

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, SEPTEMBER 28, 2023

JOURNAL OF THE SENATE

Thursday, September 28, 2023.

Met at twenty-three minutes past eleven o'clock A.M. (Mr. Brownsberger 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. Brownsberger), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guest.

There being no objection, the President handed the gavel to Mr. Oliveira for the purpose of an introduction. Mr. Oliveira then introduced the Ambassador of the Republic of Poland to the United States Marek Magierowski. Ambassador Magierowski began his service as Ambassador to the United States in November 2021 and previously worked for the Chancellory of the President of the Republic of Poland as an expert on public diplomacy, Undersecretary of State at the Ministry of Foreign Affairs and Ambassador Extraordinary and Plenipotentiary of the Republic of Poland to the State of Israel. The Senate welcomed him with applause. Ambassador Magierowski briefly addressed the Senate, signed the guestbook and withdrew from the Chamber.

Ambassador of the Republic of Poland to the United States
Marek Magierowski.

Communications.

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

Communication from the Honorable James B. Eldridge announcing the appointment of Senator Rebecca L. Rausch as his designee (pursuant to Section 221 of Chapter 6 of the General Laws) to the task force on hate crimes (received September 21, 2023);

Hate Crimes Task Force.

Communication from the Massachusetts Housing Finance Agency (pursuant to Section 14 of Chapter 708 of the Acts of 1966) submitting its fiscal year 2023 annual report (received September 26, 2023); and

MHFA,-- annual report.
SD2768

Communication from the Executive Office of Health and Human Services (pursuant to Section 2SSSS(d) of Chapter 29 of the General Laws) submitting its fiscal year 2023 third quarter report on detailed accounting of all monies transferred, credited or deposited into the MassHealth Delivery System Reform Incentive Payment (DSRIP) Trust Fund (received September 27, 2023).

EOHHS,-- FY23 Q3 DSRIP report.
SD2770

Reports.

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

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspections of Berkshire County Jail and House of Correction, Boston Pre-Release Center and NCCI Gardner (received September 26, 2023); and

DPH,-- facility inspections.
SD2765

Report of the Department of Public Health (pursuant to Section 138(c) of Chapter 126 of the Acts of 2022) submitting its report entitled "An Examination of Opioid-Related Overdose Deaths among Massachusetts Residents: 2019-2020" (received September 27, 2023).

DPH,-- overdose deaths report.
SD2769

Reports of Committees.

By Mr. Cyr, for the committee on Public Health, on petition, a Bill expanding access to the certified nurses' aides certification process (Senate, No. 1336);

Nurses' aides,-- certification.

By the same Senator, for the same committee, on petition, a Bill establishing testing protocol and care for victims of date rape drugs (Senate, No. 1371); and

Date rape drugs,-- testing.

By the same Senator, for the same committee, on petition, a Bill to increase access to blood donation (Senate, No. 1372);

Blood donation,-- access.

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Ms. Jehlen, for the committee on Labor and Workforce Development, on Senate, No. 1159 and House, Nos. 1880 and 1897, a Bill relative to fairness in workers' compensation disfigurement benefits (Senate, No. 1159);

Worker's comp,-- disfigurement.

By the same Senator, for the same committee, on Senate, No. 1172 and House, Nos. 1831 and 1947, a Bill relative to unemployment compensation and labor disputes (Senate, No. 1172);

Labor disputes,-- unemployment compensation.

By the same Senator, for the same committee, on Senate, No. 1183 and House, No. 1883, a Bill amending the unemployment insurance law for workers with fluctuating work schedules (Senate, No. 1183);

Unemployment insurance,-- schedules.

By the same Senator, for the same committee, on Senate, No. 1187 and House, No. 1862, a Bill to make data on workforce development outcomes public and accessible (Senate, No. 1187);

Employee,-- data access.

By Mr. Cyr, for the committee on Public Health, on Senate, No. 145 and House, No. 2138, a Bill relative to menstrual product ingredient disclosure (Senate, No. 145);

Menstrual product,-- ingredient disclosure.

By the same Senator, for the same committee, on Senate, No. 1353 and House, No. 2225, a Bill enabling pharmacists to prescribe, dispense and administer PrEP (Senate, No. 1353); and

Pharmacists,-- PrEP.

By the same Senator, for the same committee, on Senate, No. 1381 and House, No. 534, a Bill to increase access to disposable menstrual products (Senate, No. 1381);

Menstrual products,-- access.

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

PAPERS FROM THE HOUSE.

Notice was received from the House of Representatives announcing the following appointment by the Speaker:

Representative Mendes of Brockton has been appointed to serve as his designee (under Section 73 of Chapter 3 of the General Laws) to the Commission on the Status of Latinos and Latinas.

Status of Latinos and Latinas Commission.

Authorizing Thomas Harmon to purchase creditable service from the Barnstable County Retirement Board (House, No. 3655,-- on petition); and

Thomas Harmon,-- retirement.

Authorizing John R. Stowe, Jr. to purchase creditable service from the Barnstable County Retirement Board (House, No. 3656,-- on petition);

John R. Stowe, Jr.,-- retirement.

Were severally read and, under Senate Rule 26, referred to the committee on Rules.

A Bill authorizing the city of Pittsfield to award a 1 year or multiple year contract to audit (House, No. 2045,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Pittsfield,-- audit contract.

Resolutions.

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

Resolutions (filed by Ms. Creem) “congratulating Marcia Cooper on her 22 years of dedicated service to the city of Newton”; and

Marcia Cooper.

Resolutions (filed by Ms. Miranda) “commending the Massachusetts Sickle Cell Association, Inc. for recognizing September 2023 as National Sickle Cell Awareness Month.”

Massachusetts Sickle Cell Association, Inc.

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 Lydia Edwards, Steven Owens and Patrick M. O'Connor for legislation relative to the Condominium Owners' Rights Act (CORA);

Condominiums,--
owners' rights.
SD2452

The rules were suspended, on motion of Mr. O'Connor, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Housing.

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 O. Moore for legislation to ensure the responsible use of advanced robotic technologies;

Robotic
technologies,--
responsible use.
SD2756

The rules were suspended, on motion of Mr. O'Connor, 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 Paul W. Mark for legislation relative to the disability law insomuch as relates to call and volunteer firefighters and EMTs;

Firefighters and
EMTs,-- volunteer.
SD2520

The rules were suspended, on motion of Mr. O'Connor, 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 Paul W. Mark for legislation to authorize the continued employment of Jerry Shampang as an environmental police officer in the executive office of energy and environmental affairs;

Jerry Shampang,--
employment.
SD2757

The rules were suspended, on motion of Mr. O'Connor, 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.

Severally 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 House Bill establishing a sick leave bank for Paul O'Brien, an employee of the trial court of the commonwealth (House, No. 4083),-- **was read a third time and passed to be engrossed, in concurrence.**

Paul O'Brien,-- sick
leave.

The House Bill establishing a sick leave bank for Matthew McRae, an employee of the department of state police (House, No. 4085),-- **was read a third time and passed to be engrossed, in concurrence.**

Matthew McRae,--
sick leave.

The House Bill authorizing the town of Wendell and the town of New Salem to continue the employment of Joseph J. Cuneo (House, No. 3813),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Wendell,-- Joseph Cuneo employment.

PAPERS FROM THE HOUSE

Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill to improve the Commonwealth's competitiveness, affordability, and equity (House, No. 3770) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2406),-- reported, in part, a "Bill to improve the Commonwealth's competitiveness, affordability, and equity" (House, No. 4104),-- came from the House, and was read.

Tax relief and policy.

The rules were suspended, on motion of Mr. Rodrigues, and the report was considered forthwith.

After remarks, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at twenty-seven minutes past twelve o'clock noon, on motion of Mr. Rodrigues as follows, to wit (yeas 38 – nays 1) **[Yeas and Nays No. 62]:**

YEAS.

- | | |
|--------------------------|---------------------------|
| Barrett, Michael J. | Kennedy, Robyn K. |
| Brady, Michael D. | Lewis, Jason M. |
| Brownsberger, William N. | Lovely, Joan B. |
| Collins, Nick | Mark, Paul W. |
| Comerford, Joanne M. | Miranda, Liz |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cronin, John J. | Moran, Susan L. |
| Cyr, Julian | O'Connor, Patrick M. |
| DiDomenico, Sal N. | Oliveira, Jacob R. |
| Edwards, Lydia | Pacheco, Marc R. |
| Fattman, Ryan C. | Payano, Pavel M. |
| Feeney, Paul R. | Rausch, Rebecca L. |
| Finegold, Barry R. | Rodrigues, Michael J. |
| Friedman, Cindy F. | Rush, Michael F. |
| Gomez, Adam | Spilka, Karen E. |
| Jehlen, Patricia D. | Tarr, Bruce E. |
| Keenan, John F. | Timilty, Walter F. |
| Kennedy, Edward J. | Velis, John C. 38. |

NAYS.

- Eldridge, James B. – **1.**

The yeas and nays having been completed at twenty-eight minutes before one o'clock P.M., the report was accepted, in concurrence.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Matthew McRae, an employee

Matthew McRae,-- sick leave.

of the department of state police (see House, No. 4085), 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 12 to 0.

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

Engrossed Bills.

An engrossed Bill to improve the Commonwealth’s competitiveness, affordability, and equity (see House, No. 4104) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was laid before the Senate, the question being on passing the bill to be enacted.

Tax relief and policy.

Mr. Fattman moved to suspend Senate Rule 49, to offer amendments to the engrossed bill.

After debate, the question on suspension of Senate Rule 49 was determined by a call of the yeas and nays, at seventeen minutes past one o’clock P.M., on motion of Mr. Fattman as follows, to wit (yeas 3 – nays 33) [**Yeas and Nays No. 63**]:

YEAS.

Fattman, Ryan C.
O’Connor, Patrick M.

Tarr, Bruce E. – **3.**

NAYS.

Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gomez, Adam
Jehlen, Patricia D.
Keenan, John F.

Kennedy, Edward J.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.
Oliveira, Jacob R.
Pacheco, Marc R.
Payano, Pavel M.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F. – **33.**

ABSENT OR NOT VOTING.

Barrett, Michael J.

Velis, John C. – **2.**

The yeas and nays having been completed at a half past one o’clock P.M., the motion to suspend Senate Rule 49 was negatived.

The bill was then passed to be enacted and signed by the Acting President (Mr. Brownsberger) and laid before the Governor for her approbation.

The following engrossed bills (both which originated in the House), 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.

UNCORRECTED PROOF.

Brownsberger) and laid before the Governor for her approbation, to wit:

Authorizing the town of Wendell and the town of New Salem to continue the employment of Joseph J. Cuneo (see House, No. 3813); and

Establishing a sick leave bank for Matthew McRae, an employee of the department of state police (see House, No. 4085).

Bills 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 that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

On motion of the same Senator, at twenty-nine minutes before two o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.