
The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



WEDNESDAY, NOVEMBER 24, 2021

JOURNAL OF THE SENATE

Wednesday, November 24, 2021.

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

Pledge of allegiance.

Communications.

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

Communication from the Honorable Karen E. Spilka, President of the Senate, announcing the appointment of Senator Michael Barrett (pursuant to Section 132 of Chapter 24 of the Acts of 2021) to the special commission to investigate and study the promotion and celebration of the two hundred and fiftieth anniversary of the American Revolution (received November 23, 2021);

250th Anniversary of the American Revolution Special Commission.

Communication from the Office of the Comptroller (pursuant to Section 2 of Chapter 33 of the Acts of 2021) submitting the revised fiscal year 2022 transfer schedule for the following account: 1595-4514 Pension Liability Fund (PLF) (received November 22, 2021);

CTR,-- revised transfer schedule. SD2848

Communication from the Executive Office of Health and Human Services (pursuant to Section 2KKKKK(e) of Chapter 29 of the General Laws) submitting its report detailing all money transferred, credited or deposited into and from the Nonpublic Ambulance Service Reimbursement Trust Fund (received November 22, 2021);

EOHHS,-- NASRTF report. SD2849

Communication from the Executive Office of Health and Human Services (pursuant to Section 16F(b) of Chapter 6A of the General Laws) submitting the FY22 Chapter 171 Individual and Family Support Plans on behalf of the following agencies: Massachusetts Rehabilitation Commission, Department of Developmental Services, Department of Mental Health, Department of Public Health, Massachusetts Commission for the Blind, Massachusetts Commission for the Deaf and Hard of Hearing and MassHealth (received November 19, 2021); and

EOHHS,-- Ch. 171 support plans. SD2850

Communication from the Department of Public Health relative to its plans of correction for the Middlesex County Jail and House of Correction inspection on October 4, 5 and 6, 2021 and Pondville Correctional Center inspection on November 3, 2021 (received November 22, 2021).

DPH,-- plans of correction. SD2852

Reports.

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

Report of the Nantucket Regional Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its financial statements and supplementary information for the year ended June 30, 2021 (received November 22, 2021); and

NRTA,-- auditors' report. SD2851

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspection of Essex County Correctional Alternative Center (received November 18, 2021).

DPH,-- facility inspection. SD2853

Report of a Committee.

By Ms. Gobi, for the committee on Higher Education, on Senate, No. 833 and House, No. 1358, a Bill supporting urgent community college equity through student services (Senate, No. 833);

SUCCESS program,-
- establish.

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

Committee Discharged.

Mr. Brady, for the committee on Public Service, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1705) of Ryan C. Fattman for legislation to designate January as Peace Officer History Month,-- **and recommending that the same be referred to the committee on State Administration and Regulatory Oversight.**

Peace Officer History
Month.

Under Senate Rule 36, the report was considered forthwith and accepted. Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Representatives Biele of Boston and LaNatra of Kingston have been appointed as his designees (under Chapter 69 of the Acts of 2003) to the Selection Committee for the Madeline Amy Sweeney Award for Civilian Bravery;

Madeline Amy
Sweeney Award for
Civilian Bravery
Committee.
Community
Empowerment and
Reinvestment Grant
Program Board.
Poverty Commission.

Ron Waddell and Sean Ellis have been appointed as his designees (under Item 7002-2021 contained in Section 2 of Chapter 227 of the Acts of 2020) to the Community Empowerment and Reinvestment Grant Program Board;

Representative Decker of Cambridge has been appointed as his designee (under Chapter 74 of the Acts of 2021) to the special legislative commission to study poverty in the Commonwealth;

Liz Friedman of Northampton has been re-appointed as his designee (under Section 66 of Chapter 3 of the General Laws) to the Massachusetts Commission on the Status of Women; and

Commission on the
Status of Women.

Douglas H. Spicer of Newton has resigned as his designee to the permanent commission on the Status of Grandparents Raising Grandchildren established (under Section 69 of Chapter 3 of the General Laws) and that Gail Williams of Boston had been appointed as his designee to the commission to fill the vacancy.

Status of
Grandparents Raising
Grandchildren.

Notice was received from the House of Representatives announcing the following appointments by the Minority Leader:

Representative Pease of Westfield has been appointed as his designee (under Section 105 of Chapter 227 of the Acts of 2020) to the special commission to study equity and access to telecommunications services, including but not limited to broadband internet, for students and families in the commonwealth and to make recommendations to address inequity and the digital divide for students and families with limited access to telecommunications services;

Telecommunications
services commission.

Representative Howitt of Seekonk has been appointed as his designee (under Section 130 of Chapter 24 of the Acts of 2021) to the special commission to study auto body labor rates;

Auto Body Labor
Rates Commission.

Representative Vieira has been appointed as his designee (under Section 132 of Chapter 24 of the Acts of 2021) to the special commission to investigate and study the

250th anniversary of
the American
Revolution

promotion and celebration of the 250th anniversary of the American Revolution;

Representative Muratore of Plymouth has been appointed as his designee (under Section 134 of Chapter 24 of the Acts of 2021) to the Non-Emergency Human Services Transportation Task Force; and

Representative McKenna of Webster has been appointed as his designee (under Section 217 of Chapter 6 of the General Laws) to the state Commission on Autism.

A petition (accompanied by bill, House, No. 4265) of Paul F. Tucker and Joan B. Lovely (with the approval of the mayor and city council) that the city of Salem be authorized to appoint retired Salem firefighters as special firefighters in said city,-- **was referred, in concurrence, to the committee on Public Service.**

A Bill relative to the charter of the town of Eastham (House, No. 3794,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Resolutions.

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

Resolutions (filed by Mr. Rush) “congratulating Anthony Wickett on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Rush) “congratulating Gurnoor Sooch on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. O’Connor) “congratulating Robert G. Curtin, Jr. on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. O’Connor) “congratulating Mason Schumaker on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. O’Connor) “congratulating Andrew W. Horte on his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Mr. O’Connor) “congratulating Aidan J. Lyne on his elevation to the rank of Eagle Scout”.

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 Bruce E. Tarr for legislation relative to personal health information portability and accessibility;

Senate Rule 36 was suspended, on motion of Mr. O’Connor, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied bill) was referred to the committee on Public Health.

Sent to the House for concurrence.

By Mr. Brady, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Joseph Filardi, an employee of the Department of Revenue (Senate, No. 2578);

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

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:

Commission.
Non-Emergency
Human Services
Transportation Task
Force.
Commission on
Autism.

Salem,-- retired
firefighters.

Eastham,-- charter.

Anthony Wickett.

Gurnoor Sooch.

Robert G. Curtin, Jr.

Mason Schumaker.

Andrew W. Horte.

Aidan J. Lyne.

Health information,--
accessibility.
SD2789

Joseph Filardi,-- sick
leave.

UNCORRECTED PROOF.

The Senate Bill authorizing the town of Wareham to grant an additional license for the sale of alcoholic beverages to be drunk off the premises (Senate, No. 2501),-- was read a third time.

Wareham,-- liquor license.

Pending the question on passing the bill to be engrossed, Mr. Pacheco presented an amendment substituting a new draft entitled “An Act authorizing the town of Wareham to grant an additional license for the sale of malt beverages not to be drunk on the premises” (Senate, No. 2587).

The amendment was adopted.

The bill (Senate, No. 2587) was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill establishing an open town meeting in the town of Lee (House, No. 4092),-- was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Lee,-- open town meeting.

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill concerning genocide education (see Senate, No. 2557, 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 2 to 0.

Genocide education.

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

Moment of Silence.

At the request of the Chair (Mr. Timilty), the members, guests and staff stood in a moment of silence and reflection in memory of Joseph Hugh Cody and Robert W. Horacek.

Moment of silence.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill providing for the retirement of Sean Murphy, a police officer in the city known as the town of Weymouth (House, No. 3764) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time and passed to be engrossed, in concurrence.

Weymouth,-- Sean Murphy.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (the first two 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. Timilty) and laid before the Governor for his approbation, to wit:

Authorizing Brigitte Hamel to take the civil service examination for the position of police officer in the city of Haverhill notwithstanding the maximum age requirement (see Senate, No. 2447);

Bills laid before the Governor.

Concerning genocide education (see Senate, No. 2557, amended);

Relative to certain affordable housing owned and operated by the Ipswich Housing Authority (see House, No. 3809); and

Further regulating the membership of the board of trustees of the Woburn Public Library (see House, No. 3820).

Order Adopted.

On motion of Mr. O'Connor,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M.

Time of meeting.

Adjournment in Memory of Robert W. Horacek.

The Senator from Hampden and Hampshire, Mr. Velis, presented a request that when the Senate adjourn today, it do so in the memory of Robert W. Horacek who passed away on October 31, 2021.

Bob grew up in West Springfield and Agawam and was a proud graduate of Agawam High School and the University of Massachusetts. A business major, he started his own sales agency, Prime-Line Marketing, Inc. in 1982, a successful local business that has operated for 39 years.

In 1995, Bob moved to Southwick, where he began a long and dedicated career of public service.

Bob's service to Southwick spanned over 22 years, with stints on the town's Finance Committee, Capital Expenditures Committee, Community Preservation Community, Open Space Committee and Cable Advisory Committee. He loved Southwick and was known far and wide for his dedication to preserving and protecting the town. Bob was also a minister for the Universal Life Church and married seven couples throughout the community, including his son "RJ" and his wife Cynthia.

A devoted husband, father, grandfather, brother and uncle, Bob was an honest, loving, supportive and caring man. He lived life on his own terms, and loved golfing, his cars, and most of all politics.

Bob is survived by his loving wife of 46 years, Sharon Hopkins Horacek, his son Mark Peter, his son RJ and wife Cynthia, his two granddaughters Ilona Olivia and Isabella Juditha Horacek, his brother Dean and wife Joanne, his sister Sherry Kreps and husband David, and his sister Ellen Sousa and husband Rick, in addition to many nieces, nephews, cousins, extended family members and friends.

Bob's commitment to Southwick, to his community, and to his friends and family, will never be forgotten. We all mourn his loss.

Adjournment in Memory of Joseph "Joe" Cody.

The Senator from Norfolk, Bristol and Plymouth, Mr. Timilty, moved that when the Senate adjourns today it do so in memory of Joseph "Joe" Cody.

Joseph "Joe" Cody of Braintree, formerly of Hyde Park and East Boston, passed away surrounded by his loving family on August 11, 2021, at the age of 91. During his nearly 50 years of dedicated service to the Commonwealth, Joe always exhibited a strong work-ethic. Throughout his life, he always showed a genuine love of people.

Joe was a hard-working teacher, an incredibly kind social worker, and a dedicated

probation officer in the Massachusetts Trial Court. For instance, while working in a maximum-security unit for boys and a detention center for girls, he encountered hate but also yearnings for compassion and love.

In addition, Joe served for eight years with the Department of Youth Services. Most importantly, Joe, compassionately, served in the Norfolk County Superior Court's Department of Probation. There, he conducted pre-trial and post-trial investigations, completing social histories as an aid to sentencing decisions, rendered by the presiding judges.

In 1990 he was recognized as the Trial Court Employee of the Year.

Earlier in Joe's distinguished life, Joe graduated from St. Paul Seminary in Minnesota with a degree in philosophy, earning a master's degree a year later.

On a personal note, Joe was, also, a great storyteller. He is quoted as saying, "I love telling stories to anyone who will listen."

Putting pen to paper, Joe compiled the stories he had accumulated after almost 50 years in the field of human service and wrote a memoir recalling his life and vocation. In his A BOOK ABOUT ME AND THEM, he wrote about people who came into his life through the criminal courts of Massachusetts. Specifically, he wrote about everyday people who had experienced the adversities of life, pivoting to unorthodox means by which to overcome those obstacles. Sometimes, those means included breaking the law. His career included many stories showing his dedication toward working outside conventional means.

Since retiring in 2005, he enjoyed exercising at his health club, taking long walks, and fishing.

Joe was the beloved husband of 62 years of Mary (Murray) Cody, loving father of Mary T. Cody of Braintree, Joseph C. Cody and his wife Denise of Braintree, Barbara Daly and her late husband Stephen F. Daly of Foxboro, Kathleen McLaughlin and her husband Steven of Foxboro, and Joanne Scaramuzzo and her husband John of Dedham.

In addition, Joe was the devoted brother of Catherine Sexton and her late husband Paul "Red" Sexton of East Boston and Mary Willard and her husband Bob of Andover.

Moreover, was the son of the late Joseph T. and Catherine G. (Bagley) Cody.

In addition, Joe was the cherished grandfather of Joseph, Nicholas and Shawn Cody, Catherine and William Daly, Erin and Steven McLaughlin and Jill, Johnny, and James Scaramuzzo. Joe is, also, survived by his nieces, nephews, extended family, and friends.

Accordingly, as a mark of respect in memory of Joseph "Joe" Cody, at twenty-two minutes before twelve o'clock noon, on motion of Mr. O'Connor, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.