

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**THURSDAY, JANUARY 23, 2020.**

## JOURNAL OF THE SENATE

Thursday, January 23, 2020.

Met at a quarter past eleven o'clock A.M. (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).

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

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Pledge of allegiance.

### *Distinguished Guests.*

There being no objection, the Chair (Mr. Timilty) introduced Patty and Emily Dobrindt of Milton. The Senate welcomed them with applause and they withdrew from the Chamber.

Patty and Emily  
Dobrindt.

### *Communication.*

The following communication was received and placed on file to wit:

Communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the following Senators have been appointed to serve as members of various Joint and Senate committees to fill vacancies:

Minority party  
appointments.

Minority Leader Tarr has been appointed to the following:

*Senate Committees:* Ethics, Rules, Bills in the Third Reading, Bonding, Capital Expenditures and State Assets, Redistricting, Steering and Policy and Personnel and Administration.

*Joint Committees:* Export Development and Telecommunications, Utilities and Energy.

Senator O'Connor has been appointed to the following:

*Senate Committees:* Ethics, Ways and Means, Global Warming and Climate Change and Personnel and Administration.

*Joint Committees:* Children, Families and Persons with Disabilities, Community Development and Small Business, Economic Development and Emerging Technology, Education, Housing, the Judiciary, Labor and Workforce Development, Mental Health and Substance Use and Public Health.

Senator Fattman has been appointed to the following:

*Senate Committees:* Rules, Ways and Means, Post Audit and Oversight and Bonding, Capital Expenditures and State Assets

*Joint Committees:* Consumer Protection and Professional Licensure, Elder Affairs, Election Laws, Environment, Natural Resources and Agriculture, Financial Services, Public Service, Revenue and Tourism, Arts and Cultural Development.

Senator Tran has been appointed to the following:

*Senate Committees:* Ways and Means, Post Audit and Oversight and Intergovernmental Affairs.

*Joint Committees:* Cannabis Policy, Health Care Financing, Higher Education, Municipalities and Regional Government, State Administration and Regulatory Oversight, Transportation and Veterans and Federal Affairs.

*Reports.*

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

Report of the Division of Insurance (pursuant to Section 4A of Chapter 175 of the General Laws) submitting its annual Home Insurance Report for calendar year 2018 (copies having been forwarded as required to the Senate Committee on Ways and Means, Joint Committee on Financial Services and the Office of the Attorney General) (received January 16, 2020);

DOI,--  
home insurance  
report.  
SD2764

Report of the Plymouth County Sheriff's Department (pursuant to Section 40 of Chapter 126 of the General Laws) submitting its 4th quarter Criminal Justice Reform Report for 2019 (received January 22, 2020);

Plymouth Sheriff,--  
CJ reform report.  
SD2770

Report of the Office of the State Auditor (pursuant to Section 17(8) of Chapter 11 of the General Laws) submitting its Bureau of Special Investigations FY 2019 Annual Report (received January 22, 2020);

Auditor,-- BSI FY19  
annual report.  
SD2771

Report of the Office of Community Corrections (pursuant to Section 5 of Chapter 211F of the General Laws) submitting its Utilization of Community Corrections Centers Annual Statistical Report for fiscal year 2019 (received January 22, 2020); and

OCC,-- utilization  
statistical report.  
SD2772

Report of the Bristol 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 22, 2020).

Bristol DA,--  
wiretap.  
SD2773

*Petitions.*

By Ms. Friedman, a petition (accompanied by bill) (subject to Joint Rule 12) of Cindy F. Friedman for legislation to establish a sick leave bank for Trek Reef, an employee of the Department of Conservation and Recreation;

Trek Reef,-- sick  
leave.  
SD2774

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

William Robinson presented a petition (accompanied by bill) (subject to Joint Rule 12) for the NAACP legislation to interrupt the school to prison pipeline,-- **under Senate Rule 18, was placed on file.**

School discipline.  
SD2768

*Report of a Committee.*

By Mr. Welch, for the committee on Financial Services on petition (accompanied by bill, Senate, No. 581), a Bill modernizing the credit union laws (Senate, No. 2470);

Credit union laws,--  
modernization.

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

PAPERS FROM THE HOUSE.

The annual report of the Public Employee Retirement Administration Commission (under sections 21, 102 and 103 of Chapter 32 of the General Laws) relative to the percentum change in the average cost-of-living as shown by the United States consumer price index for the year 2019 compared with such index for the year 2018 (accompanied by bill, House, No. 4316),-- **was referred, in concurrence, to the committee on Public Service.**

PERAC,-- annual  
report.

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

Petition (accompanied by bill, House, No. 4318) of Brian W. Murray (by vote of the town) that the town of Milford be authorized to grant an additional license for the sale of all alcoholic beverages to be drunk on the premise;

Milford,-- liquor  
license.

**To the committee on Consumer Protection and Professional Licensure.**

**UNCORRECTED PROOF.**

Petition (accompanied by bill, House, No. 4319) of Carolyn C. Dykema (by vote of the town) that the town of Hopkinton be authorized to remove certain land in said town from a conservation restriction;

Hopkinton,-- land removal.

**To the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4320) of Brian W. Murray (by vote of the town) relative to the hiring of a chief of police in the town of Milford;

Milford,-- police chief.

**To the committee on Public Service.**

PAPERS FROM THE HOUSE.

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Aurora Wilber, an employee of the Massachusetts commission for the deaf and hard of hearing (see Senate, No. 2437, 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 3 to 0.

Aurora Wilber,-- sick leave.

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

*Engrossed Bill.*

An engrossed Bill authorizing the town of North Andover to grant an additional liquor license (see Senate, No. 2353) (which originated in the Senate), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. Timilty) and laid before the Governor for his approbation.**

Bill laid before the Governor.

*Message From His Excellency the Governor.*

A message from His Excellency the Governor recommending legislation advancing reform within the Massachusetts State Police (Senate, No. 2469) (received in the office of the Clerk of the Senate on Friday, January 16, 2019, at twenty-six minutes before four o'clock P.M.);

State Police,-- reform.

**The message was read; and, under Senate Rule 20, with the accompanying bill, was referred to the committee on Public Safety and Homeland Security.**

**Sent to the House for concurrence.**

*Resolutions.*

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

Resolutions (filed by Ms. Gobi) "congratulating John J. Janulewicz, Jr. on the occasion of his retirement as Chief of the Palmer Police Department";

John J. Janulewicz, Jr.

Resolutions (filed by Ms. Lovely, Messrs. Barrett, Boncore, Brady and Brownsberger, Ms. Chandler, Ms. Chang-Díaz, Mr. Collins, Ms. Comerford, Ms. Creem, Messrs. Crighton, Cyr and DiDomenico, Ms. DiZoglio, Messrs. Eldridge, Fattman, Feeney and Finegold, Ms. Friedman, Ms. Gobi, Mr. Hinds, Ms. Jehlen, Messrs. Keenan, Kennedy, Lesser, Lewis, Montigny, Moore, O'Connor and Pacheco, Ms. Rausch, Messrs. Rodrigues and Rush, Ms. Spilka and Messrs. Tarr, Timilty, Tran and Welch) "commending the Frates Family for their tireless advocacy for Amyotrophic Lateral Sclerosis (ALS) Research, ALS patients and their families";

Frates Family

**UNCORRECTED PROOF.**

Resolutions (filed by Mr. Pacheco) “commending Nurse Anesthetists for over 100 years of specialized service to the public”; and

Nurse Anesthetists.

Resolutions (filed by Mr. Pacheco) “honoring the Taunton Lodge of Elks #150 on its one hundred thirtieth anniversary.”

Taunton Lodge of Elks.

*Reports of Committees.*

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael D. Brady for legislation to establish a sick leave bank for Marie Romelus, an employee of the Center for Health Information and Analysis.

Marie Romelus,--  
sick leave.  
SD2736

**Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.**

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael D. Brady for legislation to establish a sick leave bank for Richard G. Perry, an employee of the Department of Conservation and Recreation.

Richard G. Perry,--  
sick leave.  
SD2753

**Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.**

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Anne M. Gobi and Todd M. Smola for legislation to permit familial searching and partial DNA matches in investigating certain unsolved crimes.

Crimes,-- DNA  
search.  
SD2736

**Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.**

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Katrina King for legislation relative to junior license operators driving family members with disabilities.

Junior operators,--  
family members.  
SD2696

**Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation.**

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Julian Cyr for legislation relative to the Massachusetts National Guard Family Education Program.

National Guard,--  
education waiver.  
SD2745

**Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Veterans and Federal Affairs.**

**Severally sent to the House for concurrence.**

Ms. Lovely, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill designating May 6 as Moyamoya Disease Awareness Day (Senate, No. 1872).

Moyamoya Disease  
Awareness Day.

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

**Sent to the House for concurrence.**

*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 Senate Bill regulating certain insurance benefits for elected officials of the town of Blackstone (Senate, No. 2355),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

Blackstone,--  
insurance benefits.

**Sent to the House for concurrence.**

The Senate Bill establishing a sick leave bank for Alison Neas, an employee of the department of developmental services (Senate, No. 2455) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Alison Neas,-- sick  
leave.

Pending the question on passing the bill to be engrossed, Mr. Cyr presented an amendment inserting after the word "Neas", in line 4, the first time it appears, the following words:- "to care for her immediate family member"; and by inserting before the enacting clause the following emergency preamble:-

*"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of developmental services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."*

**The amendment was adopted.**

**The bill (Senate, No. 2455, amended) was then passed to be engrossed.**

**Sent to the House for concurrence.**

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4322) of James J. O'Day that the Division of Family Health Services of the Department of Public Health be authorized to establish a certification process of autism specialty service providers,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Health.**

Autism service  
providers,--  
certification.

*Report of a Committee.*

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill to advance electric vehicle adoption (Senate, No. 1923) (also based on Senate, No. 1927),-- ought to pass, with an amendment substituting a new draft entitled "An Act to accelerate the transition of cars, trucks and buses to carbon-free power" (Senate, No. 2476).

Electric cars.

*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 to advance electric vehicle adoption (Senate, No. 1923) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft entitled "An Act to accelerate the transition of cars, trucks and buses to carbon-free power", Senate, No. 2476) shall be placed in the Orders of the Day for a second reading on Thursday, January 30, 2020.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon, on Monday, January 27, 2020. All such amendments shall be second reading-amendments to the Senate Ways and Means new draft (Senate, No. 2476), 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. Rodrigues, and the order was considered forthwith and adopted.**

**The bill will be placed in the Orders of the Day for Thursday, January 30, 2020, for a second reading with the amendment pending.**

*Report of a Committee.*

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill relative to Energy Savings Efficiency (Energy SAVE) (Senate, No. 1986),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2478).

Appliances,--  
efficiency.

*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 relative to Energy Savings Efficiency (Energy SAVE) (Senate, No. 1986) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft with the same title, Senate, No. 2478) shall be placed in the Orders of the Day for a second reading on Thursday, January 30, 2020.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon, on Monday, January 27, 2020. All such amendments shall be second reading-amendments to the Senate Ways and Means new draft (Senate, No. 2478), 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. Rodrigues, and the order was considered forthwith and adopted.**

**The bill will be placed in the Orders of the Day for Thursday, January 30, 2020, for a second reading with the amendment pending.**

*Report of a Committee.*

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill to encourage the deployment of heat pumps (Senate, No. 1925) (also based on S524, S1926, S1929, S1935, S1957 and S2011),-- ought to pass, with an amendment substituting a new draft entitled "An Act setting next-generation climate policy" (Senate, No. 2477).

Heat pumps,--  
deployment..

*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 encourage the deployment of heat pumps (Senate, No. 1925) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft entitled “An Act setting next-generation climate policy” Senate, No. 2477) shall be placed in the Orders of the Day for a second reading on Thursday, January 30, 2020.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M, on Monday, January 27, 2020. All such amendments shall be second reading-amendments to the Senate Ways and Means new draft (Senate, No. 2477), 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. Tarr, and the order was considered forthwith and adopted.**

**The bill will be placed in the Orders of the Day for Thursday, January 30, 2020, for a second reading with the amendment pending.**

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Leah Reed, an employee of the Department Developmental Services (House, No. 4258,-- on petition),-- was read.

Leah Reed,-- sick leave.

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

*Engrossed Bill.*

An engrossed Bill establishing a sick leave bank for Aurora Wilber, an employee of the Massachusetts commission for the deaf and hard of hearing (see Senate, No. 2437, amended) (which originated in the Senate), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. Timilty) and laid before the Governor for his approbation.**

Bill laid before the Governor.

*Order Adopted.*

On motion of Mr. Tarr,--

*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 Mr. Rodrigues, at twenty-five minutes before twelve o’clock noon, the Senate adjourned to meet again on Monday next at eleven o’clock A.M.