

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, APRIL 24, 2017.

JOURNAL OF THE SENATE.

Monday, April 24, 2017.

Met at five minutes past eleven o'clock A.M. (Mr. Lewis in the Chair).

The Chair (Mr. Lewis), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr. Lewis) handed the gavel to Mr. Humason for the purpose of an introduction. Mr. Humason then introduced, in the rear of the Chamber, a group of home schooled students from Western Massachusetts. The students were on their first trip to the State House and learning about the different aspects of state government. They were accompanied by their parents and teachers. The Senate welcomed them with applause and they withdrew from the Chamber.

Students from Western, MA.

Communications.

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

Communication from the Honorable Walter F. Timilty, Chair, Joint Committee on State Administration and Regulatory Oversight, announcing the designation of Senator Joan B. Lovely (pursuant to Chapter 4 of the Resolves of 2016, as amended by Chapter 4 of the Acts of 2017) as his representative to the Task Force on Integrity in State and Local Government;

Task Force on Integrity in State and Local Government.

Communication from the Office of the Comptroller (pursuant to Section 35T of Chapter 10 of the General Laws) submitting its April 2017 certification of MBTA dedicated sales tax revenues for FY2017 (received April 11, 2017); and

Comptroller,-- MBTA sales tax revenue. SD2171

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 3rd quarter of fiscal year 2017 (received April 21, 2017).

Comptroller,-- federal grants report. SD2172

Reports.

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

Report of the Pension Reserves Investment Management Board (pursuant to Chapter 232 of the Acts of 2010, Chapter 151 of the Acts of 2007 and Section 23 of Chapter 32 of the General Laws) submitting its annual reports on PRIM's divestment from Iran and Sudan restricted securities and its annual report on tobacco investments (received April 21, 2017);

PRIM Board,-- annual reports. SD2167

Report of the Massachusetts College of Art and Design (pursuant to Section 634 of Chapter 26 of the Acts of 2003) submitting its annual performance report (received April 21, 2017);

MassArt,-- 2016 performance report. SD2168

Report of the Department of Elementary and Secondary Education (pursuant to Section 92(p) of Chapter 71 of the General Laws) submitting its report on the implementation and fiscal impact of innovation schools (received April 21, 2017);

DESE,-- innovation schools report. SD2169

and

Report of the Department of Unemployment Assistance (pursuant to Section 14F of Chapter 151A of the General Laws) submitting the April 2017 Unemployment Insurance Trust Fund report (received April 24, 2017).

DUA,-- trust fund report.
SD2170

Committee Discharged.

Mr. Brownsberger, for the committee on the Judiciary, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 754) of Michael J. Barrett, John W. Scibak, Barbara A. L'Italien, Danielle W. Gregoire and other members of the General Court for legislation to safeguard the health care decisions of young adults; and

Health care,-- safeguards.

Of the petition (accompanied by bill, Senate, No. 784) of Harriette L. Chandler, Marjorie C. Decker, Jason M. Lewis, Ann-Margaret Ferrante and other members of the General Court for legislation to update public health laws regarding women's health;

Public health laws.

And recommending that the same severally be referred to the committee on Public Health;

Severally, under Senate Rule 36, the reports were considered forthwith and accepted.

Severally sent to the House for concurrence in the discharge of the joint committee.

PAPER FROM THE HOUSE

A Bill to establish a sick leave bank for Monica Bassila, an employee of the Department of Public Health (House, No. 3462,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Monica Bassila,-- sick leave.

Report of the committee on Environment, Natural Resources and Agriculture asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3474) of Mary S. Keefe and others relative to the classification of gaming establishment employees,-- and recommending that the same be referred to the committee on Economic Development and Emerging Technologies,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Gaming,-- employees.

Notice was received from the Clerk of the House of Representatives informing the Senate that he has appointed Timothy Carroll of Winthrop as Assistant Clerk of the House, and Elizabeth M. Thompson of Clinton as Second Assistant Clerk of the House.

Assistant House Clerks.

Resolutions.

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

Resolutions (filed by Mr. Ross and Ms. Creem) "congratulating Eric Martin Carlson of the town of Wellesley on his elevation to the rank of Eagle Scout";

Eric Martin Carlson.

Resolutions (filed by Mr. Ross and Ms. Creem) "congratulating Nathaniel Gray Gordon of the town of Wellesley on his elevation to the rank of Eagle Scout";

Nathaniel Gray Gordon.

Resolutions (filed by Mr. Ross and Ms. Creem) "congratulating Alexander Christian Luzaitis of the town of Wellesley on his elevation to the rank of Eagle Scout"; and

Alexander Christian Luzaitis.

Resolutions (filed by Mr. Ross and Ms. Creem) “congratulating Alexander Edmund Prideaux of the town of Wellesley on his elevation to the rank of Eagle Scout.”

Alexander Edmund
Prideaux.

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

Senator Michael F.
Rush,-- absent from
Chamber.

April 20, 2017

Senate President Stanley C. Rosenberg
State House, Room 332
Boston, MA 02133

Dear President Rosenberg,

I am writing to inform you that I will be on military duty with the U.S. Navy in Southeast Asia for the period of April 21st, 2017 to May 9th, 2017. I will not be present for the formal sessions that are, or may be, scheduled during this time. My Chief of Staff, John Regan, will assume my duties for the aforementioned time frame, apart from casting a formal vote on legislative matters.

Sincerely,
MICHAEL F. RUSH
State Senator
Norfolk & Suffolk District.

On motion of Mr. Humason, the above communication was ordered printed in the Journal of the Senate.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3649) of Mike Connolly and others relative to consent for abortions for persons less than eighteen years of age; and

Abortion,-- consent
age.

Petition (accompanied by bill, House, No. 3650) of Michael S. Day and Gerard Cassidy relative to penalties for the crime of larceny;

Larceny,-- penalties.

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

Petition (accompanied by bill, House, No. 3651) of James K. Kelcourse and Kathleen O’Connor Ives for legislation to establish a sick leave bank for Pamela Dube, an employee of the Department of Developmental Disabilities;

Pamela Dube,-- sick
leave.

Under suspension of Joint Rule 12, to the committee on Public Service.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Marie Visco, an employee of the Department of Public Health (House, No. 3450, amended),-- ought to pass.

Marie Visco,--
sick leave.

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

read a third time and passed to be engrossed, in concurrence.

Moment of Silence.

At the request of the Chair (Mr. Humason), the members, guests and staff stood in a moment of silence and reflection to the memory of Corporal Jules Hauterman, Jr. of Holyoke.

Moment of silence.

Recess.

There being no objection, at sixteen minutes past eleven o'clock A.M., the Chair (Mr. Lewis) declared a recess subject to the call of the Chair; and, thirteen minutes before twelve o'clock noon, the Senate reassembled, Mr. Lewis in the Chair.

Recess.

PAPER FROM THE HOUSE

Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill providing for the financing of certain improvements to municipal roads and bridges (House, No. 2783, amended) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2047, amended in section 2, in line 24, by striking out the word "reimbursement" and inserting in place thereof the word "grants"),-- reported a "Bill providing for the financing of certain improvements to municipal roads and bridges" (House, No. 3648) [Bond issue: \$290,000,000], -- came from the House, and was read.

Municipal roads and bridges,-- improvements.

The rules were suspended, on motion of Mr. Humason, and the report was considered forthwith and accepted, in concurrence.

Recess.

There being no objection, at eleven minutes before twelve o'clock noon, the Chair (Mr. Lewis) declared a recess subject to the call of the Chair; and, at a half past two o'clock P.M., the Senate reassembled, 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 Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Marie Visco, an employee of the Department of Public Health (see House, No. 3450, 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 2 to 0.

Marie Visco,-- sick leave.

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

An engrossed Bill providing for the financing of certain improvements to

Municipal roads and

municipal roads and bridges (see House, No. 3648), 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.

bridges,--
improvements.

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

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Marie Visco, an employee of the Department of Public Health (see House, No. 3450, amended) (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 the
Governor.

Remarks of Minority Leader Bruce E. Tarr.

On April 22nd, Operation Troop Support hosted its annual dinner in Middleton, Massachusetts. Established in March 2003, Operation Troop Support is a non-profit organization that operates within the North Shore area, and its five crucial missions include: sending care packages to deployed troops, supplying military hospitals, leading a holiday gift wrapping and distribution program, coordinating a regional military family support group, and generating public awareness of the sacrifices and needs of active duty and veteran soldiers and their families. Every year Operation Troop Support hosts the Operation Troop Dinner where it honors and remembers veterans of the Armed Forces.

Remarks of Minority
Leader Bruce E. Tarr.

This year at its annual dinner, the organization will welcome Staff Sergeant Ryan Pitts, who received the Congressional Medal of Honor on July 21st, 2014. On July 13th, 2008, while participating in Operation Rock Move which aimed to build up and secure a new patrol base within Wanat Village in Afghanistan, then Sergeant Pitts' and members of the Chosen Company, 2nd Battalion, 503rd Infantry Regiment, were attacked by 200 enemy Anti-Afghan Forces. The first round of the attack centered on Sergeant Pitts' location at an elevated outpost named OP Topside, resulting in injuries to all nine paratroopers holding the location, including the deaths of Cpl. Matthew B. Phillips and Cpl. Gunnar W. Zwilling.

Sergeant Pitts suffered shrapnel wounds to both legs and his left arm. For more than an hour he, along with his brothers-at-arms, fought off the enemy ambush with Pitts continually giving his company commander, then-Capt. Matthew Myer, situational reports and updates. After a few attempts to regain control at OP Topside, four soldiers, Staff Sgt. Sean Samaroo, Sgt. Israel Garcia, Spc. Michael Denton, and Spc. Jacob Sones, were able to reach Sergeant Pitts and begin treating his wounds. While medical care was being administered, their location was once again struck by enemy explosives resulting in the death of Sgt. Israel Garcia. With reinforcements out of Chosen Company's 1st Platoon arriving and helicopter attacks being ordered by Myer thanks to Pitts situational updates, a MedEvac crew was able to land under enemy fire and medically evacuate Pitts, Samaroo, Sones, Denton, and other wounded soldiers. The fight continued for several more hours until OP Topside and the Vehicle Patrol Base were secured. Ultimately, nine soldiers were killed in the battle. They were: Spc. Sergio S. Abad, Cpl. Jonathan R. Ayers, Cpl. Jason M. Bogar, 1st Lt. Jonathan P. Brostrom, Sgt.

Isreal Garcia, Cpl. Jason D. Hovater, Cpl. Matthew B. Phillips, Cpl. Pruitt A. Rainey, Cpl. Gunnar W. Zwilling.

Staff Sergeant Ryan Pitts accepted the Medal of Honor in recognition of the men lost during the battle in Wanat Village and he shares the honor of receiving it with those men and their families. Operation Troop Support is to be commended for recognizing and honoring Staff Sergeant Pitts, and deserves our appreciation for doing so in such an important way.

Under the provisions of Senate Rule 6, the remarks were printed in the Journal of the Senate.

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., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

Adjourn In Memory of Corporal Jules Hauterman, Jr.

The Senator from the Hampden and Hampshire, Mr. Humason, moved that when the Senate adjourns today, it do so in memory of Corporal Jules Hauterman, Jr. of Holyoke.

Corporal Hauterman, a native of Holyoke, paid the ultimate sacrifice in 1950, when he was killed in action at the age of 19 during the Korean War.

Hauterman was born and raised in Holyoke, where he lived with his parents, the late Jules and Madline (Whelihan) Hauterman. After graduating from Holyoke High School, he enlisted in the United States Army. In the Army, Hauterman served as a medic with the Medical Platoon, 1st Battalion, 32nd Infantry Regiment, 7th Infantry Division. His unit was attached to the 31st Regimental Combat Team as one of its infantry battalions, which he fought with in a renowned battle at Chosin Reservoir in North Korea. At the battle's conclusion, Corporal Hauterman was unaccounted for and classified as missing in action on December 2, 1950.

In 2016, successful scientific testing identified remains as those of Hauterman and his official classification was changed to killed in action. After 67 years, Corporal Hauterman returned home to a grateful Holyoke, and was laid to rest at Saint Jerome's Cemetery with full military honors on Friday, March 31st.

He is survived by several cousins: Cecile Stuntz of South Hadley, her son David Stuntz of South Hadley, Robert Whelihan and wife Mary of South Hadley, Paul Whelihan of Agawam, Raymond J. Whelihan of New Orleans, Louisiana, Shirley (Whelihan) Double Day and husband Guy of Colorado, as well as other extended family.

Accordingly, as a mark of respect in memory of Corporal Jules Hauterman, Jr., at fourteen minutes before three o'clock P.M., on motion of Mr. Humason, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.