

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MARCH 31, 2022

[27]

JOURNAL OF THE SENATE

Thursday, March 31, 2022.

Met at nineteen minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair).

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

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. Rodrigues for the purpose of an introduction. Mr. Rodrigues then introduced, in the rear of the Chamber, the Fall River Vietnam Veteran's Memorial Wall committee. The Senate welcomed them with applause and they withdrew from the Chamber.

Fall River Vietnam Veteran's Memorial Wall committee.

There being no objection, the President handed the gavel to Mr. Lewis for the purpose of an introduction. Mr. Lewis then introduced, seated in the rear of the Chamber, Deanna and Mya Cook of Malden. The sisters were visiting the State House promoting passage of the Crown Act due to discrimination they have faced for their hairstyles. The Senate applauded their efforts and they withdrew from the Chamber. They were accompanied by their parents, Colleen and Aaron.

Deanna and Mya Cook.

Communication.

Communication from His Excellency the Governor, Charles D. Baker, relative to the appointment of Mr. Edgar Cruz (pursuant to Section 133(b) of Chapter 24 of the Acts of 2021) as a member of the Interagency Crime Victim Certification Steering Committee (received March 28, 2022),-- was placed on file.

Interagency Crime Victim Certification Steering Committee.

Reports.

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

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspections of Pondville Correctional Center, Bridgewater State Hospital and Boston Pre-Release Center (received March 25, 2022); and

DPH,-- facility inspections. SD3069

Report of the Future of Work Commission (pursuant to Section 92(e) of Chapter 358 of the Acts of 2020, as amended by Section 97 of Chapter 24 of the Acts of 2021) submitting its final report of findings and recommendations (received March 30, 2022).

Future of Work Commission,-- report. SD3071

Petition.

Mr. Pacheco presented a petition (accompanied by bill, Senate, No. 2798) of Marc R. Pacheco, Carol A. Doherty, Patricia A. Haddad and Norman J. Orrall (with approval of the mayor and city council) for legislation to provide for a revised charter for the city of Taunton [Local approval received];

Taunton,-- charter.

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

Sent to the House for concurrence.

Reports of Committees.

By Ms. Friedman, for the committee on Health Care Financing, on Senate, Nos. 237, 577, 641, 658, 681, 684, 696, 723, 739, 746, 747, 750, 752, 758, 764, 767, 772, 775, 779, 783, 787, 796, 797, 802, 805, 810, 813, 814, 815, 816, 817, 819, 820, 1479, 1482, 1490 and 2537, an Order relative to authorizing the joint committee on Health Care Financing to make an investigation and study of certain current Senate documents relative to health care financing (Senate, No. 2800);

Health Care Financing committee,-- study.

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

By Mr. Feeney, for the committee on Financial Services, on petition, a Bill relative to hospital grade breast pumps (Senate, No. 2717);

Breast pumps,-- hospital grade.

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

By Ms. Friedman, for the committee on Health Care Financing, on Senate, No. 737 and House, No. 3873, a Bill relative to the effective date of MassHealth coverage for new applicants (Senate, No. 737) [Estimated cost: greater than \$100,000];

MassHealth,-- effective dates.

By the same Senator, for the same committee, on Senate, No. 741 and House, No. 1273, a Bill to protect MassHealth applicants facing undue hardship (Senate, No. 741) [Estimated cost: greater than \$100,000];

MassHealth,-- hardship waivers.

By the same Senator, for the same committee, on Senate, No. 748 and House, No. 227, a Bill supporting equal access to community care for elders and the disabled (Senate, No. 748) [Estimated cost: greater than \$100,000];

Elders and disabled,-- community care.

By the same Senator, for the same committee, on petition, a Bill relative to the examination of health care cost trends in MassHealth (Senate, No. 757) [Estimated cost: greater than \$100,000];

MassHealth,-- costs.

By the same Senator, for the same committee, on Senate, Nos. 774 and 800 and House, No. 737, a Bill clarifying rate setting processes for home health and home care services (Senate, No. 774) [Estimated cost: greater than \$100,000];

Home health care,-- rates.

By the same Senator, for the same committee, on Senate, No. 777 and House, No. 1283, a Bill promoting workforce development and provider retention at community health centers (Senate, No. 777) [Estimated cost: greater than \$100,000];

Nurse practitioners,-- health centers.

By the same Senator, for the same committee, on Senate, No. 789 and House, No. 1300, a Bill to promote graduate medical education (Senate, No. 789) [Estimated cost: greater than \$100,000]; and

Graduate medical education,-- payments.

By the same Senator, for the same committee, on Senate, No. 792 and House, No. 1245, a Bill providing Medicaid coverage for tobacco cessation programs (Senate, No. 792) [Estimated cost: greater than \$100,000];

Tobacco cessation,-- Medicaid.

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

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 designating January as Peace Officer History Month (Senate, No. 2794); and

State Administration and Regulatory Oversight committee,-- study.

Of the Senate Order relative to authorizing the joint committee on Transportation to

Transportation committee,-- study.

make an investigation and study of certain current Senate documents relative to transportation financing (Senate, No. 2795).

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

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

PAPERS FROM THE HOUSE.

Message from His Excellency the Governor (pursuant to Section 152 of Chapter 127 of the General Laws) submitting a report of the exercise of the pardoning power by the Governor, with the advice and consent of the Council, for the calendar years 2019, 2020 and 2021 (House, No. 4633),-- **was read for the information of the Senate and returned to the House to be placed on file.**

Governor,-- list of pardons.

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

Petition (accompanied by bill, House, No. 4635) of Josh S. Cutler (by vote of the town) that the town of Hanson be authorized to grant special one-day licenses to sell all alcoholic beverages to certain organizations in said town;

Hanson,-- one-day liquor licenses.

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4636) of Andres X. Vargas, Diana DiZoglio and others (with the approval of the mayor and city council) relative to the election of at large and ward councilors and school committee members in the city of Haverhill;

Haverhill,-- election.

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 4623) of Daniel Cahill and Brendan P. Crighton (with the approval of the mayor and city council) that the city of Lynn be authorized to amend the charter of said city;

Lynn,-- charter.

Petition (accompanied by bill, House, No. 4624) of Daniel Cahill and Brendan P. Crighton (with the approval of the mayor and city council) that the city of Lynn be authorized to remove residency requirements for the board of trustees of the Grand Army Building in said city;

Lynn,-- Grand Army Building board of trustees.

Petition (accompanied by bill, House, No. 4625) of Daniel Cahill and Brendan P. Crighton (with the approval of the mayor and city council) that the city of Lynn be authorized to remove residency requirements for members of the traffic commission in said city;

Lynn,-- traffic commission members.

Petition (accompanied by bill, House, No. 4626) of Daniel Cahill and Brendan P. Crighton (with the approval of the mayor and city council) that the city of Lynn be authorized to remove residency requirements for members of the water and sewer commission in said city;

Lynn,-- water and sewer commission members.

Petition (accompanied by bill, House, No. 4627) of Smitty Pignatelli and Adam G. Hinds (by vote of the town) that the town of Stockbridge be authorized to transfer original documents to the Stockbridge-Munsee Community of the Mohican Nation;

Stockbridge,-- document transfer.

Petition (accompanied by bill, House, No. 4631) of Josh S. Cutler (by vote of the town) relative to a conservation restriction in the town of Hanson; and

Hanson,-- conservation restriction.

Petition (accompanied by bill, House, No. 4632) of Michael S. Day (by vote of the town) that the town of Winchester be authorized to establish a building permit surcharge and special revenue fund in said town;

Winchester,-- building permit surcharge.

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4637) of Brandy Fluker Oakley and others (with the approval of the mayor and city council) relative to real estate transfer fees and

Boston,-- real estate transfer fees.

UNCORRECTED PROOF.

senior property tax relief in the city of Boston;

To the committee on Revenue.

A Bill financing improvements to municipal roads and bridges (House, No. 4638,-- on House, No. 4358), -- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Roads and bridges.

A Bill authorizing municipal use of the prudent investor standards (House, No. 2199, - on Senate, No. 1336),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Investor standards,--
municipal use.

Order.

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

Revenue,-- extension
order.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Revenue be granted until Wednesday, March 30, 2022 within which time to make its final report on current Senate documents numbered 788, 1798, 1799, 1821, 1832, 1841, 1842, 1852, 1878, 1885, 1902, 1912, 1916, 1937, 1940 and 1984, and House documents numbered 2848, 2866, 2871, 2876, 2888, 2905, 2915, 2920, 2922, 2930, 2959, 2979, 2984, 3026, 3036, 3043, 3044, 3090 and 3732.

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

Pending the question on adoption of the order, Mr. Hinds presented an amendment that the order be amended in line 2 by striking out the words “Wednesday, March 30, 2022” and inserting in place thereof the following words:- “Wednesday, April 6, 2022”.

After remarks, the amendment was adopted.

The order (House, No. 4428), as amended, was then adopted.

Sent to the House for concurrence in the amendment.

Resolutions.

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

Resolutions (filed by Mr. Collins) “congratulating the State Lottery Commission for ‘50 Years of Winning’ on the occasion of the fiftieth anniversary of the State Lottery”;

State Lottery
Commission.

Resolutions (filed by Mr. Crighton) “commending Reno ‘Ray’ Pisano for his life-long dedication to the arts and commitment to his community”; and

Reno “Ray” Pisano.

Resolutions (filed by Messrs. Lewis, Eldridge, Brownsberger, O’Connor, DiDomenico, Lesser, Moore and Keenan, Ms. DiZoglio, Messrs. Timilty, Brady and Velis and Ms. Rausch) “commending the Sikh Community in the Commonwealth for their recognition of April 2022 as Sikh Awareness and Appreciation Month.”

The Sikh
Community.

Recess.

There being no objection, at twenty-three minutes past eleven o’clock A.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and at twenty-two minutes before two o’clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

PAPER FROM THE HOUSE

Order.

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture be granted until Thursday, March 31, 2022 within which time to make its final report on current Senate document numbered 2667.

Environment, Natural Resources and Agriculture,-- extension order.

The rules were suspended, on motion of Ms. Rausch, and, after remarks, the order (House, No. 4530) was considered forthwith; and adopted, in concurrence.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the city of Somerville to repeal the provisions of Chapter 327 of the Acts of 2004 - An Act relative to public safety in the city of Somerville (Senate, No. 1596);

Second reading bills.

Relative to the town administrator in the town of Milton (Senate, No. 2628);

Amending the charter of the city of Easthampton (House, No. 3981, amended);

Authorizing the town of Deerfield to continue the employment of police officer Gary Sibilila (House, No. 3988, amended);

Exempting the city of Northampton from appointments to the Northampton License Commission on the basis of party affiliation (House, No. 4284); and

Relative to polling places in the city known as the town of Braintree (House, No. 4353);

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

The Senate Bill authorizing the town of Berkley to grant one additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2788),-- was read a second time and ordered to a third reading.

Berkley,-- liquor license.

The rules were suspended, on motion of Mr. Pacheco, and the bill was read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the town of Berkley to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises".

Sent to the House for concurrence.

There being no objection, during consideration of the Orders of the Day, the following matter was considered.

PAPER FROM THE HOUSE

Order.

During consideration of the Orders of the Day, there being no objection, the following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Bonding, Capital Expenditures and State Assets be granted until Friday, May 13, 2022 within which time to make its final report on current House document numbered 4499.

Bonding, Capital Expenditures and State Assets,-- extension order.

The rules were suspended, on motion of Mr. Collins, and, after remarks, the order (House, No. 4628) was considered forthwith; and adopted, in concurrence.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill prohibiting discrimination based on natural and protective hairstyles (House, No. 4554),-- was read a second time.

Hair styles,--
discrimination.

Remarks of Lydia Edwards.

Think about this particular law because it's a unique position to be in, to not only pass a law, but to be one of the primary subjects of the beneficiaries of that law and to stand here with my colleagues who I know will stand with me in solidarity and vote for this law, you are looking at the result of natural hair; you are looking at the result of the work that you are about to do.

I want to thank Representative Ultrino, Representative Tyler, my good friends and colleagues Senator Gomez, Senator DiDomenico, and Senator Eldridge for moving this bill along and of course to you, Madam President for bringing this front and center for this moment.

Mya and Deanna, we met years ago when I was a city councilor, and we were talking about this bill. I hugged you both; I told you that I was so proud of you, how magical we are, how magical you are. So today, I sit here, stand here, as the only African American Senator we have, but I believe as the first African American senator with beautiful long flowing natural dreadlocks. This is natural hair, and it took me so long, so long, as a part of my life to ever say that my hair is long, that it is beautiful, and that it is natural.

What you are voting on today is not just prohibiting harm. It is finally a statement that Black women have needed to hear for so long. Who you are and how you present in this world is beautiful, is necessary, is political, is powerful, and we will not demand that you be anything less than that anymore. We have however in this state, in this country, in our school system done that. And I am embarrassed to say how much money I spent doing everything I can to put in fake hair, to use relaxed hairing chemicals to cover up what naturally grew out of my head. You must understand what systemic racism does. It does not just prohibit economic opportunity and jobs, or prohibit you access to housing, it diminishes the soul, it diminishes yourself of who you are because of something you cannot control, is deemed so unprofessional, so unsightly; considered nappy, disgusting; It is an insult. "Nappy-headed hoes", do you remember that? He didn't talk about them as black women; the insult was about their hair. You remember in many cases that was how the attack came. I'm sure everyone remembers the recent attack about hair or lack thereof in the Oscar's. We are attacked because of our hair. So, today is a celebration of our hair. I do not want this to be seen as just a "we're going to stop the discrimination against black people or black women", you're doing so much more than that my friends, my colleagues. You are saying the systemic ways in which we have attacked people of color, one of which is through their hair, will end. But I also want to bring to this table the ways in which this hair, my hair, our hair has presented itself throughout history. Many of you may not know of the Palenques and the slave colonies or escape places in Columbia. I went to Cartagena and what I learned there was beautiful. I learned that escaped slaves used to find their way to the enclaves in the jungle or outside of the city; they used to do that through passing messages through our hair. The way we could braid certain things and directions, the way we would pieces of maps within our hair. You can look if you've ever been to the Royal Museum in Britain, I have; and you'll see on the tombs of the Egyptian Pharaohs and royalty, braids. This is a moment of celebrating royalty, of richness, of Blackness, that's what you're doing. It is not just a political moment; it is a healing moment for all of us. I don't even know how to explain the amount of pain, years I went through, whether it was

the hot comb and getting burned trying to straighten my hair, or there was losing hair because of braids that were so tight, that when I took the braids out some of my hair came out with it, hundreds of dollars on weaves; all of which to cover up who I am, so I could be seen as more professional, so I can blend in.

We have seen studies; I don't know if you have seen the movie, Good Hair, where they took a can of relaxer that is used on girls as young as three years old, and it dissolved a Coke can, and the chemicals we put on little girls' hair. They have also found those same chemicals have resulted in higher rates of estrogen in girls' bodies and resulting in earlier puberty in Black young girls. This is a healthcare issue. This is an economic issue. This is an issue of dealing with internalized self-hatred, of which I have and unfortunately many Black women do, and it has been taught to me; and at 30-years-old, I did what we call the big chop. I cut it all off, all the fake hair, all the things that were not natural to me, and I decided to go natural. It was in part a response to a horrible breakup, or whatever, one of those moments. But it was the best thing, because I emerged and I said I will be myself, I will be nobody else. And if my hair grows out this way, nappy, kinky, curly; then it shall be the most beautiful hair that grows this way because I grew it. As a result, ten years later of getting, these are called, sister locks, there is an actual whole industry dedicated to creating this natural hairstyle. I go to Dorchester and I sit amongst many of our colleagues and we get our hair done, and we talk and we commune; which is often times the way in which people do commune, black people especially, in barber shops and beauty shops; except we are not doing something to alternate or change who we are, instead we are doing something that only we can do, which is to lock our natural hair. And this is a part of, I think a national movement acknowledging that things need to change. If you expect people to show up as patriots in our armies, and navies and military they are changing the hair quality and standards for how you can show up to serve this country. They have actually changed so that more natural hairstyles are allowed. How do you expect someone to be patriotic to this country and to die for this country but it being so ashamed of how her hair is? You can't. We are doing this on so many different levels and different states and of course at the federal level, to my sister in service Ayana Pressley, pushing for the Federal Crown Act. We are part of the right moment; we are on the right side of history. But again, political is personal for me. And because I am here, it is personal for all of you. I am your sister in service. I am here present, and it is important to remember you are doing nothing for me, you are doing something for the Commonwealth and the future. The economic opportunities, the sense of self-worth, the ability to be seen and be empowered; A Black woman is the economic opportunities, the ability of self-worth and the sense of being belonging of all people. You represent all of us, so I know you will do the right thing; not just because it's the right thing, but because when you look at me and those girls you know our future is bright and strong because of the Commonwealth that we are setting and the message we are sending today. Show up as you are, be unafraid to be your beautiful Black self, and my ability to be my beautiful black self and be myself will only be felt and reverberated to everybody else, so that they may show up as their beautiful gay selves, their beautiful Latino selves and their accents that they have and how they show up in this world. I am proud today to stand here and cast my vote for the CROWN Act and to make history with all of you. Thank you.

On motion of Ms. Friedman, under the provisions of Senate Rule 6, the above statement was printed in the Journal of the Senate.

Ordered printed.

The President in the Chair, after remarks, 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 2796) and pending the main question on ordering the bill to a third reading, Ms. Rausch and Mr. Tarr moved that the proposed new draft be amended in section 2, by

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striking out, in lines 10 and 11, the words “or the Massachusetts Interscholastic Athletic Association or any equivalent school organization” and inserting in place thereof the following words:- “, the Massachusetts Interscholastic Athletic Association or any equivalent school organization or an entity or board that provides athletic officials such as referees and umpires for school sports or athletic events”.

After remarks, the amendment was adopted.

Ms. Creem moved that the proposed new draft be amended in section 2, by striking out, in line 10, the word “nonsectarian” and inserting in place thereof the following word:- “private”; and

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In said section 2, by inserting after the word “race”, in line 14, the following words:- “; provided, however, that this section shall not apply to a private school, which is controlled by a religious or denominational educational institution to the extent its application would not be consistent with the religious tenets of such institution”.

After remarks, the amendment was adopted.

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

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

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-three minutes before three o’clock P.M., on motion of Mr. DiDomenico, as follows, to wit (yeas 40 – nays 0) [**Yeas and Nays No. 140**]:

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 eighteen minutes before three o’clock P.M., the bill was passed to be engrossed [For text of Senate amendment, printed as amended, see Senate, No. 2808].

Sent to the House of concurrence.

There being no objection, during consideration of the Orders of the Day, the following matter was considered.

PAPER FROM THE HOUSE

Order.

Ms. Creem in the Chair, during consideration of the Orders of the Day, there being no objection, the following House Order (approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Veterans and Federal Affairs be granted until Friday, April 8, 2022 within which time to make its final report on current House documents numbered 3640, 3643, 3655, 3664, 3667, 3668, 3672, 3674, 3680 and 3698.

The rules were suspended, on motion of Mr. Velis, and, after remarks, the order (House, No. 4517) was considered forthwith; and adopted, in concurrence.

Veterans and Federal Affairs,-- extension order.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill relative to temporary registration plates (Senate, No. 2372),-- was read a second time.

Registration plates,-- temporary.

After remarks, the amendment previously recommended by the committee on Ways and Means, substituting a new draft (Senate, No. 2797) was adopted.

The bill (Senate, No. 2797) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at eight minutes past three o'clock P.M., on motion of Mr. Rush, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 141**]:

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 thirteen minutes past three o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

PAPER FROM THE HOUSE

Engrossed Bill Returned with Recommendation of Amendment.

Behavioral health trust fund.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill establishing the behavioral health trust fund and the behavioral health advisory commission (see House, No. 4288) [being the text contained in section 72 of the engrossed bill relative to immediate COVID-19 recovery needs (see House, No. 4269) [for message, see Attachment C of House, No. 4289],-- came from the House with the endorsement that the House had *rejected* the amendment recommended by the Governor, and had adopted the following amendment striking out all after the enacting clause and inserting in place thereof the following:-

“SECTION 1. (a) There shall be a Behavioral Health Trust Fund that shall be administered by the secretary of health and human services, who shall expend the funds, subject to appropriation, for the purpose of addressing barriers to the delivery of an equitable, culturally-competent, affordable and clinically-appropriate continuum of behavioral health care and services. There shall be credited to the fund all amounts that are transferred, or authorized to be transferred thereto, or directed to be deposited therein, and all amounts received as gifts, grants or contributions for the purposes of the fund. Any money remaining in the fund at the close of a fiscal year shall not revert to the General Fund.

(b)(1) There shall be a behavioral health advisory commission to make recommendations to the general court on the disbursement of the money in the fund. The commission shall consist of: the chairs of the joint committee on mental health, substance use and recovery, who shall serve as co-chairs; the chairs of the joint committee on racial equity, civil rights, and inclusion; 3 members appointed by the senate president who work in the behavioral health field, 1 of whom shall be a professional in the field of children’s mental health and 1 of whom shall be a professional in the field of behavioral health services in correctional settings; 3 members appointed by the speaker of the house of representatives who work in the behavioral health field, 1 of whom shall be a professional in the field of children’s mental health and 1 of whom shall be a professional in the field of behavioral health services in correctional settings; 1 member appointed by the minority leader of the senate; 1 member appointed by the minority leader of the house of representatives; the secretary of health and human services; the president of the Massachusetts Association for Mental Health, Inc. or a designee; the president of the Association for Behavioral Healthcare, Inc. or a designee; the executive director of the National Alliance on Mental Illness of Massachusetts, Inc. or a designee; the executive director of Massachusetts Association of Behavioral Health Systems, Inc. or a designee; the executive director of Massachusetts Organization for Addiction Recovery, Inc. or a designee; the executive director of Massachusetts chapter of the National Association of Social Workers, Inc. or a designee; the president of the Massachusetts Health and Hospital Association, Inc. or a designee; and 2 members appointed by the governor, 1 of whom shall have expertise in developing behavioral health workforce training education and 1 of whom shall have expertise in addressing disparities in access to mental and behavioral health care for populations disproportionately experiencing barriers to care.

(2) The commission shall identify and assess: (i) current behavioral health workforce challenges including, but not limited to: (A) existing workforce pipeline issues; (B) emerging workforce needs; (C) the feasibility of grant, scholarship and other pipeline development programs that mitigate the financial burden of entering and progressing up the behavioral health workforce pipeline to support workers pursuing tertiary degrees and for those who do not require advanced degrees including, but not limited to, mental health

workers, sitters, nurses, social workers, psychologists, other masters' level licensed behavioral health providers and psychiatrists; (D) programs to ensure retention of current behavioral health workforce; and (E) the availability of trauma-informed supports and services for behavioral health practitioners and related staff; (ii) factors that create or perpetuate disparities in mental and behavioral health care including but not limited to race, ethnicity, language, gender, sexual orientation, gender identity and barriers to access for lesbian, gay, bisexual, transgender, and queer individuals; (iii) economic barriers to treatment; (iv) access to early intervention services; (v) diversion for people with mental illness and substance use disorder from the criminal legal system; (vi) access to community-based services; (vii) the feasibility of increasing behavioral health competency of staff in both behavioral health settings and settings where there are frequent interactions with patients with behavioral health diagnoses through training to increase competency for sitters, mental health workers, emergency department personnel, medical-surgical staff that frequently interact with psychiatric boarders and other caregivers in de-escalation tactics, crisis management, rapid response, psychiatric diagnoses and other related topics; (viii) diversion from the juvenile justice system; (ix) treatment for people with mental illness or substance use disorder who are incarcerated or under supervision by the criminal justice system; (x) the feasibility of training programs to increase the behavioral health competency for workforce in nonhospital settings including, but not limited to, group homes and skilled nursing facilities, to allow patients to receive baseline behavioral health services where they are living; and (xi) any other factors the commission deems relevant for addressing barriers to the delivery of an equitable, culturally-competent, affordable and clinically-appropriate continuum of behavioral health care and services. Based on the commission's findings, the commission shall make recommendations for the disbursement of money in the fund. The commission's recommendations shall prioritize the needs of communities disproportionately impacted by the 2019 novel coronavirus pandemic and comply with rules and guidance pertaining to eligible uses of coronavirus state and local fiscal recovery funds under the federal American Rescue Plan Act of 2021, 42 U.S.C. 802(c).

(3) The commission shall submit its findings and recommendations to the clerks of the senate and house of representatives, the joint committee on mental health, substance use and recovery and the senate and house committees on ways and means not later than June 1, 2022.

(c) Annually, not later than October 1, the secretary shall file a report with the clerks of the senate and house of representatives, the joint committee on mental health, substance use and recovery and the house and senate committees on ways and means on the fund's activities, which shall include, but not be limited to: (i) the source and amount of funds received; and (ii) the expenditures made from the fund and the purposes of such expenditures.

SECTION 2. This act shall take effect as of December 13, 2021."

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

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

After remarks, Mr. Brownsberger moved that the Senate *reject* the Governor's amendment and that the House amendment be adopted.

The Governor's amendment was *rejected*.

The House amendment was then considered; and it was adopted, in concurrence. Sent to the House for re-enactment.

Emergency Rules – Amended.

Ms. Lovely moved that the previously accepted Report of the Committee on Rules relative to emergency rules governing the 2021-2022 legislative session (Senate, No. 12, amended) be again considered and amended as follows:

Emergency rules.

By striking out sections 1 to 13, inclusive, and inserting in place thereof the following 9 sections:-

“Section 1.(a) Notwithstanding Senate Rule 55, Senate Rule 57 or any other rule to the contrary, a member may authorize the presiding officer to announce the member’s vote or record the member’s presence in the Senate.

(b) A member may authorize the presiding officer by submitting a letter to the Clerk that specifies the member’s exact instruction to the presiding officer on how to answer the question for which the roll call is ordered and states that the presiding officer is authorized to announce the member’s vote or record the member’s presence; provided, however, that a member may alter or revoke this authorization by submitting a letter to the Clerk; provided further, that if a member who has so authorized the presiding officer casts the member’s own vote or records the member’s own presence, the member shall be considered to have revoked the authorization to announce the member’s vote or record the member’s presence in the Senate. Upon receipt of a member’s letter authorizing the presiding officer or altering or revoking the authorization of the presiding officer, the Clerk shall notify the President and the minority leader of the authorization, alteration or revocation. The Clerk shall maintain an updated list of the authorizations, alterations and revocations submitted or in effect under this order and shall make the list publicly available in electronic form and available during any vote subject to this order.

(c) The presiding officer shall answer the roll call on behalf of each member who has authorized the presiding officer to announce the vote or record the presence of the member; provided, however, that the presiding officer shall announce the vote or record the presence in accordance with the member’s exact instruction.

(d) A letter under this section may be submitted to the Clerk electronically.

Section 2. Notwithstanding Senate Rule 57 or any other rule to the contrary, a member may be excused from voting personally in the Senate Chamber and may record the member’s vote on a question for which a roll call has been ordered, record the member’s presence or be counted on any procedural question remotely. The President shall establish and provide members access to a telephone line or other electronic means to record their vote or presence or to be counted, which shall be monitored by a court officer and a member of the Clerk’s staff. A court officer shall ascertain and announce any such recordation on behalf of the member and a member of the Clerk’s office shall verify the account.

Section 3. A member who participates remotely pursuant to section 1 or section 2 shall be counted for the purpose of establishing a quorum as required pursuant to Senate Rule 64 and Article XXXIII of the Amendments to the Constitution of the Commonwealth.

Section 4. The President shall provide members access to a telephone line or other electronic means to allow them to speak in session and shall designate an appropriate staff person to coordinate participation in debate by any member who would like to speak from outside the chamber.

Section 5. Notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate may adopt by order requirements for the process, formatting and timely filing of amendments, the redrafting of amendments and further amendments. Absent such an order, amendments to a bill, resolve, resolution or order shall be filed prior to the calling to order of the session at which the measure is to be considered; provided, however, that

such measure has been available for amendment for not less than 48 hours; and provided further, redrafted amendments, further amendments and perfecting, technical or corrective amendments by the Committee on Ways and Means, the Committee on Rules, or the Committee on the Bills in the Third Reading shall be in order.

Section 6. The presiding officer shall endeavor to ensure that the Senate’s proceedings account for any delay or lag time that occurs due to the remote participation of members in the session. The session shall be conducted at a pace that provides adequate timing and intervals to allow for effective spontaneous responses by the members.

Section 7. Notwithstanding Senate Rule 10C, 11D or 11F, required member, officer and staff trainings shall be provided, as feasible, to members, officers and staff remotely. Said remote trainings shall, if feasible, be provided within 90 days of the opening of the biennial session. Notwithstanding the forgoing, said trainings shall be provided in person in a timely manner upon the cessation of these emergency rules.

Section 8. Committees may solicit testimony in writing or conduct hearings remotely to satisfy the requirements of Senate Rule 12. Remote hearings shall be conducted on a platform that permits public participation and shall comply with the notice requirements of Rule 12 to the extent practicable. Chairs shall schedule hearings that offer remote participation through Legislative Information Services and the Sergeant-at-Arms and shall provide a list of those members of the public who wish to testify at least 24 hours in advance of the hearing to said offices. If public testimony is being solicited, either through a remote hearing or thought written testimony, the chair shall provide an agenda to the Clerk, which shall include an electronic mail address and a physical mail address for the submission of testimony in accordance with Senate Rule 12, and shall offer a reasonable amount of time to receive such written testimony. The agenda shall include the time and place of the remote hearing, if applicable. The Clerk shall publish the agenda on the official website of the General Court whenever practicable.

Section 9. Unless otherwise provided by subsequent order, this order shall expire on August 1, 2022.”

After remarks, the report was again considered; and the amendment was adopted.

Moment of Silence.

At the request of the Chair (Ms. Creem), the members, guests and staff stood in a moment of silence and reflection to the memory of Madeleine K. Albright.

Moment of silence.

PAPERS FROM THE HOUSE

Orders.

Mr. Brownsberger in the Chair, the following House Orders (severally approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Friday, May 27, 2022 within which time to make its final report on current House document numbered 3967.

Public Service,--
extension order.

The rules were suspended, on motion of Mr. Brady, and, after remarks, the order (House, No. 4531) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Friday, May 13, 2022 within which time to make its final report on current Senate document numbered 2653.

Id.

The rules were suspended, on motion of Mr. Brady, and the order (House, No.

4533) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Friday, April 22, 2022 within which time to make its final report on current Senate documents numbered 1657, 1660, 1668 and 1714, and House documents numbered 2561, 2571, 2575, 2590, 2591, 2614, 2632, 2661, 2684, 2698, 2701, 2713, 2725, 2744, 2745, 2761, 2788, 2797, 2806 and 3848.

The rules were suspended, on motion of Mr. Brady, and the order (House, No. 4630) was considered forthwith; and adopted, in concurrence.

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

Petition (accompanied by bill, House, No. 4651) of Patricia A. Haddad that elected members of the Swansea board of water commissioners shall not be eligible for medical, dental, or life insurance coverage; and

Petition (accompanied by bill, House, No. 4652) of Patricia A. Haddad for legislation to further regulate the election and term of the Swansea Water District commissioner;

Severally, under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4653) of Sarah K. Peake and Julian Cyr for legislation to establish a sick leave bank for Josalyn Gibson, an employee of the Department of Developmental Services;

Petition (accompanied by bill, House, No. 4654) of Kip A. Diggs (with the approval of the county commissioners) that Jeffrey H. Jackson be authorized to purchase creditable service from the Barnstable county retirement board;

Petition (accompanied by bill, House, No. 4655) of Sarah K. Peake (with the approval of the county commissioners) that Adrian Peters be authorized to purchase creditable service from the Barnstable county retirement board;

Petition (accompanied by bill, House, No. 4656) of Kip A. Diggs (with the approval of the county commissioners) that Matthew K. Sonnabend be authorized to purchase creditable service from the Barnstable county retirement board;

Petition (accompanied by bill, House, No. 4657) of Kip A. Diggs (with the approval of the county commissioners) that Gregory S. Shopshire be authorized to purchase creditable service from the Barnstable County Retirement Board;

Petition (accompanied by bill, House, No. 4658) of Chynah Tyler for legislation to authorize the State Board of Retirement to grant Bernard Wheeler, an employee of the Boston Municipal Court, an additional retirement benefit of four years of creditable service;

Petition (accompanied by bill, House, No. 4659) of Kip A. Diggs (with the approval of the county commissioners) that Jacob M. White be authorized to purchase creditable service from the Barnstable county retirement board

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

Petition (accompanied by bill, House, No. 4660) of Jack Patrick Lewis (with the approval of the mayor and city council) for legislation to authorize the creation of a right-turn lane from Edgell Road to Central Street in the city of Framingham by using certain land subject to Article 97 of the Constitution; and

Petition (accompanied by bill, House, No. 4661) of John Barrett, III that a certain bridge spanning the Hoosic River on state Route 2 in the town of North Adams be designated as the William F. Evans memorial bridge;

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

Id.

Swansea,-- board of water commissioners.

Swansea Water District Commissioner.

Josalyn Gibson,-- sick leave.

Jeffrey H. Jackson,-- creditable service.

Adrian Peters,-- creditable service.

Matthew K. Sonnabend,-- creditable service.

Gregory S. Shopshire,-- creditable service.

Bernard Wheeler,-- creditable service.

Jacob M. White,-- creditable service.

Framingham,-- lane creation.

North Adams,-- William F. Evans memorial bridge.

Reports of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rules 9 and 12 be suspended on the Senate petition of John J. Cronin for legislation to revive and continue the Fitchburg Area Economic Development Corporation;

Fitchburg Area
Economic
Development Corp.
SD2883

Senate Rule 36 was suspended, on motion of Ms. Edwards, and the report was considered forthwith. Joint Rules 9 and 12 were suspended; and the petition (accompanied by bill) was referred to the committee on Economic Development and Emerging Technologies.

Sent to the House for concurrence.

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill relative to social equity and host community agreements in the cannabis industry (Senate, No. 2660),-- ought to pass, with an amendment substituting a new draft entitled "An Act relative to equity in the cannabis industry" (Senate, No. 2801).

Cannabis industry,--
community
agreements.

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 social equity and host community agreements in the cannabis industry (Senate, No. 2660) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2801) shall be placed in the Orders of the Day for a second reading on Thursday, April 7, 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, April 4, 2022. All such amendments shall be second reading amendments to the Senate Ways and Means new draft (Senate, No. 2801), 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. Brady, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, April 7, 2022, for a second reading with the amendment pending.

By Mr. Rodrigues, for the committee on Ways and Means, that the House Bill relative to the creation of a women's rights history trail (House, No. 4555),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2802.

Women's rights
history trail.

Order Adopted.

Mr. Rodrigues presented the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill relative to the creation of a women's rights history trail (House, No. 4555) (the committee on Ways and Means having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2802) shall be placed in the Orders of the Day for a second reading on Thursday,

Procedural order.

April 7, 2022 for immediate consideration.

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

The bill will be placed in the Orders of the Day for Thursday, April 7, 2022, for a second reading with the amendment pending.

PAPER FROM THE HOUSE.

The Senate Bill expanding access to adoption (Senate, No. 2616),-- 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 contained in House document numbered 4566.

Adoption,-- access.

The rules were suspended, on motion of Mr. Brady, and the House amendment was considered forthwith and adopted, in concurrence.

Recess.

There being no objection, at five minutes before four o'clock P.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and at twenty-one minutes before seven o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

PAPERS FROM THE HOUSE.

The House Bill making appropriations for fiscal year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4578, 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 2793), *with a further amendment* striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4650),-- the rules were suspended, on motion of Mr. Rodrigues, and the further House amendment was considered.

Supplemental appropriations.

After remarks and pending the question on concurring in the further House amendment, there being no objection, at nine minutes before seven o'clock P.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and at nineteen minutes past seven o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Recess.

Subsequently, the further House amendment was again considered and adopted, in concurrence.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for fiscal year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4578, 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. Brownsberger) 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. Brownsberger) and laid before the Governor for his approbation.

Order Adopted.

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.

Adjournment in Memory of Madeleine K. Albright.

The Senator from Second Middlesex and Norfolk, Ms. Spilka, and the Senator from First Middlesex and Norfolk, Ms. Creem, moved that when the Senate adjourns today, it adjourn in memory of Madeleine K. Albright, the 64th United States Secretary of State and the first woman to serve in that role. Ms. Albright passed away on March 23, 2022, in Washington D.C., at the age of 84.

Madeleine Albright was born in Prague, Czechoslovakia in 1937. Her father was a diplomat and her family was forced to flee Czechoslovakia twice in her early life. First, her family fled after the Nazi invasion in 1939. After World War II, her family repatriated. However, in 1948, Czechoslovakia's government was overthrown and her family immigrated to the United States as political refugees.

Throughout her life, Ms. Albright was a gifted student. She studied political science at Wellesley College, graduating with honors in 1959 and subsequently received a master's degree and Ph.D. from Columbia University.

Ms. Albright had a decades-long career in government service and foreign affairs. From 1993-1997, Ms. Albright served as the U.S. permanent representative to the United Nations under the Clinton Administration. In 1997, she was appointed U.S. Secretary of State and served in that role through 2001. At that time, Ms. Albright was the first female U.S. Secretary of State and the highest-ranking woman in the history of the United States government.

During her tenure as U.S. Secretary of State, Ms. Albright worked to expand NATO, reduce the spread of nuclear weapons, and stop genocide and ethnic cleansing in the Balkans. Her experience fleeing tyranny in Europe informed her diplomacy and made her a tireless champion of human rights and democracy, as well as a strong advocate against oppression in all forms. As a diplomat, Ms. Albright was appreciated for her ability to engage in frank policy discussions and beloved for her skill at conveying complex ideas to the public in terms people could understand.

Following her tenure as Secretary of State, Ms. Albright taught at Georgetown University, and served as Chairwoman of the National Democratic Institute for International Affairs in Washington, D.C.

In 2012, Ms. Albright was selected by President Obama to receive the Presidential Medal of Freedom, the nation's highest civilian honor, in recognition of her significant contributions to international relations and democracy.

She is survived by her daughters; Anne, Alice, and Katie; her sister; her brother; and six grandchildren. She will be remembered for her unwavering commitment to democratic values and a lifetime of service to our country.

Accordingly, as a mark of respect to the memory of Madeleine K. Albright, at fourteen minutes before eight o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.

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