
The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, FEBRUARY 3, 2022

[11]

JOURNAL OF THE SENATE

Thursday, February 3, 2022.

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

Pledge of allegiance.

Reports.

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

Report of the Office of the Attorney General (pursuant to Section 4(b) of Chapter 258F of the General Laws) submitting its annual report on nonimmigrant certification requests for the 2021 calendar year (received January 31, 2022); and

AGO,-- certification report. SD2979

Report of the Department of Public Utilities (pursuant to Section 2 of Chapter 25 of the General Laws) submitting its 2021 annual report (received February 1, 2022).

DPU,-- 2021 annual report. SD2980

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Feeney, a petition (accompanied by bill, Senate, No. 2653) of Paul R. Feeney, James K. Hawkins, Adam J. Scanlon and Rebecca L. Rausch (with approval of the mayor and city council) for legislation to exempt the city of Attleboro from the provisions of chapter 31 of the General Laws as they concern the recruitment and hiring of full-time permanent police officers [Local approval received];

Attleboro,-- police officers.

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

By Mr. Eldridge, a petition (accompanied by bill) (subject to Joint Rule 12) of James B. Eldridge for legislation to increase access to public records,-- **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Public records,-- access. SD2981

Reports of Committees.

By Mr. Gomez, for the committee on Children, Families and Persons with Disabilities, on Senate, Nos. 86, 92 and 101, 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. 2649);

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

By Ms. Jehlen, for the committee on Elder Affairs, on Senate, Nos. 396, 399, 401, 402, 420, 426, 428, 431, 432 and 433, an Order relative to authorizing the joint committee on Elder Affairs to make an investigation and study of certain current Senate documents relative to elder affairs issues (Senate, No. 2650);

Elder Affairs committee,-- study.

By Mr. Keenan, for the committee on Transportation, on Senate, Nos. 2300, 2301, 2308, 2310, 2315, 2319, 2321, 2327, 2328, 2332, 2354, 2357, 2362, 2364, 2377, 2387 and

Transportation committee,-- study.

2388, an Order relative to authorizing the joint committee on Transportation to make an investigation and study of certain current Senate documents relative to registration plates and other matters. (Senate, No. 2642); and

By Mr. Kennedy, for the committee on Tourism, Arts and Cultural Development, on petition (accompanied by bill, Senate, No. 2241), an Order relative to authorizing the joint committee on Tourism, Arts and Cultural Development to make an investigation and study of a certain current Senate document to establish a commission on artistic representation in the People's House (Senate, No. 2648);

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

By Mr. Keenan, for the committee on Transportation, on petition, a Bill relative to congestion in East Boston (Senate, No. 2257);

By the same Senator, for the same committee, on petition, a Bill relative to variable pricing e-tolling (Senate, No. 2258);

By the same Senator, for the same committee, on petition, a Bill relative to carriers of property by motor vehicle (Senate, No. 2259);

By the same Senator, for the same committee, on petition, a Bill relative to drug screening for ride for hire drivers (Senate, No. 2262);

By the same Senator, for the same committee, on petition, a Bill relative to congestion relief in East Boston (Senate, No. 2263);

By the same Senator, for the same committee, on Senate, No. 2277 and House, No. 3413, a Bill to increase regional transit accessibility in the Commonwealth (Senate, No. 2277);

By the same Senator, for the same committee, on petition, a Bill facilitating cost efficient transportation (Senate, No. 2286);

By the same Senator, for the same committee, on petition, a Bill relative to the enhancement of child safety (Senate, No. 2302);

By the same Senator, for the same committee, on petition, a Bill relative to student driver safety (Senate, No. 2306);

By the same Senator, for the same committee, on petition, a Bill relative to the operating of student pupil transportation (Senate, No. 2326);

By the same Senator, for the same committee, on petition, a Bill to promote and advance motorcycle safety (Senate, No. 2329);

By the same Senator, for the same committee, on petition, a Bill relative to a motorcycle safety fund (Senate, No. 2331);

By the same Senator, for the same committee, on petition, a Bill authorizing Massachusetts Fallen Firefighter Memorial motorcycle license plates (Senate, No. 2333);

By the same Senator, for the same committee, on petition, a Bill enhancing school bus safety (Senate, No. 2334);

By the same Senator, for the same committee, on petition, a Bill relative to motorcycle permit requirements (Senate, No. 2363);

By the same Senator, for the same committee, on petition, a Bill relative to the transportation of individuals seated in wheelchairs (Senate, No. 2369);

By the same Senator, for the same committee, on petition, a Bill relative to the orange line extension (Senate, No. 2375);

By the same Senator, for the same committee, on Senate, Nos. 2273 and 2335, a Bill to reduce traffic fatalities (Senate, No. 2636);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2284), a Bill relative to the Transportation Infrastructure Enhancement Trust

Tourism, Arts and Cultural Development committee,-- study.

East Boston,-- congestion.

Tolls,-- variable pricing.

Motor vehicle fees,-- carriers.

Ride for hire,-- drug screening.

East Boston,-- congestion relief.

Regional transit,-- accessibility.

Transportation,-- cost efficient.

Ice cream trucks,-- lights.

Student driver,-- safety.

School bus drivers,-- drug test.

Motorcycle,-- safety.

Motorcycles,-- safety fund.

Motorcycle plates,-- memorial.

Summer's Law.

Motorcycle permits,-- requirements.

Wheelchair,-- transportation.

Orange line extension,-- study.

Traffic accidents,-- reduction.

Transportation Infrastructure

Fund municipal reporting requirements (Senate No. 2637);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2298), a Bill relative to increasing operational safety for keyless ignition technology in motor vehicles (Senate No. 2638);

By the same Senator, for the same committee, on Senate, Nos. 2311 and 2371, a Bill relative to school bus safety (Senate, No. 2640);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2325), a Bill requiring medical exams for certain school bus drivers (Senate No. 2641);

By Mr. Kennedy, for the committee on Tourism, Arts and Cultural Development, on petition, a Bill to rebuild the Commonwealth's cultural future (Senate, No. 2246) [Senator Fattman dissenting];

By the same Senator, for the same committee, on petition, a Bill to foster artist businesses in cultural districts (Senate, No. 2247);

By the same Senator, for the same committee, on Senate, No. 2251 and House, No. 3376, a Bill relative to the use of elephants, big cats, primates, giraffes, and bears in traveling exhibits and shows (Senate, No. 2251); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2245), a Bill defining agritourism (Senate No. 2643);

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

Mr. Keenan, for the committee on Transportation, on petition, a Bill relative to designating certain portions of Interstate Highway Route 495 as the Susannah North Martin Highway (Senate, No. 2318);

By the same Senator, for the same committee, on petition, a Bill relative to historic route designations (Senate, No. 2322); and

Mr. Kennedy, for the committee on Tourism, Arts and Cultural Development, on petition, a Bill to create the title of musician laureate of the Commonwealth of Massachusetts (Senate, No. 2250);

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

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 State Administration and Regulatory Oversight to make an investigation and study of a certain current Senate document establishing August 31st as Overdose Awareness Day in the Commonwealth (Senate, No. 2608);

Of the Senate Order relative to authorizing the joint committee on State Administration and Regulatory Oversight to make an investigation and study of certain current Senate and House documents relative to state administration and regulatory oversight matters (Senate, No. 2620);

Of the Senate Order relative to authorizing the joint committee on Transportation to make an investigation and study of certain current Senate documents relative to transportation matters (Senate, No. 2621);

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 children, families and persons with disabilities matters (Senate, No. 2624);

Enhancement Trust Fund.
Motor vehicles,-- keyless ignition.

School buses,-- safety.

Bus drivers,-- medical exams.

COVID-19,-- cultural economy recovery.

Artists,-- cultural districts.

Traveling shows,-- animal protections.

Agritourism,-- definition.

Amesbury,-- Susannah North Martin Highway.

Historic routes.

Musician laureate,-- create.

State Administration and Regulatory Oversight committee,-- study.

Id.

Transportation committee,-- study.

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

UNCORRECTED PROOF.

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 children, families and persons with disabilities issues (Senate, No. 2627);

Id.

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 zoning, planning and municipal governance (Senate, No. 2630); and

Municipalities and Regional Government committee,-- study. State Administration and Regulatory Oversight committee,-- study.

Of the Senate 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 issues (Senate, No. 2631);

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.

Orders.

Mr. Eldridge presented an Order relative to granting the committee on The Judiciary until April 15, 2022 within which time to make its final report on certain current Senate documents numbered 47, 368, 920, 923, 932, 937, 945, 946, 976, 980, 984, 985, 989, 996, 1014, 1035, 1037, 1048, 1051, 1057, 1060, 1067, 1091, 1101, 1112, 1124, 1133, 1134, 2599 and 2607 relative to the Judiciary (Senate, No. 2632);

The Judiciary,-- extension order.

Mr. Finegold presented an Order relative to granting the committee on Advanced Information Technology, the Internet and Cybersecurity until April 30, 2022 within which time to make its final report on current Senate document numbered 51 and House documents numbered 118 and 130 relative to Advanced Information Technology, the Internet and Cybersecurity (Senate, No. 2633);

Advanced Information Technology, the Internet and Cybersecurity,-- extension order. Financial Services,-- extension order.

Mr. Crighton presented an Order relative to granting the committee on Financial Services until April 30, 2022 within which time to make its final report on current Senate documents numbered 627, 639, 652, 656, 663, 665, 678, 682, 697, 703, 720, 726 and 732 relative to financial services matters (Senate, No. 2634);

Mr. Crighton presented an Order relative to granting the committee on Financial Services until June 30, 2022 within which time to make its final report on current Senate documents numbered 709, 711 and 712 relative to financial services matters (Senate, No. 2635);

Financial Services,-- extension order.

Mr. Velis presented an Order relative to granting the committee on Veterans and Federal Affairs until March 4, 2022 within which time to make its final report on current Senate documents numbered 2395, 2396, 2417, 2424, 2425, 2428, 2431 and 2434 relative to veterans and federal affairs (Senate, No. 2639);

Veterans and Federal Affairs,-- extension order.

Ms. Comerford presented an Order relative to granting the committee on Public Health until December 31, 2022 within which time to make its final report on current Senate documents numbered 210, 262, 567, 1377, 1378, 1380, 1384, 1388, 1391, 1393, 1394, 1396, 1399, 1400, 1402, 1408, 1421, 1422, 1423, 1428, 1429, 1430, 1434, 1435, 1436, 1437, 1438, 1441, 1443, 1444, 1447, 1448, 1449, 1450, 1451, 1455, 1457, 1458, 1462, 1464, 1469, 1470, 1472, 1477, 1480, 1481, 1483, 1486, 1489, 1491, 1493, 1494, 1495, 1497, 1498, 1501, 1502, 1503, 1510, 1512, 1513, 1515, 1516, 1517, 1519, 1523, 1526, 1527, 1528, 1532 and 2600 relative to public health matters (Senate, No. 2644);

Public Health,-- extension order.

Mr. Finegold presented an Order relative to granting the committee on Election Laws until March 15, 2022 within which time to make its final report on current Senate documents numbered 470, 471 and 475 and House documents numbered 769, 772, 773,

Election Laws,-- extension order.

774, 778, 800 and 4070 relative to campaign finance (Senate, No. 2645);

Mr. Finegold presented an Order relative to granting the committee on Election Laws until April 15, 2022 within which time to make its final report on current Senate documents numbered 452, 456, 460, and 467, and House documents numbered 777, 781, 807, 819, 821, 824, 829, 830, 835, 3743, 3744, 3828, 3934, 3940, 4142 and 4207 relative to election laws matters (Senate, No. 2646);

Election Laws,--
extension order.

Mr. Barrett presented an Order relative to granting the committee on Telecommunications, Utilities and Energy until May 2, 2022 within which time to make its final report on current Senate documents numbered 2131, 2132, 2133, 2134, 2135, 2136, 2138, 2139, 2140, 2141, 2142, 2144, 2148, 2151, 2154, 2156, 2158, 2159, 2174, 2184, 2186, 2191, 2194, 2198, 2202, 2210, 2222, 2224, 2226, 2230, 2236, 2237, 2473, 2515 and 2606 relative to issues of continued concern to the committee (Senate, No. 2647); and

Telecommunications,
Utilities and Energy,-
- extension order.

Mr. Timilty presented an Order relative to granting the committee on Public Safety and Homeland Security until May 4, 2022 within which time to make its final report on current Senate documents numbered 1540, 1541, 1542, 1550, 1552, 1555, 1559, 1560, 1571, 1573, 1578, 1579, 1580, 1591, 1592, 1594, 1595, 1599, 1601, 1609, 1615, 1625, 1629, 1631, 1633, 1638, 1641, 2125, 2457 and 2619 relative to public safety and homeland security; (Senate, No. 2652);

Public Safety and
Homeland Security,--
extension order.

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

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4372) of Adrian C. Madaro and Daniel J. Hunt (with the approval of the mayor and city council) that the Boston Retirement Board be authorized to increase the accidental disability retirement allowance payable to Matthew Morris, a retired police officer of the city of Boston;

Matthew Morris,--
retirement allowance.

Petition (accompanied by bill, House, No. 4373) of Adrian C. Madaro (with the approval of the mayor and city council) that the Boston Retirement Board be authorized to increase the accidental disability retirement allowance payable to Richard Cintolo, a retired police officer of the city of Boston; and

Richard Cintolo,--
retirement allowance.

Petition (accompanied by bill, House, No. 4374) of Adrian C. Madaro (with the approval of the mayor and city council) that the Boston Retirement Board be authorized to increase the accidental disability retirement allowance payable to Scott O'Brien, a retired police officer of the city of Boston;

Scott O'Brien,--
retirement allowance.

Severally to the committee on Public Service.

Bills

Relative to the abolishment of the board of police in the city of Fall River (House, No. 2645,-- on petition) [Local approval received];

Fall River,-- board of
police.

Relative to the abolishment of the board of fire commissioners in the city of Fall River (House, No. 2646,-- on petition) [Local approval received]; and

Fall River,-- board of
fire commissioners.

Establishing a sick leave bank for Charles H. Bletzer, an employee of the Massachusetts Trial Court (House, No. 4323, amended-- on petition);

Charles H. Bletzer,--
sick leave.

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

Engrossed Bill.

An engrossed Bill further regulating the powers of the town manager in the town of

Bill laid before the
Governor.

North Andover (see House, No. 2190) (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 (Mr. Collins) and laid before the Governor for his approbation.**

Report of a Committee.

Mr. Rodrigues, for the committee on Ways and Means, to whom was referred the Senate Bill relative to pharmaceutical access, costs and transparency (Senate, No. 771),- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2651).

Pharmacy,-- cost and transparency.

Order Adopted.

Mr. Rodrigues presented the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to pharmaceutical access, costs and transparency (Senate, No. 771) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2651) shall be placed in the Orders of the Day for a second reading on Thursday, February 10, 2022.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 3:00 P.M. on Monday, February 7, 2022. All such amendments shall be second reading-amendments to the Senate Ways and Means new draft (Senate, No. 2651), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

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

The bill will be placed in the Orders of the Day for Thursday, February 10, 2022, for a second reading with the amendment pending.

PAPERS FROM THE HOUSE.

The Senate Bill fostering voter opportunities, trust, equity and security (Senate, No. 2554),-- came from the House passed to be engrossed, in concurrence, *with an amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4367; and by inserting before the enacting clause the following emergency preamble: "*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith voter opportunities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

Voter opportunities.

Mr. Tarr moved that the Senate NON-concur in the House amendments and asked for a committee of conference on the disagreeing votes of the two branches; and Senators Finegold, Creem and Fattman were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

The House Bill making appropriations for the fiscal year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects

Supplemental appropriations.

(House, No. 4345, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2626, *with a further amendment* by striking out all after the enacting clause inserted by amendment by the Senate and inserting in place thereof the text contained in House document numbered 4430.

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

After remarks, and pending the question on adoption of the further House amendment, at four minutes before one o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the Chair (Mr. Collins) declared a recess; and, at twenty-three minutes before two o'clock P.M., the Senate reassembled, Mr. Collins in the Chair.

Recess.

PAPERS FROM THE HOUSE.

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, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2626, *with a further amendment* by striking out all after the enacting clause inserted by amendment by the Senate and inserting in place thereof the text contained in House document numbered 4430,-- was further considered.

Supplemental appropriations.

The Senate concurred in the further House amendment.

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

Petition (accompanied by bill, House, No. 4435) of Timothy R. Whelan that Barnstable county retirement board shall permit Jeremiah Z. Valli, a member of the Barnstable county retirement system, to purchase creditable service for military service;

Jeremiah Z. Valli,-- retirement.

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

Petition (accompanied by bill, House, No. 4436) of Jacob R. Oliveira and others that a portion of U.S. Route 20 between the city of Boston and the town of Hancock be designated as the Medal of Honor highway;

Medal of Honor highways,-- U.S. Route 20.

Under suspension of Joint Rule 12, to the committee on Transportation.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for the fiscal year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4345, 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.

Supplemental appropriations.

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

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Collins) and laid before the Governor for his approbation.

Order Adopted.

UNCORRECTED PROOF.

On motion of Mr. Tarr,--

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

Time of meeting.

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