

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, SEPTEMBER 16, 2019.

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Monday, September 16, 2019.

Met at six minutes past eleven o'clock A.M. (Mr. Rodrigues in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Rodrigues), 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. Rodrigues) introduced, in the rear of the Chamber, Doctor Rita Fadden, Resident of the Luso American Development Foundation, Mr. Miquel Vaz, Director of the Luso American Development Foundation and the Consul General of Portugal, João Pedro de Vasconcelos Fins do Lago. The Senate welcomed them with applause and they withdrew from the Chamber.

Luso American
Development
Foundation.

There being no objection, the Chair, (Mr. Timilty) introduced, in the rear of the Chamber, Mr. Brian Kelly, Business Manager/Financial Secretary-Treasurer for Pipefitters Local 537. The Senate welcomed him with applause and he withdrew from the Chamber.

Brian Kelly.

Petition.

Mr. Tran presented a petition (accompanied by bill) (subject to Joint Rule 12) of Dean A. Tran for legislation relative to safety at public events;

Public events,--
safety. SD2562

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

Reports of Committees.

By Mr. Pacheco, for the committee on State Administration and Regulatory Oversight, on Senate, No. 1881 and House, No. 2791, a Bill authorizing the division of capital asset management and maintenance to convey certain parcels of land in the city of Salem (Senate, No. 1881);

Salem,-- land.

Read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.

By Mr. Pacheco, for the committee on State Administration and Regulatory Oversight, on Senate, No. 1860 and House, No. 2694, a Resolve establishing a needs assessment of municipal public safety & security facilities (Senate, No. 1860);

Gateway cities,--
public safety
facilities.

By the same Senator, for the same committee, on Senate, No. 1885 and House, No. 2696, a Bill relative to the definition of fraud in public construction bid laws (Senate, No. 1885);

Public construction.--
fraud.

By the same Senator, for the same committee, on petition, a Bill relative to protecting the taxpayers of the Commonwealth (Senate, No. 1893);

Taxpayers,--
protection.

By the same Senator, for the same committee, on petition, a Bill to debar employers who violate federal immigration laws from contracting with the Commonwealth (Senate, No. 1894);

Immigration laws,--
employers.

By the same Senator, for the same committee, on petition, a Bill relative to life cycle costs for public construction (Senate, No. 1896);

By the same Senator, for the same committee, on petition, a Bill authorizing the transfer of a parcel of land in the city of Taunton (Senate, No. 1897); and

By Mr. Timilty, for the committee on Veterans and Federal Affairs, on petition, a Bill increasing the annuity for gold star families (Senate, No. 2166);

Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4071) of Stephan Hay (with the approval of the mayor and city council) that the city of Fitchburg be authorized to continue the employment of Kevin D. Roy as fire chief of the fire department of said city,-- **was referred, in concurrence, to the committee on Public Service.**

A Bill relative to the authorities of municipal light boards (House, No. 4069,-- on House, No. 3869),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Resolutions.

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

Resolutions (filed by Mr. Cyr) “congratulating Robert “Bob” Prescott on his retirement as Sanctuary Director of the Wellfleet Bay Wildlife Sanctuary protected by the Massachusetts Audubon Society”;

Resolutions (filed by Mr. Keenan) “commemorating the one hundredth anniversary of the Lewis V. Dorsey American Legion Post 112”;

Resolutions (filed by Ms. Lovely) “celebrating the one hundredth anniversary of the Peabody District Court”;

Resolutions (filed by Ms. Lovely) “congratulating Kyle Burgess on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Moore, Ms. Chandler, Messrs. Eldridge and Tran, Ms. Gobi and Mr. Fattman) “commemorating the two hundred twenty-fifth anniversary of the establishment of the Worcester District Medical Society”; and

Resolutions (filed Ms. Spilka) “commending the Jason Russell Society of the Children of the Revolution for its recognition of the week of September 17, 2019 as Constitution Week.”

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Danielle Diaz, an employee of the Department of Developmental Services (House, No. 4052, amended,-- on petition),-- was read.

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

A Bill establishing a sick leave bank for Ryane Linehan, an employee of the Department of Revenue (House, No. 4056,-- on petition),-- was read.

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

Public construction,-- costs.

Taunton,-- land transfer.

Gold star families,-- annuity.

Fitchburg fire chief,-- employment.

Municipal light boards.

Robert “Bob” Prescott.

Lewis V. Dorsey
American Legion
Post 112.
Peabody District
Court.

Kyle Burgess.

Worcester District
Medical Society.

Jason Russell Society
of the Children of the
Revolution.

Danielle Diaz,-- sick leave.

Ryane Linehan,-- sick leave.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The Senate Bill concerning health insurance benefits for surviving spouses of firefighters in the city of Boston (Senate, No. 1483),-- **was read a third time and passed to be engrossed.**

Boston,-- surviving spouses.

Sent to the House for concurrence.

Report of a Committee.

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill to protect children, families, and firefighters from harmful flame retardants (Senate, No. 1230),-- ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2338).

Flame retardants,-- protection.

Order Adopted.

Mr. Rodrigues offered the following order, to wit:

Procedural Order.

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to protect children, families, and firefighters from harmful flame retardants (Senate, No. 1230) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2338) shall be placed in the Orders of the Day for a second reading on Thursday, September 19, 2019.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon, on Wednesday, September 18, 2019. All such amendments shall be second reading amendments to the Senate Ways and Means new draft (Senate, No. 2338), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Rules.

Subsequently, Ms. Lovely, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. deMacedo, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, September 19, 2019, for a second reading with the amendment pending

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Kiera C. McNamara, an employee of the Trial Court of the Commonwealth (see House, No. 3970, 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.

Kiera C. McNamara,-
- sick leave.

The bill was signed by the Acting President (Mr. Rodrigues) and sent to the

House for enactment.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill establishing a sick leave bank for Ryane Linehan, an employee of the Department of Revenue (House, No. 4056),-- was read a third time.

Ryane Linehan,--
sick leave.

Pending the question on passing the bill to be engrossed, Mr. Tarr presented an amendment inserting after the second sentence the following sentence:- “Upon exhaustion of all other available leave time, including personal days, vacation days, sick time and any time available pursuant to the extended illness leave bank established by section 4P of chapter 7 of the General Laws, Ryane Linehan shall be permitted to use any time credited to the sick leave bank established by this act.”

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence with the amendment.

Sent to the House for concurrence in the amendment.

Recess.

There being no objection, at twenty-two minutes before twelve o'clock noon, the Chair (Mr. Rodrigues) declared a recess subject to the call of the Chair; and at twelve o'clock noon, the Senate reassembled, Mr. Timilty in the Chair, having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair.

Recess.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Kiera C. McNamara, an employee of the Trial Court of the Commonwealth (see House, No. 3970, 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, two-thirds of the members present having voted in the affirmative, and signed by the Acting President (Mr. Timilty) and laid before the Governor for his approbation.**

Bill laid before
Governor.

Order Adopted.

On motion of Mr. deMacedo--

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

Time of Meeting.

On motion of the same Senator, at two minute past twelve o'clock noon, the Senate adjourned to meet again on Thursday next at one o'clock P.M.