

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JANUARY 26, 2017.

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JOURNAL OF THE SENATE.

Thursday, January 26, 2017.

Met at twenty-three minutes before twelve o'clock noon.

The Senator from Essex and Middlesex, Mr. Tarr, led the President, members, guests and staff in the recitation of the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Moore for the purpose of an introduction. Mr. Moore then introduced, in the rear of the Chamber, the Millbury High School Girls Soccer Team. The team was recognized for having won the Division 3 State Championship title for the second year in a row. The Senate applauded their accomplishments and they withdrew from the Chamber.

Millbury High School Girls Soccer Team.

There being no objection, the President introduced former Senator Robert L. Hedlund. The Senate welcomed him with applause and he withdrew from the Chamber.

Senator Robert L. Hedlund.

Communications.

The following communications were severally received and placed on file:

Communication from the Honorable Michael F. Rush, in compliance with Massachusetts General Laws Chapter 268A (received in the Office of the Clerk of the Senate on Tuesday, January 24, 2017 at seven minutes past four o'clock P.M.);

Senator Michael F. Rush,-- Chapter 268A.

Communication from the Honorable Stanley C. Rosenberg, President of the Senate, announcing the appointment (pursuant to Section 70 of Chapter 3 of the General Laws) of Senator Joseph Boncore to the Special Commission on the future of the metropolitan beaches; and

Metropolitan beaches.

Communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the appointment (pursuant to Section 136 of Chapter 219 of the Acts of 2016) of Dr. Yvonne M. Spicer of Framingham to the Special Commission to conduct a comprehensive study relative to the impacts of the Commonwealth remaining on eastern daylight time.

Daylight savings time.

Reports.

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

Report of the Division of Local Services' Bureau of Local Assessment (under the provisions of Section 10C of Chapter 58 of the General Laws) submitting its final 2016 Biennial Report of Equalization and Apportionment (received January 23, 2017);

DLS,-- 2016 biennial report. SD2060

Report of the Executive Office of Public Safety and Security (pursuant to Section 18B(j) of Chapter 6A of the General Laws) submitting its annual report on behalf of the State 911 Department (received January 23, 2017);

EOPSS,-- annual report. SD2061

Report of the District Attorney for Northwestern District (under the provisions of Section 99R of Chapter 272 of the General Laws) submitting its annual report of

Northwestern DA,-- annual wiretap report.

wiretap interceptions for the 2016 calendar year (received January 25, 2017); and

SD2063

Report of the Springfield Parking Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its annual audit report for the fiscal years ended June 30, 2016 and 2015 (received January 25, 2017).

Springfield Parking Authority,-- auditors' report. SD2064

PAPER FROM THE HOUSE.

A Bill establishing a sick leave bank for Robert Hackett, an employee of the Department of Revenue (House, No. 55, amended,-- on petition),-- **was read and, under Senate Rule 27, referred to the temporary committee on Ways and Means.**

Robert Hackett,-- sick leave.

Resolutions.

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

Resolutions (filed by Mr. Rosenberg) “congratulating Sheriff Robert J. Garvey on his retirement.”

Sheriff Robert J. Garvey.

Petition.

The following petition, having been timely filed by 5:00 P.M., on Friday, January 20, 2017, was considered as follows:-

Ms. Flanagan presented a petition (accompanied by bill, Senate, No. 17) of Jennifer L. Flanagan for legislation to establish a sick leave bank for Lisa Eppy, an employee of the Department of Children and Families,-- **was referred to the temporary committee on Ways and Means.**

Lisa Eppy,-- sick leave.

PAPERS FROM THE HOUSE.

A joint petition (accompanied by bill, House, No. 67) of Byron Rushing and Sonia Chang-Diaz for legislation to establish a sick leave bank for Valencia Hadley, an employee of the Department of Transitional Assistance,-- **was referred in concurrence, under suspension of Joint Rule 12, to the temporary committee on House Ways and Means.**

Valencia Hadley,-- sick leave.

A Bill relative to the compensation of public officials (House, No. 58,-- on petition),-- was read.

Public officials,-- compensation.

Pursuant to an order previously adopted, the rules were suspended, and the bill was read a second time. The amendment previously offered by Ms. Spilka striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 16,-- was considered.

Messrs. Humason, Tarr, O'Connor, deMacedo, Fattman and Ross moved that the proposed new text be amended by striking out sections 38 through 50 in the entirety and inserting in place thereof the following new section:-

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“SECTION 38. This act shall take effect January 2, 2019.”

After remarks, the amendment was *rejected*.

Ms. Spilka moved that the proposed new text be amended by striking out the word “No”, in line 112, and inserting in place thereof the following words:- “Except as otherwise provided in the rules of the senate or house of representatives, no”; and by striking out section 45 as printed and inserting in place thereof the following:- “Except as otherwise provided, sections 4 to 8, inclusive,

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and subsections (c) and (d) of section 37, shall take effect as of January 1, 2017.”

The amendment was adopted.

The pending amendment (Spilka), as amended, was then considered; and it 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 nays at two minutes past twelve o'clock noon, on motion of Ms. Spilka, as follows, to wit (yeas 31 – nays 9) [**Yeas and Nays No. 2**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriett L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
Cyr, Julian	O'Connor Ives, Kathleen
DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Rodrigues, Michael J.
Donoghue, Eileen M.	Rosenberg, Stanley C.
Eldridge, James B.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Timilty, James E.
Hinds, Adam	Welch, James T. – 31.
Jehlen, Patricia D.	

NAYS.

deMacedo, Viriato M.	O'Connor, Patrick M.
Fattman, Ryan C.	Ross, Richard J.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, Walter F. – 9.
Moore, Michael O.	

The yeas and nays having been completed at four minutes past twelve o'clock noon, the bill was passed to be engrossed, in concurrence, with the amendment, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act further regulating the compensation of certain public officials”.

Sent to the House for concurrence in the amendment.

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

Recess.

Distinguished Guests.

There being no objection, the President introduced a group of special guests visiting the Chamber in recognition of International Holocaust Remembrance Day which is celebrated on January 27th. Among the group was Misha Joukowsky, a

International
Holocaust
Remembrance Day.