

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**THURSDAY, FEBRUARY 2, 2017.**

[12]

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JOURNAL OF THE SENATE.

Thursday, February 2, 2017.

Met at nine minutes before twelve o'clock noon.

The Senator from Norfolk, Bristol and Middlesex, Mr. Ross, led the President, members, guests and staff in the recitation of 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 item 1599-2040 of Section 2B of Chapter 46 of the Acts of 2015 and Section 2B of Chapter 133 of the Acts of 2016) submitting its FY16 final and FY17 first and second quarter paid prior year deficiency reports (received February 1, 2017); and

Comptroller,-- prior year deficiency reports. SD2068

Communication from the Office of Worcester District Attorney Joseph D. Early, Jr. (pursuant to Section 32 of Chapter 12 of the General Laws) submitting its calendar year 2016 Community Based Juvenile Justice Programs report (received February 1, 2017).

Worcester DA,-- juvenile justice programs report. SD2069

Reports.

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

Report of the Department of Public Utilities (pursuant to Section 2 of Chapter 25 of the General Laws) submitting its 2016 Annual Report (received January 31, 2017); and

DPU,-- 2016 annual report. SD2066

Report of the Department of Transitional Assistance (pursuant to Section 5I(d) of Chapter 18 of the General Laws) submitting its 2017 report on prohibited purchases with direct cash assistance (received February 1, 2017).

DTA,-- prohibited purchases report. SD2067

PAPER FROM THE HOUSE.

A Bill establishing a sick leave bank for Valencia Hadley, an employee of the Department of Transitional Assistance (House, No. 70,-- on petition),-- was read and, under Senate Rule 27, referred to the temporary committee on Ways and Means.

Valencia Hadley,-- sick leave.

Resolutions.

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

Resolutions (filed by Mr. Brady) "congratulating Nicholas O'Hara of the town of Hanover on his elevation to the rank of Eagle Scout."

Nicholas O'Hara.

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

Resolutions (filed by Ms. O'Connor Ives and Mr. Humason) "in response to the January 27, 2017 Presidential Executive Order."

Presidential Executive Order.

After remarks, on motion of Ms. O'Connor Ives, the Clerk read the resolutions, as follows:

**RESOLUTIONS IN RESPONSE TO THE JANUARY 27, 2017  
PRESIDENTIAL EXECUTIVE ORDER.**

**WHEREAS**, IMMIGRANTS FOUNDED THIS COMMONWEALTH NEARLY 4 CENTURIES AGO; AND

**WHEREAS**, THIS NATION AND THIS COMMONWEALTH ARE PROUD OF OUR STRONG TRADITION OF WELCOMING IMMIGRANTS AND REFUGEES TO OUR SHORES; AND

**WHEREAS**, OUR NATION AND THIS COMMONWEALTH HAVE STOOD AS A BEACON OF HOPE FOR REFUGEES FLEEING WAR, VIOLENCE AND PERSECUTION; AND

**WHEREAS**, IMMIGRANTS PLAY AN ESSENTIAL PART IN STRENGTHENING THE COMMUNITIES AND ENRICHING THE SOCIETY OF THIS NATION AND THIS COMMONWEALTH; AND

**WHEREAS**, IMPORTANT SECTORS OF THE COMMONWEALTH'S ECONOMY, INCLUDING HIGHER EDUCATION, HEALTH CARE AND INNOVATION, DEPEND HEAVILY ON IMMIGRANTS' CONTRIBUTIONS; AND

**WHEREAS**, THE EXECUTIVE ORDER PROHIBITS MANY FOREIGN STUDENTS, WORKERS AND OTHER VISA HOLDERS FROM 7 TARGETED MAJORITY-MUSLIM NATIONS, INCLUDING MANY WHO HAVE ALREADY BEEN VETTED AND DOCUMENTED, FROM ENTERING THE UNITED STATES FOR AT LEAST 90 DAYS, SUSPENDS THE U.S. REFUGEE ADMISSIONS PROGRAM FOR 120 DAYS AND RESUMES THE U.S. REFUGEE ADMISSIONS PROGRAM AFTER 120 DAYS ONLY FOR NATIONALS OF COUNTRIES AS DETERMINED JOINTLY BY THE SECRETARY OF STATE, THE SECRETARY OF HOMELAND SECURITY AND THE DIRECTOR OF NATIONAL INTELLIGENCE; AND

**WHEREAS**, THE FIRST AMENDMENT OF THE CONSTITUTION PROTECTS THE FREEDOM OF RELIGION AND THIS EXECUTIVE ORDER PRIORITIZES THE ADMISSION OF REFUGEES BASED ON SPECIFIC RELIGIONS; AND

**WHEREAS**, MUCH OF THE EXECUTIVE ORDER IS INCONSISTENT WITH THE NATION'S AND THE COMMONWEALTH'S STRONG TRADITION OF WELCOMING IMMIGRANTS AND REFUGEES TO OUR SHORES, WHILE NOT CONCLUSIVELY CONTRIBUTING TO THE IMPORTANT GOAL OF KEEPING OUR RESIDENTS SAFE AND SECURE FROM TERRORISM; AND

**WHEREAS**, THE EXECUTIVE ORDER PRESENTS SERIOUS CONSTITUTIONAL AND OTHER LEGAL ISSUES OF DUE PROCESS, EQUAL PROTECTION AND DISCRIMINATION ON THE BASIS OF RELIGION AND NATIONAL ORIGIN; NOW THEREFORE BE IT

**RESOLVED**, THAT THE MASSACHUSETTS SENATE:

- (1) REAFFIRMS THE COMMONWEALTH'S STRONG TRADITION OF WELCOMING IMMIGRANTS AND REFUGEES AND REJECTING DISCRIMINATION BASED ON RACE, ETHNICITY, GENDER OR RELIGION;
- (2) CALLS ON PRESIDENT TRUMP TO RECONSIDER AND RESCIND THOSE PORTIONS OF THE EXECUTIVE ORDER

THAT INTERFERE WITH THE RIGHTS OF ALREADY DOCUMENTED STUDENTS, WORKERS, PERMANENT RESIDENTS AND OTHER VISITORS;

- (3) SUPPORTS THE LEGAL ACTIONS OF OUR ATTORNEY GENERAL AND OTHER PLAINTIFFS TO CONTEST THE LEGALITY OF THE EXECUTIVE ORDER IN COURT; AND BE IT FURTHER

**RESOLVED**, THAT COPIES OF THESE RESOLUTIONS SHALL BE TRANSMITTED FORTHWITH BY THE CLERK OF THE SENATE TO THE PRESIDENT OF THE UNITED STATES AND THOSE MEMBERS OF CONGRESS FROM THE COMMONWEALTH

**The resolutions were then adopted.**

*Recess.*

There being no objection, at twenty-one minutes before one o'clock P.M., the President declared a recess subject to the call of the Chair; and, at fourteen minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

At fourteen minutes before four o'clock P.M., Mr. Tarr doubted the presence of a quorum. The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently, at thirteen minutes before four o'clock P.M., a quorum was declared present.

*Orders of the Day.*

The Orders of the Day were considered, as follows:

The Senate Report recommending proposed Senate Rules to be adopted as the permanent rules of the Senate for 2017- 2018 (Senate, No. 8),-- was considered, the main question being on acceptance of the report.

Senate Rules.

Mr. Tarr moved to amend the report in rule 5A by inserting after the word "President" in the third sentence the following:- "or by 1/5 of the members present and voting,"

1

The amendment was *rejected*.

Messrs. Tarr and Montigny moved to amend the report in rule 5A, by inserting after the word "considered" the following new sentence:- "Matters considered in an informal session shall have either received a public hearing or other disposition by a committee of relevant subject matter jurisdiction."

2

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at two minutes past four o'clock P.M., on motion of Mr. Tarr, as follows to wit (yeas 38 — nays 0) [**Yeas and Nays No. 3**]:

**YEAS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brady, Michael D.  
Brownsberger, William N.  
Chandler, Harriett L.  
Chang-Diaz, Sonia  
Creem, Cynthia Stone  
Cyr, Julian

Keenan, John F.  
Lesser, Eric P.  
Lewis, Jason M.  
L'Italien, Barbara A.  
Lovely, Joan B.  
McGee, Thomas M.  
Montigny, Mark C.  
Moore, Michael O.

deMacedo, Viriato M.  
DiDomenico, Sal N.  
Donnelly, Kenneth J.  
Donoghue, Eileen M.  
Eldridge, James B.  
Fattman, Ryan C.  
Forry, Linda Dorcena  
Gobi, Anne M.  
Hinds, Adam G.  
Humason, Donald F., Jr.  
Jehlen, Patricia D.

O'Connor Ives, Kathleen  
O'Connor, Patrick M.  
Pacheco, Marc R.  
Rodrigues, Michael J.  
Ross, Richard J.  
Rush, Michael F.  
Spilka, Karen E.  
Tarr, Bruce E.  
Timilty, James E.  
Timilty, Walter F.  
Welch, James T. – 38.

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Flanagan, Jennifer L. – 1.

The yeas and nays having been completed at five minutes past four o'clock P.M., the amendment was adopted.

Messrs. Tarr and Montigny moved to amend the report in Rule 7, by inserting after the third sentence the following sentence:- “On or before May 31, 2017, the agenda for informal sessions shall be available to the members and the public at least 1 calendar day prior to the start of that session, except when informal sessions are held on consecutive days.”

3

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at eight minutes past four o'clock P.M., on motion of Mr. Tarr, as follows to wit (yeas 39 — nays 0) [Yeas and Nays No. 4]:

**YEAS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brady, Michael D.  
Brownsberger, William N.  
Chandler, Harriett L.  
Chang-Diaz, Sonia  
Creem, Cynthia Stone  
Cyr, Julian  
deMacedo, Viriato M.  
DiDomenico, Sal N.  
Donnelly, Kenneth J.  
Donoghue, Eileen M.  
Eldridge, James B.  
Fattman, Ryan C.  
Flanagan, Jennifer L.  
Forry, Linda Dorcena  
Gobi, Anne M.  
Hinds, Adam G.  
Humason, Donald F., Jr.  
Jehlen, Patricia D.

Keenan, John F.  
Lesser, Eric P.  
Lewis, Jason M.  
L'Italien, Barbara A.  
Lovely, Joan B.  
McGee, Thomas M.  
Montigny, Mark C.  
Moore, Michael O.  
O'Connor Ives, Kathleen  
O'Connor, Patrick M.  
Pacheco, Marc R.  
Rodrigues, Michael J.  
Ross, Richard J.  
Rush, Michael F.  
Spilka, Karen E.  
Tarr, Bruce E.  
Timilty, James E.  
Timilty, Walter F.  
Welch, James T. – 39.

**NAYS – 0.**

The yeas and nays having been completed at eleven minutes past four o'clock P.M., the amendment was adopted.

Mr. Tarr moved to amend the report in rule 12 by inserting after “Committee

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hearings and executive sessions shall not be scheduled in conflict with formal sessions of the Senate unless the chair submits to the Clerk a written explanation for scheduling the hearing or session in conflict with the formal session” the following:-”and said written explanation shall be published in the senate journal”.

After remarks, the amendment was adopted.

Messrs. Tarr, Eldridge and Montigny moved to amend the report in rule 12, by inserting after the first sentence in the second paragraph the following sentence:- “Committees shall provide to members of the committee either the text or comprehensive summaries of the bills or other forms of legislative matters prior to the beginning of an executive session or poll.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at eighteen minutes past four o’clock P.M., on motion of Mr. Tarr, as follows to wit (yeas 39 — nays 0) [**Yeas and Nays No. 5**]:

**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	Moore, Michael O.
deMacedo, Viriato M.	O’Connor Ives, Kathleen
DiDomenico, Sal N.	O’Connor, Patrick M.
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.
Gobi, Anne M.	Timilty, James E.
Hinds, Adam G.	Timilty, Walter F.
Humason, Donald F., Jr.	Welch, James T. — <b>39.</b>
Jehlen, Patricia D.	

**NAYS — 0.**

The yeas and nays having been completed at twenty-one minutes past four o’clock P.M., the amendment was adopted.

Mr. Tarr moved to amend the report in rule 13A by striking in the second paragraph “two-thirds vote of the members present and voting” and inserting in place thereof the following:- “a majority of the members present and voting”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-six minutes past four o’clock P.M., on motion of Mr. Tarr, as follows to wit (yeas 6 — nays 33) [**Yeas and Nays No. 6**]:

**YEAS.**

deMacedo, Viriato M.	O’Connor, Patrick M.
Fattman, Ryan C.	Ross, Richard J.
Humason, Donald F., Jr.	Tarr, Bruce E. — <b>6.</b>

**NAYS.**

Barrett, Michael J.	Keenan, John F.
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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	Moore, Michael O.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Timilty, James E.
Gobi, Anne M.	Timilty, Walter F.
Hinds, Adam G.	Welch, James T. – 33.
Jehlen, Patricia D.	

The yeas and nays having been completed at twenty-nine minutes past four o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved to amend the report in rule 38A 1/2 by inserting at the beginning the following:- "The Senate shall not continue in session beyond the hour of 10 pm. This rule shall not be suspended unless two-thirds of the members present and voting consent to such suspension on a recorded year and nay vote."

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After debate, the amendment was *rejected*.

Mr. Tarr moved to amend the report in rule 38A 1/2 by striking, "unless two-thirds of the members present and voting consent to such suspension on a recorded year and nay vote" and inserting in place thereof the following: "unless there is unanimous consent of the members present and voting".

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After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-two minutes before five o'clock P.M., on motion of Mr. Tarr, as follows to wit (yeas 6 — nays 33) [**Yeas and Nays No. 7**]:

**YEAS.**

deMacedo, Viriato M.	O'Connor, Patrick M.
Fattman, Ryan C.	Ross, Richard J.
Humason, Donald F., Jr.	Tarr, Bruce E. – 6.

**NAYS.**

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	Moore, Michael O.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Timilty, James E.

Gobi, Anne M.  
Hinds, Adam G.  
Jehlen, Patricia D.

Timilty, Walter F.  
Welch, James T. – 33.

The yeas and nays having been completed at nineteen minutes before five clock P.M., the amendment was *rejected*.

Mr. Tarr moved to amend the report bill in Rule 45 by inserting after the word “amendment” in the first sentence the following:- “or bill”.

The amendment was *rejected*.

Mr. Tarr moved to amend the report in rule 63 by striking the following:-

“Additionally a measure to repeal, change, add or otherwise modify a rule or rules of the Senate may be proposed at any time by either 1/5 of the members or the number of minority members, provided that such measure is presented to the clerk in the form of an order. Such order shall be referred immediately to the Committee on Rules, which shall report to the Senate on such order within 10 days of its referral to the committee. Such report shall be placed in the Orders of the Day for the next formal session for consideration by the Senate” and inserting in place thereof the following:- “Additionally, a measure to repeal, change, add or otherwise modify a rule or rules of the Senate may be proposed at any time by any two members, provided that such measure is presented to the clerk in the form of an order. Such order shall be referred immediately to the Committee on Rules, which shall report to the Senate on such order within 10 days of its referral to the committee. Such report shall be placed in the Orders of the Day for the next formal session for consideration by the Senate.”

After debate, the amendment was *rejected*.

Mr. Keenan moved to amend the report in Rule 12A in the second paragraph by striking the words “unless a majority designates a lesser number to do so. In any case, at least 1 member of the committee shall be present to receive such testimony.”;

In Rule 12A in the third paragraph by inserting after the word “investigation” the following words:- “a majority of”;

In Rule 12A in the fourth paragraph by inserting after the word “merit” the following words:- “, if such determination is made by a majority of members on the committee”; and

In Rule 12A in the seventh paragraph by inserting after the words “recommendation” the following words:- “, advisory opinions.”.

The amendment was adopted.

Mr. Tarr moved to amend the report in rule 12 by striking “A Committee on Ethics; To consist of 7 members, including 2 members appointed by the Minority Leader. A Committee on Rules; To consist of 7 members, including 2 members appointed by the Minority Leader” and inserting in place thereof the following:- “A Committee on Ethics; To consist of 8 members, including 4 members appointed by the Minority Leader. A Committee on Rules; To consist of 8 members, including 4 members appointed by the Minority Leader”.

The amendment was *rejected*.

Subsequently, Mr. Montigny moved to amend the report, in Rule 6, by striking out the figure “2” and inserting in place thereof the following word:- “two”;

In Rule 26C, by inserting after the figure “LXXXIV” the words:- “of the Amendments to the Constitution”;



In, Rule 13C, in the second sentence by striking out the word “too” and inserting in place thereof the following word:- “to”;

In Rule 48, in clauses (3) and (4) by striking out the figure “2” and inserting in place thereof, in each instance, the following word:- “two”; and

By inserting after Senate Rule 68 the following rule:-

“69. Meetings of any special commissions, special legislative commissions, task forces or other groups authorized or required by statute, resolve, rule or order to make or conduct an investigation or study of any issue, and which are chaired by a Senator, shall be conducted openly and transparently, and shall conform both to Senate rules and to statutes.”

The amendment was adopted.

**The report (Senate, No. 8, printed as amended) was then accepted [For text of report, printed as amended, see Senate, No. 18].**

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*Report of a Committee.*

There being no objection, pursuant to an order previously adopted, the report of the temporary committee on Rules recommending proposed Joint Rules to be adopted as the permanent Joint Rules for 2017-2018 legislative sessions (Senate, No. 9),-- was considered.

Joint Rules.

Pending the question on acceptance of the report, Messrs. Tarr and Eldridge moved to amend the report in rule 4 by inserting at the end of the second paragraph the following:- “provided that votes shall also be recorded electronically at the direction of the Clerks. The record of all such roll calls shall be kept in the offices of the committee and posted on the official website of the General Court in a clear and conspicuous manner by the Clerks of both branches within 48 hours of the vote.”

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After remarks, the amendment was *rejected*.

Mr. Tarr moved to amend the report in rule 1(i) by inserting at the end thereof the following:- “each joint committee during said review and study shall also consider the cost-effectiveness of all laws, administrative regulations and programs that are within the joint committees subject matter jurisdiction and recommend whether such laws, administrative regulations or programs should be continued or eliminated”.

5

After remarks, the amendment was *rejected*.

Mr. Tarr moved to amend the report in rule 30 by inserting at the end thereof the following:- “All motions or orders shall not be for more than 30 days, and said motions or orders shall include the reasons necessitating the extension prior to the granting of any extension, and committee shall provide a complete list of all matters included in the extension. Notwithstanding the previous sentence, all joint committees would need to make final deposition on all local petitions approved by the governing authority of a municipality within 60 days of the committee receiving said local petition.”

6

After remarks, the amendment was *rejected*.

Mr. Tarr moved to amend the report joint rule 1 by striking clause (ii) in its entirety and inserting in place thereof the following clause:-

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“(ii) in carrying out these review and study activities, each committee shall determine whether such laws, administrative regulations and programs under those laws are being implemented in accordance with the intent of the General Court; the cost-effectiveness of such laws, administrative regulations and programs; and

whether such laws, administrative regulations and programs should be continued, curtailed or eliminated;”.

The amendment was *rejected*.

Mr. Tarr moved to amend the report in joint rule 21, by deleting the first paragraph and inserting in place thereof the following paragraph:

“The committees on Rules of the two branches, acting concurrently, shall make such changes pertaining to the availability of bills, including petitions not assigned bill numbers, as they deem necessary for expediting the work of the legislature.”; and by striking the word “may” in the second paragraph and inserting in place thereof the following word: “shall”.

The amendment was *rejected*.

Mr. Tarr moved to amend the report in joint rule 12A, by inserting at the end thereof the following new sentence:- “Each standing committee shall hold at least one public hearing per legislative session to determine if the agencies and programs that fall under its jurisdiction can achieve savings or operate in a more cost-effective manner, and each committee may report its findings and recommendations to the Clerks of the House and Representatives and the Senate, and to the Chairs of the House and Senate committees on Ways and Means.”

After remarks, the amendment was *rejected*.

Mr. Tarr moved to amend the report in paragraph 11 of joint rule 1 by striking the following:-”Each committee may” and inserting in place thereof the following:-”Each committee shall”; and

In paragraph 11 of joint rule 1 by inserting at the end thereof the following:-“upon completion of its oversight hearings, the joint committee shall report to the General Court the results of its findings and recommendations together with accompanying corrective legislation and an executive summary which shall identify the revenue source upon which the recommendation is based, identify the total appropriation for the fiscal year if an existing appropriation is being altered.”

The amendment was *rejected*.

Mr. Tarr moved to amend the report by inserting after Joint Rule 4A the following rule:-

“4B. All joint committees of the General Court when reporting on bills referred to them shall include a taxation impact statement prepared based on information collected under section 3A of chapter 29 of the General Laws, showing the fiscal impact of any change to fees or taxes in the proposed legislation. Such taxation fiscal impact statement shall include the impact to the average taxpayer and to the economy of the commonwealth and shall be filed electronically in the office of the clerk to which the report is being made, and shall be promptly made available on the official website of the General Court.”

After remarks, the amendment was *rejected*.

Mr. Tarr moved to amend the report by inserting after joint rule 36 the following new rule:

“37. Not later than March 15 of each year, the house and senate shall consider and approve a joint resolution declaring the minimum amount of aid to be distributed to the cities and towns of the commonwealth in the upcoming fiscal year. Said resolution shall declare the minimum amount of chapter 70 aid, unrestricted general government assistance, and expected lottery disbursements to be received by each city, town or school district.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-four minutes before six o’clock P.M., on motion

of Mr. Tarr, as follows to wit (yeas 7 — nays 32) [Yeas and Nays No. 8]:

**YEAS.**

deMacedo, Viriato M.  
Eldridge, James B.  
Fattman, Ryan C.  
Humason, Donald F., Jr.

O'Connor, Patrick M.  
Ross, Richard J.  
Tarr, Bruce E. — 7.

**NAYS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brady, Michael D.  
Brownsberger, William N.  
Chandler, Harriett L.  
Chang-Diaz, Sonia  
Creem, Cynthia Stone  
Cyr, Julian  
DiDomenico, Sal N.  
Donnelly, Kenneth J.  
Donoghue, Eileen M.  
Flanagan, Jennifer L.  
Forry, Linda Dorcena  
Gobi, Anne M.  
Hinds, Adam G.  
Jehlen, Patricia D.

Keenan, John F.  
Lesser, Eric P.  
Lewis, Jason M.  
L'Italien, Barbara A.  
Lovely, Joan B.  
McGee, Thomas M.  
Montigny, Mark C.  
Moore, Michael O.  
O'Connor Ives, Kathleen  
Pacheco, Marc R.  
Rodrigues, Michael J.  
Rush, Michael F.  
Spilka, Karen E.  
Timilty, James E.  
Timilty, Walter F.  
Welch, James T. — 32.

The yeas and nays having been completed at twenty-two minutes before six clock P.M., the amendment was *rejected*.

Mr. Tarr moved to amend the report in joint rule 12B, by inserting at the end thereof the following: "provided, however that any measure making or supplementing an appropriation for a fiscal year submitted to or returned to the General Court by the Governor, under Article LXIII of the Amendments to the Constitution, in the first annual session or in a special session held during that year shall cease to exist upon the termination of the fiscal year". 14

The amendment was *rejected*.

Mr. Tarr moved to amend the report in rule 1E in the third paragraph by striking the number "\$100,000" each time it appears and inserting in place thereof the following: "\$50,000". 15

The amendment was *rejected*.

Mr. Ross moved to amend the report in Rule 1D, by inserting after the words "roll call vote." the following:- "No joint standing committee or special joint committee may poll its members on more than 10 bills at one time." 16

After remarks, the amendment was *rejected*.

Mr. Ross moved to amend the report in Rule 1D, by striking out the figure "6" and inserting in place thereof the figure "24"; and in Rule 1D, by striking out the words "a concurrent vote of the majority of committee members of each branch on a roll call vote." and inserting in place thereof the following:- "the approval of at least one chairman and at least one ranking minority member of the committee." 17

After debate, the amendment was *rejected*.

Mr. Tarr moved to amend the report by striking in joint rule 11B, "8 p.m." and inserting in place thereof the following:- "5 p.m." 4

After remarks, the amendment was *rejected*.

Mr. Tarr moved to amend the report in joint rule 4, in the first sentence of the third paragraph by inserting, after the word “opportunity” the following words:- “to issue a dissenting minority report or”; and by adding at the end thereof the following sentence:- “Said report or reports shall be posted on the General Court website in a form and manner prescribed by the Clerk.”

The amendment was *rejected*.

Mr. Montigny moved to amend the report in Rule 1 by inserting after the word “marijuana” the word:- “policy”; and

In Rule 10 by striking out the words “February 1” and inserting in place thereof the following words:- “the first Wednesday in February”.

**The report (Senate, No. 9, printed as amended) was then accepted. [For text of report, printed as amended, see Senate, No. 19]**

PAPER FROM THE HOUSE.

There being no objection, pursuant to an order previously adopted, the House Order relative to Joint Rules governing the 2017-2018 legislative sessions (House, No. 2019, amended),-- was considered, the main question being on adoption.

Pending the question on adoption of the order, Mr. Montigny moved that the order be amended by striking out the text and inserting in place thereof the text of Senate document numbered 19.

**The amendment was adopted.**

**The House Order, as amended, was then adopted.**

**Sent to the House for concurrence in the amendment.**

*Moment of Silence.*

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memories of Frank Wendell Farlow and Susan M. Spilka.

PAPERS FROM THE HOUSE.

*Engrossed Bill Returned by Governor With His Objections Thereto.*

The engrossed Bill further regulating the compensation of certain public officials (see House, No. 58, amended), which, on Thursday, January 26, 2017, had been laid before His Excellency the Governor for his approbation,— came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing, [for message, see House, No. 69] and having passed that branch, notwithstanding said objections.

The message (House, No. 69) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

After remarks, the question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at six minutes past six o'clock P.M., as follows, to wit (yeas 31 — nays 9) **[Yeas and Nays No. 9]:**

**YEAS.**

- |                     |                 |
|---------------------|-----------------|
| Barrett, Michael J. | Keenan, John F. |
| Boncore, Joseph A.  | Lesser, Eric P. |
| Brady, Michael D.   | Lewis, Jason M. |

Brownsberger, William N.  
Chandler, Harriett L.  
Chang-Diaz, Sonia  
Creem, Cynthia Stone  
Cyr, Julian  
DiDomenico, Sal N.  
Donnelly, Kenneth J.  
Donoghue, Eileen M.  
Eldridge, James B.  
Flanagan, Jennifer L.  
Forry, Linda Dorcena  
Hinds, Adam G.  
Jehlen, Patricia D.

L'Italien, Barbara A.  
Lovely, Joan B.  
McGee, Thomas M.  
Montigny, Mark C.  
O'Connor Ives, Kathleen  
Pacheco, Marc R.  
Rodrigues, Michael J.  
Rosenberg, Stanley C.  
Rush, Michael F.  
Spilka, Karen E.  
Timilty, James E.  
Welch, James T. – 31.

**NAYS.**

deMacedo, Viriato M.  
Fattman, Ryan C.

O'Connor, Patrick M.  
Ross, Ri

hard J.

Gobi, Anne M.  
Humason, Donald F., Jr.  
Moore, Michael O.

Tarr, Bruce E.  
Timilty, Walter F. – 9.

**The yeas and nays having been completed at nine minutes past six o'clock P.M., the bill was passed by the Senate, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

*Order Adopted.*

On motion of Mr. Tarr,--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M., in a full formal session with a calendar.

Time of meeting.

*Adjourn In Memory of Frank Wendell Farlow*

The Senator from Middlesex and Norfolk, Ms. Creem, moved that when the Senate adjourns today, it adjourn in memory of Frank Wendell Farlow.

Frank Wendell Farlow, a long-time Brookline public activist, died December 30, 2016, at the age of 76.

Frank was born on June 5, 1940 in Wilmington, Delaware, attending Mount Pleasant High School, where he joined the track team, an activity he pursued throughout his life. He attended Swarthmore College, where he met his future wife, Martha "Marty" Anderson. They married in 1964.

Frank served in the Army Intelligence Corps in Germany from 1962 to 1965, going on to earn a master's degree from the Harvard University School of Education. Frank and Marty settled in Brookline, Massachusetts, where Frank translated Russian and German literature.

Frank and Marty became active in the Brookline community and in 1979 they helped establish the Brookline Schools' Staff Children's Center. In 2001, Frank became co-chair of Brookline Pax—a liberal advocacy group founded in 1962—and was active in Brookline Peace Works, attending their Saturday Peace Vigil in Coolidge corner since 2002.

Frank was also active in Brookline town politics, and served as an elected town meeting member beginning in 1986, where he drafted and advocated successfully for several town bylaws and resolutions that promoted civil rights, civil liberties and international human rights.

Frank Wendell Farlow will be missed by his wife Marty, his son Jed and daughter-in-law Simone, his brother Kent, his sisters Anne and Fran, and by the wide-ranging community of activists in Brookline and beyond.

*Adjourn In Memory of Susan M. Spilka*

The Senator from Worcester, Ms. Chandler, moved that when the Senate adjourns today, it do so in memory of Susan M. Spilka.

Susie Spilka, the beloved daughter of Dorothy and Sydney Spilka, was born on November 19th 1958, and lived in Yonkers and New Rochelle, New York for much of her life before moving to Framingham, Massachusetts. Susie, who was born with Down syndrome, lived a full and extraordinary life. She was a strong, independent, loving woman and was an inspiration to those who had the opportunity to know her, most especially her sisters Karen Spilka and her husband Joel Loitherstein, Gerri Spilka and her husband Darl Rastorfer, her brother Richard and his wife Sandy Spilka, and her beloved nieces and nephews, Jake and Scott Loitherstein, Sonya Bishop, and Dean and Leandra Spilka. She was employed for many years at the Food Emporium in New Rochelle. She loved to travel, was independent, spunky and had many talents. She loved to play “hoops”, and was an excellent hook rugger, swimmer and piano player. Susie had an incredible sense of humor, a sharp wit, and wore a constant smile. She gave so much to all who knew her and will be forever remembered and greatly missed. Susie, who in recent years was suffering from Alzheimer’s disease and blindness, died peacefully at her home in Framingham on January 7th 2017.

Accordingly, as a mark of respect in memory of Frank Wendell Farlow and Susan M. Spilka, at a quarter past six o’clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o’clock A.M.