

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, OCTOBER 18, 2018.

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JOURNAL OF THE SENATE.

Thursday, October 18, 2018.

Met at thirteen minutes past eleven o'clock A.M. (Mr. Boncore 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. Boncore), members, guests and staff then recited 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 Office of the Comptroller (pursuant to Section 6B of Chapter 29 of the General Laws) submitting its quarterly report on the status of federal funds applied for, received and expended in the first quarter of fiscal year 2019 (received October 15, 2018); and

Comptroller,-- federal grants report. SD2797

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 154 of the Acts of 2018) submitting the Fiscal Year 2019 transfer schedules for the following account:

Comptroller,-- transfer schedules. SD2798

1599-6152 State Retiree Benefits Trust Fund (received October 15, 2018).

Report.

Report of the Office of the State Auditor (pursuant to Section 17 of Chapter 11 of the General Laws) submitting the Bureau of Special Investigations fiscal year 2018 4th quarter report (received October 16, 2018),-- was placed on file.

Auditor,-- BSI 4th quarter report. SD2796

PAPERS FROM THE HOUSE.

A joint petition (accompanied by bill, House, No. 4931) of Sean Garballey and Cindy F. Friedman (by vote of the town) relative to the town manager of the town of Arlington,-- was referred, in concurrence, to the committee on Municipalities and Regional Government.

Arlington town manager.

A Bill designating a certain Exit on State Route 18 the Giammalvo Family Memorial Exit (House, No. 4912,-- on petition),-- was read and, under Senate Rule 26, referred to the committee on Rules.

Giammalvo Family Memorial Exit.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Richard G. Perry, an employee of the Department of Conservation and Recreation (see Senate, No. 2661), 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 3 to 0.

Richard G. Perry,-- sick leave.

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

Resolutions.

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

Resolutions (filed by Messrs. Feeney and Timilty) “commending the American Chemical Society on its celebration of the National Chemistry Week”;

American Chemical Society.

Resolutions (filed by Mr. Humason) “congratulating John J. Driscoll on receiving the 2018 William G. Dwight Distinguished Service to Holyoke Award”;

John J. Driscoll.

Resolutions (filed by Ms. Lovely) “congratulating Alex Locke on his elevation to the rank of Eagle Scout”;

Alex Locke.

Resolutions (filed by Ms. Lovely) “congratulating Brian Sharp on his elevation to the rank of Eagle Scout”; and

Brian Sharp.

Resolutions (filed by Ms. Spilka) “congratulating Cameron Ryken Peter Auler on his elevation to the rank of Eagle Scout.”

Cameron Ryken Peter Auler.

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 part-time police officer in the police department in the town of Athol from the civil service law (House, No. 4146) (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.**

Athol,-- civil service exemption.

The House Bill relative to the disability retirement of public safety personnel in the city of Quincy (House, No. 4719),-- **was read a third time and passed to be engrossed, in concurrence.**

Quincy,-- disability retirement.

PAPER FROM THE HOUSE

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill supporting the Mohawk Trail Woodland Partnership (see House, No. 4880) [being the text contained in Section 90 of the engrossed bill House, No. 4835] [for message, see House, No. Attachment B of House, No. 4884],— came from the House with endorsement that the House adopted the amendment recommended by the Governor (as approved by committee on Bills in the Third Reading), as follows:

Mohawk Trail Woodland Partnership.

By striking out all after the enacting clause and inserting in place thereof the following text:-

“To capitalize the Mohawk Trail Woodland Partnership Fund established in section 89 of chapter 209 of the acts of 2018 and support the goals of the Mohawk Trail Woodland Partnership, the partnership may receive funds from general appropriations, capital expenditure authorizations, grants or a combination thereof; provided, however, that upon any money from any source being credited to the fund, the meetings of the partnership board and its executive committee shall be subject to sections 18 to 25, inclusive, of chapter 30A of the General Laws and all officers, directors, and agents of the partnership, including all officers, directors and employees of any administrative agent or fund manager designated by the

partnership under paragraph (6) of subsection (e) of section 91 of chapter 209 of the acts of 2018, shall, in connection with their service for the partnership: (i) comply with all applicable state finance laws; (ii) be considered officers or employees of an agency, commission or authority of the commonwealth for the purposes of clause Twenty-sixth of section 7 of chapter 4 of the General Laws; and (iii) be considered special state employees for purposes the of chapter 268A of the General Laws.”.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Rodrigues, and the Governor’s amendment was considered forthwith.

On motion of Mr. Tarr, the Governor’s amendment was adopted, in concurrence (as corrected BTR).

Sent to the House for re-enactment.

Reports of Committees.

By Ms. Lovely, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Laurie Wendover, an employee of the Department of Correction (Senate, No. 2083),-- ought to pass, with an amendment striking out the third sentence.

Laurie Wendover,--
sick leave

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

The bill (Senate, No. 2083, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Ms. Lovely, for the committee on Ways and Means, that the House Bill relative to the financial condition of the city of Methuen (House, No. 4905, changed and amended),-- ought to pass.

Methuen,-- school
budget deficit.

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, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act providing for the financial stability of the city of Methuen”.

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 Adam G. Hinds and Tricia Farley-Bouvier for legislation relative to the retirement benefits of Bernard J. Gocłowski.

Bernard Gocłowski,--
retirement.
SD2791

The rules were suspended, on motion of Mr. Rodrigues, 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.

A Bill relative to the membership of the Conservation Commission of the Town of Charlton (House, No. 4805,-- on petition) [Local approval received],-- was read.

Charlton
Conservation
Commission.

UNCORRECTED PROOF.

There being no objection, the rules were suspended, on motion of Mr. Rodrigues, and the bill was read a second time and ordered to a third reading.

A Bill establishing a sick leave bank for Michael Tucker, an employee of the Department of State Police (House, No. 4911,-- on petition),-- was read.

Michael Tucker,--
sick leave.

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.

A Bill relative to real property tax deferrals in the town of Arlington (House, No. 4916,-- on petition) [Local approval received],-- was read.

Arlington,-- property
tax deferrals.

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.

A Bill relative to boards and commissions of the city of Boston (House, No. 4927,-- on House, No. 4086) [Local approval received on House, No. 4086],-- was read.

Boston,-- boards and
commissions.

There being no objection, the rules were suspended, on motion of Mr. Rodrigues and the bill was read a second time and ordered to a third reading.

A Bill relative to a certain retirement benefit to be paid to the surviving spouse of fallen officer, Michael Chesna, of the Weymouth Police Department (House, No. 4928,-- on House, No. 4915) [Local approval received on House, Nos. 4928 and 4915],-- was read.

Michael Chesna,--
retirement benefit.

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.

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

Petition (accompanied by bill, House, No. 4934) of James Arciero for legislation to establish a student loan forgiveness program within the Massachusetts Educational Financing Authority;

Student loan,--
forgiveness program.

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

Petition (accompanied by bill, House, No. 4935) of James Arciero for an investigation and study by a special commission (including members of the General Court) relative to enhanced school safety;

School safety,--
study.

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

Order Adopted.

On motion of Mr. Rodrigues--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M.

Time of meeting.

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