

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**MONDAY, JANUARY 31, 2022**

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JOURNAL OF THE SENATE

Monday, January 31, 2022.

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

Pledge of allegiance.

Report.

Report of the Office of Community Corrections (pursuant to Section 5 of Chapter 211F of the General Laws) submitting its fiscal year 2021 annual report and Community Justice Support Centers Statistical Report (received January 27, 2022),-- was placed on file.

OCC,-- annual report. SD2976

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 2628) of Walter F. Timilty, William J. Driscoll, Jr. and Brandy Fluker Oakley (by vote of the town) for legislation relative to the town administrator in the town of Milton [Local approval received];

Milton,-- town administrator.

Under Senate Rule 20, to the committee on Municipalities and Regional Government.

Sent to the House for concurrence.

By Ms. Moran, a petition (accompanied by bill) (subject to Joint Rule 12) of Susan L. Moran, Julian Cyr, Patrick M. O'Connor and Timothy R. Whelan for legislation relative to preventing the discharge of radioactive materials;

Radioactive materials,-- discharge. SD2971

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

Reports of Committees.

By Mr. Gomez, for the committee on Children, Families and Persons with Disabilities, on Senate, Nos. 79, 91, 100 and 2598, 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 issues (Senate, No. 2627);

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

By Mr. Cronin, for the committee on Municipalities and Regional Government, on Senate, Nos. 1324, 1325, 1328, 1332, 1341, 1342, 1345, 1348, 1351, 1352, 1359, 1360, 1365 and 2463, an 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 zoning, planning and municipal governance (Senate, No. 2630) [Senator Moran dissenting]; and

Municipalities and Regional Government committee,-- study.

By Mr. Pacheco, for the committee on State Administration and Regulatory

State Administration

Oversight, on Senate, Nos. 2022, 2109 and 2110, an Order relative to authorizing the joint committee on State Administration and Regulatory Oversight to make an investigation and study of certain current Senate documents relative to state administration and regulatory oversight matters (Senate, No. 2631) [Senator Rausch dissents insofar as relates to Senate, Nos. 2109 and 2110 and Representative Robinson of Framingham dissenting];

**Severally 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 to establish an acquired brain injury advisory board (Senate, No. 83);

By the same Senator, for the same committee, on petition, a Resolve relative to improving access to treatment for individuals with perinatal substance use disorder (Senate, No. 128); and

By the same Senator, for the same committee, on petition, a Resolve establishing a special commission on the treatment of intellectually and developmentally disabled offenders in the criminal justice system (Senate, No. 131);

**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 eligibility for disability services (Senate, No. 116);

By the same Senator, for the same committee, on petition, a Bill relative to persons with developmental disabilities (Senate, No. 122);

By the same Senator, for the same committee, on petition, a Bill relative to cueing and supervision in the PCA program (Senate, No. 129); and

By the same Senator, for the same committee, on petition, a Bill increasing the personal care allowance for long term care residents (Senate, No. 133);

**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 protecting youth during custodial interrogations (Senate, No. 90);

By the same Senator, for the same committee, on petition, a Bill relative to creating a loan repayment program for human service workers (Senate, No. 120);

By the same Senator, for the same committee, on petition, a Bill establishing a diaper benefits pilot program (Senate, No. 125);

By the same Senator, for the same committee, on petition, a Bill to protect individuals with disabilities in MassHealth day habilitation programs (Senate, No. 137);

By the same Senator, for the same committee, on petition, a Bill providing a bill of rights for people experiencing homelessness (Senate, No. 142);

By the same Senator, for the same committee, on petition, a Bill providing for diaper changing stations in public buildings and accommodations (Senate, No. 143);

By Mr. Pacheco, for the committee on State Administration and Regulatory Oversight, on petition, a Bill relative to equity in public contracting in honor of Bruce C. Bolling (Senate, No. 2018);

and Regulatory Oversight committee,-- study.

Brain injury advisory board.

Perinatal substance use,-- commission.

Individuals with disabilities,-- commission.

Disability services,-- eligibility.

Developmental disabilities,-- definition.

PCA program,-- supervision.

Long term care,-- allowance.

Juvenile interrogations.

Human service workers,-- loan repayment.

Diaper benefits,-- pilot program.

MassHealth,-- day habilitation programs.

Homeless persons,-- civil rights.

Changing stations,-- public buildings.

Bruce Bolling,-- public contracting.

By the same Senator, for the same committee, on petition, a Bill relative to public bidding (Senate, No. 2045);

Public bidding.

By the same Senator, for the same committee, on petition, a Bill to ensure more women serve on corporate boards of directors (Senate, No. 2080); and

Corporate boards,-- female directors.

By Mr. Barrett, for the committee on Telecommunications, Utilities and Energy, on petition, a Bill to reduce greenhouse gas emissions by permitting local option all-electric buildings and homes ordinances (Senate, No. 1333);

All-electric buildings and homes.

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

By Mr. Collins, for the committee on Community Development and Small Businesses, on petition, a Bill encouraging the growth of small businesses (Senate, No. 153);

Small businesses,-- growth.

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

PAPERS FROM THE HOUSE.

Messages were severally referred, in concurrence, as follows:

A message from His Excellency the Governor recommending legislation relative to improving Massachusetts' competitiveness and reducing the cost of living (House, No. 4361); and

MA cost of living.

A message from His Excellency the Governor recommending legislation relative to improving tax administration in the Commonwealth (House, No. 4362);

Tax administration.

**Severally to the committee on Revenue.**

*Moment of Silence.*

At the request of the Chair (Ms. Friedman), the members guests and staff stood in a moment of silence and reflection in memory of John S. Zavaglia.

Moment of silence.

*Petition.*

On motion of Mr. Collins, Senate Rule 20 and Joint Rule 12 were suspended, on the petition presented by Mr. Pacheco (accompanied by bill) (subject to Joint Rule 12) of Marc R. Pacheco for legislation to establish a moratorium on the procurement of structures or activities generating PFAS emissions,-- **and the same was referred to the committee on State Administration and Regulatory Oversight.**

PFAS emissions,-- moratorium. SD2977

**Sent to the House for concurrence.**

PAPERS FROM THE HOUSE

*Engrossed Bills.*

The following engrossed bills (all of 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 (Ms. Friedman) and laid before the Governor for his approbation, to wit:

Changing the board of selectmen of the town of Plainfield to a select board (see House, No. 3859);

Bills laid before the Governor.

Authorizing the town of Eastham to make utility improvements on private roads in the town (see House, No. 3986);

Changing the board of selectmen of the town of Sharon to a select board (see House, No. 3987); and

Changing the board of selectmen of the town of West Tisbury to the select board (see

House, No. 4222).

*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 Adam Gomez for legislation to establish a sick leave bank for Elminia Falcone, an employee of the Department of Revenue;

Elminia Falcone,--  
sick leave.  
SD2940

**Senate Rule 36 was suspended, on motion of Mr. Tarr, 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 Barry R. Finegold for legislation to establish a sick leave bank for John Carlson, an employee of the Department of Correction;

John Carlson,--  
sick leave.  
SD2951

**Senate Rule 36 was suspended, on motion of Mr. Tarr, 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 Sonia Chang-Diaz and Russell E. Holmes for legislation to establish a sick leave bank for Alecia Simmons, an employee of the Office of the Comptroller;

Alecia Simmons,--  
sick leave.  
SD2964

**Senate Rule 36 was suspended, on motion of Mr. Tarr, 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 further regulating the powers of the town manager in the town of North Andover (House, No. 2190),-- **was read a third time and passed to be engrossed, in concurrence.**

North Andover,--  
town manager.

The House Bill authorizing the city of Northampton to amend a certain conservation easement (House, No. 3900),-- was read a third time.

Northampton,--  
easement.

Pending the question on passing the bill to be engrossed, Ms. Comerford presented an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2629.

**The amendment was adopted.**

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.**

**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 on Thursday next 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 Mr. John S. Zavaglia.*

The Senator from Essex, Ms. Lovely, requested that when the Senate adjourns today, it adjourn in memory of Mr. John S. Zavaglia.

Mr. John S. Zavaglia, 65, of Danvers, beloved husband of Ellen (Chadbourne) Zavaglia, passed away on Thursday, November 18, 2021 at Beverly Hospital. Born in Salem he was the son of the late Salvatore and Priscilla "Pat" (Consolazio) Zavaglia. He was raised and educated in Salem and was a graduate of Salem High School. Mr. Zavaglia had been employed for years at New England Life Insurance Co., in their Information Technology Department.

John's main passions in life can be summed up in three simple words, food, politics and sports. He returned to college attending Bunker Hill Community College where he received a degree in, Culinary Arts. He began his food service career at Brooksby Village in Peabody, but soon landed his dream job at Endicott College, where he spent his days at the healthy food station serving students while learning about their lives and studies; interacting with the kids was one of his true enjoyments.

One never to pass up a good debate, John was naturally drawn to politics. With his keen sense of right and wrong; he was always ready to do battle for any just cause. He enjoyed attending town meetings as a Town Meeting Member, being involved in local politics, and hosting his show Topics of The Town on DCAT alongside his friend Mark Zuberek. John took his civic duties very seriously and helped many people throughout his life.

An avid sports fan, he enjoyed watching many of the local teams, discussing up-and-coming players with his buddy Carmine, and playing softball in his younger years. He especially loved watching golf and always had sports trivia ready for anyone who cared to play along. John had a head for facts and figures. He knew so many random facts about random things, he was almost like a human encyclopedia.

Above all else John was devoted to his family and those he considered family. He was a loving husband, father, brother, and friend. He always had the biggest laugh and the biggest heart in the room. John would give the shirt off his back to someone who truly needed it and often answered the phone with, "What do you need?" He was a people person, and he couldn't go anywhere without running into at least one person he knew. He was truly happiest when in the company of friends and family and serving them food he'd cooked. John will be deeply missed by all who knew and loved him.

Surviving John in addition to his wife, Ellen, with whom he shared over 17 years of marriage, is his stepdaughter, Sara Johnson and her husband Bradford of Danvers; his twin sister, Joanna Thompson and her husband James of East Orlando, FL; his cousin, Leah Sak of Beverly and his very dear friends, Deborah and Douglas Cummings of Andover, Leila and Joshua Berry of Norwood, Richard Smith of Pacifica, CA, and Carolyn and Richard Wakefield of Lynn.

Accordingly, as a mark of respect to the memory of Mr. John S. Zavaglia, at twenty-three minutes past eleven o'clock A.M., on motion of Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.