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THURSDAY, NOVEMBER 7, 2019.

[107]

JOURNAL OF THE SENATE

Thursday, November 7, 2019.

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

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

Distinguished Guests.

Barnstable students.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Cyr for the purpose of an introduction. Mr. Cyr them introduced, in the rear of the Chamber, students from the Nathaniel H. Wixon School in Dennis. Mr. Cyr also introduced the Barnstable Youth Commission. Both groups were welcomed with applause and withdrew from the Chamber.

Helmets to Hardhats.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, members of Local 4 Elevator Constructors Union (IUEC) including Tim Morgan, Business Manager, William Barter, former US Marine Corps., Sean Desmond of the US Army and retired Local 4 Elevator Constructors Union member, Richie Eckler, US Air Force and Helmets to Hardhats Northeast Representative. They were also guests of Senators Friedman, Lovely, Rush, Keenan and Feeney. They were welcomed with applause and withdrew from the Chamber.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

Ashland,-- water supply.

An engrossed Bill authorizing the Massachusetts Water Resources Authority to supply water to the town of Ashland (see House, No. 3852), 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 9 to 0.

The bill was signed by the President and sent to the House for enactment.

Susan St. Laurent,-- sick leave.

An engrossed Bill establishing a sick leave bank for Susan St. Laurent, an employee of the trial court of the commonwealth (see House, No. 4156), 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 7 to 0.

The bill was signed by the President and sent to the House for enactment.

Resolutions.

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

Resolutions (filed by Mr. Eldridge) "honoring the memory of Edgar P. Romilly on the rededication the Edgar P. Romilly Veterans Corner"; and — Edgar P. Romilly.

Resolutions (filed by Mr. Rush and Ms. Rausch) "congratulating Veterans of Foreign Wars Post 2498 on the one hundredth anniversary of the establishment of the National Service Bureau". — Veterans of Foreign Wars Post 2498.

Reports of Committees.

By Ms. Lovely, for the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dean A. Tran for legislation relative to emergency insulin access. — Insulin,-- access. SD2596

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

By Ms. Lovely, for the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Julian Cyr and Denise C. Garlick for legislation relative to establishing and implementing a Food and Health Pilot Program. — Food and Health Pilot Program. SD2605

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

By Ms. Lovely, for the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Nick Collins for legislation relative to the expansion of the Boston Convention and Exhibition Center. — BCEC,-- expansion. SD2601

The rules were suspended, on motion of Mr. Rush, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.

Severally sent to the House for concurrence.

Matters Taken Out of the Notice Section.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows:

The Senate Bill authorizing certain investments by the treasurer of the town of Cohasset (Senate, No. 2230),-- was read a third time. — Cohasset,-- treasurer.

Pending the question on passing the bill to be engrossed, Senator O'Connor moved that the bill be amended byinserting after the word "any", in line 2, the following word:- "trust".

The amendment was adopted.

The bill (Senate, No. 2230, amended) was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of state land in the town of Needham now under the care and control of the department of conservation and recreation (House, No. 4077) (its title having been changed by the committee on Bills in the Third Reading),**-- was read a third time and passed to be engrossed, in concurrence.** — Needham,-- land taking.

The House Bill establishing a sick leave bank for Patricia Foley, an employee of the Massachusetts Department of Transportation (House, No. 4151),**-- was read a third time and passed to be engrossed, in concurrence.** — Patricia Foley,-- sick leave.

The House Bill regulating the capital expenditures committee of the town of — Lexington,-- capital

Lexington (House, No. 4035) (its title having been changed by the committee on Bills in the Third Reading),**-- was read a third time and passed to be engrossed, in concurrence.** expenditures committee.

Orders of The Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the city of Easthampton to grant 8 additional licenses for the sale of all alcoholic beverages to be drunk on the premises, 4 additional licenses for the sale of wine and malt beverages to be drunk on the premise and 1 additional license for the sale of wine and malt beverages not to be drunk on the premises (Senate, No. 2381); and Second reading bills.

Changing the name of the board of selectmen in the town of Lexington to the select board (House, No. 4062);

Were severally read a second time and ordered to a third reading.

The Senate Bill authorizing the division of capital asset management and maintenance to grant easements to the town of Natick for the reconstruction of a portion of North Main street (printed in Senate, No. 2316) (its title having been changed by the committee on Bills in the Third Reading),**-- was read a third time and passed to be engrossed.** Natick,-- easements.

Sent to the House for concurrence.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows:

Report of a Committee.

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill relative to consumer protection for prescription drug purchases (Senate, No. 733) ought to pass with an amendment substituting a new draft entitled "An Act relative to pharmaceutical access, costs and transparency" (Senate, No. 2397). Prescription drugs,-- consumer protection.

Order Adopted.

Mr. Rodrigues offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to consumer protection for prescription drug purchases (Senate, No. 733) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2397 entitled "An Act relative to pharmaceutical access, costs and transparency") shall be placed in the Orders of the Day for a second reading on Thursday, November 14, 2019. Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 1:00 P.M., on Tuesday, November 12, 2019. All such amendments shall be second-reading amendments to the Senate Ways and Means new text (Senate, No. 2397), 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 said committee, reported, recommending that the order ought to be adopted.

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

The bill will be placed in the Orders of the Day for Thursday, November 14, 2019, for a second reading with the amendment pending.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to campaign finance (House, No. 4087),-- was read a second time. Campaign finance.

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2391 and pending the main question on ordering the bill to a third reading, Ms. Jehlen, Ms. Rausch, Ms. Comerford, Messrs. Lewis, Welch and Eldridge, Ms. Chang-Diaz, Messrs. Collins, O'Connor and Tarr moved that the proposed new text be amended by inserting after section 8 the following section:- 1.

"SECTION 8A. (a) There shall be a special legislative commission to examine the feasibility of authorizing the use of campaign funds to pay for the provision of family care and child care services by candidates for state, county or municipal elected office.

(b) The special legislative commission shall consist of: the house and senate chairs of the joint committee on election laws, who shall serve as co-chairs; the house and senate chairs of the caucus of women legislators; 1 member of the house who shall be appointed by the minority leader; 1 member of the senate who shall be appointed by the minority leader; the director of campaign and political finance; the executive director of the commission on the status of women established under section 66 of chapter 3 of the General Laws; the executive director of Common Cause Massachusetts; 1 person appointed by the governor who shall have experience or expertise related to reducing gender, racial and economic disparities in civic engagement; and 1 person to be appointed by the commission on the status of women.

(c) The special legislative commission shall: (i) review and evaluate state and federal laws, regulations and legal advisories regarding the use of campaign funds to pay for the provision of family and child care services, by candidates for state, county or municipal elected office; (ii) analyze campaign finance laws in other states regarding the use of campaign funds for family care and child care services; (iii) examine the circumstances under which the expenditure of campaign funds for family care and child care services constitute a personal use of such funds under section 6 of chapter 55 of the General Laws; (iv) recommend definitions for the terms "family care" and "child care", including, but not limited to, allowed and disallowed expenditures for family care and child care services; (v) determine whether family care and child care services expenses, occurring in the normal course of a candidate or elected official's duties would exist irrespective of an individual running for elected office should be considered an authorized use of campaign funds under section 6 of chapter 55 of the General Laws; and (vii) determine whether the office of campaign and political finance has the capacity to scrutinize expenditures of campaign funds for family care and child care services, to prevent unauthorized or impermissible uses of such funds.

(d) The commission shall submit its report together with recommendations for legislation, if any, to the clerks of the house of representatives and the senate not later than March 1, 2020."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at three minutes before twelve o'clock noon, on motion of Ms. Jehlen,

as follows, to wit (yeas 38 – nays 0) **[Yeas and Nays No. 122]:**

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.
Comerford, Joanne M.	Lewis, Jason M.
Creem, Cynthia Stone	Lovely, Joan B.
Crighton, Brendan P.	Montigny, Mark C.
Cyr, Julian	Moore, Michael O.
deMacedo, Viriato M.	O'Connor, Patrick M.
DiDomenico, Sal N.	Pacheco, Marc R.
DiZoglio, Diana	Rausch, Rebecca L.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Tarr, Bruce E.
Finegold, Barry R.	Timilty, Walter F.
Friedman, Cindy F.	Tran, Dean A.
Gobi, Anne M.	Welch, James T. – **38.**

NAYS – 0.

ABSENT OR NOT VOTING.

Collins, Nick – **1.**

The yeas and nays having been completed at one minute past twelve o'clock noon, the amendment was adopted.

Mr. Tarr moved that the proposed new text be amended by inserting the following new section:- 2.

"SECTION_. Section 25B of Chapter 54 of the General Laws is hereby amended by inserting at the end thereof the following new subsection:-

"(r) The Commonwealth shall reimburse each city and town to the full extent of the amounts expended for mandated early voting procedures and operations. The state treasurer shall annually, on or before July 1st of the year following the election for which reimbursement is being sought, pay to cities and towns, the sums required for such reimbursement and approved by the secretary of state pursuant to section 2 herein. Each city and town may establish an Early Voting Reimbursement Fund. Reimbursements made by the commonwealth pursuant to this section may be deposited into the fund and may carry forward for 1 fiscal year."

After debate, the amendment was *rejected.*

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows:

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Authorizing the Massachusetts Water Resources Authority to supply water to the Bills laid before the

town of Ashland (see House, No. 3852); and

Establishing a sick leave bank for Susan St. Laurent, an employee of the trial court of the commonwealth (see House, No. 4156). Governor.

Orders of the Day.

The Orders of the day were further considered as follows:

The House Bill relative to campaign finance (House, No. 4087).-- was further considered, the main question being on ordering the bill to a third reading. Campaign finance.

Mr. Tarr moved that the proposed new text be amended by inserting the following section:- 5

"SECTION_. Section 7A of chapter 55 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after subsection (c) the following new subsection:-

(d) If not otherwise limited or prohibited from making contributions under this chapter, the aggregate of all contributions by any group, association, labor union or other entity for the benefit of any one candidate and such candidate's committee shall not exceed $1,000 in a calendar year. If not otherwise limited or prohibited from making contributions under this chapter, the aggregate of all contributions by any group, association, labor union or other entity for the benefit of any other political committee, other than a ballot question committee, shall not exceed $1,000 in a calendar year."

After debate, the amendment was *rejected.*

Mr. Rodrigues moved that the proposed new text be amended in section 3, by striking out, in line 60, the words "clause (i)" and inserting in place thereof the following words:- "clause (ii)"; 6.

In section 4, by inserting after the word "sheriff" in line 264, the following words:- ", mayor or"; and

In said section 4, by striking out, in line 265, the words "or for county office" and inserting in place thereof the following words:- ", county office or mayor and candidates for".

The amendment was adopted.

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

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

The question on passing the bill to be engrossed was determined by a call of the yeas and the nays at twenty-six minutes past twelve o'clock noon, on motion of Ms. Dizoglio, as follows to wit (yeas 39 to nays 0) **[Yeas and Nays 123]:**

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 twenty-eight minutes past twelve o'clock noon, the bill was passed to be engrossed, in concurrence, with the amendment [For text of Senate amendment, printed as amended, see Senate, No. 2400].

Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Kennedy,--

Time of meeting.

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of the Mr. deMacedo at ten minutes before one o'clock P.M., the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.