

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**WEDNESDAY, APRIL 5, 2017.**

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JOURNAL OF THE SENATE.

Wednesday, April 5, 2017.

Met at seventeen minutes past eleven o'clock A.M.

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.

Communications.

Communication from the Honorable Michael J. Barrett, in compliance with Massachusetts General Laws Chapter 268A (received in the Office of the Clerk of the Senate on Wednesday, April 5, 2017 at a quarter before eleven o'clock A.M.),-- was placed on file.

Senator Michael J. Barrett,-- Chapter 268A.

Reports.

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

Report of the Massachusetts Bay Transportation Authority (pursuant to Section 11 of Chapter 161A of the General Laws) submitting its net operating investment per passenger mile ratio for fiscal years 2015 through 2019 (received April 3, 2017);

MBTA,-- passenger mile ratio report. SD2151

Report of the Department of Transportation (pursuant to Section 1(g) of Chapter 90I of the General Laws) submitting its Complete Streets funding program report (copies having been forwarded as required to the Joint Committees on Transportation and Public Health) (received April 3, 2017); and

MassDOT,-- complete streets report. SD2152

Report of the Division of Insurance (pursuant to Section 228(i) of Chapter 175 of the General Laws) submitting its annual report concerning coverage minimums for transportation network vehicles for calendar year 2016 (received April 4, 2017).

DOI,-- TNC annual report. SD2153

Report of a Committee.

By Mr. Keenan, for the committee on Bonding, Capital Expenditures and State Assets, that the House Bill financing improvements to municipal roads and bridges (House, No. 2783, amended),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2046;

Municipal roads and bridges,-- improvements.

Referred, under Senate Rule 27, to the committee on Ways and Means.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3460) of Nick Collins (with the approval of the mayor and city council) relative to the composition of the Boston Arts Commission,-- was referred, in concurrence, to the committee on Municipalities and Regional Government.

Boston Arts Commission.

Report of the committee on Higher Education asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 629) of Daniel Cahill and others relative to the public safety on certain college and

College and Universities,-- campus safety.

university campuses in the Commonwealth,-- and recommending that the same be referred to the committee on Public Safety and Homeland Security,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

*Reports of Committees.*

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 Michael F. Rush for legislation to establish a sick leave bank for Sue Turner, an employee of the Executive Office of Health and Human Services.

Sue Turner,--  
sick leave.  
SD2109

**The rules were suspended, on motion of Mr. Montigny, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Public Service.**

**Sent to the House for concurrence.**

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Elizabeth Traphagen, an employee of the Department of Public Health (House, No. 1464, amended),-- ought to pass.

Elizabeth  
Traphagen,-- sick  
leave.

**There being no objection, the rules were suspended, on motion of Ms. Spilka, 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 House Bill financing improvements to municipal roads and bridges (House, No. 2783, amended) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill be amended by substituting a new text numbered 2046) reported that the pending Bonding, Capital Expenditures and State Assets recommended new text (Senate, No, 2046) be amended by striking out the text and inserting in place thereof the text of Senate document numbered 2047 [Bond Authorization: \$490,000,000.00].

Municipal roads and  
bridges,--  
improvements.

There being no objection, the rules were suspended, on motion of Mr. Keenan, and the bill was read a second time.

After remarks, pending the question on adoption of the Bonding committee new text (Senate, No. 2046), pending the question on adoption of the Ways and Means new text (Senate, No. 2047), and pending the main question on ordering the bill to a third reading, Ms. Spilka moved that the proposed new text be amended by striking out, in line 24, the word "reimbursement" and inserting in place thereof the following word:- "grants".

After remarks, the amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The Bonding, Capital Expenditures and State Assets amendment was then adopted, as amended.

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-four minutes before twelve o'clock noon, on motion of Mr. Tarr, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 10]:**

**YEAS.**

Barrett, Michael J.

Keenan, John F.

Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	Lovely, Joan B.
Chandler, Harriett L.	McGee, Thomas M.
Chang-Diaz, Sonia	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
Cyr, Julian	O'Connor, Patrick M.
deMacedo, Viriato M.	O'Connor Ives, Kathleen
DiDomenico, Sal N.	Pacheco, Marc R.
Donoghue, Eileen M.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Fattman, Ryan C.	Ross, Richard J.
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. – 37.
Jehlen, Patricia D.	

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

L'Italien, Barbara A.	Rush, Michael F. – 2.
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**The yeas and nays having been completed at twenty-one minutes before twelve o'clock noon, the bill was passed to be engrossed, in concurrence, with the amendment.**

**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 memory of Senator Kenneth J. Donnelly.

Moment of silence.

*Recess.*

There being no objection, at a quarter before twelve o'clock noon, the President declared a recess subject to the call of the Chair; and, at twenty-eight minutes past four o'clock P.M., the Senate reassembled, the 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).

Recess.

PAPERS FROM THE HOUSE

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Elizabeth Traphagen, an employee of the Department of Public Health (see House, No. 1464, 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.

Elizabeth Traphagen,-- sick leave.

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

The House Bill providing for the financing of certain improvements to municipal roads and bridges (House, No. 2783, amended),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2047, amended and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representative Strauss of Fairhaven, Dempsey of Haverhill, and Howitt of Norton have been appointed the committee on the part of the House.

Municipal roads and bridges,-- improvements.

**On motion of Mr. Tarr, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators McGee, Keenan and Humason were appointed on the part of the Senate.**

**The bill was returned to the House endorsed accordingly.**

*Order Adopted.*

On motion of Mr. Walter F. Timilty,--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again tomorrow 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 Senator Kenneth J. Donnelly*

The Senator from Hampshire, Franklin and Worcester, Mr. Rosenberg, moved that when the Senate adjourns today it do so in memory of State Senator Kenneth J. Donnelly.

Kenneth J. Donnelly passed away on April 2, 2017 after a courageous 8-month battle with cancer. Ken was a firefighter in the town of Lexington for 37 years, served as legislative agent and the secretary treasurer of the Professional Firefighters of Massachusetts, and, beginning in 2009, as State Senator for the Fourth Middlesex district, representing Arlington, Billerica, Burlington, Lexington and Woburn.

In the Senate, Ken was a tireless champion for working families, for the unemployed and underemployed, for the homeless, for those struggling with mental illness and addiction, and for those caught up in our criminal justice system. In eight years Ken was instrumental in the passage of historic legislation to reform our state pension system, to provide relief to municipal health care costs, to advance the rights of transgendered residents, to provide greater opportunities to middle-skilled workers, to reduce the use of toxic chemicals in consumer products, to ban the shackling of pregnant inmates, and to increase the minimum wage. Ken was admired by all in this body for the passion, determination, and energy he brought to each of these causes.

Ken will be remembered most by his colleagues for the love he had for his family and friends. Whether it was preparing a holiday feast, traveling with his wife, or the latest adventures with his children and grandchildren, he treasured each moment and was quick to share a story with his colleagues.

Kenneth J. Donnelly is survived by his wife of 47 years, Judy; his beloved children Ryan, Keith and Brenna; his 5 grandchildren, Luke, Jonah, Coben, Jack and Layla; and a large extended family and group of friends who loved and admired him.

Accordingly, as a mark of respect in memory of Senator Kenneth J. Donnelly,

**UNCORRECTED PROOF.**

at twenty-nine minutes before five o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.

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