

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



TUESDAY, JANUARY 16, 2018.

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JOURNAL OF THE SENATE.

Tuesday, January 16, 2018

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

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

Pledge of allegiance.

Reports.

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

Report of the Public Employee Retirement Administration Commission (pursuant to Section 21(3)(f) of Chapter 32 of the General Laws) pertaining to Cost of Living Adjustments for retirees and beneficiaries (received January 11, 2018);

PERAC,-- cost of living. SD2468

Report of the Massachusetts Life Sciences Center (pursuant to Section 15 of Chapter 23I of the General Laws) submitting its fiscal year 2017 Annual Report (received January 11, 2018);

MLSC,-- FY17 annual report. SD2469

Report of the District Attorney for Worcester County (pursuant to Section 99R of Chapter 272 of the General Laws) submitting its annual report of wiretap interceptions for the 2017 calendar year (January 12, 2018);

Worcester DA,-- wiretap. SD2470

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 2017 calendar year (January 12, 2018);

Bristol DA,-- wiretap. SD2471

Report of the Office of the Attorney General (pursuant to Section 99R of Chapter 272 of the General Laws) submitting its annual report of wiretap interceptions for the 2017 calendar year (January 12, 2018); and

AGO,-- annual wiretap report. SD2472

Report of the Berkshire District Attorney's Office (pursuant to Section 99R of Chapter 272 of the General Laws) submitting its annual report of wiretap interceptions for the 2017 calendar year (January 12, 2018).

Berkshire DA,-- wiretap. SD2473

PAPERS FROM THE HOUSE.

The following initiative petitions, having been transmitted by the Secretary of the Commonwealth to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution, and having been received in the Office of the Clerk of the House on Wednesday, January 3, 2018, were referred, in concurrence, as follows

Initiative petition of Christina Barnes and others for the passage of "An Act establishing a paid family and medical leave insurance program" (House, No. 4110); and

Paid family and medical leave.

Initiative petition of Elizabeth A. Warren and others for the passage of "An Act raising the minimum wage" (House, No. 4111);

Minimum wage,-- increase.

Severally to the committee on Labor and Workforce Development

Initiative petition of Patricia K. Duffy and others for the passage of "An Act relative to patient safety and hospital transparency" (House, No. 4112); and

Patient safety and hospital transparency.

Initiative petition of Donna Kelly Williams and others for the passage of "An

Id.

UNCORRECTED PROOF.

Act relative to patient safety and hospital transparency” (House, No. 4113);

Severally to the committee on Public Health.

Initiative petition of Joan B. Hurst and others for the passage of “An Act relative to reducing the burden of sales and use taxes and requiring a sales tax free weekend” (House, No. 4114);

To the committee on Revenue.

Initiative petition of Matthew W. Patsky and others for the passage of “An Act relative to establishing a citizens commission concerning a constitutional amendment to secure government of the people” (House, No. 4115);

To the committee on Veterans and Federal Affairs.

Report of the committee on Public Health asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1212) of Elizabeth A. Poirier and others relative to emergency medical technician certification of veterans and military medics,-- and recommending that the same be referred to the committee on Veterans and Federal Affairs,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Gary Erskine, an employee of the Department of Public Health (see House, No. 3989, 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.

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

An engrossed Bill designating a certain bridge in the city of Haverhill as the United State Navy Petty Officer Caitlin E. Trask - Veterans of the War of Terror Memorial Bridge (see House, No. 4025), 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.

The bill was signed by the Acting President (Mr. Boncore) 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 Ms. Spilka) “congratulating Benjamin Temple of the town of Ashland on his elevation to the rank of Eagle Scout.”

PAPER FROM THE HOUSE.

The Senate Bill to further define standards of employee safety (Senate, No. 2167, amended),-- came from the House passed to be engrossed, in concurrence, *with an amendment* striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3974; and by striking out

Sale tax.

Government of the people,-- commission.

Veterans,-- certification.

Gary Erskine,- sick leave.

Haverhill,-- bridge designation.

Benjamin Temple.

Employee safety,-- standards.

the title and inserting in place thereof the following title “An Act relative to standards of employee safety”.

The rules were suspended, on motion of Mr. Tarr, and the House amendments were considered forthwith.

Mr. Lewis presented a motion that the Senate concur with the House amendment *with a further amendment* striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2250.

The House amendment, as amended was adopted.

Sent to the House for concurrence in the further amendment.

Reports of Committees.

Mr. Montigny, 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 authorizing the Brookfield Housing Authority to convey a certain parcel of land and the buildings thereon (Senate, No. 2146).

Brookfield Housing Authority.

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

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Dave Ringer, an employee of the Department of Correction (House, No. 3947, amended),-- ought to pass.

Dave Ringer,--sick leave.

There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to the use of crossbows in hunting (Senate, No. 429),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2249).

Hunting,-- crossbows.

There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time.

Pending the question on adoption of the amendment recommended by the committee on Ways and Means, on motion of Mr. Tarr, the further consideration thereof was postponed until the next session.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Cindy F. Friedman for legislation relative to proceeds from the sale of bonds.

Sale of bonds,-- proceeds. SD2466

The rules were 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 Municipalities and Regional Government.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Walter F. Timilty for legislation relative to an easement plan for the Milton Inline Inspection Project.

Milton Inline Inspection Project. SD2270

The rules were 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 State Administration and Regulatory Oversight.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4117) of Robert M. Koczera relative to the fees for shellfishing permits for veterans;

Veterans,-- shellfishing permits.

Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 4118) of Carolyn C. Dykema relative to juvenile bail notification;

Juvenile bail,-- notification.

Under suspension of Joint Rule 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 4119) of Daniel Cullinane for legislation to establish a sick leave bank for Zelpha Bennett, an employee of the Executive Office for Administration and Finance;

Zelpha Bennett,-- sick leave.

Under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 4120) of Steven Ultrino, Barbara A. L'Italien and others relative to the fees for application for certain drivers' licenses and state identification cards for non-drivers;

Identification cards,-- non-drivers.

Under suspension of Joint Rule 12, to the committee on Transportation.

Engrossed Bill.

An engrossed Bill amending the charter of the town of Concord (see House, No. 3930) (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 and signed by the Acting President (Mr. Boncore) 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 Thursday next at eleven o'clock A.M., in a full formal session with a calendar.

Time of meeting.

Moment of Silence.

At the request of the Chair (Mr. Boncore), the members, guests and staff stood in a moment of silence and reflection to the memory of Deirdre Anne Roney .

Moment of silence.

Adjourn In Memory of Deirdre Anne Roney

The Senator from Middlesex and Norfolk, Ms. Creem, moved that when the Senate adjourns today, it adjourn in memory Deirdre Anne Roney of Brookline.

Deirdre Anne Roney, General Counsel of the Massachusetts State Ethics Commission, passed away on December 17, 2017. Ms. Roney graduated from Harvard College in 1983 with an A.B. in Social Studies, and, in 1986, from Columbia University Law School. Following 12 years of distinguished service to the people of New York as a law clerk, an Assistant District Attorney, an Assistant Attorney General and a civil litigator, in September 2001, Ms. Roney began work

as an Assistant Attorney General for the Massachusetts Attorney General's Office. In 2008, she left the Attorney General's Office to become the General Counsel and Legal Division Chief of the State Ethics Commission.

Ms. Roney's professional achievements were numerous and included: litigation against the State of New York resulting in a settlement increasing reimbursement to Medicaid dental providers; an investigation under the Massachusetts False Claims Act related to I-93 tunnel leaks in which she developed novel theories to support legal claims against involved entities; and a successful defense against a challenge to the constitutionality of the Massachusetts school finance system in *Hancock v. Driscoll*.

As General Counsel of the State Ethics Commission, Ms. Roney gave requestors from all levels of government and position timely, reliable advice in a manner that was friendly, patient, direct and clear. Ms. Roney also incorporated years of experience listening to and advising state, county and municipal employees, elected officials and private counsel as she drafted new and revised Commission regulations. Ms. Roney artfully clarified situations in which the statutory prohibitions against gifts to public employees and other activities did not or should not apply, and skillfully crafted exemptions for gifts and other activities serving a legitimate purpose or not presenting a genuine risk of a conflict of interest. In recognition of her work, Ms. Roney received numerous accolades, including the 2016 President's Award from The Massachusetts Municipal Lawyers Association.

Deirdre Roney will be greatly missed by her son, Nathaniel Taylor, and her husband, Patrick Taylor. Ms. Roney's brilliance and uncommon clarity will also be missed by her colleagues throughout the Commonwealth and, especially, at the Ethics Commission.

Accordingly, as a mark of respect in memory Deirdre Anne Roney, at twenty-seven minutes past eleven o'clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.