

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JANUARY 26, 2017.

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JOURNAL OF THE SENATE.

Thursday, January 26, 2017.

Met at twenty-three minutes before twelve o'clock noon.

The Senator from Essex and Middlesex, Mr. Tarr, led the President, members, guests and staff in the recitation of the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Moore for the purpose of an introduction. Mr. Moore then introduced, in the rear of the Chamber, the Millbury High School Girls Soccer Team. The team was recognized for having won the Division 3 State Championship title for the second year in a row. The Senate applauded their accomplishments and they withdrew from the Chamber.

Millbury High School Girls Soccer Team.

There being no objection, the President introduced former Senator Robert L. Hedlund. The Senate welcomed him with applause and he withdrew from the Chamber.

Senator Robert L. Hedlund.

Communications.

The following communications were severally received and placed on file:

Communication from the Honorable Michael F. Rush, in compliance with Massachusetts General Laws Chapter 268A (received in the Office of the Clerk of the Senate on Tuesday, January 24, 2017 at seven minutes past four o'clock P.M.);

Senator Michael F. Rush,-- Chapter 268A.

Communication from the Honorable Stanley C. Rosenberg, President of the Senate, announcing the appointment (pursuant to Section 70 of Chapter 3 of the General Laws) of Senator Joseph Boncore to the Special Commission on the future of the metropolitan beaches; and

Metropolitan beaches.

Communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the appointment (pursuant to Section 136 of Chapter 219 of the Acts of 2016) of Dr. Yvonne M. Spicer of Framingham to the Special Commission to conduct a comprehensive study relative to the impacts of the Commonwealth remaining on eastern daylight time.

Daylight savings time.

Reports.

The following reports were severally received and placed on file, to wit:

Report of the Division of Local Services' Bureau of Local Assessment (under the provisions of Section 10C of Chapter 58 of the General Laws) submitting its final 2016 Biennial Report of Equalization and Apportionment (received January 23, 2017);

DLS,-- 2016 biennial report. SD2060

Report of the Executive Office of Public Safety and Security (pursuant to Section 18B(j) of Chapter 6A of the General Laws) submitting its annual report on behalf of the State 911 Department (received January 23, 2017);

EOPSS,-- annual report. SD2061

Report of the District Attorney for Northwestern District (under the provisions of Section 99R of Chapter 272 of the General Laws) submitting its annual report of

Northwestern DA,-- annual wiretap report.

wiretap interceptions for the 2016 calendar year (received January 25, 2017); and

SD2063

Report of the Springfield Parking Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its annual audit report for the fiscal years ended June 30, 2016 and 2015 (received January 25, 2017).

Springfield Parking Authority,-- auditors' report. SD2064

PAPER FROM THE HOUSE.

A Bill establishing a sick leave bank for Robert Hackett, an employee of the Department of Revenue (House, No. 55, amended,-- on petition),-- **was read and, under Senate Rule 27, referred to the temporary committee on Ways and Means.**

Robert Hackett,-- sick leave.

Resolutions.

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

Resolutions (filed by Mr. Rosenberg) “congratulating Sheriff Robert J. Garvey on his retirement.”

Sheriff Robert J. Garvey.

Petition.

The following petition, having been timely filed by 5:00 P.M., on Friday, January 20, 2017, was considered as follows:-

Ms. Flanagan presented a petition (accompanied by bill, Senate, No. 17) of Jennifer L. Flanagan for legislation to establish a sick leave bank for Lisa Eppy, an employee of the Department of Children and Families,-- **was referred to the temporary committee on Ways and Means.**

Lisa Eppy,-- sick leave.

PAPERS FROM THE HOUSE.

A joint petition (accompanied by bill, House, No. 67) of Byron Rushing and Sonia Chang-Diaz for legislation to establish a sick leave bank for Valencia Hadley, an employee of the Department of Transitional Assistance,-- **was referred in concurrence, under suspension of Joint Rule 12, to the temporary committee on House Ways and Means.**

Valencia Hadley,-- sick leave.

A Bill relative to the compensation of public officials (House, No. 58,-- on petition),-- was read.

Public officials,-- compensation.

Pursuant to an order previously adopted, the rules were suspended, and the bill was read a second time. The amendment previously offered by Ms. Spilka striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 16,-- was considered.

Messrs. Humason, Tarr, O'Connor, deMacedo, Fattman and Ross moved that the proposed new text be amended by striking out sections 38 through 50 in the entirety and inserting in place thereof the following new section:-

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“SECTION 38. This act shall take effect January 2, 2019.”

After remarks, the amendment was *rejected*.

Ms. Spilka moved that the proposed new text be amended by striking out the word “No”, in line 112, and inserting in place thereof the following words:- “Except as otherwise provided in the rules of the senate or house of representatives, no”; and by striking out section 45 as printed and inserting in place thereof the following:- “Except as otherwise provided, sections 4 to 8, inclusive,

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and subsections (c) and (d) of section 37, shall take effect as of January 1, 2017.”

The amendment was adopted.

The pending amendment (Spilka), as amended, was then considered; and it was adopted.

The bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at two minutes past twelve o'clock noon, on motion of Ms. Spilka, as follows, to wit (yeas 31 – nays 9) [**Yeas and Nays No. 2**]:

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, Harriett L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
Cyr, Julian	O'Connor Ives, Kathleen
DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Rodrigues, Michael J.
Donoghue, Eileen M.	Rosenberg, Stanley C.
Eldridge, James B.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Timilty, James E.
Hinds, Adam	Welch, James T. – 31.
Jehlen, Patricia D.	

NAYS.

deMacedo, Viriato M.	O'Connor, Patrick M.
Fattman, Ryan C.	Ross, Richard J.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, Walter F. – 9.
Moore, Michael O.	

The yeas and nays having been completed at four minutes past twelve o'clock noon, the bill was passed to be engrossed, in concurrence, with the amendment, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act further regulating the compensation of certain public officials”.

Sent to the House for concurrence in the amendment.

Recess.

There being no objection, at six minutes past twelve o'clock noon, the President declared a recess subject to the call of the Chair; and, at thirteen minutes past one o'clock P.M., the Senate reassembled, The President in the Chair.

Recess.

Distinguished Guests.

There being no objection, the President introduced a group of special guests visiting the Chamber in recognition of International Holocaust Remembrance Day which is celebrated on January 27th. Among the group was Misha Joukowsky, a

International
Holocaust
Remembrance Day.

grandson of Waitstill and Martha Sharp, who were recognized for their work with the Unitarian Service Committee. The Sharp's helped countless Jews escape Nazi controlled territory by smuggling refugees over borders, ensured embassy meetings and helped refugees gain employment in order to emigrate. For their efforts, the Yad Vashem Holocaust Memorial in Jerusalem named Waitstill and Martha Sharp Righteous Among the Nations. Also visiting the Chamber were German Consul General Ralf Horlemann and Israeli Consul General Yehuda Yaakov. Consul General Horlemann was recognized for serving in Germany's Foreign Service for more than two decades and for his experience in international security policy, transatlantic relations and Asian affairs. He became the Consul General of Germany to New England in July of 2015 and has come to Boston with his wife Bianca, and their son Philip. Consul General Yaakov has been the Consul General of Israel to New England since February of 2014. He was recognized for his large focus on strengthening business, and promoting academic and social justice partnerships between Israel and New England. The group was accompanied by Rabbi Wesley Gardenswartz of Temple Emmanuel. Rabbi Gardenswartz addressed the Senate from the Rostrum and offered a prayer in closing. The Senate welcomed the dignitaries with applause, they signed the guestbook and withdrew from the Chamber.

*Senate Adjournment in Honor of
International Holocaust Remembrance Day*

The Senator from Middlesex and Norfolk, Ms. Creem, moved that when the Senate adjourns today, it adjourn in memory of the January 27, 1945 liberation of Auschwitz-Birkenau, the largest Nazi death camp.

Ms. Creem in the Chair, in 2005, the United Nations General Assembly designated January 27 as International Holocaust Remembrance Day (IHRD), an annual day of commemoration to honor the victims of the Nazi era.

The U.N.'s International Holocaust Remembrance Day resolution rejects denial of the Holocaust, and condemns discrimination and violence based on religion or ethnicity.

Recess.

The President in the Chair, there being no objection, at twenty-nine minutes before two o'clock P.M., the President declared a recess subject to the call of the Chair; and, at sixteen minutes past four o'clock P.M., the Senate reassembled, The President in the Chair.

Recess.

Report of a Committee.

By Mr. Montigny, for the temporary committee on Rules, a Report recommending proposed Senate Rules to be adopted as the permanent rules of the Senate for 2017-2018 (Senate, No. 8).

Senate Rules.

Order Adopted.

Mr. Montigny offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Order relative to the Senate Rules governing the 2017-2018 legislative sessions (Senate, No. 8) shall be placed in the Orders of the Day with the question being on adoption of the order on Thursday, February 2, 2017.

Procedural order,--
Senate Rules.

All amendments shall be filed electronically in the office of the Clerk of the Senate by one o'clock P.M., on Monday, January 30, 2017. All such amendments shall be amendments Senate, No. 8 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.

Under the rules, referred to the temporary 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. Brownsberger, and the order was considered forthwith and adopted.

The report (Senate, No. 8) was placed in the Orders of the Day for Thursday, February 2.

Report of a Committee.

By Mr. Montigny, for the temporary committee on Rules, a Report recommending proposed Joint Rules to be adopted as the permanent Joint Rules for 2017-2018 legislative sessions (Senate, No. 9).

Joint Rules.

Order Adopted.

Mr. Montigny offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Order relative to Rules of the two branches during the session of 2017-2018 to be debated in the House of Representatives on Wednesday, February 1, 2017 shall be considered for debate in the Senate session of Thursday, February 2, 2017, as a paper from the House, at which time the Senator from Bristol and Plymouth, Mr. Montigny, will offer an amendment striking out the text and inserting in place thereof the text of Senate document numbered 9, with the main question being on adoption of the order, with the amendment pending.

Procedural order,--
Joint Rules

All amendments to the proposed new text (Senate, No. 9) shall be filed electronically in the office of the Clerk of the Senate by one o'clock P.M., on Monday, January 30, 2017. All such amendments shall be amendments to the recommended Montigny new text (Senate, No. 9) 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.

Under the rules, referred to the temporary 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. Brady, and the order was considered forthwith and adopted.

The report (Senate, No. 9) will be considered on Thursday, February 2, with the amendment pending.

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of George A. Sullivan Jr.

Moment of silence.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill further regulating the compensation of certain public officials (see House, No. 58, 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 5 to 0.

Public officials,--
compensation.

The bill was signed by the President and sent to the House for enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the President and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Boncore,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

Adjourn In Memory of George A, Sullivan Jr.

The Senator from Norfolk and Suffolk, Mr. Rush, moved that when the Senate adjourns today, it adjourn in memory of the Honorable George A. Sullivan, Jr., of Norwood.

Mr. Rush in the Chair, the Honorable George A, Sullivan Jr. of Norwood, passed away at the age of 90 on December 30th. George was the loving husband to his late wife Patricia, their ten children, Gerald (Janice), Timothy, Gregory (Marion), Kenneth (Maria, deceased), Michael (Leslie), Daniel (Anne), Brian (Allison), Kathleen, Peggy (Kenneth Gemelli), and David (Mary), 22 grandchildren, and 6 great grandchildren.

He made a lifetime of putting the needs of others above his own; he was a loving husband and father, a devoted civil servant, and a man of high principles and devotion to justice. George was born in 1926 as the first of five children of George and Margaret (Berube) Sullivan of East Walpole. George attended Walpole High School, where he served as class president, excelling in three sports and later earning induction into the Walpole High Hall of Fame. After graduating from Walpole High, George attended the University of Notre Dame, as a student, naval officer, and athlete. George spent time during and after college as a naval officer, serving in both WWII and the Korean Conflict. As a 17-year old freshman at Notre Dame, George played four years on the football team receiving three national championship rings. He was named to the 1948 College All-Star Team and was later drafted and played professional football for one year for the Boston Yanks (predecessor of the New England Patriots).

Following his time with the Yanks, George went on to become the first athletic director at Stonehill College, basketball coach and an associate professor of mathematics. George returned to Notre Dame to earn a law degree, soon after he

began a law practice in Norwood and was elected for two terms in the Massachusetts State Senate, where he helped to enact consumer protection laws and worked to expand educational opportunity. In 1965 he was appointed to serve as the presiding judge of the District Court in Stoughton and later as an acting superior court judge. In honor of his public service, the Massachusetts State Legislature dedicated the Brook/Bullard Street Bridge that connects Norwood and Walpole in his name.

George continually gave back to the community through coaching his children and grandchildren. During his retirement years, George became very active at the Norwood Senior Citizens Center and participated in many theatrical and musical performances there. George will be truly missed by many, including the Norwood community, his friends and family.

The President in the Chair, accordingly, as a mark of respect in memory George A, Sullivan Jr., at twenty-five minutes before five o'clock P.M., on motion of Mr. Ross, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.