

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, MARCH 19, 2018.

[28]

JOURNAL OF THE SENATE.

Monday, March 19, 2018.

Met at sixteen 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.

Report.

Report of the Massachusetts Technology Collaborative (pursuant to Section 8 of Chapter 40J of the General Laws) submitting its fiscal year 2017 annual report (received March 15, 2018),-- **was placed on file.**

MassTech,-- FY17
annual report.
SD2580

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Brady, a petition (accompanied by bill) (subject to Joint Rule 12) of Michael D. Brady for legislation to establish a sick leave bank for Shane T. Craven, an employee of the Department of Correction;

Shane T. Craven,--
sick leave.
SD2581

By Ms. Creem, a petition (accompanied by bill) (subject to Joint Rule 12) of Cynthia Stone Creem and Lori A. Ehrlich for legislation to require public pension fund divestment from ammunition and firearms; and

Pension fund,--
divestment.
SD2578

By Mr. Keenan, a petition (accompanied by bill) (subject to Joint Rule 12) of John F. Keenan and Bruce J. Ayers for legislation to establish a sick leave bank for Nicole Tishler, an employee of the Massachusetts Department of Transportation;

Nicole Tishler,--
sick leave.
SD2579

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

Order.

Mr. Brownsberger presented an Order relative to granting the committee on the Judiciary until May 2, 2018, within which time to make its final report on certain current Senate documents relative to judicial matters (Senate, No. 2359),-- **and the same was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently.**

Judiciary,-
extension order.

Reports of a Committee.

By Ms. Lovely, for the committee on Children, Families and Persons with Disabilities, on Senate, Nos. 27, 32, 39, 57, 68, 70, 71, 72, 73 and 74, an Order relative to authorizing the joint committee on Children, Families and Persons with Disabilities to make an investigation and study of certain current Senate documents relative to matters before the committee (Senate, No. 2345) [Representative O'Connell of Taunton dissenting];

Children, Families
and Persons with
Disabilities
committee,-- study.

By Ms. Chang-Diaz, for the committee on Education, on Senate, Nos. 287 and 319, an Order relative to authorizing the joint committee on Education to make an

Education
committee,-- study.

investigation and study of certain current Senate documents relative to special education (Senate, No. 2348);

By the same Senator, for the same committee, on Senate, Nos. 253 and 311, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to English learners and biliteracy (Senate, No. 2349);

By the same Senator, for the same committee, on Senate, Nos. 309 and 332, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to safety (Senate, No. 2350);

By the same Senator, for the same committee, on Senate, Nos. 246 and 285, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to disadvantaged students (Senate, No. 2351) [Senators Chang-Diaz, Jehlen, Lewis and L'Italien and Representative Williams of Springfield dissenting];

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 220), an Order relative to authorizing the joint committee on Education to make an investigation and study of a certain current Senate document relative to municipal revenue growth factor (Senate, No. 2352) [Senators Chang-Diaz, Barrett, Jehlen and Lewis and Representatives Tyler of Boston and Williams of Springfield dissenting];

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 295), an Order relative to authorizing the joint committee on Education to make an investigation and study of a certain current Senate document relative children (Senate, No. 2353); and

By Mr. Boncore, for the committee on Transportation, on Senate Nos. 1938, 1945, 2002, and 2006, an Order relative to authorizing the joint committee on Transportation to make an investigation and study of certain current Senate documents relative to transportation matters (Senate, No. 2358);

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 427 and House, No. 2914, a Bill relative to environmental justice and toxics release inventory (Senate, No. 427) [Senator Fattman dissenting];

By the same Senator, for the same committee, on petition, a Bill further regulating siting of solid waste facilities (Senate, No. 441); and

By the same Senator, for the same committee, on petition, a Bill for a competitive economy through safer alternatives to toxic chemicals (Senate, No. 474, changed in line 110 by striking out the words "or commercial");

Severally read and, under Senate Rule 26D, referred to the committee on Global Warming and Climate Change.

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 413 and House, No. 2943, a Bill relative to sustainable water conservation practices (Senate, No. 413);

By the same Senator, for the same committee, on petition, a Resolve providing for an investigation and study of enhancing statewide recycling programs (Senate, No. 416);

By the same Senator, for the same committee, on petition, a Bill re-

Id.

Id.

Id.

Id.

Id.

Transportation
committee,-- study.

Toxics release
inventory,-- decrease
expansion.

Solid waste
facilities,-- location.

Toxic chemicals,--
alternatives.

Water conservation
practices.

Recycling,--
enhancement.

Clean Environment

establishing the Clean Environment Fund (Senate, No. 417);

By the same Senator, for the same committee, on petition, a Bill relative to underground storage tank remediation (Senate, No. 422);

By the same Senator, for the same committee, on petition, a Bill to enhance the management of problem wildlife (Senate, No. 428);

By the same Senator, for the same committee, on Senate, No. 430 and House, No. 473, a Bill relative to the use of artificial lights in hunting (Senate, No. 430);

By the same Senator, for the same committee, on petition, a Bill relative to the moose population in the Commonwealth (Senate, No. 431);

By the same Senator, for the same committee, on Senate, No. 436 and House, No. 2910, a Bill relative to public space recycling (Senate, No. 436) [Senator Fattman dissenting];

By the same Senator, for the same committee, on Senate, No. 442 and House, No. 2938, a Bill promoting agriculture in the Commonwealth (Senate, No. 442);

By the same Senator, for the same committee, on petition, a Bill relative to agricultural disaster relief (Senate, No. 444);

By the same Senator, for the same committee, on Senate, Nos. 432 and 446 and House, No. 453, a Bill relative to the use of shotguns for hunting (Senate, No. 446);

By the same Senator, for the same committee, on Senate, No. 455 and House, No. 2919, a Bill relative to drinking water and ground water research (Senate, No. 455);

By the same Senator, for the same committee, on petition, a Bill to provide additional funding for animal welfare and safety programming (Senate, No. 457);

By the same Senator, for the same committee, on petition, a Bill relative to recycling (Senate, No. 475);

By the same Senator, for the same committee, on petition, a Bill relative to pesticide applications (Senate, No. 483, changed in line 14 by striking out the figure "2017" and inserting in place thereof the following figure:- "2019");

By the same Senator, for the same committee, on petition, a Bill reforming agricultural preservation restrictions (Senate, No. 2175); and

By Mr. Lewis, for the committee on Public Health, on Senate, Nos. 1178, 1188, 1189, 1218 and 1271, a Bill to protect youth from the health risks of tobacco and nicotine addiction (Senate, No. 1218);

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

Committee Discharged.

Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order authorizing the joint committee on Transportation to make an investigation and study of certain current Senate documents relative to transportation matters (Senate, No. 2358),-- and recommending that the same be referred to the Senate committee on Rules.

Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

A message from His Excellency the Governor recommending legislation to enhance the department of early education and care's background record check

Fund.

Storage tank,--
remediation.

Wildlife,--
management.

Hunting,-- artificial
lights.

Moose population.

Public space
recycling.

Agricultural Resolve
and Security Fund.

Agricultural disaster
relief,-- fund.

Hunting,-- shotgun
use.

Ground water
research,-- fund.

Animal welfare,--
funding.

Recycling.

Pesticide
applications.

Agricultural
preservation,-- reform.

Tobacco and nicotine
addiction,-- youth
protection.

Transportation
committee,-- study.

Department of early
education and care,--
background checks.

procedures (House, No. 4310);

To the committee on the Judiciary.

A message from His Excellency the Governor recommending legislation providing affordable health insurance options to municipal retirees (House, No. 4313);

Municipal retirees,--
health insurance.

To the committee on Public Service.

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

Petition (accompanied by bill, House, No. 4307) of Carolyn C. Dykema and Karen E. Spilka (by vote of the town) that the town of Holliston be authorized to convert a license for the sale of wine and malt beverages not to be drunk on the premises to a license for the sale of all alcoholic beverages not to be drunk on the premises;

Holliston,-- liquor
license.

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4308) of Stephen Kulik and Adam G. Hinds (by vote of the town) that the town of Huntington be authorized to contribute 60 per cent of the costs of premiums for health insurance and other certain benefits; and

Huntington,--
benefits.

Petition (accompanied by bill, House, No. 4309) of Denise Provost and others (with the approval of the mayor and city council) that the city of Somerville be authorized to offer exemptions for certain owner occupied residential properties for water and sewer charges and rates;

Somerville,-- water
and sewer.

Severally to the committee on Municipalities and Regional Government.

A Bill relative to establishing the position of town manager in the town of Ayer (House, No. 4080, amended,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, place in the Orders of the Day for the next session.**

Ayer,-- town
manager.

Report of the committee on Telecommunications, Utilities and Energy asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4230) of Linda Dean Campbell and others relative to the reserve power systems of publicly owned treatment works,-- and recommending that the same be referred to the committee on Environment, natural Resources and Agriculture,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Reserve power
systems.

Resolutions.

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

Resolutions (filed by Ms. Spilka and Mr. Ross) “congratulating Salvator Victor Balkus of the town of Franklin on his elevation to the rank of Eagle Scout”; and

Salvator Victor
Balkus.

Resolutions (filed by Ms. Spilka and Mr. Ross) “congratulating Daniel Joseph Hickey of the town of Franklin on his elevation to the rank of Eagle Scout.”

Daniel Joseph
Hickey.

Matter Taken Out of the Orders of the Day.

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

The House Bill authorizing the town of Charlemont to establish a tax on

Charlemont,--

commercial recreation services (House, No. 2623),-- was read a third time.

establish tax..

Pending the question on passing the bill to be engrossed, Mr. Hinds presented an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2356.

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.

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 House Bill designating a band stand at the Marine Park in South Boston as the Harry G. Uhlman, Jr. Memorial Band Stand (House, No. 4005).

Harry G. Uhlman, Jr.
Memorial Band Stand.

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 Senate Bill relative to unsolicited loans (Senate, No. 143),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2357).

Unsolicited loans.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to unsolicited loans (Senate, No. 143) (the committee on Ways and Means having recommended that the bill ought to pass, with an amendment, substituting a new draft, Senate, No. 2357) shall be placed in the Orders of the Day for a second reading on Thursday, March 22, 2018.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Tuesday, March 20, 2018. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2357) but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

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.

The bill will be placed in the Orders of the Day for Thursday, March 22, 2018, for a second reading with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to voluntary towing reform (Senate, No. 1342),-- ought to pass, with an

Towing,-- reform.

amendment substituting a new draft with the same title (Senate, No. 2354).

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That, notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to voluntary towing reform (Senate, No. 1342) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2354) shall be placed in the Orders of the Day for a second reading on Thursday, March 22, 2018.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Tuesday, March 20, 2018. All such amendments shall be second-reading amendments to Senate, No. 2354, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

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.

The bill will be placed in the Orders of the Day for Thursday, March 22, 2018, for a second reading with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill to promote and enhance civic engagement (Senate, No. 2306),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2355).

Civic engagement,-- promote.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That, notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to promote and enhance civic engagement (Senate, No. 2306) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2355) shall be placed in the Orders of the Day for a second reading on Thursday, March 22, 2018.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon, on Wednesday, March 21, 2018. All such amendments shall be second-reading amendments to Senate, No. 2255, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

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.

The bill will be placed in the Orders of the Day for Thursday, March 22, 2018, for a second reading with the amendment pending.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Elis Sanchez-O'Shea, an employee of the Trial Court of the Commonwealth (see House, No. 4150), 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.

Elis Sanchez-O'Shea,-- sick leave.

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

Engrossed Bill.

An engrossed Bill designating a certain park in the city of Quincy as the Richard "Dick" Herbert Memorial Park (see House, No. 4298) (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 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.

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