ives, Kathleen
Eldridge, James B.	Pacheco, Marc R.
Fattman, Ryan C.	Rodrigues, Michael J.
Feeney, Paul R.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Friedman, Cindy F.	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Hinds, Adam G.	Timilty, Walter F.
Humason, Donald F., Jr.	Welch, James T. – 37.
Jehlen, Patricia D.	

NAYS – 0.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia	Rosenberg, Stanley C. – 2.
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The yeas and nays having been completed at four minutes before eight o'clock P.M., the order was adopted.

Order Adopted.

Messrs. Tarr and Rodrigues offered the following order, to wit:

Ordered, That, the question of the conduct of Senator Stanley C. Rosenberg and whether he violated the rules of the Senate be referred to the Senate Committee on Ethics for its consideration in accordance with Senate Rule 12A. The Senate Committee on Ethics is authorized and directed to retain a special investigator, who shall investigate the question and submit a report and recommendations as soon as practicable to the Committee. The special investigator's report shall be subject to Senate Rule 12A and shall maintain as confidential the identity of any individual providing information to the investigator, unless the individual specifically consents to being identified. The special investigator shall have full access to the President's office and the full cooperation of his staff. The Senate Committee on Ethics is authorized to require by summons the attendance and testimony of witnesses and the production of books and papers and such other records as the Committee may deem relevant.

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 (Senate, No. 2228) was considered forthwith.

Senator Stanley C.
Rosenberg,--
question of conduct.

UNCORRECTED PROOF.

The question on adoption of the order was determined by a call of the yeas and nays, at a one minute before eight o'clock P.M., on motion of Mr. Tarr as follows, to wit (yeas 37 – nays 0) [**Yeas and Nays No. 316**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
Cyr, Julian	Montigny, Mark C.
deMacedo, Viriato M.	Moore, Michael O.
DiDomenico, Sal N.	O'Connor, Patrick M.
Donoghue, Eileen M.	O'Connor Ives, Kathleen
Eldridge, James B.	Pacheco, Marc R.
Fattman, Ryan C.	Rodrigues, Michael J.
Feeney, Paul R.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Friedman, Cindy F.	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Hinds, Adam G.	Timilty, Walter F.
Humason, Donald F., Jr.	Welch, James T. – 37.
Jehlen, Patricia D.	

NAYS – 0.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia	Rosenberg, Stanley C. – 2.
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The yeas and nays having been completed at one minute past eight o'clock P.M., the order was adopted.

Order Adopted.

On motion of Mr. Moore,--

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.

On motion of Mr. Humason, at three minutes past eight o'clock P.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.