



STATE HOUSE NEWS SERVICE

Senate Session Summary - Friday, July 10, 2020

Sen. Fattman Again Delays Movement on Policing Bill

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A Republican senator again prevented debate Friday on the Senate's omnibus police reform bill, pushing consideration of the bill and its more than 100 amendments to a rare Saturday session. During an emotional exchange on the chamber floor, Sen. Sonia Chang-Diaz said that every day of delay means "we are choking the breath out of this bill." Only three weeks remain before the scheduled end of formal legislative sessions. Also Friday, the Senate passed a bill to allow restaurants to offer to-go cocktails as a business boost in the coronavirus era. A \$16.9 billion transportation bond bill was teed up for debate next Thursday with amendments due on Monday afternoon. The Senate gavels in again at 10 a.m. Saturday. - Sam Doran

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At 10:12 a.m., Sens. Brownsberger and Tarr were gathered at the rostrum with the clerk and aides to the president.

President Spilka arrived in the chamber at 10:14 a.m.

The voices of a group of protesters on Beacon Street carried through the open chamber window.

CONVENES: The Senate convened at 10:18 a.m. with Sen. Brownsberger of Belmont presiding. Sens. Spilka of Ashland, Tarr of Gloucester, and Rodrigues of Westport were also present.

PLEDGE: Members and staff pledged allegiance to the U.S. Flag.

SICK LEAVE: The Senate engrossed H 4665 establishing a sick leave bank for Dyana Gonzalez, an employee of the Division of Capital Asset Management and Maintenance.

ORDERS OF THE DAY: There was no objection to taking up matters printed in the orders of the day.

CONCORD BUILDING PERMITS: The Senate ordered to a third reading S 2317 establishing a building permit surcharge in the town of Concord.

CHARLTON POLICE CHIEF: The Senate ordered to a third reading S 2402 relative to removing the position of police chief from civil service.

SOMERVILLE AFFORDABLE HOUSING: The Senate ordered to a third reading S 2421 further defining the purposes of the affordable housing trust in the city of Somerville.

MATTAPOISETT WIND, SOLAR: The Senate ordered to a third reading S 2439 relative to wind and solar systems within the town of Mattapoisett.

HINGHAM TAX EXEMPTION: The Senate ordered to a third reading S 2525 relative to the establishment of a Hingham means-tested property tax exemption.

SALEM SCHOLARSHIPS: The Senate ordered to a third reading H 4041 authorizing the Salem scholarship and education committee to provide scholarships from funds set aside for educational purposes.

WESTFORD CHARTER: The Senate ordered to a third reading H 4235 relative to Westford Home Rule Charter.

RED-LIGHT CAMERAS: Chair heard pass on calendar item 217, S 1376 relative to automated enforcement. The red-light traffic camera bill had been laid on the table by Sen. Fattman during debate Feb. 27.

POLICE REFORM: Chair heard pass on calendar item 234, S 2800 to reform police standards and shift resources to build a more equitable, fair and just commonwealth that

values Black lives and communities of color. The bill had been laid on the table July 9 by Sen. Fattman.

RED-LIGHT CAMERAS: Returning to items previously passed over, question came on ordering to a third reading S 1376 relative to automated enforcement, coming first on a motion to lay the bill on the table. Sen. Tarr moved that the matter be postponed to July 31. The motion prevailed and the matter was postponed to July 31.

RECESS: Sen. Brownsberger declared a recess at 10:21 a.m. with the time of return left subject to the call of the chair.

President Spilka returned to the chamber at 11:15 a.m. and ascended the rostrum. Sens. Rodrigues, Tarr, Fattman, O'Connor, Brownsberger, Eldridge, and Keenan were also present.

RETURNS: President Spilka gaveled the Senate to order at 11:17 a.m.

POLICE REFORM: Question came on ordering to a third reading S 2800 to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color; coming first on a motion to lay the matter on the table. The motion did not prevail.

Sen. Fattman rose and said he wished to make a motion.

Sen. Spilka said the senator will please state his motion.

Sen. Fattman said I move to lay bill 2800 on the table.

Sen. Spilka said the gentleman moves the matter be laid on the table for the second time. The matter will be laid on table and placed in the orders of the day for the next session.

Sen. Keenan spoke with the president at the rostrum. Aides stood around them along with Sens. Rodrigues and Brownsberger. Sens. Tarr, Fattman, and O'Connor conversed by their desks.

President Spilka said the chair would let everyone know there will be no more roll calls today so we thank you for your participation.

RECESS: President Spilka declared a recess at 11:21 a.m.

President Spilka left the chamber. Sens. Eldridge, Brownsberger, Rodrigues, Tarr, Fattman, and O'Connor remained.

RETURNS: The Senate returned to order at 11:56 a.m. with Sen. Rodrigues presiding. Sens. Tarr, DiZoglio, and Keenan were also present. President Spilka stood near the doorway.

TEWKSBURY LAND: The Senate ordered to a third reading and engrossed S 2384 relative to the transfer and sale of a certain parcel of land in the town of Tewksbury.

TRANSPORTATION BOND - AMENDMENT DEADLINE: The Committee on Ways and Means recommended passage of H 4547 authorizing and accelerating transportation investment, with an amendment inserting a new text (S 2813). The Senate adopted a Sen. Rodrigues order placing S 2813 in the orders of the day for Thursday, July 16, with an initial amendment deadline Monday at 5 p.m. Redrafted and further amendments are due by 11 a.m. Thursday.

President Spilka took the gavel and called the Senate back to order at 12 p.m.

TAKEOUT COCKTAILS: The Committee on Ways and Means recommended passage of S 2740 to expand take-out/delivery options in response to COVID-19, with an amendment substituting a new draft (S 2812). The Senate adopted the Ways and Means amendment, then ordered the bill to a third reading as amended. Question came on engrossment.

Sen. DiZoglio said many of the employees of these restaurants wonder if their job will be there in the future or whether their place of employment will exist due to COVID-19. I know this body is committed to fully assisting. Every bit of assistance we provide counts as these businesses deal with lost revenue. In the Merrimack Valley they were the first to sound the alarm of the prospective revenue that could be generated by to-go wine and beer to assist them through the shutdown. But that bill fell short and did not include mixed drinks as an option. People were laughing at the prospect when we discussed the potential here in the Senate. But since then many states have been able to do this and their restaurants have benefited. We've already seen in my region and across the state, you've seen it in your districts, restaurants shut their doors and have to face the devastating reality they aren't able to reopen. They didn't make it. Those working day and night to climb back to some state of normalcy are still facing significant revenue losses as their capacity limits have been cut in half and many due to the small size of their restaurant are not able to open at all. I had takeout from Fusion House in Methuen yesterday. Because they can't have outdoor seating and have a small indoor space, still haven't been able to seat one single person at a table. This is happening across my district. I know the Legislature does not have a say in the governor's reopening plan but we have a duty to do everything we can to help those who are struggling. Our mom and pop restaurants have been asking for help so we need to get this temporary order done now. Our neighbors need help and passing this cocktails to go legislation will help generate much needed revenue to help them stay afloat. Once again my sincere thanks for your commitment Madam President to helping communities through this trying time.

Bill ENGROSSED.

Sen. Keenan requested unanimous consent to make a statement. There was no objection.

Sen. Keenan said I wish to speak on S 2800 which we are using to find a way to reform the way we police and a way to advance what so many people are feeling out there in terms of frustration with our many institutions. Housing, education, law enforcement, corrections. In these times it's a really difficult challenge. The gentlelady just spoke about a bill where we will be delivering alcohol from restaurants to homes - who would have thought that, a while ago? These are interesting and challenging times. We are trying the best we can as a government to respond to these times. In my 10 years in the Senate which seems like just a blink, I haven't seen times like this. I got a text the other night from my high school basketball and soccer coach. He called to tell how a friend of ours suffered a stroke. He also texted to talk about this bill. So we called each other and talked about the bill, then we just talked about what's going on out there. What he expressed to me is how the society we live in has become so divided. He has spent his entire time in education teaching as a guidance counselor, as a coach, on the school committee, and he's never seen anything like this. He wonders how we in government are going to get through it. Because of that message, it really hit home that people are struggling with what's going on out there. I think in that environment it's incumbent upon us in government to do everything we can to bring people together. And this bill has been an attempt to bring people together. There are many, many good things in this bill. It is the product of a lot of hard work and we know that change is difficult. Change is so difficult in this environment. Yesterday and again today the gentleman from Sutton moved to place this matter on the table. I want to say that I support him in those efforts. Because I think this bill needs a little more work. And more important than that, we've got to get our arms around conveying to people what it is we're trying to do with this bill. What's really in this bill. And I'm afraid we may have lost that battle already. That in a society where people are going further and further apart, we find ourselves right in the middle of that. Not in the middle trying to draw people together, but with a bill that is well intentioned, has good things, but for whatever reason is driving people apart. I know colleagues have heard from people with strong opinions on both sides of the issue. Leading up to the release of the bill we couldn't help but hear from people the overwhelming desire for change. We saw it every night on TV as we watched the marches and we heard from people we stood next to and marched with about the overwhelming desire for change. There is an incredible need for change. Yet despite our best intentions and the work done on this, we find ourselves not bringing people together but moving them further apart. You all know my family history in law enforcement. I've talked to many of you about it. It's something that runs to the core of who I am. I'm a great-grandson of a Boston Police Medal of Honor winner who was shot in the line of duty. Whose young family huddled around each other captured in a newspaper photo wondering whether their father was going to survive. I am the grand nephew of state troopers, a Newton police officer, you know my brother is a police chief, I have cousins and nephews in law enforcement. And for whatever reason whether it's been misinformation, misconception, misperception, there's the idea out there that they are under attack. My hope is that as we take this step back because this matter has been tabled, that we do something to bring

these two groups that are so far apart, that we bring them together. We had a Black Lives Matter rally in Quincy. It was put together pretty quickly and there was concern what might have become of it. That night 4500 people showed up in a beautiful spot, the Hancock Adams Common in Quincy Center. Right outside the burial place of John Adams who had to make the difficult choice of a union with slavery or no union at all. And John Quincy Adams who when nobody else would stand up for the Mende accused of mutiny, when who dared do that for those people? And Adams did. 4500 people came together outside their burial places. The Quincy police were there. Some of them you didn't know were there. My brother was there in his uniform in the crowd. The officers on their bicycles were there. There was a sudden movement to move down Hancock Street and the police officers blocked off the streets and let the march go forward. At the end, the officers took a knee. Not because they felt they had to, but to express solidarity with what was going on. I've been in Quincy government for a long time. It was a very proud moment to see that. Since then, it seems like we're going backwards. The people who marched down that street were concerned, involved, committed, and so desperately want to see change. Law enforcement was right by their side. That's where we were. So I know it doesn't have to be a choice, it doesn't have to be a group that believes or doesn't believe in change, a group that believes in correcting all the terrible wrongs we have and a group charged with protecting and serving. They don't have to be at odds. Yet we find ourselves at odds here today in this country. This bill has not brought people together, it has brought them apart. Part of it is, we've got to get to know each other a little better. The job of police officers, we all like to think what it entails, and I'd like to think I know a bit better because of the history, but there's so much we don't know. We do know that police officers are the ones who get a call and walk into a house and see a young boy hanging from the ceiling. My nephew had to respond to that call, one of several, and that hit home because that boy went to the same high school that he went to. How many officers go to domestic situations and find someone bloody and bleeding, then have to go home to a cookout and pretend they didn't see it? My old coach described what his son had to see, and it was something no one should ever have to see. I used to work in the retirement business and they'd come in and talk to me, and you look in their eyes and you know they've seen things. How many people have to go out and collect arms and legs after a motorcycle accident? We were awakened recently when a woman was yelling help, help. Two men tried to climb through her window. We went home and my wife saw a blur. I went and got the officer and it was 3 a.m. and a gentleman was hiding under the porch and the officer has his gun pulled. He said, please don't move. Please don't move. Or I might have to shoot. Have any of us ever found ourselves in that situation? We've got to understand what they go through. And they've got to understand what we're trying to do here. And those who have marched all around the country have to understand what law enforcement feels. We find ourselves here responding to the sense of urgency, this great desire and justified need for change. And I feel like we're rushing it. This is not critical of everybody. But I feel like we're rushing it. A 72 page bill takes a lot of work. I'm asking we take a little step back and use this time to bring people

together. To really make an effort over the next several times to bring people together. If people don't have trust in how we make our laws, how are they going to trust those laws? In this day and age when trust is something that is so valued yet so uncommon, let's work so that people will trust in what we're producing. There's been a lot of work done on this bill. We're taking a step back. Let's use this time to improve the law that we make. Let's take this time to recognize it doesn't have to be one side versus the other, we cherish both sides, and let's all move forward. If this legislation ends up not doing that, then it's shame on all of us. The talent and commitment in this chamber should lead us to that result. We always say don't let perfection be the enemy of the good. Let's not let haste and urgency be enemy of the good. Let's not just settle for something that's good, let's settle for something that unites and moves everybody forward. I hope, urge, and encourage us to take this opportunity to do that. I hope that message goes beyond this chamber. We know this is a bicameral legislature. I challenge us, the House of Representatives, and the executive branch to come together and work together on a bill that moves us forward. So we don't get caught up in house versus senate versus executive. So we can do justice for those who march down our streets and those who protect us as we march down those streets. Thank you, Madam President.

Sen. Chang-Diaz received unanimous consent to make a statement.

Sen. Chang-Diaz said let me preface by saying there are difficult words being exchanged in this chamber last night and today. It is my deep wish we can all recover from the harm we are doing to each other today. The gentleman from Quincy is my friend and I know he is a good man. I know he won't like what I have to say. My maiden speech in this chamber was on the subject of ethics reform for state elected officials. I stood up on that day, many of you remember the circumstances under which I came to be a member, and I stood up in that debate and talked about both being proud to be a member of this body and to be a member of the Legislature, even though what we needed to do at the time was look in the mirror as politicians and put in place more stringent rules on ourselves and our colleagues. And we needed to make the distinction that although most politicians, and I still believe this after 12 years, are good people working hard to do the right thing, that some of the people in our profession don't. We are human beings, we are frail, and sometimes people make the wrong choice and we have to be willing to police ourselves and call ourselves out, call our peers out. And we have to be willing to pass laws that will do that on our behalf. I made that my inaugural speech because I truly believe we can do both, be proud to be a member of this profession, and say sometimes we and our peers err and need to be held accountable. On that day I was not attacking anyone else in this chamber, nor anyone else who is an elected official, by saying our profession needed reform. Similarly, no one in this body or Legislature, or no protestor, is attacking anyone in the law enforcement profession, unless you're standing between the person being victimized and the officer taking that person's life or dignity. If you're shielding that person then yes, I'm attacking you. That's what it means to have a duty to intervene. There are good officers. Almost all police officers

are good and make difficult, burdensome, gut-wrenching and life-saving choices every day. And I honor them for it just in the same way that there are good politicians who make life-saving decisions in our work, even though it's not as immediate. And who bear heavy burdens. And there are also people in both professions who fail in the moment. We still pass ethics laws because we know we have a duty to intervene. And we also hear, we all watched that video, most of us have probably been at vigils where we have stood in silence for eight minutes and 46 seconds. What fills my mind during those eight minutes and 46 seconds, is I looked around at the people around me. And I grieved to think about how many of these people would intervene when the call comes to them. We all like to think, if we were the officer on the scene, of course we would have intervened. But we're not police officers, we're elected officials. We have to intervene where we are. This is how we fail to do racial justice in the 21st century. This is how America fails to do it. It's not because most of us would put a knee on a person's neck and watch them suffocate. It's not even because most of us would watch another human do that. But in that moment, I'm sure those other officers did not think what they were doing was so bad. I'm sure they were weighing, well I may be uncomfortable with this, but I'm also uncomfortable with calling out my colleague. What's going to happen in my professional relationships? It's going to be uncomfortable for me. And that's what causes people not to intervene. We are all confronted with the same prospect of discomfort in our lives and relationships today, and yesterday, and tomorrow, and the days after that if this continues. This is how we fail to do racial justice in America in the 21st century: it is by making choices about where we will center our attention. Whose pain will we focus on? We have to choose to make ourselves uncomfortable, be willing to bear the discomfort, and center and prioritize the pain of people who we have watched get killed on video, the pain of people who have to talk to their children about how to come home alive after an interaction with police, and the young people who have a statistically much higher chance of being incarcerated than any of the people in this room. Choose to center the pain of the mother of Black boys in America who have to carry that worry every day they raise their children and think about the odds they are up against. I want to say a word about bringing people together as opposed to dividing them. The Senate president did bring people together in this process, explicitly and intentionally. She appointed a bipartisan working group. It was a working group with people at the table bringing a law enforcement perspective. The president's office, Ways and Means, myself, we met with stakeholder groups. Does it have everything they want? Of course not. Does it have everything the people from Roxbury want? Of course not, and I have to live with that discomfort. But I'm calling B.S. on the idea this process didn't bring everyone together. People were at the table. This bill only has a few days left, we can all do the math. We know how many steps it still has to get through. Everybody here knows, and I'm just going to say it since we're pretending we don't know it, that if this bill doesn't get done by the end of the month, I question whether we will come back to it. You all know even if we do, the political

strength of people of color will be reduced. Americans and Bay Staters are going to forget how they feel in this moment. All of us know that every day we delay this bill, we are choking the breath out of this bill. We have a duty to intervene.

Sen. Keenan said I want to thank the gentlelady from Jamaica Plain for her heartfelt and deep feelings. What she conveyed is what we all think and feel. We can't have what has been happening on America's streets continue to happen. We can't continue to have situations as she describes continue to happen, we can't have a society where young Black men in particular grow up worried about encounters with police or how they'll be treated in schools or our health care delivery system, or how they'll be treated when they go to apply to rent an apartment. I could not agree with her more. My point is that while we have tried, good faith effort tried, to bring people together, we're not there yet on this. And so I think the time we've had is time we should use to continue those efforts. Because we're just not there. I thank the gentlelady from Jamaica Plain for her work on education and I hope we return earnestly to how we're going to fund public education in Massachusetts so racial inequalities no longer exist there. I hope we have that conversation. There are things we have to do immediately. We have to address what goes on on the streets of our cities. That's something we can do in the short term but let's not rush it. If it takes another four days, five days, let's take advantage of that time. Then let's return in earnest to how we fund the bill we were so proud to pass, the bill the gentlelady was so proud to move through the Legislature. That's what will have the real long-lasting impact. That is the big one. And let's return to that. And we've done great work on mental health and substance use and transportation and housing, and we have a lot of work to make sure what there's equal access to is equal in quality. We know we have the passion and ability to do it. Let's come together and do it. I thank the gentlelady for her comments and I commit to you my desire to be part of the solution. We're all there. Let's just do it. And let's just leave the craziness aside. Let's try to turn this world right-side-up again. Let's not get sucked into the vitriol we see on social media. I call it ping pong politics. One person slams the ball across the net and says point, and back and forth it goes until the point of exhaustion, and nothing every truly gets done. Take the net down, take the table away, and have real conversations about what needs to be done to move this bill and our state forward. Then let what we do here, as it has been in so many cases, be the beacon for the rest of the country. I urge us, House, Senate, governor, let's move forward together.

RECESS: The Senate entered a recess at 12:41 p.m. with the time of return left subject to the call of the chair.

RETURNS/ADJOURNS: The Senate returned to order with Sen. Brownsberger presiding, then adjourned at 2:29 p.m. to meet next on Saturday at 10 a.m. in a full formal session with a calendar.

DISCLAIMER: Bill texts and histories are available at <http://www.malegislature.gov/>.

All votes are voice votes, unless otherwise noted. Bills ordered to third reading have been given initial approval. To engross a bill is to pass it and send it to the other branch. The last of three votes taken on bills that reach the governor's desk is the vote on enactment. So, it's third reading (initial approval), engrossment (passage) and enactment. The News Service coverage of legislative debate is an accurate summary of remarks, not a verbatim transcript.

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