

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JANUARY 31, 2019.

JOURNAL OF THE SENATE

Thursday, January 31, 2019.

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

The President, members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of Allegiance.

Distinguished Guest.

There being no objection, the President handed the gavel to Mr. O'Connor for the purpose of an introduction. Mr. O'Connor then introduced, in the Senate Gallery, a group of Boy Scouts from Norwell. They were on a field trip to the State House learning about the different aspects of state government. The Senate welcomed them with applause and they withdrew from the Gallery. They were accompanied by Representative DeCoste of Norwell.

Norwell Boy Scouts.

Communications.

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

Communication from the Office of the Comptroller (pursuant to Sections 1A and 1B of Chapter 154 of the Acts of 2018) submitting its report on the comparison of Actual Revenue Collections to Budget for the 1st and 2nd quarters of FY2019 (received January 28, 2019);

Comptroller,-- nontax revenue.
SD2252

Communication from the Office of the Comptroller (pursuant to Section 2 of Chapter 154 of the Acts of 2018) submitting its second quarter BFY2019, as of December 31, 2018, reports on "Settlements and Judgments" (received January 28, 2019);

Comptroller,-- settlements and judgments.
SD2253

Communication from the Office of the Comptroller (pursuant to item 1599-2040 of Section 2B of Chapter 154 of the Acts of 2018) submitting its paid prior year deficiency report through the second quarter of fiscal year 2019 (received January 29, 2019);

Comptroller,-- deficiency report.
SD2255

Communication from the Office of Essex District Attorney (pursuant to Section 32 of Chapter 12 of the General Laws) submitting a copy of its calendar year 2019 Community Based Juvenile Justice Programs report (received January 29, 2019); and

Essex DA,-- juvenile justice programs report.
SD2260
Clean Energy Caucus.
SD2261

Communication from the Clean Energy Caucus relative to the creation of said caucus (received January 29, 2019).

Reports.

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

Report of the town of Brewster Select Broad (pursuant to Chapter 373 of the Acts of 2018) submitting notification that the balance of funds from the Affordable Housing Fund has been transferred to the Brewster Affordable Housing Fund (received January 28, 2019);

Brewster,-- housing funds.
SD2254

Report of the Pension Reserves Investment Management Board (pursuant to Section 6 of 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

PRIM Board,-- annual reports.
SD2256

Iran and Sudan restricted securities and its annual report on tobacco investments (received January 29, 2019);

Report of the Department of Unemployment Assistance (pursuant to Section 14F of Chapter 151A of the General Laws) submitting the January 2019 Unemployment Insurance Trust Fund report (received January 29, 2019);

Report of the Office of Campaign and Political Finance (pursuant to Section 3 of Chapter 55C of the General Laws) submitting its report summarizing the Commonwealth's system of limited public financing of campaigns for statewide elective office in 2018 (received January 30, 2019);

Report of the Plymouth District Attorney's Office (pursuant to Section 99R of Chapter 272 of the General Laws) submitting its annual report of wiretap interceptions for the 2018 calendar year (received January 30, 2019); and

Report of the Department of Public Utilities (pursuant to Section 2 of Chapter 25 of the General Laws) submitting its 2018 Annual Report (received January 30, 2019).

DUA,-- trust fund report.
SD2257

OCPF,-- campaign fund report.
SD2258

Plymouth DA,-- wiretap report.
SD2259

DPU,-- 2018 annual report.
SD2268

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Brownsberger, a petition (accompanied by bill) (subject to Joint Rule 12) of William N. Brownsberger for legislation relative to benzodiazepines and non-benzodiazepine hypnotics;

By Mr. Fattman, a petition (accompanied by bill) (subject to Joint Rule 12) of Ryan C. Fattman for legislation relative to illegal drug and firearm trafficking;

By Mr. Feeney, a petition (accompanied by bill) (subject to Joint Rule 12) of Paul R. Feeney for legislation to create a Massachusetts rare disease advisory council;

By Mr. Finegold, a petition (accompanied by bill) (subject to Joint Rule 12) of Barry R. Finegold for legislation relative to the transfer and sale of a certain parcel of land in the town of Tewksbury;

By Mr. Lesser (by request), a petition (accompanied by bill) (subject to Joint Rule 12) of Sebastian Korth and José F. Tosado for legislation to protect consumers with automobile leases; and

By Mr. Tarr, a petition (accompanied by bill) (subject to Joint Rule 12) of Bruce E. Tarr for legislation to establish a fluoride task force;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Hypnotics,-- benzodiazepines.
SD2266

Trafficking,-- crimes.
SD2267

Rare disease,-- advisory council.
SD2264
Tewksbury,-- land.
SD2265

Leases,-- consumer protection.
SD2262

Fluoride task force.
SD2263

Orders of the Day

The Orders of the Day were considered, as follows:

The Senate Report recommending the proposed Joint Rules to be adopted as permanent Joint Rules governing the 2019-2020 legislative session (Senate, No. 9),-- was considered, the main question being on acceptance of the report.

Messrs. Tarr and O'Connor 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".

After remarks, the amendment was *rejected*.

Messrs. Tarr, Humason and Tran 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,

Joint Rules.

4

5

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. 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.”

After remarks, the amendment was *rejected*.

Messrs. Tarr, Tran and O'Connor moved to amend the report in rule 1 by striking clause (ii) in its entirety and inserting in place thereof the following clause:- “(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;”. 6

After remarks, the amendment was *rejected*.

Messrs. Tarr and Tran 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”. 7

After remarks, the amendment was *rejected*.

Messrs. Tarr, Tran and O'Connor moved to amend the report in joint rule 36(b) by inserting at the end thereof the following:-”The House Business Manager and the Chief Financial Officer of the Senate for any procurement over \$10,000 shall submit the procurement contract to the state comptroller for posting on the open checkbook website”. 12

After remarks, the amendment was *rejected*.

Messrs. Tarr and O'Connor moved to amend the report in joint rule 1(i) by inserting after “execution and” the following:-”cost”. 13

After remarks, the amendment was *rejected*.

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 six minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day

The Orders of the Day were further considered, as follows:

The Senate Report recommending the proposed Joint Rules recommended by the temporary committee on Rules to be adopted as the Joint Rules governing the 2019-2020 legislative session (Senate, No. 9),-- was further considered, the main question being on accepting the report.

Messrs. Timilty, Feeney and Tarr, Ms. Rausch, Messrs. Montigny, Fattman, 1

Humason, O'Connor, Tran and deMacedo and Ms. Lovely move to amend the report by inserting, in Joint Rule 1, after the words "website for the General Court." the following words:- "If the joint standing committee is unable to come to agreement, the Clerk of the Senate and the Clerk of the House may, upon agreement of the Senate and House Clerk, establish temporary joint rules regarding the procedure of the conduct of the committee until the committee adopts rules of procedure regarding its conduct.";

In Joint Rule 1D, by inserting after the first paragraph the following paragraph: -

"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. Any recorded votes on a favorable or adverse report on an individual bill, taken by roll call or electronic poll of each member, shall be posted on the website of the General Court.";

In said Joint Rule 1D, by striking out the words "48 hours prior to the time of such meetings." and inserting in place thereof the following words:- "72 hours prior to the time of such meetings. If public testimony is being solicited, agendas shall include an electronic mail address and physical mail address for the submission of testimony." And

in said Joint Rule 1D, by striking out the words "48 hour" and inserting in place thereof the following words: - 72 hour; and

in Joint Rule 4, in paragraph 2, by inserting after the word "hours" the following words: - and shall be posted on the website of the General Court.

in Joint Rule 29A, by striking out the figure "48" and inserting in place thereof the following figure "72".

Mr. Tarr, Ms. Rausch, Messrs. Tran, O'Connor and deMacedo and Ms. Lovely moved to amend the pending amendment (Timilty et al) by inserting in joint rule 1D after the words "General Court" the following:-"as soon as practicable but no later than 48 hours of the vote being taken."

1.1-R1

After remarks, the question on adoption of the further amendment was determined by a call of the yeas and nays, at seven minutes past one o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 2]:**

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **39.**

NAYS – 0.

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

After remarks, the question on adoption of the pending amendment (Tarr et al) was then considered by a call of the yeas and nays, at eleven minutes past one o'clock P.M., on motion of Mr. Timilty, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 3]:**

1-R1

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crichton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **39.**

NAYS – 0.

The yeas and nays having been completed at thirteen minutes past one o'clock P.M., the amendment was adopted as amended.

Mr. Tarr, Ms. Rausch, Messrs. Tran and O'Connor moved to amend the report by adding the following section:-

2-R1

“SECTION 2. Notwithstanding any general or special law to the contrary, the Joint Committee on Rules shall provide a report on the feasibility of broadcasting informal sessions in the same manner and format as formal sessions. The report shall include: (i) the estimated cost and cost effectiveness of the broadcasting; (ii) the recommended format; (iii) and additional considerations for the General Court in implementing this proposal. The report shall be filed with the clerks of the house of representatives and senate not later than July 1, 2019.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at seventeen minutes past one 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, Harriette L.

Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.

Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 39.

NAYS – 0.

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

Messrs. Tarr, Tran and O'Connor moved to amend the report by striking in joint rule 11B, "8 p.m." and inserting in place thereof the following:- "5 p.m."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-five minutes past one o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 8 – nays 31) [**Yeas and Nays No. 5**]:

YEAS.

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

O'Connor, Patrick M.
Rausch, Rebecca L.
Tarr, Bruce E.
Tran, Dean A. – 8.

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.

Gobi, Anne M.
Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
Pacheco, Marc R.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Welch, James T. – 31.

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

Mr. DiDomenico moved to amend the report in Rule 11, in the second paragraph, by striking out the word "on" and inserting in place thereof the following word: "of".

The amendment was adopted.

Messrs. Tarr, Humason, Tran and O'Connor moved to amend the report in joint rule 34 by inserting after the word "Representatives" the following words:-", posted on the General Court website".

11-R1

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at a half past one o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 6]:**

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **39.**

NAYS – 0.

The yeas and nays having been completed at twenty-eight minutes before two o'clock P.M., the amendment was adopted.

The question on acceptance of the report, as amended, was determined by a call of the yeas at twenty-seven minutes before two o'clock P.M., on motion of Mr. DiDomenico, as follows to wit (yeas 39 – nays 0) **[Yeas and Nays No. 7]:**

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
DiZoglio, Diana

Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.

Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 39.

NAYS – 0.

The yeas and nays having been completed at twenty-six minutes before two o'clock P.M., the report (Senate, No. 9, amended) was then accepted. [For text of report, printed as amended, see Senate, No. 17].

The Senate Report recommending proposed Senate Rules to be adopted as the permanent rules of the Senate for 2019- 2020 (Senate, No. 8),-- was considered, the main question being on acceptance of the report.

Senate Rules.

Ms. DiZoglio, Messrs. Tarr and Fattman, Ms. Rausch, Messrs. Humason, O'Connor and Tran and Ms. Lovely moved to amend the report by striking rule 11G and inserting in place thereof the following rule:- 11G. The Senate shall not include or permit a nondisclosure, non-disparagement or other similar clause in an agreement or contract between the Senate and a member, officer or employee. The Senate shall not seek to enforce a nondisclosure, non-disparagement or other similar clause in an existing agreement or contract between the Senate and a member, officer or employee. This rule shall not be suspended.

1

Remarks of Senator Diana DiZoglio

First and foremost let me say how grateful I am to have the humbling opportunity to serve as a state senator alongside so many dedicated public servants, all bringing their own unique perspectives and community's priorities to the table, working to make meaningful change for the people they represent. It's a tremendous opportunity and privilege to serve in this chamber and as such, as I know you all agree, it's incumbent upon us to treat the seats we currently hold with the utmost respect regarding accountability and transparency to those we represent.

I come before this body today to speak to you about transparency and accountability, and I think it's very fitting that my amendment is the first because that's exactly the constitutional amendment this specific amendment seeks to uphold. This is an issue I have spoken about many times before and am prepared to speak about for as long as it takes to affect the change we need in this building regarding how we handle the people's business.

In recent years, the #MeToo movement has shined a light on the use of silencing agreements, known as Non-Disclosure and Non-Disparagement agreements, which cover up the misdeeds of powerful, serial harassers and abusers.

We've heard about how these agreements have been used by powerful, wealthy people, like Harvey Weinstein, Steve Wynn, and our current president – the list goes on and on.

In these cases, these non-disclosure agreements have been private contracts executed with private funds and I have a very strong opinion about the use of these contracts, even private ones, when it pertains to issues of harassment, assault and discrimination.

But that is an argument for another day.

Because today madam president, we are not here to discuss private funds, what someone does in their private business or any private contract. We are here today to discuss the rules surrounding the public's business and our use of the public's money in their business.

Any use of non-disclosure agreements, which silence victims of assault, harassment or discrimination, while protecting powerful perpetrators who may be elected politicians or their staff, in this legislature is, simply put, shameful.

I am so grateful that this chamber has not been utilizing these types of contracts under current and recent leadership and has a process to protect victim confidentiality without also protecting perpetrators – but these contracts are still being used in the legislature as a whole. So to ensure that we maintain our record of transparency and accountability, here in the senate, I have proposed changes to the senate rules, to ban the use of Non-Disclosure Agreements and send a clear message to our communities, that we are not now, nor will we ever be, in the business of silencing victims or covering up misdeeds, under any circumstances - using public funds.

On motion on Mr. Boncore and under the provisions of Senate Rule 6, the remarks were printed in the Journal of the Senate.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes before two o'clock P.M., on motion of Ms. DiZoglio, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 8**]:

YEAS.

Barrett, Michael J.	Hinds, Adam G.
Boncore, Joseph A.	Humason, Donald F., Jr.
Brady, Michael D.	Jehlen, Patricia D.
Brownsberger, William N.	Keenan, John F.
Chandler, Harriette L.	Kennedy, Edward J.
Chang-Diaz, Sonia	Lesser, Eric P.
Collins, Nick	Lewis, Jason M.
Comerford, Joanne M.	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crichton, Brendan P.	Moore, Michael O.
Cyr, Julian	O'Connor, Patrick M.
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rausch, Rebecca L.
DiZoglio, Diana	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Fattman, Ryan C.	Tarr, Bruce E.
Feeney, Paul R.	Timilty, Walter F.
Finegold, Barry R.	Tran, Dean A.
Friedman, Cindy F.	Welch, James T. – 39 .
Gobi, Anne M.	

NAYS – 0.

The yeas and nays having been completed at eighteen minutes before two o'clock P.M., the amendment was adopted.

Messrs. Tarr, Humason, Tran, deMacedo and O'Connor moved to amend the report by inserting in rule 4B after "Minority Leader" the following:-"or any chair of a senate or joint committee"

3-R1

After remarks, the amendment was *rejected*.

Messrs. Tarr and deMacedo moved to amend the report by striking in Rule 5C the word "rescheduled" and inserting in place thereof the following:- "scheduled".

4

After remarks, the amendment was adopted.

Mr. Brownsberger moved to amend the report by striking the second sentence in section 12A and inserting in place thereof the following:- Any finding or decision by a

6-R1

court of law or administrative agency, including the Massachusetts Commission Against Discrimination, which indicates sufficient facts to believe that the member, officer, or employee engaged in behavior which would constitute a violation of a Rule or other misconduct, including, but not limited to, a violation of the Senate's anti-harassment policy shall be referred to the Ethics Committee. However, no such finding or decision is required before referral to the Ethics Committee.

After remarks, the amendment was adopted.

Messrs. Tarr, Fattman, Humason, Tran, deMacedo and O'Connor moved to amend the report by inserting after rule 11G a new rule 11H:-

7-R1

"11H. No member, officer, staff, or intern shall engage in identity-based harassment, or sexual harassment. No member, officer, staff, or intern shall retaliate against any State House personnel who files a claim or makes a report of identity-based harassment, or sexual harassment. This rule may not be suspended."

Ms. Rausch and Mr. Tarr moved to amend the pending amendment (Tarr et al) by striking out the text thereof and inserting in place thereof the following text:-

7.1

"11F. No member, officer, or staff shall violate the Senate's anti-harassment policy. Members, officers, and staff shall receive anti-harassment training within 90 days of the opening of the biennial session. All members, officers, and staff beginning employment after the anti-harassment training held within 90 days of the opening of the biennial session shall complete anti-harassment training at the next available training opportunity. Anti-harassment training shall be mandatory for all members, officers, and staff and all members, officers, and staff shall confirm completion of anti-harassment training. This rule shall not be suspended.";

In Rule 12A, by inserting in paragraph 1 after the word "policy", the following words:- "the prohibition of retaliation against an individual who has complained about discriminatory harassment or retaliation against an individual for cooperating with an investigation of a discriminatory harassment complaint"; and

In Rule 12A, by inserting in paragraph 3 after the word "policy", the following words:- "including the prohibition of retaliation against an individual who has complained about discriminatory harassment or retaliation against an individual for cooperating with an investigation of a discriminatory harassment complaint".

Remarks of Senator Rebecca L. Rausch

Thank you, Madame President, for recognizing me today, and also for appointing me, particularly as a new member, to the Temporary Committee on Rules. I am grateful for your faith in me, and for your leadership.

Thank you as well to my fellow committee members, and particularly our Committee Chair, the Senator from Everett, for his work with the committee as a whole and with me personally. I came to the table with big ideas, including setting forth the anti-harassment provisions in a rule of its own, and the chair both heard me and helped me. I also thank my fellow committee member, the Senator from Belmont, for his generous guidance through the committee process and his assistance setting up my constituent services database.

In addition, I recognize the work on the crucial issues about which I rise today done by the Senator from Salem and the Senator from Methuen. I applaud you both.

Finally, I extend my deep gratitude to the Vice Chair of the Committee, my mentor, and my friend, the Senator from Newton, whose sage advice, honesty, and dedication have been invaluable to me as I grow into my role as a member of this esteemed chamber.

It is said that a new member should make their inaugural speech on a matter of deep significance and importance. I can think of nothing more important to this institution nor more personally and interpersonally significant than protecting against sexual and identity-

based harassment and assault on Beacon Hill.

I appreciate that I stand on the shoulders of many who have come before me, and all of you who made notable progress on this issue in the prior session, in the face of tremendously challenging circumstances. It is a privilege to enter my elected service to our Commonwealth knowing that we share a dedication to promoting a safe, healthy, and respectful work space for all.

The committee report establishes in Rule 11F that no member or staffer shall violate the Senate's anti-harassment policy and that anti-harassment training must be completed within 90 days of the opening of each session. I am proud that we commence our formal session today with a strong affirmation of broad spectrum equality and support for survivors.

My amendment bolsters this affirmation in four imperative ways. First, the amendment requires that people hired or elected after the initial anti-harassment training session complete the training at the next available opportunity. Second, the amendment mandates that each member, officer, and staffer confirm completion of the anti-harassment training. Third, the amendment prohibits any suspension of the rule prohibiting a violation of the Senate's anti-harassment policy and mandating anti-harassment training. Finally, the amendment clarifies that the anti-harassment policy expressly prohibits retaliation against any person who reports or cooperates with an investigation into an incident of identity-based or sexual harassment or assault.

By strengthening and lifting up the rule proffered in the committee report through adoption of my amendment, we will continue to lift up the voices and stories, heard and unheard, of every survivor of harassment and assault in this building, and every survivor throughout this Commonwealth.

It is true that we have other methods of achieving this goal. With thanks to the Senator from Acton, earlier this session I filed SD.1412, a bill to create an independent commission to receive reports of, investigate, and report out on instances of identity-based and sexual harassment and assault in the Legislature. I look forward to working with all of you to pass this vital bill into law.

And yet, our stance on this matter must not wait for the legislative process to unfold. We must make this shift today. As a person who went to law school to learn to make change through existing systems, and as a former civil procedure professor, it should come as no surprise that I like rules. I find no meaningful distinction between substance and process. Process matters. Process sets the tone. My grandfather used to say, "it's the tone that makes the music." Here, with this amendment, let us make the culture-changing music.

I have endured many "me too" moments. Indeed, I am hard-pressed to think of any woman or member of the LGBTQ community I know who hasn't. I have also experienced harassment because of other aspects of my identity. And I know that whatever harassment I have endured, it is worse for my siblings of color.

I offer this amendment because I am a woman who has spent my career working in a man's world; because I am a supervisor to a phenomenal team of staff, who, like everyone in this building, deserve a safe and respectful workplace; because I am a lifelong advocate for social justice who has seen too many voices silenced because of unsafe work spaces; because I serve here at the pleasure of my constituents, who sent me here to be bold and to work with you to make a difference; and because I am a mother who, together with my husband, strives daily to raise our children to be good people and strong members of their communities, unafraid of speaking up in defense of fairness, equality, dignity, and respect.

My fellow members, I urge you to vote in favor of this amendment, not because I stand before you making my inaugural speech, but because every person in this building and every constituent we represent should know, without equivocation, that we as the elected members of the Massachusetts State Senate will not tolerate identity-based or

sexual harassment or assault in or around these hallowed halls.

On motion on Mr. DiDomenico and under the provisions of Senate Rule 6, the remarks were printed in the Journal of the Senate.

After remarks, the question on adoption of the further amendment was determined by a call of the yeas and nays, at four minutes past two o'clock P.M., on motion of Ms. Rausch, as follows, to wit (yeas 39 – nays 0) [Yeas and Nays No. 9]:

YEAS.

Barrett, Michael J.	Hinds, Adam G.
Boncore, Joseph A.	Humason, Donald F., Jr.
Brady, Michael D.	Jehlen, Patricia D.
Brownsberger, William N.	Keenan, John F.
Chandler, Harriette L.	Kennedy, Edward J.
Chang-Diaz, Sonia	Lesser, Eric P.
Collins, Nick	Lewis, Jason M.
Comerford, Joanne M.	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moore, Michael O.
Cyr, Julian	O'Connor, Patrick M.
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rausch, Rebecca L.
DiZoglio, Diana	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Fattman, Ryan C.	Tarr, Bruce E.
Feeney, Paul R.	Timilty, Walter F.
Finegold, Barry R.	Tran, Dean A.
Friedman, Cindy F.	Welch, James T. – 39.
Gobi, Anne M.	

NAYS – 0.

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

The pending amendment (Tarr et al) was then considered; and it was adopted, as amended. 7-R1

Messrs. Tarr, Tran and deMacedo moved to amend the report by striking in rule 7 the following, “2 hours” and inserting in place thereof the following: “3 hours”. 9

After remarks, the amendment was *rejected*.

Messrs. Tarr and deMacedo moved to amend the report by inserting in rule 7A after the word “recess” the following: “of at least 30 mins”. 10

After remarks, the amendment was *rejected*.

Messrs. Tarr and deMacedo moved to amend the report by inserting in rule 10B in line 1 after “temporary employees of the Senate” the following: “including but not limited fellowships”. 11

The amendment was *rejected*.

Messrs. Tarr, deMacedo and O'Connor moved to amend the report by inserting in rule 12A in the seventh paragraph after “A majority of members shall sign all recommendations, advisory opinions, and report of the committee” the following: “dissenting members shall be allowed to file recommendations, advisory opinions and reports with the clerk”. 13-R1

The amendment was *rejected*.

Mr. Tarr moved to amend the report by striking in rule 13A the following:- “Such orders shall not be subject to reconsideration.”	15
After remarks, the amendment was <i>rejected</i> .	
Messrs. Tarr, Humason, deMacedo and O'Connor moved to amend the report in rule 13B by inserting after “The President shall honor the request of the Minority Leader” the following:-”or any other member of the minority caucus”.	16
After remarks, the amendment was <i>rejected</i> .	
Mr. Tarr moved to amend the report in rule 20 by striking “on order of the President” and inserting after the word “clerk” the following:- “unless ordered otherwise by the President”.	18
After remarks, the amendment was <i>rejected</i> .	
Messrs. Tarr and deMacedo moved to amend the report in rule 27 by striking “shall verbally disclose” and inserting in place thereof the following:- “shall disclose in writing”.	20
The amendment was <i>rejected</i> .	
Messrs. Tarr and deMacedo moved to amend the report in rule 27A by striking the following:- “No amendment shall be in order which proposes a revenue reduction or increase in excess of \$50,000,000 unless offsetting revenue increases or spending reductions are included in the amendment to ensure that the balance of spending and revenue in the bill is maintained.”	21
After debate, the amendment was <i>rejected</i> .	
Messrs. Tarr and deMacedo moved to amend the report by striking in rule 31B the following:- “A member may withdraw an amendment after filing it, or may replace a seasonably filed amendment with a reasonably related redrafted amendment, which shall be clearly designed as such.”	23-R1
The amendment was <i>rejected</i> .	
Messrs. Tarr, Tran and deMacedo moved to amend the report in rule 33A by striking the number “24” and inserting in place thereof “36”.	24
The amendment was <i>rejected</i> .	
Messrs. Tarr, Tran and deMacedo moved to amend the report in rule 57B by inserting at the beginning the following:- “A majority by the call of yeas and nays shall be required for the use of an electronic voting system”.	28
After remarks, the amendment was <i>rejected</i> .	
Messrs. Tarr, Tran and deMacedo moved to amend the report after rule 9A the following new rule:-”9A 1/2:-The counsel to the senate at all times shall represent the interest of the senate as a whole and the appointment of the counsel to senate shall be ratified by the senate”.	30
The amendment was <i>rejected</i> .	
Ms. Lovely, Ms. Rausch, Messrs. Humason and O'Connor moved to amend the report by inserting in Rule 68 after the word “decorum,” the word:- “anti-harassment,”	2
After remarks, the amendment was adopted.	
Messrs. Tarr, Humason, Tran and deMacedo moved to amend the report by inserting in rule 12 by inserting after “Hearings shall be designed to last no longer than 4 hours” the following:-”and limited to no more than 50 bills to the greatest extend practicable”.	5-R1
There being no objection and pending the question on adoption of the amendment, at eleven minutes before three o'clock P.M., the President declared a recess subject to the call of the Chair; and, at four minutes past three o'clock P.M., the Senate reassembled, the President in the Chair.	Recess.

Orders of the Day

The Orders of the Day were further considered, as follows:

The Senate Report recommending the proposed Senate Rules recommended by the temporary committee on Rules to be adopted as the Senate Rules governing the 2019-2020 legislative session (Senate, No. 8),-- was further considered, the main question being on accepting the report.

Senate Rules.

The amendment previously moved by Messrs. Tarr, Humason, Tran and deMacedo to amend the report by inserting in rule 12 by inserting after "Hearings shall be designed to last no longer than 4 hours" the following:--"and limited to no more than 50 bills to the greatest extend practicable",- was again considered.

5-R1

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twelve minutes past three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 8 – nays 31) **[Yeas and Nays No. 10]:**

YEAS.

deMacedo, Viriato M.
Fattman, Ryan C.
Feeney, Paul R.
Humason, Donald F., Jr.

O'Connor, Patrick M.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A. – **8.**

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Finegold, Barry R.
Friedman, Cindy F.

Gobi, Anne M.
Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Welch, James T. – **31.**

The yeas and nays having been completed at a quarter past three o'clock P.M., the amendment was *rejected*.

Messrs. Tarr and deMacedo moved to amend the report in rule 12B by inserting after "the call of the chair" the following:-- "provided proper notice is given to committee members".

8-R1

After remarks, the amendment was *rejected*.

Messrs. Tarr, Humason, Tran, deMacedo and O'Connor moved to amend the report in rule 12 by striking the number "3" and inserting in place thereof "4".

12

After remarks, the amendment was *rejected*.

Messrs. Tarr and O'Connor moved to amend the report by striking in 13(b) "2 positions" and inserting in place thereof the following:--"3 positions".

14-R1

After remarks, the amendment was adopted.

Messrs. Fattman and Tran moved to amend the report in rule 5A by inserting after the

17

word “jurisdiction” the following new sentence:- “No matters relative to the raising of new revenue shall be considered in a declared informal or formal session without a calendar.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes past three o’clock P.M., on motion of Mr. Fattman, as follows, to wit (yeas 6 – nays 33) **[Yeas and Nays No. 11]:**

YEAS.

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

O'Connor, Patrick M.
Tarr, Bruce E.
Tran, Dean A. – **6.**

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.

Gobi, Anne M.
Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Welch, James T. – **33.**

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

Messrs. Tarr and deMacedo moved to amend the report by inserting in rule 27A in the third sentence of the third paragraph the following clause:- “; provided, however, that a reasonable amount of time shall be provided to file amendments and the order is approved by a majority of the members.”

22-R1

After remarks, the amendment was adopted.

Messrs. Tarr, Humason and deMacedo moved to amend the report in rule 38A 1/2 by striking “unless two-thirds of the members” and inserting in place thereof the following:- “without unanimous consent”.

25

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at a half past three o’clock P.M., on motion of Mr. deMacedo, as follows, to wit (yeas 6 – nays 33) **[Yeas and Nays No. 12]:**

YEAS.

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

O'Connor, Patrick M.
Tarr, Bruce E.
Tran, Dean A. – **6.**

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.

Gobi, Anne M.
Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.

Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.

Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Welch, James T. – **33.**

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

Messrs. Tarr, Humason, Tran and deMacedo moved to amend the report by inserting after 38A 1/2 the following new rule:-

“38A 3/4. The Senate shall not continue in session beyond the hour of 10 p.m. This rule shall not be suspended unless two-thirds of the members present and voting consent to such suspension on a recorded yea and nay vote.”

After remarks, the amendment was *rejected*.

Mr. DiDomenico moved to amend the report in Rule 4A, by inserting after the word “call” the following word: “vote”; and in Rule 10B, by striking out in the first sentence, the word “other”; and in Rule 12, by striking out, the figure “7”, the second time it appears, and inserting in place thereof the following figure:- “8”.

The amendment was adopted.

The question on acceptance of the report, as amended, was determined by a call of the yeas at twenty-six minutes before four o'clock P.M., on motion of Mr. DiDomenico, as follows to wit (yeas 39 – nays 0) **[Yeas and Nays. No. 13]:**

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **39.**

NAYS – 0.

The yeas and nays having been completed at twenty-four minutes before four o'clock P.M., the report (Senate, No. 8, amended) was then accepted. [For text of report, printed as amended, see Senate, No. 18].

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 Norman Stavis.

Moment of silence.

Order Adopted.

On motion of Ms. DiZoglio--

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

Time of meeting.

Adjournment in Memory of Norman A. Stavis

The Senator from Essex and Middlesex, Mr. Tarr, moved that when the Senate adjourns today, it adjourn in memory of Norman A. Stavis of Boxford and Rockport.

Norman Stavis of Boxford and Rockport passed away on June 3, 2018 at the age of 69 after a brief battle with cancer. Born in Newton to the late Melvin Stavis and Betta Hochberger, Norm attended Newton High School. After losing his mother at the age of 24, Norm decided to travel and experience life abroad. What was meant to be a two-month trip to Australia turned into a two-year adventure around the world with stops in Asia, the Middle East, Europe, and Central America. Upon returning home, Norm began working with his father and brother, Jimmy, at Northcoast Seafoods. Based in what is now the Seaport, Norm, Jimmy, and Mel grew Northcoast into a world-class seafood processor and distributor.

In 1982, Norm met his wife, Robyn. The two settled in Boxford and had three children, Barrie, Rachel, and Joshua. Their home in Boxford was host to many family gatherings and holidays. Norm was known to be up early every Thanksgiving morning preparing smoked ducks and turkeys for all his friends and family. Norm never drew a line between the definition of family and friends. To him, all his family were his friends and all his friends were his family. All of Norm's best qualities are reflected in his wife and children. His kind-nature, smile-inducing laugh, and insatiable appetite for knowledge are echoed by Robyn and their children. Few have known a more generous and gracious family.

When not at his home in Boxford, Norm could be found in Rockport, enjoying time with friends and his immediate and extended family on the beach. Always the first one up, Norm would make a morning trip to Bearskin Neck for pastries for his kids and their friends. Summers at the beach were filled with long days spent swimming in the ocean, fishing off the boat, walks to get ice cream, and dinners with family and neighbors all gathered together. Whether he was in Boxford or in Rockport, Norm was the type of person whom always surrounded himself with those he loved. He was the first person to go to for advice and would thoughtfully work through any problem.

Norm's love for the ocean was visible in both his professional and personal life. In 1988, he became President of his family's business, Northcoast Seafoods. Norm led the company with immense pride and a modest tone. His humble nature meant each success over the years was shared by every executive, employee, and fisherman. Norm, along with his father and brother, worked each day to deliver on their promise to provide the freshest seafood and partnered with federal and state sustainability programs to ensure their

business did not spoil the natural resources they loved. Known as one of the most knowledgeable executives in the seafood business, his presence is notably missed.

Norm was predeceased by his father, Melvin Stavis, and mother, Betta. He is survived by his wife of 32 years, Robyn; children, Barrie, Rachel and Joshua; his brother James Stavis and sister-in-law Kate; his brother-in-law Scott Allen and wife Susie and many loving family members and lifelong friends.

Accordingly, as a mark of respect in memory of Norman A. Stavis, at quarter before four o'clock P.M., on motion of Ms. Comerford, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.