

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



WEDNESDAY, JANUARY 26, 2022

JOURNAL OF THE SENATE

Wednesday, January 26, 2022.

Met at twelve o'clock noon (Mr. Cyr in the Chair).

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

Pledge of allegiance.

Message from His Excellency the Governor.

Message from His Excellency the Governor, Charles D. Baker, relative to the general concerns of the Commonwealth (see Senate, No. 2),-- was placed on file.

Governor,-- State of the Commonwealth.

Communication.

Communication from the Office of the Comptroller (pursuant to item 1599-3384 of Section 2 of Chapter 24 of the Acts of 2021) submitting its report on payments made from the settlements and judgments reserve through the second quarter of FY22 (received January 25, 2022),-- was placed on file.

CTR,-- settlements and judgments report. SD2969

Report.

Report of the School Resource Officer Memorandum of Understanding Review Commission (pursuant to Section 37P(b) of Chapter 71 of the General Laws) submitting its 2022 School Resource Officer Memorandum of Understanding model agreement (received January 25, 2022),-- was placed on file.

SRO MOU commission,-- agreement. SD2968

Petition.

Mr. O'Connor presented a petition (accompanied by bill) (subject to Joint Rule 12) of Patrick M. O'Connor for legislation to establish the annual observance of September 11th Remembrance Day,-- and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

September 11th Remembrance Day. SD2967

Reports of Committees.

By Mr. Gomez, for the committee on Children, Families and Persons with Disabilities, on Senate, Nos. 84, 93, 94, 97, 98, 99, 106, 107, 118, 135 and 141, an 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 children, families and persons with disabilities matters (Senate, No. 2624);

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

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

By Mr. Gomez, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill establishing a special commission to study women and homelessness (Senate, No. 82); and

Homeless women,-- commission.

By the same Senator, for the same committee, on petition, a Bill establishing a commission to study childhood hunger in Norfolk County as a result of the COVID-19 pandemic (Senate, No. 145);

Norfolk County Childhood Hunger Commission.

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

By Mr. Gomez, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill relative to an agricultural healthy incentives program (Senate, No. 108, changed in line 10 by inserting after the word “department” the following words:- “of transitional assistance”);

Healthy incentives program.

By the same Senator, for the same committee, on petition, a Bill improving child eye care (Senate, No. 136); and

Child eye care.

By the same Senator, for the same committee, on petition, a Bill to increase the safety of individuals with disabilities relying on life-support equipment (Senate, No. 140);

Disabled individuals,-- safety.

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

By Mr. Gomez, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill to ensure positive transition plans to prevent youth homelessness (Senate, No. 85);

Youth homelessness,--
- transition plans.

By the same Senator, for the same committee, on petition, a Bill providing for coordinated data and assistance to address family homelessness (Senate, No. 110);

Family homelessness,--
assistance.

By the same Senator, for the same committee, on petition, a Bill improving emergency housing assistance for children and families experiencing homelessness (Senate, No. 111);

Housing,-- homeless families.

By the same Senator, for the same committee, on petition, a Bill to state assistance for funeral expenses (Senate, No. 112);

Funeral expenses,--
indigent persons.

By the same Senator, for the same committee, on petition, a Bill concerning public assistance for working families and the creation of a pilot program to address the impacts of the cliff effect (Senate, No. 119);

Working families,--
public assistance.

By the same Senator, for the same committee, on petition, a Bill relative to supporting families dealing with sudden unexplained death in pediatrics (Senate, No. 126);

Pediatric deaths,--
family support.

By the same Senator, for the same committee, on petition, a Bill relative to establishing an emergency food assistance committee (Senate, No. 146); and

Emergency food assistance committee.

By Mr. Cronin, for the committee on Municipalities and Regional Government, on petition, a Bill relative to Municipal Building Assistance Program and Building Authority (Senate, No. 1343);

Municipal Building Assistance Program.

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

By Mr. Cronin, for the committee on Municipalities and Regional Government, on petition, a Bill creating a Parks and Recreation Commission in the town of Templeton (Senate, No. 2574) [Local approval received];

Templeton,-- parks and rec. commission.

By the same Senator, for the same committee, on petition, a Bill establishing a special fund for recaptured funds from demolition liens or related grants in the town of Templeton (Senate, No. 2575) [Local approval received]; and

Templeton,-- special fund.

By the same Senator, for the same committee, on petition, a Bill authorizing the town of Tewksbury to change the name of its Board of Selectmen to Select Board (Senate, No. 2593, changed in section 3, in line 8, by striking out the word “amendment” and inserting in place thereof the following:- “amended”) [Local approval received];

Tewksbury,-- select board.

Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPER FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to financing the general governmental infrastructure of the Commonwealth (House, No. 4336),-- **was referred, in concurrence, to the committee on Bonding, Capital Expenditures and State Assets.**

General infrastructure bond.

Recess.

There being no objection, at one minute past twelve o'clock noon, the Chair (Mr. Cyr) declared a recess subject to the call of the Chair; and at a quarter before one o'clock P.M., the Senate reassembled, Ms. Creem in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Recess.

PAPERS FROM THE HOUSE

Engrossed Bill.

An engrossed Bill further regulating town elections in the town of Wilbraham (see House, No. 3935) (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 (Ms. Creem) and laid before the Governor for his approbation.**

Bill laid before the Governor.

Engrossed Bills—Land Takings for Conservation Etc.

An engrossed Bill authorizing the city of New Bedford to convey certain land acquired for open space and play ground purposes (see Senate, No. 29) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at thirteen minutes before one o'clock P.M., as follows, to wit (yeas 39 - nays 0) [**Yeas and Nays No. 118**]:

New Bedford,-- land conveyance.

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Gomez, Adam |
| Brady, Michael D. | Hinds, Adam G. |
| Brownsberger, William N. | Jehlen, Patricia D. |
| Chandler, Harriette L. | Keenan, John F. |
| Chang-Diaz, Sonia | Kennedy, Edward J. |
| Collins, Nick | Lesser, Eric P. |
| Comerford, Joanne M. | Lewis, Jason M. |
| Creem, Cynthia Stone | Lovely, Joan B. |
| Crighton, Brendan P. | Montigny, Mark C. |
| Cronin, John J. | Moore, Michael O. |
| Cyr, Julian | Moran, Susan L. |
| DiDomenico, Sal N. | O'Connor, Patrick M. |
| DiZoglio, Diana | Pacheco, Marc R. |
| Edwards, Lydia | Rausch, Rebecca L. |
| Eldridge, James B. | Rodrigues, Michael J. |
| Fattman, Ryan C. | Rush, Michael F. |
| Feeney, Paul R. | Tarr, Bruce E. |

UNCORRECTED PROOF.

Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Timilty, Walter F.
Velis, John C. – **39.**

NAYS – 0.

The yeas and nays having been completed at five minutes before one o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Middleborough to lease a certain parcel of land to the town of Plympton (see Senate, No. 1353) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, - was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at four minutes before one o'clock P.M., as follows, to wit (yeas 39 - nays 0) [**Yeas and Nays No. 119**]:

Middleborough and
Plympton,-- land
lease.

YEAS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Edwards, Lydia
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Gomez, Adam
Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Velis, John C. – **39.**

NAYS – 0.

The yeas and nays having been completed at two minutes before one o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Andover to transfer conservation land (see House, No. 2193) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the

Andover,-- land
transfer.

UNCORRECTED PROOF.

Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at one minute before one o'clock P.M., as follows, to wit (yeas 39 - nays 0) **[Yeas and Nays No. 120]:**

YEAS.

Barrett, Michael J.	Gomez, Adam
Brady, Michael D.	Hinds, Adam G.
Brownsberger, William N.	Jehlen, Patricia D.
Chandler, Harriette L.	Keenan, John F.
Chang-Diaz, Sonia	Kennedy, Edward J.
Collins, Nick	Lesser, Eric P.
Comerford, Joanne M.	Lewis, Jason M.
Creem, Cynthia Stone	Lovely, Joan B.
Crighton, Brendan P.	Montigny, Mark C.
Cronin, John J.	Moore, Michael O.
Cyr, Julian	Moran, Susan L.
DiDomenico, Sal N.	O'Connor, Patrick M.
DiZoglio, Diana	Pacheco, Marc R.
Edwards, Lydia	Rausch, Rebecca L.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Tarr, Bruce E.
Finegold, Barry R.	Timilty, Walter F.
Friedman, Cindy F.	Velis, John C. – 39.
Gobi, Anne M.	

NAYS – 0.

The yeas and nays having been completed at one minute past one o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

An engrossed Bill authorizing the city of Cambridge to use certain land for general municipal purposes and the installation of subsurface geothermal wells (see House, No. 3996, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at two minutes past one o'clock P.M., as follows, to wit (yeas 39 - nays 0) **[Yeas and Nays No. 121]:**

Cambridge,-- land use.

YEAS.

Barrett, Michael J.	Gomez, Adam
Brady, Michael D.	Hinds, Adam G.
Brownsberger, William N.	Jehlen, Patricia D.
Chandler, Harriette L.	Keenan, John F.
Chang-Diaz, Sonia	Kennedy, Edward J.
Collins, Nick	Lesser, Eric P.
Comerford, Joanne M.	Lewis, Jason M.
Creem, Cynthia Stone	Lovely, Joan B.
Crighton, Brendan P.	Montigny, Mark C.

Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Edwards, Lydia
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Moore, Michael O.
Moran, Susan L.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Velis, John C. – 39.

NAYS – 0.

The yeas and nays having been completed at five minutes past one o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

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 Sal N. DiDomenico for legislation to name a certain park in Cambridge the Richard McKinnon Park.

Cambridge,-- Richard
McKinnon Park.
SD2890

Senate Rule 36 was suspended, on motion of Ms. Moran, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture.

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 Joanne M. Comerford for legislation to prohibit video recording or broadcasting while driving;

Driver safety,--
videos.
SD2877

Senate Rule 36 was suspended, on motion of Ms. Moran, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation.

Severally sent to the House for concurrence.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills.

Second reading bills.

Establishing a building permit surcharge in the town of Concord (Senate, No. 2438);
Exempting Marcel Cuffy and John R. Baker from the maximum age requirements for firefighters in the town of North Andover (Senate, No. 2498);

Amending the charter of the town of Wareham (Senate, No. 2562);

Further regulating the powers of the town manager in the town of North Andover (House, No. 2190);

Relative to the design, development, construction and operation of a senior low-income and affordable housing project located at 144 Greenmont Avenue in the town of Dracut (House, No. 3722, amended);

Authorizing the investment of town of Lunenburg library trust funds (House, No. 3727);

Relative to the charter of the town of Eastham (House, No. 3794);

Relative to investment of certain trust funds in the town of Weston (House, No. 3894);

Authorizing certain investments by the treasurer of the town of Groton (House, No.

3909);

Relative to changing the name of the board of selectmen in the town of Norwell (House, No. 3916);

Relative to the Selectboard of the town of Duxbury (House, No. 3937, amended);

Relative to the Nantucket Audit Committee (House, No. 4123);

Relative to the Provincetown public pier corporation (House, No. 4190);

Regarding licenses for the sale of alcoholic beverages to be drunk on the premises in the town of Tisbury (House, No. 4240);

Amending the charter of the town of Medway (House, No. 4259);

Relative to the amendment of section 3-4 of the Home Rule Charter of the city of Methuen (House, No. 4274);

Relative to the board of selectmen in the town of Westborough (House, No. 4302);

Relative to the membership of the Historic District Commission of the town of Sudbury (House, No. 4313);

Creating select board/town manager form of government in the town of Wayland (House, No. 4315); and

Re-designating a certain bridge in the city of Lawrence (House, No. 4319);

Were severally read a second time and ordered to a third reading.

The House Bill making appropriations for the fiscal year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4345),-- was read a second time.

Supplemental appropriations.

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2622, and pending the main question on ordering the bill to a third reading, Ms. Moran, Mr. Tarr, Ms. Chang-Diaz, Ms. Jehlen, Ms. DiZoglio and Messrs. O'Connor, Feeney, Moore and Timilty moved that the proposed new text be amended in section 2 by inserting the following section:-

1

“SECTION XX. (a) Section 13 of chapter 53 of the acts of 2020, as amended by section 1 of chapter 20 of the acts of 2021, is hereby further amended by striking out the words ‘May 1, 2022’ and inserting in place thereof the following words:- ‘December 15, 2022’.

(b) Subsection (b) of section 2 of chapter 118 of the acts of 2020, as amended by section 10 of chapter 20 of the acts of 2021, is hereby further amended by striking out the words ‘May 1, 2022’ and inserting in place thereof the following words:- ‘December 15, 2022’.

(c) Section 19 of chapter 20 of the acts of 2021 is hereby amended by striking out the words 'April 1, 2022' each time it appears, and inserting in place thereof the following words:- ‘December 15, 2022’.”

After remarks, the amendment was adopted.

Mr. Cyr, Ms. Rausch and Mr. Tarr moved that the proposed new text be amended in section 9 by inserting after the number “111”, in line 240, the following words:- “ ; (v) skilled nursing facilities, as licensed under section 71 of said chapter 111; (vi) assisted living residences, as defined in section 1 of chapter 19D of the General Laws; (vii) rest homes, as referenced in said section 71 of said chapter 111; or (viii) step down skilled nursing facility sites designated by the commissioner of public health to provide COVID-19 health care services”.

6

After remarks, the amendment was adopted.

Messrs. Lewis and Timilty, Ms. Rausch, Ms. Gobi, Messrs. Keenan and Gomez, Ms.

7

Chang-Diaz and Messrs. O'Connor, Tarr, Pacheco and Montigny moved that the proposed new text be amended in section 2A, in line item 1599-0767, by inserting in line 54, after the word “schools”, the following words:- “, approved special education schools”; and in said line item, by inserting in line 70, after the word “schools”, the following words:- “, approved special education schools”.

After remarks, the amendment was adopted.

Ms. DiZoglio and Mr. O'Connor moved that the proposed new text be amended by inserting after section 34 the following sections:- 10

“SECTION XX. Section 13 of chapter 53 of the acts of 2020, as amended by section 1 of chapter 118 of said acts of 2020, and further amended by section 1 of chapter 20 of the acts of 2021, is hereby further amended by striking out the words ‘May 1, 2022’ and inserting in place thereof the following words:- ‘May 1, 2023’.

SECTION XXX. Subsection (b) of section 2 of said chapter 118 of said acts of 2020, as amended by section 10 of said chapter 20 of said acts of 2021, is hereby further amended by striking out the words ‘May 1, 2022’ and inserting in place thereof the following words:- ‘May 1, 2023’.”

The amendment was *rejected*.

Messrs. Tarr and O'Connor and Ms. DiZoglio moved that the proposed new text be amended by inserting in line 15 after the words, “community health centers” the following:-“regional vaccination clinics”. 15

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at five minutes before three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 39 – nays 0) [Yeas and Nays No. 122]:

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Gomez, Adam |
| Brady, Michael D. | Hinds, Adam G. |
| Brownsberger, William N. | Jehlen, Patricia D. |
| Chandler, Harriette L. | Keenan, John F. |
| Chang-Diaz, Sonia | Kennedy, Edward J. |
| Collins, Nick | Lesser, Eric P. |
| Comerford, Joanne M. | Lewis, Jason M. |
| Creem, Cynthia Stone | Lovely, Joan B. |
| Crighton, Brendan P. | Montigny, Mark C. |
| Cronin, John J. | Moore, Michael O. |
| Cyr, Julian | Moran, Susan L. |
| DiDomenico, Sal N. | O'Connor, Patrick M. |
| DiZoglio, Diana | Pacheco, Marc R. |
| Edwards, Lydia | Rausch, Rebecca L. |
| Eldridge, James B. | Rodrigues, Michael J. |
| Fattman, Ryan C. | Rush, Michael F. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Finegold, Barry R. | Timilty, Walter F. |
| Friedman, Cindy F. | Velis, John C. – 39. |
| Gobi, Anne M. | |

NAYS – 0.

The yeas and nays having been completed at ten minutes past three o'clock P.M., the amendment was adopted.

Ms. Jehlen, Ms. Rausch, Mr. Montigny, Ms. Chang-Diaz and Messrs. Pacheco and O'Connor moved that the proposed new text be amended in section 2A, in item 1599-0080, 17

by inserting after the word “attendants”, in line 23, the following words:- “, home care aides, homemakers”; and in item 1599-0767, by inserting after the words “attendants”, in line 57, the following words:- “, home care aides, homemakers”.

After remarks, the amendment was adopted.

Ms. Chang-Diaz, Ms. Comerford, Ms. Moran, Ms. Lovely, Mr. Gomez, Ms. Chandler, Messrs. Feeney, Cyr, Hinds and Montigny, Ms. Jehlen and Messrs. Crighton, Collins, Pacheco, O'Connor, DiDomenico and Eldridge moved that the proposed new text be amended in section 2A, in item 1599-0080, by inserting after the words “vaccine delivery”, in line 35, the following words:- “; provided further, that funds shall be made available to the department of public health to provide, in consultation with the Massachusetts cultural council, a grant program for arts organizations, culture creators, influencers, and local cultural organizations to promote vaccine awareness, education, and adoption in an effort to increase vaccination rates; provided further, that the program shall prioritize grant applicants with demonstrated connections to, understanding of, penetration in, and credibility in communities with low vaccination rates and that focus on and represent culturally, linguistically and ethnically diverse communities; provided further that funds shall be made available for the staffing and administration of the program; provided further, that not later than March 15, 2022, the department shall provide a report to the house and senate committees on ways and means on the status of the grant program including, but not limited to: (a) grant criteria used in evaluating applicants; (b) the number of applications received; (c) the number of successful applicants to date; (d) the communities in which successful applicants are focused; and (e) the grant award amounts to date by applicant;”.

18

After remarks, the amendment was adopted.

Messrs. DiDomenico, Feeney, Montigny and Tarr, Ms. Chang-Diaz and Mr. O'Connor moved that the proposed new text be amended in section 2A, line item 1599-0080 by inserting after the words “home health aides” the following:- “and (v) early intervention programs certified by the department of public health;”; and in line item 1599-0767 by inserting after the words “home health aides” the following:- “and (v) staff in early intervention programs certified by the department of public health;”.

19

After remarks, the amendment was adopted.

Mr. O'Connor moved that the proposed new text be amended by inserting the following:-

22

“SECTION XX. (a) (i) Notwithstanding any general or special law or by-law of the Town of Hingham to the contrary, the Select Board of the Town of Hingham may vote on any day prior to the Town of Hingham municipal election, presently scheduled for April 30, 2022, to postpone said municipal election to a certain date on or before June 30, 2022 in accordance with this act. Such rescheduled municipal election shall be held in accordance with all applicable election laws except as otherwise provided in this act.

(ii) The Select Board of the Town of Hingham shall, following consultation with the local election official and the Town Administrator as to logistics and feasibility, vote to reschedule said municipal election. A copy of this act, the vote of the Select Board, and a sample ballot shall be placed on the official Town of Hingham website not later than 20 days before the date to which the municipal election has been postponed. Notice of such action shall be provided to the public in other ways reasonably calculated to enable eligible voters to learn of the rescheduled municipal election date and to cast ballots therein. The notice may include, but shall not be limited to, a ‘reverse-911’ call, municipal list-serve notifications, advertisement on local cable television, or issuance of a press release sent to local news media.

(iii) Consistent with section 107 of chapter 41 of the General Laws, an incumbent elected official whose term would have expired at the municipal election if the municipal

election was not postponed pursuant to this act shall continue to serve in the official's position until a successor is elected and qualified.

(b) The last day to register to vote for the municipal election postponed pursuant to this act shall be 10 days before the date to which the rescheduled municipal election has been postponed; provided, however, that the board of registrars shall hold a registration session on that date not less than from 2:00 PM to 4:00 PM and from 7:00 PM to 8:00 PM. The voting list to be used at the rescheduled municipal election shall include all eligible voters registered as of that date.

(c) The municipal election materials, including, but not limited to, absentee and official ballots, prepared for the municipal election postponed pursuant to this act and bearing that date shall be used for the rescheduled municipal election to the extent practicable. If additional ballots are required to be printed, the ballots shall be identical in form to those prepared for the original municipal election.

(d) Absentee ballots cast in connection with the original municipal election date postponed pursuant to this act, whether returned before said original municipal election or otherwise, and received by the local election official before the close of polls on the date of the rescheduled municipal election, shall be processed in accordance with applicable law; provided, however, that any voter who chooses to vote in person on the date of the rescheduled municipal election may do so if their absentee ballot has not yet been counted. Completed applications to vote by absentee ballot in the rescheduled municipal election shall be accepted by the board of registrars until 12:00 noon on the last business day before the rescheduled municipal election.”

The amendment was *rejected*.

Ms. Lovely and Mr. O'Connor moved that the proposed new text be amended by inserting before section 3 the following section:-

23

“SECTION A3. Section 75 of chapter 260 of the acts of 2020 is hereby amended by striking out the words ‘January 1’ and inserting in place thereof the following words:- ‘July 31’.”; and

By inserting after section 29 the following section:-

“SECTION 29A. Section A3 shall take effect as of December 31, 2021.”

After remarks, the amendment was adopted.

Mr. Cronin moved that the proposed new text be amended by adding the following language:-

24

“\$700,000 to an independent, statewide, non-profit consumer-focused, health care organization with extensive language capacity and the expertise to work directly with communities. \$400,000 shall be used to provide a technical assistance program for 5-7 small, local, culturally-diverse organizations working to increase Covid-19 vaccination rates in hard-hit communities, and \$300,000 shall be used to provide multi-lingual guidance to individuals seeking health care services, including Covid-19 vaccinations, testing and services.”

The amendment was *rejected*.

Messrs. Keenan, Feeney, Tarr, O'Connor, Timilty, Eldridge and Pacheco moved that the proposed new text be amended in section 9 by inserting at the end thereof the following subsection:-

27

“(d) Any health care professional as defined in subsection (a), or any worker in a health care facility, who, while acting in a professional capacity, has been exposed to a patient, colleague, or any other individual who has tested positive for the 2019 novel coronavirus, also known as COVID-19, shall be notified by the individual's employer of said exposure orally within twenty-four hours of exposure or confirmation of the individual's status as being capable of transmitting the disease and in writing within forty-eight hours.

Whoever violates any provision of this statute shall be subject to a fine of not less than \$1,000 for each violation.

Notwithstanding the provisions of any general law or special law to the contrary, nothing in this section shall constitute a violation of an individual's right to privacy regarding that individual's medical condition.”; and

In section 30 by inserting after “Section 9” the following words:- “with the exception of subsection (d)”.

After remarks, the amendment was *rejected*.

Messrs. Timilty, Brady and Feeney moved that the proposed new text be amended in section 2A, in item 1599-0767, by inserting at the end the following words:- “provided further, that not less than \$100,000 shall be expended in equal amounts to the school departments of Avon, Braintree, Canton, East Bridgewater, Easton, Milton, Randolph, Sharon, Stoughton and West Bridgewater for increased tutoring services for students who lost in-person learning time during the Covid-19 pandemic.”; and by striking out the figure “\$25,000,000” and inserting in place thereof the following figure:- “\$25,100,000”.

29

The amendment was *rejected*.

Ms. Rausch moved that the proposed new text be amended by striking out the words “September 6” each time they appear and inserting in place thereof the following words:- “June 14”;

31

In section 13, in line 411, by striking out the words “September 8” and inserting in place thereof the following words:- “June 16”;

In section 14, in lines 415-416, by striking out the words “September 9” and inserting in place thereof the following words:- “June 17”;

In section 16, in lines 427-428, by striking out the words “September 12” and inserting in place thereof the following words:- “June 20”;

In section 17, in line 432, by striking out the words “September 9” and inserting in place thereof the following words:- “June 17”;

In said section 17, in line 433, by striking out the words “September 17” and inserting in place thereof the following words:- “June 25”;

In said section 17, in line 436, by striking out the words “September 9” and inserting in place thereof the following words:- “June 17”;

In said section 17, in line 437, by striking out the words “September 13” and inserting in place thereof the following words:- “June 21”;

In said section 17, in line 438, by striking out the words “September 13” and inserting in place thereof the following words:- “June 21”;

In said section 17, in lines 441-442, by striking out the words “September 17” and inserting in place thereof the following words:- “June 25”;

In section 18, in line 450, by striking out the words “September 9” and inserting in place thereof the following words:- “June 17”;

In said section 18, in line 452, by striking out the words “September 14” and inserting in place thereof the following words:- “June 22”; and

In said section 18, in line 453, by striking out the words “September 19” and inserting in place thereof the following words:- “June 27”.

After remarks, the amendment was *rejected*.

Mr. Finegold moved that the proposed new text be amended in section 9 by inserting at the end thereof the following subsection:-

33

“(d) The liability provided in subsection (b) for health care works and facilities shall take effect retroactive to November 22, 2021 and shall apply to claims based on acts or omissions that occur or have occurred during the effective period of the COVID-19 emergency and shall terminate on February 28th, 2022.”

The amendment was *rejected*.

Moment of Silence.

At the request of the Chair (Mr. Collins) the members guests and staff stood in a moment of silence and reflection to the memory of former Senator Bill Owens.

Moment of silence.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill making appropriations for the fiscal year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4345),-- was further considered, the main question being on ordering the bill to a third reading.

Supplemental appropriations.

Ms. Jehlen, Messrs. Feeney and Eldridge, Ms. Rausch, Mr. Timilty, Ms. Comerford, Mr. Gomez, Ms. Chang-Diaz, Ms. Chandler, Messrs. Montigny, Brady and Pacheco and Ms. Moran moved that the proposed new text be amended in section 2A, by inserting after item 1599-0767 the following item:-

2

“XXXX-XXXX For the department of unemployment assistance to maximize the reach of the public information campaign required under section 76 of chapter 102 of the acts of 2021 and promote awareness of the ability to seek a redetermination of a decision pursuant to section 26A in a culturally, linguistically and ethnically diverse manner that includes multi-lingual, plain language communication to each affected claimant in their preferred language, that promotes equity and reaches underserved and underrepresented individuals and that includes detailed information on how to request an appeal; provided, that detailed information on how to request an appeal shall also be posted prominently within the unemployment insurance online and pandemic unemployment assistance portals; provided further, that the department shall pursue the highest allowable rate of federal reimbursement for all eligible expenditures from this item.... \$1,000,000”;

By inserting after section 26 the following section:-

“SECTION 26A. (a) Notwithstanding section 71 of chapter 151A of the General Laws, the department of unemployment assistance may reconsider a determination or redetermination that resulted in an overpayment issued on or after March 10, 2020 after 1 year from the date of the original determination.

(b) Not later than March 1, 2022, the department of unemployment assistance shall report a detailed accounting of all estimates for the number of individuals and cost of overpayments that occurred in calendar years 2020 and 2021 as result of benefits dispersed under said chapter 151A and federal programs, including, but not limited to, Pandemic Unemployment Assistance, Federal Pandemic Emergency Unemployment Compensation, federal Extended Benefits, Federal Pandemic Unemployment Compensation and Mixed Earner Unemployment Compensation. The report shall include: (i) the number of individuals in overpayment, by program; (ii) the number of waiver requests filed, including the number of waiver requests granted or denied and including reasons for denials and approvals; (iii) the number of appeals pending from overpayment denials and qualification determinations; (iv) the dollar amount of overpayment in each program; (v) the estimate of expected recovery for each of the programs; (vi) an estimate of the cost for the department to adjudicate waivers and appeals as a result of denied waivers; (vii) the estimated cost for taking action to recover said amounts; (viii) the median and average income of all individuals subject to overpayment and a stratification of individuals in income brackets; (ix) demographic information about such individuals; (x) the number of individuals who have already repaid overpayments; (xi) the amount of money collected from recovery efforts for each program; and (xii) an estimate of the tax rate for the 2023

tax year for employers should recovery of overpayments not occur. The report shall be filed with the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on labor and workforce development.”;

By inserting after section 27 the following section:-

“SECTION 27A. The public information campaign required under item XXXX-XXXX shall begin not more than 5 days after the effective date of this act.”;

By inserting after section 31 the following section:-

“SECTION 31A. Section 26A is hereby repealed.”; and

By inserting after section 32 the following section:-

“SECTION 32A. Section 31A shall take effect 90 days after the rescission of the public health emergency declared by the governor on May 28, 2021 or August 1, whichever occurs first.”

After remarks, the amendment was adopted.

Ms. DiZoglio and Messrs. Moore, Tarr, O'Connor, Fattman and Pacheco moved that the proposed new text be amended by inserting after section 34 the following section:-

5

“SECTION XX. Notwithstanding any special or general law to the contrary, the executive office of health and human services shall provide a supplemental COVID-19 payment to nursing homes licensed pursuant to section 71 of chapter 111 of the general laws at no less than 15% of the average monthly MassHealth Fee-For-Service payments made to all nursing facilities for the purpose of supporting infection control standards, including staff training and wages, temporary labor costs, hiring new staff, procuring personal protective equipment, and costs associated with establishing single occupancy isolation rooms. The COVID-19 monthly supplemental payment to nursing facilities shall remain in effect through the period of the federal public health emergency authorized under section 319 of the Public Health Service Act.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at one minute before five o'clock P.M., on motion of Ms. DiZoglio, as follows, to wit (yeas 8 – nays 31) [**Yeas and Nays No. 123**]:

YEAS.

DiZoglio, Diana
Fattman, Ryan C.
Keenan, John F.
Moore, Michael O.

O'Connor, Patrick M.
Pacheco, Marc R.
Tarr, Bruce E.
Timilty, Walter F. – **8.**

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
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.

Friedman, Cindy F.
Gobi, Anne M.
Gomez, Adam
Hinds, Adam G.
Jehlen, Patricia D.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moran, Susan L.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Velis, John C. – **31.**

Finegold, Barry R.

The yeas and nays having been completed at nine minutes past five o'clock P.M., the amendment was *rejected*.

Ms. Friedman in the Chair, Ms. DiZoglio moved that the proposed new text be amended in section 2A, in item 1599-0767, in lines 58-59, by striking out the words “provided, that such masks shall include, but not be limited to, N95 masks and KN95 masks” and inserting in place thereof the following words:- “provided, that such masks purchased for adult use shall be N95, KN95 or KF94 masks constructed of at least 3-ply material with electrostatic charge; provided further, that such masks purchased for child use shall be ASTM Level 3 masks”.

11

After remarks, the amendment was *rejected*.

Ms. DiZoglio and Messrs. Tarr and O'Connor moved that the proposed new text be amended in section 2A, in item 1599-0080, in line 48, by inserting after the words “geographic equity” the following words:- “; provided further, that not less than \$25,000,000 shall be expended for 2019 novel coronavirus rapid antigen tests to be made available free-of-charge to residents of Massachusetts at community health centers, urgent care centers and other non-profit organizations, and including a mail-home option”; and in line 51, by striking out the figure “\$30,000,000” and inserting in place thereof the following figure:- “\$55,000,000”.

12

After remarks, the amendment was *rejected*.

Ms. DiZoglio and Messrs. Tarr and O'Connor moved that the proposed new text be amended in section 2A, in item 1599-0080, in line 46, by inserting after the figure “24” the following words:- “; provided further, that funds may be made available to the Massachusetts Growth Capital Corporation to provide 2019 novel coronavirus rapid antigen tests to small businesses operating in the commonwealth; provided further, that funds may be made available for a multilingual communications outreach plan to disseminate information to communities disproportionately impacted by the 2019 novel coronavirus; provided further, that the outreach plan shall include, but not be limited to: (a) the purpose and public health benefits of frequent rapid antigen testing; (b) where and how to access free 2019 novel coronavirus rapid antigen tests; (c) how to use such tests at home, in school, in the workplace and in other settings; and (d) appropriate steps to take if a test comes back positive”.

13

After remarks, the amendment was adopted.

Mr. Tarr, Ms. Moran, Messrs. Moore, Pacheco, Eldridge, Keenan and Feeney, Ms. DiZoglio and Messrs. O'Connor and Fattman moved that the proposed new text be amended by inserting in section 2A after line item 1599-0767 the following item:-

3

“XXXX-XXXX. There is hereby established a reserve account for the purpose of increasing and supplementing the rates paid by the commonwealth, through its Medicaid and other payment mechanisms, to licensed skilled nursing facilities in Massachusetts; provided further, that the executive office of health and human services, in consultation with the Massachusetts Senior Care Association, Inc., shall develop and administer said account; provided that such facilities shall be properly licensed and meet all current regulatory requirements, provided, that any expenditures from said account shall be made in such a manner as to maximize federal reimbursement and federal financial participation and shall apply any funds received pursuant to this section for the purpose of increasing compensation to directly employed staff and contract staff employed as registered nurses, licensed practical nurses, certified nurse aides, resident care aides, activities and recreation staff, dietary staff, housekeeping staff, laundry staff, social service workers, behavioral therapy staff, plant operations staff, maintenance staff, and restorative therapists in order to recruit, maintain, and otherwise ensure

adequate staffing levels for the delivery of consistent, sustainable and quality care to meet the demands caused by the COVID-19 pandemic. Funds shall be expended for this purpose from this account for a period not to exceed 6 months following the passage of this act. Said reserve account shall be funded through general fund appropriations, gifts, grants, and the appropriation of funds made available to the commonwealth through the American Recovery Plan Act (Pub L. No. 117-2); provided further, that the executive office of health and human services, in consultation with the Massachusetts Senior Care Association, Inc. and 1199SEIU, shall establish a methodology for distributing funds; provided further that, prior to disbursement of any funds from this account, the executive office shall submit methodology criteria to the house and senate committees on ways and means and the joint committee on elder affairs; and provided further, that funds shall prioritize facilities for which not less than 75 per cent of residents are enrolled in MassHealth; provided further the executive office of health and human services shall submit on a monthly basis a reporting of the expenditures under this act with the clerks of the house and senate.....\$200,000,000.

After debate, the amendment was *rejected*.

30

Mr. Rodrigues moved to amend the pending new text in section 2A, in item 1599-0080, by inserting after the word “centers”, in line 33, the following words:- “and community-based and faith-based organizations delivering vaccines”;

In said section 2A, in said item 1599-0080, by striking out, in line 35, the figure “\$5,000,000” and inserting in place thereof the following figure:- “\$7,000,000”;

In said section 2A, in said item 1599-0080, by inserting after the word “education”, in line 37, the following words:- “including, but not limited to, holding vaccine clinics.”;

In said section 2A, in said item 1599-0080, by inserting after the word “education”, in line 40, the first time it appears, the following words:- “; provided further, that prioritization for such funds shall be given to organizations with experience providing grant-making and capacity-building assistance services to assist community-based and faith-based organizations with 2019 novel coronavirus pandemic mitigation and vaccination program activities in communities disproportionately impacted by the pandemic”;

In said section 2A, in said item 1599-0080, by inserting after the word “received”, in line 41, the following words:- “; provided further, that funds may be made available for vaccine incentive programs”;

In said section 2A, in said item 1599-0080, by striking out the figure “\$30,000,000” and inserting in place thereof the following figure:- “\$50,000,000”;

In said section 2A, in said item 1599-0080, by striking out the words “and (v) early intervention programs certified by the department of public health;”, as inserted by amendment 19, and inserting in place thereof the following words:- “(v) early intervention programs certified by the department of public health; and (vi) homeless shelters”;

In said section 2A, in item 1599-0767, by striking out the words “and (v) staff in early intervention programs certified by the department of public health;”, as inserted by amendment 19, and inserting in place thereof the following words:- “(v) staff in early intervention programs certified by the department of public health; and (vi) homeless shelters”; and

In section 24, by inserting after the word "explanation", in line 528, the following word:- "of".

After remarks, the amendment was adopted.

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

The bill, as amended, was then ordered to a third reading and read a third time.

UNCORRECTED PROOF.

The question on passing the bill to be engrossed was determined by a call of the yeas and the nays, at seventeen minutes before six o'clock P.M., on motion of Mr. Rodrigues, as follows to wit (yeas 40 to nays 0) **[Yeas and Nays 124]:**

YEAS.

Barrett, Michael J.	Gomez, Adam
Brady, Michael D.	Hinds, Adam G.
Brownsberger, William N.	Jehlen, Patricia D.
Chandler, Harriette L.	Keenan, John F.
Chang-Diaz, Sonia	Kennedy, Edward J.
Collins, Nick	Lesser, Eric P.
Comerford, Joanne M.	Lewis, Jason M.
Creem, Cynthia Stone	Lovely, Joan B.
Crighton, Brendan P.	Montigny, Mark C.
Cronin, John J.	Moore, Michael O.
Cyr, Julian	Moran, Susan L.
DiDomenico, Sal N.	O'Connor, Patrick M.
DiZoglio, Diana	Pacheco, Marc R.
Edwards, Lydia	Rausch, Rebecca L.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Spilka, Karen E.
Finegold, Barry R.	Tarr, Bruce E.
Friedman, Cindy F.	Timilty, Walter F.
Gobi, Anne M.	Velis, John C. – 40.

NAYS – 0.

The yeas and nays having been completed at seven minutes before six o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment [For text of Senate amendment, printed as amended, see Senate, No. 2626].

Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

Adjournment in Memory of Senator Bill Owens.

The Senator from Suffolk, Mr. Collins, the Senator from Suffolk, Ms. Chang-Diaz, and the Senator from Middlesex and Norfolk, Ms. Spilka, moved that when the Senate adjourns today it do so in memory of Senator Bill Owens.

Bill Owens, the first black state senator and a trailblazer in Massachusetts politics, passed away on January 22, 2022.

Born in Demopolis, Alabama on July 6, 1937, Bill's family relocated to Massachusetts when he was 15. After graduating from Boston English High School and Boston University, he operated a dry-cleaning business while earning a master's degree in education from Harvard University.

Bill was elected to the House of Representatives, serving in 1973 and 1974. He then

successfully ran for state Senate, representing the Second Suffolk district from 1975-1982 and again from 1989-1992.

As a legislator, he helped create the Massachusetts Office of Minority Business Assistance and the Summer Youth Jobs Program, fought for housing access, and equitable representation and opportunities for all. Along with former Representatives Doris Bunte and Mel King, he pushed for the creation of the state's first majority black Senate district.

Bill Owens will leave a lasting impact and legacy that will be felt for generations.

Accordingly, as a mark of respect to the memory of Senator Bill Owens, at six minutes before six o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.