

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, FEBRUARY 6, 2020.

JOURNAL OF THE SENATE

Thursday, February 6, 2020.

Met at twenty-three minutes past eleven o'clock A.M. (Mr. Collins 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. Collins), 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. Collins) handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, Workforce Development Manager Earl Fay and President and CEO John Yazwinski, both of Father Bill's & MainSpring Homeless Shelter. The Senate welcomed them with applause and they withdrew from the Chamber.

Earl Fay and John Yazwinski.

There being no objection, the President introduced, in the rear of the Chamber, a group from the League of Women Voters. The goal of the group is to fight voter suppression and to challenge all efforts and tactics that threaten our democracy and limit the ability of voters to exercise their right to vote. The Senate welcomed them with applause and they withdrew from the Chamber. They were also guests of Senators Rausch, Lovely and Collins.

League of Women Voters.

Reports.

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

Report of the Essex District Attorney's Office (pursuant to Section 1 of Chapter 221 of the Acts of 2004) submitting its annual report on the Juvenile Justice and Drug Diversion programs (received January 31, 2020);

Essex DA,-- juvenile justice report. SD2806

Report of the Northwestern District Attorney's Office (pursuant to Section 99R of Chapter 272 of the General Laws) submitting its annual report of wiretap interceptions for the 2019 calendar year (received January 30, 2020);

Northwestern DA,-- wiretap. SD2807

Report of the Department of Public Utilities (pursuant to Section 2 of Chapter 25 of the General Laws) submitting its 2019 Annual Report (received February 3, 2020);

DPU,-- 2019 annual report. SD2808

Report of the Massachusetts Department of Transportation (pursuant to Section 66 of Chapter 228 of the Acts of 2018) submitting its results of the Westfield River Crossing Study (received January 31, 2020);

MassDOT,-- Westfield River study. SD2809

Report of the Department of Public Health (pursuant to Section 232 of Chapter 111 of the General Laws) submitting its 2016 data report on suicides in Massachusetts (received February 5, 2020); and

DPH,-- 2016 suicides report. SD2810

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 Iran and Sudan restricted securities and its annual report on tobacco investments (received January 31, 2020).

PRIM Board,-- annual reports. SD2811

Petition.

By Ms. Chang-Diaz, a petition (accompanied by bill) (subject to Joint Rule 12) of Sonia Chang-Diaz for legislation to establish a sick leave bank for Jose Lopez, an employee of the Department of Transportation;

Jose Lopez,--
sick leave.
SD2800

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

Order.

Mr. Barrett presented an Order relative to granting the committee on Telecommunications, Utilities and Energy until June 4, 2020, within which time to make its final report on current Senate documents numbered 1924, 1940, 1950, 1952, 1958, 1959, 1963, 1966, 1969, 2009, 2012, and 2013, and House document numbered 2904, relative to Telecommunication, Utilities & Energy (Senate, No. 2518).

Telecommunications,
Utilities and Energy,-
- extension order.

Referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently.

Report of a Committee.

By Mr. Feeney, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill to establish a student loan bill of rights (Senate, No. 160);

Student loan,--
bill of rights.

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

Committees Discharged.

Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on Elder Affairs to make an investigation and study of certain current Senate and House documents relative to elder issues (Senate, No. 2487); and

Elder Affairs
committee,-- study.

Of the Senate Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of certain current Senate documents relative to judicial issues (Senate, No. 2496);

Judiciary committee,-
- study.

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

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

PAPERS FROM THE HOUSE.

A Bill providing for certain tax assessments and pilot agreements for solar and wind systems in the town of Mattapoisett (House, No. 4244,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Mattapoisett,--
tax assessments.

Reports

Of the committee on Rules of the two branches, acting concurrently, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2661) of Jonathan Hecht and others for legislation to create a legislative research bureau within the General Court;

General Court,--
legislative research.

Of the petition (accompanied by bill, House, No. 2662) of Paul W. Mark that all meetings or caucuses convened by the General Court for the purposes of considering budget appropriations be open to the public; and

General Court,--
budget meetings.

UNCORRECTED PROOF.

Of the petition (accompanied by bill, House, No. 2663) of Shaunna L. O'Connell, David F. DeCoste and Shawn Dooley for legislation to require the committees on Ways and Means of both branches of the General Court to conduct certain hearings on measures that would increase or expand any new or existing taxes or fees;

General Court,--
Ways and Means
hearings.

And recommending that the same severally be referred to the House committee on Rules.

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Emergency Preamble Adopted.

An engrossed Bill further regulating banks and banking (see House, No. 4176, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 5 to 0.

Banks and banking.

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

Resolutions.

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

Resolutions (filed by Mr. Tarr) "congratulating Pasquale F. Russolillo on the occasion of his retirement as a major in the Massachusetts State Police."

Pasquale F.
Russolillo.

Matters Taken Out of the Orders of the Day.

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

The House Bill establishing a sick leave bank for Leah Reed, an employee of the department developmental services (House, No. 4258) (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.**

Leah Reed,-- sick
leave.

The House Bill establishing a charter for the town of Medway (House, No. 3969),-- was read a third time.

Medway,-- charter.

Pending the question on passing the bill to be engrossed, Ms. Spilka moved that the bill be amended, in section 2, by striking out, in line 567, the words "section 23B of chapter 39" and inserting in place thereof the following words:- "sections 18 to 25, inclusive of chapter 30A".

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.

Reports of Committees.

By Mr. Welch, for the committee on Financial Services, on petition, a Bill advancing and expanding access to telemedicine services (Senate, No. 612).

Telemedicine
services.

The bill was read. There being no objection, the rules were suspended, on motion of Mr. O'Connor, and the bill was referred to the committee on Ways and Means.

UNCORRECTED PROOF.

By Mr. Welch, for the committee on Financial Services, on petition, a Bill relative to full application of telemedicine coverage (Senate, No. 596).

Telemedicine services.

The bill was read. There being no objection, the rules were suspended on motion of Mr. Timitly and the bill was referred to the committee on Ways and Means.

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill relative to mental health parity implementation (Senate, No. 588),-- ought to pass, with an amendment substituting a new draft entitled "An Act addressing barriers to care for mental health" (Senate, No. 2519).

Mental health parity,-
- implementation.

Order.

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 relative to mental health parity implementation (Senate, No. 588) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft entitled "An Act addressing barriers to care for mental health" Senate, No. 2519) shall be placed in the Orders of the Day for a second reading on Thursday, February 13, 2020.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 2:00 P.M, on Monday, February 10, 2020. All such amendments shall be second reading-amendments to the Senate Ways and Means new draft (Senate, No. 2519), 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. O'Connor, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, February 13, 2020, for a second reading with the amendment pending.

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill to modernize certain provisions of the agricultural preservation restriction program (Senate, No. 527),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2520).

Agricultural preservation program.

There being no objection, the rules were suspended, on motion of Mr. O'Connor, and, the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2520) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (the first three of which originated in the Senate), 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 Acting President (Mr. Collins) and laid before the Governor for his approbation, to wit:

Observing United States Navy Day (see Senate, No. 1904, amended);

To protect persons with intellectual or developmental disabilities from abuse (see Senate, No. 2367, amended);

Establishing a sick leave bank for Alison Neas, an employee of the department of developmental services (see Senate, No. 2455, amended);

Authorizing Scott Wood to take the civil service examination for the position of police officer in the City of Haverhill notwithstanding the maximum age requirement (see House, No. 3994); and

Further regulating banks and banking (see House, No. 4176, amended).

Bills laid before the Governor.

Orders Adopted.

Mr. Feeney presented an Order that the committee on Consumer Protection and Professional Licensure be granted until April 1, 2020, within which time to make its final report on current Senate document numbered 195, and House document numbered 311, relative to Competitive Supply (Senate, No. 2515).

Consumer Protection and Professional Licensure,-- extension order.

There being no objection, the rules were suspended, on motion of Mr. O'Connor, and, after remarks, the order was considered forthwith and adopted.

Sent to the House for concurrence.

Mr. Feeney presented an Order that the committee on Consumer Protection and Professional Licensure be granted until April 1, 2020, within which time to make its final report on current Senate document numbered 116, and House document numbered 315, relative to the sale of sports and entertainment tickets (Senate, No. 2516).

Consumer Protection and Professional Licensure,-- extension order.

There being no objection, the rules were suspended, on motion of Mr. O'Connor, and the order was considered forthwith and adopted.

Sent to the House for concurrence.

Mr. Feeney presented an Order that the committee on Consumer Protection and Professional Licensure be granted until May 8, 2020, within which time to make its final report on current Senate document numbered 101, and House document numbered 13, relative to horse racing and wagering (Senate, No. 2517).

Consumer Protection and Professional Licensure,-- extension order.

There being no objection, the rules were suspended, on motion of Mr. O'Connor, and the order was considered forthwith and adopted.

Sent to the House for concurrence.

Reports of a Committee.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that the Senate Order granting the committee on Children, Families and Persons with Disabilities until March 18, 2020, within which time to make its final report on current Senate documents numbered 42, 44, 57, 76, 77, 784, 816, 1242, and 1316, relative to Children, Families and Persons with Disabilities (Senate, No. 2513),-- ought to be adopted.

Children, Families and Persons with Disabilities,-- extension order.

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

Sent to the House for concurrence.

Public Health,--
extension order.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that the Senate Order granting the committee on Public Health until April 1, 2020, within which time to make its final report on current Senate documents numbered 492, 665, 1205, 1208, 1213, 1217, 1223, 1224, 1234, 1236, 1241, 1247, 1248, 1250, 1251, 1255, 1264, 1270, 1276, 1277, 1278, 1280, 1284, 1295, 1306, 1312, 1314, 1317, 1319, 1323, 1326, 1328, 1329, 1330, 1333, 1335, 1345, 1350, 2206, 2359, and 2453, relative to Public Health matters (Senate, No. 2510),-- ought to be adopted.

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

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Orders.

The following House Orders (severally approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

Cannabis Policy,--
extension order.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Cannabis Policy be granted until Wednesday, February 12, 2020 within which time to make its final report on current House document numbered 3647.

The rules were suspended, on motion of Mr. O'Connor, and the order (House, No. 4380) was considered forthwith; and adopted, in concurrence.

Cannabis Policy,--
extension order.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Cannabis Policy be granted until Thursday, March 5, 2020 within which time to make its final report on current Senate document numbered 1123, and House documents numbered 3522, 4147 and 4274.

The rules were suspended, on motion of Mr. O'Connor, and the order (House, No. 4381) was considered forthwith; and adopted, in concurrence.

Children, Families
and Persons with
Disabilities,--
extension order.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Children, Families and Persons with Disabilities be granted until Wednesday, March 18, 2020 within which time to make its final report on current House documents numbered 98, 139, 147, 150, 174, 1314 and 3221.

The rules were suspended, on motion of Mr. O'Connor, and the order (House, No. 4383) was considered forthwith; and adopted, in concurrence.

Children, Families
and Persons with
Disabilities,--
extension order.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Children, Families and Persons with Disabilities be granted until Wednesday, March 18, 2020 within which time to make its final report on current House document numbered 122.

The rules were suspended, on motion of Mr. O'Connor, and the order (House, No. 4385) was considered forthwith; and adopted, in concurrence.

Education,--
extension order.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Education be granted until Thursday, March 5, 2020 within which time to make its final report on current Senate document numbered 289, and House documents numbered 445, 448, 457, 465, 495, 534, 564 and 3757.

The rules were suspended, on motion of Mr. O'Connor, and the order (House, No. 4376) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Monday, March 2, 2020 within which time to make its final report on current Senate documents numbered 114 and 1204, and House documents numbered 1757, 1758, 1773, 1774, 1822 and 1823.

Municipalities and Regional Government,-- extension order.

The rules were suspended, on motion of Mr. O'Connor, and the order (House, No. 4369) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Tourism, Arts and Cultural Development be granted until Wednesday, April 1, 2020 within which time to make its final report on current House document numbered 2931.

Tourism, Arts and Cultural Development,-- extension order.

The rules were suspended, on motion of Mr. O'Connor, and the order (House, No. 4373) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Wednesday, April 22, 2020 within which time to make its final report on current Senate documents numbered 1487, 1565, 2257 and 2267, and House documents numbered 35, 2163, 2251, 2384, 4049 and 4254.

Public Service,-- extension order.

The rules were suspended, on motion of Mr. O'Connor, and the order (House, No. 4353) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Health be granted until Wednesday, April 1, 2020 within which time to make its final report on current House documents numbered 811, 1182, 1839, 1840, 1842, 1843, 1846, 1847, 1848, 1850, 1858, 1866, 1867, 1869, 1872, 1873, 1876, 1878, 1887, 1905, 1926, 1931, 1940, 1941, 1942, 1945, 1950, 1953, 1961, 1964, 1970, 1984, 1989, 1999, 2000, 2003, 2004, 2007, 2010, 2013, 3486, 3487, 3491, 3492, 3496, 3501, 3503, 3660, 3841, 3842, 3999, 4096, 4202 and 4322.

Public Health,-- extension order.

The rules were suspended, on motion of Mr. O'Connor, and the order (House, No. 4355) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Wednesday, March 4, 2020 within which time to make its final report on current Senate documents numbered 2123 and 2137, and House document numbered 3083.

Transportation,-- extension order.

The rules were suspended, on motion of Mr. O'Connor, and the order (House, No. 4384) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Housing be granted until Tuesday, March 31, 2020 within which time to make its final report on current House documents numbered 1316 and 3924.

Housing,-- extension order.

The rules were suspended, on motion of Mr. O'Connor, and the order (House, No. 4344) was considered forthwith; and adopted, in concurrence.

Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill establishing additional powers for municipal light boards (see House, No. 4069) [for message, see House, No. 4253],— came from the House with

Municipal light boards.

the endorsement that the House adopted the amendment recommended by the Governor (as approved by committee on Bills in the Third Reading), as follows:

By striking out all after the enacting clause and inserting in place thereof the following:

“Chapter 164 of the General Laws is hereby amended by inserting after section 55 the following section:-

Section 55A. A municipal light board may enter into an agreement with the city or town where it operates to provide billing, administrative, operational or other support services to assist the city or town with the operation of a municipal water utility owned and operated by the city or town upon such terms and conditions as agreed to by the city or town and the municipal light board.”

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. O’Connor, and the amendment was considered forthwith and adopted, in concurrence.

Sent to the House for re-enactment.

Orders.

The following House Orders (severally approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Wednesday, March 4, 2020 within which time to make its final report on current Senate documents numbered 7, 2034, 2047, 2049, 2069, 2071, 2072 and 2289, and House documents numbered 2963, 3040, 3073, 3116, 3126, 3135, 3156 and 3980.

Transportation,--
extension order.

The rules were suspended, on motion of Mr. O’Connor, and the order (House, No. 4391) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Wednesday, March 4, 2020 within which time to make its final report on current Senate document numbered 2056, and House document numbered 3672.

Transportation,--
extension order.

The rules were suspended, on motion of Mr. O’Connor, and the order (House, No. 4394) was considered forthwith; and adopted, in concurrence.

Order Adopted.

On motion of Mr. O’Connor--

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

Time of meeting.

On motion of the same Senator, at twelve minutes before one o’clock P.M., the Senate adjourned to meet again on Monday next at eleven o’clock A.M.