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**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**MONDAY, MAY 11, 2020**

[45]

JOURNAL OF THE SENATE

Monday, May 11, 2020

Met at twenty-four 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.

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 2699) of Michael J. Barrett and Alice Hanlon Peisch (by vote of the town) for legislation relative to special police in the town of Weston [Local approval received];

Weston,-- special police.

Under Senate Rule 20, to the committee on Public Service. Sent to the House for concurrence.

By Mr. Feeney, a petition (accompanied by bill) (subject to Joint Rule 12) of Paul R. Feeney for legislation for safe, healthy and inclusive elections;

Elections,-- safety. SD2936

Under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Orders.

Mr. Eldridge presented an Order relative to granting the committee on The Judiciary be granted until July 31, 2020, within which time to make its final report on current Senate documents numbered 313, 823, 824, 825, 845, 850, 861, 899, 902, 913, 937, 939, 952, 956, 978, 983, 989, 1041, 1209, 1385, 2441, 2457, 2480, and 2571, relative to Judiciary (Senate, No. 2704); and

The Judiciary,-- extension order.

The same Senator presented an Order relative to granting the committee on The Judiciary be granted until June 30, 2020 within which time to make its final report on current Senate document numbered 2571, relative to Judiciary (Senate, No. 2705);

Id.

Severally referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Ms. Comerford, for the committee on Public Health, on petition (accompanied by resolve, Senate, No. 1307), a Resolve establishing a sexual assault counselor certification task force (Senate No. 2692); and

Sexual assault,-- task force.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1334), a Bill to reduce racial disparities in maternal health (Senate No. 2697);

Maternal health,-- racial disparities.

Severally read and, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Cyr, for the committee on Mental Health, Substance Use and Recovery, on

Addiction,-- treatment access.

**UNCORRECTED PROOF.**

Senate, No. 1150 and House, No. 1732, a Bill providing access to full spectrum addiction treatment services (Senate, No. 1150);

By Ms. Comerford, for the committee on Public Health, on petition, a Bill relative to HIV routine screening and care (Senate, No. 1236);

By the same Senator, for the same committee, on Senate, Nos. 1237 and 1265, a Bill relative to HIV prevention access for young adults (Senate, No. 1237);

By the same Senator, for the same committee, on petition, a Bill regarding the pediatric palliative care program (Senate, No. 1238);

By the same Senator, for the same committee, on petition, a Bill relative to emergency medical services oversight (Senate, No. 1259);

By the same Senator, for the same committee, on petition, a Bill requiring pain assessment and management in healthcare facilities (Senate, No. 1262);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1311), a Bill relative to radon testing (Senate No. 2696); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1336), a Bill relative to acupuncture detoxification specialists (Senate No. 2698);

**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 petition, a Bill relative to plant relocation (Senate, No. 1105) [Representative McKenna of Webster dissenting];

By the same Senator, for the same committee, on petition, a Bill relative to continuation of health insurance in the case of plant closings (Senate, No. 1106);

By the same Senator, for the same committee, on petition, a Bill relative to workers compensation insurance (Senate, No. 1121);

By the same Senator, for the same committee, on petition, a Bill relative to state employment postings (Senate, No. 2336);

By Ms. Rausch, for the committee on Municipalities and Regional Government, on petition, a Bill enhancing identification of taxicab operators (Senate, No. 1173);

By the same Senator, for the same committee, on petition, a Bill relative to installing solar energy systems in historic districts (Senate, No. 1176);

By Mr. Finegold, for the committee on Public Service, on petition, a Bill relative to retirement benefits for Thomas Brian Donnelly (Senate, No. 1572);

By the same Senator, for the same committee, on petition, a Bill to exempt certain local housing authority executive directors from anti-spiking provisions (Senate, No. 2383); and

By the same Senator, for the same committee, on petition, a Bill relative to creditable service for Lisa Emma, a member of the Massachusetts Teachers' Retirement System (Senate, No. 2451);

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

By Mr. Finegold, for the committee on Public Service, on petition, a Bill relative to the membership of the PRIM board (Senate, No. 2363);

**Read and, under Senate Rule 26, referred to the committee on Rules.**

HIV,-- screening.

HIV prevention,-- access.

Palliative care,-- pediatrics.

Emergency medical services,-- oversight.

Pain assessment,-- treatment.

Radon testing.

Acupuncture,-- detoxification specialist.

Plant,-- relocation.

Plant closings,-- health care.

Workers comp,-- insurance.

State employment,-- postings.

Taxicab operators,-- identification.

Solar energy,-- historic districts.

Thomas Donnelly,-- retirement.

Local housing,-- anti-spiking.

Lisa Emma,-- creditable service.

PRIM board,-- membership.

*Committees Discharged.*

Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on Public Health to make an investigation and study of certain current Senate documents relative to nurse licensure compacts (Senate, No. 2682);

Public Health committee,-- study.

Of the Senate Order relative to authorizing the joint committee on Public Health to make an investigation and study of certain current Senate documents to establish a commission on quality patient outcomes and nurse staffing (Senate, No. 2683);

Id.

Of the Senate Order relative to authorizing the joint committee on Elder Affairs to make an investigation and study of certain current Senate documents relative to support affordable senior housing and services (Senate, No. 2684);

Elder Affairs committee,-- study.

Of the Senate Order relative to authorizing the joint committee on Municipalities and Regional Government to make an investigation and study of certain current Senate documents relative to rabies and other vaccination requirements and licensing (Senate, No. 2685);

Municipalities and Regional Government committee,-- study.

Of the Senate Order relative to authorizing the joint committee on Children, Families and Persons with Disabilities to make an investigation and study of certain current Senate documents relative to establish a newborn health and safe sleep pilot program (Senate, No. 2686); and

Children, Families and Persons with Disabilities committee,-- study.

Of the Senate Order relative to authorizing the joint committee on Public Safety and Homeland Security to make an investigation and study of certain current Senate documents to provide criminal justice reform protections to all prisoners in segregated confinement (Senate, No. 2687).

Public Safety and Homeland Security committee,-- study.

And recommending that the same severally be referred to the committee on Rules.

**Under Senate Rule 36, the reports were severally considered forthwith and accepted.**

PAPERS FROM THE HOUSE

*Emergency Preambles Adopted.*

An engrossed Bill designating a certain playground in the city of Chelsea as the Jack W. Fraser Memorial Playground (see House, No. 4015), 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.

Chelsea,-- playground.

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

An engrossed Bill to facilitate the delay of the income tax filing deadline (see House, No. 4677), 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.

Income tax,-- filing deadline.

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

*Orders.*

The following House Orders (severally approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

**UNCORRECTED PROOF.**

*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Election Laws be granted until Friday, June 26, 2020 within which time to make its final report on current Senate documents numbered 2653 and 2654, and House document numbered 4660.

Election Laws,--  
extension order.

**The rules were suspended, on motion of Mr. Tarr, and, after remarks, the order (House, No. 4680) was considered forthwith; and adopted, in concurrence.**

*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Safety and Homeland Security be granted until Monday, June 1, 2020 within which time to make its final report on current House documents numbered 3573 and 4611.

Public Safety and  
Homeland Security,--  
extension order.

**The rules were suspended, on motion of Mr. Tarr, and the order (House, No. 4682) was considered forthwith; and adopted, in concurrence.**

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

Petition (accompanied by bill, House, No. 4705) of Carlos González and others relative to providing aid to nonprofit and charitable organizations in gateway cities for the provision of services during the COVID-19 outbreak;

COVID-19,--  
nonprofits.

**Under suspension of Joint Rule 12, to the committee on Community Development and Small Businesses.**

Petition (accompanied by bill, House, No. 4706) of Susannah M. Whipps for legislation to establish a sick leave bank for Rebecca L. Stratford, an employee of the Department of Correction;

Rebecca L.  
Stratford,--  
sick leave.

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

A Bill authorizing the town of Hopkinton to remove certain land from a conservation restriction (House, No. 4319,-- on petition) [Local approval received],-- was read.

Hopkinton,--  
land.

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

A Bill authorizing the city of Fitchburg to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4334,-- on House, No. 3747) [Local approval received],-- was read.

Fitchburg,--  
liquor license.

**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.**

A Bill authorizing the town of Wakefield to establish a means tested senior citizen property tax exemption (House, No. 4475,-- on House, No. 3857),-- was read.

Wakefield,-- senior  
tax exemption.

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

A Bill establishing a sick leave bank for Kimberly Brantley, an employee of Department of Developmental Services (House, No. 4653,-- on petition),-- was read.

Kimberly Brantley,--  
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.**

A Bill establishing a sick leave bank for Jessica Ocasio, an employee of Department of Transitional Assistance (House, No. 4654,-- on petition),-- was read.

Jessica Ocasio,-- sick  
leave.

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

A Bill establishing a sick leave bank for Amanda Caruso, an employee of the

Amanda Caruso,--

**UNCORRECTED PROOF.**

Department of Correction (House, No. 4657,-- on petition),-- was read.

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.**

A Bill establishing a sick leave bank for Dyana Gonzalez, an employee of the Division of Capital Asset Management and Maintenance (House, No. 4665,-- on petition),-- was read.

Dyana Gonzalez,--  
sick leave.

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

A Bill establishing a sick leave bank for Marta Romero, an employee of the Department of Developmental Services (House, No. 4691,-- on House, No. 4632),-- was read.

Marta Romero,--  
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.**

*Reports of Committees.*

By Ms. Lovely, for the committee on Rules of the two branches, acting concurrently, that the Senate Order relative to granting the committee on Public Service until June 1, 2020 within which time to make its final report on a certain current Senate document, relative to public safety (Senate, No. 2689),-- ought to be adopted.

Public Service,--  
extension order.

**The rules were suspended on motion of Mr. Tarr and the order was considered forthwith and adopted.**

**Sent to the House for concurrence.**

*Engrossed Bills.*

The following engrossed bills (the first of which originated in the Senate), 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. Brownsberger) and laid before the Governor for his approbation, to wit:

Authorizing the City Council of the city of Somerville to appoint a clerk of committees and assistant clerks of committees (see Senate, No. 2307);

Bills laid before the  
Governor.

Designating a certain playground in the city of Chelsea as the Jack W. Fraser Memorial Playground (see House, No. 4015);

Authorizing David Mottor to purchase creditable service from the contributory retirement board of the city of Easthampton (see House, No. 4205);

Authorizing the town of Sharon to grant 4 additional licenses for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4402); and

Designating a foot bridge in Lynn Heritage State Park in the city of Lynn as the Gold Star Families Bridge (see House, No. 4478).

*Report of a Committee.*

By Mr. Rodrigues, for the committee on Ways and Means, that the House Bill addressing COVID-19 data collection and disparities in treatment (House, No. 4672),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2695.

COVID-19,-- data  
collection.

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

After remarks, and pending the question on adoption of the amendment recommended by the committee on Ways and Means, striking out all after the enacting clause and

2.

inserting in place thereof the text of Senate document numbered 2695, and pending the main question on ordering the bill to a third reading, Mr. Brownsberger moved that the proposed new text be amended in section 1, in the first paragraph of subsection (b), by adding the following sentence:- The department shall also report on its website, for each state and county correctional facility: (i) the total number of residents per correctional facility; and (ii) the number of residents within each facility who are housed in a cell: (A) alone; (B) with 1 other person; or (C) with 2 or more other people; provided further, that the department of correction and each sheriff shall provide this residential housing count information not less than weekly to the department of public health.”

After remarks, the amendment was adopted.

Ms. Chang-Diaz, Ms. Rausch, Mr. Welch and Ms. Comerford moved that the proposed new text be amended in section 1, line 57, after the word “department,” by inserting the following words:- “and a summary, prepared by the executive office of health and human services, of actions being taken to respond to disparities identified through data collected under this section.”

4.

After remarks, the amendment was adopted.

Mr. Pacheco moved that the proposed new text be amended in section 2, by inserting after the word “location” , in line 63, the following words:- “, including, but not limited to, gateway cities with hospitals dedicated to caring for patients who test positive for COVID-19,”.

1.

The amendment was adopted.

Mr. Rodrigues moves that the proposed new text be amended in section 1, by inserting after the word “staff”, in line 37, the following words:- “, by occupation,”;

3.

In said section 1, in the second paragraph of subsection (b), by adding the following sentence:- “All data collected pursuant to this section shall be available for download from the department of public health’s website in a machine-readable format consistent with commonly available data analysis software.”; and

In section 3, by striking out, in lines 124 and 125, the words “that the department of public health determines is”.

After remarks, the amendment was adopted.

**The Ways and Means amendment, as amended, was then adopted.**

**The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment. [For text of Senate amendment, printed as amended, see Senate, No. 2703].**

**Sent to the House for concurrence in the amendment.**

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 without a calendar.

Time of meeting.

On motion of the same Senator, at five minutes past twelve o’clock, noon, the Senate adjourned to meet again on Thursday next at eleven o’clock A.M.